



An
Coimisiún
Pleanála

Inspector's Report PL-501200-KK-26

Development	Construction of 2 no. Loading docks to existing warehouse. Erection of a new section of retaining boundary wall. Change of use of Building C from its use as a workshop to new use as Warehouse, and all other site works.
Location	Newrath , Kilkenny , X91F671
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	2660070
Applicant(s)	Zinc Properties Ltd.
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Zinc Properties Ltd.
Observer(s)	Newrath Residents and Businesses Association
Date of Site Inspection	09/07/2026
Inspector	Conor McGrath

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1.0 Introduction

- 1.1. This appeal relates to development on a commercial site at Newrath, Co Kilkenny. There is a concurrent S.5 Referral to the Commission relating to these lands under ref. ACP-324191-26. Having regard to the interrelationship between the matters the subject of this appeal and the concurrent referral, it is considered appropriate that the reports in relation to both cases should be read together.

2.0 Site Location and Description

- 2.1. The appeal relates to development within an existing commercial / industrial site located, at Newrath, Co. Kilkenny. The lands, comprising a stated area of 2.13ha, are located between Waterford City to the southeast and the N25 Motorway toll bridge crossing the River Suir, upstream of the city. The lands comprise part of a larger landholding extending to the northwest.
- 2.2. The lands are accessed via local road L34083 from the R448 to the north. Access to the site is via an automatic, gated level crossing over the Waterford – Dublin trainline. To the northeast of the site, on the opposite side of the railway, there are several light industrial / commercial buildings.
- 2.3. The lands are bounded to the southwest by the River Suir, which comprises part of the Lower River Suir SAC at this location. The main part of the site is separated from the riverbank by a low concrete wall, however an existing pier / jetty projecting into the river is excluded from the appeal site.
- 2.4. To the east, an existing drain runs parallel to the railway, which connects to the River Suir to the north and south of the referral lands. This feature is referred to as the “back drain” in file correspondence. The drain is partly culverted through the site including at the entrance to the subject lands.
- 2.5. There are four buildings identified on the site and an extensive area of hardstanding. Apart from Building B, all buildings are in use for warehousing / storage and are provided with similar finishes.
- Building A (Warehouse) is the largest and main structure on the site, located centrally thereon. The building has a complicated form, with multiple roof slopes.

- Building B (office / reception), located to the north of Building A and adjacent to the site entrance from the east, comprises a 2-storey, flat-roof, building. this building was unoccupied at time of inspection.
- Building C (Workshop) is located on the eastern boundary, and comprises a simple, pitched roof double-height industrial building.
- Building D (Warehouse) is located on the southeastern part of the site, comprising a pitched roof double-height storage building.

3.0 Proposed Development

3.1. The proposed development comprises the retention of a number of elements as follows:

- 1) Construction of 2 no. Loading docks to existing warehouse building A. One located on the northwestern elevation and one on the northeastern elevation.
- 2) Extension of the existing concrete service yard north eastwards (840-sq.m.)
- 3) Erection of a new section of retaining boundary wall to the northwest of the site entrance, along the boundary with the backdrain.
- 4) Change of use of Building C (380-sq.m.) from its use as a workshop to new use as Warehouse,
- 5) The siting of 5 no. Temporary refrigeration containers to the northeast of building A (12 x 2.5 x 3m)
- 6) The siting of 6 no. Temporary containers for Waterford Crane Hire on part of the service yard to the east of the site (6 x 2.5 x 3m), southeast of Building C. 1 no. for use as a staff canteen, 5 no. for storage.
- 7) The siting of 1 no. Temporary office cabin for Waterford Crane Hire on part of the service yard to the east of the site (6 x 2.5 x 3m), southeast of Building C
- 8) The siting of 1 no. Temporary canteen cabin to the northwest of warehouse Building A (12 x 3 x 3m).

The application was accompanied by an Appropriate Assessment Screening Report. The planning report accompanying the application describes the development to be retained:

1. Construction of 2 no. loading docks to existing warehouse (Building A):

It is stated that the loading docks were constructed in September 2023 after completion of warehouse building alterations and repairs and the building had been reoccupied. It was reoccupied in September 2022, while some outstanding repairs were still being carried out. The alterations and repairs were considered exempted development. The loading docks were necessary to allow storage containers to be offloaded from trailers at the warehouse floor level. They did not increase the storage floor area within the warehouse.

2. Extension to the existing concrete service yard north eastwards.

This refers to a part (840-sq.m.) of the overall existing hardstanding on the site, to the north of the site entrance. It is stated that existing groundcover was removed and the ground surface levelled to allow for the laying of the concrete to extend the existing yard. The yard is used for manoeuvring tractors and trailers and occasionally parking trailers once they are unloaded. This yard extends to the northeastern site boundary with the back drain.

3. New section of retaining boundary wall along the northeast boundary.

It is stated that the section of low wall (1.2m high) was erected as a replacement for a section of wire mesh fence which extended along this boundary. The wall forms the boundary with the backdrain to the northeast.

4. Change of use of building C from workshop use to warehouse use.

It is stated that this building was historically a workshop, constructed around 1955. It was fire-damaged in or around 2010 and was repaired along with the other warehouses on the site in 2022. The building is currently in use for dry, bulk storage / warehousing.

5. 5 no. temporary refrigeration containers to the northeast of Building A.

These containers provide cold storage, which is not currently provided within the warehousing. The application states that a temporary 5 year permission

would allow the operator to consider installing a more permanent facility on site. These units were not operational at time of inspection.

6. 6 no. temporary storage containers for Waterford Crane Hire.

It is stated that the current leaseholders sublet part of the site to Waterford Crane Hire for storage. Initially, the business was located on the jetty, but more recently relocated from there following receipt of the Enforcement Notice dated 14 August 2025. The application submits that a temporary permission for 5 years would suffice.

7. 1 no. temporary office cabin for Waterford Crane Hire on part of the service yard to the east of the site.

The office is for staff manning the Waterford Crane Hire storage. Staff are permitted to use toilet facilities in the office/ reception building. A temporary permission for 5 years is also proposed. There was no storage of actual crane equipment on the site at time of inspection, however, there was staff parking on the site.

8. 1 no. temporary canteen cabin to the northwest of warehouse Building A.

This is a facility for employees of the warehouse facility. There are no water/wastewater service connections. A temporary permission for 5 years is suggested.

9. Associated site works

The application indicates that two new petrol interceptors were installed in the extended service yard (item no. 2). These are accessible for maintenance purposes and have an outfall to the northeast of the site into the local stream beyond this boundary (backdrain). The project engineer's report that accompanies the application refers to the drainage network across the overall site, including the extended area.

The application also refers to an area to the north of the larger of Building A where debris from the repaired buildings and service yard is stored, where open coal storage was previously permitted. It is proposed that this debris will be removed shortly to a licensed facility. Based on observations on site, this debris appears to be stored outside the red line boundary of the application.

The accompanying engineering statement describes the surface water drainage network across the overall site, noting that surface water runoff is collected through a network of gullies and currently drains and discharges to an existing watercourse (backdrain) at two locations. The first discharge point is located to the northeast of the property and enters the watercourse west of the railway level crossing at the site entrance. The second discharge point is to the southeast of the site, where runoff discharges to the mouth of the tributary entering the River Suir. It is indicated that ultimately both outfalls discharge to the same tributary of the River Suir, consistent with the pre-existing drainage flows of the development.

Prior to reaching the receiving watercourse and the River Suir, it is stated that all surface water passes through three installed petrol interceptors. Two interceptors serve the northeast outfall, while the remaining unit treats the runoff directed towards the southeast outfall. There is stated to be no increase to the overall volume of water discharging to the surrounding watercourses.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. The planning authority decided to refuse permission for four reasons as follows:

1. The development proposed to be retained includes the existing concrete service yard (840 sqm) and the erection of a new extensive concrete section of retaining boundary wall along the Northeast boundary immediately adjacent to the back drain to the River Suir. There is therefore a direct hydrological pathway/connection from these works to the Lower River Suir SAC. The planning authority considers that it cannot be demonstrated beyond reasonable doubt that the works undertaken had no potential to impact the conservation objectives of the River Suir SAC and that mitigation measures were not required (notwithstanding design of drainage systems etc.). In the presence of such doubt, the Planning Authority must take the precautionary approach and accordingly must assess a stage two Appropriate Assessment (Natura Impact Assessment). The retention of these alterations

undertaken cannot therefore be supported as the environmental impacts of these works cannot be properly ascertained and assessed in retrospect under current legislative provisions (Planning and Development Act, 2000 as amended).

2. The retention of 2 no. loading docks to Building A and the placement of 5 no. refrigeration containers (Item 5 in Site Layout Plan) and 1 no. temporary canteen cabin (Item 8 in Site Layout Plan) proximate within the vicinity is to serve a building which if granted would consolidate an existing unauthorized development. The retention is therefore contrary to the proper planning and sustainable pattern of development.

