



An
Coimisiún
Pleanála

Inspector's Report PL-501586-KK-26

Development	Grain store building, other outbuildings and all other site works.
Location	Garryduff, Paulstown, Co. Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	2560680
Applicant(s)	Hermitage Farms Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Hermitage Farms Ltd.
Observer(s)	Michael & Valerie Conroy Caroline O'Hare & Gregory O'Hare James Byrne Patrick Tobin Frank and Noleen Thompson Martin & Sheila Delaney Patrick and Caitriona Drennan Ailish Drennan

Catherine Gavin

Date of Site Inspection

14th September 2026

Inspector

Emma Gosnell

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – AA Screening Determination

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1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 1.750ha, is located in the rural townland of Garryduff, c. 12.5km to the east of Kilkenny city. The rural village of Paulstown is located c. 2km to the southwest along the R712.
- 1.2. The site is adjoined to its north-east and south-west by agricultural fields and it forms a cut out of same. The embankment of the Waterford-Dublin railway line borders the site to the east, and the site fronts the R712 regional road (subject to 100km speed limit) to its west which connects Kilkenny city to Carlow. There are extensive mature trees/ hedgerows along the site's roadside and rail side boundaries.
- 1.3. The nearest dwellings to the site are located c. 290m to the south-west, c. 360m to the north-west and c. 400m to the north-east on Teapot Lane. Garyduff House and farm complex is located c. 400m to the east on the opposite side of the railway line. There is also a former cottage/ shed located c. 150m to the north-east of the site. The Carlow Kilkenny Dog Shelter is located c. 280m to the north of the site.
- 1.4. The section of the R712 regional road adjoining the site has a straight vertical and relatively straight horizontal alignment and comprises a broken white line (allowing for safe overtaking) and a dedicated cycleways behind a continuous white lines in the road's hard shoulders. The Waterford-Dublin M9 motorway is located c. 440m to the north-west of the site and is accessible via the exit 7 intersection.
- 1.5. The irregular T-shaped site extends from an existing agricultural access off the R712 (centrally located) to the railway embankment. It comprises of parts of the intervening agricultural fields, which appeared to be most recently in use for tillage farming, which are delineated by a centrally located hedge line featuring further agricultural gates. The topography of the site is generally gently undulating and there are no structures in-situ.
- 1.6. There are no RPS or NIAH on site and it does not come within an Architectural Conservation Area or zone of archaeological potential and is not subject to any Protected Views.

2.0 Proposed Development

2.1. The proposal comprises of the construction of a single storey grain storage building (c. 3,490sq.m), concrete apron/ yard area for collection and deliveries, an associated single storey services hut (20sq.m), in addition to a new septic tank and percolation area, associated access road and a new splayed vehicular entrance to public road (R712) in place of existing agricultural entrance and associated site developments works.

2.2. No material design changes were made at FI stage.

3.0 Planning Authority Decision

3.1. Decision

Permission refused on 27/05/2026 for 1 no. reason:

“1. Having regard to:

a. proposed new vehicular access location along the R712 which:

- i. connects Kilkenny City to Carlow and M9 Motorway where a 100kph speed limit applies,*
- ii. comprises a straight section of R712 which carries significant volumes of traffic,*
- iii. has a single white line and cycleway path in the hard shoulder with no dedicated right hand turn in lane,*

b. incomplete/ inadequate sightline drawings submitted,

c. road safety audit document,

It is considered due to the nature and type of traffic movements and vehicles generated by the proposed development, which relates to a large agricultural commercial grain storage building, the proposed development would, endanger public safety by reason of traffic hazard and obstruction of road users, thereby reducing the safety and carrying capacity of the Regional Road, materially contravening policy 12.11.4 set out in the Kilkenny City and County Development Plan 2021-2027 which requires preservation of the strategic function and safety of

Regional Roads. The proposed development is therefore considered contrary to the proper planning and sustainable development of the area”.

3.2. Planning Authority Reports

3.2.1. Planning Reports

2 no. planning reports formed the basis of the planning authority’s assessment:

Planner’s Report (dated 17/12/2025) - Initial Application Stage

- **Principle of Development** – proposal to use agricultural grain store for the storage and distribution of grain ancillary to the purpose of porcine farming is acceptable on account of site’s location in rural area on agricultural lands.
- **Design and Siting** – PA satisfied that the siting takes due account of site levels and its proximity to the rail line and, together with landscaping proposals, minimises its visibility from the public road.
- **Access** – extent (c.118m) of roadside ditch removal to facilitate sightlines is excessive. Detailed sightline drawing required. **Further Information Recommended.**
- **Traffic** – insufficient clarity regarding nature/type of vehicles proposed. Road safety audit and technical justification required on account of site location on regional road where policy is to restrict new direct access points. **Further Information Recommended.**
- **AA Screening** – proposal not likely to have a significant effect on a Natura 2000 site - in particular on the River Barrow and River Nore SAC - on account of its nature, scale and lack of ecological conduits. AA not required.
- **EIA Screening** - no real likelihood of significant effects on the environment arising from the proposed development on account of its nature, scale and location. EIA not required.
- **Bats** – survey undertaken did not record bats on site.

A request for further information (FI) issued on 16/12/2025 in relation to 10 no. items (incl. commercial use of facility; justification for new/ intensified access onto R712; requirement for separate swept path analysis and sight visibility drawings; clarification on design of access and peak traffic volumes; Stage 1/2 Road Safety Audit; fire risk

management; stormwater management details; clarification on location of well; activities generating air, dust and noise; waste management; lighting; and, CEMP.

The applicant's response to the FI request was received on 01/05/2026.

It consisted of a cover letter, a Stage 1/2 Road Safety Audit, an Outline Construction Environmental Management Plan, a Stormwater Infiltration System Design Report, an engineering response, revised drainage drawings, revised site layout plan and vehicle swept path analyses.

The response was not determined to be significant and did not require readvertising/ revised statutory notices.

Planner's Report (dated 27/05/2026) – Further Information Stage

FI Item 1 – Potential Commercial Use/ Operations at Site

PA not satisfied that it has been sufficiently demonstrated that a grain store could not be accommodated at an alternative location on lands in applications ownership or that clarity has been provided on whether or not the proposal, a recently acquired greenfield site which does not form part of an existing farmyard, constitutes a commercial or agricultural development.

FI Item 2 – Nature of Proposal

Inadequate documentary evidence has been provided to discount whether proposed grain store constitutes a commercial/ industrial facility (on account of its size/ nature).

FI Item 3 – Access and Road Safety

Insufficient information provided on sight visibility splays, detailed design/ layout of proposed entrance and the nature and extent of the roadside boundaries required to facilitate same. Inadequate/ ambiguous information has also been provided in respect to number of deliveries expected during peak harvest time and the time period associated with same. In light of these lacunae, impact of proposal on safety and operation of R712 cannot be established.

Road Safety Audit undertaken is based on outdated/ inadequate drawings and no proposals are put forward to address the issues highlighted in the audit, e.g. potential for HGV turning movements to give rise to risk of rear end collision on R712.

In light of the foregoing and given the importance of the R712 as a strategic link, the PA considered that the provision of a new wide vehicular access at this location for a large commercial agricultural grain storage development to be inappropriate with serious concern from a capacity/ road safety viewpoint. **Refusal Recommended.**

FI Item 4 – Fire Safety

PA accept applicant's argument that whilst risk of fire is minimal on account of no grain being dried on site, Kilkenny Chief Fire Officer considers a Fire Safety Certificate is required to be obtained prior to commencement of development.

FI Item 5 – Stormwater

Revised soakaway design & location and surface water drainage proposals which are supported by infiltration test report are acceptable. Noted that risk is minimised on account that there is to be no refuelling carried out onsite and no fuel store present.

FI Item 6 – Potable Water

Located on proposed bored well clarified to satisfaction of the PA.

FI Item 7 – Activities giving rise to Air, Noise and Dust

No grain treatment/ processing will be carried out on site and no requirement for electrical motors/ fans. Proposal for roller shutters will mitigate noise impact. Noted wheel wash will be installed on site and dust suppression system to be used during loading/ unloading. No soils will be removed from site with cut and fill all being managed within the site.

FI Item 8 – Waste

It is clarified that no insecticides will be applied on the premises. Pest control measures will be put in place. No other waste arisings on account of nature stored material.

FI Item 9 – Lighting

Proposal for 2 no. down-facing lights above the entrance is acceptable.

FI Item 10 – Construction Environmental Management Plan

Outline CEMP submitted has addressed outstanding environmental issues and its implementation can be addressed by condition.

3.2.2. Other Technical Reports

Initial Application Stage

Roads Department (10/12/2025) - Requested further information on access design, swept path analysis and site visibility drawings, amendments to existing boundaries and new boundary proposals, details of increased traffic movements during harvest time, road safety audit on revised drawings and access arrangements, details of the location of the applicant's tillage lands in the vicinity, and applicant to consider an alternative location for their proposal or alternatively provide justification for a relaxation on policy in Section 12.11.4 (Regional Roads).

Environment Section (10/12/2025) – Requested further information in respect to stormwater design, potable water supply, air, noise and dust arisings, waste management and construction environmental management.

Further Information Stage

Roads Department (20/05/2026) – refusal recommended on basis of road safety concerns as detailed above on basis that insufficient time remains to seek clarification of FI.

Chief Fire Officer (11/05/2026) – advises that development will require a Fire Safety Certificate before works commence on site.

Environment Section (26/05/2026) – No objection subject to conditions in respect to drainage, potable water and wastewater management, implementation of CEMP, noise controls, recycling and waste management and lighting mitigation measures.

