An Bord Pleanála

# Inspector's Report

# ABP-321962-25

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| **Development** | Construction of an integrated plasterboard manufacturing facility and all associated works. Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) submitted with application. |
| **Location** | Gorteens, Slieverue, Co. Kilkenny |
| **Planning Authority** | Kilkenny County Council |
| **Planning Authority Reg. Ref.** | 2460103 |
| **Applicant(s)** | GABM Ltd |
| **Type of Application** | Permission |
| **Planning Authority Decision** | Grant subject to conditions |
| **Type of Appeal** | First & Third Party |
| **Appellant(s)** | Kate Coleman<br>Saint-Gobain Construction Products Ireland Ltd |
| **Observer(s)** | None |

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| **Date of Site Inspection** | 15th May 2025 |
| **Inspector** | Ciara McGuinness |
| **Engineer** | Owen Cahill |

# Contents

## 1.0 Site Location and Description

1.1. The appeal site has a stated area of 11.57ha and is located within the townlands of Gorteens, c. 0.9km northwest of Belview Port and c. 5km to the northeast of Waterford City. The site is a greenfield site in agricultural use. There are 2 no. derelict buildings, and an agricultural shed located centrally within the site. The development site is in 3 no. parcels of land. The main development area (Area A) is roughly triangular shape measuring c.101,125m$^2$. A further smaller triangular area (Area B - c. 2,255m$^2$) and a linear area (Area C - c. 11,355m$^2$) are located to the west of the main development area. Treelines and hedgerows define the field/site boundaries. The L7482 local road lies to the west of the site. The N29 National Road is located to the southwest of the site. The N29 is approximately 4km in length and links Belview Port to the N25 National Road. Belview Port, located on the River Suir, is a Port of National Significance (Tier 2) and a Comprehensive Port on the Ten-T Network.

1.2. There are a number of industrial and port related facilities in the surrounding area. Tirlán Limited production facility and the Kilkenny Cheese manufacturing plant are located to the southwest of the site across the N29. The Irish Water wastewater treatment plant serving Waterford is c.350m south of the Cheese Factory. Suir Shipping, Smartply Europe and Store-All Logistics are located to the north, east and southeast of the site. Agricultural lands border the site to the west and south.

1.3. There are a small number of residential dwellings in the vicinity primarily located along the L7482 to the west of the site. The nearest residential dwelling is located c.15m to the southern boundary of the site.

1.4. There is a disused rail line running from Waterford City to New Ross to the northwest of the site's northern boundary. This section of rail line will form part of a future phase of the South East Greenway with construction works currently ongoing. A freight rail line serving Belview Port runs along the banks of the Suir to the south of the site.

1.5. The Drumdowney Stream and the Luffany Stream are located c.0.5km to the east of the site. Both streams flow southeast and continue southeast after merging, flowing into the Lower Suir Estuary.

## 2.0 **Proposed Development**

2.1. Permission is sought for a plasterboard manufacturing plant, a waste gypsum handling plant, a site access road, infrastructure and associated works.

2.2. The plasterboard manufacturing facility will have a floor area of 22,401m$^2$ with a height ranging from c.19m to 28m. The facility comprises a warehouse and board line, with a small area identified as welfare offices and personnel facilities over 3 no. floors. The facility is located in the northern part of the main development area (Area A). A new entrance and internal access road are proposed via the existing public road (L7582) that currently serves Seedtech and the existing Suir Shipping storage buildings to the north of the site. There will be no significant level change. The excavation of soils and subsoils will be required to facilitate construction of the proposed development. These materials will be stockpiled and re-used for landscaping works.

2.3. The natural resources used in the manufacturing of plasterboard are gypsum rock and water. Gypsum rock will be imported from Southern Spain or Northern Africa to Belview Port. Unloading campaigns from the Port to the proposed facility will occur over a 24 hour period, c. 8 times a year. The gypsum will be stored in 2 no. raw material warehouses, with capacity to store c.48,000 tonnes the equivalent to 80 days of supply of raw material. The use of gypsum rock will be supplemented through the use of recycled plasterboard which will also be accepted at the facility. Water will be supplied from a combination of mains water supply and/or abstracted groundwater. The proposed development will require 363m$^3$/day of water for the manufacturing process. 3 no. silos will be also used to harvest rainwater. There will be no process water discharged from the site. Water that is used in the process will be evaporated off during the drying phase. The evaporate created will be harvested and re-used within the system again, with small volumes encapsulated within the final product.

2.4. The first stage of the plasterboard making process will involve crushing the gypsum rock and heating or calcining the rock to remove water. The calcined gypsum rock will then be mixed with water and additives to form a slurry, which will be fed between two sheets of paper on a conveyor belt. As the slurry mix moves along conveyor line it hardens, and the paper becomes bonded. The board will then be cut

into the required lengths and conveyed through dryers to remove any remaining moisture from the board. The boards will be placed in a dedicated storage building for dispatch. The market for the products will be Ireland, Northern Ireland, the UK and Europe.

2.5. The recovered plasterboard will arrive on site in skips. The waste plasterboard will be stored in a dedicated section of the raw material warehouse. Specialist equipment will be used to separate the paper from the plasterboard. Only gypsum powder will be sent forward for processing. Removed paper will be baled on-site.

2.6. It is intended that the proposed development will operate 24 hours a day, 7 days a week for 333 days per annum. The facility will employ a total of 45 staff, with 10-15 staff per shift and 3 shift changeovers per day. There will be a total of 28 no. car parking spaces in the staff/visitor's carpark in the southern portion of the site. There will also be covered cycle parking with spaces for 5 no. bicycles and storage facility to the side of the main car park.

2.7. Photovoltaic solar panel arrays generating up to c. 1,105kW are proposed on the roof of the plant. A heat recovery system on the calciner equipment will be used for space heating in the finished goods warehouse. A heat recovery system on the final plasterboard dryer will be installed with heat re-circulated into the dryer.

2.8. Storm water run-off from the site has been divided into 2 no. areas. Storm water from the roof and yard will be collected by a series of drains and gullies and will flow through a settlement tank to trap solids and a fuel/oil bypass separator to remove oils and hydrocarbons before discharging to a soakaway pit to the south of the building. Stormwater from the access road will be collected via a new drainage system, will flow through a fuel/oil bypass separator to remove oils and hydrocarbons before discharging to an existing 300mm diameter storm water drain located at the proposed entrance. Foul water will be discharged to the public foul sewer system.

2.9. Screening in the form of planted berms is proposed within Area B and C, to the west of the main development site (Area A). The berms will be c. 3m in height and will have a mix of native woodland trees and wild grass seedling. Excavated soil from the site will be used to create the berms. Reference is made to further future planting and landscaping within the application as a contribution to the Suir Valley green

network, however this is not included within the red line boundary and does not form part of this application.

2.10. The application is accompanied by the following;

- Environmental Impact assessment Report (EIAR)
- Natura Impact Statement (NIS)
- Engineering Report
- Preliminary Construction Environmental and Waste management Plan (PCE&WMP)
- Construction and Demolition Resource and Waste Management Plan
- Glint and Glare Assessment

## 3.0 Planning Authority Decision

### 3.1. Decision

Notification of the Decision to Grant Permission for the proposed development subject to 36 no. conditions issued on 12th February 2025. Conditions were generally of a standard nature. However, Conditions 4,5,6,7 and 24 are the subject of the first party appeal. Condition 14 was referenced within the third-party appeal. These conditions are outlined below;

**Local Authority Air Pollution Licence**

**4.** (a) An Application for an "Air Pollution Licence" will be made to Kilkenny County Council Environment section prior to works commencing onsite. In accordance with the Air Pollution Act, an application for an Air Permit will be submitted to Kilkenny County Council once planning consent has been obtained. The application will comprise of the following:

- Application Form;
- List of emission points, their locations, their heights, associated processes, pollutants emitted (NOx and dust), proposed ELVs, and monitoring regime;
- Site layout showing the location of each emission point;
- A detailed Air Dispersion Modelling Report that will be prepared in accordance with

the best practice guidance.
(b) The applicant will demonstrate that any air emissions will not result in air pollution as defined in the Act by submitting a robust application.
(c) No odours to be omitted from the site, air quality monitoring may be requested by Kilkenny County Council under this permission.
(d) Emissions should be monitored and results submitted to the Local authority in accordance with the Air pollution licence if granted.
**Reason:** In the interests of Environmental and Public Health.

**Integrated Pollution Control License (IPPC)**

**5.** Following the submission of an Air Permit License to the planning authority, should this be deemed insufficient for the operations/production onsite (volume and nature etc.), the applicant shall liaise with the Environmental Protection Agency (EPA) for the submission of a Waste License Application to the EPA. Evidence of such liaison and subsequent application shall be provided to the planning authority. No works shall commence onsite until such an application is granted by the EPA.
**Reason:** In the interests of proper regulation, public and environmental health.

**Local Authority Waste Facility Permit**

**6.** (a) A Waste facility permit is required under Class 7 of Part 1 of the Third schedule of the "Waste Management (Facility Permit & Registration) Regulations 2007 as amended. This license will be applied to and issued by Kilkenny County council prior to any works commencing onsite.
(b) Waste materials will be from Construction and Demolition sites from the state only, and will be delivered to site by a National Waste Collection Permit Office (NWCPO) authorised waste contractors.
(c) All incoming waste will be recorded and made available for inspection in accordance with the EMS and Waste facility permit.
(d) All materials delivered to site are to be stored in Raw materials Warehouse, bunded and closed off to avoid any outside contamination.
(e) All guidelines of good practice as set out in the EIAR accompanying this application are to be adhered to.
(f) Proposal to seek an "end – of -waste" status under Article 28 process for the recovered waste materials will be determined from the Waste Facility permit

application.
(g) Any other waste generated is to be segregated, stored in dedicated bins onsite and recycled where possible, Waste not recyclable will be segregated and disposed of by a license contractor.
**Reason:** In the interests of Environmental and Public Health.

**Waste License**

**7.** Following the submission of a Waste Facility Permit to the planning authority, should this be deemed insufficient for the waste generated onsite during production (volume and nature of waste etc.), the applicant shall liaise with the Environmental Protection Agency (EPA) for the submission of a Waste Licence Application to the EPA. Evidence of such liaison and subsequent application shall be provided to the planning authority. No works shall commence onsite until such an application is granted by the EPA.
**Reason:** In the interests of proper regulation, public and environmental health

**Mitigation to water supply sources**

14. (a) The developer shall identify and monitor at least four adjacent homeowner wells for a minimum period of three years during the operational phase of the development. The monitoring locations shall be agreed with the Planning Authority prior to commencement of development. The monitoring shall be undertaken at least quarterly and shall include water level and water quality testing. An end of year report shall be submitted in Year 1, Year 2 and Year 3 unless requested or agreed otherwise by the planning authority. The Planning Authority may amend or add additional locations for monitoring at any time during the three year period. The end of year reports shall assess the impact of the ongoing abstraction of groundwater on adjacent wells.
(b) Where it has been determined at (a) above or by the Planning Authority that the developers ongoing water abstraction is having a negative impact upon adjacent homeowner wells, the developer shall be required to agree and provide a replacement potable water supply to the affected homeowners. The full cost of such measures shall be borne by the developer.
(c) The developer shall maintain a log of all water related complaints received from homeowners along with corrective actions. The Planning Authority may request a

copy of the log at any time during the operational phase of the development.
(d) Wells on-site which are 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 for purposes of production shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.
**Reason:** In the interests of amenities, environmental protection, public health and safety

**Noise, during operational phase**

**24.** (a) Following the unloading of gypsum and other materials (involved in operations) from ships at Belview Port, no deliveries of such materials to the production facility shall take place during the hours of 2100-0700.
(b) Prior to the commencement of development, the applicant shall provide a written agreement between the applicant and Belview Port facilitating the waiting of delivery lorries during the hours of 2100-0700 following unloading campaigns.
**Reason:** In the interests of residential amenity for surrounding residents.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The first Planners report (dated 24th April 2024) considered the proposed development, submissions from third parties, internal and external referral reports, the planning history, and the relevant Development Plan provisions. The report also includes an assessment of the Environmental Impact Assessment Report and Natura Impact Statement.

Concerns were raised regarding the EIAR submitted. The report recommended that further information be requested. The further information request is summarised below;

***License Requirements/Waste***

- Submit a declaration to the EPA to determine if an IPC/IE or Waste License is required.

- Clarify the exact source of the recycled plasterboard that will be used as a raw material and under what legislation it will be recycled.
- Submit procedures for how the gypsum plasterboard will be recycled along with segregation of waste that cannot be recycled.

***Water***

- The applicant is required to assess the feasibility of supplying all of the water needs for the development through a mains connection and shall clarify the need of the proposed ground water abstraction.
- The applicant is required to carry out a Groundwater feasibility study for the proposed borehole along with the delineation of the zone of contribution on a site layout drawing

***Trade Effluent***

- Verify if there will be a trade effluent created as part of the industrial process and if so submit proposals to dispose of same.

***Surface Water***

- Submit proposals to ensure that surface water remains uncontaminated during the unloading process

***Air/Dust***

- Submit details of the air pollution licence that the applicant will be applying for if IPC/IE licence is not required by the EPA
- Carry out an assessment on any potential odours that may be emitted from the development

***Noise***

- Submit additional noise monitoring at noise sensitive receptors within the vicinity of the development

***Roads***

- Indicate how proposal is consistent with zoning. Proposed access traverses land zoned open space.

- Submit an internal mobility management plan
- Submit a swept path analysis for the various vehicle types accessing the site
- Submit a road marking layout for internal site management.
- Submit cross-sectional details for the access road on the east and south of the factory footprint.

***Archaeology***

- Submit an Archaeological Impact Assessment which includes archaeological test excavation.

***Gas***

- Indicate the proposed link to the gas network which runs to the west of the site.

***Visual Impact and Landscaping***

- Submit proposals for landscaping buffer in close proximity to the building
- Consult with owner of lands to northwest of the site and propose a timeframe for the future woodland planting
- Indicate any anticipated uses for the remainder of the lands and any interim uses.

Further Information was received by the Planning Authority on the 11th December 2024. The final planners report (dated 11th February 2025) concluded that having regard to the details submitted with this application at both initial and further information stages, including the EIAR and NIS, the further information submitted and referral responses received, it is recommended that permission is granted subject to conditions.

3.2.2. Other Technical Reports

**Road Design Office** – Chapter 14 of EIAR indicates the existing road network N29/L3412/L7482 in the vicinity of the development will operate within capacity with minimal ques and delays at year opening, 5 years after completion and fifteen years after completion. Further information is requested in relation to the internal site layout

(report dated 23/04/2024). Conditions recommended following receipt of FI (report dated 06/02/2025).

**Fire Officer** – The proposed development will require a Fire Safety Certificate before works commence on site.

**Environment Section** – The need for licencing from EPA is queried. Conditions recommend.

3.3. **Prescribed Bodies**

**Department of Housing, Local Government and Heritage** –

Nature Conservation

Trees and Vegetation to be removed outside of bird nesting season. Any onsite landscaping plan should adhere to the principles outlined in the All-Ireland Pollinator Plan.

Archaeology

Recommends that an Archaeological Impact Assessment (including Archaeological Geophysical Survey and Archaeological Test Excavation) be carried our as Further Information.

**TII** – No observations to make.

**Uisce Eireann** – An updated Confirmation of Feasibility must be submitted as a response for Further Information Request. Standard Condition recommended.

**Gas Networks Ireland** - No objection. Applicant to contact Gas Networks Ireland in advance of any site works.

The application was also referred to the EPA, however no observation/submission was received.

3.4. **Third Party Observations**

21 no. third party observations were received in relation to the planning application. I note 19 no. of submissions were noted and summarised in the Planner's Report. The concerns raised in the submissions are similar to those outlined in the appeal section below and relate to the impacts on health and residential amenity in terms of dust,

noise and traffic, water supply and contamination, the need for an EPA licence, compliance with the Climate Action Plan, compliance with the Water Framework Directive, issues in relation to the erection of planning notices, lack of community engagement, glint and glare, visual impact, impact on biodiversity, property devaluation, and the impact on the South East Greenway.

## 4.0 Planning History

Application Site

None.

Wider Belview/Port Area

The wider area has an extensive planning history, and I refer the Commission to Section 2.3 of the submitted EIAR that accompanies the application and to the report from Kilkenny County Council in that regard.

More recent planning applications on adjoining lands/the wider area

25/60254 – Live Application – Permission is sought by Suir Shipping Limited for the extension of the existing access road that provides access to lands located at Belview Port. The proposed development works will consist of the extension of the existing access service road, construct a new clear span bridge structure, ancillary service connections, landscaping and associated site works. A Natura Impact Statement (NIS) accompanied this application.

PA Reg Ref 25/60233 – Live Application – Permission is sought by Target Fertilizers Ltd for the construction of 2 no. industrial warehouse blocks for bulk storage, with Block A housing 4 no. single storey storage units (floor area - 3,488.4m2) and Block B housing 4 no. single storey units (floor area - 8446.2m2), new weighbridge and cabin, new internal access roads, retaining walls and boundary fencing and all ancillary works.

PA Reg Ref 25/60152 – Permission granted in May 2025 for Suir Shipping Ltd for the use of an existing storage shed for the storage of selected waste materials in addition to the current storage of bulk port related materials at Shed H4.

PA Reg Ref 24/60256 – Permission granted in July 2024 for Suir Shipping Limited for the development of 2 no. grain silos and associated site works.

An Coimisiún Pleanála decisions in the area

ABP-312631-22 – Permission granted in January 2024 for the construction of two boreholes in milk processing plant. Natura Impact Statement submitted with the planning application. The Glanbia Ireland DAC facility has an Industrial Emissions Licence granted by the EPA.

ABP-305136-19 – Permission granted in June 2020 to Glanbia Ireland DAC for a seven year planning permission for a continental cheese manufacturing plant. Retention of and alterations to the existing construction compound which will be removed on completion of the works. EIAR and a NIS submitted with the planning application.

# 5.0 Policy Context

## 5.1. National Planning Policy

### 5.1.1. National Planning Framework First Revision 2025

The NPF has been revised and updated to take account of changes that have occurred since it was published in 2018. The latest research and modelling by the Economic and Social Research Institute (ESRI), forecasts substantial population growth over the next decade. The NPF now plans for a population of between 6.1 to 6.3 million people by 2040, and for approximately 50,000 units per annum over that period, to meet additional population growth over and above the original 2018 NPF projections.

In relation to Ports the NPF notes that ‘*’The Tier 2 Ports of National Significance (Waterford and Rosslare Europort) have been identified as having demonstrable potential to handle higher volumes of unitised traffic, and have the existing transport links to serve a wider, national marketplace beyond their immediate region.”*

The NPF supports circular economy principles that minimise waste going to landfill and maximise waste as a resource. **National Policy Objective 76** states; ‘*Sustainably manage waste generation including construction and demolition waste, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society’*

5.1.2. **National Development Plan 2021-2030**

The National Development Plan (NDP) sets out the level of investment which will underpin the National Planning Framework (NPF). It is estimated that an annual average of up to approximately 47,000 direct and 33,000 indirect construction jobs will be sustained by the investment over the course of the NDP.

5.1.3. **Climate Action and Low Carbon Development (Amendment) Act 2021**

This Act amends the Climate Action and Low Carbon Development Act 2015. It sets out the national objective of transitioning to a low carbon, climate resilient and environmentally sustainable economy in the period up to 2050. The Act commits us, in law, to a move to a climate resilient and climate neutral economy by 2050. An Coimisiún Pleanála is a relevant body for the purposes of the Climate Act. As a result, the obligation of the Commission is to make all decisions in a manner that is consistent with the Climate Act.

5.1.4. **Climate Action Plan, 2025**

The Climate Action Plan was first published in June 2019 by the Department of Communications, Climate Action and Environment. The Climate Action Plan 2025 (CAP24) is the third annual update under the Climate Action and Low Carbon Development (Amendment) Act 2021. Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024. Key targets include a decrease in embodied carbon in construction materials by 10% for 2025 and 30% by 2030.

5.1.5. **Waste Action Plan for a Circular Economy 2020-2025**

This Plan sets out the Government policy commitment to meeting EU targets and provides a roadmap for the circular economy in Ireland. Objectives include ensuring that waste remains in use longer by rewarding circularity and discouraging waste. It also commits to replacing the Regional Waste Management Plans with a single National Waste Management Plan for a Circular Economy.

5.1.6. **The Whole of Ireland Circular Economy Strategy 2022-2033**

This strategy was published in December 2021 and updated in February 2022. This is a high-level strategy and a specific aim of the Waste Action Plan for Circular

Economy (WAPCE). It aims to provide policy coherence across government. It focusses on shifting away from waste disposal and towards a circular economy. Construction and Demolition waste is identified within the strategy as an area for further policy development. Greater resource efficiency and resource re-use could avoid the need for millions of tonnes of virgin raw materials per annum, as well as reducing the carbon intensity of our built environment.

5.1.7. **National Waste Management Plan for a Circular Economy (NWPCE) 2024-2030**

This plan is presented in five volumes and recognises Climate Change as a key driver for both behavioural change and improved waste management practices. It contains targets, policies, actions and key deliverables required to accelerate the transition to a circular economy with reduced climate impact. The Plan ambition is to achieve 0% total waste growth per person over the life of the plan and to increase recycling rates. Volume I sets out the current situation and identifies key challenges and Volume II sets out the responses to these challenges. Volume III sets out the delivery roadmap for the responses and contains key deliverables. Appendix 9 of the Plan provides guidance on the siting of new waste and circular economy development. The guidance supports local planning authorities, An Coimisiún Pleanála and other relevant bodies when assessing and deciding on applications for planning approval or other consents.

5.1.8. **European Union Water Framework Directive 2000/60/EC (WFD)**

The WFD was adopted in 2000 as a single piece of legislation covering rivers, lakes, groundwater and transitional (estuarine) and coastal waters and includes heavily modified and artificial waterbodies. The overarching aim of the WFD is to prevent further deterioration of and to protect, enhance and restore the status of all bodies of water with the aim of achieving at least ‘good’ ecological status by 2015 (or where certain derogations have been justified to 2021 or 2027).

## 5.2. Regional Planning Policy

5.2.1. **Regional Spatial and Economic Strategy for the Southern Region**

The RSES provides a long-term regional level strategic planning and economic framework in support of the implementation of the National Planning Framework for the future physical, economic and social development of the Southern Region.

The strategy includes Metropolitan Area Strategic Plans (MASPs) to guide the future development of the Region's three main cities and metropolitan areas – Cork, Limerick-Shannon and Waterford. Ferrybank and Belview Port is included in the Waterford Metropolitan Area Strategic Plan (MASP) area.

The RSES identifies Belview as a strategic employment location for the Waterford MASP and refers to the importance of enhanced access to Belview Port, with regards to the growth of the Waterford Metropolitan Area.

The following objective are relevant;

**Waterford MASP Policy Objective 15 – Port of Waterford** – *'Port of Waterford Local Authorities and Public Bodies shall support the development of the necessary port infrastructure and associated road and rail connectivity required to support the development of the Port of Waterford Belview and to support the role of the Port as an Economic Driver for the South-East subject to the outcome of appropriate appraisal, environmental assessments and the planning process.'*

**Waterford MASP Policy Objective 20 - Strategic Employment Locations** - *'Local Authorities and Public Bodies shall support the development of the identified Strategic Employment Locations and other potential sites/locations and provision of associated transport and services necessary to support the overall development of the Waterford Metropolitan Area, subject to the outcome of environmental assessments and the planning process.'*

## 5.3. Local Planning Policy

### 5.3.1. Kilkenny County Development Plan 2021-2027

The operative plan for the area is the Kilkenny City and County Development Plan 2021-2027. Kilkenny County Council is committed to developing Ferrybank/Belview as part of a concentric city as envisaged in the Waterford MASP. The Council will assist in the implementation of the Waterford MASP by reviewing the Ferrybank/Belview Local Area Plan to be consistent with the RSES MASP in a timely manner and incorporating it into the Kilkenny City and County Development Plan by means of variation. The following objective is relevant in this regard;

**Objective 4l** -*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.*

Belview Port is identified within the Development Plan as a nationally and regionally important strategic locations for enterprise and employment. Section 5.5.1 'Belview Port' states that '*The bulk side of the business is predominantly import and focussed on agri-inputs. The container operation supports a wide range of imports and regional exporters from the food, pharmaceutical and other sectors. The annual value of goods through the Port was estimated at €1.7 billion in 2017 with just under 1,000 jobs in, or supported by businesses in, the port zone'.* It is further stated that *'The port is a significant economic facilitator with an important role to play in the economic development of the South East and further afield'.*

Section 5.2.3 Manufacturing states that Beview Port '*is an ideal location for large-scale industries and manufacturing companies. Belview Port is the nearest major Irish port to mainland Europe providing a saving to shippers of both time and fuel while being a natural hub for the integration of port, shipping, road and rail freight services'.*

Section 12.8.1 Belview states that *'The Council will support and promote the development of the necessary port infrastructure and associated industrial and distribution activities as well as associated rail and road connectivity required to support the development of the Port of Waterford, Belview'.*

Development Management Standards

Car parking Standards;

*''Industry - 1 car space for every 60m$^2$ of gross industrial floor area and operational space to be determined by the Planning Authority.''*

All non-residential standards are applied as maxima.

