

SECTION 131 FORM

Appeal NO: ABP 321962-25

Defer Re O/H ☐

Having considered the contents of the submission dated/ received 8/4/25
from

PA I recommend that section 131 of the Planning and Development Act, 2000

be/not be invoked at this stage for the following reason(s): no new material information

E.O.: Deane Wm Cah

Date: 24/04/25

For further consideration by SEO/SAO

Section 131 not to be invoked at this stage. ☐

Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached submission

to: _____ Task No: _____

Allow 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

CORRESPONDENCE FORM

Appeal No: ABP 321962-25

M _____

Please treat correspondence received on 8/4/25 as follows:

1. Update database with new agent for Applicant/Appellant _____

2. Acknowledge with BP 20

3. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐

3. Keep Copy of Board's letter ☐

Amendments/Comments

PA's response to appeal

4. Attach to file

(a) R/S ☐

(d) Screening ☐

(b) GIS Processing ☐

(e) Inspectorate ☒

(c) Processing ☐

RETURN TO EO ☒

Daire Little

EO: Daniel & Connor

AA: Andrew

Date: 15/4/25

Date: 15/4/25

Plans Date Stamped ☐

Date Stamped Filled in ☐

James Sweeney

From: Elaine O'Reilly <elaine.oreilly@kilkennycoco.ie>
Sent: Tuesday 8 April 2025 14:47
To: Appeals2
Subject: ABP-321962-25 (2460103)
Attachments: PA Response to appeal ABP 321962 25.pdf

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Hello,

Please find attached the Kilkenny CoCo Planning Authority response to the above appeal.

Kind Regards,
Elaine

Planning Section



Comhairle Chontae Chill Chainnigh

Halla an Chontae Sraid Eoin Cill Chainnigh
R95 A39T

Kilkenny County Council

County Hall John Street Kilkenny
R95 A39T



Pobail agus Áiteanna Inbhuanaithe a Chruthú

Creating Sustainable Communities and Places

To: An Bord Pleanála

08/04/2025

appeals@pleanala.ie

Re: **ABP-321962-25 (2460103).**

Development at Gorteens, Slievruie, Co. Kilkenny

A Chara,

In response to the first- and third-party appeals received by An Bord Pleanála for the above planning application, please find below Kilkenny County Council's response to each item:

First party appeal from Malone O'Regan on behalf of GABM

Condition 4 Local Authority Air Pollution Licence:

Application for above to be made to KCC prior to commencement.

With regard to Condition No.4 the Air Pollution Licence Application will need to be submitted to the Kilkenny County Council prior to works commencing onsite. While it is understood and accepted that construction works will take over a year (c.14 months), and, that an Air Pollution Licence could take place and be issued concurrently, Kilkenny County Council requires to assess the Air Pollution Licence Application in conjunction with the design of the facility, hence should any design amendments be required, these can take place prior to works commencing onsite, rather than during construction operations and potentially requiring resultant retention permissions.

While Kilkenny County Council acknowledges the perception that the condition may appear onerous and also the appellants suggested amendment, the condition as written in the notification to grant has been done so in the interests of maintaining absolute best practice. The imposition of this condition also allows Kilkenny County Council to peer review the Air Pollution Application if necessary.

Condition No. 5: Integrated Pollution Control Licence (IPPC)

The applicant is to liaise with EPA for submission of an Integrated Pollution Control (IPPC) Licence, should the Air Pollution Licence be deemed insufficient by the planning authority,

Although prior consultation is acknowledged as regards the need/or absence of same for an Integrated Pollution Control or Industrial Emissions (IE) licence to operate the proposed development (including an Article 11 declaration issued by the EPA on the 1st of October 2024), including:

- the applicant's explanation of the process as physical rather than chemical, and;
- clarification that a waste facility permit would be sufficient given the nature of the proposed operations onsite;
- volumes (195,000 tonnes per annum less than threshold of 200,000 tonnes per annum)

the attachment of condition no.5 offers the opportunity for Kilkenny County Council to facilitate the EPA to step in and implement licensing in an efficient manner should output increase at any point in the future beyond the threshold.

