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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 19/639**

**Appeal** by the Lynch Family Partnership care of Shane Lynch of Lisloose, Tralee, County Kerry and by Darren and Laura Donohue care of Ger O’Keeffe Consulting Engineers Limited of Friary Lane/4 Day Place, Tralee, County Kerry against the decision made on the 17<sup>th</sup> day of June, 2020 by Kerry County Council to grant subject to conditions a permission to Dillon Waste Unlimited Company care of RPS of Lyrr 2, IDA Business and Technology Park, Mervue, Galway in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** A ten year permission is sought to construct the development which will consist of the provision of a waste recycling facility, comprising facilities for the acceptance of skip waste and glass waste and civic amenity facility. This will comprise (a) a materials recovery facility building of approximately 2,687 square metres gross floor area including ancillary offices and welfare facilities, (b) external storage bays, (c) weighbridge, internal circulation space, parking and storage areas, (d) provision of a new vehicular access to Monavalley Industrial Estate road to facilitate public access, (e) use of existing vehicular access point to facilitate commercial vehicles and (f) all ancillary site development works including site clearance, partial demolition of existing concrete slab, landscaping, boundary

treatment and services, at Monavalley Industrial Estate (in the townland of Buntalloon) Tralee, County Kerry, as amended by the further public notice received by the planning authority on the 5th day of March, 2020.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **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.

## Reasons and Considerations

Having regard to the provisions of the National Planning Framework, the Southern Region Waste Management Plan, the Regional Spatial and Economic Strategy for the Southern Region, the Kerry County Development Plan 2015-2021 and Tralee Town Development Plan 2009-2015, as extended, which seek to plan for adequate capacity and systems to manage waste in an environmentally safe and sustainable manner and facilitate the sustainable provision of additional waste recycling/recovery facilities at appropriate locations, to the established industrial use of the site and to the nature and pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety, would not be prejudicial to public health and would constitute an appropriate use at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13<sup>th</sup> day of February, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be five years from the date of this Order.  
**Reason:** Having regard to the nature and extent of the proposed development the Board did not consider it appropriate to specify a period of validity of this permission in excess of five years.
3. The annual intake of waste shall not exceed 25,000 tonnes.  
**Reason:** In the interest of clarity and control of the development, having regard to the requirements of subsection 11(b) of Part 2 of Schedule 5 to the Planning and Development Regulations, 2001.
4. No mixed residual 'black bag' waste shall be accepted at the site unless authorised by a prior grant of permission.  
**Reason:** In the interest of clarity and control of the development.
5.
  - (a) The site shall not be open to Heavy Goods Vehicles prior to 6am Monday to Saturday and not at all Sundays and Public Holidays.
  - (b) Activities at the site including sorting of waste shall occur between the hours of 0700 to 1900 Monday to Friday, between 0700 and 1400 Saturday and not at all Sundays and Public Holidays.  
**Reason:** In the interest of protecting the amenities of property.
6. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.  
**Reason:** In the interest of public health.

7. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.  
**Reason:** In the interest of public health.
  
8. Lighting arrangements for the overall site shall be provided in accordance with a scheme details of which shall be submitted to the planning authority for written agreement prior to the commencement of development.  
**Reason:** In the interests of amenity and public safety.
  
9. Details of the materials, colours and textures of all the external finishes and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.  
**Reason:** In the interest of visual amenity.
  
10. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include the following:
  - (a) a plan to scale of not less than 1:500 showing: -
    - (i) existing trees, hedgerows and shrubs along the site boundaries specifying which are proposed for retention,
    - (ii) the measures to be put in place for their protection,
    - (iii) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings, and
    - (iv) details of proposed boundary treatments at the perimeter of the site including heights, materials and finishes, and

(b) a timescale for implementation.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

11. (a) During the operational phase of the proposed development, the noise level from within the development, as measured at the nearest noise sensitive location, shall not exceed –
- (i) an Leq 1h value of 55 dB(A) during the period 0800 to 2000 hours from Monday to Saturday (inclusive), and
  - (ii) an Leq 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurements shall be carried out in accordance with ISO Recommendations 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

**Reason:** To protect the amenities of properties in the vicinity of the site.

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and the amenity of properties in the vicinity.

13. Construction and demolition waste shall be managed in accordance with an updated construction waste and demolition management plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

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**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**