



An  
Bord  
Pleanála

## Inspector's Report

### ABP-322306-25

<b>Development</b>	Motor sales and service facility, showroom and valeting facility
<b>Location</b>	1.163 hectare site at the junction of N10 Waterford road and Waterford Road , Kilkenny Business Park , Springhill Kilkenny
<b>Planning Authority</b>	Kilkenny County Council
<b>Planning Authority Reg. Ref.</b>	2460341
<b>Applicant(s)</b>	Arrowdell Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	David McNulty.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> of June 2025
<b>Inspector</b>	Caryn Coogan

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Appendix 1 – Form 1: EIA Pre-Screening Form

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## **1.0 Site Location and Description**

- 1.1. The subject site, 1.63hectares, is located within the Kilkenny Business Park at a roundabout junction off the N10 (Kilkenny Road and Waterford Road) Springhill, Kilkenny.
- 1.2. To the immediate north of the site is the Springhill Hotel and Conference centre, the N10 is to the east, an existing dwelling is to the west (owned by the applicant) and to the south is the estate road and a number of car dealerships, similar to the current proposal .
- 1.3. To the south of the subject site, are motor sales outlets, Morrissey Motor sales, Laharts and Young Motors.
- 1.4. The subject site currently supports a tillage crop, (a field of corn on the day of my inspection). The site rises from the south to north towards the Springhill Hotel.
- 1.5. The subject site is accessed from an existing access off the Kilkenny Business Park Road into the site which also serves the adjoining dwelling o the east of the site (owned by the applicant).

## **2.0 Proposed Development**

- 2.1. The proposed development consists of:
  - The provision of a motor sales and service facility comprising of Building 'A' a single storey motorsales room and service workshop facility with associated ancillary spaces, with a gross floor area of 1,713sq.m. (max height 8m) and Building 'B' s a single storey wash and valeting wash facility solely for use as part of the vehicle serving business with a gross floor area of 350sq.m. (max height 5m)
  - The development will also include:
    - (i) 2No. free standing double sided illuminated pylon signs;
    - (ii) 3No. flagpoles;

- (iii) Realignment of existing entrance to improve road safety and vehicular movement
- (iv) Customer and staff parking; (242No. total parking spaces to be provided)
- (v) Bicycle parking;
- (vi) Vehicle display areas;
- (vii) Vehicle storage area;
- (viii) Electric vehicle charging points;
- (ix) Lighting;
- (x) Hard and soft landscaping;
- (xi) SUDS measures;
- (xii) The boundary treatments shall retain the existing boundary wall and landscaping to the west and south of the site. The proposed eastern boundary shall be a landscaped embankment with a prefinished metal railing fencing to the boundary. The northern boundary with Springhill Court hotel will retain the existing hedging, and shall be delineated by a proposed 2 metre high prefinished metal Paladin fencing.
- (xiii) The proposed development will sell Mercedes Benz.

2.2 There was extensive further information requested by the planning authority on the 09/09/2024. The information requested can be summarised as follows:

- Road Safety Audits
- Entrance to be relocated further east along the link road
- Alternative location for totem sign
- Defined walkways within the site
- Lighting
- Maximum threshold index
- Noise assessment
- Letter from Uisce Eireann

- Revised surface water distribution system.

All of the above was submitted to the satisfaction of the planning authority on the **24<sup>th</sup> of February 2025.**

### 3.0 Planning Authority Decision

#### 3.1. Decision

Kilkenny Co. Co. issued a Notification to Grant Planning permission for the proposed development on the 21/03/2025. There were 11No. conditions attached.

2. A development contribution of €107,892 is payable
3. Entrance/ paving, Mobility Audit, Road Safety Audit.
4. Discharge licence
5. Wastewater
6. Water Supply
7. Stormwater
8. Air/Odour
9. Construction and Environmental Management Plan
- 10 Waste Management Plan
11. Noise, Odour and Air during Construction Phase

#### 3.2. Planning Authority Reports

##### 3.2.1. ***Planning Reports***

###### Planning Report No. 1 (09/09/2024)

- The planning report had no objection in principle to the proposed development which complies with the zoning objective for the site and the proposed use is appropriate for the site having regard to the neighbouring landuses. The report recommended further information based on the input from the technical departments.

