

The Secretary
n Bord Pleanála
64 Marlborough Street
Dublin 1

5th March 2025

AN BORD PLEANÁLA	
LDG-	<u>078587-25</u>
ABP-	
10 MAR 2025	
Fee: € <u>220</u>	Type: <u>Chg</u>
Time: <u>14.41</u>	By: <u>Cairner</u>

Our Ref: 25002

RE: Planning & Development Act 2000 and the Statutory Regulations made thereunder (as amended). Third Party Appeal by Kate Coleman of Drumdowney Upper, Slieverue, Co. Kilkenny against the decision of Kilkenny County Council to grant permission to GABM Limited for development on lands with a site area of approximately 11.57ha located at Gorteens, Co. Kilkenny. The development will consist of the construction of an integrated plasterboard manufacturing facility, incorporating a production plant with access from the industrial area road infrastructure at Gorteens, Co. Kilkenny. The production facility will have a floor area of 22,400sqm, with a height over finished ground level ranging from 19metres to 29metres. Roof mounted solar panels are proposed. The proposed development includes all site development works, landscaping, boundary treatments including earthworks, road works, retaining walls, vehicle entrance, vehicle parking with charging (HGV, cars and bicycles/scooters), gates, fencing, paving, water storage tanks, drainage and lighting. Planted berms are proposed within and along the perimeters of the development site. The development will include for extraction of groundwater for production process purposes. Servicing arrangements include the provision of a constructed surface water attenuation area. Access to connect to the public foul network and to mains water supply is proposed.

Kilkenny County Council Reg. Ref. 24/60103

Date of decision: 12th February 2025

Last date for making an appeal: on or before end of the 11th March 2025

Dear Sir / Madam

We, Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin, D18 T3Y4, are instructed by our client Kate Coleman of Drumdowney Upper, Slieverue, Co. Kilkenny, who made a substantive observation / objection on the planning application to lodge this third party appeal against the decision of the Planning Authority to grant permission for the above described development on the 12th February 2025.

In accordance with the statutory regulations we enclose payment to An Bord Pleanála for the appropriate statutory observation fee of €220 in this instance. In addition we enclose the Letter of Acknowledgment received from the Planning Authority for the making of the observation on the planning application. This is copied at the rear of this appeal. Our clients appeal is being made with the full support of, and represents the view of the local community, against the decision of the Planning Authority.

It is deeply disappointing that despite the positive decision of the County Council that the first party has chose to lodge an appeal in relation to conditions 4, 5, 6, 7 and 24 of the Kilkenny County Council decision. It is particularly disappointing that many of these relate to statutory licensing arrangements that are required to control air, waste and noise pollution in relation to the nature and extent of the proposed development. We note the Board's reference provided to the first party appeal was ABP Ref. ABP-321962-25.

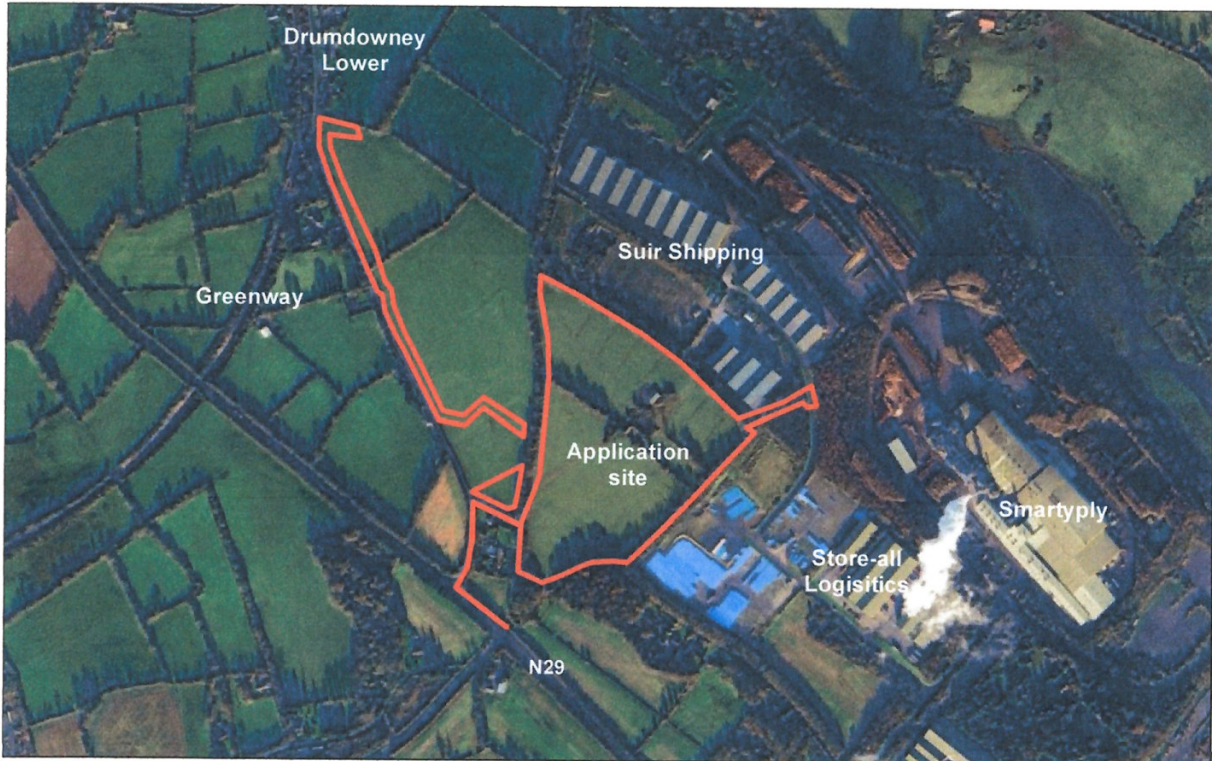
Prior to outlining our clients concerns, we feel it is appropriate to set out below the context of the appeal, and reasons behind why our clients are making the appeal.