3.3. Prescribed Bodies

Irish Rail (26/11/2025) – sought to draw the PA's attention to legal, consent and safety obligations on third parties working near railways and recommended the attachment of conditions in respect to design, detailing and maintenance of railside boundary treatment; restriction on future discharges to railway property; attenuation design to be furnished to Irish Rail and attenuation tank to be at least 5m from railway boundary; lighting design relative to safe railway operation; and, no planting of deciduous trees along railway boundary.

3.4. Third Party Observations

9 no. third party submissions were received from neighbouring residents: Ailish Drennan, Caroline O'Hare, Catherine Gavin, Frank and Noleen Thompson, Martin & Sheila Delaney, Patrick Drennan, Jim Byrne, Michael & Valerie Conroy and Patrick Tobin. These raised the following issues:

- Industrial design and scale of proposal.
- Siting of proposal in (Paulstown) water scheme source protection zone.
- Negative visual impact/ on character of rural area.
- Concerns raised regarding commercial nature/ future intensification of use.
- Information on grain storage and treatment is ambiguous.
- Local environmental and ecological impact – bees, bats, birds etc.
- Air, dust and noise pollution.
- Inadequate details on internal or external lighting.
- Nuisance/ disturbance to neighbouring properties.
- Risk of pollution to Monefelim River.
- Risk of fire and explosion.
- Risk to operation of rail line.
- Contravention of development plan.
- Zoning issues.
- Traffic hazard on R712 arising from proposal.
- Inadequate sightlines on account of road geometry.
- Conflict with adjoining cycle lane.
- Unsustainable intensification of an agricultural entrance.
- Uncertainty around traffic generation potential.
- Conflict with development plan policy on regional road safeguarding.
- Excessive hedgerow removal.

- Impact on safety and water supply in Paulstown village.
- Precedent concerns.
- Public health impacts.
- Potential for vermin.
- Animal welfare impacts.
- Negative impact on property values.
- Questions raised in previous application not addressed by proposal.
- Paulstown masterplan

4.0 Planning History

4.1. Appeal Site

P.A. Ref. 24/60102 – application by Hermitage Farms Ltd. lodged on 01/03/2024 for permission to construct grain store building, yard area, associated access road and new vehicular entrance to public road and all associated site developments works on lands largely adjoining the appeal site (to south) and incorporating part of same. Application **withdrawn** on 10/04/2024 prior to a decision being made by the planning authority.



P.A. Ref. 24/60201 – application by Hermitage Farms Ltd. lodged on 30/04/2024 for permission to construct grain store building, yard area, associated access road and new vehicular entrance to public road and all associated site developments works on lands largely adjoining the appeal site (to south) and incorporating part of same. A request for further information issued on 24/06/2024 in respect to 15 no. items: potential commercial use operations; justification for siting of proposal; waste management plan; justification for creation of a new access onto a protected regional road; clarification on sight visibility splays; bats; fire risk management; drainage design; refuelling and sanitary facilities; dust suppression; cleaning and treatment of grain on site; AA screening; and additional landscaping. Application **withdrawn** on 12/12/2024 prior to submission of an FI response and a decision being made by the planning authority [Note: location of application site identical to that of 24/60102].

4.2. Neighbouring Sites

Lands c. 150m to South-West

P.A. Ref. 16/692 – application by Fergus and Cathy Fleming for permission to construct a new two storey dwelling house, new site entrance to public road, new bore hole well, provision of a new treatment plant and percolation area and all associated

site developments works, granted on 15/05/2017 subject to 8 no. conditions. The permission was not enacted, and it expired on 14/05/2022.

4.3. Permissions Cited by Appellant

P.A. Ref. 18/97 – application by Roseanna Murphy and Fergus Knox for construction of a new 2-storey 4-bedroom dwelling, detached single storey domestic garage and all associated site works at Ballynamona, Carlow Road, Co Kilkenny (access off R712 can facilitate required sightlines), granted on 30/07/2018 subject to 9 no. conditions.

P.A. Ref. 16/681 – application by Kevin Connolly for a 2-storey dwelling house, single storey domestic garage, single storey agricultural dry storage shed and related works at Shankill, Paulstown, Co. Kilkenny (access to agricultural site is via existing access off the R448, and can facilitate sightlines of 215m in both directions), granted on 18/01/2017 subject to 11 no. conditions.

This permission was extended on 03/08/2021 under P.A. Ref. Expiry 21/547 until 17/01/2026.

P.A. Ref. 09/444 – application by Greenfield Dairy Partners Ltd. for a Dairy Unit (260sq.m) comprising: 1) A milking parlour with associated plant room, cow yard and holding pens. 2) Silage slab and out wintering standoff pad. 3) An earth lined slurry store, and all associated ancillary site works at Cloghoge, Co. Kilkenny (access to the site is via an existing agricultural entrance off the N10), granted on 08/12/2009 subject to 13 no. conditions.

4.4. Refusals Cited by Planning Authority

P.A. Ref. 24/60648 – application by Tom Hanlon South East Plant Hire Ltd for an existing Inert soils and stone storage and screening site with all ancillary site works including Retention Permission for 7 no. Concrete Storage Bays, a Steel container and a soil screening structure. Full planning permission also sought for the erection of a Staff Welfare unit, parking areas, 3 No. Metal Skips and a wastewater tank at Maddockstown and Ballynamona, Co. Kilkenny (existing access of the R712 via a 400m long surfaced laneway), refused permission on 20/02/2025 for 1 no. reason:

“1. Notwithstanding the previous temporary use as a compound which included a temporary access right turn lane for construction traffic management linked to the

duration of the construction of the M9/N10 link project which is now completed and having regard to:

(a) site's access location along the R712 which connects Kilkenny City to the M9 Motorway where a 100kph speed limit applies, which carries significant volumes of traffic and comprises a double central solid white line and cycleway path with no dedicated right hand turn in lane;

(b) vertical alignment of the R712

it is considered that a relaxation of the sightline setback distance from 3metres to 2metres as proposed under Table 5.4 of TII Publication DN-GEO-03060 is considered inappropriate having regard to the nature of proposed commercial access and high traffic volumes along this strategic regional route. Additional traffic movements generated by the proposed development for an unauthorised commercial use would, it is considered, endanger public safety by reason of traffic hazard or obstruction of road users, thereby reducing the safety and carrying capacity of the Regional Road materially contravening policy section 12.11.4 set out in the Kilkenny City and County Development Plan 2021-2027 which requires preservation of the strategic function and safety of Regional Roads. The proposed development is therefore considered contrary to the proper planning and sustainable development of the area.”

P.A. Ref. 23/102 – application by Tom Hanlon South East Plant Hire Limited for retention permission for storage of inert soils and stone and for screening of site and all ancillary works on a 2.17ha site at Maddockstown and Ballynamona, Co. Kilkenny (existing access of the R712 via a 400m long surfaced laneway), refused permission on 18/01/2024 for 1 no. reason:

“1. (a) previous temporary use of the site as a Roads compound for the duration of the construction of the M9/N10 link project (now completed), which included a temporary access right turn access lane for construction traffic management,

(b) the current absence of the erstwhile dedicated right-hand turn lane on the busy Regional road R712 at a point where a 100kph speed limit applies, where a double central solid white line applies and a cycleway path is in place,

(c) incorrect vertical sight visibility splays submitted not in accordance with TII Publication DN GEO-03031

it is considered that the additional traffic movements generated by the proposed development for an unauthorised commercial use would endanger public safety by reason of traffic hazard or obstruction of road users, and would thereby reducing the safety and carrying capacity of the Regional Road and thus would materially contravening policy section 12.11.4 set out in the Kilkenny City and County Development Plan 2021-2027 in relation which requires preservation of their strategic function and safety of Regional Roads. The proposed development is therefore considered contrary to the proper planning and sustainable development of the area.”

5.0 Policy Context

5.1 National Policy

Project Ireland 2040 – National Planning Framework (First Revision, 2025) – NPO 33 (Support of agri-food industry).

Climate Action Plan (2024 & 2025) and National Biodiversity Action Plan (NBAP) 2023-2030 – Outcome 2A protection of existing designated areas & protected species.

Development Management Guidelines for Planning Authorities (2007) – Sections 7.6 (Conditions relating to occupation of buildings) and 7.9 (Conditions requiring matters to be agreed).

5.2 Regional Policy

Regional Spatial & Economic Strategy for the Southern Region 2020-2032 – NSO:.

5.3 Development Plan

The Kilkenny City and County Development Plan (KCDP) 2021-2027 applies.

Volume 1 – Written Statement

Section 5.2.4 (Agriculture & Food) - The Plan will facilitate and support the development of agriculture and food while ensuring the highest standards of environmental protection in the assessment of planning applications for all development proposals.

Section 5.5.3 (Enterprise and Employment in Rural Areas).

Section 7.2 (Agriculture), Section 7.2.4 (Fencing) Farmers are acknowledged as custodians of the natural resources of the countryside and of rural landscapes. The

Council will work with farmers to promote and facilitate the development of environmentally sustainable agricultural activities, whereby watercourses, wildlife habitats, areas of ecological importance and other environmental assets are protected from the threat of pollution, and where development does not impinge on the landscape character, visual amenity, views and prospects of the countryside. As such the Council will also ensure that developments shall not be detrimental to archaeological and heritage features of importance.