### Planning Report No. 2 (23/03/2025)

- A Road Safety Audit Stages 1 and 2 was prepared by Roadplan Consulting.
- Detailed drawings of the entrance area have been provided.
- A Mobility Audit was prepared.
- A maximum Threshold Index was prepared.
- The existing traffic noise from the N10 will be mitigated by the proposed building fabric (roof and walls). This building fabric will likewise reduce noise emissions from the building to the surrounding environment. The proposed external cladding of both buildings shall be a predominantly a proprietary Kingspan insulated panel (to both roofs and walls), which shall achieve a predicted sound reduction index of (Rw) of 24dB, similarly, the roofs shall achieve a predicted sound reduction index of (Rw) of 24dB, and aluminium double-glazing systems achieving a predicted sound reduction index of (Rw) of c. 35dB.
- Uisce Éireann confirms of feasibility in terms of water and waste water connections.
- The storm water drainage design, prepared was revised
- Permission is recommended subject to conditions.

#### **3.2.2. *Other Technical Reports***

- Environment Section : The applicant must apply for a Discharge Licence.  
There are no objections to the proposed development. Conditions are recommended. Additional information is required regarding stormwater.
- Roads Design: Additional information is required in respect of a Road Safety audit, the entrance in accordance with TII Guidelines, an undated drawing of the proposed entrance. The location of bollards and boundary wall needs to be clarified. Lighting, threshold index and noise action plan required as further information.

Following the receipt and consideration of the further information requested by the section (19/03/2025), there was no objection to the proposed development.

### **3.2.3. Conditions**

Condition No. 3 is site specific and reads as follows:

- a. *Prior to commencement of development the applicant shall agree, with The Municipal District Office and Active Travel Office, the finishes and layout of the development entrance and associated tactile paving layout for the footpath and cycle track to ensure that priority is given to pedestrians and cyclists and the layout priority is clearly communicated to all road users. The recommendations of the Road Safety Audit and Mobility Audit shall be incorporated into the agreed layout.*
- b. *The applicant shall incorporate the agreed recommendations of the Mobility Audit and Stage 1/2 Road Safety Audit recommendations into the detailed development design. The applicant shall carry out a Stage 3 Road Safety Audit for the proposed development.*
- c. *The applicant shall provide public lighting for the proposed development. The applicant shall carry out an assessment of the constructed lighting and adjust the lighting where required to ensure that excessive light spill or direct glare does not adversely affect adjoining properties or the public road. Within six months of commissioning the building the applicant shall provide details of this assessment to Kilkenny County Council to demonstrate that the lighting provision is optimised and meets the requirements in relation to excessive light spill and glare and to demonstrate that the maximum Threshold Index along the roads in the vicinity of the development is below the maximum permissible level appropriate for this location.*

### **3.3. Prescribed Bodies**

#### **3.3.1 Transport Infrastructure Ireland** expressed concerns regarding:

Development involving access to national roads and development along such roads is set out in the DoECLG Spatial Planning and National Roads Guidelines for

Planning Authorities (January, 2012). Section 2.7 of the DoECLG Guidelines concerns development at National Road Interchanges or Junctions. The proposal, if approved, would create an adverse impact on the national road and associated junction and would, in the Authority's opinion, be at variance with the foregoing national policy.

The existing direct access onto the local road approach to the N10 roundabout junction, which the development seeks to utilise, is within the minimum clearance distance to be kept free of accesses as noted in TII Publication DN-GEO-03060 (Geometric Design of Junctions), therefore we would have safety concerns in relation to the intensification of traffic using the existing direct access as a result of this development.

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

A third-party submission (from a resident of Naas, Co. Kildare) stated the application would transform productive agricultural land into industrial zone raising concerns relating to long-term food security as well as the viability of agricultural activities in a well-established agricultural area.

The longterm impacts of reducing the amount of productive farmland in the county, and more suitable sites should be explored for such a development.

## 4.0 **Planning History**

4.1 There are no recent planning history cases.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

5.1.1 Under the provisions of the **Kilkenny City and County Development Plan 2021-2027**, the site is zoned '*Business Park*'.