For developments with private car spaces, at least one parking space should be equipped with one fully functional EV charging point and it should be possible to expand the charging system at a future date (e.g. by installing appropriate ducting now) so that up to 20% of all spaces can be fitted with similar charging points.

5.3.2. **Ferrybank Belview Local Area Plan**

The Ferrybank Belview Local Area Plan 2017 (LAP) came into effect on the 18th January 2018. Section 1.2 of the LAP specifically states that the LAP *'is valid for six years following adoption by Kilkenny County Council'*. Having reviewed the County Development Plan and the LAP, I do not consider that there is any basis to conclude that the plan has been extended.

Kilkenny County Council has commenced the process of preparing a new Local Area Plan (LAP) for Ferrybank Belview, with consultation on an 'Issues Paper' undertaken in June and July, 2024.

Under the 2017 LAP the site was zoned 'Port Facilities and Industry' with the objective *'To allow for the further development and expansion of portal facilities and associated industries, to assist in the economic development of the wider area, whilst not encouraging leakage of uses which would be more appropriately located in the existing urban centres of Waterford City and Ferrybank.'*

Development Management Standard 5DM3 as set out in the 2017 LAP encouraged appropriate screening of future developments in the Belview Industrial area. A woodland planting buffer of 15-20 metres would generally be required inside any industrial site boundary unless a suitable alternative mitigation measure was agreed with the Planning Authority.

## 5.4. Natural Heritage Designations

Lower River Suir SAC (Site Code: 002137) – c. 750m to the south of the site

River Barrow and River Nore SAC (Site Code: 002162) – c. 1.8km to the east of the site

Barrow River Estuary pNHA (Site Code: 000698) – c. 1.8km to the northeast of the site

Kings Channel pNHA (Site Code: 001702) – c. 2.4km to the southwest of the site

Ballyhack pNHA (Site Code: 000695) – c. 5.8km to the southeast of the site

Waterford Harbour pNHA (Site Code: 000787) – c. 6km to the southeast of the site

## 5.5. **EIA Screening**

5.5.1. Schedule 5, Part 2 of the Planning and Development Regulations 2001, as amended and Section 172(1)(a) of the Planning and Development Act 2000, as amended provides that a mandatory Environmental Impact Assessment (EIA) is required for:

*"10 Infrastructure Projects*

*(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"*

Section 1.5.2 of the EIAR sets out that the area of the proposed development will exceed 10 hectares and is in an area which can be classified as a built-up area in Gorteens, near Belview Port and thus exceeds the threshold for mandatory EIA.

*(l) Groundwater abstraction and artificial groundwater recharge schemes not included in Part 1 of this Schedule where the average annual volume of water abstracted or recharged would exceed 2 million cubic metres.*

Section 1.4.2.2 of the EIAR sets out a proposed groundwater abstraction volume of 7.5$m^3$/hr or 180$m^3$/day which is therefore calculated as 65,700 $m^3$ per annum. The proposed abstraction volumes are sub-threshold and a mandatory requirement for EIA is not required with respect to this class.

*"11. Other Projects*

*(b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule."*

The proposed development will accept what is stated as to be in the region of 25,000 tonnes per annum of plasterboard waste. The applicant has indicated that there is potential for exceeding this threshold and therefore, this triggers a mandatory requirement for EIA.

# 6.0 The Appeal

## 6.1. Grounds of Appeal

The decision of Kilkenny County Council to issue notification to grant planning permission for the proposed development was the subject of 2 no. third party appeals and a first party appeal against a number of conditions. The third-party appeals were submitted by Kate Coleman (neighbouring resident) and Saint-Gobain Construction Products (Ireland) Ltd. The grounds of appeal are outlined below.

Third Party Appeals

6.1.1. Kate Coleman

*Negative Impact on water supply*

- Water abstraction analysis was carried out in April and May 2023 during a period when rainfall was above average. The performance of testing was at a time when replenishment of the aquifer would have been swift and the water table particularly high. The potential impact of a period of low rainfall, representative of a worst-case scenario, was not assessed.
- Part b of Condition 14 indicates the unreasonableness of the development. The condition does not mitigate the impact. The condition is reliant on corrective action after significant impact has been borne by the residents.

*Landscape Buffer*

- The application fails to provide an adequate landscape buffer and is contrary to Development Management Standard 5DM3 of the Ferrybank Belview LAP, which requires a woodland planting buffer of 15-20m inside any industrial site boundary.
- The application appears to artificially set the application redline boundary away from the western field boundaries. Planting outside of the development site is not a suitable mitigation for the scale and form of the development.
- It is unclear how the assessment under Table 12-8 of the EIAR can reach conclusions that the most significant impact will be moderate, and how this

can be considered as short term. The building will be visible in the long term and the additional planting on lower ground will not mitigate the view.

- The submitted drawings provide no evidence of 3m high berm with only the area in the southern corner of Area A and along the local road as being planted.

*Noise*

- The appellants have concerns with regards to the 24-hour nature of the proposed development.
- There is an existing noise nuisance from Smartply and other facilities in the area. Any increase in noise levels as a result of the proposed development will be unacceptable.
- The use of existing noise levels as somehow reflecting the baseline noise levels is a misrepresentation of matters in this instance. It is unclear from the assessment as to what activities were being undertaken at the other adjoining plants during the week of acoustic monitoring.

*Flooding*

- There was flooding of the Luffany Stream in November 2023 due to high rainfall and obstruction of stream flow (Photographs attached to appeal).
- There is potential for sediment to run off the site into drains discharging to the Luffany stream and Drumdowney Lower Stream. Further obstruction of Luffany and Drumdowney Lower stream may exacerbate the flooding.
- The proposed development is contrary to Section 9A of the LAP which requires a comprehensive risk based planning approach to flood management to prevent or minimise future flood risk.

*Traffic Impact*

- The design and position of the proposed access will negatively impact upon traffic safety in the area and has the potential to result in overspill car parking and significant additional traffic movements on local roads.
- It is unclear whether the noise assessment has considered the impact of traffic at night time.

*Inadequacy of Assessment*

- The correctness and robustness of the Appropriate Assessment is queried given the sites proximity to protected Natura 2000 sites.
- No winter bird survey accompanies the EIAR. The EIAR is therefore deficient.
- Stormwater will eventually outfall into the Luffany Stream and the Drumdowney Stream. Both these streams flow into the River Suir. This has not been adequately considered in the EIAR.
- The proposed development has failed to have adequate regard to the EIA Directives, EU Regulations 2018, the European Communities Regulations 1989-2006, Planning and Development Act 2000, and the Planning and Development Regulations 2001-2023.
- The cumulative impact of the proposal has not been adequately addressed.

*Property Values*

- Due to the reduction in residential amenity and the overall negative impacts of the proposed development, it is submitted that there would be a significant reduction in the value of all residential property in the local community.

6.1.2. **Saint-Gobain Construction Products (Ireland) Ltd.**

There has been a flawed assessment in concluding that the facility proposed does not require an EPA licence for its gypsum and waste processing activities. The volume of imported gypsum is stated to be 195,000 tonnes per annum. The applicant is also proposing to process 25,000 tonnes per year of gypsum waste. Processing of gypsum is an integrated pollution control EPA licensable activity where the level of activity exceeds certain threshold under class 1.3(b) of the EPA Act. Relevant section of the Act extracted below;

*1 Minerals and Other Materials*

*1.3 The extraction and processing (including size reduction, grading and heating)of minerals within the meaning of Minerals Development Acts 1940 to 1999, where an activity involves –*

*(a) a metalliferous operation, or*

*(b)any operation where either the level of extracted or processed minerals is greater than 200,000 tonnes per annum or the total operational yield is greater than 1,000,000 tonnes,*

*And storage of related mineral waste'*

The applicant has stated that the proposed development will not require an Industrial Emissions Licence (IEL) from the EPA as it will process a maximum of 195,000 tonnes per annum, which is below the threshold of 200,000 tonnes per annum. However, the applicant proposed no closure date for the development and so it is assumed that the proposed development is intended to continue in perpetuity. Therefore, it can be reasonably expected that the development will exceed a total operational yield of more than 1,000,000 tonnes of gypsum. It would reach this threshold within 5 and a half years of operation. And as such the initial assessment should have concluded that an EPA license is required for the development.

The appellants own gypsum processing operation is the only current gypsum processing operation in the country, and it is an EPA licenced operation. The standards of control and licencing for a new plasterboard factory of equivalent scale (with respect to EPA scheduled activity thresholds) should be the same as those required for any existing such development.

It appears that the EPA has not considered the licence requirements under class 1.3b and has only considered the requirement for a waste licence triggered by the proposed recycled waste gypsum activity.

As the applicant is also proposing to recycle waste gypsum, the EPA should be asked to consider if this additional activity should be considered licensable under Class 11.1 which is set out below;

*''11.1 The recovery or disposal of waste in a facility, within the meaning of the Act of 1996, which facility is connected or associated with another activity specified in this Schedule in respect of which a license or revised license under Part IV is in force or in respect of which a licence under the said Part is or will be required.''*

It is required by the EPA Act that if the facility is already carrying out an IPCL activity, then the class of licence with the addition of a Class 11.1 activity is an Industrial Emissions Licence (IEL).

Where a proposed facility required an EPA licence, the Planning and Development Regulations 2001 as amended required that the public planning notices reference this.

The planning conditions imposed by Kilkenny County Council acknowledge doubt as to the EPA licensing requirements and seek to introduce a 'backstop' arrangement in Condition 5 and 7 to allow some for of retrospective determination of any EPA licensing.

6.2. **First Party Appeal**

The first party appeal is an appeal in relation to Conditions 4,5,6,7 and 24.

Condition 4: Local Authority Air Pollution Licence – The applicant fully accepts that an air pollution licence will be required to be in place for the operational phase. However, it is considered unreasonable that this licence has to be applied for prior to any construction works commencing on-site. It is requested that Condition 4 be amended.

Condition 5: Integrated Pollution Control Licence – The Further Information Response has clearly demonstrated that the proposed development will not require an Integrated Pollution Control (IPC) or an Industrial Emissions (IE) licence to operate the proposed development. Extensive consultation with the EPA has been undertaken. The EPA confirm that neither an Industrial Emissions nor a Waste Licence will be required from the EPA for the proposed development. It is requested that Condition 5 be removed from a final grant of planning.

Condition 6: Local Authority Waste Facility Permit – The applicant fully accepts that a waste facility permit will be required to be in place for the operational phase. However, it is considered unreasonable that this permit has to be applied for prior to any construction works commencing on-site. It is requested that Condition 6 be amended.

Condition 7: Waste Licence – The Further Information Response has clearly demonstrated that the proposed development will not require an Integrated Pollution Control (IPC) or an Industrial Emissions (IE) licence to operate the proposed development. As outlined for Condition 5 above, extensive consultation with the EPA has been undertaken. The EPA confirmed that neither an Industrial Emissions nor a

Waste Licence will be required from the EPA for the proposed development. It is requested that Condition 7 be removed from a final grant of planning.

Condition 24: Noise during operational phase – The applicant disagrees with the restriction on deliveries. The unloading of raw gypsum from the shipping vessel and transportation from Belview Port to the site via HGVs takes place over a 24 hour period broadly every 6 weeks or c. 8 times per year. During these events or 'campaigns' the direct impacts on Noise Sensitive Receptors (NSRs) in relation to noise will be a temporary, re-occurring, and not a significant effect. The applicant will, as part of the commitments within the EIAR ensure the following practices are implemented

- Routing policy to ensure all movements are made via the strategic road network to avoid HGVs passing through residential areas as far as is practical; and
- A policy of safety and environmental awareness for all HGV drivers accessing the site.

The applicant will consult with potentially affected neighbours prior to campaign events occurring and will implement a traffic management plan during these campaigns. The noise levels from the operational phase are controlled by Condition 23. In relation to condition 24(b), it is the applicants understanding that the Port of Waterford has permission to operate 24 hours, which is considered necessary, as water levels affected by tides will dictate when ships may enter or exit the port. It is requested that Condition 24 be removed.

## 6.3. Applicant Response

**Applicant response to appeal – Kate Coleman**

***Negative Impact on Water Supply***

- Detailed hydrogeological investigations were undertaken by the applicant on account of the fact there are residential dwellings in the vicinity that have domestic wells installed.
- No evidence provided by a suitably qualified Hydrogeologist to support the third party appeal.

- Kilkenny County Council sought a number of points of clarification at further information stage in relation to ground water abstraction. KCC were satisfied with the information provided.
- Condition 14 attached to the grant of permission requires monitoring for water level and water quality, for at least four adjacent homeowners. Where it has been determined that water abstraction is having a negative impact on homeowner's wells, the developer shall be required to provide replacement potable water supply to the affected homeowners.
- The development will only require 363$m^3$/d of water. For an industrial development this is not a significant amount of water.
- The volume requirement will be reduced by c.30% based on the recycling measures in the design. Subject to successful implementation of these measures, the actual required water on a daily basis will be closer to 254$m^3$/d.
- Water will be provided from four different sources; 1) Mains supply; 2) Rainwater harvesting; 3) Water Recycling; and 4) Groundwater Abstraction.
- Hydrogeological testing confirmed that 7.5m3 per hour or 180m3 per day of groundwater can be abstracted from an underlying aquifer in a sustainable manner. The Planners Report dated 24th April 2024 notes that 'abstraction of 7.5$m^3$ per hour is very low'
- The groundwater abstraction will be supplementary and not occurring every day.
- Site Investigation works are representative of the underlying aquifer. 3 no. production wells were installed at the site in March 2023 to assess the potential yield (m3/hr) of the aquifer to supply water for the proposed development.
- The ground water abstraction will be undertaken in strict accordance with the Water Environment (Abstraction and Associated Impoundments) Act 2022 and the Water Environment (Abstraction and Associated Impoundments) Regulations 2024.

- The groundwater abstraction will be registered with the EPA prior to the commencement of any abstraction. A daily limit of 18m$^3$/day will be regulated by the EPA.

***Landscape Buffer***

- Given the significant retention of existing hedgerows and treeline, an additional 15-20m woodland planting buffer was not considered to be necessary. A detailed site-specific landscape masterplan was prepared in respect of the proposed development. The landscape plan proposed the retention of trees as a priority with new infill and bolstering of existing hedgerows and trees.
- In pre-application consultation with the planning authority, it was agreed that the perimeter areas outside the redline boundary (but within the applicant's control) should be progressively developed as a contribution to the green network leading to the Suir Valley.
- A comprehensive landscape and visual impact assessment was undertaken and is provided in Chapter 12 of the EIAR.
    - In terms of landscape character change, the presence of the adjacent industrial warehousing and ancillary infrastructure, in what will effectively read as one coherent and consistent development, will provide a context for the proposed development.
    - The LVIA is supported by photomontages from 20 viewpoints.
    - Perimeter berms will be formed along the western and southern boundaries of the site using excavated subsoil and topsoil from the construction stage. They will rise to c.3m and will be densely planted with native woodland species and wild grass seeding.
    - The colour scheme submitted reduces the visual presence of the proposal, recessing it with low contrast against the sky.
    - Due to landform and retained vegetation along the boundary, the site will have minimal visibility despite proximity.

***Noise***

- The measured baseline was representative of the conditions at time it was measured, incorporating operational noise from existing development, traffic on the surrounding road network, overhead planes, birds and a variety of other sources of noise.
- The baseline noise monitoring did not indicate low daytime, evening and night-time background noise levels.
- The site does not qualify as a 'Quiet Area' due to its proximity to urban area, industry and the national primary road as per the criteria specified in EPA's Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)
- The baseline monitoring results at four locations demonstrated that the acoustic environment in proximity to the site was not considered to be a low background area as the background noise levels exceed the criteria specified within the EPA's NG4 document.
- Existing operators involved in the port-related activities already conduct uploading from and downloading to ship campaigns. The proposed development is not unique.
- Two operational noise models were developed for the proposed development; 1) Model A – when typical operations occur; and 2) Model B – when an unloading campaign (additional traffic) is occurring.
- The proposed development has been predicted to comply with typical noise nuisance values for the majority of Noise Sensitive Receptors (NSRs) close to to the site both during construction and operation. Two NSRs have been predicted to experience an exceedance during night-time operations during the unloading campaigns, however these will be infrequent short-duration events and based on the likely effects, found to be in line with WHO and BS8233 guidelines for a bedroom.
- The implementation of all proposed mitigation measures will enable the operation of the proposed development to be managed, ensuring noise will be controlled. In the long term, a negligible effect at all NSRs has been predicted.

***Flooding***

- The Office of Public Works CFRAM maps, flood hazard mapping and historical mapping were reviewed to assess flood risk in the area of the site. As detailed in the EIAR, CFRAM mapping shows the site is not located within any fluvial or pluvial flood zones. There is no indication that the site is prone to flooding on the available historic mapping.
- Mitigation measures will be implemented to ensure that construction works will not result in impacts on the Natura Sites. The proposed mitigation in relation to sediment run-off is listed.
- During the operational phase, the access road stormwater drainage has been designed to cater for adequate stormwater during a 1 in 100-year storm event, with an allowance of 30% increase in rainfall included in the design to account for climate change.
- The submitted NIS considered the surface water drainage connection between the site and the Lower River Suir SAC and the River Barrow and River Nore SAC. The NIS concluded that the design of the drainage system and the inclusion of features such as fuel/oil bypass separator and hydrobrakes will ensure that there will be no potential impairment of water quality due to increased stormwater runoff.

***Traffic Impact***

- A comprehensive Traffic and Transport Assessment, including traffic counts, was undertaken and detailed in Chapter 14 of the EIAR.
- No surplus soils will be removed off-site during construction phase, which will reduce construction traffic.
- During construction phase there will be some oversized deliveries (process equipment etc).
- The proposed development has been specifically located in close proximity to Belview Port to minimise the transport distance on the road network.
- There will be increased traffic movement during the period of unloading shops importing the gypsum rock (Approx. 8 times a year).

- As part of the FI response, a Mobility Management Plan and Line Marking Layout Plan were submitted. Staff and visitors will use the proposed car park. The continual shift pattern of work will reduce peak parking times.
- Noise associated with traffic movements during the night time unloading campaign was assessed (referred to above).
- It has been demonstrated that the proposed development when operational will not have a significant impact on the surrounding road network or nearby residences.

***Inadequacy of Assessment***

- For the purpose of EIAR, the site was assessed for its potential to support wintering birds. The site assessment concluded that the agricultural fields (a common habitat within the vicinity of the site and surrounding area) may provide suitable foraging habitat for winter bird species.
- The findings of the Winter Bird Assessment in Section 4.2 of the Bird Report conclude that given the level of disturbance onsite from agricultural practices and levels of industry surrounding the site, it is not considered that the site is of importance for these species. It is likely that these species will utilize areas closer to the River Suir/Waterford Estuary.
- Winter birds tend to prefer habitats such as mudflats, marchlands and grasslands adjacent to the coast. The habitats onsite may provide suitable roosting habitats. The retention of these habitats and the implementation of the landscape plan will provide suitable habitats for both foraging and roosting winter birds.

***Property Values***

- The change that has been taking place in Belview is fully supported by strategic policy at National, Regional and Local levels. The change has been ongoing for c.35 years since the strategic decision to move the Port of Waterford out of the city centre to Belview.
- Comprehensive assessments undertaken as part of the planning application demonstrates that the operation of the proposed development will not cause any unacceptable environmental effects or be a nuisance to neighbours.

**Applicant response to appeal - St Gobains Construction Products Ireland Ltd**

- The EPA have confirmed in writing that the proposed development is not a licensable activity under any class of activity under the EPA Act 1995, as amended and that a Waste Facility Permit will be required to operate the proposed development.
- Kilkenny County Council issued a request for Further Information in April 2024 which amongst other items requested that a determination as to whether an IPC/IE or Waste Licence is required to be sought from the EPA. The EPA were contacted in June 2024. The process description and proposed quantities of materials were included in the documentation. The summary of correspondence with the EPA was provided in the RFI response.
- In relation to Class 1.3, this class is only applicable to facilities that carry out extraction ***And*** processing, and as no extractive operations will be carried out at the proposed development, this class is not applicable.
- In relation to Class 11, as no other activity class applies, this class cannot apply. Nonetheless, disposal of waste will not occur. Recovery of by-product gypsum will occur.
- The proposed development is not comparable to the Saint Gobain licensed activities. The proposed development will not undertake mining activities. In addition, Saint Gobain is licensed to operate a landfill. No landfilling activity will be undertaken at the proposed development.
- EPA email dated 19th November 2024 states *'Article 11 is a mechanism by which an applicant can request a determination from the EPA as regards the most appropriate waste authorisation (i.e. Industrial Emissions licence, Waste Licence, Waste Facility Permit or Certificate of Registration, or none as the case may be) for a proposed activity. I refer you to the EPA Article 11 Declaration issued on 1 October 2024 'Article 11 No:2814' which determined a waste facility permit is required'.*

6.4. **Planning Authority Response**

6.4.1. First Party Appeal

*Condition 4*

- The condition provides for the assessment of the Air Pollution Licence application in conjunction with the design of the facility, hence should any design amendments be required, these can take place prior to works commencing on site. Condition has been done so in the interests of maintaining best practice. The condition allows Kilkenny County Council to peer review the Air Pollution application if necessary.

*Condition 5*

- Offers the opportunity for Kilkenny County Council to facilitate the EPA to step in and implement licensing in an efficient manner should output increase at any point in the future beyond the threshold.

*Condition 6*

- The condition provides for the assessment of the Waste Facility Permit in conjunction with the design of the facility, hence should any design amendments be required, these can take place prior to works commencing on site. Condition has been done so in the interests of maintaining best practice.

*Condition 7*

- The condition will facilitate licensing if required at any point in the future should a threshold be exceeded.

Condition 24

- The intention of Condition 24(a) is to control noise, and disturbance impacts and mitigate loss of residential amenity into the future. The purpose of Part (b) is for lorries to wait on the wharf or associated area onsite within/around the port area and not to restrict the actual unloading of ships which it is understood need to arrive and dock at certain times depending on the tide. The wharf, and associated hardstand and waiting areas, in and around Belview Port are adequate in size to be able to accommodate the waiting of delivery vehicles during night-time hours.
- The imposition of this condition restricts deliveries during night-time allowing the development keep within the specified noise limits more easily.

6.4.2. Third Party Appeal

*Necessity for Industrial Emissions Licence*

- The proposed development will not require an Industrial Emissions Licence as it will process a maximum of 195,000 tonnes per annum and is below the threshold of 200,000 tonnes per annum. The total operational yield is currently less than 1,000,000 tonnes at this point and is a long way off the cumulative total. Condition No.5 allows for the EPA to step in and liaise with the applicant and if necessary, have an IEL Licence submitted.
- There are no extraction facilities existing or proposed at/near the proposed facility near Belview Port.

*Public Notices*

- With regard to public notices, the application was not considered to necessitate an EPA integrated Pollution Control Licence, or an Industrial Emissions Licence. Therefor the Local Authority does not consider the validity to the planning application to be in question.

*Services: Water*

- Based on analysis undertaken, it was concluded that a sustainable yield of c. 7.5$m^3$/hour was determined for the test well (PW1).
- The closest groundwater well is located within a residential dwelling c.100m south of the site boundary and c.340m southwest of PW1. Another ground water well within a residential dwelling is located c.490m south of PW1. Due to distance of to those private wells, the bedrock aquifer will be readily capable of providing a sustainable yield without impacting on any private wells in the vicinity of the site.
- Condition 14, which requires monitoring of at least 4 no. adjacent homeowner wells for a minimum period of 3 years and subsequent intervention providing replacement supply, was attached given precedent in the local area from An Coimisiún Pleanála's determination of Glanbia/Tirlán production facility (PA Reg Ref 21/44/ ABP-312631 Condition No.3).