Section 7.7 (Diversification), Section 7.7.1 (Development Management Requirements):

- A high standard of design and maintenance will be required in all developments in rural areas.
- Agriculture developments will be constructed and located so as to ensure that there is no threat of pollution to ground or surface waters.
- Buildings and structures in visually sensitive areas will be required to:
 - be sited as unobtrusively as possible;
 - be clustered to form a distinct and unified feature in the landscape;
 - utilise suitable materials and colours;
 - utilise native species in screen planting

Section 12.11.4 (Regional Roads) - There are 421km of regional routes in the County. Regional roads provide important strategic linkages within the county and to the national road network and other counties. In order to protect the investment in these roads and to maintain their strategic function it will be necessary to exercise control over new development requiring access to these roads by restricting new access points to a minimum in the interests of safety.

Development Management Requirements:

- When considering development which would impact road capacity, the Planning Authority will follow a restrictive presumption in favour of maintaining road capacity.

Figure 9.2 (Landscape Character Assessment) and 9.3 (Landscape Sensitivities).

Section 9.2.12.6 (Views and Prospects).

Section 12.11.10.1 (Roads Development Management Requirements):

- To ensure that the required standards for sight distances and stopping sight distances are in compliance as far as possible, with current road geometry standards as outlined in: the TII document Design Manual for Roads and Bridges (DMRB) and TII Standard DN GEO-03060 Geometric Design of Junctions.
- In the case of single houses in the countryside such standards should not be achieved by the extensive removal of hedgerows, ditches, embankments, trees or old walls, and should be in accordance with Section 2.8 of the Rural Design Guide.
- All significant development proposals will be required to have transport and traffic assessments carried out in accordance with the publication Traffic Management Guidelines and the Traffic and Transport Assessment Guidelines (where the development affects a national road).
- Planning applications involving a new access or significant changes to an existing access to a national road, will be required to include a Road Safety Audit.

Section 13.22.1 (Access and Sight Lines): The applicant must demonstrate that safe vehicular access to and from a proposed site is provided in terms of visibility from a proposed entrance, but also in terms of impact on road traffic on the adjoining public road, through generation of turning and stopping movements by vehicles leaving and entering the proposed site. Applicants must adhere to the TII document Design Manual for Roads and Bridges (DMRB) and TII Standard DN-GEO-03060 Geometric Design of Junctions when assessing planning applications and the Design Manual for Urban Roads and Streets (DMURS) and TII Standard DN-GEO-03084 'The Treatment of Transition Zones to Towns and Villages on National Roads' where appropriate. Site entrances should be located so as to require the least amount of hedgerow removal in accordance with DMRB requirements. Excessive hedgerow removal will be resisted where setback is considered significant or roadside definition is compromised. Hedgerow removal will also be resisted where several entrances have over time denuded the extent of mature hedgerow along a particular stretch of road. All hedgerows that are required to be removed to achieve sightlines should be reinstated behind the applicable sightlines and maintained so as not to cause any reduction in the extent of sightlines achievable over time.

13.29 (Tree and Hedgerow Preservation): The replacement of hedgerows/trees shall have due regard to the ecological function of hedgerows as a wildlife corridor. When

planting new hedgerows, a mixture of native species shall be proposed and this shall occur at the commencement of building works and should link to existing hedgerows to aid ecological networks.

Natural Heritage Designations

The appeal site is not located within or adjoining any designated site.

The nearest European sites in close proximity to the appeal site are as follows:

- River Nore SPA (Site Code 004233) – approx. 10km to the west.
- River Barrow and River Nore SAC (Site Code 002162) - approx. 2.75km to the east.

The site is also proximate to the following Natural Heritage Areas and proposed Natural Heritage Areas:

- Whitehall Quarries pNHA (Site Code 000855) - approx. 3.8km to the north.

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 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.

7.0 Water Framework Directive Screening

I have concluded, on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment (refer to form in Appendix 3 for details).

7.1. Grounds of Appeal

The first party appeal (received 22/06/2026) is summarised as follows:

- Proposed site access arrangements will facilitate the safe delivery of grain.
- Appellant proposes to close off 2 no. of the 3 no. existing agricultural accesses to the R448 regional road in favour of 1 no. existing access onto the regional road.
- Consent has previously been granted by the planning authority under P.A. Refs. 09/444, 16/681 (as extended under 21/547) and 18/97 [relate to applications by third parties for unrelated developments at other locations in rural Kilkenny] for entrances off the R448 serving agricultural/ commercial and residential developments. In this context, the refusal is inconsistent and unfounded.
- Appellant accepts findings of the Road Safety Audit and is willing to erect advance warning signage, maintain verges and sightlines, and install appropriate road markings along the REGIONAL ROAD.
- Proposal provides for a dual carriageway passing lane at entrance which will facilitate safe access and egress.
- Additional information/ clarification on the proposed sightlines and delivery vehicle swept paths is provided as part of appeal, and it is confirmed that unobstructed sightline distance of 215m is achieved to nearside edge of the regional road.
- Feedstuff stored at facility will also be used to supply a small number of 'satellite locations'.
- The proposal is fully compliant with development plan policy.

The following are enclosed with the appeal:

- Engineer Survey and Report on Sightlines (dated 11/12/2024) – this describes the existing conditions, the sightline requirement which applies to the new entrance and sets out a rationale for why the sightline distances proposed are considered to be safe and adequate.
- Letter from Roadplan Consulting (dated 19/06/2026) – reiterates the recommendation in the Road Safety Audit that measures are provided to highlight the presence of a commercial access to drivers approaching on the R712.
- Sightline Drawing series (dated December 2024).
- Proposed sightlines and signage drawing (dated 19/06/2026).

- Swept Path Analysis Drawings (dated March 2026).

7.2. Planning Authority Response

A response to the appeal was received by the planning authority on 20/07/2026. It seeks that the Commission uphold the decision to refuse for the following reasons:

Inconsistency/ Other Decisions

- Every application is assessed on its own merits and against planning and development policy in force at the time of the decision being made.
- The nature, scale and traffic impacts associated with the proposal is not comparable to a private dwelling house nor to smaller agricultural developments.
- PA recently refused permission under P.A. Refs. 23/102 and 24/60648 for commercial developments utilising HGVs along the regional road.

Road Safety Audit/ Sightlines

- Visual quality of drawings submitted with appeal is poor and detail cannot be made out.
- The appeal document incorrectly refers to the R448.
- The 2 no. agricultural entrances to be closed up are not shown on appeal drawings.
- Signage proposals (yellow diamond warning sign with a tractor symbol) in response to RSA recommendations are not appropriate or proportionate to the traffic safety risk posed.
- Additional road marking, verge maintenance and entrance design proposals etc. would go some way to mitigate traffic safety concerns but would not eliminate them.
- Sightline report and drawings submitted with GOA are dated December 2024 and refer to a superseded technical specification.
- It is unclear what omissions in original sightline report are remediated in the GOA.
- Ambiguity remains in respect to proposal's likely traffic generation.
- PA still consider that nature of vehicles and type of traffic movements arising from the proposal would endanger public safety by reason of traffic hazard and obstruction of road users, and would also reduce the safety and carrying capacity of the regional road thereby materially contravening development plan Section 12.11.4.

- Overall, appeal does not address the PA's traffic safety and road capacity generation concerns.

7.3. Observations

6 no. third party submissions were received from the following: Valerie Conroy (13/07/2026), Caroline and Gregory O'Hare (13/07/2026), James Byrne (14/07/2026), Patrick Tobin (14/07/2026), Frank and Noeleen Thompson (20/07/2026) and Martin and Sheila Delaney (20/07/2026).

These raised the following issues, which were also largely raised at application stage:

Siting/Location

- Inappropriate greenfield location.
- Siting concerns.
- No established farmyard on site.
- Proposal should be accommodated on applicant's lands elsewhere.
- Proposal is out of character with rural area.

Design and Scale

- Grain store is excessive in scale.
- Design is industrial/ commercial in nature.
- Not in keeping with character of rural area.

Nature of Use

- Commercial activity on site (re: service hut and weighbridge).

Access/ Traffic Safety

- Non-compliance with NRA sightline requirements.
- Unacceptable traffic hazard.
- History of collisions on stretch of road adjoining site.
- Increased risk of road traffic accidents.
- Risk of collision between cyclists and HGVs.
- Issues with existing vertical and horizontal road geometry.
- Traffic speeds on regional road routinely exceed its design speed.

- Concerns raised regarding future maintenance of sightlines.
- Uncertainty on traffic generation potential.
- Road Safety Audit mitigations do not go far enough.
- Incorrect road referred to in appeal (i.e. R448).

Other

- Scale and impact of works required to facilitate proposal.
- Excessive mature hedgerow removal.
- Impact on local wildlife and nocturnal animals.
- Contravention of development plan.
- Nuisance, noise and light pollution.
- Air quality and dust concerns.
- Planning decisions cited in appeal predate current development plan.
- Precedent setting.
- Property values.

7.4. Further Responses

First Party Response to Planning Authority Appeal Response

A response from the appellant to the planning authority's response to appeal was received on 19/08/2026.

Inconsistency/ Other Decisions

PA previously granted permission for a rural dwelling and new entrance to the R712 on subject lands which was extant when the appellant purchased the site. The traffic generation potential arising from this permitted development is of similar level to the proposal.

Recent planning decisions cited by the PA in their response are in no way comparable to the proposal on basis of the differing road conditions and context which applied.

Road Safety Audit/ Sightlines

The appellant's consulting engineer acknowledges that they referred to older, superseded road safety standards in the GOA report and they acknowledge these have been superseded by TII's DN-GEO-03060. A revised Sightline Report is provided

with this response which outlines how the proposed sightline visibility splays are in accordance with the guidance set out under Table 5.5 of DN-GEO-03060 and paragraph 5.6.2.1 of TII's DN-GEO-03031.