5.1.2 The objective of the zoning is '*to provide for commercial activity including industry, information technology-related industrial and office development and ancillary*



*services and retail warehousing’ and under this zoning, car showrooms are permittable in principle*

## **5.2. Natural Heritage Designations**

The River Barrow River Nore SAC is located approximately 1km east of the site with a tributary of the River Nore within 250m west of the site.

*Section 8.0 of this Report addresses Appropriate Assessment.*

*Appendix 3 is Appropriate Assessment Screening.*

## **5.3. EIA Screening**

Having regard to the nature and scale of development for a car sales showroom, servicing and car wash facilities on the serviced urban fringe of Kilkenny City on zoned lands, it is not considered that the development falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an Environmental Impact Assessment is not required. See Appendix 1 & 2.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

David McNulty from 14 The Paddock, Naas, Co. Kildare has taken this appeal against Kilkenny Co. Co. decision to grant planning permission for the development on the following grounds:

There was no consideration by the planning authority to his original concerns transforming productive agricultural land into an industrial zone will impact the food security in the country at a time when climate change threatens worldwide food security and in a country that suffers from major urban sprawl.

### **6.2 Planning Authority Response to Third Party Appeal**

***Kilkenny City and Environs Development Plan 2021 – 2027.*** Zoning: This car showroom and forecourt site falls within a Business Park zoning.

## 7.0 Assessment

7.1. I inspected the site and considered the content of the appeal file. The planning authority, Kilkenny Co. Co., carried out a comprehensive and robust assessment of the key planning issues arising from the proposed development. I will summarise these as follows prior to examining the merits of third-party appeal, which relates to the long-term implications of changing of the use of an agricultural field to an industrial use.

### 7.2. ***Site Context and Development Potential:***

7.2.1 The subject site, which is 1.16 ha (2.87acres) is a corn field north-east of existing roundabout at the junction of the N10 Waterford Road and a link road serving the Kilkenny Retail and Business Park, Waterford Kilkenny. On the opposite side of the link road, south of the subject site, are a number of motor dealerships, Peugeot, Young Motors, Renault Motors, Dacia Motors, Audi Kilkenny, Volkswagen, Skoda and Laharts Motors. The general built environment on the east side of the N10 at Springfield Kilkenny, is associated with the car sales and car services business. Therefore, the proposed development, consisting of a new motor sales and service facility at the Kilkenny Business Park Roundabout, is appropriate and in keeping with existing land uses in the immediate vicinity of the site.

### 7.3 ***Development Plan Policies***

7.3.1 The site is appropriately zoned in the current development plan for Kilkenny City and Environs as 'Business Park'. This zoning objective is 'to provide for commercial activity including industry, information technology-related industrial and office development and ancillary services and retail warehousing'. Car Show rooms are 'Permitted in Principle under this zoning. There are several car sales sites and car dealerships immediately south of the subject site. There is a hotel and conference centre immediately north of the site.

7.3.2 The proposed is in keeping with the current zoning objective for the subject site and the adjoining land uses.

### 7.4 ***Roads/ Traffic***

7.4.1 It is proposed to utilise the existing entrance off the Business Park link road that currently serves the agricultural field and a domestic dwelling east of the site. The

existing entrance is approximately 70metres from the Waterford Road roundabout. There is a footpath fronting the site and public lighting. In addition, there is another car dealership entrance on the opposite side of the road to the subject entrance. Please refer to the photographs taken during my site inspection which highlight the existing road layout, kerbing, footpaths, public lighting and landscaping.

7.4.2 The Roads Design team in Kilkenny Co. Co. requested the applicant to review the submission made by Transportation Infrastructure Ireland and to submit proposals for a revised location of the entrance. In addition, the exact works to be carried out to the existing kerbing, footpath and cycle facilities and drainage is to be clearly illustrated by the applicant. The totem sign was to be relocated, and a mobility audit was requested, and a noise assessment.

7.4.3 As per the further information requested, the access was relocated further to the east and is now approximately 90m from the junction which will satisfy the requirement for the minimum clearance distance from the N10 junction, in line with TII's concerns. The entrance details have been clearly demarcated in terms of the kerbing, footpath, tactile paving and bollards.

7.4.4 A Road safety Audit Stages 1& 2 was prepared as part of the further information request. The prescribed changes in the reports were incorporated into the revised entrance design and layout. Proposed Site Entrance Drawing, W23097-P806-P1 indicated the revised and permitted position of the entrance with the footpath and kerbing arrangements, and tactile paving with an Aco drain to collect all surface water from the entrance.