Condition No. 6: Waste Facility Permit:

Waste facility permit required. Licence to be applied for to and issued by KCC prior to works commencing onsite;

Similar to the assessment of the first party response to Condition No.4, the Waste Facility Permit Application will need to be submitted to Kilkenny County Council prior to works commencing onsite. Again while it is understood and accepted that construction works will take over a year (c.14 months), and, that an application for Waste Facility Permit could take place and be issued concurrently, Kilkenny County Council requires to assess the Waste Facility Permit in conjunction with the design of the facility, hence should any design amendments be required, these can take place prior to works commencing onsite, rather than during the middle of construction operations and potentially resulting in requiring retention permissions.

While Kilkenny County Council acknowledges that the condition may appear onerous and also the appellants suggested amendment, the condition as written in the notification to grant has been done so in the interests of absolute best practice.

Condition No. 7: Waste Licence:

Following submission of a Waste Licence to the planning authority, should it be deemed insufficient, the applicant is required to liaise with the EPA for submission of Waste Licence Application;

With regard to the Condition No.7, similarly to Condition No.5, the purpose of this condition is to assist Kilkenny County Council to facilitate licensing if so required at any point in the future should a threshold be exceeded.

Condition 24: Noise during operational phase:

- a) No deliveries to the production facility shall take place during the hours of 2100-0700;
 - b) Applicant shall provide written agreement between the applicant and Belview Port facilitating the waiting of delivery lorries during the hours of 2100-0700 following unloading campaigns.
- a) Notwithstanding the national importance of Belview Port as a trade gateway to and from Ireland and it's last zoning in the Ferrybank Belview Local Area Plan 2017 as 'Port Facilities and Industry', and, the relatively modest proposed number of raw gypsum unloading events (c.6-8 times per year), the intention of this condition is to control noise and disturbance impacts and mitigate loss of residential amenity into the future. The nearest residences are located less than 100m from the site boundary and just over 250m from the developable area of the site. This is notwithstanding that routing will take place via the national and port road network and the agent for the operator stating in the first party appeal that the operator will consult potentially affected neighbours. It is noted that the nearest residence to the port road is c.130m away.

- b) The purpose of this part of the condition is for lorries to wait on the wharf or associated area onsite within/around the port area, and, not to restrict the actual unloading of ships which it is understood need to arrive and dock at certain times depending on the tide. The wharf and associated hardstand and waiting areas in and around Belview Port are adequate in size to be able to accommodate the waiting of delivery vehicles during night-time hours.

Noise controls including decibel thresholds in Condition No.23 are acknowledged in addition to the potential for additional noise mitigation measures to be implemented in the event of, however these do not relate to the actual delivery of materials for which would involve heavy vehicles coming within a relatively short distances of nearby residences, hence Condition No.24 is attached to control delivery times for the purposes of preserving noise and disturbance to within acceptable thresholds throughout the course of the day (day, evening and night).

It is also noted that with the imposition of the condition restricting deliveries during night-time hours will restrict movements around the production facility to a minimum thereby allowing them to keep within specified noise limits more easily (as per Condition No.23).

Third Party Appeal by SLR Consulting on behalf of Saint Gobain Construction

Necessity for Industrial Emissions Licence

The proposed development will not require an Industrial Emissions Licence (IEL from the Environmental Protection Agency (EPA) as it will process a maximum of 195,000 tonnes per annum below the threshold of 200,000 tonnes per annum.

With regard to the total operational yield, this is currently less than 1,000,000 tonnes at this point and is a long way off this cumulative total. Condition No.5 allows for the EPA to step in and liaise with the applicant, and, if necessarily have an Industrial Emissions Licence Application submitted and assessed and licence implemented.

Although Kilkenny County Council are broadly aware of SCGPI's facilities in Meath and Monaghan, we are not in a position to specifically comment on such and their necessity to maintain an Industrial Emissions Licence. From a broad understanding mining operations in Co.Monaghan include for an extraction of 200,000 - 500,000 per annum while the processing site/factory it supplies in Co.Meath is licensed to accept waste gypsum and a capped decommissioned landfill is also located at the processing site in Co.Meath. There are no such extraction facilities existing or proposed at/near the proposed facility near Belview Port.

Public Notices

With regard to public notices (site and newspaper), the application was not considered to necessitate an EPA Integrated Pollution Control Licence, or, an Industrial Emissions Licence (as per correspondence between the applicant and the EPA which was submitted to the planning authority as part of Further Information response hence the local authority does not consider the validity of the planning application to be in question. Conditions No.5 and 7 facilitate liaison with and step in of the EPA for licensing in a future such event which acts as a necessary backstop.