Appellant is willing to agree with the PA the nature of road safety marking changes and signage required to comply with NRA Road Safety Guidelines – can be addressed by pre-commencement condition.

Appellant is proposing to close-up 2 no. of the existing agricultural entrances onto the R712 and to provide for a single modified safe, upgraded access.

Vehicles will be capable of pulling off-road before entering the site via passing bay.

It is clarified that estimates of likely traffic generation arising from proposed bulk delivery and feed distribution requirements are based on the appellant's own experience of running a farming business.

Clarification on Function of Proposal

Response clarifies that purpose of proposed grain store is to supply a small number of the appellant's own farms in the vicinity from a centralised facility.

Commercial rationale for proposal is to address existing and future issues with regard to rising prices and feed shortages in the pig rearing industry and to enable appellant to maintain adequate supply of pig feed to their pig-rearing facilities elsewhere.

Standalone location is required for logistical and biosecurity reasons.

Scale of proposal is significantly smaller than 2 no. other grain stores already operating in Kilkenny city (i.e. Chancellors Mills and Grasslands Ltd.) and is comparable to other existing agricultural developments operating along the R712.

It is reiterated that there would be no rearing of livestock on the appeal site and no retail or processing elements.

Enclosures

A revised Sightline Report (dated 18/08/2026) together with Sightline drawings (dated December 2024) are provided with the response to the PA's response to appeal.

Observers Responses to Planning Authority Appeal Response

4 no. third party observations were received in respect to the PA's response to the appeal from Valerie Tobin and Michael Conroy (10/08/2026), James Byrne (11/08/2026), Patrick Tobin (12/08/2026), Caroline and Gregory O'Hare (14/08/2026). These support the PA's response to the appeal is supported and contend that their decision to refuse should be upheld.

Observers Responses to Appellant's Response to Planning Authority Appeal Response

4 no. third party observations were received in respect to the appellant's response to the PA's response to the appeal from James Byrne (18/09/2026), Michael & Valerie Conroy (18/09/2026), Patrick Tobin (21/09/2026) and Caroline O'Hare & Gregory O'Hare (21/09/2026). These reiterate concerns regarding the location/ siting and traffic hazard arising from the proposal, ambiguities with respect to traffic generation potential, excessive hedgerow removal, raise issues with the planning grants cited and question the biosecurity rationale proposed by the appellant and environmental risk posed by the spilling of chemicals at the site and debris being dragged onto regional road.

Planning Authority Response to Appellant's Response to Planning Authority Appeal Response

The planning authority's response was received on 21/09/2026 and reiterates the points made in their response of 20/07/2026.

8.0 Assessment

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

- Principle of Development
- Access and Traffic Hazard
- Other Matters

8.1. Principle of Development

Siting

- 8.1.1. The appeal site, which comprises of agricultural lands which appeared to most recently be in use for tillage farming, is unzoned and is located in the rural townland of Garyduff c. 12.5km to the east of Kilkenny city and in an area which is considered to be under urban influence for the purposes of rural housing.
- 8.1.2. A grain store building and related structures and works are proposed for the site as per the statutory notices.
- 8.1.3. The development of the agri-food industry is supported at national and regional level through, inter alia, NPO 33 and NSO: Strengthened Rural Economies and Communities. Sections 5.2.4 (Agriculture & Food), 5.5.3 (Enterprise and Employment in Rural Areas), 7.2 (Agriculture) and 7.7 (Diversification) of the development plan support the development of agriculture in rural areas, subject to environmental protection standards being safeguarded.
- 8.1.4. The planning authority were satisfied that proposal to use agricultural grain store for the storage and distribution of grain ancillary to the purpose of porcine farming was acceptable in principle on account of site's location in a rural area and on agricultural lands.
- 8.1.5. However, I also note that the planning authority were simultaneously not satisfied that the applicant had provided sufficient justification for the siting of the proposal on 'greenfield' lands that, whilst part of the applicant's farm holding, do not form part of an existing farmyard or that the proposal could not be reasonably accommodated elsewhere on other lands (32.59 acres as per answer to Q.1 on application form Appendix 2) in the applicant's ownership (RFI Items 1 and 2 refer). These same concerns were raised by third parties who questioned the intended/ future use of the grain store and whether not this use would be commercial in nature on account of its 'industrial' design and large scale, with potential for future intensification of use.
- 8.1.6. Having reviewed the information on file, inspected the site and considered the aforementioned policy support for agricultural related development, I consider that the proposal for an agricultural grain store building and related works on agricultural lands in a rural area is acceptable in principle, subject the detailed considerations below.

- 8.1.7. In respect to the matter of the location/ siting of the proposal, it is my opinion that the issues raised in this regard stem from other, access and operational related, concerns with the proposal (i.e. rather than from an issue in principle with same). Therefore, I deal with these matters separately under the subsequent paragraphs in this section and also under Section 10.2 of this report.

Nature of the Proposal

- 8.1.8. Third parties contend that the information provided on the nature of the proposed grain storage and treatment is ambiguous, with the observers to the appeal arguing that the intended use is likely commercial in its nature. The proposed single storey service hut (c. 20sq.m) and weighbridge are cited as being examples of this commercial intent.
- 8.1.9. The appellant, in their response received 19/08/2026, sought to clarify that the purpose of the proposal is as a centralised facility for the storage of grain which is to be used as a reserve to supply a small number of the appellant's own farms (i.e. where Hermitage Farms are rearing pig livestock locally) in the vicinity. It is stated that there would be no rearing of livestock on the appeal site and no retail or processing/ drying elements taking place on the site (with any processing, i.e. crushing and milling taking place elsewhere at the appellant's existing milling facility at Hermitage Milling in Freneystown). It is also clarified that a standalone location is required for both logistical efficiency and biosecurity reasons.
- 8.1.10. Having regard to the information on file, and specifically that provided on the use and intended functionality of the proposed buildings and rationale for the siting of the proposal as detailed above, I am satisfied that sufficient information has been provided on the nature of the proposal, which is a purpose-built agricultural bulk livestock dry feed store to support existing, ongoing commercial porcine/ animal rearing farming activities on the appellants own farms elsewhere in Kilkenny (as detailed in their FI cover letter received 01/05/2026) and not to, in and of itself, be commercial in nature.
- 8.1.11. However, notwithstanding the foregoing conclusions on the acceptability in principle of the proposal which is stated to be for the storage of grain ancillary to the purpose of the appellant's farming/ agricultural business only, given the concerns raised regarding the future use of the proposed storage facility, I consider it prudent that the matter of the permitted use of the facility be clarified by condition. Therefore, where the Commission are minded to grant permission for the grain store building and related

structures and works, as per the approach taken recently under PL26.500885, in the interests of clarity I recommend that a condition be attached to restrict their use to agricultural/ horticultural storage and associated purposes only, with no use for any commercial purpose (i.e. to supply any third party, nor to trade or sell grain or any other product from the proposed facility) other than a purpose incidental to farming/ horticulture.

8.2. Access and Traffic Hazard

- 8.2.1. The planning authority's refusal reason concerns traffic hazard and obstruction of road users on account of the nature of the proposal and its location along a straight section of the R712 regional road where a 100km per hour speed limit applies. Material contravention of policy under Section 12.11.4 of the development plan is cited in this context.
- 8.2.2. Section 12.11.4 (Regional Roads) states that "in order to protect the investment in these roads and to maintain their strategic function it will be necessary to exercise control over new development requiring access to these roads by restricting new access points to a minimum in the interests of safety". This control is exercised via prescribed development management requirement which provides that "*when considering development which would impact road capacity, the Planning Authority will follow a restrictive presumption in favour of maintaining road capacity*".
- 8.2.3. Significant concerns have also been raised by third parties regarding traffic hazard on R712 arising from proposal, inadequate sightlines on account of road geometry, conflict with adjoining cycle lane, uncertainty around traffic generation potential and conflict with development plan policy on regional road safeguarding.
- 8.2.4. Having considered the information on file, it is clear to me that the concerns raised relate specifically to two distinct elements of the proposal: its traffic generation potential and the design of the junction and the design of/ the sightlines provided at the vehicular entrance.
- 8.2.5. I consider these matters in turn below.

Traffic Generation

- 8.2.6. The PA were not satisfied that sufficient clarity regarding likely seasonal traffic movements had been provided with the application and considered that a road safety audit and technical justification were required on account of site's location on regional road where a policy to restrict new direct access points applies (Section 12.11.4 (Regional Roads)).
- 8.2.7. Following the submission of further information, the planning authority's roads department noted that clear and adequate information had not been provided in respect to number of deliveries expected during peak harvest time or the time period associated with same and were therefore not satisfied that the likely impact of proposal on safety and capacity/ operation of R712 could be established. The recommended a refusal of permission on the basis of these outstanding road safety concerns.
- 8.2.8. The grounds of appeal provide that consent has previously been granted by the planning authority under P.A. Refs. 09/444, 16/681 (as extended under 21/547) and 18/97 for entrances off the R448 serving agricultural/ commercial and residential developments. In this context, it is argued that a refusal is inconsistent and unfounded.
- 8.2.9. The planning authority in their response to the appeal contend that the GOA do not address their traffic safety and road capacity generation concerns and it is their view that the traffic impacts associated with the proposal are not comparable to a private dwelling house nor to smaller agricultural developments. In this latter respect, they draw the Commission's attention to more recent and relevant refusals for commercial developments utilising HGVs along the regional road under P.A. Refs. 23/102 and 24/60648.
- 8.2.10. Having reviewed the grants of permission cited by the appellant, I note that they each relate to applications by third parties for unrelated developments at other locations in rural Kilkenny and I consider that the more recent 2024 and 2025 decisions cited by the planning authority in their response to the appeal, which relate specifically to HGV movements onto the R712, are a more accurate reflection of the issues pertaining the proposal subject of this appeal (I refer the Commission to Sections 4.3 and 4.4 for further details in this regard). This is notwithstanding the appellant's view that they are not comparable due to of the differing road conditions and context which applies.
- 8.2.11. I acknowledge that what is proposed is the closure of 2 no. of the 3 no. existing agricultural accesses to the R712 regional road at this location, with the remaining

access to be modified and upgraded and its use intensified. Whilst the proposed closure of existing accesses onto a high traffic volume strategic regional route (which the planning authority state has an AADT in excess of 8,000 vehicles) is to be welcomed, I note that no information has been provided by the appellant in respect to the existing volume of traffic currently associated with the use of the land for agricultural purposes.