1. Subject site and environs

The subject site of 11.57ha. is subdivided into three main parcels with the nearest part of the main application site being approximately 1.1km to the north and north-west of the River Suir. This main part of the application site, which is triangular in shape (Area A), is bound to the north-east by warehouses and

open storage areas (Seed Technology Ltd.); and by the Store-all Logistics site and with open storage to the south-east. The Smartply manufacturing plant is located further to the east and to the immediate north of the Store-All facility. The main part of the application site is bound by agricultural lands to the south-west.

The subject site includes two separate parcels of lands that form part of this application. Area B forms a small triangular portion of land just off the N29 close to its junction with the L7482; and Area C is a narrow stretch of lands that extend along the northern part of the local road (L7482) that extends to the southern boundary of the nearest houses within Drumdowney Upper.



Aerial view of application site in context (source: Google Maps)

The wider environs of this site are dominated by Bellview Port (Port of Waterford) and its associated facilities that are located on the northern banks of the River Suir. The N29 provides a dedicated port road linking from the N25 that passes over the former railway and now greenway to the west of the wider site.

The main development site (Area A) has a heavily wooded western and eastern boundary that meet and link into the landscaped boundary of the site to the east, as well as a small woodland area between the southern part of Area A and the N29. The western boundary is highly visible from the southern end of the local road to the south-west (see below).



View of western boundary of the application site from the local road (source: Google Maps)

There is further landscaping to the north of the site. There is an agricultural type entrance into Area A from the south-west corner, which has been recently replaced and serves as access to agricultural buildings within the northern part of the site. There is a treeline and hedgerow that subdivides the site into two, that crosses the centre of this site from west to east. The southern field and the central treeline are easily visible from the former agricultural entrance, with the site (Area A) and rises some 20m from south to north.

We submit that it is not in question that the area is identified for development under the LAP. However, such development must occur in a manner that proactively mitigates the risk of significant impact on the daily lives and amenity of the residents in the area.

Statutory Plan context

The application site is covered by the Kilkenny County Development Plan 2021 -2027; as well as the Ferrybank – Belview Local Area Plan 2017 that came into effect on the 15th January 2018. The zoning of the main part of the application site (Area A) under the Local Area Plan is for Port Facilities and Industry with the objective *"To allow for the further development and expansion of port facilities and associated industries, to assist in the economic development of the wider area, whilst not encouraging leakage of uses which would be more appropriately located in the existing urban centres of Waterford City and Ferrybank"*.

The length of the eastern boundary of Area A is zoned as Passive Open Space as are the lands bounding the application site to the north. The objective of such lands is *"To allow for passive open space/green links/ biodiversity conservation"*. The LAP also includes a zoning known as 'Residential Amenity Belview'. This includes the houses to the immediate south of the application site, and the houses along the L7482 and at Drumdowney Upper. The objective for this zoning states:

"Existing residences in the Belview area will be protected and their existing residential amenity should remain intact. Accordingly, a zoning of Residential Amenity Belview is applied to protect existing residences in proximity to the Port. (This RAB zone has been refined slightly since the last Plan to reflect the location of existing residences.) It is important however that there is no net increase in residential development in this area. The provisions of this zoning category need to be flexible in terms of accommodating the expansion of port related development and specialised industries in the area, but only where the amenity of existing residences is protected. This zoning provision is not for the expansion of residential uses within the Belview area but simply to protect the existing residential use."

In addition we note that Development Management Standard 5DM3 of the LAP requires the appropriate screening of future developments in the Belview Industrial area. This requires the following to be applied:

- *Existing woodlands and hedgerows should be retained and incorporated wherever feasible.*
- *The protection and buffering of existing residential developments will be a priority.*
- *Landscaping schemes for any development should form an integral part of the overall development proposal. A woodland planting buffer of 15-20 metres will generally be required inside any industrial site boundary unless a suitable alternative mitigation measure is agreed with the Planning Authority. This landscape buffer will be required to be densely planted with a mix of coniferous and deciduous species. In all cases the Council encourages advance planting which it considers would be beneficial to ensure some plant maturation prior to construction.*
- *Buildings and other structures shall be located so as to provide optimum screening and noise buffering to surrounding land-uses, particularly to existing residential properties. In cases where structures are to be constructed proximate to existing residential structures, the potential for these structures to impose on the neighbouring residential amenity by virtue of their heights and bulk should be appropriately mitigated in the assessment of all planning applications.*
- *Ensure a continuous landscape buffer (15-20 metres wide) at Drumdowney which is to be densely planted, see Figure 2.4 Development Objectives. This should consist of mixed native woodland and surround the entirety of the site. This should extend west to the entrance and gate lodge of Snowhill House. Along the estuary boundary of the site, ensure an adequate landscape buffer of a similar standard.*

Kilkenny County Council has tendered the preparation of a new LAP for the area. The draft LAP underwent public consultation in June 2024 in where local residents voiced their concerns that the development of Belview Port was having a negative impact on the environment of the area and amenity of local residents.