3. The retention of change of use from a workshop to a warehouse for Building C (for use by Waterford Crane Hire) accesses directly across a concrete hardstand and supporting infrastructure which was not considered exempt as part of Section 5 Declaration Application Reg. Ref. DEC934 and is therefore considered unauthorized development. This concreted hardstand and supporting infrastructure would require a Stage 2 Appropriate Assessment Natura Impact Statement due to its proximity and direct pathway and hydrological connection to the Lower River Suir SAC. Taking the aforementioned into consideration, the change of use would consolidate the unauthorized development and would therefore be contrary to the proper planning and development of the area.

4. The temporary storage containers, and temporary office cabin are sited for use by Waterford Crane Hire to serve Building C (subject of retention of change use from workshop to warehouse). As access to these structures' transverses directly across an area of concrete hardstand which was not considered exempt as part of Section 5 Declaration Application Reg. Ref. DEC934 and is therefore not considered lawful. This concreted hardstand and supporting infrastructure would require a Stage 2 Appropriate Assessment Natura Impact Statement due to its proximity and direct pathway and hydrological connection to the Lower River Suir SAC. Taking the aforementioned into consideration, the placement of temporary storage containers, and temporary office cabin would consolidate the unauthorized development and would be contrary to the proper planning and development of the area.

4.2. Planning Authority Reports

4.2.1. Planning Reports (01/04/2026)

Notwithstanding the submitted AA Screening Report, the works included extensive concrete works (Item 2) and construction of a wall adjacent to the back drain (Item 3). Due to their proximity to the back drain to River Suir and River Suir itself and the direct hydrological connection (notwithstanding the design of drainage systems etc.), it cannot be demonstrated beyond reasonable doubt that the works had no potential to impact the conservation objectives of the River Suir SAC and that mitigation measures were not required.

Any construction measures undertaken to protect both back drain and River Suir would constitute mitigation measures. In the presence of doubt, they must seek a Stage 2 Appropriate Assessment. If this was an application for permission, the planning authority would have required a Stage 2 AA Natura Impact Statement.

There is insufficient information (direct supporting evidence) contained in the submitted documentation pertaining to the stated continuance/non-abandonment of the warehousing use of the building(s).

While the retention of 2 no. loading docks (Items 1) to the existing building and the 5 no. refrigeration containers (Item 5) and 1 no. temporary canteen cabin (Item 8) serving Building No.1 may be acceptable in their own right, they are attaching / serving a building whose current use of may be unauthorised (non-abandonment has not been adequately evidenced/demonstrated). The retention of these items cannot therefore be considered for approval.

The change of use of Building C (Item 4) may be acceptable, however the route/pathway to this building transverses part of a vast area of hardstand concrete which was not considered exempt as part of Section 5 Declaration DEC934 as it would have required a Stage 2 Appropriate Assessment. The change of use is therefore not acceptable as the concrete hardstand is unauthorised.

Re. Item 6 temporary storage containers and Item 7 temporary office cabin, as the area transverses an area of concrete hardstand which is unauthorised they cannot therefore be considered acceptable.

Refusal Recommended.

4.2.2. Other Technical Reports

Fire Officer: The development will required the benefit of a Regularisation Fire Safety Certificate per building before works commence.

4.3. Prescribed Bodies

TII: Transport Infrastructure Ireland requests that the planning authority has regard to the provisions of official policy, including DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities.

HSA: Since the above-referenced application appears to be outside the scope of the Regulations, the Authority has no observations to forward.

Iarnród Éireann:

- 1) The Railway Safety Act 2005 places an obligation on any 3rd party working near the railway to ensure no danger or hazard is posed to railway operations..
- 2) The existing boundary between the development site and the railway corridor must not be altered in any way without seeking prior consent from Iarnród Éireann.
- 3) At no point should the applicant or their representatives enter railway property to undertake the construction of this development.
- 4) No building or temporary structure shall be constructed within 4 metres of the boundary treatment on the Applicant's side. Iarnród Éireann requires that the maintenance of any existing building or temporary containers located close to the boundary line be carried out entirely within the Applicant's side.
- 5) No additional liquid, either surface water or effluent shall be discharged to, or allow to seep onto, the railway property or into railway drains / ditches.

The above points be made to the applicant and be a condition of planning should the planning application succeed.

4.4. Third Party Observations

Newrath Residents and Business Owners Association, raised issues in relation to:

- The planning enforcement history on the lands.
- The retention nature of the permission sought
- Intensification of use on the site.
- Contrary to development plan objectives concerning control of industrial expansion, protection of residential amenity, orderly development of serviced lands.
- Increased traffic movement in the absence of a Traffic and Transportation Assessment and a Traffic Management Plan, and traffic safety implications.
- Impacts on residential and visual amenity due to increased noise, visual clutter and disturbance, high-level lighting directed towards nearby homes.
- Deficiencies in the environmental screening
- Issues with site notices.

5.0 Relevant Planning Cases

5.1. Planning History

PA ref: 3657. Permission granted 2nd January 1974 to Goulding Plastics for modifications and additions to warehouses etc.

PA ref. 82/775. Proposed retail store refused by An Bord Pleanála.

PA ref: 84/621. Permission granted 23rd January 1985 to Ellenwater Ltd for a berthing facility.

PA ref: 85/694. Permission granted 21st April 1986 to Smurfit Plastics for hoppers and stores.

PA ref: 90/451. Permission granted 29th July 1991 to Newrath Industries Ltd for alterations to wharf.

PA ref: 90/674. Permission granted 31st March 1992 to Tedcastle Morris Ltd for a coal handling depot.

PA ref: 01/1653: Permission granted on 10 January 2003 to extend existing wharf located at Newrath on River Suir and on the foreshore thereto.

5.2. **Enforcement**

The Planners report refers also to enforcement notices in relation to development at the site:

Enforcement Notice (ref: ENF22021) was issued dated 25 May 2022 with respect to site clearance works.

Enforcement Notice issued dated 30 May 2022, referred to site clearance works, reroofing and (also ref. ENF22021) relating to recladding of structures, hardstanding area to include concrete loading area and retaining wall. The timeline of the works is described as:

- Site clearance late 2021/ early 2022.
- Works to the various buildings commenced February 2022 and were completed in or around June 2023.
- Current tenant moved in in September 2022, while some works were ongoing.
- Loading docks installed September 2023.

The owners were prosecuted for non-compliance with the second enforcement notice in January 2025.

A third Enforcement Notice was issued dated 14 August 2025 (ref: ENF25036), which sought the removal of the unauthorised loading docks, removal of 8 no. unauthorised containers, 2. no. portacabins and a portaloo, from the site.

5.3. **Concurrent S.5 Referral: ABP-324191-26**

The site is the subject of a concurrent S.5 referral

1. Whether the repairs and alterations carried out to the 2 storage warehouse buildings, a workshop and the office/reception building and the resurfacing of the original service yard is or is not development or exempted development;
2. Whether the reoccupation and use of the warehouse buildings and the service yards referred to in no.1, for warehousing and associated use, involved development and is or is not development and is or is not exempted development.

This referral includes the resurfacing of extensive areas of the site, excluding the northeastern yard extension the subject of this application / appeal.

6.0 Policy Context

5.1 Kilkenny County Development Plan

Objective 1A To implement the provisions of Articles 6(3) and 6(4) of the EU Habitats Directive and ensure that any plan or project within the functional area of the Planning Authority is subject to appropriate assessment in accordance with the Guidance Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, 2009¹ or any subsequent version, and is assessed in accordance with Article 6 of the Habitats Directive in order to avoid adverse impacts on the integrity and conservation objectives of the site.

Newrath is identified as part of the Waterford MASP area. Section 4.3.2 notes that the wider Waterford Metropolitan Area within County Kilkenny has potential as a strategic employment location. Section 4.3.2.1 notes that Ferrybank and Belview Port (Port of Waterford) will be developed as part of an agreed Waterford Metropolitan Strategy. 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.

10.2.6.2 Flooding - Development Management Requirements

- Where flood risk may be an issue for any proposed development, a detailed FRA should be carried out appropriate to the scale and nature of the development and

the risks arising. In particular, any area within or adjoining flood zone A or B, or flood risk area, shall be the subject of a SSFRA appropriate to the type and scale of the development being proposed.

- If a Site Specific FRA demonstrates an unmanageable level of flood risk and/or impacts to 3rd party lands, development cannot proceed.
- Proposals for mitigation and management of flood risk will only be considered where avoidance is not possible and where development can be clearly justified with the Guidelines' Justification Test.