8.2.12. I am satisfied that there is sufficient information in file with regard to the type of traffic that will be generated by the proposal – predominantly HGVs. However, I draw the Commission's attention to the fact that varying and ambiguous information in respect to the extent of HGV traffic arisings has been provided at different stages of the planning and appeals process. At application stage it was stated that "It is envisaged that 2 to 4 deliveries/collections will be carried out per day normally – with this increasing at peak harvest time", with the following being provided as part of the FI response "it is intended to use their own transport, if drawing out from a supplier, maybe 6-8 loads per day". Whilst, the appeal seeks to clarify the intent of the traffic movements arising from the facility (i.e. to supply a small number of the appellant's 'satellite locations'), no further clarification is provided in respect to the likely level of typical and seasonal HGV traffic arising from the proposal, it is my understanding from the information that has been provided that a maximum of 8 no. HGV movements per day would typically arise (equating to c. 56 no weekly and c. 2,920 no. annual truck loads using the entrance along a high speed, significant traffic volume stretch of the R712), with this trip generation increasing during the harvest period.

8.2.13. It is also argued in the grounds of appeal that the traffic generation potential arising from the one-off house previously permitted on the appellant's lands at this location under P.A. Ref. 16/692 is of similar level to the proposal. No evidence is provided to substantiate this statement and giving the materially different nature and scale of the proposals, I fail to see how this could reasonably be the case.

8.2.14. Therefore, on the basis of the information presently before the Commission, I am not satisfied as to the nature of the baseline scenario at the site (i.e. traffic arising from its existing use for agriculture) nor in respect to its likely traffic generation (via bulk deliveries and feed distribution dispatches) and intensification in the use of the (upgraded) entrance at this location – particularly during the harvest period – information which was provided in support of P.A. Ref. 09/444 cited by the appellant in their grounds of appeal. Without this fundamental information, the likely traffic

impact of the proposal on capacity and safe operation of the R712 regional road as required under Section 12.11.4 of the development plan cannot be reasonably assessed.

Junction Design

- 8.2.15. The planning authority remains unsatisfied as to the design and road safety audit mitigation measures proposed to address identified road safety issues – specifically HGV turning movements from the major to the minor road.
- 8.2.16. There is no dedicated right hand turn in lane on the R712 (major road) that would serve the development (minor road) and based on the information on file, no proposals to make a change to the layout of the road in this regard in order to ensure through traffic on the major road is not obstructed and can safely pass the vehicle waiting to turn right.
- 8.2.17. I also acknowledge the history of collisions on the stretch of road adjoining the site which is raised by a number of third parties who are concerns about the proposal giving rise to an increased risk of road traffic accidents (incl. between cyclists & HGVs).
- 8.2.18. Having considered the single recommended mitigation measure (e.g. signage to avoid rear end collision) which applies to the regional road as set out under the April 2026 Road Safety Audit (RSA) Stage 1/2, in the context of the existing condition of the 100km/h stretch of regional road adjoining the lands (as described in Section 1.0 of this report) which provides for a vehicular overtaking straight at high traffic speeds and also for dedicated cycle lanes along the hard shoulder, I am of the opinion that what is proposed is not reasonably proportional to the traffic safety risk posed by the development. I also draw the Commission's attention to the fact the RSA incorrectly refers to the R448 regional road and not to the R712.
- 8.2.19. The grounds of appeal seek to draw the Commission's attention to the provision of a proposed dual carriageway passing lane at entrance which, it is stated, will facilitate safe access and egress and ensure that vehicles are capable of pulling off-road before entering the site via passing bay. In this regard, I also note that the majority of the mitigation measures proposed in the RSA are internal to the site (i.e. relating to its internal access road and to the yard and parking area) and do not relate to its junction or relationship with the R712.

8.2.20. Section 4.2 (Selection of Junction Type) of TII's DN-GEO-03060 refers to the design of junctions on national road schemes and provides helpful guidance regarding junction and access layouts on regional roads. It states that the design of junctions should be based on traffic analysis by the designer to assess the capacity based on the projected turning movements at the junction. In this case, I note that the traffic volumes associated with the proposal are unclear (as detailed in paragraphs 8.2.12 – 8.2.14 above). Section 5.0 of the guidance outlines how overtaking manoeuvres may conflict with right turning movements into and out of the minor road and, in this regard, Section 5.3.1 (Simple Priority Junction) states that "On single carriageway roads where overtaking opportunity is limited, simple priority junctions should be sited on non-overtaking sections, as defined in DN-GEO-03031" and also that "designers should avoid providing simple priority junctions in locations where overtaking sections are restricted upstream and downstream of the junction". In this respect, I note that the R712 is a single carriageway road and that continuous single white lines (which do not allow for overtaking) are in-situ to the immediate north and also further to the south of the 'overtaking' section of road which borders the appellant's proposed site entrance.

8.2.21. Overall, in light of the foregoing considerations and having considered the information on file, including the submitted vehicle swept path analyses, I consider that there is a serious risk of high-speed collision arising from HGV turning movements to/ from the section of the R712 adjoining the lands onto the proposed, upgraded minor road.

Sightlines/ Access Design

8.2.22. Whilst the appeal site only accounts for a relatively small extent of frontage (c.10m) onto the R712, the appellant's land ownership at this location accounts for c. 450m of frontage onto this regional road (extending to either side of the red line area).

8.2.23. The planning authority were not satisfied with the nature and level of detail provided in respect to the entrance design, extent of boundary removal and proposed sightlines onto the R712.

8.2.24. I note that the maintenance and improvement of regional roads is the primary responsibility of local authorities under the Roads Act (1993) who, as such, can be understood to be the competent authority in respect to matters of road capacity and

traffic safety. The Roads Department of the planning authority have recommended a refusal in this instance on the basis of road safety concerns.

- 8.2.25. It is argued in the grounds of appeal that the proposed site access arrangements, which provide for an unobstructed sightline distance of 215m to nearside edge of the R712 (which it is stated will be maintained in perpetuity), will facilitate the safe delivery of grain, and it is further stated that the appellant accepts the findings of the Road Safety Audit and is willing to implement the recommended mitigation measures.
- 8.2.26. The planning authority in their response to the appeal raise concerns regarding the quality, currency and accuracy of the documentation provided on sightlines and as part of the appeal and are not satisfied that the road safety issues that they have raised have been addressed by the appellant.
- 8.2.27. Having reviewed the documentation provided as part of the appeal I would agree with the planning authority as regard to the scale and the print quality of the drawings provided. In this respect, I specifically draw the Commission's attention to the submitted proposed sightlines and signage drawing the details on which are largely illegible.
- 8.2.28. The engineers survey and report submitted with the grounds of appeal provides that the required visibility splay of 3m x 215m (to the nearside edge of the regional road) is capable of being provided in accordance with the National Road Authority's TD 41/95 Vehicular Access to All-Purpose Trunk Roads, following the cutting back and/or removal and re-siting removal of a 71m section of the existing roadside hedgerow/ditch to the north-east of the entrance together with this same proposal applying to 43m extent of roadside hedgerows/ ditch to the south-west – with all works to be completed on lands which are in the appellant's ownership. The report also acknowledges that with respect to the latter sightline, in terms of its vertical plane, the section of road to the south-west of the site has a strong rise in gradient (equating to c. 3m over the 215m distance) but with no sharp crests or hollows that would impede the vertical view. Having regard to my observations on site, I am satisfied that this is the case.
- 8.2.29. Notwithstanding the foregoing conclusions, I draw the Commission's attention to fact that the NRA guidance cited in the aforementioned report has been superseded by TII guidance (specifically DN-GEO-03060). This is addressed as part of the first party

response to planning authority appeal response, which is accompanied by a revised Sightline Report (dated 18/08/2026) which outlines how the proposed sightline visibility splays are in accordance with the guidance set out under Table 5.5 of DN-GEO-03060 and paragraph 5.6.2.1 of TII's DN-GEO-03031. Whilst I am satisfied that the sightlines provided for are compliant with the applicable technical standard set out under DN-GEO-03060, I note that there is no such paragraph in DN-GEO-03031 and it is my view that the engineers concluding view that the entrance would accommodate a relatively light volume of agricultural traffic in the future has not been substantiated (as detailed on paragraphs 8.2.12 – 8.2.14 of this report).