Section 5.2.1 of the 2018 LAP entitled Infrastructure, states that the area has excellent infrastructure in place for water from the South Kilkenny Water Supply Scheme. However, since 2017 and the construction of other manufacturing facilities in this area, there has been significant impact to local residents in Slieverue in terms of water pressure and supply.

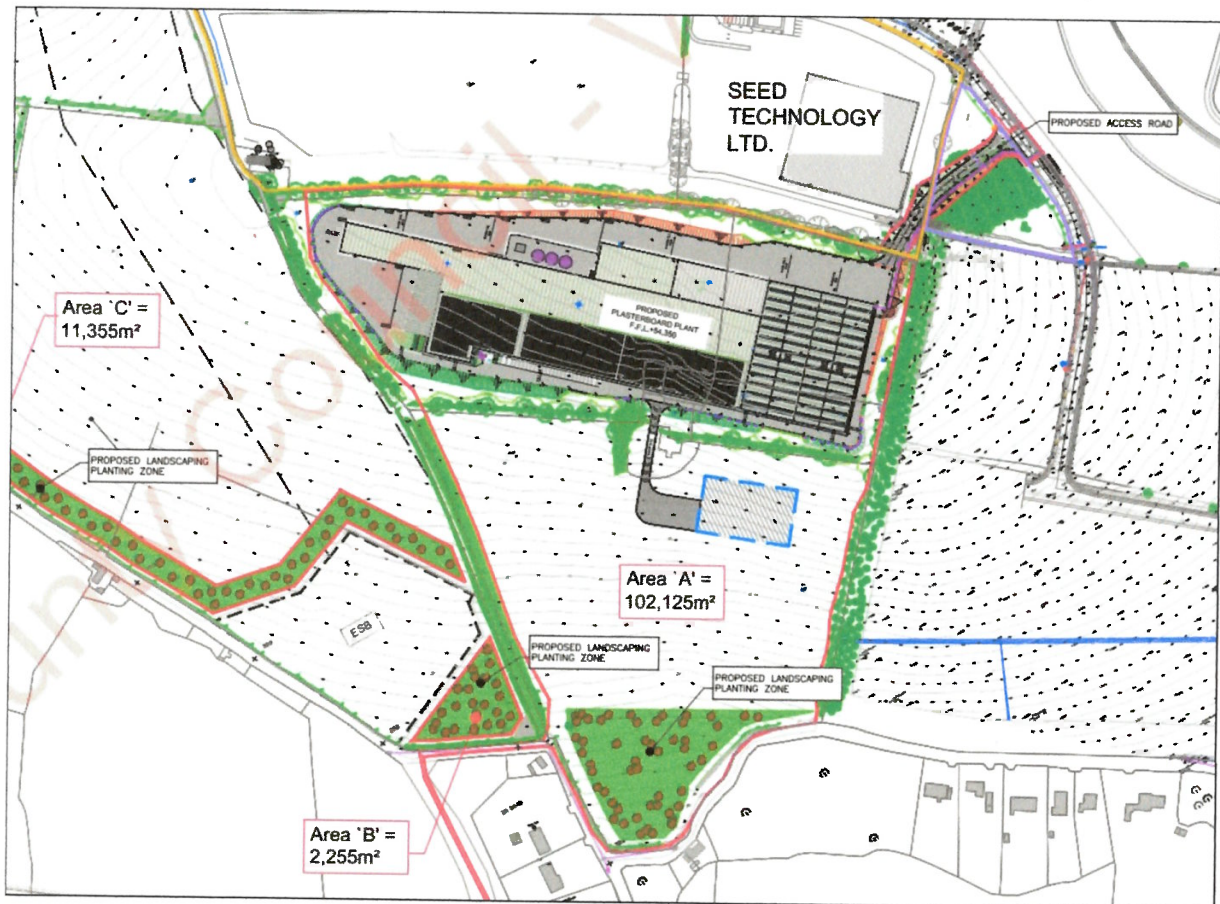
We refer the Board that this same section of the LAP, in relation to Water Services, the LAP states that "Although capacity is available within water services to service the zoned land at the Port, the existing pipe network is inadequate for the lands south of Gorteens Castle. At present, this area is served by a system of private water sources (wells) and private treatment systems (septic tanks). The Council will therefore work in conjunction with Irish Water to promote the ongoing upgrade and expansion of water supply and wastewater services to meet the future needs of Belview."

It is our understanding that since the LAP coming into effect these upgrades have not taken place and the residential areas bordering Belview Port remain reliant on private wells as the sole source of piped potable water. Groundwater abstraction of the Proposed Development is therefore a significant concern of our client and the wider local community. There is a reasonable and strong concern that the scale and pace of industrial development, particularly of those that require significant water abstraction, are occurring without any substantive outpacing improvements to the water supply of the area.

The Proposed Development site is within the Zone of Influence of the Lower River Suir SAC (SiteCode: IE0002137). We would strongly question whether the submitted Natura Impact Statement, and indeed the EIAR adequately consider this, and are therefore misleading and inaccurate to the Planning Authority, who have failed to recognise as much, in making their decision.