- The suggested guarantee of piped potable water supply into effected homeowners, is contingent on Uisce Eireann's subsequent rollout of public mains in the area. The provision and facilitation of such services is outside the remit of Kilkenny County Council and is a matter for Uisce Eireann.
- The development will maximise the benefits of rainwater harvesting in order to minimise the volume needed from public mains/abstraction.
- In relation to the assertion that abstraction testing took place after a period of heavy rainfall, there are no rules or requirements in relation when abstraction testing can be carried.
- It has been satisfactorily demonstrated in the EIAR that the facility will not adversely affect homeowners in the vicinity.

*Effluent*

- The proposed development is to connect to the public sewer.
- There will be no trade effluent created as part of the industrial process. No agreement with Uisce Eireann to dispose of trade effluent is therefore required.

*Inadequacy of Assessment: Water Quality*

- The risk for impacts on ground and surface water as set out in the EIAR are summarised.
- There will be no discharges from the proposed development to nearby surface water bodies and consequently there will be no cumulative and in-combination impacts in terms of discharging to the Lower River Suir SAC/Estuary (River Barrow Nore SAC).
- The proposed development will not cause a deterioration in surface of ground water quality status to compromise the ability of any surface or groundwater to meet the objectives of the Water Framework Directive.

*Flooding (including surface water treatment)*

- Flood risk has not been identified onsite or immediately proximate to the application site. The photos included in the third-party appeal at X91 FP84 are

some 900m due north/northeast of the proposed building and c. 750m north/northeast of the application site.

- Stormwater will flow through a fuel/oil bypass separator to remove oil and hydrocarbons.

*Noise and related impacts*

- Anecdotal evidence relating to the impacts experienced by local residents from a different operator in the area is not considered to be as sufficient as evidence demonstrated. These noise issues do not appear to have been reported to Kilkenny County Council.
- The site has been assessed as per the EPA noise guidance NG4 and is not defined as a quiet area.
- The applicant/developer/contractor will submit a final Construction Environment Waste Management Plan to the council for approval including noise mitigation measures.
- It is considered following assessment of the EIAR that noise impacts will not be significant in the context of existing ambient noise. The site and surrounding land are zoned for port facilities and industry as part of a Tier 2 Port of national and regional importance.

*Glint and Glare*

- A Glint and Glare Assessment was submitted as part of the application which concluded no significant effects to nearby sensitive receptors/residences.

*Traffic Impacts*

- The access road is the shortest possible route off the Port Road, which is in turn off the N29, hence any additional effects of heavy traffic movements on neighbouring properties will not be significantly over and above that existing. The route is located away from residences located on/off the L7482 and the L3415.
- The production facility will operate under shiftwork, hence perk traffic and parking demands will be significantly reduced.

- Significant separation distance (between 250m – 800m) exists between the developable area of the site and any nearby neighbouring residences. Area C provides a substantial 2-3m berm to the west and north of the site offering a level of protection to residences along the L7482 and L3415.

*Deliveries*

- Condition No. 24 is to safeguard excessive noise and disturbance during night-time hours.

*Visual Impacts including planting and landscaping*

- The aim of 'Passive Open Space' zoning is to protect residential amenity.
- It is noted that planting surrounds the entire building, in addition to a densely planted landscape buffer in Area B and C which helps to buffer the proposed development from residential properties further to the west and northwest.
- The proposed development substantially complies with 5DM3 which encourages appropriate screening of future development.
- The proposed development is located to the rear of the site, away from the neighbouring residences. The proposed development is also sunken into the landscape, and existing hedgerow boundaries are to be contained.
- The redline boundary not extending fully to the western edge of the field boundary along the L7482 does not make a material difference to the assessment of the application.
- With regards to the assertion that the rural character of the area is being denuded, it is noted that the area has been zoned for Port Facilities and Industry (and a strategic employment location) and is directly adjacent to a Tier 2 Port of National importance. This is recognised by the NPF, RSES, Waterford MASP and Kilkenny County Development Plan 2021-2027.
- Given site constraints, elongated horizontal nature of the building, proposed finishing materials including colour, context, retention of existing vegetation, proposed buffer to Area C connecting to ecological bio-diversity corridor, an additional planting buffer inside the main site area (Area A) was not considered to be necessary.

*Inadequacy of Assessment: Absence of winer bird survey*

- It is noted that birds do not form part of the qualifying interests for the Lower Eiver Suir SAC or the River Barrow and Nore SAC nearby downstream. The nearest SPAs are located at Tramore Dunes and Backstrand SPA c. 15km due south and Banon Bay SPA c. 20km due southeast. The application site and its surrounds do not form part of a designated bird habitat and are not linked to such; hence no bird survey was required.
- It is understood that there are no records of the site being a nesting ground for a specific bird habitat associated with the nearby SACs. It is understood form the site synopsis of both the Lower River Suir and the River Barrow and Nore SAC that the likes of the tree corridors and reedbeds in the River/Estuary or along tributaries are more likely to support bird populations than the application site.
- No winter bird survey was submitted as part of the application for the Glanbia /Tirlán development (PA reg ref 19/668 /ABP-306136-19)

### 6.5. Observations

6.5.1. None

### 6.6. Further Responses

A further response from the EPA was received on the 9th May 2025 confirmed that the proposed activity does not require a licence under the Environmental Protection Agency Act 1992 as amended or the Waste Management Act 1996 as amended.

An Article 11 determination (under the Waste Management (facility Permit and Registration) Regulations 2007, as amended) issued to the applicant on 1st October 2024. As per the Article 11 determination (EPA reference No. 2814), the applicable authorisation was determined as a Class 7 Waste Facility Permit.

## 7.0 Assessment

7.1. Having regard to the requirements of the Planning and Development Act, 2000, as amended, the assessment of the proposed development is divided into three parts to

include the planning assessment (section 8) environmental impact assessment (section 9) and appropriate assessment (section 10). Invariably there is a significant overlap in the assessments, and to avoid undue repetition where issues arise they are addressed in the environmental impact assessment (EIA) and appropriate assessment (AA) sections.

7.2. With regards to the Environmental Impact Assessment (section 9), Engineer with the Commission, Owen Cahill, was appointed to assist with the Environmental Impact Assessment and has assessed certain topics within this section of the report.

## 8.0 Planning Assessment

8.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main planning issues in this appeal are as follows;

- Principle of development
- EPA license
- Other Issues
- Appeal against Conditions

8.2. **Principle of Development**

8.2.1. The Ferrybank Belview LAP was adopted in December 2017 and became effective in January 2018. I note that the LAP states therein that it is valid for six years following adoption by Kilkenny County Council. Having reviewed the Kilkenny County Development Plan 2021-2027, I do not consider that there is any basis to consider that the life of the LAP was extended beyond its 6 year life. Objective 4I of the County Development Plan seeks to commence a review of the Ferrybank/Belview LAP within six months of the county Development Plan coming into effect. I note that consultation on an issues paper for the LAP took place in June and July 2024.

8.2.2. Under the 2017 LAP, the lands the subject of this appeal were primarily zoned ‘PFI – Port Facilities and Industry’, with the proposed access way and northeastern and southeastern boundary zoned as ‘Passive Open Space’. I note item 11 of the FI,

requested the applicant to indicate how the proposed development is considered consistent with this zoning and to consider alternatives. The applicant noted that this was the shortest route and would preserve more environmentally sensitive lands and landscape. The applicant also outlined that the Ferrybank Belview LAP came onto effect for a period of 6 years and is currently out of date. It is stated that the lands can therefore be considered unzoned. This response was considered acceptable by the Planning Authority. Therefore, I am satisfied that the LAP can be considered expired and that no material contraventions with the LAP arise in this instance.

8.2.3. Notwithstanding the status of the LAP, it is my view that the proposed development is consistent with the established industrial, and port uses on the adjacent ands and in the wider vicinity and should be assessed on its merits. Belview Port and the surrounding lands have been identified as a strategic employment location. The development of this strategic employment location is an important element in building critical mass of the Waterford Metropolitan Area. This objective is supported at National, Regional and Local Levels through the National Planning Framework, the Regional, Spatial and Economic Strategy, and the Kilkenny County Development Plan 2021-2027. The NPF outlines that Tier 2 Ports of National Significance, including the Port of Waterford/Belview have the existing transport links to serve a wider, national marketplace beyond their immediate region. The Kilkenny County Development Plan specifically notes that the annual value of goods through the Port was estimated at €1.7 billion in 2017, with just under 1,000 jobs in, or supported by businesses in the port zone. The proposed development will further contribute to the economy and will employ a total of 45 staff once operational. The Kilkenny County Development Plan in Section 12.8.1, also specifically supports and promotes the development of the necessary port infrastructure and associated industrial and distribution activities as well as associated rail and road connectivity required to support the development of the Port. The use of the port for the importation of gypsum, processing and transfer of the final product to domestic and overseas markets will directly support the development of the Port. I consider that the proposed development to be consistent with the National, Regional, Local Policy objectives for the overall area.

8.2.4. The proposed industrial production process involves the importation of gypsum raw material and processing of the gypsum to produce gypsum plasterboard drywall

products in standard construction sizes. Gypsum plasterboard is extensively used in the construction industry as a lightweight, sustainable material with good structural, insulation and fire resident qualities for use in residential, institutional and commercial buildings. The need for the proposed development is being driven by increased demand in general construction products. At present there is only one plasterboard manufacturer in the country, in Kingscourt, Cavan, close to where gypsum mineral is also quarried. I consider that the grant of permission would assist in realising the objectives of the NPF. The NPF has been revised and updated to take account of the changes that have occurred since it was first published in 2018. In the period between 2022 and 2040 it is expected that there will be roughly an extra one million people living in our country, with this population growth requiring new homes and new jobs. There is a projected total requirement to accommodate approximately 50,000 additional households per annum to 2040. The proposed development would provide a key construction material to aid the delivery of housing and associated services requirements.

8.2.5. The applicant has outlined that the proposed development will accept c.25,000 tonnes per annum of gypsum waste plasterboard for recycling into new plasterboard. A suite of policy documents has been published to set targets to tackle waste and promote the reuse of materials. The Waste Action Plan for a Circular Economy (WAPCE) 2020-2025 sets out the Government policy commitment to meeting targets and provides a roadmap for the circular economy in Ireland. A key measure set out in the WAPCE was to ensure a new National Waste Management Plan for a Circular Economy was developed, replacing the three existing Regional Waste Management Plans. Objective 10G of the Kilkenny County Development Plan requires the Southern Region Waste Management Plan to be implemented. I note however that the Southern Regional Waste Management Plan 2015-2021 (SRWMP) has been replaced with the National Waste Management Plan for a Circular economy (NWMPCE) 2024-2030.

8.2.6. The WAPCE notes that C&D waste is the largest waste stream in the EU representing approximately one third of all waste produced. Management of C&D waste poses a major challenge to both construction and waste industries. Having regard to the state's ambitions and vision of development over the next 40 years as set out in the NPF and NDP, it is considered vital that there is sufficient capacity for

the recovery and/or disposal of the envisaged increased construction and demolition waste.

8.2.7. The NWMPCE notes that the output of the construction sector drives the generation of construction and demolition waste and that these drivers are predicted to continue to grow during the lifetime of this plan. In Ireland in 2021, 9 million tonnes of C&D waste was generated. Soil and stone account for the largest fraction of this waste stream (c.85%). Of the non-soil and stone fraction, concrete, brick, tile and gypsum is the largest fraction at 45% followed by mixed waste at 27%, metal at 19%, bituminous mixtures at 7% and segregated wood, glass and plastic at 2%. The provisions of new infrastructure to deal with construction and development waste forms an important part of a range of policy measures to deal with waste.

8.2.8. Appendix 9 of the NWMPCE also provides guidance on the siting of waste and circular economy development, including facilities which handle construction and demolition waste. For sites handling large volumes of waste over a long period of time the road network needs to be of an appropriate quality to minimise impact. Access to the site via suitable national or regional road is preferable. Access to feedstock and access to end-markets is also an important consideration. I consider that the distance to national road, rail networks and ports has been a key consideration in the siting of the proposed development. Final product will be transported off site to indigenous locations or overseas markets. The site is located close to a high-quality transport network which includes the rail network, N29 and N25 National Roads, and materials and the final product can be moved efficiently. The proximity of the proposed development to the Port also ensures economic and environmental efficiency in relation to importation of gypsum and transfer of the final product to overseas market.

8.2.9. The circular economy has been embedded into the Climate Action Plan 2025 (CAP25). The CAP25 implements the national carbon budgets and sectoral emissions ceilings and sets out a roadmap for taking decisive action to halve national emissions by 2030 and reach net zero no later than 2050. Section 19 of CAP25 on the circular economy notes that the circular economy and climate action are inherently interlinked whereby a functioning circular economy has clear co-benefits for climate and waste. CAP25 actions are seeking solutions to the challenging problems in relation to construction materials. Key targets include a

decrease in embodied carbon in construction materials by 10% for 2025 and 30% by 2030.

8.2.10. Chapter 10 of the EIAR assesses the proposed development's impact on climate. It concludes that taking into account the construction and operational phases of the proposed development, the effects on green house gas emissions in the context of the national Carbon Budget and the relevant sectoral emissions ceilings would not be significant. Section 9.14 of this report further assess the proposed developments impact on climate. CAP25 also makes specific reference to Industrial Energy Efficiency. The proposed development would be equipped with the latest technology improving efficiency in the processing and adding value to the output generated.

8.2.11. In conclusion, while the 2017 LAP can be considered expired, I note Kilkenny County Council have commenced the process of creating a new LAP. The area is in a long established industrial/port area, and it is considered that the proposed development is consistent with the nature of the development in the area. The proposed development would assist in meeting the objectives of the Strategic Employment Area, to support the overall development of the Waterford Metropolitan Area, as set out in the NPF, RSES and County Development Plan. The proposal is designed as a modern state of the art facility, at a location that was chosen for its proximity to the national road network and to the port. As such the proposed development is considered acceptable in principle. The proposed development will also facilitate an increase in recycling and re-use of material which would contribute to increasing Ireland's circularity rate. I am satisfied that the proposed development will contribute to the objectives and targets as expressed in the NWMPCE, WAPCE and CAP25.

### 8.3. EPA Licence

8.3.1. The third-party appellant contends that there has been a flawed assessment in concluding that the facility proposed does not require an EPA licence for its gypsum and waste processing activities.

8.3.2. At the outset I note that the EPA grants and enforces Integrated Pollution Control (IPC) licences for specified industrial and agricultural activities. These are listed in the First Schedule to the EPA Act. As gypsum is a mineral, the relevant class in this regard is Class 1.3 of the First Schedule, which reads as follows;

*''1 Minerals **and** Other Materials*

*1.3 The extraction and processing (including size reduction, grading and heating) of minerals within the meaning of Minerals Development Acts 1940 to 1999, where an activity involves –*

*(a) a metalliferous operation, or*

*(b)any operation where either the level of extracted or processed minerals is greater than 200,000 tonnes per annum of the total operational yield is greater than 1,000,000 tonnes,*

*And storage of related mineral waste''*

[**bold** added for emphasis]

8.3.3. The applicant is proposing to process 195,000 tonnes of raw gypsum at the site per year. The applicant is also proposing to process 25,000 tonnes per year of gypsum waste. The appellant has noted that the applicant proposed no closure date for the development. Therefore, it is expected that the development will exceed a total operational yield threshold of more than 1,000,000 tonnes of gypsum within 5 and a half years of operation, and as such it should have been concluded that an EPA license is required for the development.

8.3.4. The appellants, Saint Gobain Construction Products (Ireland) ltd, have also outlined that their own gypsum processing operation is the only current gypsum processing operation in the country, and it is an EPA licenced operation. The appellants contend that the standards of control and licencing for a new plasterboard factory of equivalent scale should be the same as those required for any existing such development. It is argued that the EPA has not considered the licence requirements under class 1.3(b) and has only considered the requirement for a waste licence triggered by the proposed recycled waste gypsum activity.

8.3.5. The appellant also considers that the EPA should be asked to consider if the proposed recycling of waste gypsum should be considered licensable under Class 11.1. of the First Schedule. Class 11.1 reads as follows;

*11.1 The recovery or disposal of waste in a facility, within the meaning of the Act of 1996, which facility is connected or associated with another activity specified in this Schedule in respect of which a license or revised license under Part IV is in force or in respect of which a licence under the said Part is or will be required*.

8.3.6. The applicant has noted in their response to appeal that Class 1.3 is only applicable to facilities that carry out 'extraction' **and** 'processing'. It is stated that the class should be interpreted cumulatively based on the reading of the text and of the High Court's findings in Kavanagh v An Bord Pleanála [2020] IEHC 259, in which the court rejected Mr. Kavanagh's argument that the clause (electricity, steam and hot water) should be read disjunctively ("electricity or steam or hot water"), asserting it must be interpreted cumulatively ("electricity and steam and hot water"). Therefore, as no extraction processes will be carried out at the proposed development this class is not applicable. Furthermore, Class 11.1 does not apply to the proposed development as no other activity class applies. Having regard to the above, the submission of the first party in this regard appears reasonable.

8.3.7. I note that Kilkenny County Council sought Further Information in regard to this issue. Item 1 of the Further Information requested that the applicant submit a declaration to the EPA to determine if an IPC/IE or waste licence is required. In this regard, an Article 11 Declaration was requested from the EPA by the applicant. Article 11 is a mechanism by which an applicant can request a determination from the EPA as regards the most appropriate waste authorisation ((i.e. Industrial Emissions Licence, Waste Licence, Waste Facility Permit or Certificate of Registration, or none as the case may be) for a proposed activity. The EPA issued a Declaration on the 1st October 2024 which confirmed that *'a Waste Facility Permit is required under Class 7 of Part I of the Third Schedule of the Waste Management (Facility Permit & Registration) Regulations 2007, as amended'*. I note further correspondence was exchanged between the applicant and EPA in relation to whether the gypsum calcining process was a chemical process. The applicant confirmed that the process was not a chemical process. The EPA on 19th November 2024 acknowledged this, and considered the previous Article 11 determination as to have sufficiently addressed the applicant's queries.

8.3.8. I note the appeal was also referred by ABP to the EPA for comment. The EPA response was received on the 9th May 2025 and confirmed that the proposed activity does not require a licence under the Environmental Protection Agency Act 1992 as amended or the Waste Management Act 1996 as amended. It was also confirmed that an Article 11 determination (under the Waste Management (facility Permit and Registration) Regulations 2007, as amended) issued to the applicant on 1st October

2024. As per the Article 11 determination (EPA reference No. 2814), the applicable authorisation was determined as a Class 7 Waste Facility Permit.

8.3.9. The EPA are the competent authority for the administration of IPC and Waste licences and I consider it reasonable to rely upon these statements in concluding that neither a waste licence nor an IPC licence is required in respect of the proposed development. I am satisfied that the development the subject of this appeal does not require an EPA licence.

## 8.4. Other Issues

*Property Values*

8.4.1. Concerns are raised by third parties that the proposed development would have a negative impact on property values. It is noted that the Port and associated industry have been long established in the area and that these lands and surrounding lands were previously zoned for industrial and distribution uses. Belview is a Port of National Significance (Tier 2) and a Comprehensive Port on the Ten-T Network. I note that the making of a new Ferrybank/Belview LAP is underway with the support of the port and development of port facilities being a key theme in the issues paper. I consider it reasonable to assume that significant amount of land in the immediate area of the port will again be zoned for 'Port Facilities' and 'Industry'. There are a number of port and industrial related facilities already established within the area as outlined in Section 1 and Section 4 of this report. The proposed development will not result in any significant effects on landscape and visual impact. Appropriate screening measures have also been proposed. Having regard to the long-established port use in the area and associated industry and enterprise, I am satisfied that the proposed development would not have a significant adverse impact on property values. In reaching this conclusion I have had regard to the conclusions of the EIA undertaken in Section 9.0 below.

*Glint and Glare*

8.4.2. The issue of glint and glare was raised in a number of submissions on the application. The applicant has submitted a Glint and Glare Assessment prepared by Macroworks. The submitted assessment examines the potential for solar reflectance effects upon dwelling and transport routes in respect on the proposed roof-based installation on the proposed manufacturing facility. It is noted in the assessment that

there is no formal guidance in Ireland for carrying out these assessments. The methodology chosen is set out in Section 2 of the submitted report. I am satisfied with the approach taken. The report also notes that in terms of reflectance photovoltaic solar panels are by no means a highly reflective surface and are designed to absorb sunlight and not reflect it.

8.4.3. The Initial analysis presented within the assessment determines areas theoretically exposed to glint and glare effects that might warrant further investigation. These areas are referred to as an “Area of Consideration for Further Analysis”. Relevant receptors (dwellings and transport routes) that fall within these are identified. Results of the analysis identified no potential glare at either 1.7m or 4.3m above ground level for the 17 no. dwellings which occur within the ‘Area of Consideration for Further Analysis’. The results also identified no potential for glare for transport routes which occur within the ‘Area of Consideration for Further Analysis’.

8.4.4. While the assessment was carried out in the absence of any landscaping or other screening, it is noted that additional screening measures in the form of c. 3m high berms planted with a native hedgerow/woodland mix, have been proposed at locations to the south and southwest of the main development area, that screen the proposed development from residential receptors.

8.4.5. Overall, having reviewed the documentation and visited the site and surrounding area, I do not consider there to be any significant effects arising from glint and glare associated with the proposed photovoltaic solar panels.

*Planning Notices*

8.4.6. I note a number of submissions on the application raised issues with the site notices. The locations of the site notices are shown on the submitted site location plan. The notices were appropriately located at the site entrances and access road to the site. In terms of procedural matters and the alleged irregularities in terms of the nature and timing of the erection of the site notice, I note that both matters were considered acceptable by the planning authority. I am satisfied that this did not prevent the concerned party from making representations. I am also satisfied that there are no issues with the validity of the planning notices as the application does not necessitate an EPA integrated Pollution Control Licence, or an Industrial Emissions

Licence. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

8.5. **Appeal Against Conditions**

**Condition 4, 5 ,6 & 7**

8.5.1. Condition 4 requires that an 'Air Pollution Licence'' be made to Kilkenny County Council prior to works commencing on site. The applicant in their first party appeal has outlined that they fully accept that an air pollution licence will be required to be in place for the operational phase. However, it is considered unreasonable that this licence has to be applied for prior to any construction works commencing on-site. It is requested that the condition be amended.

8.5.2. Condition 5 requires that following the submission of an Air Permit License to the planning authority, should this be deemed insufficient for the operations/production onsite, the applicant shall liaise with the Environmental Protection Agency (EPA) for the submission of a Waste License Application to the EPA. The applicant in their appeal have noted that the RFI response has clearly demonstrated that the proposed development will not require an Industrial Emissions (IE) licence to operate the proposed development. Extensive consultation with the EPA has been undertaken. The EPA confirm that neither an Industrial Emissions nor a Waste Licence will be required from the EPA for the proposed development. It is requested that the condition be removed from a final grant of planning.

8.5.3. Condition 6 requires that a Waste facility permit be applied to and issued by Kilkenny County council prior to any works commencing onsite. The applicant fully accepts that a waste facility permit will be required to be in place for the operational phase. However, it is considered unreasonable that this permit has to be applied for prior to any construction works commencing on-site. It is requested that the condition be amended.

8.5.4. Condition 7 requires that following the submission of a Waste Facility Permit to the planning authority, should this be deemed insufficient for the waste generated onsite during production, the applicant shall liaise with the Environmental Protection Agency (EPA) for the submission of a Waste Licence Application to the EPA. The applicant in their appeal have noted that the RFI response has clearly demonstrated that the proposed development will not require an Integrated Pollution Control (IPC)

or an Industrial Emissions (IE) licence to operate the proposed development. Extensive consultation with the EPA has been undertaken. The EPA confirm that neither an Industrial Emissions nor a Waste Licence will be required from the EPA for the proposed development. It is requested that the condition be removed from a final grant of planning.