10.2.8 Surface Water Drainage - Development Management Requirements (incl.)

- In the case of brown-field development, while existing surface water drainage measures will be taken into account, some attenuation measures for surface water may be required at the discretion of the planning authority in the interests of balanced and sustainable development.
- Kilkenny Co. Co. will consider all drainage proposals consistent with SuDS.
- Adequate allowance be made for climate change in surface water design.
- In the design of surface water systems, regard shall be had to the Greater Dublin Regional Code of Practice for Drainage Works and GDSDS technical documents.
- For larger scale developments a report will be required specifying the SUDS measures considered in principle. If natural measures are not included, the reasons why not should be outlined.

13.31 Non-Conforming Uses Throughout the county there are uses which do not conform to the zoning objectives for the area. Extensions and improvement of premises accommodating these uses may be permitted where the proposed development would not seriously injure the amenities of the area or prejudice the proper planning and development of the area. In some cases, the Planning Authority may encourage relocation of permitted incompatible uses, for example by exchange of sites.

Variation no. 6: To incorporate a Settlement Plan for Ferrybank/Belview into the KCCDP, as part of a new Volume 3, Settlement Plans,

6.1.1. **Ferrybank - Belview Framework Plan (March 2026)**

This plan replaces the 2017 Ferrybank/Belview LAP as the statutory planning document for the area.

5.5 Zoning Objectives for Ferrybank - Belview

To maximise Ferrybank/Belview's potential as part of a compact Waterford City, it's crucial to have adequate land for employment and housing. This ensures existing and future housing needs are met and helps to ensure housing availability, which is vital for attracting businesses to invest in the area.

5.6 Land Use Zones

Zoning is designed to reduce conflicting uses within areas, to protect resources and, in association with phasing, to ensure that land suitable for development is used to the best advantage of the community. In the following paragraphs:

- Permissible use means a use, which is acceptable in the relevant zone. However, it is still the subject of the normal planning process.
- Open for consideration means a use which may be permitted where the Council is satisfied that the individual proposal or development will be compatible with the policies and objectives for the zone and will not conflict with the permitted uses and also conforms with the proper planning and development of the area.

Non-conforming uses: Throughout the Plan area there are uses which do not conform to the zoning objectives for their zone. Extensions and improvements of premises accommodating these uses may be permitted where the proposed development would not seriously injure the amenities of the area or prejudice the proper planning and development of the area.

The site is zoned: Business, Enterprise and Technology Parks.

Objective: To facilitate the development and expansion of business, enterprise and technology, with no large-scale office use allowed.

Permissible Uses: Cafe, Car Park, Childcare Facilities (crèche/nursery), Enterprise Centre / Campus Industry, Data Centre, Energy Park, Open Space, Park and Ride facility, retail which is ancillary to the primary use.

Open for Consideration: Advertising Board, ATM, Car Repair/ Sales, Cultural / Recreational building, Education, Playground, Public House, Restaurant, Service / Petrol Station, Battery/Energy Storage, Recycling Centre (bottle banks, etc), Utility and Electricity Infrastructure.

Overriding Flood Risk-related Limitation on the above Land Use Zones:

There are a number of instances where Flood Risk Zones A and B overlap with a variety of the above land-use zoning objectives. Uses under all zoning objectives shall be limited to water compatible uses in Flood Zone A, and less vulnerable or water compatible uses in Flood Zone B. Detailed, site specific Flood Risk Assessment will be required in these areas. This limitation shall take primacy over any other provision relating to these land use zoning objectives.

Section 8.6 notes that this Plan provides two related employment/ economic development zoning designations for Belview and the port:

- Business, Enterprise and Technology Parks (BETP), and
- Port Facilities and Industry (PFI).

These zones will facilitate the development and expansion of port facilities and associated industries and the development of an energy centre of excellence associated with the Offshore Renewable Energy (ORE) sector.

I note that permissible uses within the PFI zone include, storage tanks including bulk liquid storage and general warehousing, wholesale/warehousing..

6.2. **SFRA Variation no. 6 (March 2026)**

The SFRA for the Framework Plan identifies the subject site as being located in Flood Zone A.

The lands were subject to a Justification Test in the SFRA. The site failed the test, however, it was noted that “these lands are associated with existing development / infrastructure and the “Overriding Flood Risk-related Limitation on the above Land Use Zones” from Section 5.7 (sic) of the Framework Plan would significantly limit future development. The land use zoning objective reflects the existing use of the site and therefore the zoning is retained”.

6.3. The Planning System and Flood Risk Management Guidelines 2009

The guidelines set out requirements relating to land uses in Flood Zones.

The Sequential Approach, including the Justification test -

The key principles of the Guidelines’ risk-based sequential approach are:

- Avoid development in areas at risk of flooding. If this is not possible, consider substituting a land use that is less vulnerable to flooding. Only when both avoidance and substitution cannot take place should consideration be given to mitigation and management of risks.
- Inappropriate types of development that would create unacceptable risks from flooding should not be planned for or permitted.
- Exceptions to the restriction of development due to potential flood risks are provided for through the use of a Justification Test, where the planning need and the sustainable management of flood risk to an acceptable level must be demonstrated.

The Guidelines identify Warehousing, Commercial and Industrial as Less Vulnerable Uses.

5.4 Natural Heritage Designations

The referral site is immediately bounded by the Lower River Suir SAC (002137) to the southwest.

7.0 EIA Screening

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

8.0 The Appeal

8.1. Grounds of Appeal

The first party make the following points in their appeal against the decision of the planning authority to refuse permission for the proposed development noting that the appeal should be considered with the referral of the PA s.5 Declaration under PA ref DEC934, ACP-324191-26.

Reason no. 1

- While an AA Screening report was submitted with the application, the planning authority screened the development in.
- The accompanying Ecologist report concludes that the determination of the planning authority that Stage II AA was required was in error.

Reason no. 2

- The PA consider that the loading docks, refrigerant units and canteen cabin could be acceptable but for the issue of non-abandonment not having been demonstrated.
- The issue of abandonment comprises part of the separate S.5 referral and is addressed therein.
- Recent case law on the issue of abandonment is referenced. Such cannot be inferred from non-use or disrepair and requires intent.

- The subject property (Building A and yard area) was in use up to 2021. Other buildings were occupied up to 2010.
- The buildings when acquired in 2021 were in poor condition but not in disrepair. They were occupied for warehousing in such state up until they were acquired.
- Works were undertaken to the buildings including internal partitions and replacement of wall and roof cladding.
- There was never a change of use or intent to abandon the last use, as confirmed by the planning history on the site, notwithstanding that there was a reduced level of occupancy.
- The declaration under DEC934 on this matter does not reference the information provided on this issue.
- The PA have not explained its reasoning on abandonment and not identified the nature of evidence required on this matter.
- Where not abandoned, the loading docks, refrigeration units and temporary canteen are not objectionable.

Reason no. 3

- The reason refers to occupation of Building C by Waterford Crane Hire, however, it is occupied by DFDS Logistics who also operate in Buildings A and B.
- Building C is accessed over the original yard which was upgraded. The PA consider the yard to be unauthorised because it was not screened out for AA.
- The S.5 referral and the accompanying ecologist report demonstrate that the PA determination was flawed and that the development, along with all works to the service yard, can be screened out.
- The use of Building C is the same as the use of all other buildings and arguably less impact than previous workshop use.

Reason no. 4

- Temporary storage containers and office occupied by Waterford Crane Hire have no connection to use of Building C.

- They are located in the same service yard and should have been screened out for AA.
- No particular objection to the temporary storage containers and office were identified. They are out of sight , unobjectionable and aligned with the historic and permitted storage use on the site.

The accompanying report by the consultant ecologist makes the following points:

- The PA screening determination is inadequately reasoned, and not in compliance with Art 6(3).
- There is a long-standing history of industrial use and hardstanding surfaces on the site.
- AA Screening, undertaken by a qualified ecologist, concluded that there was no likely significant effect on European Sites.
- The PA failed to conduct lawful Stage I Screening, without a scientific, evidence-based assessment of likely significant effects.
- In considering whether it has been demonstrated “beyond reasonable doubt”, the PA have applied a Stage II threshold, and the PA have failed to identify actual risk of significant effects.
- The planning authority have misapplied the precautionary principle, which only applies where a risk of likely significant effects arises.
- The PA identified no quantified risk, undertook no pathway analysis, and has defaulted to doubt, contrary to art 6(3).
- While the PA refers to a direct hydrological pathway, no evidence is provided of a pollutant source, mechanism of transport or potential effect on QIs.
- The assessment assumes a pathway, where none exists, and fails to identify a source.
- The submitted screening assessment follows the S-P-R model can concludes no viable pathway.