## **7.5 Design and Layout**

7.5.1 The overall design includes for two buildings :

**Building 'A'** a single storey motorsales room and service workshop facility with associated ancillary spaces, with a gross floor area of 1,713sq.m. (max height 8m) and

**Building 'B'** s a single storey wash and valeting wash facility solely for use as part of the vehicle serving business with a gross floor area of 350sq.m. (max height 5m).

- 7.5.2 Both buildings are low profile and positioned centrally on the site. They are compliant with separation distances with the adjoining hotel to the north, and the National Primary Road (N10) to the west. The site does rise from south to north, i.e. from the Link Road towards the Springhill Hotel. The main building is only 8metres in height and is flat roofed, which matches the opposing flat roofed profiles on the neighbouring sites. The proposed development will not be obtrusive on the site, and the overall design and layout is appropriate to the location.
- 7.5.3 The overall design and layout are contemporary and typical of a motorsales dealerships. The specifications have been carefully considered. There is a subtle lighting scheme for the entire site area, which is designed not to cause glare along the N10. The comprehensive hard and soft landscaping scheme was submitted by the applicant with the further information.
- 7.5.4 According to the appeal file, the dealership is for a Mercedes garage. The overall corporate identity includes a tasteful design and company logo. In my opinion, the proposed development will complement the other car dealerships in the area.

## **7.6     *Infrastructure/ Engineering***

- 7.6.1 The Environment Section Report dated 2/03/2024 has no objection to the proposed development. There were conditions recommended by the section following receipt of the further information on the 24/02/2025.
- 7.6.2 Uisce Eireann has provided confirmation of the feasibility of the public water and public sewer connections.
- 7.6.3 The revised Surface Water Drainage layout W23097-P810-P1 now includes 4no. Rainsafe stormwater management system, and permeable paving as part of an integrated SUDS design. There were soakaway tests carried out on site and a soakaway system has been designed in accordance with BRE365.
- 7.6.4 A Trade Effluent Licence is required from Uisce Eireann, in accordance with Section 16 of the Local Government (Water Pollution) Act, 1977-1990 (as amended).
- 7.6.5

## **7.7     *Loss of Agricultural Land***

- 7.7.1 The third-party appellant from Co. Kildare, claims there was no consideration given by the planning authority to his original concerns submitted on the planning

application. He is concerned about the principle of transforming productive agricultural land into an industrial zone which will ultimately impact the food security in the country at a time when climate change threatens worldwide food security and in a country that suffers from major urban sprawl.

- 7.7.2 In Co. Kilkenny, according to the Irish Farmer Association, there are 165,977 hectares of land been farmed. The average farm size in Co. Kilkenny is 44.7hectares which is significantly larger than the national average. Therefore, I do not know how the appellant can justify is concern for the loss of agricultural land in Co. Kilkenny while in resides in Co. Kildare where there is a less proportion of agricultural land to other landuses. According to recent IFA studies there is 17,305ha of land under tillage in Co. Kilkenny. The subject site area is 1.63 ha. The net loss of agricultural land to Co. Kilkenny as a result of the proposed development, i.e. 1.63ha out of 17,305Ha represents 0.0009% of the total farmland in Co. Kilkenny, and 0.009% of land currently under tillage in the county. To translate the loss of 1.6ha of tillage land, to the total amount of farmland in Ireland, would be absurd.
- 7.7.3 It may be considered admirable that the appellant residing in Kildare is concerned about the loss of 1.6ha of tillage land in Kilkenny to industrial/ commercial landuse when climate change threatens the global food security. However, when examined in the context of the above figures, his grounds for appeal would appear to be me to be unfounded, unreasonable, without substance and unwarranted. I would advise the Commission to dismiss the third-party appeal and uphold the planning authority's decision.
- 7.7.4 I am satisfied the proposal complies with the 'Business Park' zoning objective for the site and is in keeping with the commercial landuses on the neighbouring site to the north and south at Springhill, Kilkenny.

## 8.0 AA Screening

- 8.1. I have considered the nature and scale of the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended in Appendix 3 of this report.