2. Nature and extent of the proposed development

We refer the Board to the nature and extent of the current application, which is to seek permission for an integrated plasterboard manufacturing facility to be located on the far northern part of the site referred by the applicants as 'Area A' (see below).

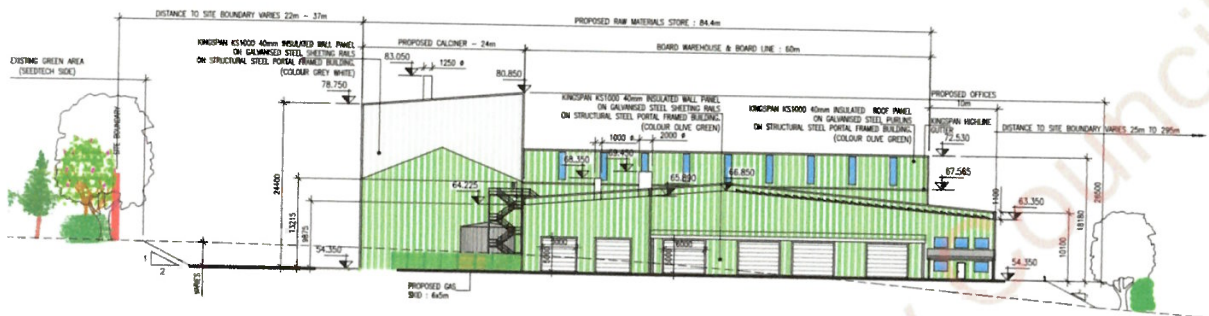


Excerpt from the Proposed Overall Site Plan (Drawing no. P802 by Malone O'Regan, Consulting Engineers)

The production facility will have a floor area of c. 22,401sqm, with a height over finished ground level ranging from 12.64m for the lower, western half, to a ridge height of 18.18m for the area identified for the storage of raw materials at the eastern end of the plant, and the calcimer (kiln) forming a 60m wide and 26.5m high block that is

located in the eastern half and centrally within the plant; and the flue at a height of 28.7m above finished floor level. The application will incorporate roof mounted solar panels.

The finished floor level of the plant is indicated as being 54.35m AOD. The submitted drawings indicate a substantial cut and fill exercise from north to south across the site, that is not defined in the architectural drawings submitted with the application. The drawings state that the extent of the cut and fill is varied and indicates the rear of the plant sitting 3.7m below the existing ground level; with the cut exercise starting just inside the northern site boundary. The southern end of the plant will sit some 3m above the existing ground level, and immediately adjacent and to the north of the existing tree line and hedgerow that extends across the centre of the site.



Proposed North-West Elevation (Drawing no. P817 by Malone O'Regan, Consulting Engineers)

The application indicates that the Plant will operate 24 hours a day, 7 days a week, for 333 days per year. Delivery and collection hours are not fully defined in the application, and are indicated as being 'likely to be 6am to 10pm, Monday to Friday'. The application indicates there will be 8 no. unloading campaigns that are defined as 24 hour events per annum. Each campaign will consist of the arrival of ca. 24,375 tonnes of gypsum rock to Belview Port, and the unloading of raw gypsum from the shipping vessel, which will be transported from Belview Port via HGV's to the Site over a 24 hour period.

In order to facilitate access to the Proposed Development site a new access road that would be c. 56m in length is proposed to join the existing access road serving the Suir Shipping and Seed Technology businesses at the north-eastern corner of the site (and not north-western as described in section 1.4 of the EIAR).

The manufacturing and other industrial processes are key to the consideration of this application. As well as the manufacture of gypsum board, the plant will also accept waste gypsum plasterboard from construction and demolition wastes for recycling. The EIAR states that it is estimated that 25,000 tonnes per annum of waste gypsum plasterboard will be brought to the site via authorised waste contractors.

The application states that HGVs will collect and distribute the finished goods to the market. The HGVs will use the entrance on the western side of the building to collect plasterboard. The HGVs will exit the Site and travel on the N29 to its destination. The markets for the products will be Ireland, Northern Ireland, the UK and Europe.

The facility will be powered by a combination of electricity and gas. The heat generated during the calcination process will be used to heat the building and administration offices. The Proposed Development is indicated as creating approximately 45 permanent jobs at the Site, and the products manufactured at the plant will create further employment opportunities in the construction sector. During construction it is estimated that up to 100 jobs will be created.

The process will rely on the extraction of groundwater for production processes but it is also proposed to connect to the public mains and public sewer.

The EIAR claims that the Proposed Development will not require an Industrial Emissions Licence from the Environmental Protection Agency as it is indicated as falling 5,000 tonnes below the 200,000 tonnes required for such licences. The applicant agrees that a waste permit is required to facilitate the Proposed Development.

The Proposed Development is indicated as requiring 18m³ of abstracted groundwater on site every day. Whilst this is below the 25m³ that currently requires registration with the EPA, the applicant indicates the intention to register this abstraction, as it is intimated that the 25m³ may be exceeded 'occasionally'.

