



An
Bord
Pleanála

Board Order
ABP-307207-20

Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: ED/00780

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

AND WHEREAS Glassco Recycling Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin requested a declaration on the said question from Kildare County Council and the said Council issued a declaration on the 10th day of March, 2020 stating that the said matter is development and is not exempted development:

AND WHEREAS Glassco Recycling Limited referred the 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 –

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- (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) and 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 number 09.SU.0015,
- (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 intensifications;

- (d) there is no provision in planning legislation by which 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 2000 Act, hereby decides that whether the proposed increase in annual intake from 97,000 tonnes to 120,000 tonnes at the Glassco Recycling Facility, Unit 4, Oberstown Industrial Park, Caragh Road, Naas, County 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 Environmental Impact Assessment Report (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.

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Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



A handwritten signature in black ink, appearing to read 'Chris McGarry', is written over a horizontal line. A large, diagonal red stamp reading 'DECISION QUASHED' is overlaid across the signature and extends across the page.

Chris McGarry

Member of An Bord Pleanála

solely authorised to authenticate
the seal of the Board.

Dated this 20th day of May 2021