- 8.2.30. Lastly, in respect to the quantum of hedgerow and ditches that will be affected by the appellant's access proposals (as detailed above), I note the concerns of third parties in this regard and also the fact that the majority of the development plan policy guidance in respect to the protection of these features (as per Sections 12.11.10.1 and 13.22.1 for example) concerns the development of rural housing. Notwithstanding, I do also note that Section 13.29, which concerns general tree and hedgerow preservation, provides for the replacement of these features in a scenario where regard is had to their ecological function as a wildlife corridor and where a mixture of native species is provided for. As detailed in Section 10.3 of this report, the appellant is proposing to close up 2 no. existing entrances/ gaps in the existing roadside boundary and to also provide for a significant quantum of both replacement and new hedgerow planting and other landscaping and, on balance, I consider that the interference with the existing roadside boundary is acceptable in this wider context and biodiversity net gain.

Conclusion

In light of the totality of the foregoing considerations, it is my view that the nature of vehicles (predominantly HGVs) and type and likely extent of traffic movements (including seasonal intensification) arising from the proposal would endanger public safety by reason of traffic hazard and obstruction of road users. For this reason, it is also my opinion that it would reduce the safety and carrying capacity of the regional road thereby materially contravening development plan Section 12.11.4. I therefore recommend to the Commission is refused on this basis.

8.3. Other Matters

Design and Visual Impact

- 8.3.1. The observers to the appeal are of the view that the proposed grain store is excessive in scale, with an industrial/ commercial type design which is not in-keeping with the character of the rural area.
- 8.3.2. The planning authority raised no concerns regarding the design of the proposal, noting that the siting of the building (to the east of the site along the rail line) takes due account of site levels and its proximity to the rail line. They were also satisfied that the proposed siting, when coupled with the landscaping proposals, minimises the building's visibility from the public road.
- 8.3.3. The appellant (in their submission of 19/08/2026) argues that the scale of their proposal is significantly smaller than Chancellors Mills and Grasslands Ltd., which are existing grain stores which operate in Kilkenny city, and is also comparable to other existing agricultural developments operating along the R712.
- 8.3.4. I note from publicly available information that the aforementioned grain stores are materially different to that proposed, i.e. being commercial in nature (i.e. grain and agricultural merchants open to public trade), and also that no further information is provided on the other existing 'comparable' agricultural developments stated to be operating along the same regional road.
- 8.3.5. Section 7.7.1 (Development Management Requirements) of the development plan requires a high standard of design in all developments in rural areas and for buildings and structures in visually sensitive areas to be, inter alia, sited as unobtrusively as possible, to use suitable materials and colours and, to utilise native species in screen planting. Section 7.2.4 (Fencing) of the plan also specifically requires that agricultural-related development not impinge on landscape character, visual amenity, views or prospects of the countryside.
- 8.3.6. The submitted sections and elevations illustrate that the proposed c. 3,490sq.m grain store would be single storey in nature (albeit reading as a 2-storey building), with a double-pitched roof rising to a max. height of c. 11m over ground level, with a general shoulder height of c. 8m. The building would have a horizontal emphasis, with a width of c. 72m and a depth of c. 49.6m. Internally, the building would be divided into three

parts or bays (corresponding with grain and dry feed store no's 1-3) with intermediate pre-cast concrete dividing walls.

- 8.3.7. I am satisfied that the proposed materiality of the shed, comprising of a rendered blockwork base wall and interspersed powder coated single sheet green metal and clearlight panelling on its upper section, is largely agricultural in character and is generally in-keeping with that of other agricultural grain stores elsewhere and also with that of other contemporary agricultural buildings in the wider locality.
- 8.3.8. Having consulted Figures 9.2 and 9.3 of the development plan, I note that the site is not subject to any protected view and is located in a 'lowlands' landscape character area. Considering same and having regard to my site inspection, I am satisfied that the proposal does not come within a particularly visually sensitive area.
- 8.3.9. However, I do note that Section 9.2.12.6 (Views and Prospects) of the development plan recognises that in low lying open environments, tall and bulky development sometimes can have a disproportionate impact against the landscape particularly when viewed from the predominantly low-lying areas of the public realm.
- 8.3.10. The site slopes generally downwards from the R712 towards the rail line. I am satisfied that the siting of the main grain store building (which would be setback over 200m from the R712) takes due account of this topography and helps to mitigate the visibility of the proposed structure from the public realm. Cut and fill will take place across the site and a new 2m high earthen berm is also proposed along the main western and southern boundaries of the appeal site which will be planted up with 2 no. staggered rows of native Irish hedgerow species – with the proposed services hut and other ancillary infrastructure being largely screened behind same. In this respect, I note the following from the submitted application cover letter *“The grain store will be sited below road level and will be scarcely visible from it when the site is planted out. The road level ranges from + 68 to 71m A.O.D along the frontage and the proposed finished floor level of the grain store will be +61m A.O.D. with a ridge level of +72m A.O.D”*.
- 8.3.11. Therefore, whilst I acknowledge that the proposed grain store would be visible from the public road to the north-west and would introduce a new visual element and building on these 'greenfield' lands, having regard to the proposed siting, design and materiality of the building, I do not consider that it has the potential to give rise to an

unacceptable negative visual impact on the character of the rural landscape at this location.

- 8.3.12. Furthermore, having considered its siting relative to that of neighbouring residential properties together with the nature of the intervening lands – which include an elevated rail line, a regional road and mature trees and hedgerows, whilst the proposal will give rise to a change in the character of the present view/outlook at this location, it is my opinion that it does not have the potential to give rise to visual intrusion or to overbearance.

Water Supply and Drainage Design

- 8.3.13. Third parties raise concerns regarding the siting of the proposal within the Paulstown water scheme source protection zone with the issues in this regard being the impact on water safety and supply in Paulstown village. Concerns are also raised regarding the risk of pollution to Monefelim River arising from the proposal.
- 8.3.14. Section 7.2.4 of the development requires agricultural activities to be environmentally sustainable, whereby watercourses, wildlife habitats, areas of ecological importance and other environmental assets are protected from the threat of pollution. Similarly, Section 7.7.1 requires that agriculture developments be constructed and located so as to ensure that there is no threat of pollution to ground or surface waters.
- 8.3.15. As detailed in Section 1.0 of this report, the appeal site is located c. 2km from Paulstown village with the Monefelim River being located c. 400m to the north/northeast of the site with no other surface waterbodies being located in close proximity. The site is also underlain by the Bagenalstown Lower groundwater body. These water bodies are of moderate and good status respectively (refer to Appendix 3 of this report for further details in this regard).
- 8.3.16. I address the matter of the site's potential hydrological connectivity to the Monefelim River in Appendices 2 and 3 to this report where it is determined that no such ecological conduit exists on account of the intervening distance and land use profile.
- 8.3.17. The matter of the proposal giving rise to localised pollution, including to water pollution, was raised at the application and FI stages whereby the planning authority were satisfied that risk of water pollution is minimised on the basis that there is to be no

refuelling carried out and no fuel store present on the site nor insecticides used at the premises.

- 8.3.18. In respect to the potential risk to groundwater arising from the proposed surface water management arrangements, the submission of a soakaway design supported by an infiltration test report (which encountered no issues in respect to the ground conditions on site on the basis of its soil make-up (i.e. clay and sandy gravel etc.)) was noted, with the planning authority determining the surface water management and foul drainage proposals to be acceptable on basis of the evidence submitted. Having reviewed the documentation on file and noting my observations on site (i.e. no evidence of ponding/ water accumulation or drainage ditches with the ground being firm underfoot), I am satisfied that the site is likely to have good infiltration characteristics which would support the proposed surface water drainage proposals without giving rise to an unacceptable risk to groundwater.
- 8.3.19. The appellant's foul drainage proposals comprise of a new septic tank and percolation area with an outfall to groundwater. I note that this element is supported by the submission of a site suitability assessment with photographs (dated 18/08/2025) and also by a Site Characterisation Form. The latter document acknowledges that the site is located within the GSI's inner source protection area for the zone of contribution for the Paulstown Water Scheme. The resulting higher risk to groundwater quality/ supply is addressed via the application of suitable design mitigations (as determined by EPA Code of Practice) including the provision of a minimum of 2m unsaturated soil/subsoil beneath the invert level of the percolation area for the septic tank system and the installation and maintenance of the foul drainage system in strict accordance with the EPA codes of Practice, Wastewater Treatment and Disposal Systems serving Single Houses 2021 recommendations and guidelines. I am satisfied that the 2021 EPA Code of Practice would be the most appropriate code to assess this treatment system against on the basis that the foul drainage arisings can be characterised as being domestic in nature i.e. toilets, sink etc. serving small scale on-site staff accommodation.
- 8.3.20. In light of the foregoing, I am of the view that there is adequate information before me to demonstrate the proposal's design compliance with the EPA Code of Practice and BRE Digest 365 and I consider the applicant's proposals to manage surface and foul water arisings to be acceptable on this basis. I also am satisfied that the delivery of

the proposed infrastructure to the required standard can be ensured by condition where the Commission are minded to grant permission.

- 8.3.21. In respect to the risk of construction stage water pollution, I note that a number of best practice pollution prevention measures (e.g. in respect to silt, hydrocarbon contamination, materials storage etc.) are set out in the submitted Outline Construction Environmental Management Plan and I consider that their implementation is capable of being ensured by condition where the Commission are minded to grant permission for the proposal.