- The judgment in Eco-Advocacy confirms that standard design measures inherent to a project may be considered at Stage 1 Screening.
- In this case, existing hardstanding, drainage infrastructure and petrol inceptors discharging via controlled outfall, are intrinsic design measures, not mitigation.
- The PA do not engage with the submitted Screening Report or identify errors therein or provide any scientific basis for disagreeing therewith.
- The treatment of retention applications is flawed and does not support a refusal.
- The PA did not have regard to the established use of the site, which contains extensive existing hardstanding. It failed to distinguish between existing baseline conditions and incremental effects of retained works.
- There is no scientific or evidential basis to conclude that there is likely to be significant effects on any European Site.

8.2. Planning Authority Response

The planning authority make the following comments in response to the first party appeal:

Reason for Refusal No.1

- The development to be retained included an 840sq.m section of concrete service yard and extensive concrete retaining wall to northern boundary immediately separating site from a back drain which flows into the River Suir SAC.
- Due to the nature of works undertaken (pouring of concrete) in conjunction with immediate proximity, there is therefore a direct hydrological pathway/connection from these works(source) to the Lower River Suir SAC (receptor);
- It cannot be demonstrated beyond reasonable doubt that the works undertaken had no potential to impact conservation objectives and qualifying interests of Lower River Suir SAC and that construction mitigation measures would not have been required (notwithstanding design measures including overall drainage systems etc.). This is notwithstanding long-standing industrial use of the site.
- The retention of alterations where the environmental impacts are unknown, cannot be assessed in retrospect under the current legislative provisions.

- Any construction measures to protect both the back drain and eventually the SAC would constitute mitigation. Therefore the works had significant to impact conservation objectives of the SAC;
- In presence of such doubt, a precautionary approach requires Stage 2 Appropriate Assessment (Natura Impact Statement).
- It is incorrect that insufficient regard was had to the applicant's Appropriate Assessment Screening Report;
- Kilkenny County Council is the appropriate authority for screening. Following a detailed assessment of the Appropriate Assessment Screening Report and subsequent appeal submission, they arrived at a different conclusion to the applicants ecologist.

Reason for Refusal No.2 Part A

- Notes the cited case law;
- Notes additional evidence stated by applicant in respect of non-abandonment of use including payment of commercial rates;
- The opportunity to address this issue may have been afforded in the Section 5 Declaration if it were not inextricably linked to concrete hard surfaced yard surrounding, retaining wall and perimeter wall, which are directly adjacent to and have a hydrological connection with the SAC;
- The council did not request further information as regards abandonment of use, as the requirement for a Stage 2 Appropriate Assessment Screening for work on this site including service yard and retaining wall already affected the declaration;

Reason for Refusal No.2 Part B

- Concrete hardstand and supporting infrastructure was considered not exempt as part of Section 5 Declaration Application Reg. Ref. DEC934.
- This concreted hardstand and retaining wall to north and perimeter wall to north east) require a Stage 2 AA due to the nature of the works, direct hydrological connection (pathway) to the SAC.
- The source and risk are the concreting and works associated with concrete hard surfacing and the formation of perimeter and retaining walls);
- Access to the loading docks and siting of refrigeration containers and temporary canteen is on / across this unauthorised development.

- Acceptance of the warehousing use at this time is not possible as it would consolidate unauthorised development, contrary to the proper planning and sustainable development.

Reason for Refusal No.3

- Yard serving the buildings includes concrete surfacing and related works including retaining wall separating site from back drain flowing into the SAC hence are inextricably linked;
- Retention of change of use to warehouse would consolidate the unauthorised development contrary to proper planning and sustainable development.
- The Planning Authority refute that repair, maintenance and improvement work to service yard alone could have been screened out for Appropriate Assessment as it involved construction of retaining wall to north, perimeter wall to north east and concrete hard surfacing to yard immediately proximate to back drain, all of which require a Stage 2 Appropriate Assessment including construction mitigation measures (as well as design);
- The concrete hard surfacing and construction of perimeter wall were not considered exempted as part of Section 5 DEC as they necessitate Stage 2 AA.
- It is not correct that all of the development can be screened out based on Kingfisher's Appropriate Assessment Screening Report.
- Following a detailed assessment of the AA Screening Report and subsequent appeal, Kilkenny County Council concluded that Stage 2 AA was required for works undertaken in retrospect;
- It is immaterial that Building C is used by DFDS and not Waterford Crane Hire.

Reason for Refusal No.4

- These elements are linked to the requirement for a NIS for the overall development as they are on the concrete apron which could not be screened out.
- Aerial photography shows that areas surrounding both Buildings C and Building D were subject to extensive concrete hard surfacing and construction of perimeter wall (separating site from back drain) in recent years;
- Temporary storage containers and temporary office cabins placed on concrete hard surfaced yard immediately adjacent to perimeter wall (to north) which separates site from back drain which flows into Lower River Suir SAC.

- The PA are not in a position to consolidate unauthorised development as it would be contrary to proper planning and sustainable development.

8.3. Observations

Newrath Residents and Businesses Association make the following observations on the appeal:

- Request the Commission to uphold the decision of the planning authority.
- The precautionary principle must apply for retrospective application adjoining the River Suir SAC, and permission cannot be granted if AA is required.
- The conclusions of the first party Screening Assessment cannot be relied upon due to uncertainty with regard to construction impacts of the development.
- The first party have concluded that mitigation measure to avoid impacts on the SAC are normal construction works. This is disputed given the nature and proximity of the works.
- The environmental consultants did not oversee the works, so there can be no certainty as to what constituted ordinary construction works management and those that would have been considered mitigation.
- The decision is not dependant on the historic use of the lands but rather the intensity and nature of works on a sensitive site.
- Reference is made to the scope of the S.5 declaration referral and the enforcement history on the site, and the planning policy context.
- The proposed development involved the removal of a significant tree stand and planting where the retaining wall has been built.
- The applicants indicate that works were carried out in Sept 2023, after building alterations and repairs were complete and occupied. The timing of works on the site is disputed.
- The building was occupied in Sept 2022. Works on new wall, loading bays were undertaken in May / June 2022 and predated this.

- There is no basis for a temporary permission as the works are permanent in nature.
- Given the history of unauthorised development on the site, to grant permission would be contrary to proper planning and sustainable development.
- The applicants evidence with regard to abandonment remains incomplete and lacking factual basis. The building appears to be in an unauthorised use due to sub-division in an uncontrolled manner.
- The complexity of ownership and uses over time makes the issue of abandonment complex, however, there is a lack of evidence to support the applicants claims.
- Despite the first party statements, Building C was in a highly dilapidated and abandoned state prior to the works.
- The only reasonable conclusion is that it cannot be excluded that extensive concrete works and construction of a wall, due to proximity to the backdrain, would have a significant effect on the conservation objectives of the SAC.
- The only reason for constructing the wall was to avoid and mitigate pollution to the backdrain. This wall was built before the hard standing extension.
- A similar wall has not been constructed at other boundaries, and it cannot be considered normal construction works.
- An application for permission for such works would have required Stage II AA.
- The applicants do not discuss the actual authorised use.
- The appeal clearly establishes that the warehouse has been operating in an unauthorised manner by different operators resulting in an intensification of use, impacting on hours of operation, traffic, lighting, noise and other issues.
- The complexity of the case is compounded by the fact that some works are not subject to this application.
- Building C is stated to be occupied by the same user as A and B, however, no detail is provided in terms of the breakdown of uses across buildings. There is no evidence that use of the site as multiple uses is permitted.

- Use of Building C by the same users does not indicate that it is a permitted use. Individual buildings require specific permissions or defined uses. The application must otherwise be regarded as an intensification of use, constituting unauthorised use requiring refusal of permission.
- Temporary containers and office are in use by a separate occupier. No evidence that such use is authorised is provided.
- The hard standing has been expanded and repaired / renewed, however, no detail on the nature and extent of repair works is provided.
- It has not been demonstrated that the development would not be likely to have significant effects on the SAC.

9.0 **Assessment**

- 9.1. The consideration of the planning authority in this case is closely tied to their conclusions on the S. 5 Declaration, which is the subject of a concurrent referral to the commission under ref ACP-324191-26.
- 9.2. The subject application seeks retention permission for a number of specific elements of development on the site. The scope of the application would appear to be at least partly determined by the scope of matters included in the concurrent S.5 referral, and there is a strong inter-dependence between this application and the outcome of that referral case.

Particular interdependencies arise in relation to the resurfacing of the extensive concrete service yard on the site and uses occurring thereon, as well as the drainage infrastructure provided across the site. These interdependencies introduce a level of complexity to the assessment of this case, which should be read in conjunction with the report and recommendation in respect of ACP-324191-26.

9.3. **Land use and Development Principle**

It is apparent that the subject lands have been in commercial use for an extended period, with the existing buildings dating back prior to 1963. Various uses have been

permitted thereon over time, including coal and oil storage and distribution in more recent times.