Kilkenny County Council refutes the suggestion that Conditions 5 and 7 acknowledge doubt as to the EPA Licensing requirements. The applicant's correspondence with the EPA was submitted with the Further Information Response (including Article 11 declaration issued on the 1st of October 2024).

Third party appeal by Marston Planning Consultancy on behalf of Kate Coleman of Drumdowney Upper, Slieverue, Co.Kilkenny.

Stated that Kate Coleman's views represent that of the local community against the decision of the planning authority.

Services: Water

With regard to water and wastewater it is acknowledged that most surrounding neighbouring properties are served by Uisce Éireann public sewer which runs to the L7482, and, the L3415. All of the nearest properties are served by private wells, as mains water pipework has yet to be installed to the L7482, and, the L3415.

The applicant has indicated at requiring 18m³ of abstracted groundwater per day through a bored well which is significant below the 25m³ that currently requires registration with the EPA. They have however stated their intentions to register this abstraction as 25m³ may be exceeded occasionally.

As per the EIAR, 3 no. groundwater test wells (PW1, PW2, and PW3) were installed in March 2023 to assess the aquifer's yield potential for supplying water to the proposed development and the drawdown area caused by water abstraction. Step and pumping tests were conducted on PW1 due to water volume potential. Groundwater samples were collected from 3 no. on-site wells, including 2 no. monitoring wells (MW1 and MW3) and 1 no. production well (PW1).

A step test was undertaken at the production well (PW1) on 26th April 2023 to assess the potential discharge to be maintained for the duration of the pumping tests. A pumping test was carried out from 2nd May to 12th May 2023 followed by a recovery phase to assess the sustainable yield for the operational phase of the proposed development.

Based on analysis undertaken, it was concluded that a sustainable yield of c. 7.5m³/hour (approx. 180m³ /day) was determined for the test well. It is stated that abstracting groundwater at this rate will result in negligible effects on any private wells located proximate to the site. Data analysis is presented in Section 8.4 of the EIAR.

According to the GSI mapping, the closest groundwater well is located within a residential dwelling c.100m south of the site boundary and c. 340m southwest of PW1. Another groundwater well, within a residential dwelling, is located c.490m south of the PW1. Due to the distance to those private wells, 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.

With regard to condition no.14 which requires monitoring of at least 4 no. adjacent homeowner wells for a minimum period of 3 no. years (Part A) and subsequent intervention providing a replacement supply (Part B), this was attached given precedent in the local area from An Bord Pleanála's determination of Glanbia/Tirlan's production facility to the opposite side of the N29 due south west (PL.10.312631/2144, Condition No.3). The planning authority will retain a degree of control by way of an end of year report submitted and ability to add and amend locations at any time during the 3-year period.

With regard to the suggested guarantee of piped potable water supply into effected homeowners, this is contingent on Uisce Éireann subsequent rollout of public mains in the area. The provision and facilitation of such services is outside the remit of Kilkenny County Council and is a matter for Uisce Éireann.

It is stated in the EIAR that the proposed development will seek to maximise benefit of rainwater harvesting in order to minimise the volume of water that will need to be sourced from the public mains and abstracted from the underlying groundwater

With regard to the assertion that abstraction testing took place during April/May 2023 when the water table was at its/towards highest due to heavy rainfall that particular late winter/early spring as opposed to when it is at/towards its lowest following a dry spell or a drought, there is no such rule as to what time of year abstract testing is required to take place and generally takes place in the lead up to making a planning application.

It has been satisfactorily demonstrated in the EIAR that the abstraction for the facility will not adversely affect homeowners in the vicinity.

Effluent

With regard to wastewater provision for employees, the proposed development is to connect to Uisce Éireann public sewer. All wastewater will ultimately discharge to the Waterford City WWTP.

With regard to trade effluent, GABM have clarified that there will be no trade effluent created as part of the industrial process. Section 3.3.10.1 and 16.4.2.2 of the EIAR states that there will be no process water discharging from the site (no wastewater generated at the site from the process). Water that is used in the process will be evaporated off during the curing and drying process. The evaporated water will be harvested and re-used within the system again, with small volumes, encapsulated within the finished product, and, wastewater at the site will be foul water from kitchens and staff welfare facilities. No agreement with Uisce Éireann to dispose of trade effluent was/is therefore required.