8.5.5. The appropriate use of conditions is comprehensively addressed in the Government's Development Management Guidelines (2007) and OPR Practice Note PN03 on Planning Conditions (2022). They provide guidance for planning authorities on the drafting and imposition of conditions and, in particular, require a condition to be necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable. It should be clearly understood that the granting of planning permission does not relieve the developer of the responsibility of complying with any requirements under other codes of legislation affecting the proposal. As outlined in Section 8.3 above, the development proposed does not require Industrial Emissions Licence or a Waste Licence. I consider that Condition 5 & 7 in this instance do not serve any purpose in relation to the development proposed and are therefore unnecessary and irrelevant. Furthermore, in general, conditions should not be imposed covering issues for which another consent or licence is required. Similarly condition 4 and 6 relate to requirements under the Air Pollution Act and the Waste Management (Facility Permit and Registration) Regulations 2007 respectively. I note that the applicant is aware of their obligations under these codes. It is not acceptable to require, by way of a condition attached to a planning permission, that a licence or some other authorisation under another code must be obtained for the proposed development.

8.5.6. I note that the first party have not sought the removal of conditions no. 4 or 6, rather that they be amended. Where the Commission do not concur with my conclusion under para 8.5.4 above, I consider that the condition should be amended such that the relevant licence or permit be obtained prior to commencement of operations on the site.

8.5.7. Having regard to the above, I recommend that Condition 4,5,6 and 7 should be removed.

**Noise, during operational phase**

8.5.8. Condition 24, part (a), requires no deliveries of materials from the port to the production facility shall take place during the hours of 2100-0700. Part (b) requires a written agreement between the applicant and Belview Port facilitating the waiting of delivery lorries during the hours of 2100-0700 following unloading campaigns. The stated reason for the restriction is in the interests of residential amenity for surrounding residents.

8.5.9. The applicant has sought to appeal the restriction on deliveries. The unloading of raw gypsum from the shipping vessel and transportation from Belview Port to the site via HGVs is proposed to take place over a 24-hour period c. 8 times per year. The applicant will, as part of the commitments within the EIAR ensure a routing policy is implemented so that where practical all movements are made via the strategic road network to avoid HGVs passing through residential areas as far as practical. The applicant will also consult with potentially affected neighbours prior to campaign events occurring and will implement a traffic management plan during these campaigns. The noise levels from the operational phase are controlled by Condition 23. In relation to condition 24(b), it is the applicants understanding that the Port of Waterford has permission to operate 24 hours, which is considered necessary, as water levels affected by tides will dictate when ships may enter or exit the port. It is requested that Condition 24 be removed. I note the planning authority appeal response and stated rationale for the condition.

8.5.10. The issues raised by the third parties in relation to noise have been addressed in the EIA section of this report (Section 9.0 below). The Noise chapter of the EIAR has assessed the impact of the construction and operational phases of the proposed development, including the scenario for unloading boats and delivery of gypsum material to the proposed development during the operational phase (Model B). The modelling found that predicted noise levels for the night-time period showed exceedances of the respective NG4 threshold of 45dB at two of the noise sensitive receptors. These exceedances were predicted to occur at NSR01 and NSR07 with a calculated cumulative noise level of 47dB and 50dB respectively, an increase of +4dB and +7dB respectively.

8.5.11. Acknowledging the exceedances at NSR01 and NSR07, the EIAR refers to BS 8233:2014 which requires internal noise levels for sleeping activity located in the bedroom to be at 30dB. The assessment also refers to the section in that guidance

which allows for a 5dB allowance for development which is considered necessary thus adopting a 35dB internal noise threshold. The EIAR also relies on World Health Organisation (WHO) Guidelines for internal noise levels where a 15dB reduction from outside to inside is assumed. This brings the measured levels for the two locations, NSR01 and NSR07, to and below a 35dB threshold which includes the 5dB allowance discussed above. Considering all predicted exceedances were identified from the modelling of the night-time period when receptors are more generally found to be indoors, it is considered that the likelihood of an effect is lowered considerably and adopting the WHO guidance in this case is appropriate. It is noted that each of these unloading campaigns will be short in duration but will continue to occur long-term. These unloading campaigns will be infrequent with a limited number of events per annum. I note that the predicted impacts for Model B are prior to any mitigation proposed. Operational noise mitigation proposals include 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. In conclusion, I am satisfied that the proposed impact is not significant, and that adequate protection of residential amenity will be ensured through the measures embedded in the design, proposed mitigation measures, and through the attachment of a separate condition attached to any grant of permission in relation to required noise levels. In reaching this conclusion I have had regard to the conclusions of the EIA undertaken in Section 9.0 below, in particular Section 9.14 in relation to noise.

8.5.12. Furthermore, with regards to part (b) of the condition and the required written agreement between the applicant and Belview Port to facilitate the waiting of delivery lorries, it is not known if such a condition is enforceable. It is considered that such an operation would be the subject of considerable planning and scheduling with suppliers and the port authorities. I note the OPR Practice Note PN03 on Planning Conditions (2022) states that conditions should not require the agreement of details with bodies other than the planning authority. In this regard, I am not satisfied that the attachment of such a condition is appropriate.

8.5.13. I recommend that Condition 24 is removed.

# 9.0 Environmental Impact Assessment

## 9.1. Statutory Provisions

Schedule 5, Part 2, Class 10 and Class 11, requires EIA for the following;

*"10 Infrastructure Projects*

*(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*

*(l) Groundwater abstraction and artificial groundwater recharge schemes not included in Part 1 of this Schedule where the average annual volume of water abstracted or recharged would exceed 2 million cubic metres."*

*"11. Other Projects (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule."*

Section 1.5.2 of the EIAR sets out that the area of the proposed development will exceed 10 hectares and is in an area which can be classified as a built-up area in Gorteens, near Belview Port and thus exceeds the threshold for mandatory EIA.

Section 1.4.2.2 of the EIAR sets out a proposed groundwater abstraction volume of 7.5m3/hr or 180m3/day which is therefore calculated as 65,700 m3 per annum. The proposed abstraction volumes are sub-threshold and a mandatory requirement for EIA is not required with respect to this class.

The proposed development will accept what is stated as to be in the region of 25,000 tonnes per annum of plasterboard waste. The applicant has indicated that there is potential for exceeding this threshold and therefore, this triggers a mandatory requirement for EIA.

## 9.2. EIA Structure

This section of the report comprises the environmental impact assessment of the proposed development in accordance with Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended

by 2014/52/EU). Section 171 of the Planning and Development Act, 2000 (as amended) defines EIA as:

a. consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and

b. includes an examination, analysis and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

Article 94 of the Planning and Development Regulations, 2001 and associated Schedule 6 set out requirements on the contents of an EIAR.

This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

The assessment provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission's decision, should they agree with the recommendation made.

## 9.3. Issues Raised in Respect of EIA

The third parties raised a number of concerns regarding the EIA. These are addressed under each of the relevant chapters. Issues raised generally in respect of EIA by parties to the appeal are:

- Water Supply
- Landscape/Visual Impact
- Noise
- Flooding
- Traffic

The third party appeal has also raised concerns over the adequacy of the EIAR in relation to the following items;

- Winter birds
- Stormwater outfall
- Compliance with the relevant EIA directives and regulations
- Cumulative Impact

## 9.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001

Compliance with the requirements of Article 94 and Schedule 6 of the Regulations is assessed below.

| **Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)** |
|---|
| A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b). |
| *A description of the proposed development is contained in Chapter 3 of the EIAR including details on the location, site, design and size of the development, arrangements for access and construction methodology, emissions/waste to be generated. In each technical chapter of the EIAR, details are provided on use of natural resources and the production of emissions and/or waste (where relevant). It is noted that the proposal involves demolition works to existing on-site ruins and an agricultural shed.* |
| A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b). |

| |
|---|
| *An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.* |
| A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b). |
| *The EIAR includes designed in mitigation measures and measures to address potential adverse effects identified in technical studies. These, and arrangements for monitoring, are summarised in Section 18 of the EIAR (Schedule of Commitments) and the Preliminary Construction Environmental & Waste Management Plan.* |
| A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b). |
| *A description of the alternatives considered is contained in Chapter 4 of the EIAR. The alternatives considered include, 'do nothing', site selection, and alternative layout and design. The main reasons for opting for the current proposal were based on minimising environmental effects. I am satisfied, therefore, that the applicant has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons for opting for the current proposal before the Commission and in doing so the applicant has taken into account the potential impacts on the environment.* |
| **Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).** |
| A description of the baseline environment and likely evolution in the absence of the development. |
| *A description of the baseline environment is included in each technical chapter of the EIAR. I am satisfied this is sufficient to enable the assessment of likely effects and to enable decision making.* |
| A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved |
| *The methodology employed in carrying out the EIA, including the forecasting methods is set out, in each of the individual chapters assessing the environmental effects. The applicant has indicated in the different chapters if difficulties have been encountered in compiling the information to carry out EIA.* |
| A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it. |
| *The risk of accidents and unplanned events have been assessed in relevant specialist chapters of the EIAR. Specific risks have been identified in relation to the vulnerability of the project to fire, flood, explosions and oil/fuel spills. These risks are reasonable and are assessed in my report. I consider that the applicant's approach to major accidents and disasters is adequate and allows for a full and proper assessment.* |
| Article 94 (c) A summary of the information in non-technical language. |
| *This information has been submitted as a separate standalone document (Vol 1). I have read this document, and I am satisfied that the document is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.* |
| Article 94 (d) Sources used for the description and the assessments used in the report |
| *The sources used to inform the description, and the assessment of the potential environmental impact are set out at the end of each chapter.* |

| Article 94 (e) A list of the experts who contributed to the preparation of the report |
| --- |
| *A list of the various experts who contributed to the report are set out in Tables 1-9 and 1-10 in Chapter 1 of the Report. The tables also set out details of the individual's expertise, qualifications which demonstrates the competence of the person in preparation of the individual chapters within the EIAR. I am satisfied that the EIAR has been prepared by experts with competency in the technical subject areas.* |

## 9.5. Consultations

Third party submission on the application raised concerns that community consultation was not carried out.

Details of the consultations entered into by the applicant with relevant stakeholders is set out in Section 1.11 of the EIAR.

The application has been submitted in accordance with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) in respect of public notices. Submissions have been received from statutory bodies and third parties and are considered in this report, in advance of decision making.

I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development advance of decision making.

## 9.6. Compliance

Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment of likely significant effects, below.

## 9.7. Examination of Alternatives

Article 5 (1) (d) of the 2014 EIA Directive requires:

*"(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;"*

Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

*"2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for electing the chosen option, including a comparison of the environmental effects."*

The matter of alternatives is addressed in Chapter 4 of the EIAR.

*Alternative Locations*

Proximity to a Port for the importation of bulk raw materials was a key consideration of alternative locations. Alternative locations surrounding Tier 1, Tier 2 and Tier 3 ports were considered. Tier 1 ports were discounted at an early design stage as this would involve the shipping of gypsum to ports further away from the source of the raw materials than the import location at Belview. Existing traffic and transport links to these ports are also considered constrained. The Port of Waterford and Rosslare Port (Tier 2 ports) are suitable in terms of required vessel size and berthing depth requirements. These ports have existing transport links to serve a marketplace beyond their immediate region. Tier 3 ports were discounted early in the process as they were considered not suitable due to size of the incoming vessels and berthing requirements.

*Alternative sites*

Alternative sites for the proposed development on lands in proximity to Belview Port/Port of Waterford were also considered. A number of separate land parcels in the vicinity of the subject site were discounted due to the presence of gas and electricity wayleaves, the presence of hedgerows and ecological receptors and the proximity of sensitive receptors.

*Alternative Design and Layout*

Alternative Site Layout A is shown Fig 4-1 and provides for an access route to the west of the site. This layout was considered unsuitable with the main constraint relating to the requirement to sever the ecological corridor, through the removal of trees and hedgerows along the proposed access route to the west.

Alternative Site Layout B is shown in Fig 4-2 and provides for a proposed access route to the west behind the existing sheds and also a proposed access route to the east. The layout was discounted for reasons similar to that outlined for Site Layout A above.

*Selection of proposed development*

The proposed layout ensures the main site development area avoids the severing of ecological corridors and removal of as many trees/hedgerows as possible. The entrance/internal access road is located to east of the site in an area of scrub considered to be of low ecological value. The proposed access minimises new road construction and utilises existing road infrastructure to the east, at a remove from sensitive residential receptors.

The factory is a long rectangular building and includes a c. 140m long conveyor. The layout is maximised to follow the plasterboard manufacturing process. The building maximises energy efficiency and will allow surplus heat generated from the calciner to be reused via a heat exchanger. The building orientation also includes for solar PV panels. The process design includes proposals to reduce water demand.

*''Do Nothing'' Alternative*

The EIAR notes that while the site is an agricultural/greenfield site, it has previously been zoned for 'Industrial and Port Related Operations' within the Ferrybank Belview Local Area Plan 2017. It is considered unlikely that the site would remain in agricultural use. In the event that the site is not developed, an alternative site would be sought to ensure the future viability of business opportunities are achieved. A 'do nothing' scenario would adversely impact on the economic development of GABM limited and employment and social benefits for the local area would not be realised.

*Conclusion*

The applicant contends that the preferred option subject of the application is the most feasible availing of existing infrastructure and minimising transport requirements.

I consider the requirements in terms of reasonable alternatives have been satisfactorily addressed and the reasoning for the preferred option explained. It indicates how the proposed design evolved and how it was adjusted to take into

consideration environmental effects. On balance, therefore, I consider that the requirements in terms of reasonable alternatives have been satisfactorily addressed and the requirements of the EIA Directive in this regard have been met.

## 9.8. Assessment of Likely Significant Effects

9.8.1. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the following headings, as set out Section 171A of the Planning and Development Act 2000, as amended:

- Population and human health.
- Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (Directive 92/43/EEC and Directive 2009/147/EC respectively).
- Land, soil, water, air and climate.
- Material assets, cultural heritage and the landscape.
- The interaction between these factors.
- The vulnerability of the proposed development to risks of major accidents and/or disasters.

9.8.2. In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised in the appeal/application.
- Examination of the EIAR.
- Analysis, Evaluation and Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects

9.8.3. Engineer with the Commission, Owen Cahill, was appointed to assist with the Environmental Impact Assessment and has assessed the following Chapters of the EIAR;

- Land, soil, and geology
- Water
- Air
- Climate
- Noise and Vibration
- The interaction between impacts on different factors.

## 9.9. Population and Human Health

***Issues Raised***

Issues raised within the appeal in respect of population and human health relate to impacts on residential amenity associated with the loss of visual amenity, increase in noise and traffic and impacts on water.

***Environmental Impact Assessment Report***

Chapter 5 addresses the impact on Population and Human Health and considers direct or indirect effects arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

Other matters which would have a direct bearing on population and human health such as water, air and climate, noise, traffic and landscape are addressed under the corresponding headings below. Invariably there is overlap and I recommend that they be read in tandem.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

***Baseline***

Residential development in the vicinity is made up of one-off housing and linear development. 12 no. residential dwellings close to the boundary of the site have been mapped in Figure 5-3 of the EIAR. Several of these residential properties are located along the L3482 local road that runs to the west of the site boundary and a small cluster of residential dwellings are located to the south of the site boundary. The Port is located to the southeast of the site. Other employment opportunities in the area include Smartply and Store All (distribution), SeedTech, Store All Warehousing, Suir Shipping, Belview Bulk Storage, Target Fertilisers and O'Brien Cement, Wislon Salt Ireland Ltd, Signode Ireland and Glanway. Tírlan and Kilkenny Cheese are located to the southwest of the site.

CSO figures from 2022 census data are provided. There were changes to the Small Areas (SA), Electoral Divisions (ED) and Local Electoral AEA (LEA)boundaries between 2016 and 2022 Census so while corresponding figures are provided, they are not directly comparable. As per the 2022 census data, the site is within Small Area A097091004/01 which includes the local population centre of Rathpatrick, and is stated as having 155 permanent private households.

The Institute of Public Health Ireland (IPHI), Health Impact Assessment Guidance sets out a methodology for the determination of the health sensitivity of a local population. The population of the Small Area was considered in terms of the categories set out within this guidance. The results of this consideration are set out in Table 5-7 of the EIAR. The overall sensitivity of the population of the Small Area to any resulting impact is considered to be "Low".

***Potential Effects***

The EIAR identifies the potential for a range of environmental effects on Population and Human Health. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 1 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

**Table 1: Summary of Potential Effects**

| Project Phase | Potential Effects |
|---|---|

| | |
|---|---|
| Do nothing | Given the location of the site, it is unlikely that it would remain in agricultural use. Employment and associate social benefits for the local area would not be realised. |
| Construction | Risk to human health in terms of water, air quality, climate, acoustics, landscape and visual, cultural heritage, traffic and transport, natural resources, energy and waste and water supply and wastewater treatment.<br>Workplace health and safety risks<br>Unplanned events<br>During Construction it is estimated that 100 jobs will be created. |
| Operation | Risk to human health in terms of water, air quality, climate, acoustics, landscape and visual, traffic and transport, natural resources, energy and waste and water supply and wastewater treatment.<br>Workplace health and safety risks<br>Unplanned events<br>Once operational the proposed development will provide c.45 new full time jobs. |
| Cumulative | Cumulative effects with regards to specific topics and human health are dealt with in each chapter. |

**Mitigation Measures**

Mitigation measures against the potential effects from the proposed development which may impact on human health, or the local population are considered within the specific chapters for each topic which would have a bearing on population and human health (Chapter 7: Land, Soils and Geology, Chapter 8: Water, Chapter 9: Air Quality, Chapter 10: Climate, Chapter 11: Acoustics, Chapter 12: Landscape and Visual Impact, Chapter 14: Material Assets Traffic and Transport). Detailed health and safety plans will be developed for both construction and operational phases.

**Residual Effects**

There will be a positive long-term effect on the local economy and employment.

Subject to adherence to appropriate mitigation measures, design standards and construction and operational management plans, it is considered that any residual effects from the proposed development are not significant in terms population and human health.

**Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 5 of the EIAR, all of the associated documentation and submissions on file in respect of health and population. I am satisfied that the applicant's understanding of the baseline environment is comprehensive and that the key impacts in respect of likely effects on health and population, as a consequence of the development have been identified.

Some direct and indirect positive effects will arise with local economic effects. Direct jobs will be created by the proposed development at construction and operation phase. Indirect jobs will also be created through the increased use of materials and logistics.

While there is potential for effect in terms of noise, dust, water or traffic on residential properties close to the appeal site, on the basis of the information presented, it is considered that the proposed development would not be likely to have a significant effects on such properties. I am satisfied that significant effects can be avoided, managed and mitigated by the measures proposed that form part of this scheme. The proposed development will not give rise to significant landscape or visual effects as the development will integrate with its surrounding, landscape screening and distance effects in view from the surrounding area. These topics are assessed in further details in the sections below.

As with all industrial facilities, there is a potential for workplace health and safety risks. Detailed health and safety plans will be developed for both construction and operation stage. It is noted that accidents or disasters outside the operator's control could result in a risk to the local population. Such incidents could include fire, flood, explosions or oil/fuel spills. In practise these incidents are unlikely due to control measures. Fire prevention, detection and fire-fighting facilities will be present at the

site. The manufacturing process undertaken provides very few sources of ignition. Plasterboard is a fire-resistant material. Potential combustible materials will be segregated on site. I am satisfied that effects deriving from major accidents and/or disasters are not likely.

**Conclusion: Direct and Indirect Effects**

Having regard to the foregoing, I am satisfied that impacts predicted to arise in relation to population and human health would be minimal and can be managed and mitigated by the measures which form part of the proposed scheme, specified mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects in terms of population and human health.

9.10. **Biodiversity**

**Issues Raised**

The third parties raised concerns that the EIAR is inadequate as it does not take account of the impacts on wintering birds or on protected Natura 2000 sites.

***Environmental Impact Assessment Report***

Chapter 6 addresses the impact on Biodiversity and considers any direct or indirect effects arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The assessment methodology included a desktop study of available data. The following surveys were also carried out:

- Initial Site Assessment – March 2023
- Habitat Survey – May 2023
- Badger Habitat Suitability Assessment – March 2023
- Camera trap Survey for 9 no. nights – April 2023
- Bat Survey work – June, July & August 2023
- Bird Transect Survey - April, May and July 2023

- Arboricultural Assessment – October 2023

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR. However, survey limitations are outlined in Section 6.2.4.2 of the EIAR. It was noted during the first detailed ecological survey undertaken at the site in March 2023 that two sections of hedgerows had been recently removed. This included a section of hedgerow c. 125m in length that separated 3 no. fields in the northern section of the site and also a section of hedgerow/treeline c. 30m in length along the western site boundary. The applicant has advised that these hedgerows had been removed by the landowner in February 2023. These 2 no. sections of hedgerows / treelines were unable to be surveyed as part of the EIAR.

The following appendices are attached to Chapter 6

- Appendix 6-1 – Bat Report
- Appendix 6-2 - Bird Report
- Appendix 6-3 – Arboricultural Assessment Report
- Appendix 6-4 – Landscape Plan
- Appendix 6-5 – Guidance for the Creation of an Artificial Badger Set
- Appendix 6-6 – Lighting Design Report

A Natura Impact Statement Appropriate (including Appropriate Assessment Screening Report) was submitted as a standalone document. To avoid any repetition the potential impact on the European sites is addressed in Section 10 below and Appendices 2 and 3.

***Baseline***

*Habitats:* The site comprises agricultural lands with treelines and hedgerows. Improved Agricultural grassland was the dominant habitat on site. Buildings and Artificial Surfaces (BLS) within the site comprise of 2 no. derelicts buildings and one agricultural shed located within the centre of the site. There is also an area of hardstanding previously used as an agricultural yard. Mixed Broadleaf Woodland (WD1) was located on the northeastern section of the site. Areas of Scrub (WS1) were located in close proximity to the derelict building and agricultural shed within

the centre of the site and within the eastern portion of the site. Hedgerow/Treeline (WL1/WL2) provide the principle field boundaries.

The arboricultural assessment undertaken concluded that the existing tree population on the site comprises mature and over mature alder with a limited life expectancy and ash trees that are infected with Ash Dieback and also have a limited life expectancy. The existing hedgerow are sparse in places and are compromised with moderate quality trees. None of the trees on-site were considered to be high quality trees.

*Amphibians:* No observations of amphibians within the site. No waterbodies or drainage ditches were noted in the vicinity of the site which would provide suitable breeding habitat for amphibians. The grassland habitat may be suitable for amphibians during the terrestrial phase of their lifecycle.

*Bats:* The Bat Surveys undertaken at the site did not identify any roosting bats within the buildings surveyed. Bats were identified foraging and commuting over the hedgerow/treelines. Static monitoring identified between low and high levels of various bat species within the study area. It was concluded that the site is of moderate value to foraging and commuting bats.

*Badgers:* Evidence of badger was identified during site surveys in the form of paw prints, mammal paths and latrines. An outlier badge set was identified on site. It is considered that the on-site habitats and surrounding area provide suitable habitat for foraging and commuting badger.

Birds: There are no on-site waterbodies that are considered suitable for wintering waterbirds or wildfowl. Given the level of disturbance onsite from agricultural practices and levels of industry surrounding the site, it is not considered that the site is of importance for this species, and it is likely that this species will utilise areas closer to the River Suir / Waterford Estuary.

During the breeding bird surveys, a total of 26 no. species were recorded. One Red-listed BoCCI, non-Annex I species was recorded, the swift. Of the species recorded three were classified as ‘Confirmed Breeding’; buzzard, goldfinch and barn swallow. An active buzzard nest was noted in the hedgerow / treeline, goldfinch chicks were heard calling from a hedgerow and a barn swallow nest was noted in the agricultural

shed. In addition, 15 no. other species were classified as 'Possibly Breeding' and 8 no. species were classified as non-breeding.

*Otter:* No evidence of otter was noted during the site surveys. Additionally, no suitable habitats were identified within the site or in the vicinity of the site for holting, foraging or commuting otters.

*Invasive Species:* No invasive species were recorded during the site surveys.