Under referral case ref. ACP-324191-26, the question relates partly to whether the use of the buildings and service yard for warehousing is or is not exempted development. I have concluded in that case that such use is the established use on the site and, that the continued use of the buildings and service yard for warehousing is not development.

The current zoning of the site in the Ferrybank-Belview Framework Plan for Business, Enterprise and Technology Parks use, does not provide for warehouse / distribution uses, however, subject to the conclusion of the Commission on case ref. ACP-324191-26, such use would be regarded as an existing non-conforming use in this regard. I note that the plan does explicitly permit Warehousing uses within the Port Facilities and Industry (PFI) zone. The lands were similarly zoned under the 2017 LAP. This plan was adopted as a variation no. 6 to the county development plan in March 2026, which predated the decision of the planning authority and lodgement of the first party appeal.

In relation to non-conforming uses, I note that the Development Plan provides that the extension or improvement of premises may be permitted where they would not seriously injure the amenities of the area or prejudice the proper planning and development of the area. The different elements of development for which permission is sought in this case should be assessed in this context.

Notwithstanding, I note that the planning authority have not identified any concerns or objections in principle to current use of the premises for warehousing use (reports refer to the 2017 plan). The planning authority report does, however, argue that the current use of existing buildings may be unauthorised and refers in this regard to the fact that non-abandonment has not been adequately evidenced/demonstrated.

For abandonment to occur there must be a factual cessation of activity and an intention not to resume such activity on the site. It is the case that a property may be vacant / not in use for some time, however, this does not equate to abandonment. While the condition of the existing structures had evidently deteriorated over time, they were not removed from the site and there is evidence of continued storage and distribution uses on the overall site over time. I note that no other use had been

carried out at the site and no permission for any alternative use thereon had been granted. I do not consider that a conclusion of abandonment can be reached in this case.

9.4. Flood Risk

As noted above, the site is located within Flood Zone A and was subject to a justification test under the SFRA for the current Framework Plan. Notwithstanding the current zoning objectives for the site, section 5.7 of the framework plan imposes additional limitations on land use within this zone. This states that uses under all zoning objectives will be limited to water compatible uses in Flood Zone A and site-specific Flood Risk Assessment will be required in these areas.

The works the subject of this planning application relate to uses classed as Less Vulnerable and as such would be contrary to this provision of the plan. No site-specific flood risk assessment has been submitted and the possible effects of works including the extension of the concrete service yard and construction of retaining wall along the backdrain have not been assessed. The capacity of the drainage network, which does not incorporate SUDS measures, and its design in accordance with the requirements of the development plan is unclear. While the resurfacing of the wider commercial site is not within the scope of this application, the interaction of the proposed development with such extensive hardsurfacing works area is unclear in this regard.

9.5. Each element of the development is considered individually below.

1. Construction of 2 no. loading docks to existing warehouse (Building A):

I note the concurrent S.5 referral and the planning history on the lands. While the use of Building A may in question, the provision of such loading bays would be a standard and ancillary requirement for commercial use of such buildings. Such features would not in themselves dictate or be indicative of a particular use of the building. I do not have any objection in principle to such development.

The loading docks include a ramped section which extends 25m from the building into the adjoining resurfaced yard area. I note that the resurfacing and finish of this

yard is the subject of the concurrent s.5 referral, and that this extends across the ramped areas. While the application documentation states that these loading docks were constructed in September 2023 after completion of warehouse building alterations and repairs and the building had been reoccupied, it is clear from documentation on the file and from publicly available imagery that the northeastern loading docks and ramps were in situ in August 2022 and that repair / recladding works appear to have been underway at that time.

In terms of the timing of activity, I note the following:

- The cited enforcement history indicates that works to hardstanding areas occurred in early 2022.
- Imagery indicates that the northeastern loading docks and adjoining resurfaced yard were in-situ in August 2022.
- Resurfacing of the southern yard area ((approximately between Building C and D) was underway in August 2022.
- Resurfacing of the yard to north of Building A and installation of northwestern loading docks had not taken place by September 2023.

On the basis of the available evidence it is not clear that construction of the loading docks and ramp areas did not occur concurrent with the resurfacing works. Further, having regard to the form and construction of the loading dock and ramp and their relationship with the resurfaced yard area, it is not clear that these elements can be realistically or practically separated out from each other. Where the conclusion under the S5 is that the resurfacing of the yard does not constitute exempted development the basis to permit the subject development (loading docks) is not clear.

2. Extension to the existing concrete service yard north eastwards.

3. New section of retaining boundary wall along the northeast boundary.

Items no. 2 and 3 may be considered together.

It is stated that the section of low wall was erected as a replacement for a section of wire mesh fence which extended along this boundary. Publicly available imagery and documentation on the file indicates that the wall was in-situ by August 2022, prior to

the extension of the yard area. The wall extends the length of the extended yard for approx. 67m, bounding the backdrain. The retaining wall is described as 1.2m high on the site layout plans however no plans, sections or other drawings of the wall are included in the documentation provided and the application fails to comply with the requirements of the regulations in this regard.

The wall bounds the backdrain to the northeast. The form of the wall, extent of the retaining function, the relationship with the drain, the nature of the works undertaken during its construction are not described in the application. Similarly, no details of any vegetation clearance required to facilitate its construction are provided. I refer to my AA Screening Assessment below, however, in the absence of any detail in respect of this feature, I am of the view that a grant of planning permission would not be appropriate in this instance.

The yard extension comprises an irregularly shaped area of 840-sq.m. to the north of the site entrance. The application states that existing groundcover was removed and the ground surface levelled to allow for the laying of the concrete to extend the existing yard. The yard is stated to be used for manoeuvring tractors and trailers and occasionally parking trailers once they are unloaded. In principle, such development would generally be acceptable with such a commercial site, subject satisfactory to design etc.

The remainder of the concrete yard within the overall site is the subject of the concurrent S.5 referral. The basis or rationale for the severance of the extended yard from the overall yard area the subject of the S.5 referral is not clearly set out. These areas comprise one expanse of hard standing, serving the same function, and the distinction between them is not clearly established. The submitted documentation indicates that drainage infrastructure within the extended area (incl. petrol interceptors) serves hardstanding beyond the application site. Subject to the conclusions of the Commission under ref. ACP-324191-26, I am of the view that the extended yard area cannot be assessed in isolation from the remainder of the yard area. I refer also to the conclusions of the AA Screening Assessment below.

4. Change of use of building C from workshop use to warehouse use.

The application states that Building C (380-sq.m.) was historically used as a workshop, constructed pre-63. It is indicated that the building was fire-damaged in or around 2010 and was subsequently repaired in 2022 along with the other warehouses on the site. It is currently in use for warehousing / bulk storage. While the appeal indicates that buildings on the site were not in a state of disrepair, this does not appear to be accurate in respect of Building C. This application relates to the use of the structure, however, the recladding and repair of the buildings subject of the S.5 referral would not appear to be out of character with the original structure.

I note the observer's commentary on the authorised status of the use of this building; however, this application is seeking to regularise the change of use of the structure.

As noted above, warehouse / distribution uses is not a permissible use / open for consideration within the Business, Enterprise and Technology Parks zone. I note that this plan was adopted prior to the decision of the planning authority and lodgement of the first party appeal. The use of Building C for warehousing is therefore not consistent with the land use zoning objective for the site and no rationale for the change the use of the structure is provided in this regard. Notwithstanding its occupation by the same user as Warehouse A and D, the use is not considered to be ancillary to the use thereof and would not constitute an improvement or extension to a premises in the context of non-conforming uses. Such use would also constitute a Less Vulnerable use in Flood Zone A and as such would be contrary to the provisions of section 5.6 of the Framework Plan relating to *Overriding Flood Risk-related Limitation on the above Land Use Zones*.

I acknowledge that this was not previously raised by the planning authority in their assessment of the application or decision thereon and would constitute a new issue in the consideration of this appeal, however, the zoning objective was in effect at the date of decision and lodgement of the first party appeal, and was or should have been known to the parties.

5. 5 no. temporary refrigeration containers to the northeast of Building A.

These containers are located to the northeast of Building A and provide a cold storage facility. The first party suggest that a permission for 5 years would allow the operator to consider installing a more permanent facility on site.

While these constitute relatively standard modular structures, the application contains no plans, sections or elevations of same. The application therefore fails to accord with the requirements of the planning and development regulations in this regard.

The provision of stand-alone refrigerated storage, external to existing buildings and structures on the site, is regarded as an expansion of the existing non-conforming use on the lands and would not constitute the improvement or extension of premises as provided for in the development plan. While it is described as temporary in nature and does not give rise to particular issues in terms of visual amenity, the further expansion of such use would be contrary to the land use objectives of the plan for the area. Neither the application nor appeal correspondence addresses compliance with the zoning objective for the site. Such use would also be contrary to the provisions of the plan relating to *Overriding Flood Risk-related Limitation on the above Land Use Zones*.