Nuisance/ Residential Amenity

- 8.3.22. Third parties raise significant concerns regarding the potential of the proposal to give rise to nuisance and disturbance to neighbouring properties on account of dust emissions, noise, air and light pollution.
- 8.3.23. As detailed in Section 1.0 of this report, there are no residential properties within 250m of the proposal, with the closest being c. 290m to the south-west and separated from same by a bank of agricultural land and mature hedgerows that will remain unaltered by the proposal.
- 8.3.24. The planning authority's Environmental Section noted the submission of a Construction Environmental Management Plan and considered that the aforementioned matters were capable of being satisfactorily addressed and mitigated by condition on the basis of same.
- 8.3.25. In respect to the potential for air and noise emissions, I note that as no grain treatment or processing activities will be carried out on site, there is no requirement for plant (i.e. electrical motors/ fans). It is also proposed that loading and unloading of grain is planned to take place within the shed with the head height of the purpose-built structure designed to facilitate a tipping trailer with the interior accessed via the 2 no. mechanically operated roller shutters on the front elevation.
- 8.3.26. Having reviewed the building plans and elevations, I consider that the concerns in respect to light pollution are unfounded. Whilst I acknowledge that it was the case that inadequate details on internal or external lighting were provided at application stage, I am satisfied that the matter of scheme lighting was subsequently addressed at FI

stage where it was clarified that 2 no. down-facing lights above the entrance to the grain store only are proposed.

8.3.27. Given the agricultural nature of the site and the proposal and HGV traffic that would be associated with same, it is likely that fugitive dust will be an issue. However, this matter has been satisfactorily addressed via the appellant's proposal to install a wheel wash facility on the site haul route together with the proposed use of a dust suppression system during loading/ unloading.

8.3.28. I draw the Commission's attention to the submitted Outline Construction Environmental Management Plan (OCEMP), which provides further details in respect to proposed dust mitigation and other standard best practice pollution prevention measures. I consider it prudent that the appellant be required to submit a Final CEMP by pre-commencement condition where the Commission are minded to grant permission. Furthermore, to ensure the condition of the R712 is maintained, I recommend the attachment of a standard condition requiring that the adjoining regional road be kept clear of debris, soil and other materials and also a further condition to control the operational hours of the facility.

Local Environmental/ Public Health Concerns

8.3.29. Third parties seek to draw the Commission's attention to the scale and local impact of the works required to facilitate the proposal with non-specific concerns being raised in respect to the proposals local environmental and ecological impact on bees, bats, birds and nocturnal wildlife.

8.3.30. Concerns are also raised by third parties regarding the excessive extent of mature hedgerow removal proposed in order to facilitate required sightlines (215m). I deal with this matter in Section 10.2 of this report.

8.3.31. The description of the site provided in the submitted AA Screening report refers to a stubble field most recently sown for arable crops, with a patchy hedge line (with tall herbs at its base) running along the centre of the site, with a marginal hedge along the railway embankment. I am satisfied that the site condition as described generally reflects my observations on the site.

8.3.32. The matter of bats on site was raised at application stage with a bat survey of the site being carried out at FI stage which found no evidence of same.

- 8.3.33. In respect to the impact of the proposal on other fauna who may use the site, I note the fieldwork undertaken in support of the submitted AA screening report found that there was no evidence of large mammals found on site except for rabbits in a bank to its southwest, with no habitat suitable for fox, badger and pine marten to breed being identified with the report determining that *“the habitats in the area are common ones associated with farmland and there are no features of especial interest”*. Whilst I acknowledge that site may be used for incidental foraging by badgers and foxes etc., on the basis of my observation of roadkill along the section of the R712 adjoining the lands, I consider such activity is capable of continuing post development, with the landscaping proposals likely to provide further habitat for their prey.
- 8.3.34. Furthermore, in respect to the impact of the proposal on local ecology, whilst I acknowledge that a significant proportion of the hedge adjoining the R712 is proposed for removal to facilitate required sightlines, the proposed site layout illustrates that a significant quantum of replacement, supplemental and additional/ new planting of native hedging along all site boundaries forms part of the proposal. I consider it is likely that this will safeguard and improve habitat for pollinators and native birds such chaffinches, blue tit, robin, dunnocks and blackbirds.
- 8.3.35. In light of the foregoing considerations, I am of the view that, on balance, the proposal is likely to give rise to a biodiversity net gain overall.
- 8.3.36. The impact of the proposal on animal welfare is raised by an observer given the site’s proximity to the Carlow Kilkenny Dog Shelter which is located within c. 300m. Whilst no specific details are provided in respect to the nature of these concerns, I note that the shelter is located at a significant distance from the proposed grain storage facility and is separated from same by a busy regional road. In light of these circumstances, I do not consider such concerns to be reasonable.
- 8.3.37. Public health impacts and the potential for the proposal to generate vermin locally etc. are raised by third parties. The facility’s waste management proposals (which included clarification on the nature of waste arisings and that pest control measures would be put in place) were assessed by the planning authority at application and FI stages, with their Environmental Section being satisfied as to the applicant’s recycling and waste management proposals subject to their implementation by condition.

Impact on Rail Line

- 8.3.38. Third parties raise a concern regarding the risk to the operation of the rail line.
- 8.3.39. It is stated in the application cover letter that “*communication has taken place with Irish Rail to ensure that all of their observations are satisfied and the positioning of the proposal, the location of openings and the boundary treatment have all been designed to reflect this*”.
- 8.3.40. I note the design, construction and operational stage advice provided by Irish Rail in their submission of 26/11/2025 in respect to third party legal, consent and safety obligations when working near railways.
- 8.3.41. The submitted plans illustrate that all built elements of the proposal are located over 5m from the railway boundary (the building being setback by 10m and the attenuation tank by 21m as per the submitted site layout plan) and I am satisfied that the scheme lighting and landscaping would not have the potential to interfere with safe railway operation. A further 10m ‘exclusion area’ is shown to be provided along the boundary with the rail line where it is stated that no heavy vehicles shall operate (as per submitted site layout plan).
- 8.3.42. I consider that the remaining matter of the design, detailing and maintenance of the rail side boundary treatment; restriction on future discharges to railway property; and detailed attenuation design are all capable of being addressed by condition where the Commission are minded to grant permission.

Paulstown Masterplan

- 8.3.43. A third party has raised the issue of the proposal’s conflict with the Paulstown Masterplan which was adopted by Kilkenny County Council in September 2024 for the village. I note that the purpose of the Masterplan is to guide the development of Paulstown into the future and to make it a more attractive destination in which to live, work, visit and do business via various landscaping, urban design & active travel interventions and localised road & footpath improvements etc.
- 8.3.44. The specific basis for their concerns is unclear, but I note that the appeal site is located over 2km from Paulstown village and also so that it is intended that HGV traffic movements associated with the proposal will predominantly travel along the R712 towards its junction with the R912 and eastwards to access the M9 at junction 7. On

this basis, I do not consider that there is potential for the proposal to negatively impact on the main village or on the achievement of the masterplan objectives etc.

Fire Safety

- 8.3.45. The planning authority's Fire Officer has sought that a Fire Safety Certificate be obtained prior to commencement of development.
- 8.3.46. The Development Management Guidelines (2007) state that fire safety considerations, which are covered and governed by a separate statutory code, can only be considered where they are relevant to the proper planning and sustainable development of the area.
- 8.3.47. In this case, I note that the risk of fire and explosion were raised by third parties at application stage with the planning authority determining at FI stage that that risk of fire arising is minimal on account of no grain being dried on site.
- 8.3.48. In light of the foregoing, I consider that matters relating to the application for a future Fire Safety Certificate are a matter for Kilkenny County Council as the competent authority on such matters.

Precedent

- 8.3.49. Third parties contend that issues raised by the planning authority regarding a previous proposal for permission on the same site have not been addressed, with others raising the matter of an undesirable planning precedent being set where permission is granted.
- 8.3.50. I direct the Commission to Section 4.1 of this report where the full planning history of the appeal site is set out.
- 8.3.51. In respect to the matter of precedent, I would note that, as per the analysis of the subject proposal detailed above and the conclusions reached with regard to same, all appeal cases are assessed and determined on their own merits having regard to the sensitivity of the receiving environment, the specifics of the proposed development and also the planning and development policy in force at the time of the decision being made.

Property Values

8.3.52. I note the concerns raised in the observations in respect of the devaluation of neighbouring properties. However, having regard to the assessment and conclusion set out in Sections 10.1 and 10.3 above and recommendations therein, I am satisfied that the proposed development would not seriously injure the residential amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

9.0 Recommendation

I recommend that permission be REFUSED for the following reason:

10.0 Reasons and Considerations

1. The location of the entrance to the proposal is directly onto the R712 regional road, a strategic regional route, and at a location where a design speed of 100km/h applies and which features a broken white line to facilitate overtaking and also cycle lanes. Policy Section 12.11.4 of the Kilkenny City and County Development Plan 2021-2027 requires preservation of the strategic function and safety of Regional Roads. The likely increase in traffic and additional turning movements created by the development interfere with the unobstructed, safe and free flow of traffic on the adjoining regional route and therefore would contravene this policy requirement, and would also be likely to endanger public safety by reason of traffic hazard or obstruction of road users, contrary to the proper planning and development of the area.

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.

Emma Gosnell

Planning Inspector

23rd September 2026

Appendix 1

Form 1 – EIA Pre-Screening

Case Reference	PL-501586-KK-26
Proposed Development Summary	Construction of grain store building, yard area, associated services hut, new septic tank and percolation area, associated access road and a new vehicular entrance to public road and to carry out all associated site developments works.
Development Address	Garryduff, Paulstown, Co. Kilkenny
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (For the purposes of the Directive, “Project” means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a ‘Project’. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. 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(dd) – private roads exceeding 2000m in length.

