

An
Bord
Pleanála

Board Direction
BD-007889-21
ABP-303466-19

The submissions on this file and the Inspector's reports were considered at Board meetings held on the 14/12/20 and 12/04/2021. At the meeting held on the 14/12/20 the Board decided to issue a Section 131 notice to the Environmental Protection Agency. The response received from the Environmental Protection Agency was circulated to the parties to the appeal and all responses received, along with the EPA response and the full application and appeal documentation were considered by the Board at the meeting held on the 12/04/21.

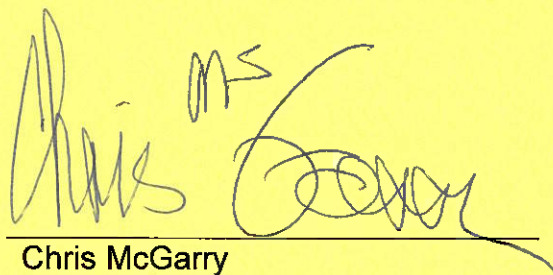
The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the proposed development does not entail the processing of waste and to a quantum for which a Waste Licence may be required. In these circumstances, and by reference to the application documentation including statutory notices, the Board is precluded from granting permission.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted the commentary of the Inspector regarding the nature of the materials which would be processed at the proposed development and the consideration of thresholds regarding potential Waste Licence obligations. It was determined that having regard to the documentation submitted with the application and appeal and the response from the Environmental Protection Agency to The Board, received on foot of the Section 131 Notice issued on 05/01/21 and the subsequent responses to the EPA submission received by other parties to the appeal, the Board could not be certain that the proposed development did not entail an activity for which a Waste Licence is required.

Board Member

MS
Chris McGarry

Date: 14/04/2021