I note that observations to the planning authority raised concerns regarding noise from the refrigerant units. The units were not in operation and there was no emissions in terms of noise during my inspection of the site, however.

The units are located on the resurfaced service yard, which is the subject of the concurrent S.5 referral under ref. ACP-324191-26. It is concluded in the report to the Commission in that referral that it cannot be excluded that works associated with the surfacing of the yard area would be likely to have a significant effect on the conservation objectives of the SAC and are not therefore exempt. Having regard to such conclusions, the retention of such structures within, and accessed over, this resurfaced area may be regarded as consolidating unauthorised development on the lands, contrary to the proper planning and sustainable development of the area.

- 6. 6 no. temporary storage containers for Waterford Crane Hire.**
- 7. 1 no. temporary office cabin for Waterford Crane Hire on part of the service yard to the east of the site.**

The application indicates that part of the site is sublet to Waterford Crane Hire for storage. The scope of this application extends only to 6 no. containers and an office

cabin. The application does not seek permission for the use of the site for the storage of cranes or other plant. The containers and office are however, intrinsically linked to such storage use which use which is not provided for under the Business, Enterprise and Technology Parks zoning. The extension of such use through the provision of new structures on the site would be contrary to the land use zoning objective for the lands. As above, such use would be contrary to the provisions of the plan relating to *Overriding Flood Risk-related Limitation on the above Land Use Zones*.

While these constitute relatively standard modular structures, the application contains no plans, sections or elevations of same. The application therefore fails to accord with the requirements of the planning and development regulations in this regard.

The office, containers and associated external storage occur on an area of extended / resurfaced concrete yard. The works to complete such resurfacing are the subject of the concurrent S.5 referral. It is concluded in the report to the Commission in that referral that it cannot be excluded that works associate with the surfacing of the yard area would be likely to have a significant effect on the conservation objectives of the SAC and are not therefore exempt. Where that is also the conclusion of the Commission, the retention of such structures within and access over this resurfaced area would consolidate unauthorised development and would be contrary to the proper planning and sustainable development of the area.

8. 1 no. temporary canteen cabin to the northwest of Building A.

This is described as a facility for employees of the warehouse facility, with no water / wastewater connections and it is submitted that a temporary permission for 5 years may be considered appropriate. The structure is of small scale and does not raise any concerns with regard to visual or amenity impacts.

While it is a relatively standard modular structure, the application contains no plans, sections or elevations of same. The application therefore fails to accord with the requirements of the planning and development regulations in this regard.

I note that the use of the main Building A, is considered as part of the concurrent S.5 referral. It is concluded in the report to the Commission on that referral that the warehouse use of Building A would constitute an established use and would be an existing non-conforming use under the current zoning objectives. Where that is also the conclusion of the Commission, the subject structure may be regarded as an ancillary development, and could be considered within the provision of the plan relating to non-conforming uses – extension or improvement. Having regard to such ancillary nature, it is not considered that it would be restricted by the provisions of the plan relating to Overriding Flood Risk-related Limitation on the above Land Use Zones.

The structure is located on the resurfaced yard area. Similar to item no. 7 above, subject to the outcome of the S.5 referral, the retention of the structure on this resurfaced yard area may not be considered appropriate.

9. Associated site works

The application cover letter indicates that two new petrol interceptors were installed in the extended service yard, which have an outfall into the backdrain. This is described in the project engineer's report that accompanies the application. Based on the engineering drawings provided, the petrol interceptors within the extended yard appear to also drain areas of the resurfaced yard, not within the scope of this application (but within the scope of the S.5 referral). It remains unclear whether the petrol interceptors and outfall to the backdrain were installed before the retaining wall or other works on the site. (The outfall is noted to cross the line of the retaining wall). No specification or design details of the petrol interceptors has been provided and they are not identified on site layout plan PP-01.infrastructure outside

The application does not clearly define the drainage infrastructure which comes within the scope of the application for retention. Notwithstanding the application cover letter, the application red line boundary encompasses the entire commercial site (2.13ha), while the accompanying engineering report and drawings describe drainage infrastructure installed across that overall site (2.13ha). This wider drainage network includes drainage infrastructure serving the two loading docks and ramps, which are in scope of this application and appeal.

The concurrent Section 5 referral does not include any drainage infrastructure works within the scope of the question before the Commission. Having regard to the design and layout of the development it is not evident how certain parts of the drainage network may be included or excluded from this application, and adequately assessed.

I note that the application documentation refers to the storage of construction debris in an area to the north of the larger of Building A. This storage takes place outside the red line boundary of the application and is therefore excluded from assessment in this report. Any enforcement in relation to such activity remains within the remit of the planning authority.

I note that the appeal response from the planning authority refers on a number of occasions to a *perimeter wall* to the northeast, separating the site from the back drain. This appears to be separate to item no. 3 of this application (retaining wall). Such perimeter wall is not referenced in the original planner's report on the application and is not identified in the planning application documentation. I understand that this may be a reference to a block wall on the northeastern boundary, south of Building C, however, this is not certain. The timing of construction of such wall and its relationship with the back drain remain unclear, however, this structure does not form part of this application for retention and as such falls outside the scope of this report.

10.0 AA Screening

10.1. 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, while the change of use of Building C is not likely to give rise to significant effects on the conservation objectives of the SAC, it is not possible to exclude in respect of the remaining works the subject of this application that the proposed development alone or in combination with other plans and projects will give rise to significant effects on the Lower River Suir SAC in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The extent of works the subject of this application and appeal and the level of information provided in respect thereof.
- the uncertainty with regard to the relationship with other development carried out on the site, and the potential in-combination effects of such development.
- The proximity of the works to the SAC and to watercourses and drains which provide pathways to the SAC, and the potential for impacts on water quality, habitat quality and potential for disturbance to arise or have arisen.

11.0 Water Framework Directive

An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended.

The receiving water environment has been identified and assessed, see Table 1 attached. Having regard to the nature, scale, and location of the proposed development, and based on the information provided with the application and appeal, it is concluded that it cannot be determined that the proposed development will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- Prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

Further detail is required to determine that residual risks are capable of being addressed through appropriate mitigation.

12.0 Conclusion and Recommendation

The assessment set out above has dependencies on the conclusions of the Commission in respect of referral case ref 324191-26. The zoning objectives for the site do not provide for warehousing or distribution uses, such that the development should be considered in the context of the provisions of the plan relating to existing non-conforming uses. The application documentation is deficient in respect of the plans and particular provided in respect of structures to be retained on the site. There are issues with regard to the scope of development which is the subject of this application and the ability to assess such development independently of the wider development undertaken on the site. In this regard it cannot be excluded that the development would have significant effects on the SAC. It is therefore concluded that permission should be refused for the reasons set out below. I have also identified above issues related to flood risk (flood zone A) and the provisions of the development plan for the area.

Note: Reasons no. 1 and 2 below would constitute new issues in the consideration of this appeal.

13.0 Reasons and Considerations

1. Having regard to the documentation submitted with the application, particularly the absence of the plans, elevations and sections in respect of;
 - The erection of a new section of retaining boundary wall to the northwest of the site entrance, along the boundary with the backdrain.
 - The siting of 5 no. Temporary refrigeration containers to the northeast of building A (12 x 2.5 x 3m)
 - The siting of 6 no. Temporary containers for Waterford Crane Hire on part of the service yard to the east of the site (6 x 2.5 x 3m), southeast of Building C. 1 no. for use as a staff canteen, 5 no. for storage.
 - The siting of 1 no. Temporary office cabin for Waterford Crane Hire on part of the service yard to the east of the site (6 x 2.5 x 3m), southeast of Building C

- The siting of 1 no. Temporary canteen cabin to the northwest of warehouse Building A (12 x 3 x 3m).

, the application fails comply with the requirements of article 23(1) of the Planning and Development Regulations 2001 (as amended), and therefore the development the subject of this appeal cannot be considered by the Commission.