It is further stated in Section 16.4.2.1 of the EIAR Volume 2 that the proposed development is designed to ensure that c.30% of the water used in the manufacturing process will be recycled to reduce the overall process water demand.

Inadequacy of Assessment: Water Quality

With regard to disposal of storm water, it will eventually outfall into the Luffany Stream.

It is stated in Section 6.5.1.1 of the EIAR that Protection Measures for Water Quality Mitigation Measures will be put in place to ensure the construction and operational phase of the proposed development will not result in any deterioration to local water and subsequently no adverse effects to species and habitats downstream.

Groundwater samples were collected from MW1, MW3 and PW1 on 1 no. occasion (refer to Figure 7-6 in Soil Chapter). The wells were purged prior to sample collection in accordance with standard best practice methods. A representative groundwater sample was collected from all wells. During purging, water quality measurements were taken as well as notes on the physical appearance of the purged water.

The risk for impacts on ground and surface water are acknowledged. The major ground works required are noted and addressed in addition to information obtained from borehole logs at production well locations PW1 and PW2. Construction works should not have potential to pose a rise to the underlying bedrock aquifer considering excavation of soils is to take place above water table. Temporary construction dewatering will therefore not be required during the construction phase.

It has been concluded in Section 8.6 of the EIAR that the proposed development during the operational phase will not have any adverse effects on water quality of the Lower River Suir SAC and River Barrow and River Nore SAC. Stormwater collected on-site will undergo continuous testing as per best practice, and, the settlement tank and oil interceptor will be serviced and maintained, including the removal of sediments offsite periodically to prevent the release of finer sediment into the drainage ditches. It is stated that there is no requirement for process water drainage as there is no process waste generated from the development.

With regard to cumulative impacts, water to be supplied for the production needs of the proposed development is based on a combination of recovered water from rainwater harvesting, mains water supply and/or abstracted groundwater. It is stated that the proposed development is designed to ensure that c.30% of the water used in the manufacturing process will be recycled to reduce the overall process water demand. There are a number of industrial facilities in close proximity, one adjacent to the southeast and one c.500m southwest which are IE licenced and are extracting groundwater for their production needs. The hydrogeological analysis undertaken at the site determined that the production well PW1 installed in the aquifer beneath the site would potentially yield ca. 7.5m³ /hr. Additionally, the hydrogeological tests showed that there will be no drawdown beyond 236m of PW1 and therefore, abstracting groundwater at a discharge rate of 7.5m³ /hr for the site would not impact on the local hydrogeological environment (i.e. the availability of groundwater for the other facilities/wells). Consequently, there will be no cumulative and in-combination impacts in terms of groundwater abstracted from PW1.

There will be no discharges from the proposed development to the nearby surface water bodies and consequently, there will be no cumulative and in-combination impacts in terms of discharging to the Lower River Suir SAC/estuary(River Barrow Nore SAC). The residual impact associated with the proposed development on the hydrological or hydrogeological

regime or aquatic habitats and species downstream in the River Suir or its tributaries (or the River Barrow Nore SAC) will not be significant.

The proposed development will not cause a deterioration in surface or groundwater quality status to compromise the ability of any surface or groundwater to meet the objectives of the Water Framework Directive.

Flooding (including surface water treatment)

With regard to flooding to the surrounding area from the potential of sediment running off/being washed off the site into land drains discharging into the Luffany Stream and the Drumdowney Lower Stream, surface water run off including sediment during construction will be managed in conjunction with the Construction Environmental Management Plan for the site (final CEWMP to be submitted as part of compliance). It is stated in Table 5-3 Site Specific Environmental Risk Assessment and Management that weather conditions will be considered when planning construction activities to minimise run off from the site.

For the purposes of clarity the area is not designated in Fluvial Flood Risk Zones A (high probability) or B (medium probability), or, Pluvial Risk Zones, and, is significantly distant from the Drumdowney Lower Stream (c.300m due east).

Flood risk has not been identified onsite or immediately proximate to the application site as part of the application documentation including the EIAR. The photos identified in the photograph included in the third-party appeal at X91FP84 is some 900m due north/north east of the proposed building and due c.750m north/north east of the application site.