***Potential Effects***

The EIAR identifies the potential for a range of environmental effects on Biodiversity. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 2 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

**Table 2: Summary of Potential Effects**

| Project Phase | Potential Effects |
|---|---|
| **Do nothing** | Not examined for this factor in the EIAR. However, it is reasonable to conclude that if the proposed development does not proceed, the lands would continue to be used for agricultural purposes. The potential for impacts on biodiversity would not occur. |
| **Construction** | Loss of vegetation<br>Loss of nesting, foraging and commuting habitat for birds, bats and terrestrial mammals.<br>Disturbance to habitats and species<br>Closure of an outlier badger sett<br>Change to water quality (hydrological link to River Suir) |
| **Operation** | Lighting Impacts on bats |
| **Cumulative** | No significant effects envisioned. |

***Mitigation Measures***

A comprehensive and extensive range of mitigation measures are set out in Section 6.5 of the EIAR. It is noted that a detailed Construction Environmental Waste Management Plan (CE&WMP) has been prepared as part of this planning application and will be updated by the main contractor. An ecological clerk of works (ECoW) will be appointed for the duration of the project. Specific protection measures will be employed during construction for water quality, hedgerows and trees, bats, non-volant mammals, breeding birds and invasive species. Updated surveys and consultation with the NPWS will be undertaken in relation to Badgers. If the identified outlier sett or other setts are still in active use, a licence from the NPWS for the closure of the sett will be required. Operational measures include a lighting strategy and ecological enhancement measures including construction of an artificial badger set and erection of bat boxes and bird boxes.

***Residual Effects***

The EIAR considers that the proposed landscaping will result in the creation of new habitats on site which will have a positive effect on local ecology.

Subject to adherence to appropriate mitigation measures, design standards and construction and operational management plans, it is considered that any residual effects from the proposed development are not significant in terms Biodiversity.

***Analysis, Evaluation and Assessment: Direct and Indirect Effects***

I have examined, analysed and evaluated the information provided in Chapter 6 and all the associated documents and submissions on file in respect of biodiversity. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides suitably comprehensive range of mitigation and monitoring measures in Sections 6.5 and 6.7 to reduce any potential impacts.

A dense section of mixed broadleaf woodland c.1,562m$^2$ will need to be removed to facilitate the new access road into the site. This section of woodland is described as immature in the EIAR and based on aerial imagery appears to have been planted c.2009. In order to compensate for the loss of this area and the general loss of the vegetation, c.10,562m$^2$ of screening tree planting mix is proposed as part of the proposed development. Having regard to the condition of existing trees and the proposed landscaping masterplan for the site, which includes significant replacement

planting, I consider that biodiversity impacts associated with the loss of trees would be limited.

No evidence of bat roosts were found on site, however commuting and foraging bats were observed on site. A pre-construction survey will be carried out to ensure there are no bats roosting in the buildings to be demolished. The net increase in landscaping will increase the provision of foraging and commuting habitats and will ensure landscape connectivity. The proposed lighting design has been designed to reduce the potential to negatively impact light sensitive bat species. I am satisfied that subject to adherence to mitigation measures the impact of the proposed development on the local bat population would not be significant.

Evidence of badgers were found during site visits. The site provides suitable foraging, commuting and sett construction habitat for badgers. Prior to the commencement of construction onsite, updated surveys and consultation with the NPWS will be undertaken. If the identified outlier sett or other setts are still in active use, a licence from the NPWS for the closure of the sett will be required. Mitigation measures will be implemented in line with the NRA 'Guidelines for the Treatment of Badgers Prior to the Construction of National Road Schemes' and an artificial badger sett will be constructed in the vicinity of the site. The artificial sett will be installed 6 month in advance of the closure of the outlier sett. I am satisfied that subject to adherence to mitigation measures the impact of the proposed development on the badger population would not be significant.

The site is not considered to be of significant importance for any breeding bird species. However, it is acknowledged that the proposed development would result in the loss of suitable habitat for the birds. To mitigate against this loss, it is proposed that any demolition of buildings or vegetation clearance would be undertaken outside of nesting season (March – August). Any vegetation clearance within nesting season a nesting bird check would be carried out by a suitably qualified ecologist. Nest boxes will be provided in locations deemed suitable by an ecologist once construction is completed, to ensure replacement nesting opportunities are available.

The third party raises issues with regards to the adequacy of the assessment in relation to Winter Birds. The Winter Bird Assessment in Section 4.2 of the Bird Report notes that of the 35 no. species recorded in the I-WeBS from 2012/2013

winter season to 2021/2022 winter season, only one has been recorded by the NBDC within 2km of the site in the last ten years, the Eurasian curlew. The assessment considers that given the level of disturbance onsite from agricultural practices and levels of industry surrounding the site, that the site is not of importance for these species. Winter birds tend to prefer habitats such as mudflats, marchlands and grasslands adjacent to the coast. It is likely that these species will utilize areas closer to the River Suir/Waterford Estuary. The habitats onsite may provide suitable roosting habitats. The retention of these habitats and the implementation of the landscape plan will provide suitable habitats for both foraging and roosting winter birds. The Bird Report includes a Statement of Authority outlining the qualification and experience of those involved in its preparation. I am satisfied that the report has been prepared by suitably qualified and informed experts, and that the conclusions are reasonable. I note that the third parties have not presented any contrary evidence. I am satisfied that there would be no significant impact on wintering birds.

Otter general mitigation measures will be implemented on-site, including in relation to water quality. This will ensure no potential impacts to species including otters which may be utilising the wider area or downstream of the proposed drainage connection. Further details on the impacts on water quality are set out in Section 9.12 below and in relation to Appropriate Assessment in Section 10, Appendix 2 and Apeendix3.

***Conclusion: Direct and Indirect Effects***

Having regard to the foregoing, I am satisfied that impacts predicted to arise regarding biodiversity and European Sites (See section 10 and Appendices 1 and 2) would be avoided, managed and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of biodiversity.

9.11. **Land, Soils and Geology**

***Issues Raised***

The third parties raised concerns in relation to the potential for contamination of the groundwater source that supplies a number of domestic wells which is the primary

source for these private dwellings. This concern is raised in the context of the Waterford (IE_SE_G_149) groundwater body which underlies the site of the proposed development. The groundwater vulnerability across the site varies from moderate, high and extreme in some areas. This is assessed in terms of impacts on water quality in Section 9.12 but as the vulnerability is determined on depth and permeability of soils, the impact of the proposed development on the overlying soils which determines this vulnerability is assessed.

***Examination of the EIAR***

*Context*

Chapter 7 addresses the impact on Land, Soils and Geology and considers any direct or indirect effects on these resources arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

The following appendices are attached to Chapter 7:

- Appendix 7-1 Borehole logs for the production wells and monitoring wells.
- Appendix 7-2 Soakaway Pit Test Results.

*Baseline*

Land: The site is currently in use as agricultural pasture. The lands to the north of the site include warehousing and various industry as well as Belview Port. The site levels as outlined on the Existing Site Layout vary from 34mAOD to a maximum of 57mAOD.

Soils: The Geological Survey of Ireland (GSI) and Teagasc have categorised the soil type at the site as AminDW soil (deep well drained mineral (mainly acidic)) AminSW (shallow well drained mineral (mainly acidic)) soils.

The site is relatively undisturbed other than for works associated with its agricultural use. Historical development at the site is limited to a now derelict dwelling with some

outbuildings and agricultural sheds. The soils classification are therefore as per the original characterisation

Geology: The site is primarily felsic volcanics from the Campile Formation, with a mafic unit of Dolerite intersecting with the northwest corner of the site and Ross Member to the west. The site is predominantly till to the south and west derived from Devonian sandstone. A small region of bedrock outcrop/subcrop on the southern tip of the site, with the northern section of the site also composed of outcrop/subcrop. The remainder of the site is comprised of till predominately derived from Lower Palaeozoic shales.

*Potential Effects*

The EIAR identifies the potential for a range of environmental effects on Land, Soils and Geology. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 3 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

**Table 3: Summary of Potential Effects**

| Project Phase | Potential Direct, Indirect and Cumulative Effects |
|---|---|
| **Do Nothing** | Not examined for this factor in the EIAR. However, it is reasonable to conclude that if the proposed development does not proceed, the lands would continue to be used for agricultural purposes. The evolution of the lands under such a use would be consistent and repetitive year on year in that the lands will vary in use from grazing, cutting and land spreading during dry spring/summer months with little or no activity in the autumn/winter months. |
| **Construction** | Potential pollution of soil and subsoil from accidental leaks or spills.<br>Excavation of soil and subsoil to accommodate the buildings, infrastructure and access arrangements and the loss of productive agricultural lands. |
| **Operation** | Loss of productive agricultural lands. |

| | |
|---|---|
| | Potential pollution of soil and subsoil from accidental leaks or spills.<br>Surface water discharge from newly constructed impermeable areas to a soakaway pit.<br>Unplanned events such as accidents at the site or disasters outside of the operator's control such as collisions, traffic accidents or fires which could result in the release of contaminants to soil. |
| **Cumulative** | No significant effects envisioned. |

***Mitigation***

Mitigation measures to avoid, reduce or offset any potential adverse impacts on land, soils and geology are outlined in Section 7.6 of the EIAR. Many of the mitigation measures are embedded in the design and based on current best practice guidelines. Notable measures during the construction and operational phases include:

*Construction Phase*

- The reuse of all excavated soils and subsoils for the construction of berms to provide screening at the site boundary to the west and southwest
- The proposals for stockpiling of material including the provision of surrounding berms to prevent run-off, dampening to prevent dust dispersion and positioning of stockpiles away from each other and from access roads.
- Refuelling procedures in a controlled manner by suitably trained personnel and adequate storage and bunding of fuels.
- The provision of emergency spill kits for dealing with accidental spills.
- Measures for handling of concrete including the proper planning of major concrete pours, the provision of a dedicated concrete washout area, methods of pouring and placement of concrete and the provision of a wheel wash facility.

*Operational Phase*

- A proposal to undertake integrity testing of all underground tanks and pipe networks during the operational phase.
- The loading, unloading and storage of materials, particularly gypsum and gypsum-based products indoors to protect against spills and run-off.

***Residual Effects***

Subject to adherence to appropriate mitigation measures, design standards and operational management plans, the EIAR considered that any residual effects from the proposed development are not significant in terms of land, soils and geology.

***Analysis, Evaluation and Assessment: Direct and Indirect Effects***

I have examined, analysed and evaluated the information provided in Chapter 7 of the EIAR and all the associated documents, including the applicant's response to the further information request, and submissions on file in respect of Land, Soils and Geology. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides a suitably comprehensive range of mitigation in Section 7.6 of the EIAR to reduce any potential effects within the site.

As the proposed excavation of soil and subsoils would occur above the water table and groundwater body, there is some overlap between this Land, Soils and Geology with Water. In the interest of clarity this assessment is focused on the impact on Land, Soils and Geology and the impact on Water is addressed below in Section 9.12.

Land: The proposed development will comprise the excavation and development of the site as well as proposals to reinstate areas and re-use all excavated soils and subsoils on site for the construction of berms. The loss of agricultural land and replacement with a productive industrial use will balance any effects associated with the loss of the current land use. Considering this and the various mitigation measures proposed to protect and maintain the area during construction and operation, I am satisfied that the proposed development would not result in significant effects on land use.

Soils and Subsoils: The proposed development will result in the removal of soils and subsoils permanently from their current location to facilitate the construction of the

proposed buildings and associated infrastructure. The excavation of soils will occur above the water table, the advantages of which are discussed in Section 9.12 (Water).

Where piling is required, the use of precast concrete piles has been proposed which will limit the use of batched concrete for this element to just the pile caps which will be cast in-situ.

The excavation volumes for soils and subsoils as set out in Table 3-1 of the EIAR is not a large volume of material when considered in the context of the development footprint. These soils and subsoils will remain on site for reuse. Therefore, I am satisfied that the impact on soils and subsoils, subject to appropriate mitigation, would be not significant.

Geology: Having regard to the proposed development, the excavation and development of the site, and noting the small areas of rock near/at the surface, I am satisfied that the proposed development would not result in significant effects on the geology of the area.

***Conclusion***

I have considered all of the written submissions, and any specific points made in relation to land, soils and geology as well as the submitted application documentation. I am satisfied that any potential impacts would be avoided, managed and mitigated by the measures which form part of the design of the proposed development, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of land and soil.

## 9.12. Water

***Issues Raised***

The third parties raised a number of concerns in relation to water. These are summarised as follows:

- Groundwater abstraction which is proposed as one of the means of supplying water to the proposed development.

- Potential for contamination of the groundwater source that supplies a number of domestic wells.
- Potential for flooding based on a previous flood event at the Luffany stream which was as a result of obstruction and how potential sediment run-off from the proposed developed may result in further obstruction and may exacerbate the flood potential of the Luffany watercourse.

***Examination of the EIAR***

*Context*

Chapter 8 addresses the impact on Water and considers any direct or indirect effects on this resource arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information. Chapter 16 addresses the impact on local water and wastewater treatment/delivery infrastructure as material assets. The detail provided within that chapter is considered as part of this overall assessment of the impacts on water.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

The following Appendices are attached to Chapter 8:

- Appendix 8-1 Analytical results for groundwater
- Appendix 8-2 Laboratory Reports
- Appendix 8-3 Data and Graphs
- Appendix 8-4 Past Flood Event Local Area Summary Report

The Planning Authority raised concerns over the proposed dual water supply and the potential for cross contamination, the groundwater abstraction proposal and the need to delineate the zone of contribution, the nature of any trade effluent associated with the development and the potential for contamination of surface waters as result of the proposed development.

In response, the applicant provided details of the proposed water storage tank arrangement for abstracted water which will be equipped with shut-off and changeover valves to prevent cross-contamination. In regard to water abstraction,

the response included a Groundwater Feasibility Study which provided a zone of contribution. The findings of this study are considered as part of this assessment. In response to the question regarding a trade effluent discharge, the applicant confirmed that the process will not generate a trade effluent as there is no discharge from the process. Water will evaporate during the process and the evaporated water will be harvested for re-use. In terms of impacts on surface water, the response referred to the fact that all processing and materials handling will occur indoors ensuring all materials will be contained. The response also refers to the drainage proposals set out in the overall design, the details of which are considered as part of this assessment.

The planning authority considered that this item of further information was adequately addressed by the applicant

*Baseline*

Surface Water and Groundwater: The nearest surface waterbody to the site of the proposed development is the Luffany_010 (IE_SE_16L680750) which is located ca. 470m east of the site, at its closest point. Two streams form part of the Luffany_010 waterbody, the Luffany Stream and the Drumdowney Lower Stream (IE_SE_16L680750), which merge east of the site . Both streams flow southeast and continue southeast after merging, flowing into the Lower Suir Estuary (Little Island - Cheekpoint). The site is located within the Suir Catchment (Catchment ID: 16) and sub catchment Blackwater [Kilmacow]_SC_010 (subcatchment ID: 16_29).

The bedrock aquifer underlying the site is classified as a (Rf) Regionally Important Aquifer – Fissured bedrock. The site is underlain by the Waterford (IE_SE_G_149) groundwater body. The groundwater vulnerability across the site varies from moderate, high and extreme in some areas.

Water Supply: There are no public supply source protection areas in the vicinity of the site. The closest area is the Glenmore Public Water Supply (PWS) which is located ca. 9.6km to the north of the site.

The EIAR and subsequent Further Information Response outlined that 12 no. groundwater wells are recorded within a 2km radius of the site by the GSI.

Wastewater: The proposed development will connect to the existing Uisce Eireann foul drainage system via a manhole which is located outside the site boundary in the public road located to the southwest of the site. The Uisce Eireann foul drainage system discharges to the Waterford City Wastewater Treatment Plant which is licensed by the EPA. It is noted that the plant is currently operating within capacity and that a confirmation of feasibility has been received from Uisce Eireann to confirm that there is capacity to accept the predicted volumes of foul wastewater.

Wastewater at the site will be foul water from kitchens and staff welfare facilities. All wastewater will ultimately discharge to the Waterford City WWTP. There will be no wastewater generated at the site from the manufacturing process.

Flood Risk: The Office of Public Works (OPW) Catchment Flood Risk Assessment and Management (CFRAM) mapping has been completed for the site of the proposed development and shows that the site is not located within any fluvial or pluvial flood zones.

No flood events or recurring flood incidents were identified at the site or in its vicinity from the OPW's Flood Hazard Mapping. Appendix 8-4 of the EIAR provides the Past Flood Event Local Area Summary Report for the Site which identifies the closest mapped flood event is a recurring event located 2.94km southeast of the site, at Cheekpoint.

The area up to 2km surrounding the site is not located within any predicted flood extents or areas at elevated risk of flood for both pluvial and groundwater flooding in current or predicted future scenarios on the OPW datasets. A national indicative fluvial flood zone associated with Luffany Stream is located 0.32m north-east of the site which identifies a medium probability. A predicted flood extent for coastal/river flooding is located 1.04km south of the site, at the edge of the River Suir which also identifies a medium probability.

Water Framework Directive (WFD): The Luffany_010 risk status is under review, and it is categorised as having "moderate" ecological potential in the most recent 2016-2021 assessment. The Lower Suir Estuary (Little Island - Cheekpoint) is considered "at risk" and is therefore at risk of failing to meet the objectives of the WFD to achieve "good" status by 2027. It is categorised as having "moderate" ecological potential in the most recent 2016-2021 assessment.

The Waterford (IE_SE_G_149) groundwater body is designated as good status (2016-2021). It is also considered 'Not at risk' of meeting the objectives of the WFD to achieve "good" quantitative status by 2027. The groundwater vulnerability across the site varies from moderate, high and extreme in some areas.

*Potential Effects*

The EIAR identifies the potential for a range of environmental effects on Water. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 4 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

**Table 4: Summary of Potential Effects**

| Project Phase | Potential Direct, Indirect and Cumulative Effects |
|---|---|
| **Do Nothing** | Not examined for this factor in the EIAR. However, it is reasonable to conclude that if the proposed development does not proceed, the lands would continue to be used for agricultural purposes. Site drainage and water infiltration would remain unaltered with the primary contaminants of concern being nutrients, pesticides and suspended solids if a suitable pathway was present. There would be no additional abstraction of groundwater from the underlying aquifer and any surface water run-off from the site will occur primarily through natural infiltration. |
| **Construction** | Sediment could run off the site into drains discharging to the Luffany Stream (IE_SE_16L680750)<br>Potential pollution of groundwaters from accidental leaks or spills from fuels, oil, lubricants and cement-based products. |
| **Operation** | Loss of groundwater aquifer capacity<br>Impact on groundwater quality from the surface water discharge to a soakaway.<br>Unplanned events such as accidents at the site or disasters outside of the operator's control such as collisions, traffic |

| | |
|---|---|
| | accidents or fires which could result in the release of contaminants to surface water and groundwaters. |
| **Cumulative** | No significant effects envisioned. |

***Mitigation***

Mitigation measures to avoid, reduce or offset any potential adverse impacts on water are outlined in Section 8.6 of the EIAR. Many of the mitigation measures are embedded in the design and based on current best practice guidelines. Notable measures during the construction and operational phases include:

*Construction Phase*

- Refuelling procedures in a controlled manner by suitably trained personnel and adequate storage and bunding of fuels.
- The provision of emergency spill kits for dealing with accidental spills.
- Measures for handling of concrete including the proper planning of major concrete pours, the provision of a dedicated concrete washout area, methods of pouring and placement of concrete that avoid slewing over water features.
- The proposals for stockpiling of material and the positioning of stockpiles.
- Proposals for the segregation and management of contaminated sediment.
- The management of wastewater from welfare facilities during the construction through discharge to the public network by way of a temporary connection or through temporary storage and tankering off site to a licensed facility for treatment.

*Operational Phase*

- The various water conservation measures proposed for the site during both construction and operation and the monitoring of water use during operations.
- A proposal to undertake integrity testing of all underground tanks and pipe networks during the operational phase.
- The provision of petrol/oil interceptor and silt traps for the protection of surface water and groundwater

- The loading, unloading and storage of materials, particularly gypsum and gypsum-based products indoors to protect against spills and run-off.
- Stormwater collected on-site will undergo continuous testing as per best practise

***Residual Effects***

Subject to adherence to appropriate mitigation measures, monitoring proposals design standards and operational management plans, the EIAR considered that any residual effects from the proposed development are not significant in terms of water.

***Analysis, Evaluation and Assessment: Direct and Indirect Effects***

I have examined, analysed and evaluated the information provided in Chapter 8 of the EIAR and all the associated documents, including the applicant's response to the further information request, and submissions on file in respect of Water. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides a suitably comprehensive range of mitigation and monitoring measures in Section 8.6 of the EIAR to reduce any potential effects within the site.

Groundwater: The third parties raised concerns in regard to the proposal for water abstraction as one of the means of supplying water to the proposed development and the potential for such abstraction to impact on the quantity and yield of the groundwater source. Concern was also raised regarding the potential for contamination of the underlying groundwater during construction and operation of the proposed development.

The proposal to extract 7.5$m^3$/hr, 180$m^3$/day of groundwater has been the subject of a Groundwater Feasibility Study. The report found a suitable yield, recovery, drawdown limited to 236m from PW1 and a Zone of Contribution (ZOC) covering an area of 191,489$m^2$ the majority of which underlies lands which are under the control of the applicant and lands to the north of the site currently in use for agricultural or industrial purposes. There are no public or private groundwater abstraction wells recorded within the ZOC.

The potential for contamination of groundwater during construction is primarily related to the use or fuels, oils and other chemicals used during the works. The

appropriate mitigation has been set out to ensure the risk associated with this is addressed. For the operational phase, surface treatment measures are proposed which will include silt traps and oil interceptors. The reinstatement of soils as part of site restoration and landscaping which provide an element of protection to the underlying groundwater body will further reduce the potential for impact on groundwater.

Flooding: The third parties raised concerns that the proposed development would result in flooding in the area. There is no release of large volumes of surface water proposed, with discharge to ground via a soakaway and the public network. Discharge to the public network will be controlled by a hydrobrake system which will limit discharge to 26 litres/second. The proposals for rainwater harvesting for water usage in manufacturing will also reduce discharge volumes. As there is no direct works proposed within the Luffany Stream, no direct discharge or run-off that may result in sediment that could cause obstruction or increased water volumes within the watercourse, I am satisfied that there is no requirement to submit a Flood Risk Assessment.

Water Framework Directive: The third parties raised concerns that there was no consideration of the Water Framework Directive although specific details were not set out.

It is noted that the third parties raised a number of concerns regarding potential groundwater contamination and groundwater abstraction, flooding and the requirements of the Water Framework Directive which I have addressed here as follows:

I have assessed the proposed development and considered the objectives as set out in Article 4 of the Water Framework Directive to protect and, where necessary, restore surface and ground waterbodies in order to reach good status (meaning both good chemical and good ecological), and to prevent deterioration. Having considered the nature, scale and location of the project I consider that it is reasonable to conclude on the basis of objective information that the proposed development will not result in a risk of deterioration of any waterbody (rivers, lakes, groundwaters, transitional and coastal) either on a temporary or permanent basis.

I have completed a Stage 1 Screening for Water Framework Directive (WFD) Assessment (Appendix 1) the findings of which are summarised in the sections that follow.

*Surface Water*

No discharge to the nearby surface water bodies has been proposed. The proposed development will discharge wastewater and stormwater to the existing network under the control of Uisce Eireann. Surface water management proposals also include discharge to a soakaway within the development site itself. This discharge will pass through a silt trap and an oil interceptor prior to discharge to ground. There also includes provision for monitoring the quality of this discharge.

The soils on site are found to be well draining with no drainage channels identified within or around the site which could have the potential to create a direct link with the surface waters located to the north and east of the site.

*Groundwater Quality*

The proposed development will comprise excavation works however, the depth of excavation required will be above the water table. This greatly reduces the potential for direct interaction with groundwater and any potential for effects on groundwater quality.

The various mitigation measures proposed for fuel, oil and cement-based materials and the design measures incorporated into the development design are satisfactory for determining that the proposed development can be screened out for WFD Assessment.

*Groundwater Quantity*

The proposal to abstract 180$m^3$/day is not a substantial abstraction volume from a Regionally important (R) aquifer such as the Waterford (IE_SE_G_149) groundwater body which underlies the site. The GSI under aquifer classification state that Regionally important (R) aquifers are capable of ‘excellent’ well yields in excess of 400 $m^3$/d.

*Water Framework Directive Conclusion*

In conclusion, I am satisfied that the proposed development would not result in a risk of deterioration on any water body, rivers, lakes, groundwaters, transitional and

coastal, either on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

***Conclusion***

I have considered all of the written submissions made in relation to water as well as the submitted application documentation. I am satisfied that any potential impacts would be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures, monitoring and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of water.