The applicant intends to abstract the groundwater through a bored well that will extract water from the same aquifer that serves a significant number of private wells in the area. We refer the Board to the inaccurate description of the Groundwater Use and Source Protection under section 8.3.1.4 of the EIAR. This states that there are c. 13 groundwater wells recorded within a 2km radius of the site (updated to 12 under the FI response), and these are listed in Table 8-2 and indicated in terms of location in Figure 8-3 of the EIAR. It is our understanding that this significantly underplays the number of households reliant on wells and that there are in fact 78 local wells, that 89 households within the 2km radius of the proposed development site reliant on bored wells. These households do not have the benefit of access to a mains water supply and are wholly reliant on the water availability in the area. The EIAR states that no mitigation is required in terms of water supply.

3. Decision of the Planning Authority

The Planning Authority initially requested Further Information on a range of issues on the 25th April 2024. The RFI requested clarification in terms of licencing requirements; water supply including a groundwater feasibility study surface water; air / dust; noise; roads; visual impact and archaeology.

A request for an extension of time for the submission of further information was requested and granted on the 4th October 2024. The applicant submitted their further information response on the 11th December 2024. The FI Response confirmed that a Waste Facility Permit would be required from the EPA. The response of the applicant lacked clarity in relation to water supply and the need for groundwater abstraction. The applicant fails, in our considered opinion, to address whether it was feasible to supply all of the water needs of the development through the mains water connection. The Vulnerability of this aquifer is classified as being mostly Extreme with mixed local areas of high to low vulnerability. The groundwater vulnerability of the Proposed Development Site, where the plant is proposed is classified as extreme and high.

We note that the FI response of the applicant states that the LAP is now out-of-date and that the Proposed Development site is therefore unzoned.

We also note that the proposed gas link was sought to be outlined, and it is notable that this was failed to be considered in terms of the EIAR; and that the assessments overall were significantly deficient in terms of the EIAR and NIS submitted with the application, with a failure to adequately consider cumulative effects. Given the nature of the changes made, and additional studies undertaken

The Planning Authority issued a notification of decision to grant permission on the 12th February 2025; which was subject to 36 conditions. The already submitted first party appeal states that they do not agree with Conditions 4, 5, 6, 7 and 24 of the decision; which are now subject of a first party appeal. We submit that irrespective of the grounds of the appeal, the basis of the first party appeal is misleading and inaccurate. It indicates the applicants willing to comply with licencing requirements of the EPA.

4. Grounds of appeal

The full grounds of our client's appeal together with the arguments, reasons and considerations upon which it is based are set out below. We respectfully submit that the decision of the Planning Authority is inherently flawed, and has failed to consider the significant negative impact the proposed development will have on the environment and amenity of the area to the detriment of our client and the wider community

Negative impact on water supply

We would request that the Board question the robustness and validity of the availability of groundwater as submitted in the EIAR, and as updated within the FI Response. It is clear from the evidence that our client has compiled that the water abstraction via wells is far greater (in the region of four times) indicated in the EIAR. We note that the analysis that informed the EIAR was undertaken in April and May 2023, a period when Met Éireann stated that all "Nearly all rainfall totals were above their 1981-2010 Long-Term Average (LTA) for the season" (Climate Statement for Spring and May 2023 - Met Éireann - The Irish Meteorological Service).

The performance of testing to determine the potential yield from the Aquifer on which the proposed site will be developed was performed at a time when replenishment of the aquifer would have been swift and the water table particularly high. However, the potential impact of a period of low rainfall was not assessed and the period of assessment was not representative of a worst-case scenario, as is required under the EIAR

legislation, and where water is in shorter supply and the yield from the aquifer reduced. This we would strongly contend would result in the drop in the availability of water supply to local residential properties. The Council inadequately considered this in making their decision.

Our clients can confirm that the security of their water supply reduces during dry periods. This will only be compounded and further reduce as a result of the proposed development. The EIAR has failed to adequately address this potential risk within the analysis of the water supply required for the manufacturing facility and its impact on the local community, where a significant number of homes in the locality are reliant on wells. We would query the reliability of Volume 2 Section 8 of the EIAR that states "*Therefore, it is envisaged due to the distance to those private well that the bedrock aquifer will be readily capable of providing a sustainable yield without impacting on any private or public wells in the vicinity of the Site*".

We refer the Board to the fact that Kilkenny County Council attached condition 14 to their notification of decision that requires monitoring of at least four adjacent homeowner wells for a minimum period of three years during the operational phase of the development. Part b of that condition indicates the unreasonableness of the Proposed Development; and the inadequacy of the Council decision in failing to address this matter prior to the making of the decision. The decision is deemed to be premature pending the clarification by the applicant, that based on best scientific data, the potential impact on the water supply to homes within the 2km area identified would have no potential for the need for a '*replacement potable water supply to the affected homeowner*'. The condition does not ameliorate or mitigate the impact, if this were the case, and illustrates the real and bona fide concerns of our clients and the local community on this matter. This condition indicates the lack of scientific certainty as to how the proposed development will impact the water supply of the local community, and is grounds for the overturning of the decision in this instance.

This condition is reliant solely on monitoring of the water availability post abstraction of water by the GABM Ltd. facility and on retrospective corrective action after significant impact has been borne by the residents. This condition is also lacking in specificity on two counts:

1. The wells selected for monitoring should be those that represent a worst case in terms of impact from abstraction of groundwater by the facility and
2. The condition does not specify the nature of a "replacement potable water supply" and does not guarantee the availability of a piped potable water supply into an effected homeowners dwelling and continued connection to water reliant amenities used for washing and sanitary services.