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: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	PL-501586-KK-26
Proposed Development Summary	Construction of grain store building, yard area, associated services hut, new septic tank and percolation area, associated access road and a new vehicular entrance to public road and to carry out all associated site developments works.
Development Address	Garryduff, Paulstown, Co. Kilkenny
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development involves the construction of a single storey grain storage building (c. 3,490sq.m), concrete apron/ yard area for collection and deliveries, an associated single storey services hut (20sq.m), in addition to a new septic tank and percolation area, associated access road and a new splayed vehicular entrance to public road (R712) in place of existing agricultural entrance and associated site developments works. Some site clearance/ enabling works (creation of an upgraded access ope, cut and fill and hedgerow removal etc.) are required in order to facilitate the proposal. The works would not generate significant levels of waste, emissions or pollutants and all construction activities and are managed in accordance with a CEMP. The development is significantly below the class thresholds of Class 10(dd) – private roads exceeding 2000m. The nature of the development is in-keeping with the scale of other agricultural development in the vicinity and it is not exceptional within its existing rural context. The project due to its size and nature does not give rise to significant use of natural resources or production of waste during its construction and operation. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, and is not vulnerable to climate change.
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	The site is located in a rural area and is unzoned. Its context is described in detail in Section 1.0 of this report and includes extensive agricultural lands. The nearest European sites in close proximity to the appeal site are as follows: River Nore SPA (Site Code 004233) – approx. 10km to the west and River Barrow

capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	and River Nore SAC (Site Code 002162) - approx. 2.75km to the east. There are no watercourses or other ecological features of note on the appeal site that would connect it directly to European Sites in the wider area. There nearest watercourse (MONEFELIM_030 River) is located c. 400m to the north/ north-east of the site and flows in an easterly direction towards the River Barrow and River Nore SAC (Site Code 002162) located c. 2.75km to the east and on into the River Barrow c. 4.5km to the south-east of the site. There is no other nationally designated site, scenic route or protected view on or in the immediate vicinity of the appeal site. The site is also not within a designated ACA and there are no Protected Structures or other Cultural Heritage sites on or immediately adjoining the site.
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).	Due to the nature and scale of the development, the site enabling and construction stages are not significant in terms of duration or complexity. The main operational impacts are limited to servicing requirements and traffic safety which are assessed as part of the Inspector's Report without potential for significant environmental effects that would require EIA.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

Appendix 2 – AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics Case file: PL-501586-KK-26	
Brief description of project	Normal planning appeal. Construction of grain store building, yard area, associated services hut, new septic tank and percolation area, associated access road and a new vehicular entrance to public road and to carry out all associated site developments works at Garryduff, Paulstown, Co. Kilkenny – see Section 2.0 of Inspector's Report for further details.
Brief description of development site characteristics and potential impact mechanisms	The appeal site, which is located in the rural townland of Garryduff near Paulstown village, Co. Kilkenny fronts the R712 regional road with the Waterford-Dublin rail line being located to its rear. It comprises of parts of 2 no. agricultural fields separated by a hedge line. Some site clearance/ enabling works (creation of an upgraded access ope, cut and fill and hedgerow removal etc.) are required in order to facilitate the proposal. The development involves the construction of a single storey grain storage building (c. 3,490sq.m), concrete apron/ yard area for collection and deliveries, an associated single storey services hut (20sq.m), in addition to a new septic tank and percolation area, associated access road and a new splayed vehicular entrance to public road (R712) in place of existing agricultural entrance and associated site developments works. Proposed water supply is via an on-site bored well with foul drainage being dealt with by means of a new septic tank and percolation area. Stormwater will drain to soakaways to be attenuation prior to discharge back into the ground– full details in respect to servicing contained in Section 10 of Inspector's Report. The nearest European sites in close proximity to the appeal site are as follows: River Nore SPA (Site Code 004233) – approx. 10km to the west and River Barrow and River Nore SAC (Site Code 002162) - approx. 2.75km to the east. There are no watercourses or other ecological features of note on the appeal site that would connect it directly to European Sites in the wider area. There nearest watercourse (MONEFELIM_030 River) is located c. 400m to the north/ north-east of the site and flows in an easterly direction towards the River Barrow and River Nore SAC (Site Code

	002162) located c. 2.75km to the east and on into the River Barrow c. 4.5km to the south-east of the site. It is considered that, given the intervening distance and bank of agricultural land between the site and the Monefelim River, there is no potential for it to provide a hydrological connection to the aforementioned European sites. However, the appeal site is underlain by the Bagenalstown Lower Groundwater body which also underlays the aforementioned River Barrow and River Nore SAC (Site Code 002162) and this therefore provides a potential indirect hydrological link between the appeal site and this European site. There is considered to be no pathway to any other Natura 2000 sites in the vicinity of the appeal site due to the nature and relatively small scale of the development, the location of the appeal site relative to other European sites and the substantial separation distances involved which would give rise to significant intervening dilution effects.			
Screening report	Yes			
Natura Impact Statement	No			
Relevant Submissions	No			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model Having regard to the source-pathway receptor-model, I consider that there is 1 no. European site which have the potential to be affected by the proposal. I have excluded all other European sites on the basis of their substantial physical separation from the appeal site and due to the absence of realistic pathways connecting the appeal site to same.				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological Connection s ²	Consider further in screenin g ³
River Barrow and River Nore SAC (Site Code 002162)	Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], Reefs [1170], Salicornia and other annuals colonising mud and sand [1310],	c. 2.75km	Potential indirect hydrological connection via WWTS and soakaway emissions to groundwater	Yes

	Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330], Mediterranean salt meadows (Juncetalia maritimi) [1410], Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260], European dry heaths [4030], Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430], Petrifying springs with tufa formation (Cratoneurion) [7220], Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0], Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0], Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016], Margaritifera margaritifera (Freshwater Pearl Mussel) [1029], Austropotamobius pallipes (White-clawed Crayfish) [1092],			
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	Petromyzon marinus (Sea Lamprey) [1095], Lampetra planeri (Brook Lamprey) [1096], Lampetra fluviatilis (River Lamprey) [1099], Alosa fallax fallax (Twaite Shad) [1103], Salmo salar (Salmon) [1106], Lutra lutra (Otter) [1355], Vandenboschia speciosa (Killarney Fern) [6985]. Source: NPWS website accessed 22/09/2026.			
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site Name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
River Barrow and River Nore SAC (Site Code 002162)	Direct: none Indirect: potential indirect hydrological connections via WWTS and soakaway emissions to groundwater	The contained nature of the site (relatively defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed in the table above at either construction or operation stage. In terms of emissions to water, the nearest watercourse is the Monefelim River which is located c. 400m away at its nearest point. With such an intervening distance, it is considered that there is no physical or functional connection between the appeal site and this watercourse and therefore no potential for this watercourse to act as a hydrological pathway to any European sites. The site is also underlain by the Bagenalstown Lower groundwater body which also underlays River Barrow and River Nore SAC (Site Code 002162) which is located c. 2.75km from the appeal site. Notwithstanding the proposed surface

	water and foul water arrangements, with such a distances, any silts or other potential pollutants entering groundwater via unattenuated run-off at construction stage or via the proposed surface water system or the proposed WWTS during the operational stage, even in the most extreme scenarios, would be completely attenuated by the dilution, dispersal and settlement that would occur within the groundwater system. There is therefore no prospect that materials carried in surface water drainage or foul water from the proposed development site, could have any significant effect on the QIs of the aforementioned European site. Conservation Objectives would not be undermined. Likelihood of significant effects from proposed development (alone): No If No, is there likelihood of significant effects occurring in combination with other plans or projects? No
Step 4 Conclude if the proposed development could result in likely significant effects on a European site I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on a European Site. No measures specifically intended to avoid or reduce harmful impacts of the proposed development on European sites were taken into account in reaching this conclusion.	
Screening Determination Finding of no likely significant effects In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites, namely the Barrow and River Nore SAC (Site Code 002162) in view of that site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This determination is based on: • The nature and scale of the proposed development. • The location of the development on agricultural lands in a rural area, its distance from European Sites and the nature of intervening habitats. • Distance from and weak indirect connections/ ecological pathways to the European sites.	

APPENDIX 3			
WFD IMPACT ASSESSMENT SCOPING TABLE			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-501586-KK-26	Townland, address	Garryduff, Paulstown, Co. Kilkenny
Description of project		Construction of grain store building, yard area, associated services hut, new septic tank and percolation area, associated access road and a new vehicular entrance to public road and all associated site developments works	
Brief site description, relevant to WFD Screening,		Site is located on lands in a rural townland which are in use for agricultural purposes. The site is surrounded by well drained grassland with no watercourses or drainage ditches being evident on the lands. There nearest watercourse (MONEFELIM_030 River) is located c. 400m to the north/north-east of the site and flows in an easterly direction towards the River Barrow and River Nore SAC (Site Code 002162) located c. 2.75km to the east and on into the River Barrow c. 4.5km to the south-east of the site. The site is underlain by the Bagenalstown Lower groundwater body. There are no lakes or transitional waterbodies in the vicinity.	
Proposed surface water details		Stormwater will drain to soakaways to be attenuation prior to discharge back into the ground.	
Proposed water supply source & available capacity		On-site well.	
Proposed wastewater treatment system & available capacity, other issues		New septic tank and percolation area.	
Others?		n/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	MONEFELIM_030 River IE_SE_14M031000	Moderate	At Risk	Sediment, Nutrients, Organic	No - Not hydrologically connected to surface watercourse.	N/a	N/a
Groundwater	Bagenalstown Lower IE_SE_G_157	Good	Not at Risk	None	Yes – Free draining soil conditions, so potentially via surface water run-off and foul drainage which both discharge to groundwater.	Construction Phase – Standard mitigation measures included in OCEMP. Operational phase - Standard Drainage Design Measures - Soakaways/ SuDS measures and compliance with 2021 EPA Code of Practice.	Mitigation sufficient. No residual impacts predicted.