2. Under Variation no. 6 of the Kilkenny County Development Plan 2022, the subject site is zoned for Business, Enterprise and Technology Parks, which aims to facilitate the development and expansion of business, enterprise and technology. Warehousing is not a use which is provided for within this zone. In this regard, development comprising;

- The change of use of Building C (380-sq.m.) from its use as a workshop to new use as Warehouse,
- The siting of 5 no. Temporary refrigeration containers to the northeast of building A
- The siting of 6 no. Temporary containers for Waterford Crane Hire on part of the service yard to the east of the site, southeast of Building C.
- The siting of 1 no. Temporary office cabin for Waterford Crane Hire on part of the service yard to the east of the site southeast of Building C

would not accord with the zoning objective for the site and is not considered to fall within the provisions of the plan which provide for the extension or improvement of premises accommodating non-conforming uses. Further, section 5.6 of the Ferrybank Belview Framework Plan (Variation no 6 of the Kilkenny County Development Plan) provides further limitations on land use within Flood Zone A, under all zoning objectives. The proposed development would therefore be contrary to the land use zoning objective of the plan for the area and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the information provided with the application and appeal (including the Appropriate Assessment Screening Report) the Commission is not satisfied that it has been demonstrated that the proposed development either individually (or in combination with other plans or projects) would not give rise to

significant effects on Lower River Suir SAC in view of the sites' Conservation Objectives. In particular, there is insufficient information provided in relation to the nature and extent of the works undertaken on the site, the identification of and relationship of such works with pathways to the European site, to inform an assessment of the likely significance of impacts on the conservation objectives thereof. Further, it is not considered that the development described in the application and AA Screening Report adequately describes the extent of works undertaken on the site, that such works can be considered in isolation from the wider development on the site, or that likely significant in-combination effects can be excluded. In the absence of more detailed information or a Natura Impact Statement adverse effects on the integrity of the Lower River Sure SAC cannot therefore be excluded.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Conor McGrath ADP
20/07/2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501200-KK-26
Proposed Development Summary	Construction of 2 no. Loading docks to existing warehouse. Erection of a new section of retaining boundary wall. Change of use of Building C from its use as a workshop to new use as Warehouse, and all other site works.
Development Address	Newrath , Kilkenny , X91F671
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1.	State the Class here

EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(iv) Urban Development - (c.2ha subthreshold)

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Conor McGrath Date: 20/07/2026

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501200-26
Proposed Development Summary	Construction of 2 no. Loading docks to existing warehouse. Erection of a new section of retaining boundary wall. Change of use of Building C from its use as a workshop to new use as Warehouse, and all other site works.
Development Address	Newrath , Kilkenny , X91F671
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development comprises alterations to an existing long established commercial site. These include minor changes to existing buildings, additional structures on the site for storage purposes, change of use of building and works to service yard and boundary retaining walls. The works are not out of character with the pattern of development on the site. Low levels of vehicular activity were observed on site.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature	The site comprises Business, enterprise and Technology, with long established development thereon. The site itself is not sensitive, comprising brownfield lands, accessed from the regional and local road network, via an automated level crossing. The Lower River Suir is a sensitive receptor, immediately adjacent to the site, designed as an SAC. There are no sites or features of cultural interest on or adjoining the site.

reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Having regard to the characteristics of the development and nature of the works, it is not considered that the development is likely to result in significant environmental effects. The relationship and likelihood of significant effect on the adjoining SAC is considered further in the AA screening assessment. The site is an established commercial site, however, it is located within Flood Zone A. There are development plan limitations on land uses within such zones. There are intervening commercial uses between the site and residential development to the northeast.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the characteristics of the development and nature of the works, it is not considered that the development is likely to result in significant environmental effects. The relationship and likelihood of significant effect on the adjoining SAC is considered further in the AA screening assessment. While development should be subject to an SSFRA, flood risk to development would be localised and significant in terms of EIA.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant	EIA is not required. Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report.

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

Inspector: ____Conor McGrath____ **Date:** ____20/07/2026____

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

(only where Schedule 7A information or EIAR required)

Appendix 3: Standard AA Screening Determination Template 2

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-501200-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	For retention permission for: 1. Construction of 2 no. Loading docks to existing warehouse (building A). 2. Extension of the existing concrete service yard Northeastwards (840 sqm). 3. Erection of a new section of retaining boundary wall along the northeast boundary (65m l x 1.2m h). 4. Change of use of building c from its previous use as a workshop To new use as warehouse 5. The siting of 5 no. Temporary refrigeration containers to the Northeast of building a (12 x 2.5 x 3m) 6. The siting of 6 no. Temporary storage containers for Waterford crane hire on part of the service yard to the east of the site (6 x 2.5 x 3m) 7. The siting of 1 no. Temporary office cabin for Waterford Crane Hire on part of the service yard to the east of the site (6 x 3 x 3m) 8. The siting of 1 no. Temporary canteen cabin to the northwest of Warehouse building a (12 x 3 x 3m) Together with associated site works which include new drainage infrastructure. at Newrath, County Kilkenny, x91 f671 [Refer to description in Inspectors Reports section 2.0]

Brief description of development site characteristics and potential impact mechanisms	The site is a long established commercial development located on the shores of the River Suir, northwest of Waterford City. The site includes a number of buildings of varying form and scale, and extensive areas of hard standing. The site is bounded on its southern and eastern sides by a “backdrain” which discharges to the River Suir to the north and south of the site. This drain is partly culverted through the appeal site (750 dia).
Screening report	Y
Natura Impact Statement	N
Relevant submissions	PA referred case to DAU however, no submission was received. A 3 rd party Observation supports PA conclusion on AA Screening.
The development is not required for or directly connected with the management of any European site. An AA Screening Report was submitted with the planning application, which was prepared by a suitably qualified person. I note the following points and conclusions from the Screening Report: • Regard is had to the historic uses on the site. • It refers to construction of the loading docks in 2023, after building alterations were complete and the building reoccupied, notwithstanding that imagery available indicates that the northeastern loading dock at least, was completed in 2022.	

- The extension to the yard area northeastwards is described as the removal of existing groundcover and levelling of the ground surface to allow for the laying of the concrete to extend the existing yard.
- The extended yard and retaining wall are described as furthest away on site from the SAC with significant separation distance.
- The extended yard and retaining wall are stated to comprise standard design measures and improvement works to the site, rather than mitigation measures. Reference is made to the Eco Advocacy case in this regard.
- With regard to drainage works, it notes that two new petrol interceptors were installed in the extended service yard which outfall to the northeast into the local stream. This is not the main River Suir, but a tributary and is not within the SAC.
- It is argued that given the long-established industrial use, improvements have been made which are standard design measures for such industrial storage facilities including the installation of petrol interceptors in the extended yard area (item no. 2). These are stated not to comprise mitigation measures.
- The majority of the site consists of a non-priority habitat. The site has little value for flora and fauna and no protected species are found within the site which are worthy of specific conservation. The works have not and will not directly or indirectly impact upon habitats or species of any Natura sites.
- The on-site habitats do not form the basis of designation of the Lower River Suir SAC and do not form a part of this Natura 2000 site in terms of feeding grounds; species regeneration or any other intrinsic link.
- The in-combination assessment considers other planning applications in the vicinity but does not consider other works on the subject site, including the extensive resurfacing of the yard area, the subject of the s.5 referral.
- The screening report identifies the conservation objectives of the SAC as maintaining habitats and species at favourable conservation status, to establish the extent, species richness and biodiversity of the entire site and establish effective liaison and co-operation.
- In terms of impacts the report concludes as follows:

- No retention works fall within the SAC boundary. There will be no loss of any area of the Natura 2000 site and the works did not and will not impact on any Annex II species of flora or fauna. The works have neither compromised nor adversely affected the maintenance of the Annex I habitats for which the Natura 2000 site was selected, nor have they impacted the favourable conservation status of these habitats.

This conclusion is based on the physical separation from the SAC and historic use of the lands.

- The works have not caused, and will not cause, any direct or indirect damage to the physical quality of the environment. This is based on the minor nature of the works, standard design measures incorporated into the design of the retention elements (new petrol interceptors and the boundary wall), which are not mitigation.
- Given the history of uses, no new disturbance impacts arise.
- The works did not create any new direct hydrological connectivity to any Natura 2000 sites. Standard design measures are incorporated into the retention elements.
- The works did not, and will not, compromise or negatively affect water quality in a manner that could impact fish populations, shellfish, plant species, invertebrates, which in turn support mammals such as otters and birdlife within the Natura 2000 site.
- The works have had no direct or indirect impact on any mitigation measures established for other plans or projects.
- The development did not, and will not, contribute to a cumulative impact on the Natura 2000 network, either alone or in combination with other plans or projects.
- Given that the works have had no significant negative impact on Annex I Habitats or Annex II Species, nor on surface waters, it can be concluded that the conservation objectives of the Natura 2000 will be met through the granting of the Retention Application.

The report concludes as follows:

The findings and conclusions of this Appropriate Assessment Screening remove all reasonable scientific doubt regarding the potential effects of the proposed works on the Natura 2000 sites.

Based on objective scientific and factual information regarding the site, as well as the nature, scale, and design of the works outlined in the Retention Application, it is concluded that the works, either individually or in combination with other plans or projects, did not have and will not have any significant effects on the Lower River Suir SAC.

Accordingly, it is determined that the project can be screened out from further stages of Appropriate Assessment.