The wording of this condition may pose a significant risk to the availability of water for residents in the future considering action is not required on the part of the developer until after the experience of negative impacts by the local residents combined with the potential inability of the developer to provide an alternative piped water source into the affected homes.

We refer the Board to section 5.5 of the LAP that states under objective 5B "To work in conjunction with Irish Water to promote the ongoing upgrade and expansion of water supply and wastewater services to meet the future needs of the Belview Industrial area and to seek extensions for the water and foul water networks to service the zoned lands sequentially".

We submit that it is unclear as to why the local community should be disenfranchised to facilitate the development and where the sole reason for the abstraction is that the applicant states that the water from the mains cannot be used for production purposes. We request the Board to clarify this matter during the appeal process or attach suitable conditions, that irrespective of other grounds of this appeal, addresses the valid concerns of our clients in terms of water supply.

Inadequate landscape buffer

We submit that the application fails to adhere to and provide adequate buffer to the Proposed Development site contrary to Development Management Standard 5DM3 of the Ferrybank Belview LAP. This requires a high degree of screening of proposed developments and a woodland planting buffer of 15-20 metres inside any industrial site boundary. The proposed development, which is located on this elevated site does not include any woodland planting buffer within the site (Area A) to the north, west and east.

The submitted application, appears to artificially set the application red line boundary away from the western field boundaries, as well as indicating part of the south-western boundary as being planted significantly greater than is the case.

It is clear that the application includes three landscaping zones – at the southern extent of the main development site; within a triangle known as Area B to the immediate north of three houses bounding the local road, and along the northern boundary of the local road. Given that the local road is enclosed by a strong hedgerow and trees on either side for the majority of its length, apart from the biodiversity gains that such a proposal would have, it is unclear how this addresses the clear inadequacy of the landscape treatment of the site. Furthermore, it is notable that the planting steps back from the local road some distance from the original access to these houses, and the agricultural access to the site, and will provide unobstructed views of the development that cannot be addressed by the set-back landscaping (see below). The planting outside of the site is not a suitable landscaping mitigation for the excessive scale and form of the Proposed Development.



View towards proposed development site from the L7482

We note that this was a significant concern of the Planning Authority who sought Further Information on this matter who recognised that the approach of the applicant limited the potential for screening.

We submit that a critical aspect of the consideration of this matter, is that the proposed development sits at the edge of the industrial development of the Belview Port area, and where the previous rural character of the area has been significantly denuded. This is moving heavy industrial uses, such as the proposal, closer to existing residential communities. There is a need for the Planning Authority to apply the required landscape and other mitigation to ensure, in accordance with the objectives of the LAP, that existing residential and visual amenity is maintained. The current proposal fails to achieve this, and it is entirely unclear how a 22,400sqm manufacturing plant is therefore consistent with the character of the surrounding landscape.

We note that the EIAR including twenty photomontages. In accordance with best practice, the assessment of the visual impact of any form of proposed development must be considered on day one of operations. It is clear that the Proposed Development will be highly visible from medium / longer distance views, due to its position close to the top of the hill and scale of the central buildings (see montages 10, 14 and 16 for example). It is unclear how the assessment under Table 12-8 of the EIAR can reach conclusions that, for example, the most significant impact will be moderate, and how this can be considered as short-term. The building will be visible from this location in the long-term and the additional planting, on much lower ground, will not, in any way mitigate this view.

The Further Information response claims that the application includes perimeter berms along the western and southern boundaries of the site using excavated subsoil and topsoil from the construction stage. The submitted drawings provide no evidence of 3m high berms with only the area in the southern corner of Area A and along the local road as being planted, with no berms indicated. We note that the case planner in reviewing the FI also refers to berms being shown in Appendix 6-4 of the EIAR. However, a close analysis of these indicates no berms proposed adjoining the proposed manufacturing plant, contrary to what was claimed by the applicants.

We respectfully submit that there is no basis for the applicant to claim an additional 15-20m woodland planting buffer was not considered to be necessary adjacent to the manufacturing building. We request the Board to conclude that the failure to provide adequate landscape mitigation around the proposed manufacturing building is contrary to Development Management Standard 5DM3 of the Ferrybank Belview LAP and is grounds for the refusal in this instance as it would set a highly undesirable precedent for the future development of lands between the subject site and Drumdowney, and other residential areas.

Noise impact

Our clients are correctly concerned about the 24 / 7 nature of the proposed development and the negative noise impacts that will ensue upon them and the wider community. The assessment of noise is addressed within Chapter 11 of Volume 2 of the EIAR. The noise monitoring indicated low daytime, evening and night-time background noise levels and above minimum night time noise levels, and that this significantly increases during the eight annual unloading that occurs over a 24 hour period.

Our client can confirm that SmartPly and other facilities can be easily heard and cause a nuisance on a regular basis in the area. Any increase in the noise levels associated with the Proposed Development will be unacceptable.

We submit that the using of the existing noise levels as somehow reflecting the baseline noise levels is a misrepresentation of matters in this instance. There is background creep and accumulation of noise impact based on each application that is made. This should have been considered as the baseline, without any other developments being in place. It is also unclear from the assessment as to what activities were being undertaken at the other adjoining plants during the week of the acoustic monitoring. No clarification of this is provided by the applicant's agents.

The existence of the SmartPly facility is evident to everyone living in the vicinity due to regular noise including alarms, signalling noise and noise due to movement of materials. Any increase in the noise in the area over and above already experienced will not be acceptable for the local community.