With regard to disposal of surface water these are first subject to settlement tanks and then a fuel and oil interceptor prior to eventual discharge to watercourse.

With regard to material being washed off site and causing subsequent blockages in surface drainage, Section 7.5.2 states that HGVs delivering waste plasterboard and raw materials to the proposed development will be reversed into the raw materials warehouse where they will be unloaded and stockpiled internally and HGVs will be prohibited from leaving the building with the tipper in an upright position. Stated that storm water run-off from roof and yard areas will be collected by a series of drains and gullies, independent of each other that will flow through a settlement tank of trapped solids and a fuel/oil bypass separator to remove oils and hydrocarbons (details contained in Section 3.3.10.3 of the EIAR Volume 2 for more details).

It is stated that stormwater from the access road will be collected via a new drainage system comprising of drainage pipe ranging from 300mm-375mm in diameter, road gullies, manholes and service drains. Stated that prior to discharge an existing 300mm diameter storm water drain will be located at the proposed entrance; the stormwater is to flow through a fuel/oil bypass separator to remove oil and hydrocarbons.

Noise and related impacts

Anecdotal evidence relating to the impacts experienced by local residents from a different operator in the 'Port Facilities and Industry' zoned lands is not considered to be sufficient as

evidence demonstration. It is noted that these stated noise issues do not appear to have been reported to either Kilkenny County Council's Enforcement or Environment Sections (from verbal correspondence with both sections).

With regard to noise assessment contained in Chapter 11 of the EIAR, it is noted that a review of the locality was conducted utilising OSI online mapping, Google and Bing Aerial photography with Noise Sensitive Receptors identified (NSR01-07, residential dwellinghouses).

With regard to noise screening, the site has been assessed as per EPA noise guidance NG4 and is not defined as a quiet area given its close proximity to Belview Port, local industry including those associated, National Routes and the major urban centre of Waterford City.

Construction noise is to be assessed using the British Standards for which the ABC method is to be used, Section E3.2 of standard for assigning construction noise limits at noise sensitive receptors based upon existing ambient noise levels. It is set out that the construction phase will take c.14 months. Predicted noise emissions from different phases and works are set out in Table 11-11. It is noted that some noisy works will occur such as the construction of the berm to the south west/west of the site in Area C (in close proximity to and using heavy machinery), however these are likely to be short in duration. With regard to vibration, all receptors are significantly distant, all over 100m away hence such impacts are likely to be imperceptible.

Operational site-specific noise will be assessed based on best practice methodology implemented by NG4 guidance which identifies noise limit values for daytime, evening time and night time periods. This is applicable to noise arising from site and measured at NSRs. The methodology looks at the change to the baseline presented by the proposed development, type of noise sources, nature of change and any other factors.

Noise modelling was carried out using noise predictor software (Soft Noise Predictor Version 2023.01). The noise model was developed to incorporate new noise emission sources and layout of local environment. Noise model calculation is based on ISO9613 Parts 1 and 2 and all plant operating at duty capacity for all time periods as a conservative estimate (allowing for plant operating at duty capacity, metrological conditions spreading noise towards NSRs).

Noise monitoring is to be undertaken at 4 no. locations (NM1-4) representative of the surrounding local area to characterise ambient noise levels. All ambient sound monitoring was conducted in line with best practice as outlined within the EPA NG4. Ambient sound monitoring results are displayed in the EIAR which show a variety of different sound sources including existing industrial, storage and port related facilities, domestic and agricultural. It is stated in the EIAR that the existing noise levels surrounding the site are typical for an industrial environment proximate to a relatively busy road (N29).

Location NM1 was equipped with a continuous sound level meter and set up to record the full duration of the survey event to identify characteristics occurring locally during absence of acoustician. Daytime monitoring events were conducted for a time period of 30 minutes each and repeated once giving 60 minutes of data. Evening time monitoring events were conducted

for a time period of 30 minutes and night-time monitoring events were taken for a period of 15 minutes. These were undertaken from the 19th of April 2023 to the 26th of April 2023. A weather station was set up in proximity c.5m to the unattended SLM. The unit was set up to record weather conditions including wind speed, direction, weather and log the data. Realtime 1/3 octave band frequency analysis was carried out at each monitoring location, during daytime, evening and night-time monitoring events.