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

Lower River Suir SAC [002137] (QI's as per SI of 2024)	Conservation Objective	Distance (km)	Ecological connections²	Consider further screening³ in Y/N
• Atlantic salt meadows • Old sessile oak woods with Ilex and Blechnum in the British Isles • Alluvial forests with Alnus glutinosa and Fraxinus excelsior • Taxus baccata woods of the British Isles*	To restore the favourable conservation condition	Adjacent	Water – run-off, both direct run-off and indirect via the backdrain. Air – dust, noise and disturbance	Yes
• Water courses of plain to montane levels • Hydrophilous tall herb fringe	To maintain the favourable conservation condition			

communities of plains and of the montane to alpine levels				
• Freshwater Pearl Mussel • Sea Lamprey • Brook Lamprey • River Lamprey • Twaite Shad • Salmon	To restore the favourable conservation condition			
• White-clawed Crayfish • Otter	To maintain the favourable conservation condition			
River Barrow and River Nore SAC [002162]	Conservation Objective	Distance from proposed development	Ecological connections²	Conservation Objective
• Estuaries • Mudflats and sandflats not covered by seawater at low tide • Reefs • Salicornia and other annuals colonising mud and sand • Water courses of plain to montane levels • European dry heaths • Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels • Petrifying springs with tufa formation	To maintain the favourable conservation condition	c.11km downstream	Weak indirect pathway via the River Suir	Yes
• Atlantic salt meadows	To restore the Favourable			

• Mediterranean salt meadows • Old sessile oak woods with Ilex and Blechnum in the British Isles • Alluvial forests with Alnus glutinosa and Fraxinus excelsior	conservation condition			
• Desmoulin's Whorl Snail • White-clawed Crayfish • Killarney Fern	To maintain the Favourable conservation condition			
• Freshwater Pearl Mussel • Sea Lamprey • Brook Lamprey • River Lamprey • Twaite Shad • Salmon • Otter	To restore the Favourable conservation condition			
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites AA Screening matrix				
Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*			
Qualifying interests				
	Impacts	Effects		

Site 1: Lower River Suir SAC [002137]	Direct: No works were carried out within the SAC and there was no direct loss or fragmentation of habitat which were QI's for the site. Indirect: There was potential for disturbance from noise and activity (visual disturbance) on the site during the works. There was potential for run-off of contaminating materials and water during works on the site, via adjacent watercourses and drainage networks.	Potential disturbance / displacement of qualifying interests, or ex-situ disturbance. There was potential loss of ex-situ habitat for otter. Contaminated run-off had the potential to negatively impact on habitat quality/ function, including water quality.
	Likelihood of significant effects from proposed development (alone):	Y
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	NA
	Possibility of significant effects (alone) in view of the conservation objectives of the site?	Yes
	Impacts	Effects
Site 2: River Barrow and River Nore SAC [002162]	No direct impacts Potential indirect impacts unlikely having regard to the scale of development, separation from the subject site and the dilution effects arising in the intervening watercourse.	No significant effects likely
	Likelihood of significant effects from proposed development (alone):	N
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	N
	Possibility of significant effects (alone) in view of the conservation objectives of the site*	None

*Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.

Commentary

The subject development has interdependencies with development which is the subject of a s.5 referral under ref. ACP-324191-26. In particular, it is concluded in the recommended appropriate assessment screening determination in respect thereof that it is not possible to exclude that the resurfacing of the service yards, alone or in combination with other plans and projects will give rise to significant effects on the River Suir SAC in view of the sites conservation objectives. Appropriate Assessment is required. The determination is based on:

- the nature and extent of the works described in the section 5 application and referral,
- the uncertainty with regard to the relationship with other development carried out on the site, and the potential in-combination effects of such development.
- the proximity of the works to the SAC and to watercourses and drains which provide pathways to the SAC, and the potential impacts on water quality, habitat quality and potential disturbance.

I note the following in respect of the subject development:

- While brownfield in nature, the site occupies a sensitive location adjoining the SAC.
- The subject site includes extension of yard and retaining wall which directly adjoin the backdrain, which provides a pathway to the SAC, over a short distance. Drainage infrastructure across the site also discharges to this watercourse. The submitted screening assessment does not adequately assess the likely impact of construction activity on the SAC or identify the pathways to the site.
- In describing the European site within the ZOI (SAC), the screening report does not acknowledge the “restore” favourable conservation condition of a number of the qualifying interests of the site.
- While this is an application for retention, the AA Screening report baseline is taken to be the existing development. No description of the environment prior to the works the subject of the application is provided. In particular, the baseline description does not reference the nature or character of the adjoining backdrain.

- While the extended yard and retaining wall are described as furthest away on site from the SAC with significant separation distance, it does not identify or assess the adjoining backdrain as a pathway to the SAC, or its ex-situ role.
- The application remains unclear with regard to the scope of development which is the subject of the application, particularly with regard to the drainage network across the site.
- There is inadequate information available on the nature of construction works undertaken, form of retaining wall, and relationship with the adjoining watercourse, in order to identify and assess the likelihood of significant effects.
- No description is provided of the construction methodology or any possible impact mechanisms in terms of contaminant or silt run-off entering the back drain, or the effectiveness of any control measures implemented. The extent of vegetation removal required to facilitate construction of the retaining wall and outfall to the backdrain, and potential disturbance and water quality impacts, are not addressed.
- The retaining wall is part of the project the subject of the application and screening assessment, cannot be regarded as a design measures incorporated into the design of a project.
- Designating the retaining wall and drainage network as a standard design features does not obviate the requirement to identify and consider the likely effects from their construction or the in-combination effect with other works.
- The change of use of Building C for dry warehousing, with no emissions or other pathways from such to the SAC, is not considered likely to give rise to significant effects thereon.
- Notwithstanding the location of the site in Flood Zone A, the Screening Report does not address potential effects of inundation of the site on the SAC.
- The assessment of in-combination effects fails to the extent of other works undertaken across the site which it is considered cannot be realistically or practically separated from the development the subject of this application including the construction and design of the drainage network and extent of resurfacing works undertaken across the site.

Step 4: Conclude if the proposed development could result in likely significant effects on a European site

Based on the information provided in the planning application and appeal, the screening report, site visit, review of the conservation objectives and supporting documents, it is not possible to exclude the possibility that the proposed development alone, or in combination with other works undertaken on the site, would result, or have resulted in, significant effects on the Lower River Suir SAC from effects associated particularly with construction stage activity and the likelihood of impacts on water quality disturbance to qualifying interests. While the change of use of Building C is not likely to give rise to significant effects on the conservation objectives of the SAC, further detail and / or an appropriate assessment is required in respect of the remaining works the subject of this application, on the basis of the possible effects of the project 'alone' and in-combination with other plans and projects.

Screening Determination

Significant effects cannot be excluded

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 while the change of use of Building C is not likely to give rise to significant effects on the conservation objectives of the SAC, it is not possible to exclude in respect of the remaining works the subject of this application that the proposed development alone or in combination with other plans and projects will give rise to significant effects on the Lower river Suir SAC in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The extent of works the subject of this application and appeal and the level of information provided in respect thereof.
- the uncertainty with regard to the relationship with other development carried out on the site, and the potential in-combination effects of such development.
- The proximity of the works to the SAC and to watercourses and drains which provide pathways to the SAC, and the potential impacts on water quality, habitat quality and potential disturbance.

Appendix 4: WFD SCREENING

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-501200-26	Townland, address	Newrath. Co. Kilkenny
Description of project		Construction of 2 no. Loading docks to existing warehouse. Erection of a new section of retaining boundary wall. Change of use of Building C from its use as a workshop to new use as Warehouse, and all other site works.	
Brief site description, relevant to WFD Screening,		The site is bounded by the River Ruir to the southeast and by the backd rain to the north east.	
Proposed surface water details		Surface water drainage directed to petrol interceptors on site and then discharged to the backdrain, which flows to the River Suir.	
Proposed water supply source & available capacity		Mains water	

Proposed wastewater treatment system & available capacity, other issues			Mains services				
Others?			The site is located in Flood Zone A				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	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) (Consider all phases)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
River Suir Transitional Water Body	Middle Suir Estuary IE_SE_100_0550	Moderate (2019 – 2024)	At Risk	Agriculture is identified as the main pressure. Mapping identifies nutrient-rich runoff—specifically phosphorus—discharging at the site.	Drainage on the site discharges to the back drain and thence to the River Suir.	Installation of petrol interceptors	Likley but uncertain given level of detail provided. Flood risk not addressed in documentation

Groundwater	IE_SE_G_030 Carrick-on-Suir	Good	At Risk	Agriculture Domestic Wastewater Forestry	Impermeable surfaces reduce / obviate discharge to ground	None	No
Groundwater	Productive fissured bedrock IE_SEG_15 Mullinavat Poorly productive bedrock	Good	Not at Risk	None identified			