



An
Bord
Pleanála

Board Direction
BD-013988-23
ABP-312172-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/10/2023.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

The appeal site is located within Kilrane Business Park on the edge of the village Kilrane. The proposal seeks permission to retain a metal recycling facility use within Kilrane Business Park and permission for alterations to the structure. The appeal site is zoned for both Light Industrial purposes and Open Space and Amenity purposes within the Kilrane and Rosslare Harbour Settlement Plan as set out within Volume 3 of the Wexford County Development Plan 2022-2028. The proposed development falls within the definition of Waste Management Facilities as set out within the Wexford County Development Plan 2022-2028. The use waste management facilities are listed as a use which is "not permitted" on both lands zoned for Light Industrial purposes and Open Space and Amenity purposes. Objective WM05 of the Wexford County Development Plan sets out criteria to be satisfied where it is proposed to develop waste management facilities including "the proposal should comply with the zoning objective for the subject lands". The Development Management Guidance set out within Section 8.8.3 of the Wexford County Development Plan 2022-2028 furthermore outlines that "in general, no new waste disposal facility or Waste Transfer Station shall be located within 200 metres of a residence". The proposed development would materially contravene the zoning objectives pertaining to the site as set out within the Wexford County Development

Plan 2022-2028 and would be contrary to the requirements of Objective WM05 of the Plan and the development management criteria for the siting of waste facilities relative to residential development. The proposed development would, therefore, be contrary to the provisions of the Wexford County Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

Note 1

The Wexford County Development Plan 2013-2019 was in force at the time the planning authority made its decision wherein the subject site did not have a specific zoning objective. The site is now, at the time of the Board's decision, subject to the provisions of the Wexford County Development Plan 2022-2028 wherein the site is zoned for light industry and open space wherein as outlined in the reason for refusal above, waste management facilities are specifically not permitted. While the Board noted the Inspectors reference to the parties not having commented on the new Development Plan, the Board did not consider, having regard to the specific considerations in the Development Plan now pertaining, that additional commentary would be necessary.

Note 2

The Board noted the request for costs from the appellants, dated 9th June 2022, but noted that there is no provision for the awarding of costs to parties under Section 34 of the Planning and Development Act, 2000, as amended.

Board Member



Date: 04/10/2023

Una Crosse