9.13. **Air Quality**

***Issues Raised***

The third parties raised a number of concerns in regard to air quality. These are summarised as follows:

- Dust emissions from the construction and operational phases
- Odour impact associated with the manufacturing process and cumulative odour effects with other industry

***Examination of the EIAR***

*Context*

Chapter 9 addresses the impact on Air Quality and considers any direct or indirect effects arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

The following Appendices are attached to Chapter 9:

- Appendix 9-1 Dust Risk Assessment Methodology
- Appendix 9-2 Total Particulates Concentrations

The Planning Authority raised concerns over any potential odours that may be emitted from the development that may affect the environment and people living in the locality. The planning authority also questioned if an air pollution licence would be required or if an IPC/IE licence would be required from the EPA. Where an air pollution license would be required, the applicant was requested to provide details of that application.

In response, the applicant confirmed that trace sulphuric compounds may be present in the raw gypsum but any residual odour would be at very low concentrations. The presence of additives used in the manufacturing process which include volatile organic compounds (VOCs) will be undertaken in an enclosed manufacturing building where any discharge will be through the filtered extraction system. The applicant confirmed that an air pollution licence will be required and provided details of what the application for the same will comprise. The planning authority considered that this item of further information was adequately addressed by the applicant.

*Baseline*

A total of 10 no. sensitive receptors were identified within a 350m buffer from the site boundary. These sensitive receptors are both residential and industrial properties. The nearest residential receptor (SR05) is located 21m from the site boundary, as outlined in Table 9-6 of the EIAR with SR07 the nearest residential receptor to the manufacturing plant at 220m. Ecological receptors are considered where they are identified as being within 50m of the site boundary and routes used by construction traffic associated with the development to a distance of 500m from the site entrance.

The site is located within Zone D as defined by the Air Quality Standards Regulations 2011 (as amended). A two-year average for $PM_{10}$ data identified a background concentration of 12.3 $\mu g/m^3$ for the area of the proposed development site.

A total of 3 no. industrial facilities and licenced facilities were identified within the surrounding area where the relevant pollutants include particulates and total particulates.

*Potential Effects*

The EIAR identifies the potential for a range of environmental effects on Air Quality. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 5 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

**Table 5: Summary of Potential Effects**

| Project Phase | Potential Direct, Indirect and Cumulative Effects |
|---|---|
| **Do Nothing** | Not examined for this factor in the EIAR. However, it is reasonable to conclude that if the proposed development does not proceed, the lands would continue to be used for agricultural purposes. The potential for impacts on air quality from dust and particulates generated during construction or associated with the operation of the proposed facility would not occur. Existing industry in the surrounding areas would continue to operate. |
| **Construction** | Generation of dust during construction activities.<br>Effects on the ambient air quality as a result of construction activities<br>Dust soiling effects on sensitive receptors. |
| **Operation** | Effects on the ambient air quality at sensitive receptors arising from Total Particulates emissions from the point sources at the Proposed Development.<br>Effects on the ambient air quality at sensitive receptors arising from Total Particulates emissions from the haulage of gypsum material from Belview Port.<br>Unplanned events such as accidents at the site or disasters outside of the operator's control such as accidents or fires which could lead to the malfunctioning of dust abatement equipment and result in a risk to air quality. |
| **Cumulative** | No significant effects envisioned. |

***Mitigation***

Mitigation measures to avoid, reduce or offset any potential adverse impacts on air quality are outlined in Section 9.6 of the EIAR. Many of the mitigation measures are embedded in the design and based on current best practice guidelines. Notable measures during the construction and operational phases include:

*Construction Phase*

- The provision of a dust management plan for the site which will require regular site inspections and site boundary checks which will increase during weather that will potentially increase dust generation.
- A proposal to ensure records are kept of incidents relating to dust emissions, and a log of complaints received as well as a point of contact being made known to residents in the surrounding properties.
- The implementation of appropriate site preparation measures including boundary treatments and materials management which will require the storage of sand and aggregates in enclosed or bunded areas.
- The installation of a wheel wash system for vehicles entering and leaving the site and the adoption water suppression measures, particularly during demolition.

*Operational Phase*

- A dust management plan which will be tailored for the operational phase of the proposed development which will consolidate all required measures and ensure good record keeping and communication with nearby residents.
- The provision of various design measures which include stack height to facilitate emissions dispersion, a bag system on all emissions points and a detection system to highlight a malfunction or maintenance requirement.

***Residual Effects***

Subject to adherence to appropriate mitigation measures, design standards and operational management plans, the EIAR considered that any residual effects from the proposed development are not significant in terms of air quality.

***Analysis, Evaluation and Assessment: Direct and Indirect Effects***

I have examined, analysed and evaluated Chapter 9 of the EIAR and all of the associated documentation, including the applicant's response to the further information request, and submissions on file in respect of air quality. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential risks, impacts and provides a suitably comprehensive range of mitigation and monitoring measures to reduce any potential impacts on air quality.

For the construction phase, earthworks and construction activity have been noted as carrying a level of risk. I am however, satisfied that subject to the implementation of the mitigation measures set out to supress dust, the effects on sensitive receptors will be not significant.

The third parties raised concerns that the proposed development would result in a very significant pollution risk arising from dust. Having regard to the project design, specifically the containment of activities that have the potential to generate dust to the indoors, the filtration system and the use of automated fault detection system, I am satisfied that the activities during the operational phase are unlikely to generate a significant level of nuisance / visible dust.

The air dispersion modelling was carried out using AERMOD Software which is recommended for use under the EPA's Air Dispersion Modelling from Industrial Installations Guidance Note (AG4). I am satisfied that the modelling is adequate and follows the available best practice in accordance with AG4. The results of the air dispersion modelling prepared as part of the EIAR show that there will be no significant effects on the ambient air quality at sensitive receptors arising from Total Particulates emissions from the point sources at the Proposed Development during the operational phase.

The predicted environmental concentration of total particulates inclusive of background concentrations at sensitive receptors is well below the annual and short-term Air Quality Standard (AQS) for $PM_{10}$ for the predicted annual mean total particulates and, the short-term 24-hour, 90.4%ile total particulate concentrations respectively.

Modelling was undertaken as part of a cumulative assessment with the only other facility located within an area where the modelled impact of the proposed

development exceeds 5% of the AQS in accordance with AG4 guidance. The results of this modelling also showed that the total particulates at sensitive receptors did not exceed either AQS for annual mean or short-term 24-hour, 90.4%ile modelling.

It is noted that the air dispersion modelling was limited to normal operations for the operational phase of the proposed development and did not capture the loading, unloading and transport of raw materials from Belview Port. I am though, satisfied that standard measures for haulage of such materials could be applied by way of condition and the effects on sensitive receptors will be not significant.

***Conclusion***

I have considered all of the written submissions, and any specific points made in relation to air quality as well as the submitted application documentation. I am satisfied that any potential impacts would be avoided, managed and mitigated by the measures which form part of the design of the proposed development, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of air quality.

9.14. **Climate**

***Issues Raised***

The third parties raised a query in relation to the proposed development with respect to the Climate Action Plan 2024 in regard to Greenhouse Gas (GHG) emissions and the energy intensive nature of the proposed development in terms of supporting a decrease in Irelands total emissions. The Climate Action Plan is listed in Section 5 above. There is an overlap with the planning assessment (Section 8) and this Section 9.14 of the EIA, and I recommend that they be read in tandem.

***Examination of the EIAR***

*Context*

Chapter 10 addresses the impact on Climate and considers any direct or indirect effects on these resources arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key

characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

The following appendices are attached to Chapter 10:

- Appendix 10-1 Characterising Climate Hazards
- Appendix 10-2 Past Flood Event Local Area Summary Report

*Baseline*

The site of the proposed development and it surrounding area has a typical maritime climate. Meteorological data from the nearest operational Met Eireann weather station at Cork Airport shows a monthly mean precipitation of 1239mm, mean temperature of 10$^{o}$C and mean wind speed of 9.8 knots. This is for the period 1991 to 2020. It is noted that a station located at Rosslare would represent readings for a location closer to the site, but this station closed in 2007/2008 leaving a large gap in recent data.

Met Eireann climate average report which carries out a comparison between the averages from 1961 to 1990 and 1991 to 2020. The findings of this comparison report increased air temperatures and a 7% increase in rainfall.

*Potential Effects*

The EIAR identifies the potential for a range of environmental effects on Climate. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 6 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application

**Table 6: Summary of Potential Effects**

| Project Phase | Potential Direct, Indirect and Cumulative Effects |
|---|---|
| **Do Nothing** | Not examined for this factor in the EIAR. However, it is reasonable to conclude that if the proposed development does not proceed, the lands would continue to be used for agricultural purposes and any impact that may have on climate |

| | |
|---|---|
| | would continue. The potential for impacts on climate from GHG emissions generated during construction or associated with the operation of the proposed facility would not occur. Existing industry in the surrounding areas would continue to operate. |
| **Construction** | Greenhouse gas emissions associated with transport, materials, plant and equipment used during construction. |
| **Operation** | Greenhouse gas emissions associated with the operation of the proposed development including the haulage of gypsum material from Belview Port.<br>Potential current and future climate risks. |
| **Cumulative** | The EIAR does not consider other projects, which when considered cumulatively with the proposed development may create larger, more significant effects. The only consideration of cumulative effects with respect climate is the presentation of the cumulative emissions for the five years of the National Carbon Budget.<br>Cumulative effects with other planned and permitted development, no significant effects envisioned. |

***Mitigation***

Mitigation measures to avoid, reduce or offset any potential adverse impacts on climate are outlined in Section 10.7 of the EIAR. Many of the mitigation measures are embedded in the design and based on current best practice guidelines. Notable measures during the construction and operational phases include:

*Construction Phase*

- Contractor selection process and the carbon emissions related pre-requisites including a requirement to provide a GHG Emissions Reduction Plan.
- Material management including storage and reuse/recycling proposals and plant management and equipment selection.

*Operational Phase*

- The various design proposals including the provision of photovoltaic solar panels on the buildings to supply renewable electricity, heat recovery system to harness heat loss from the manufacturing process. The use of such renewable technologies will ensure the monitoring of energy usage throughout the operational phase of the proposed development.
- The sustainable sourcing, recycling and discharge of water which will have the potential to mitigate any negative effects associated with more conventional water sourcing methods.
- The proposal for the intake of waste plasterboard material and recycling back into new plasterboard.
- The resilience of the project design to climate impacts, particularly fluctuating temperatures as highlighted as a climate hazard in the EIAR.

***Residual Effects***

Subject to adherence to appropriate mitigation measures, monitoring, design standards and operational management plans, the EIAR considered that any residual effects from the proposed development are not significant in terms of climate.

***Analysis, Evaluation and Assessment: Direct and Indirect Effects***

I have examined, analysed and evaluated Chapter 10 of the EIAR and all of the associated documentation, including the applicant's response to the further information request, and submissions on file in respect of Climate. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential risks, impacts and provides a suitably comprehensive range of mitigation and monitoring measures to reduce any potential impacts on climate.

The greenhouse gas assessment undertaken has quantified the total emissions from plant, equipment and transport associated with the construction phase of the proposed development. The total emission in tonnes of CO2e have been presented as a percentage of the total sectoral emissions ceiling for the first period (2021 – 2025) in the context of National Carbon Budgets. It represents 0.001% contribution. It is noted that the EIAR has assumed a construction completion date of before 2025 which now appears unlikely. Therefore, comparing the total emissions to the sectoral

emissions ceiling for the second period (2026 – 2030), the contribution increases slightly to 0.0014%.

For the operational phase the total cumulative operational phases emissions in tonnes of $CO_{2e}$ have been presented as a percentage of the total sectoral emissions ceiling for the second period (2026 – 2030) in the context of National Carbon Budgets. It represents a 0.078% contribution.

I am satisfied that the assessment undertaken is robust and considers the energy demands of the proposed development inclusive of the energy that will be harnessed from the solar panel array proposed as part of the design. It is acknowledged that the manufacturing process requires a high energy demand. However, this high energy demand must be considered in the context of the nature of development and the product that will be manufactured as well as the need for such development owing to the increased demand for general construction products. I am satisfied that the design has proposed the appropriate options for energy efficiency and for the generation of renewable energy on site. I also note that the assessment considers all transport emissions associated with the operation of the proposed development. I agree with the conclusions of the EIAR that the potential greenhouse gas emissions projections generated by the proposed development are already considered and accounted for within the National Carbon Budgets and that the additional greenhouse gas emissions contributions are not significant.

The assessment of the impact on the proposed development from future climate risks identified the hazard of heatwaves/droughts as being likely to show an increase in the frequency of such events. The impact of future climate risks such as heatwaves, drought and cold snaps will put pressures on the sites infrastructure but not of a magnitude that would result in a significant effect. The climate hazard of extreme rainfall which is identified as common and is anticipated to remain so is managed by the drainage proposals as part of the project design.

I am satisfied that the project design and mitigation proposed is adequate and addresses the impact of climate change on the proposed development, and I agree with the conclusions of the EIAR that the vulnerability of the proposed development to climate change is not significant.

***Conclusion***

I have considered all of the written submissions, and any specific points made in relation to climate as well as the submitted application documentation. I am satisfied that any potential impacts would be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of climate.

## 9.15. Noise and Vibration

### *Issues Raised*

The third parties raised a number of concerns in relation to noise impacts associated with the development during both construction and operation. These include, the 24-hour nature of the operation and the noise impacts that may result with a particular emphasis on the potential health impacts that may be experienced. Concerns were also raised in relation to current noise levels emanating from existing industry and the cumulative effects with the proposed development.

### *Examination of the EIAR*

*Context*

Chapter 11 addresses the impact from Noise and Vibration and considers any direct or indirect effects on this resource arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

The following Appendices are attached to Chapter 11:

- Appendix 11-1 Glossary of Acoustic Terminology
- Appendix 11-2 Modelling – Model A and B
- Appendix 11-3 Noise Charts and Plates

Chapter 11 refers to an Appendix 11-4 which was not included with the EIAR. This has been assumed a typo and the information that the EIAR refers to being in Appendix 11-4 is in fact in Appendix 11-2

The Planning Authority raised concerns over the extent of the noise monitoring proposals as set out in the EIAR. They requested that additional noise monitoring be undertaken at noise sensitive receptors within the vicinity of the development.

In response to the request for further information, the applicant provided the location of three additional noise monitoring locations and the proxy noise sensitive receptors

that they represent. These are in addition to the 4 no. noise monitoring locations used as part of the baseline noise monitoring campaign. The response states that all seven noise monitoring locations may be included in any grant of planning permission that may follow. It is noted that baseline monitoring has not been undertaken at the three additional noise monitoring locations. The planning authority considered that this item of further information was adequately addressed by the applicant

*Baseline*

An examination of the receiving environment has identified 7 no. noise sensitive receptors at distances ranging from c.15 – 379m from the site boundary in various directions. Four of these locations are dwellings with the other three identified as proxy locations to represent a number of dwellings in a particular area. The nearest receptor to the proposed manufacturing facility is NSR01 which is a residential dwelling which is 220m from the manufacturing plant.

The area has not been identified as a Quiet Area using the screening process set out in the EPA's noise guidance document (NG4). The criteria in which the area falls is proximity to urban areas, industry centres and a national primary route.

The N25 is the nearest National Road to the proposed development that has been the subject of Strategic Noise Mapping under the requirements of the Environmental Noise Directive. The noise modelling undertaken as part of Kilkenny County Council's Third Noise Action Plan (2019-2023) shows that the noise contours from the N25 generated by a model have no interaction or overlap with the noise sensitive receptors identified.

A baseline noise survey was undertaken as part of the noise assessment prepared for the EIAR. This was undertaken at 4 no. Noise Monitoring Locations (NMLs) selected by the acoustician with each NML acting as a proxy for one or more of the noise sensitive receptors identified for the area. The baseline noise survey took place during the daytime, evening and night-time at all four locations with one location the subject of continuous unattended monitoring over a seven-day monitoring period.

The baseline monitoring campaign concluded the existing environment is influenced by fauna, existing industry and noise associated with the N29 road.

*Potential Effects*

The EIAR identifies the potential for a range of environmental effects from Noise and Vibration. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

**Table 7: Summary of Potential Effects**

| Project Phase | Potential Direct, Indirect and Cumulative Effects |
|---|---|
| **Do Nothing** | Not examined for this factor in the EIAR. However, it is reasonable to conclude that if the proposed development does not proceed, the lands would continue to be used for agricultural purposes. The background noise levels would continue to be influenced by fauna, industry and transport, particularly the nearby N29. |
| **Construction** | Plant and equipment used for site preparation including demolition works, excavation and development.<br>Construction of a new vehicular entrance and internal access road.<br>Construction traffic on the public road network. |
| **Operation** | Normal manufacturing and site operations.<br>Delivery of materials to site including the unloading from boats and haulage to site. |
| **Cumulative** | The baseline monitoring campaign captures the existing noise levels including that associated with other industry in the area and thereby the baseline assessment and modelling is inclusive of other existing activity in the area. The EIAR did not identify any notable applications, plans or projects that require cumulative consideration.<br>Cumulative effects with other planned and permitted development, no significant effects envisioned. |

***Mitigation***

Mitigation measures to avoid, reduce or offset any potential adverse impacts from noise and vibration are outlined in Section 11.5 of the EIAR. Many of the mitigation measures are embedded in the design and based on current best practice guidelines. Notable measures during the construction and operational phases include:

*Construction Phase*

- The provision of a Construction, Environmental and Waste Management Plan (CEWMP) which will include commitments in regard to plant and equipment use, materials handling and the provision of soil embankments or berms as a noise containment measure during initial earthworks.
- The appointment of a liaison to communicate planned works which may result in increased noise levels being experienced and a protocol for receiving and handling complaints related to noise and for addressing breaches of noise thresholds.
- The use of and correct positioning of enclosures or hoardings around noisy works to ensure compliance with construction noise limits.

*Operational Phase*

- Routine maintenance of all plant and equipment and the use of white noise/broadband siren equipment which will minimise noise during operations
- The infrequent nature of night-time movements / haulage activities from Belview Port.
- The provision of an Operational Management Plan which will include a protocol for handling noise complaints and noise threshold exceedances and the sharing of information relating to the scheduling of gypsum deliveries to Belview Port and subsequent haulage to the site.
- Operational phase monitoring although the scope and methodology has not been provided. It is however noted that the operational phase monitoring will be conducted at seven noise monitoring locations.

***Residual Effects***

Subject to adherence to appropriate mitigation measures, design standards and construction and operational management plans, the EIAR considered that any residual effects from the construction and normal operational phases of the proposed development are not significant in terms of noise.

The residual effects that are anticipated during the unloading and delivery of materials during the operational phase (Model B), are considered in the EIAR to be not significant. However, I believe the residual effect to be Slight because the interpretation of the IOA/IEMA criteria in the EIAR, particularly for NSR07, predicts a moderate impact which is also deemed to be intrusive and whilst this is less likely to be significant, it cannot either be considered not significant when applying the criteria set out. In analysing the IOA/IEMA Chart on Magnitude, Significance and Effect (Figure 11-1 of the EIAR) and it's Description of Effect criteria against the criteria for describing the significance of effects as set out in the EPA EIAR Guidelines (Table 3.4), I consider Slight to be a more appropriate description of the significance of the effect. It is noted that each of these unloading campaigns will be short in duration but will continue to occur long-term. These unloading campaigns will be infrequent with a limited number of events per annum.

***Analysis, Evaluation and Assessment: Direct and Indirect Effects***

I have examined, analysed and evaluated Chapter 11 of the EIAR and all of the associated documentation, including the applicant's response to the further information request, and submissions on file in respect of noise. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential risks, impacts and provides a suitably comprehensive range of mitigation and monitoring measures to reduce any potential impacts on surrounding sensitive noise receptors.

Modelling was undertaken to assess the effects of noise associated with the construction phase of the proposed development. When applying the different existing ambient noise levels and applying the predicted noise emissions from various phases of work with the plant and equipment used, the predicted noise level showed an exceedance of the threshold of 65dB set out in the BS5228 ABC Method for assessing the construction. The predicted exceedance occurred at three of the noise sensitive receptors which are residential dwellings and proxy locations for a

number of dwellings, NSR01, NSR03 and NSR04 with a maximum predicted noise level of 68dB (NSR04). The activity associated with this exceedance of the noise threshold is the construction of the berm at the southwest boundary using a JCB excavator equivalent and dump truck. It is noted that the levels that have been predicted are prior to any mitigation proposed for the construction phase. I am satisfied that the mitigation proposed to offset the impact during construction is adequate. I acknowledge that the impacts are associated with the construction of a berm which in itself will act as a barrier for noise impacts when completed. I also note that impacts associated with this element of the works will be short term and I agree with the EIAR the effects will be not significant.

Modelling was undertaken for a scenario described as normal operations (Model A) of the proposed development. This found the same predicted impact from operations with no variation in the day, evening or night-time operations. When applying the different existing ambient noise levels for these periods, the modelling found that predicted noise levels at each of the noise sensitive receptors for the respective day, evening and night-time periods were all below the NG4 day, evening and night thresholds of 55dB, 50dB and 45dB respectively. The increase from the measured baseline noise levels to that predicted at each of the noise sensitive receptors shows a maximum increase of +4dB. This was predicted for the night-time period. It is noted that the levels that have been predicted are prior to any mitigation proposed for the operational phase.

Modelling was undertaken for the scenario of unloading boats and delivery of gypsum material to the proposed development during the operational phase (Model B). This modelling predicts the noise levels anticipated during these unloading events in addition to normal operations which would continue in tandem and again using the same predicted impact from operations with no variation in the day, evening or night-time operations. When applying the different existing ambient noise levels for these periods, the modelling predicted noise levels which were compliant with the NG4 thresholds for daytime and evening periods.

The commentary in Section 11.4.4.2 of the EIAR on the impact at NSR07 refers to a change in background for the evening time period up to 5dB where the Table 11-22 appears to incorrectly suggest a +7dB increase between existing ambient levels and the calculated cumulative noise level. The readings given in Table 11-22 as they

relate to NSR07 show a predicted +10dB change. Irrespective of this apparent error, in considering this I have taken the predicted increase as being +10dB and a calculated cumulative noise level of 50dB. The impact predicted is moderate and would be deemed intrusive using the IEMA IOA Chart on Magnitude, Significance and Effect (Figure 11-1 of the EIAR). I am satisfied that such a change in background has been deemed intrusive in accordance with IOA/IEMA criteria and that is appropriate for a +10dB change also and that the calculated cumulative noise level of 50dB equals and does not exceed the 50dB threshold for evening time as set out in the NG4 typical noise criteria and repeated in Table 11-20 of the EIAR.

The modelling found that predicted noise levels for the night-time period showed exceedances of the respective NG4 threshold of 45dB at two of the noise sensitive receptors. These exceedances were predicted to occur at NSR01 and NSR07 with a calculated cumulative noise level of 47dB and 50dB respectively. The increase from the measured baseline noise levels to that predicted at each of the noise sensitive receptors for this scenario shows a maximum increase of +7dB at NSR07, and an increase of +4dB at NSR01. The impact predicted at NSR07 is moderate and would be deemed intrusive using the IEMA IOA Chart on Magnitude, Significance and Effect (Figure 11-1 of the EIAR). The impact predicted at NSR01 is slight and would be non-intrusive.

The assessment of the modelling undertaken for unloading boats and delivery of gypsum material to the proposed development (acknowledging the exceedances at NSR01 and NSR07) refers to BS 8233:2014 which requires internal noise levels for sleeping activity located in the bedroom to be at 30dB. The assessment also refers to the section in that guidance which allows for a 5dB allowance for development which is considered necessary thus adopting a 35dB internal noise threshold.

The EIAR also relies on World Health Organisation (WHO) Guidelines for internal noise levels where a 15dB reduction from outside to inside is assumed. This brings the measured levels for the two locations, NSR01 and NSR07, to and below a 35dB threshold which includes the 5dB allowance discussed above. Considering all predicted exceedances were identified from the modelling of the night-time period when receptors are more generally found to be indoors, I believe the likelihood of an effect is lowered considerably and adopting the WHO guidance in this case is appropriate. In regard also to NSR01 and NSR07 for normal operations, it is noted

that during these periods, the NG4 noise thresholds are not exceeded for all periods and the maximum predicted change in background levels is +1dB.