- 8.2. The subject site is not located within or adjacent to a European Site. A tributary of the River Barrow and River Nore SAC is located 240m west of the site. There is no hydrological link between the subject site and the European sites.
- 8.3. The Commission should note that the Planner's Report on the Kilkenny Co. Co. planning file Reg. No. 2460341, referred to an Appropriate Screening Report been prepared by the planning authority. However, I could not find any evidence of such a report on the Commission's or planning authority's system. At my request, the Commission asked the planning authority to clarify if there was an AA Screening Report on the original planning file. The planning authority responded on the 16/07/2025 stating there is no AA Screening Report available on the planning file. Please note, I have carried out the Appropriate Assessment Screening as per Appendix 3 of this report.
- 8.4. Having considered the nature, scale and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.5. This determination is based on:
- Medium sized scale and nature of the proposed development
  - Connection to public infrastructure
  - The location on serviced built up land
  - Distance from European sites.
- 8.5 I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.6 Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 Recommendation

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

## 10.0 Reasons and Considerations

Having regard to the pattern of development in the area and to the Business Park zoning objective associated with the subject site as outlined in the Kilkenny City and County Development Plan 2021-2027 it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or have an adverse impact on the traffic safety of the area and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 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 24<sup>th</sup> of February 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 the proper planning and sustainable development of the area.

2. a) Prior to commencement of development the applicant shall submit and agree in writing to the planning authority,
3. the finishes and layout of the development entrance and associated tactile paving layout for the footpath and cycle track to ensure that priority is given to pedestrians and cyclists and the layout priority is clearly communicated to all road users. The

recommendations of the Road Safety Audit and Mobility Audit shall be incorporated into the agreed layout.

b) The applicant shall incorporate the agreed recommendations of the Mobility Audit and Stage 1/2 Road Safety Audit recommendations into the detailed development design. The applicant shall carry out a Stage 3 Road Safety Audit for the proposed development.

c) The applicant shall provide public lighting for the proposed development. The applicant shall carry out an assessment of the constructed lighting and adjust the lighting where required to ensure that excessive light spill or direct glare does not adversely affect adjoining properties or the public road. Within six months of commissioning the building the applicant shall provide details of this assessment to the planning authority to demonstrate that the lighting provision is optimised and meets the requirements in relation to excessive light spill and glare and to demonstrate that the maximum Threshold Index along the roads in the vicinity of the development is below the maximum permissible level appropriate for this location.

**Reason:** In the interest of traffic safety.

4. Prior to the commencement of the development the applicant shall apply to Uisce Eireann for a separate 'Trade Effluent Licence' in accordance with Section 16 of the Local Government (Water Pollution) Act, 1977-1990 (as amended). A copy of the application and licence shall be forwarded to the planning authority.

**Reason:** In the interests of public health and for the protection of the environment.

5. Details of the materials, colours and textures of all the external finishes to the proposed apartment blocks shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.



**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

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

**Reason:** in order to safeguard the residential amenities of property in the vicinity.

7. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the planning authority for such works and services. The stormwater shall be managed and maintained in accordance with the BER Soakaway Design which was submitted by way of further information on the 24<sup>th</sup> of February 2025.

**Reason:** In the interest of public health and surface water management.

8. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Eireann (Irish Water) to provide for a service connections to the public water supply and wastewater collection network.

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

9. The construction of the development shall be managed in accordance with a Construction 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) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

- (b) the location of areas for construction site offices and staff facilities;
- (c) the details of site security fencing and hoardings;
- (d) the details of on-site car parking facilities for site workers during the course of construction ;
- (e) the 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) the provision of parking for existing properties on Distillery Road during the construction period;
- j) the details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) the 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;
- (l) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains; and
- (n) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

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

10. Prior to the commencement of the proposed development an operational waste management plan shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of public health and the protection of the environment.

11. The landscaping scheme submitted with the planning application documentation shall be carried out within 12 months of the date of commencement of development or within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants/ trees which die or become seriously damaged or diseased, within a period of 5 years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of visual amenity.

12. 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 the 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 upon between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord 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.

