

An
Bord
Pleanála

Board Direction
ABP-307207-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/05/2021.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the increase in annual intake from 97,000 tonnes to 120,000 tonnes, at the Glassco Recycling Facility, Unit 4, Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare is or is not development or is or is not exempted development.

AND WHEREAS Glassco Recycling Limited, requested a declaration on this question from Kildare County Council, and the Council issued a declaration on the 10th day of March 2020 stating that the matter is development and is not exempted development.

AND WHEREAS Glassco Recycling Limited referred this declaration for review to An Bord Pleanála, on the 19th day of May 2020.

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) Section 2 (1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3 (1) of the Planning and Development Act, 2000, as amended,
- (c) Article 6(1) & Article 9(1)(c) of the Planning and Development Regulations 2001, as amended,
- (d) Schedule 5, Part 2, Article 13(a) (ii) of the Planning and Development Regulations 2001, as amended,
- (e) The planning history of the site, and
- (f) The report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

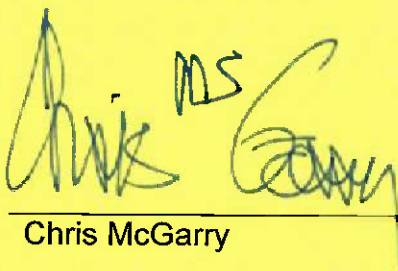
- (a) The increase in the annual tonnage intake at the facility of 23,000 tonnes is material in terms of additional volume compared to the annual tonnage of 97,000 tonnes as permitted under An Bord Pleanála Reference: 09.SU0015;
- (b) The increase in the annual tonnage intake at the facility would raise material planning issues including potential impacts from additional traffic movements to from the subject site onto the public road network, from additional storm discharge levels and from additional dust deposition levels;
- (c) The increase in the annual tonnage intake at the facility would therefore constitute a change in the use of the facility that is a material change in the use by reason of intensification;

- (d) There is no provision in planning legislation by which such development could be deemed exempt.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility, Unit 4, Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare is development and is not exempted development.

In deciding not to accept the recommendation of the Inspector the Board determined that while the increase in annual intake of 23,000 tonnes would fall below the threshold of 24,250 tonnes whereby a mandatory EIAR would be triggered in this instance and the provisions of article 9(1)(c) of the Planning and Development Regulations 2001, as amended would apply, this did not mean that such an increase in annual tonnage would not raise material planning issues. In addition, the Board considered that limits set within a Waste Licence do not automatically preclude any planning implication arising from an increase of 23,000 tonnes in annual intake at this waste facility. On the basis of the information on file, the Board did not share the view of the Inspector that such an increase would not raise material planning issues as described above.

Board Member:


Chris McGarry

Date: 25/05/2021

DECISION QUASHED