Model B presents likely exceedances of the noise threshold for the night-time period for the loading, unloading and transport of raw materials from Belview Port which can be considered slight in the context of the significance of the effect. The IOA/IEMA criteria for a magnitude of moderate and a receptor perception of intrusive provides a description of the effect on receptors which outlines behavioural changes (eg; turning up volume of television; speaking louder; closing windows) and attitudes. I consider these to be more applicable to daytime and evening time rather than the night-time period when the exceedance is predicted. I note also the criteria refers to potential for non-awakening sleep disturbance. I am though satisfied with the interpretation of WHO Guidelines for internal noise levels where a 15dB reduction from outside to inside will result in a notable reduction in the noise level predicted by the model. I note that the predicted impacts for Model B are prior to any mitigation proposed, particularly for normal operations in the operational phase. I am also satisfied that the effect experienced will be a short in duration over a 24-hour period and infrequent, occurring 8-times a year. It is noted that such an operation is inevitably the subject of considerable planning and scheduling with suppliers and the port authorities. This schedule shall be made available by way of condition to those who may be impacted with prior notification in accordance with a communications plan.

It is noted that vibration was screened out for potential impacts during the construction phase due to the nearest receptor being c.250m from the proposed development and beyond 100m although no criteria for such a setback being considered appropriate was provided. I am though satisfied that, the setback of 250m, when considered in conjunction with the separation created by road infrastructure to receptors, any potential vibration impacts will be imperceptible. Although no specific vibration monitoring has been proposed, I am satisfied that this can be addressed by condition. Vibration was also screened out for potential impacts during the operational phase as there are no sources of vibration within the design.

***Conclusion***

I have considered all of the written submissions, and any specific points made in relation to noise and vibration as well as the submitted application documentation.

Having regard to the predicted compliance with noise thresholds at daytime and evening time, the timing (night-time) at which noise threshold exceedances are predicted, the predicted reduction between internal and external noise levels and the short duration and infrequent scheduling of material haulage from Belview Port, I am satisfied that any potential impacts would be suitably avoided, managed and mitigated by the measures which form part of the design of the proposed development, the proposed mitigation measures and through suitable conditions. I consider that further restrictions are not warranted (Refer to Section 8.5 above). I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of noise and vibration.

9.16. **Landscape and Visual Impact Assessment**

***Issues Raised***

The third parties raised a number of concerns in regard to Landscape and Visual Impact. These are summarised as follows:

- The application fails to provide a woodland planting buffer of 15-20m inside the industrial site boundary in accordance with Development Management Standard 5DM3 of the Ferrybank Belview LAP.
- Planting outside of the development site is not a suitable mitigation.
- Queries are raised in relation to the conclusions of the visual impact assessment and duration of the impacts.
- The submitted drawings provide no evidence of the proposed 3m high berms.
- The impact of the proposed development on the South East Greenway.

***Environmental Impact Assessment Report***

Chapter 12 of the EIAR comprises a Landscape and Visual Impact Assessment (LVIA). The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

Appendix 12-1 comprises a separate booklet of photomontages containing 20 no. viewpoints (VPs) providing a comparison of the existing view, the outline view, the montage view (where relevant) and the mitigation establishment view at year 1, year 4 and year 8 (where relevant).

I am satisfied that the applicants submitted photomontages provide a reasonable representation of how the proposed development would appear to allow for a full assessment of the potential impact.

***Baseline***

The landscape study area, comprising an area within a 5km radius of the proposed development site, is largely defined by the River channels of the River Suir and River Barrow. The predominant land use in the study area is agricultural farmland followed by industry and residential dwellings. The site itself comprises agricultural lands. However, there are built-up elements adjoining the site comprising existing warehousing and industrial units.

A disused rail line running from Waterford City to New Ross is located to the northwest of the site. This section of rail line will form part of a future phase of the South East Greenway. Constructions works are ongoing in relation to the project.

As per the Existing Site Layout submitted, the landform within the main development site (Area A) varies between c. 34mAOD in the southern part of the site and c. 57mAOD in the northern part of the site.

The site is located within the Uplands Area Landscape Character Area (LCA) and is further subdivided into Landscape Character E: the South Eastern Hills. There is one protected view within the study area, to the east of the site;

*‘’ V22 - Views over the confluence of the River Suir and Barrow at Snow Hill on road nos. LS7483 from its junction with road no. LP 3415 and view from road no. LT 74831-15.’*

The protected view is located to the east of the site. The view is also orientated towards the east, looking in the direction of the confluence of the River Suir and River Barrow, in the opposite direction of the proposed development.

***Potential Effects***

The EIAR identifies the potential for a range of environmental effects on Landscape and Visual Impacts. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 8 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

**Table 8: Summary of Potential Effects**

| Project Phase | Potential Effects |
|---|---|
| **Do nothing** | Not examined for this factor in the EIAR. However, it is reasonable to conclude that if the proposed development does not proceed, the lands would continue to be used for agricultural purposes. |
| **Construction** | The vast majority of landcover (area of pasture, trees, hedgerows, shrubs and minority area of hardstanding) in the northern section of the site will be excavated during construction stage. There would be a high intensity of construction activity involving heavy machinery and workers.<br><br>The magnitude of construction stage landscape impacts was deemed to be Medium. When combined with the Medium-low sensitivity of the receiving landscape, the overall significance of construction stage landscape impacts was considered to be Moderate. |
| **Operation** | The most notable landscape impacts will result from the construction of c.26.5m high buildings (c.28m high exhaust stack), along with areas of concrete/hardscape surfacing.<br><br>The magnitude of operational stage landscape impacts was deemed to be Medium. When combined with the Medium-low sensitivity of the receiving landscape, the overall significance of operational stage landscape |

| | |
|---|---|
| | impacts was considered to be Moderate / Negative / Permanent. |
| **Cumulative** | No significant effects envisioned. |

***Mitigation Measures***

Section 12.5 of the EIAR sets out mitigation measures. The main mitigation measure in this instance is the siting of the proposed development within a peri-urban environment where industrial development is already a characteristic feature. Measures are embedded in the design of the development and includes extensive landscaping, screening berms and other screening measures. The Landscape Mitigation Plan is attached as Appendix 6-4. The colour scheme also reduces the visual presence of the proposal, recessing it with low contrast against the sky.

***Residual Effects***

Having regard to the embedded nature of the mitigation measures, and subject to adherence to landscaping, screening and colour scheme, the EIAR considered that any residual effects from the proposed development are not significant in terms of Landscape.

***Analysis, Evaluation and Assessment: Direct and Indirect Effects***

I have examined, analysed and evaluated the information provided in Chapter 13 and all the associated documents including the separate booklet of photomontages and submissions on file in respect of landscape and visual impact. I have inspected the site and the surrounding area. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts that the proposed development could have on the surrounding landscape and visual amenity of the area.

There will be permanent physical effects to the landcover at the site, relating to the excavation and removal of the sites existing grassland and topsoil and a number of trees, hedgerows and shrubs. However, none of the affected land cover or vegetation features is rare or decisive in forming the overall landscape character of the area. In terms of landscape character change, it is considered that the main mitigating factor is the presence of the adjacent industrial warehousing and ancillary

infrastructure, in what will effectively read as one coherent development type. I agree with the EIAR that the proposed development can be considered to be consistent with the existing characteristics of the surrounding area.

In terms of visual impacts, for the majority of VPs, the proposed development will not be clearly visible due to intervening screening by terrain or vegetation. It is noted that the highest pre-mitigation impact of Moderate-Slight is experienced at VP10 to the southwest of the site and VP16 from within Faithlegg Golf Course due to the clear elevated view of the proposed development. However, distance and contextual separation prevent higher impacts, and following mitigation, the final significance is reduced to Slight.

Third parties have raised concerns that the application fails to provide a woodland planting buffer of 15-20m inside the industrial site boundary in accordance with Development Management Standard 5DM3 of the Ferrybank Belview LAP. As discussed in Section 8.2 of this report above, I consider that the Ferrybank Belview LAP is expired and therefore no conflict with the LAP arises. Nonetheless I consider that adequate screening in the form of planted berms has been provided to the south and southwest of the main development site, at locations that screen the proposed development from residential receptors. Third parties also consider that insufficient details of the berms are provided. Proposals for the provision of berms have been documented within the EIAR within Chapter 3, 6, 7 and 18. Excavated soil from the site will be used to create the berms which will be c. 3m in height. The Landscape Mitigation Plan (attached as Appendix 6-4) shows these areas will be planted with native woodland.

I note the third party has specifically raised concerns over the duration of impacts. I note the pre-mitigation duration is described as short-term and post mitigation effects are stated as having a long-term duration of impact. I consider that the durations of impacts have been described in accordance with the EPA Guidelines on the information to be contained in Environmental Impact Assessment Reports, with short term effects lasting one to seven years and long term effects lasting fifteen to sixty years.

Third parties have also raised concerns with regards to the proposed development's impact on the nearby South East Greenway. The EIAR has not specifically made

reference to the use of the old railway line as part of the South East Greenway. However, I note VP4 is taken from the railway overpass at Rathpatrick and VP6 is taken from Local Road at Drumdowney Lower in close proximity to an access point to the greenway. The proposed development will be entirely screened from these viewpoints by existing vegetation. I note from my site visit that construction works are ongoing in relation to the Greenway. The greenway is sunken in nature and there is extensive screening in place on both sides of the greenway. I do not consider that that there will be any impact on the greenway from the proposed development.

***Conclusions: Direct and Indirect***

I have considered all of the written submissions, and any specific points made in relation to landscape and visual impact, as well as the submitted application documentation. I am satisfied that any potential impacts would be managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms landscape.

9.17. **Cultural Heritage**

***Issues Raised***

No specific concerns have been raised by the third parties or the planning authority regarding the impact of the development on archaeology or cultural heritage.

The submission from the Department of Housing, Local Government and Heritage recommends that an Archaeological Impact Assessment (including Archaeological Geophysical Survey and Archaeological Text Excavation) be carried out as Further Information.

***Environmental Impact Assessment Report***

Chapter 15 addresses the impact on archaeological, architectural and cultural heritage of the site. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

The assessment methodology was based on site inspection, cartographic and documentary research.

The following appendix is attached to chapter 13:

- Appendix 13 - Plates

***Baseline***

There are no known archaeological, architectural or cultural features within the site.

The nearest recorded monument is Ref. KK047-00 Gorteens Castle, which is c. 150m to the south of the appeal site. No other archaeological sites, or landscape anomalies that might be interpreted as archaeological sites were identified.

The recorded monument Gorteens Castle is also listed as a Protected Structure (RPS C659) in the Kilkenny County Development Plan 2021-2027. There are no protected structures or structures listed on the National Inventory of Architectural Heritage (NIAH) located within or adjacent to the appeal site.

The remains of two former outbuilding are located centrally within the site. These structures are to be demolished and are considered to have no architectural or archaeological significance, although they are considered to be good examples of local vernacular architecture. The remains of a small two-storey building, c.4x4m and of unknown function, is also located on the southeast boundary of the site.

***Potential Effects***

The EIAR identifies the potential for a range of environmental effects on Cultural Heritage. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

**Table 9: Summary of Potential Effects**

| Project Phase | Potential Effects |
|---|---|

| | |
|---|---|
| **Do nothing** | Not examined for this factor in the EIAR. However, it is reasonable to conclude that if the proposed development does not proceed, the lands would continue to be used for agricultural purposes. |
| **Construction** | There is potential for impacts on unknown subsurface archaeological features.<br>Impact on ruined vernacular buildings to be demolished.<br>A small building of unknown function to the southeast of the site also likely be impacted by the works. |
| **Operation** | No impacts during operational phase. |
| **Cumulative** | No significant effects envisioned. |

***Mitigation Measures***

Mitigation measures are provided in Section 13.6 of the EIAR and include the preservation by record of existing structures on site to be demolished.

***Residual Effects***

Subject to adherence to appropriate mitigation measures, the EIAR considered that any residual effects from the proposed development are not significant in terms Cultural Heritage.

***Analysis, Evaluation and Assessment: Direct and Indirect Effects***

I have examined, analysed and evaluated the information provided in Chapter 13 and all the associated documents and submissions on file in respect of cultural heritage and archaeology. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts that the proposed development could have on cultural heritage and archaeology.

There are no known archaeological or cultural heritage features within or within close proximity to the appeal site. The buildings to be demolished on site have no particular historical or architectural merit and will be preserved by record. Having regard to the information submitted I am satisfied that the proposed development

would not have a significant effect on any known features of archaeological, architectural or cultural heritage.

The EIAR references a small building of unknown function to the southeast of the site that is likely be impacted by the works. The building is not indicated on any drawings submitted with the application. No reference is made to the building in any other part of the EIAR or application documentation. The building is located within the treeline/hedgerow of the southwestern boundary and is overgrown with thick ivy and vegetation. No works are proposed in this area and the treeline/hedgerow is to be retained. I do not consider that the proposed development would have any impact on this building.

The submission from the Department of Housing, Local Government and Heritage requested that Archaeological Impact Assessment (including Archaeological Geophysical Survey and Archaeological Text Excavation) be carried out as Further Information. An Archaeological Impact Assessment Report prepared by Dr. Maurice Hurley was submitted as in response to the request. The report sets out the additional assessments that were completed following the FI request, including test trenching, the scope of which was based on a comprehensive geophysical survey. Both the geophysical survey and test trenching were completed under the required licences obtained from the Department. No features of archaeological potential were noted in the course of test trenching. As a precautionary measure, its recommended that all topsoil removal and largescale earthworks associated with the project be subject to archaeological monitoring. I am satisfied this can be addressed by way of condition.

***Conclusion: Direct and Indirect***

I have considered all of the written submissions, and any specific points made in relation to Cultural Heritage as well as the submitted application documentation. I am satisfied that any potential impacts would be mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of cultural heritage.

9.18. **Material Assets - Traffic**

***Issues Raised***

Third parties raised concerns that the proposed access will negatively impact upon traffic safety in the area and has the potential to result in overspill of car parking and significant additional traffic movements on local roads.

***Environmental Impact Assessment Report***

Chapter 14 addresses the impact on traffic and considers any direct or indirect effects arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered during this chapter.

The following appendices are attached to Chapter 14:

- Appendix 14-1 – Traffic Counts
- Appendix 14-2 – PICADY Results

***Baseline***

Access to the proposed development will be via the existing L7582 industrial access. The L7582 is a single carriageway road, approximately 7m wide, with a footpath on the eastern side of the carriageway. The L7582 links the proposed development to the N29 National Road. The N29 National Road is approximately 4km in length and links Belview Port to the N25 National Road

A traffic count was undertaken on the 23rd of May 2023 during a 12-hour period (07:00-19:00) at 3 no junctions;

1) The existing L7582 Industrial Access Rd/ development access Rd Priority junction
2) the existing N29/L7582 Industrial Access Road priority junction; and
3) the existing N29/ L3412/ L7482 cross roads junction. The survey indicates that all junctions operate within capacity with no ques and minimal delays during the AM and PM peak hour.

The traffic counts indicate that all junctions operate within capacity with minimal queues and minimal delays.

There is no public transport available within the vicinity of the site.

***Potential Effects***

The EIAR identifies the potential for a range of environmental effects from traffic. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 10 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

**Table 10: Summary of Potential Effects**

| Project Phase | Potential Effects |
|---|---|
| **Do nothing** | Not examined for this factor in the EIAR. However, it is reasonable to conclude that if the proposed development does not proceed, the lands would continue to be used for agricultural purposes. |
| **Construction** | 20 HGVs accessing the site on a daily basis. Construction period approx. 14 months.<br>Peak construction period (e.g. concrete pouring (3-4 weeks) 80-100 HGVS<br>50 vehicular staff trips per day |
| **Operation** | Inbound Materials<br>• 8no. 24-hour unloading campaigns per annum – 813 deliveries per campaign. 34 HGV deliveries per hour (trips to and from development)<br>• Paper liners – 6 HGV deliveries per week<br>• Chemical additives – 1 per week<br>• Chopped glass fibres – 5 per year<br>• Recycled plasterboard – 4 HGV deliveries per day |

| | |
|---|---|
| | Outbound Materials<br>• 20 HGVs per day<br>Other vehicles movements<br>• Maintenance – 4 trips per day<br>• Courier spare parts – 1 trip per day<br>• Cleaning – 1 trip per day<br>• Post – 1 trip per day<br>Staff vehicle movements<br>• 15 car trips arriving and departing per shift (3 x shifts per 24 period) |
| **Cumulative** | The baseline traffic counts capture the existing traffic levels including that associated with other industry in the area and thereby the baseline assessment and capacity assessment is inclusive of other existing activity in the area. The EIAR did not identify any notable applications, plans or projects that require cumulative consideration. No significant effects envisioned. |

***Mitigation Measures***

Mitigation measures are provided in Section 14.5 of the EIAR and include adherence to a routing policy to ensure all movements are made via the strategic road network to avoid HGVs passing through residential areas as far as practical. A policy of safety and environmental awareness for all HGV drivers accessing the site will also be employed.

***Residual Effects***

Junction capacity assessment was carried out to determine the operation performance of the 3 no. junctions where the traffic counts were carried out. The analysis showed the following;

- The existing L7582 Industrial Access Road / Development Access Road priority junction will operate within capacity with no queues and minimal delays when the plasterboard plant is operational in 2023, year of opening, 2030, five years after completion and in 2040, fifteen years after completion.
- The existing N29 / L7582 Industrial Access Road priority junction will operate within capacity with minimal queues and delays when the plasterboard plant is operational in 2023, year of opening, 2030, five years after completion and in 2040, fifteen years after completion;
- The existing N29 / L3412 / L7482 crossroads junction will operate within capacity with minimal queues and delays when the Proposed Development is operational in 2023, year of opening, 2030, five years after completion and in 2040, fifteen years after completion.

Subject to adherence to appropriate mitigation measures, the EIAR considered that any residual effects from the construction and normal operational phases of the proposed development are not significant in terms of traffic.

***Analysis, Evaluation and Assessment: Direct and Indirect Effects***

I have examined, analysed and evaluated the information provided in Chapter 14 and all the associated documents and submissions on file in respect of Traffic and Transportation. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts that the proposed development could have on the surrounding area in terms of traffic.

Third parties raised concerns that the local road infrastructure is not capable of accommodating the significant increase in traffic within the vicinity of the site. The access to the proposed development will be via the existing industrial access road which links to the N29 national road, with the N29 thereafter providing access between Belview Port and the N25 National Road. The N29 and N25 are part of the national road network which has capacity to cater for increase in traffic volumes for both the construction and operation phases of development.

The junction capacity assessment was carried out on a peak operational day during am and pm peak hours and took account of the delivery of gypsum material to the proposed development. The junctions traversed by this traffic have been assessed

namely the L7582 Industrial Access Road / Development Access Road priority junction and the existing N29 / L7582 Industrial Access Road priority junction. The assessment indicates that during the peak operational phase which has regard to the gypsum unloading campaigns, all junctions assessed would continue to operate with no/minimal queues and minimal delays. I consider the assessment to be sufficiently robust, and I am satisfied that there is adequate capacity within the road network to accommodate the additional traffic volumes. I note the issue of noise generated by the proposed traffic movements is dealt with separately above in Section 9.15.

Third parties have also raised concerns over the potential of the proposed development to result in overspill of car parking. During construction phase, a vehicle compound for construction staff will be created within the site boundary. During operational phase, it is assumed during a shift change over that 15 car trips will arrive to the plant and 15 car trips will depart from the plant. As per the submitted Mobility Management Plan, a total of 28 no car parking spaces are proposed, which includes 1 accessible space and 1 EV charging point. I am satisfied that the quantum of car parking is appropriate for the nature of the development and is in accordance with the parking standards set out in Table 12.3 of the Kilkenny County Development Plan which requires 1 car space for every 60sqm of gross floor area applied as a maxima standard. Having regard to the nature of the surrounding road network, where overspill car parking cannot be accommodated and the nature of the facility, I am satisfied that overspill car parking will not occur.

I am satisfied that the information provided is evidence based and robust and that traffic generated by the proposed development during the construction and operational phase of the development would not have a significant effect on the capacity of surrounding road network.

***Conclusion: Direct and Indirect Effects***

9.18.1. I have considered all of the written submissions, and any specific points made in relation to traffic as well as the submitted application documentation. Having regard the available capacity on the surrounding road network, the current available sightlines from the access / egress and the nature of the surrounding road network comprising national roads and local industrial roads, I am satisfied that the potential for effects on traffic during the construction and operational phases can be avoided,

managed and mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of traffic.

9.19. **Material Assets – Natural Resources, Energy and Waste**

No issues have been raised by any party to the appeal/application in respect of material assets – natural resources, energy and waste. I have examined Chapter 15 of the EIAR which deals with this topic, and also Chapters 8 and 7 which deals with water and soils respectively. Having regard to the supply of natural resources, the existing and proposed energy supply infrastructure, and the standard arrangements for the management of construction and operational waste, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on material assets (Natural Resources, Energy and Waste) as a result of the proposed development.

9.20. **Interactions Between Impacts on Different Factors**

Chapter 17 of the EIAR addresses interaction of impacts with a matrix provided in Table 17.1. I would agree that the most notable interactions pertain to population and human health with other interactions between biodiversity, soils, water, air, climate, noise and landscape and between land and soil, water and landscape.

I have considered the interrelationships between factors and whether these might, as a whole, affect the environment, even though the effects may be acceptable when considered on an individual basis. In my assessment of each environmental topic, I have considered the likelihood of significant effects arising as a consequence of interrelationship between factors. Most interactions e.g. the impact of noise and air quality on the population and human health and the impact on water on the population and human health are addressed under individual topic headings. Given the significance and probability of the effects which are predicted to occur and having regard to the nature of the proposed development, mitigation measures, or as a consequence of proposed conditions, I do not foresee any likelihood of any of these interrelationships giving rise to significant effects on the environment.

I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, having considered the mitigation measures in place, I am satisfied that no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures are required.

9.21. **Cumulative Impacts**

The cumulative assessment of each chapter has had regard to the projects set out in the Planning History in Section 2.3 of the EIAR. In the passing of time since the submission of the application, other planning applications in the area have been submitted to Kilkenny County Council. These applications are listed above in Section 4 of this report. The proposed development has been considered cumulatively with other plans and projects in the preceding sections of this report. The proposed development will not result in any significant residual effects and will not contribute to any cumulative effect when considered in combination with other plans and projects

9.22. **Reasoned Conclusion on the Significant Effects**

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submission from the planning authority, prescribed bodies, appellants, and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment with the implementation of the proposed migration measures 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 2 no. 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.

I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

## 10.0 AA Screening

### 10.1. AA Screening Determination

10.1.1. Refer to Appendix 2 for AA Screening Determination In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on Lower River Suir SAC (Site Code: 002137) and the River Barrow and River Nore SAC (Site Code: 002162) in view of

the conservation objectives of a number of qualifying interest features of those sites. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

### 10.2. AA Determination

10.2.1. Refer to Appendix 3 for AA determination. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Lower River Suir SAC (Site Code: 002137) and River Barrow and River Nore SAC (Site Code: 002162) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

10.2.2. Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of the Lower River Suir SAC and River Barrow and River Nore SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

10.2.3. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives or prevent or delay the restoration of favourable conservation condition for the Lower River Suir and the River Barrow and River Nore SAC.

## 11.0 Recommendation

It is recommended that permission be granted subject to conditions.

It is recommended that condition 4,5,6,7 and 24 be removed.

A summary of my consideration of the planning authority's environmental conditions is included in Appendix 4. Consideration and attachment of conditions has been assisted by Owen Cahill, Engineer.

## 12.0 Reasons and Considerations

12.1.1. 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, 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
- 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.

(f) The report of the inspector.

**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 2 no. 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 SAC (Site Code: 002137) and the River Barrow and River Nore SAC (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 Lower River Suir SAC (Site Code: 002137) and the River Barrow and River Nore SAC (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 site's 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).

## 13.0 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 2025, 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) 1.8m 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 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 carparking 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 NMS 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 [preservation in-situ/excavation]. 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. The mitigation measures set out in section 6.5.1.6 and 6.6.1 of the EIAR shall be implemented in full.