Flooding

Section 8.4.5 of the EIAR submitted with planning application 24/60103 states that "No flood events or recurring flood incidents were identified at the Site or in its vicinity from the OPW's Flood Hazard Mapping (see Appendix 8-4 for a copy of the Past Flood Event Local Area Summary Report for the Site)".

Our client can confirm that there was flooding in the Luffany Stream in November 2023 due to high rainfall and obstruction of the stream flow. This section of the EIAR raises concern as it states "During the construction phase, there is the potential for sediment could run off the Site into drains discharging to the Luffany Stream (EPA Code 16L68) and the Drumdowney Lower Stream (EPA Code 16D30)". Further obstruction of the Luffany and Drumdowney lower streams may further exacerbate the flood potential of the Luffany and increase the impact of floods similar to those experienced in Drumdowney Upper and Lower in November 2023. The flooding in November 2023 as evidenced in photographs below, that impacted Drumdowney Upper and Lower, were exacerbated by surface water run-off from nearby developments, that would be exacerbated by the proposed development.



Flooding in Drumdowney Upper November 2023 (EirCode X91FP84)

The decision of the Council would appear to be contrary to section 9A of the LAP that states the need to adopt a comprehensive risk-based planning approach to flood management to prevent or minimise future flood risk. In accordance with the Planning System and Flood Risk Management – Guidelines for Planning Authorities, the avoidance of development in areas where flood risk has been identified shall be the primary response, and the Council have failed to recognize this in making its decision.

Traffic impact

Our clients are rightly concerned that the design and position of the proposed access will negatively impact upon traffic safety in the area and has the potential to result in overspill car parking and significant additional traffic movements on the surrounding roads. It is unclear whether the noise assessment has taken into consideration the impact of night time traffic in its assessment of night-time noise generation from the Proposed Development.

Ultimately the proposal will result in a loss of residential amenity for our client's dwellings, resulting in a loss of privacy, noise disturbance as well as creating traffic hazards and conflicts. Our clients would urge the Board to rethink the current proposals, and to take on board our client's reasonable and correct concerns, and to refuse permission on grounds of traffic hazards.

Inadequacy of Assessments

We respectfully would severely question the correctness and robustness of the Appropriate Assessment given the sites proximity to protected Natura 2000 sites that include the Lower River Suir SAC, as well as the River Barrow and River Nore SAC as well as SPAs off the coast. We note that the EIAR is accompanied by no winter bird survey and is therefore significantly deficient.

In terms of water quality it appears that the storm water will eventually outfall into the Luffany Stream (EPA Code 16L68) and the Drumdowney Lower Stream (EPA Code 16D30). Both these streams flow into the River Suir SAC. We submit that this has not been adequately considered or addressed under the EIAR.

The proposed development has therefore failed to have adequate regard to EIA Directives (2011/92/EU and 2014/52/EU), European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (the bulk of which came into operation in September 2018), the European Communities (Environmental Impact Assessment) Regulations 1989-2006, Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001-2023. The cumulative impact of the proposal has not, in our considered opinion, been adequately assessed.

Reduction in property values

For all the reasons as outlined above, the material reduction in our client's residential amenity and the negative impact of the proposal on their property we respectfully submit that the subject proposal would have a material and significant reduction in the value of the all residential property within the local community.

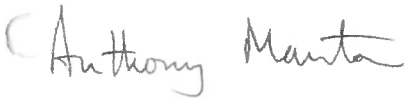
5. Conclusions

We respectfully submit that there are substantive and forceful arguments which when taken collectively must lead to a conclusion that the proposed development should be refused and the decision of the Planning Authority be overturned. We submit that the manufacturing plant will have a negative impact on the local environment and the residential amenity of the appellant and wider local community, contrary to the aims of the Ferrybank – Belview Local Area Plan 2017.

We respectfully request that given all of the above, that An Bord Pleanála overturn the decision of the Planning Authority and to refuse permission on the basis that the proposal would be contrary to the zoning objective of the area under the Kilkenny County Development Plan and the Ferrybank – Belview Local Area Plan 2017 as well as being contrary to the proper planning and sustainable development of the area including the preservation and improvement of amenities thereof.

We look forward to a favourable decision in due course.

Yours faithfully,

A handwritten signature in cursive script that reads "Anthony Marston". The signature is written in dark ink and is positioned to the right of the "Yours faithfully," text.