Cumulative noise impacts were modelled in two separate models (A – General Operations and B - unloading) which show that noise experienced at NSRs will almost always be below or at threshold noise nuisance values/levels during the day, evening and night. There were some changes in dB at noise sensitive receptors recorded however these generally ranged between +1 negligible and +4 slight within 3 no. moderate impact 1 x +5, and, 3 x +7 with 2 no. exceedances at night time when measured cumulatively.

Model B incorporates additional activities and associated noise campaigns occurring during an unloading campaign. Predicted increase noised effects at NSR01 and NSR07 are predicted to experience an exceedance of typical night time noise nuisance values, however both exceedances are 5dB or less, hence with reasonable internal conditions, adequate noise conditions are still achieved (noises compared with WHO guidance not deemed significant). For the purposes of clarity, the assessment predicts a worst-case scenario for an unloading campaign.

With regard to management of the noise at construction stage, in advance of works commencing onsite, the applicant/developer/contractor will submit a final Construction Environment Waste Management Plan to the council for approval (draft submitted as part of application) including noise mitigation measures.

It is stated that constructing monitoring will take place at a minimum of 3 no. locations and operational monitoring will take place at a minimum of 1 no. location undertaken to capture an unloading campaign to be sufficient to ensure adequate management of onsite noise with monitoring locations set up proximate to NSRs and day and night-time monitoring undertaken.

With regard to operations management/operational noise, the proposed development is a commercial facility that operates 24/7 333 days a year on a three-shift basis as outlined in Section 3.2.2 of the EIAR. It is stated in Chapter 11 that measures are to be implemented as part of the proposed development including all plant to be maintained to a high standard to reduce tonal or impulsive sounds, onsite vehicles to be equipped with white noise/broadband sirens to minimize noise, preventative maintenance programme in place for all plant and equipment onsite and all roads within the site, all plant to be throttled down or switched off when not in use.

It is considered following assessment of the EIAR noise impacts will not be significant in the context of existing ambient noise. As aforementioned in previous paragraphs, the site and surrounding lands to the south, east, and, south west are zoned for Port Facilities and Industry as part of a Tier 2 Port of national and regional importance (and a strategic employment location).

It also appears from the third-party appeal that they have based part of their perception of noise impacts on the Smart Ply facility which is a different facility under different management in a different location.

With regard to noise impacts, the positioning of the berm will assist to best mitigate noise impacts to neighbouring properties. The creation of a double berm with the addition of one to the inside boundary of the L7482 to Site A is not considered necessary in this regard given noise impacts and mitigation measures as per EIAR.

No significant changes to ambient noise levels at priority habitats such as Natura 2000 sites are anticipated. Traffic volumes to and from the site are tabulated in Chapter 14 of the EIAR.

Glint and Glare

For the purposes of clarity a Glint and Glare survey was submitted as part of the application which concluded no significant effects to nearby sensitive receptors/residences resultant of an array of 3,400 low profile solar panels on the roof of the structure providing 1,105Kv (the site is not located in a solar safeguarding zone).

Traffic impacts (including from 24-hour operation of facility)

Firstly, with respect to the above stated impacts from all types of traffic to and from the proposed facility, firstly the access road is the shortest possible route off the Port Road which is in turn off the N29, hence any additional effects of heavy traffic movements on neighbouring properties will not be significantly over and above that existing. This route is located away from residences/residents located on/off the L7482, and, the L3415.

Secondly, the production facility will operate under shift work, hence peak traffic and parking demands will be significantly reduced.

Thirdly, in relation to excessive noise and light spill from the proposed development the distance from the developable area of the site including the building and surrounding hardstand area to nearby neighbouring residences is between 250m and 800m, hence significant separation distance exists. Furthermore, Area C provides a substantial 2-3m high berm to the west and north west of the site offering a level of protection to affected residences along the L7482 and L3415.

Deliveries

With regard to deliveries, as per notification to grant planning permission, and, response to first party appeal, Condition No.24 has been attached prohibiting deliveries during night-time hours having lorries wait at Belview Port if there is a night-time docking. This is to safeguard excessive noise and disturbance during night-time hours. This is in addition to a new c.56m long access road from the Port Road.

Visual Impacts including planting and landscaping

Firstly, to clarify surrounding zonings and their purposes, the length of the eastern boundary of Area A is zoned as Passive Open Space for which includes the aim of the protecting existing

residential amenity. The nearby Residential Amenity zoning aims to protect existing residential amenity close to the port.