   (b) “Bat Mitigation Guidelines for Ireland v2”. Irish Wildlife Manuals, No. 134, published by the National Parks and Wildlife Service (2022). The specific mitigation measures set out in section 6.5.1.3, 6.5.1.5, 6.5.2.1 & 6.6.2 of the EIAR shall be implemented in full.

   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 be registered with the EPA in accordance with the Water Environment (Abstractions and Associated Impoundments) Act 2022 and the Water Environment (Abstractions and Associated Impoundments) Regulations 2024.

   (b) Groundwater abstraction shall take place from the groundwater well PW1 only as outlined in Figure 7-6 of the EIAR. 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.

   (c) 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 interest 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. Construction Hours Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0700 to 1300 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. Vibration from construction shall not exceed an external vibration limit of 15mm/s Peak Particle Velocity (PPV) for a frequency of 4 – 40Hz and 50mm/s PPV for frequencies above 40Hz at the nearest sensitive receptors. 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.

13. 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.

(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 interest of amenities, public health and safety and environmental protection.

14. A wheel washing facility shall be provided for the duration of the construction period, adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
**Reason:** In the interest of traffic safety and biosecurity.

15. 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 interest of reducing waste and encouraging recycling.

16. Soil, rock and sand excavated during construction shall not be left stockpiled on site following completion of works. Details of treatment of stockpiled materials and berms shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
**Reason:** In the interest of visual amenity and sustainably re-use materials.

17. All HGVs delivering raw materials from Belview Port to the site shall be covered during haulage to the site via the public road network as indicated in Figure 3.8 of the EIAR.
**Reason:** In the interest of amenities and environmental protection

18. During the operational phase of the proposed development the noise level shall not exceed (a) 55dB (LAeq, 60 minutes) between the hours of 0700 to 1900, (b) 50dB (LAeq, 60 minutes) between the hours of 1900 to 2300, and (c) 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 EIAR. 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.

19. 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.

20. 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 EIAR including a provision for communicating this schedule to all sensitive receptors

(j) Details of all greenhouse gas emissions and initiatives to encourage reductions.

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

21. A minimum of 1 car parking space shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for up to 20% of remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date.
**Reason**: In the interest of sustainable transport.

22. 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 interest of public health and visual amenity.

23. 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ciara McGuinness
Planning Inspector

25th June 2025

## Appendix 1 – Stage 1 Screening for Water Framework Directive

| WFD IMPACT ASSESSMENT STAGE 1: SCREENING | | | |
|---|---|---|---|
| **Step 1: Nature of the Project, the Site and Locality** | | | |
| **An Coimisiún Pleanála ref. no.** | **321962** | **Townland, address** | Gorteens, Co. Kilkenny |
| **Description of project** | | Plasterboard manufacturing plant, a waste gypsum handling plant, a site access road, infrastructure, and associated works. | |
| **Brief site description, relevant to WFD Screening,** | | The landform within the site varies between ca.57m AOD in the north-eastern corner and 34m AOD along its southwestern boundary. The site comprises freely draining brown earths, located in a rural location. The lands to the south and west of the site are well drained grassland with no drainage ditches with industrial development to the north and east. There is a watercourse located c.500 metres north of the site. | |
| **Proposed surface water details** | | Surface water drained from impermeable areas will pass through a silt tank and hydrocarbon interceptor prior to discharge to a soakaway area and discharged to groundwater<br>Excess roofwater not utilised by the harvesting system will be drained to a soakaway and discharged to groundwater. | |
| **Proposed water supply source & available capacity** | | Proposed well onsite c.10 metres from the development which will be supplemented by public mains supply and rainwater harvesting. | |

| | |
|---|---|
| **Proposed wastewater treatment system & available capacity, other issues** | Not applicable |
| **Others?** | Not applicable |

**Step 2: Identification of relevant water bodies and Step 3: S-P-R connection**

| 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) |
|---|---|---|---|---|---|---|
| River Waterbody | 200m | Luffany_010 | Good | Under review | No pressures | Not hydrologically connected to surface watercourse. |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Groundwater waterbody | Underlying site | Waterford IE_SE_G-149 | 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. | Surface | Luffany_010 | None | None | None | No | Screened out |
| 2. | Ground | Waterford_G-149 | Drainage | Hydrocarbon Spillages | Standard Construction Measures / Conditions | No | Screened out |
| **OPERATIONAL PHASE** | | | | | | | |
| 3. | Surface | Luffany_010 | None | None | None | No | Screened out |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 4. | Ground | Waterford_G-149 | Drainage and abstraction | Hydrocarbons from impermeable areas | Hydrocarbon interceptors prior to discharge. | No | Screened out |
| **DECOMMISSIONING PHASE** | | | | | | | |
| 5. | n/a | n/a | n/a | n/a | n/a | n/a | n/a |

## Appendix 2 – AA Screening Determination

| Screening for Appropriate Assessment<br>Test for likely significant effects | |
|---|---|
| **Step 1: Description of the project and local site characteristics** | |
| **Brief description of project** | Construction of an integrated plasterboard manufacturing facility and all associated works |
| **Brief description of development site characteristics and potential impact mechanisms** | A detailed description of the proposed development is provided in Section 2 of this report and detailed specifications of the proposed development area are provided in the NIS/AA screening Report and other planning documents provided by the applicant.<br><br>A site walkover was undertaken in March 2023 and a follow up habitat survey was carried out in May 2023. Bat surveys, bird surveys and badger surveys were also completed at the site.<br><br>Improved agricultural grassland (GA1) was the dominant habitat on site. An area of immature woodland (WD1) was located on the northeastern section of the site. There are 2 no. derelict houses and 1 no. agricultural shed (Buildings and Artificial Surfaces (BL3)) within the site. Areas of scrub were recorded in close proximity to the derelict buildings, agricultural shed and associated area of hardstanding within the centre of the site. Hedgerow/Treelines (WL1/WL2) provide the principal field boundaries around the site.<br><br>There are 3 no. watercourses identified within 1km of the Site:<br>• TheLuffany Stream is located c. 500m to the northeast of the site, at its closest point.<br>• The Drumdowney Lower stream is located c. 440m to the northeast of the site, at its closest point. This river flows in a southeasterly direction, and drains into the Luffany River, c. 300m downstream of the Site. |

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|---|---|
| | • The Gorteens stream is located c. 350m southeast of the site, at its closest point. The Gorteens stream flows in a southerly direction and drains into the River Suir. The River Suir forms part of the Lower River Suir SAC.<br><br>The national biodiversity data centre holds no records of otter within 2km of the site and no evidence of otter were noted during site surveys. Additionally, no suitable habitats were identified within the site or the vicinity of the site for holting, foraging or commuting otters. No invasive species were noted during site surveys. |
| **Screening report** | Yes (prepared by Malone O'Regan Environmental) |
| **Natura Impact Statement** | Yes (prepared by Malone O'Regan Environmental) |
| **Relevant submissions** | N/A |

**Step 2. Identification of relevant European sites using the Source-pathway-receptor model**

Two European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that the applicant included a greater number of European sites in their initial screening consideration, with sites within 15km of the development site considered.

The following sites have been excluded given separation distances, the intervening lands and the lack of impact pathways;

- Tramore Dunes and Bacstrand SAC,
- Bannow Bay SAC,
- Tramore Back Strand SPA
- Bannow Bay SPA

I have only included those sites with any possible ecological connection or pathway in this screening determination.

| **European Site (code)** | **Qualifying interests Link to conservation objectives (NPWS, date)** | **Distance from proposed development (km)** | **Ecological connections [2]** | **Consider further in screening [3] Y/N** |
|---|---|---|---|---|
| Lower River Suir SAC (002137) | ConservationObjectives.rdl | 750m | There is a proposed surface water drainage | Y |

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|---|---|---|---|---|
| | | | connection in the northeast catchment between the site and Lower River Suir SAC and the River Barrow and River Nore SAC. | |
| River Barrow and River Nore SAC (002162) | Site_specific_cons_obj | 1.8km | As above. | Y |

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

The proposed development will not result in any direct effects on either the Lower Suir SAC (002137) or River Barrow and River Nore SAC (002162). However, due to the size and scale, and proximity of the proposed development to the River Suir and River Barrow, impacts generated by the construction and operation of the development require consideration.

Sources of impact and likely significant effects are detailed in the Table below.

**AA Screening matrix**

| **Site name**<br>**Qualifying interests** | **Possibility of significant effects (alone) in view of the conservation objectives of the site*** | |
|---|---|---|
| | **Impacts** | **Effects** |
| **Site 1: Lower River Suir SAC [002137]**<br><br>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]<br><br>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]<br><br>Hydrophilous tall herb fringe communities of plains and of | Direct: none<br><br>Indirect:<br>localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction | Potential damage to riparian and river habitats associated with inadvertent spillages of hydrocarbons and/or other chemicals during construction phase;<br>Potential damage to the habitats and freshwater qualifying interest species dependent on water quality, an impact of |

| | | |
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| the montane to alpine levels [6430]<br><br>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]<br><br>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]<br><br>Taxus baccata woods of the British Isles [91J0]<br><br>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]<br><br>Austropotamobius pallipes (White-clawed Crayfish) [1092]<br><br>Petromyzon marinus (Sea Lamprey) [1095]<br><br>Lampetra planeri (Brook Lamprey) [1096]<br><br>Lampetra fluviatilis (River Lamprey) [1099]<br><br>Alosa fallax fallax (Twaite Shad) [1103]<br><br>Salmo salar (Salmon) [1106]<br><br>Lutra lutra (Otter) [1355] | | sufficient magnitude could undermine the sites conservation objectives |
| | Likelihood of significant effects from proposed development (alone): **Yes** | |
| | If No, is there likelihood of significant effects occurring in combination with other plans or projects? | |
| | **Impacts** | **Effects** |
| **Site 2: River Barrow and River Nore SAC [002162]**<br><br>Estuaries [1130] | **As above** | **As above** |

| | | |
|---|---|---|
| Mudflats and sandflats not covered by seawater at low tide [1140]<br><br>Reefs [1170]<br><br>Salicornia and other annuals colonising mud and sand [1310]<br><br>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]<br><br>Mediterranean salt meadows (Juncetalia maritimi) [1410]<br><br>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]<br><br>European dry heaths [4030]<br><br>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]<br><br>Petrifying springs with tufa formation (Cratoneurion) [7220]<br><br>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]<br><br>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]<br><br>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] | | |

| | | |
|---|---|---|
| Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]<br><br>Austropotamobius pallipes (White-clawed Crayfish) [1092]<br><br>Petromyzon marinus (Sea Lamprey) [1095]<br><br>Lampetra planeri (Brook Lamprey) [1096]<br><br>Lampetra fluviatilis (River Lamprey) [1099]<br><br>Alosa fallax fallax (Twaite Shad) [1103]<br><br>Salmo salar (Salmon) [1106]<br><br>Lutra lutra (Otter) [1355]<br><br>Trichomanes speciosum (Killarney Fern) [1421] | | |
| | Likelihood of significant effects from proposed development (alone): **Yes** | |
| | If No, is there likelihood of significant effects occurring in combination with other plans or projects? | |
| **Step 4 Conclude if the proposed development could result in likely significant effects on a European site** | | |
| Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the Lower Suir SAC and the River Barrow and River Nore SAC.<br><br>I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species. | | |
| **Screening Determination**<br><br>**Finding of likely significant effects** | | |

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on Lower River Suir SAC and the River Barrow and River Nore SAC in view of the conservation objectives of a number of qualifying interest features of those sites. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

## Appenidx 3 – AA Determination

| **Appropriate Assessment** |
|---|
| The requirements of Article 6(3) as related to Appropriate Assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. |
| Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed development in view of the relevant conservation objectives of Lower Suir SAC and River Barrow and River Nore SAC based on scientific information provided by the applicant and considering expert opinion through observations on nature conservation.<br><br>The information relied upon includes the following:<br><br>• Natura Impact Statement prepared by Malone O'Regan Environmental<br><br>I am satisfied that the information provided is adequate to allow for Appropriate Assessment. All aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness |
| **Submissions/observations**<br><br>**Department of Housing, Heritage and Local Government**<br>No comments in relation to Appropriate Assessment. |
| **Lower Suir SAC (SITE CODE: 002137):**<br><br>**Summary of Key issues that could give rise to adverse effects (from screening stage):**<br>**(i) Water quality degradation (construction and operation)**<br><br>**See Table 6.1 and 6.2 of NIS** |

| **Qualifying Interest features likely to be affected** | **Conservation Objectives Targets and attributes (as relevant - summary)** | **Potential adverse effects** | **Mitigation measures (summary)**<br><br>NIS SECTION 7 |
|---|---|---|---|
| **Lutra lutra (Otter) [1355]** | Maintain favourable | Water quality | Pollution control Measures |

| | | | |
|---|---|---|---|
| | conservation condition<br><br>No significant decline in fish biomass available | degradation and/ or alteration of habitat quality would undermine conservation objectives | Application of industry standard controls, Inland Fisheries and National Roads Authority Guidance Documents<br><br>Implementation of CE&WMP,<br><br>Supervision by ECOW, monitoring of water quality parameters |
| **Salmo salar (Salmon) [1106]** | Restore favourable conservation condition<br><br>Water quality Q4, No decline in number and distribution of spawning reddsdue to anthropogenic causes | Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives | |
| **Petromyzon marinus (Sea Lamprey) [1095]** | Restore favourable conservation condition<br><br>No decline in extent and distribution of spawning beds | Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives | |
| **Lampetra fluviatilis (River Lamprey) [1099]** | Restore favourable conservation condition<br><br>No decline in extent and distribution of spawning beds | Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives | |
| **Alosa fallax fallax (Twaite Shad) [1103]** | Restore favourable conservation condition | Water quality degradation and/ or alteration of habitat | |

| | | | |
|---|---|---|---|
| | No decline in extent and distribution of spawning habitats, No lower than 5mg/l oxygen levels | quality would undermine conservation objectives | |
| **Margaritifera margaritifera (Freshwater Pearl) Mussel [1029]** | Restore favourable conservation condition<br><br>Restore population to at least 10,000 adult mussels, No more than 5% decline<br>From previous number of live adults counted, restore water quality (Q4-5 or Q5). | Water quality degradation and/ or<br>alteration of habitat<br>quality would undermine conservation objectives | |

**Assessment of issues that could give rise to adverse effects view of conservation objectives**

- **Water quality degradation**

  The site is hydrologically linked via surface water drainage to the Lower River Suir SAC and River Barrow and River Nore SAC further downstream. Good quality water is necessary to maintain the populations of the Annex II animal species listed. Water quality degradation is the main risk from unmanaged site works. I note there is no drain or watercourse currently providing a connection to nearby streams/watercourses flowing into the SAC. Decrease in water quality could adversely affect the Annex 1 habitats and Annex I/II species listed. Sedimentation could clog fish gills and alter habitat quality for spawning or nursery grounds. This could also result in decreased food availability. Pollutants have the potential to cause a chemical imbalance which could be toxic to fish and other species. A decrease in fish population would also result in a decrease in food availability for otters and other fish species. However, it is considered highly unlikely that any pollutants could reach these Natura 2000 sites due to proposed works carried out and the fact that pollutants will either be diluted within the watercourse or pollutants, such as sediment, will settle to the bottom of the watercourses. Nonetheless, all construction works will be undertaken in accordance with recognised best practice guidelines as

outlined in the CEWMP for the development. Furthermore, there will be no direct discharges to any of the surface water drainage systems within the vicinity of the Site during the construction phase. No operational phase impacts are anticipated. As a precautionary approach, the following mitigation measures will be put in place.

**Mitigation measures and conditions**

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and receiving watercourses. This is to be achieved via design, supervision by an Ecological Clerk of works, application of specific mitigation measures and monitoring effectiveness of measures. Detail is provided on sediment control, concrete and hydrocarbon control, and an emergency response plan. Measures include:

- Standard measures to control run-off will be incorporated into the Method Statements, including Construction Industry Research and Information Association (CIRIA) C532 – Control of Water Pollution from Construction Sites, Guidance for Consultants and Contractors and CIRIA C741 Environmental Good Practice onsite;
- Weather conditions will be considered when planning construction activities to minimise risk of run off from the Site;
- Provision of 20m exclusion zones and barriers between any stockpiled materials and any proposed surface water drainage features to prevent sediment washing into the receiving water environment;
- All routes used for construction traffic shall be protected against migration of soil or wastewater into watercourses:
    - Provision of wheel wash facilities will be made available onsite; and,
    - The road will be regularly inspected and cleaned when necessary.
- An Ecological Clerk of Works shall be engaged to periodically inspect all elements of the works for their entire duration.
- Emergency response procedures will be put in place in advance of works commencing.
- Specific measures will be put in place for to ensure that no cementitious material will reach the Lower River Suir SAC and the River Barrow and River Nore SAC including;
    - Concrete will be supplied by an accredited local supplier
    - Shutters will be designed to prevent failure
    - Concrete washings will be collected and disposed of off site
- Specific mitigation measures for the escapement of oil from storage or construction vehicles including;
    - All materials shall be stored at the main contractor compound and transported to the work zone immediately prior to construction;
    - Design and installation of fuel tanks to be in accordance with best practice guidelines;

- Prior to any works commencing, all construction equipment will be checked to ensure that they are mechanically sound, to avoid leaks of oil, fuel, hydraulic fluids, and grease;
- Adequate stocks of absorbent materials, such as sand or commercially available spill kits shall be accessible. Used absorbent material will be correctly disposed of and replaced with new absorbents;
- The Contractor shall ensure that all personnel working on-site are trained in pollution incident control response. Training records will be maintained on-site

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to the NIS are captured in Planning condition 2 of the Inspectors Report.

**In-combination effects**

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

**Findings and conclusions**

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

**Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

**Site Integrity**

The proposed development will not affect the attainment of the Conservation objectives of the Lower River Suir SAC. Adverse effects on site integrity can be

excluded and no reasonable scientific doubt remains as to the absence of such effects.

**River Barrow and River Nore SAC (002162):**

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

**(i) Water quality degradation (construction and operation)**

**See Table 6.3 and 6.4 of NIS**

| **Qualifying Interest features likely to be affected** | **Conservation Objectives Targets and attributes (summary)** | **Potential adverse effects** | **Mitigation measures (summary)** |
|---|---|---|---|
| **Lutra lutra (Otter) [1355]** | Restore favourable conservation condition<br><br>No significant decline in fish biomass available | Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives | NIS SECTION 7<br><br>Pollution control Measures<br><br>Application of industry standard controls, Inland Fisheries and National Roads Authority.<br><br>Implementation of CE&WMP,<br><br>Supervision by ECOW, monitoring of water quality parameters |
| **Salmo salar (Salmon) [1106]** | Restore favourable conservation condition<br><br>Water quality Q4, No decline in number and distribution of spawning reddsdue to anthropogenic causes | Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives | |
| **Margaritifera durrovensis (Nore freshwater** | Restore favourable conservation condition. | Water quality degradation and/ or | |

| | | | |
|---|---|---|---|
| **pearl mussel) [1990]** | Restore to 5,000 adult Mussels, No more than 5% decline from previous number of live adults counted, restore water quality (EQR greater than 0.9) | alteration of habitat quality would undermine conservation objectives | |
| **Lampetra planeri (Brook lamprey) [1096]** | Restore favourable conservation condition<br><br>No decline in extent and distribution of spawning beds | Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives | |
| **Petromyzon marinus (Sea Lamprey) [1095]** | Restore favourable conservation condition<br><br>No decline in extent and distribution of spawning beds | Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives | |
| **Lampetra fluviatilis (River Lamprey) [1099]** | Restore favourable conservation condition<br><br>No decline in extent and distribution of spawning beds | Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives | |
| **Alosa fallax fallax (Twaite Shad) [1103]** | Restore favourable conservation condition<br><br>No decline in extent and distribution of spawning habitats, | Water quality degradation and/ or alteration of habitat quality would undermine | |

| | | | |
|---|---|---|---|
| | No lower than 5mg/l oxygen levels | conservation objectives | |

**Assessment of issues that could give rise to adverse effects view of conservation objectives**

**(i) Water quality degradation**

As above for Lower River Suir SAC.

**Mitigation measures and conditions**

As above

**In-combination effects**

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

**Findings and conclusions**

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of the River Barrow and River Nore SAC.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. No significant in combination effects are predicted.

**Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

**Site Integrity**

The proposed development will not affect the attainment of the Conservation objectives of the River Barrow and River Nore SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

**Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Lower River Suir SAC and River Barrow and River Nore SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the Lower River Suir SAC and River Barrow and River Nore SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives or prevent or delay the restoration of favourable conservation condition for the Lower River Suir and the River Barrow and River Nore SAC.

## Appendix 4 – Consideration of Local Authority Conditions

| **Planning Authority** | | **Included/ excluded in Schedule of Conditions** |
|---|---|---|
| **Kilkenny County Council** | | |
| Condition 4 | Local Authority Air Pollution Licence | Excluded. See Section 8 above. |
| Condition 5 | Integrated Pollution Control Licence | Excluded. See Section 8 above. Within the remit of EPA. |
| Condition 6 | Local Authority Waste Facility Permit | Excluded. See Section 8 above. |
| Condition 7 | Waste Licence | Excluded. See Section 8 above. Within the remit of the EPA. |
| Condition 8 | Archaeology | Included, additional to measures in EIAR. |
| Condition 9 | Traffic and Pedestrian Safety | Included, additional requirements following submission of FI. |
| Condition 10 | Visual Amenity, Planting and Landscaping | Excluded. Provided for in the EIAR. |
| Condition 11 | Surface Water –<br>Materials handling, run-off and drainage all through a by-pass separator. Surface Water through settlement tank before soakaway | Item (a) Covered in the EIAR already (Section 7.6.2 and the RFI Item 7). Items b, c, d, & e already in the design. |
| Condition 12 | Drinking Water | Excluded provided for in EIAR. |

| | | |
|---|---|---|
| Condition 13 | Groundwater abstraction –<br>not for humans and separate from mains. All mitigation adhered to. Register the abstraction with EPA | Updated Groundwater Abstraction condition included. Item (b) already in the design as addressed at FI. Item (c) covered by standard condition. |
| Condition 14 | Mitigation to water supply sources –<br>Monitoring adjacent homeowner wells<br>Reporting<br>Logging complaints | Excluded. The findings of the EIA and Groundwater Feasibility Study received at FI found that no private supply groundwater wells fall within the Zone of Contribution of the proposed groundwater abstraction point PW1. Groundwater Abstraction Condition included which confines pumping to PW1 and which requires decommissioning of tother wells not being used for abstraction. Procedures for logging and investigating complaints are required under Operational Management Plan Condition. |
| Condition 15 | Wastewater – Uisce Eireann Connection Agreements | Included. Standard condition. |
| Condition 16 | Operational Waste Management Plan | Included. Standard Operational Management Plan condition included. |
| Condition 17 | Resource Waste Management Plan | Included, standard condition. |
| Condition 19 | Waste/Environmental Management System | Excluded. Provided for in the EIAR. |

| | | |
|---|---|---|
| Condition 20 | Industrial Management | Excluded. Provided for in the EIAR. |
| Condition 21 | No Industrial Storage to front of building/ All goods stored within enclosed building | Included. Standard condition. |
| Condition 22 | Weighbridge | Included. Not provided for in EIAR. |
| Condition 23 and 24 | Noise during operational phase<br>23. Noise Limits<br>24. Delivery hours restrictions and commitment to them to be agreed Pre-construction | Condition in relation to noise limits included.<br>Condition 24 excluded. See Section 8 above. |
| Condition 25 | Pollution Control | Excluded. Provided for in the EIAR and within CEMP condition and Operational Management Plan condition included. |
| Condition 26 | Light and Glare | Excluded. Provided for in the EIAR. |
| Condition 27, 28,29 and 30 | Construction<br>27. CEMP<br>28.Tank and drum storage areas<br>29. Minimise waste production<br>30. Keep port and public roads clean | Include CEMP standard condition.<br>Conditions 28,29& 30 provided for within CEMP. |

| | | |
|---|---|---|
| Condition 31 | Noise, Air and Odour during the construction phase | Excluded. Provided for in EIAR/CEMP. Noise thresholds for the construction phase are set out in the EIAR Tables 11-11 and 11-12. |
| Condition 32 | Dust Management Plan | Excluded. Provided for in EIAR/CEMP. |
| Condition 33 | Debris/Dirt Control | Excluded. Provided for in the EIAR. |
| Condition 36 | Further Monitoring | Excluded. Provided for in the EIAR. |