Anthony Marston (MIPI, MRTPI)
Marston Planning Consultancy

List of private and communal wells within 2kms of the Proposed Development site

	Eircode	Private well Y/N	Communal well Y/N
1	X91 RD62	N	Y 4 houses
2	X91 DR70	Y	
3	X91 YW18	Y	
4	X91 T283	Y	
5	X91 W324	Y	
6	X91 V273	Y	
7	X91 TW5A	Y	
8	X91 A2Y5	Y	
9	X91 T9D7	Y	
10	X91 EY64	Y	
11	X91 TX25	N	Y 5 houses
12	X91 TX49	Y	
13	X91 WK52	Y	
14	X91 EV74	N	Y 2 houses
15	X91 V903	Y	
16	X91 XW99	Y	
17	X91 XE18	Y	
18	X91 A2Y7	Y	
19	X91 DF4A	Y	
20	X91 NWX0	Y	
21	X91 A4E0	Y	
22	X91 VXV8	Y	
23	X91 W2F5	Y	
24	X91 XP22	Y	
25	X91 N239	Y	
26	X91 XY71	Y	
27	X91 K2K7	Y	
28	X91 V590	Y	
29	X91 F2W2	Y	
30	X91 NP94	Y	
31	X91 A253	Y	
32	X91 RH22	Y	
33	X91 RR99	Y	
34	X91 RP82	Y	
35	X91 HT73	Y	
36	X91 N4A7	Y	
37	X91 E768	Y	
38	X91 HY49	N	Y 2 houses
39	X91 K381	Y	
40	X91 Y751	Y	
41	X91 FP20	Y	
42	X91 W952	Y	
43	X91 WC86	Y	
44	X91 FY06	Y	
45	X91 WDK4	Y	
46	X91 T6V0	Y	
47	X91 N2ET	Y	
48	X91 XA07	Y	
49	X91 PV24	Y	
50	X91 PR28	Y	
51	X91 K778	Y	
52	X91 W1H1	Y	
53	X91 R973	N	Y 2 houses
54	X91 R640	N	Y 2 houses
55	X91 VY09	Y	
56	X91 YT27	Y	

57	X91 YRF7	Y	
58	X91 H9C0	Y	
59	X91 C6Y6	Y	
60	X91 W8X4	Y	
61	X91 AW88	Y	
62	X91 W6R9	Y	
63	X91 W0D1	Y	
64	X91 N2V9	Y	
65	X91 A9F3	Y	
66	X91 K5D4	Y	
67	X91 N5K3	Y	
68	X91 P2F8	Y	
69	X91 D5P9	Y	
70	X91 C8P8	Y	
71	X91 F8K3	Y	
72	X91 V3Y6	Y	
73	X91 X3A2	Y	
74	X91 K6D3	Y	
75	X91 P6W6	Y	
76	X91 N2Y5	Y	
77	X91 P8H0	Y	
78	X91 F6Y3	Y	

Letter of acknowledgment

Submission No.: 150000013435



Rialtas Áitiúil Éireann
Local Government Ireland

Date of Issue:

04/04/2024 01:15pm

THIS IS AN IMPORTANT DOCUMENT

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANALA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

Kilkenny County Council

PLANNING APPLICATION REFERENCE No. 2460103

A submission/observation in writing, has been received from Kate Coleman on 03/04/2024 in relation to the above planning application.

The appropriate fee of €20 has been paid. (Fee not applicable to prescribed bodies)

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 and will be taken into account by the planning authority in its determination of the planning application.

Yours faithfully,
Kilkenny County Council

IS DOICIMÉAD TÁBHACHTACH É SEO

COINNIGH AN DOICIMÉAD SEO SLÁN. BEIDH ORT AN ADMHÁIL SEO A CHUR AR FÁIL DON BHORD PLEANÁLA MÁS MIAN LEAT ACHOMARC A DHÉANAMH IN AGHAIDH CHINNEADH AN ÚDARÁIS PHLEANÁLA. IS É SEO AN IAON FHIANÁISE AMHÁIN ATÁ ANN A NGLACFAIDH AN BORD PLEANÁLA LEIS GUR CUIREADH AIGHNEACHT FAOI BHRÁID AN ÚDARÁIS PHLEANÁLA MAIDIR LEIS AN IARRATAS.

Kilkenny County Council

UIMHIR THAGARTHA AN IARRATAIS PHLEANÁLA: 2460103

Maidir leis an iarratas pleanála thuasluaite fuarthas aighneacht/tuairim i scribhinn ó Kate Coleman ar 03/04/2024.

Íocadh an táille chuí de €20. (Ní chailtfidh comhlachtaí forordaithe aon táille a íoc)

Tá an aighneacht/tuairim ag teacht leis na forálacha cuí atá i Rialacháin Phleanála agus Forbartha 2001 agus cuirfidh an tÚdarás Pleanála sin san áireamh agus é ag déanamh cinneadh ar an iarratas pleanála.

Is míse le meas,
Kilkenny County Council

***** This message is intended only for the use of the person(s) to whom it is addressed. It may contain information which is privileged and confidential within the meaning of applicable law. If you are not the intended recipient, please contact the sender as soon as possible. The views expressed in this communication may not necessarily be the views held by LGMA (Local Government Management Agency). Any attachments have been checked by a virus scanner and appear to be clean. Please ensure that you also scan all messages, as LGMA does not accept any liability for contamination or damage to your systems. ***** Is faoi rún agus chun úsáide an té a sheoltar an ríomhphost seo agus aon comhad atá nasctha leis. Má bhfuair tú an ríomhphost seo trí earráid, dísan teagmháil leis an seoltóir a luaitear is féidir. Ní bionann na tuairimí luaite sa ríomhphost seo agus tuairimí An Gníomhaireacht Bainistíochta Rialtais Áitiúil Deimhnítear leis an bhfónotá seo freisin go bhfuil an teachtaireacht ríomhphost seo agus aon comhad atá nasctha leis scuabtha le bogearraí frithviorals chun viorais ríomhaire a aimsiú agus is cosúil go bhfuil siad glan. Bí cinnte an ríomhphost seo a mionscrúdaí, mar ní ghlacann An Gníomhaireacht Bainistíochta Rialtais Áitiúil freagracht faoi aon damáiste a dhéanfaí le do chórais ríomhaireachtaí. *****