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Caryn Coogan  
Planning Inspector

16<sup>th</sup> of July 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	322306-25
<b>Proposed Development Summary</b>	The construction of a single storey motor vehicle and sales facility and a separate valeting and washing building,
<b>Development Address</b>	Springhill, Kilkenny
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	Part 2  Class 10 <i>Infrastructure Projects</i>  Industrial estate development projects, where the area exceeds 15 hectares
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Part 2</p> <p><i>Class 10 Infrastructure Projects</i></p> <p>Industrial estate development projects, where the area exceeds 15 hectares</p>

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

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	322306-25
<b>Proposed Development Summary</b>	Motor sale and service facility, showroom and valeting facility on a 1.63ha at the junction of the N10 Waterford Road
<b>Development Address</b>	Springhill, Kilkenny
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development consists of the construction of a <b>two buildings, on for car sales/ showroom and the other for</b> washing and valeting cars. with an access road off the Kilkenny Business Park Link Road, carparking, signage, boundary treatments and site development works with connections to the public water and public sewer and surface water to discharge via a BRE Digest 365 soakway system.
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The site (1.6ha) is currently tillage land, located between commercial sites. It is located on the urban fringe of Kilkenny City at the entrance to the Kilkenny Business/ Retail Park. It is not adjacent to any designated site. The proposed development will connect to the public water and public sewer, and will require a Trade Effluent Licence from Uisce Eireann.</p> <p>It is considered that the proposed development would not likely to have a significant effect individually, or in combination with other plans and projects on a European site and appropriate assessment is therefore not required</p>
<b>Types and characteristics of potential impacts</b>	Having regard to the nature of the proposed development, its location removed form sensitive habitats/ features, likely limited magnitude and

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	spatial extent effects and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in Section 171A of the Act
<b>Conclusion</b>	
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_



### Appendix 3 AA Screening

Screening for Appropriate Assessment Test for likely significant effects				
<b>Step 1: Description of the project and local site characteristics</b>				
<b>Brief description of project</b>	The provision of a <b><i>motor sales and service facility</i></b> at Kilkenny Business Park, Springhill, Kilkenny.			
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>Site area is 1.6Ha</p> <p>The site is adjacent to existing commercial developments to on abutting sites to the north and south.</p> <p>There are two buildings proposed, the floor area would be Building A 1,713sq.m. (max height 8m) and Building 'B' a single storey wash and valeting wash facility 350sq.m sqm. SUDS drainage measures have been incorporated into the design and connection to water and wastewater network can be accommodated. In relation to potential disturbance during construction and operational stages, I note the distance of the site from European sites is significant.</p> <p>There is wastewater and effluent generated in the wash facility.</p>			
<b>Screening report</b>	Y/N			
<b>Natura Impact Statement</b>	N			
<b>Relevant submissions</b>	None			
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
The closest European site is River Barrow and Nore SAC (Site Code 002162) which is approximately 1 km to the east of the site. There is a tributary of the River Nore located 230m west of the subject site.				
European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
River Barrow and River Nore SAC (002162)	Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	There is a tributary of the River Nore located 230m	There is no direct connection. Indirectly connection via the	N

	Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Vandenboschia speciosa (Killarney Fern) [6985]	west of the subject site.	surface water sewer system	
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**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

**AA Screening matrix**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
River Barrow and River Nore SAC (002162)	<p>Construction : No pathway</p> <p>Operational: Indirect: adequate wastewater treatment plant capacity, surface water attenuation before discharging to sewer. Uisce Eireann state the wastewater connection is feasible without requiring an upgrade.</p> <p>A Section 16 licence, governed by the Local Government (Water Pollution) Act 1977, is required for discharging trade effluent into a sewer. (Uisce Eireann letter 09/01/2025)</p>	

	<b>Likelihood of significant effects from proposed development (alone): Yes</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b>	
	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	
	<b>Likelihood of significant effects from proposed development (alone): Y</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b>	
A Section 16 licence, governed by the Local Government (Water Pollution) Act 1977, is required for discharging trade effluent (other than domestic sewage or stormwater) into a sewer.		
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on River Barrow and River Nore SAC). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project].</p> <p>No mitigation measures are required to come to these conclusions.</p>		

## Screening Determination

### Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the River Barrow and River Nore SAC in view of the conservation objectives of **this** site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Medium scale and nature of the development
- The location on serviced built up land
- Distance from European sites.

- No hydrological connections to the European sites.

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_