

An
Coimisiún
Pleanála

Commission Order
ABP-319955-24

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 24/60109

Appeal by Peter Sweetman and Wild Irish Defence care of PO Box 13611, Bantry, County Cork against the decision made on the 28th day of May, 2024 by Kerry County Council to grant subject to conditions a permission to Kerry Ingredients (Ireland) Limited care of Kevin Harty of 4 Day Place, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Upgrade to air and noise emission abatement systems for existing process dryers comprising of the installation of three number external filter units comprising profiled metal clad structures with an overall height of circa 16.1 metres above existing yard level and including associated plant, duct work and stacks. Construction of new profiled metal clad building enclosure, located adjacent to the filters, to accommodate ancillary equipment and a new enclosed staircase to facilitate access to the upper level of the filters and ductwork. New profiled metal clad building enclosure to provide ladder access and facilitate material transfers to upper level of the filters. Erection of three-metre-high acoustic panelled screen fencing. New above roof ductwork and associated support framework over the roof of the existing process building to facilitate the ducting of the exhaust

air from the existing dryers to the new filters. Completion of associated site works, including roads, pathways and drainage and removal of the three number redundant exhaust stacks from the roof of the existing process building following the commissioning of the new filters, all at Island Macloughry, Listowel, County Kerry.

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.

Reasons and Considerations

In coming to its decision, the Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025.

It is considered that, subject to compliance with the conditions set out below, the proposed development would be generally acceptable having regard to the zoning objective which applies to the site, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or result in serious pollution to biodiversity, lands, water, or air, would not be likely to have a significant adverse impact on European Sites, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 received by the planning authority on the 1st day of May, 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Environmental Report shall be implemented in full.

Reason: To protect the environment.

3. The external materials and finishes of the proposed development shall match those of the existing structures on site.

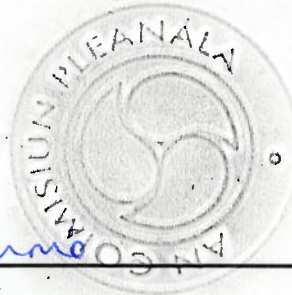
Reason: To integrate the structure into the surrounding area.

4. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including a demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

5. 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 Coimisiún 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.



Mary Gurrie

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**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission**

Dated this 17 day of September 2025.