Secondly with regard to specific policy, Policy 5DM3 of the Belview Ferrybank LAP requires appropriate screening of development in Belview Industrial Area.

Thirdly, with regard to the design of proposed planting and landscaping, it is noted that proposed planting surrounds the entire building in addition to a densely planted (coniferous trees) landscaping buffer to Areas B and C of the site which are adjacent to the site and help buffer the proposed development from residential properties further to the west and north west. There is also a double strand of hedgerow to the north west boundary of the site (Area A).

Overall, there is 102,125sqm planting and landscaping proposed to Area A, 2,255sqm to Area B and 11,355sq.m to Area C. This quantum of planting includes the supplementation of planting to local hedgerows.

Overall the proposed development substantially complies with 5DM3 whereby it encourages appropriate screening of future development, retains existing trees and hedgerows and provides a buffer surrounding.

In addition, the proposed building is located towards the rear of the site which is furthest away from neighbouring residences and is also sunken into the landscape (cut and fill) and existing hedgerow to boundaries is to be retained, thereby mitigating visual impacts to neighbouring residential properties.

With regard to the red-line site boundary not appearing to extend fully to the very western edge of the field bounding local road L7482, this does not make a material difference to the assessment of the application.

With regard to the significant impacts on the landscape and views from the immediate and wider surrounding area including the assertion that the rural character of the area has been significantly denuded, the area is zoned for Port Facilities and Industry (and a strategic employment location) directly adjacent to a Tier 2 Port of national importance connecting to Europe and further afield for importing and exporting of materials and bulk handling. This has been the case for a significant time period and is recognised in both the National Planning Framework (original 2018 version and updated, the Southern Regional Economic Spatial Plan (RSES), the Waterford Metropolitan Spatial Plan (MASP) and the Kilkenny County Development Plan 2021-2027.

With respect to Table 12-8 of the EIAR (taken from the LVIA) this indicates that views will be moderate, and, it is concluded that given the proposed location in lands zoned for Port Facilities and Industry surrounded by industrial, storage buildings with port structures in close proximity, the proposed building will visually integrate. The individual visual impact will not be overly significant, hence classification as moderate.

As aforementioned, the southern corner of Area A, Areas B and C immediately west and north west of the site are all planted and Area C provides a substantial 2-3m high berm to the west and north west of the site protecting affected residences along the L7482 local road.

It is stated that given site constraints, elongated horizontal nature of building, proposed finishing materials including colour, context (surroundings), retention of existing vegetation, proposed buffer to Area C connecting to ecological bio-diversity corridor, an additional planting buffer inside the main site area (Area A) was not considered to be necessary

The visual impacts of the proposed development including proposed planting and landscaping are considered to be acceptable and are substantially compliant with Policy 5DM3.

Inadequacy of Assessment: Absence of (winter) bird survey

It is noted that birds do form part of the qualifying interests for the Lower River Suir SAC or the River Barrow Nore SAC nearby downstream. The nearest SPAs are located at Tramore Dunes and Backstrand SPA some c.15km due south and Bannow Bay SPA some c.20km due south east. The application site and its surrounds do not form part of a designated bird habitat and are not explicitly linked to such, hence no bird survey was therefore required.

Furthermore, it is understood that there are no records of the site being a nesting ground for a specific bird habitat associated with the nearby SACs. It is understood from the site synopsis of both the Lower River Suir SAC and the River Barrow Nore SAC that the likes of the tree corridors and reedbeds in the River/Estuary or along tributaries to rivers are more likely to support bird populations than the application site c.750m away.

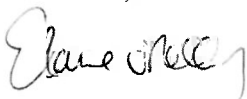
It is also noted that there was no winter bird survey submitted as part of planning application 19668/appeal reference PL10.306136 (Glanbia/Tirlán) which was determined by An Bord Pleanála and which is of similar distance to the Lower River Suir SAC as the current application. The impacts upon management of vegetation with regard to bird nesting was addressed by the applicants and assessed by the relevant officers in this particular appeal.

Following on from the above, there was therefore no reason to provide a detailed assessment of the impacts of the proposal on birds as part of the application.

Conclusion

The Planning Authority trust that the response clarifies its position on the development proposal

Is Mise Le meas,


/s/

Una Kealy
Administrative Officer