

An
Coimisiún
Pleanála

Commission Order
ABP-322964-25

Planning and Development Act 2000, as amended

Planning Authority: Carlow County Council

Planning Register Reference Number: 2460302

Appeal by Donal Sheehan care of Gittens Murray Architects Limited of 5 William Street, Kilkenny and by Declan Sheehan care of Leahy Planning Limited of Mill Road House, Mill Road, Ennis, County Clare against the decision made on the 18th day of June, 2025 by Carlow County Council to grant permission subject to conditions to Bill Flynn care of Tom Phillips and Associates of 80 Harcourt Street, Dublin for the proposed development.

Proposed Development: Retention permission and permission for development that would extend the existing metal recycling facility (permitted under register reference number 09/308). The proposed development consists of: the retention of an extended concrete yard, and a hardcore surface yard and its proposed upgrade to a concrete surface, to integrate with the use and operation of the existing metal recycling facility; the retention of boundary treatments including palisade fence on retaining wall; the retention of a weigh bridge and ancillary cabins; the demolition of existing storage and ancillary buildings; the erection of a new single storey pitched roof workshop and materials storage building, that will include a management office and staff welfare facilities, with solar panels at roof level; the erection of portable block

walls to form external bays to store segregated metals; the creation of a new site access from the R725 and a gated entrance and the closure of the existing site entrance; site drainage works, boundary treatments, lighting, landscaping, parking areas for cars and trucks, signage and all other site development works above and below ground; and this will facilitate the increase in intake of waste materials to 17,500 tonnes per annum all at Flynn's Metal Recycling Limited, Tullow Road, Bennekerry, County Carlow as revised by further public notices received by the planning authority on the 22nd day of May, 2025.

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 condition(s) set out below.

Reasons and Considerations

Having regard to the provisions of the Carlow County Development Plan 2022-2028, including Policy RE.P3, Policy RE.P6 and Section 16.11.8 'Waste Management Infrastructure'; the location, setting and suitability of the site, which is within the Central Lowlands (Landscape Character Area); the nature and scale of the proposed development and development proposed to be retained; and the pattern and character of development in the surrounding vicinity; it is considered that subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of traffic safety and vehicular access, and would not seriously detract from the character of the area. The proposed development

and development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 19th day of May 2025, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The road safety measures outlined in the Road Safety Audit (RSA) shall be completed and implemented in full in accordance with the revised site layout drawing and proposed access and swept path drawing.

Reason: In the interest of traffic safety and protecting residential amenity.

3. (a) A maximum of 17,500 tonnes per annum of authorised waste material is permitted to be imported and processed by the permitted facility.
- (b) No hazardous wastes, household wastes or green waste shall be imported.
- (c) No activities shall commence until a waste permit has been issued for the proposed operations.
- (d) All waste materials shall be stored in impervious concrete areas which drain to an oil interceptor.
- (e) The proposed new building onsite shall be solely used for the storage of non-ferrous metals and for maintenance of vehicles and machinery associated with the metal recycling facility.

Reason: In the interest of clarity and protection of the environment.

4. The proposals, mitigation measures and commitments set out in the Construction Environmental Management Plan (CEMP) shall be implemented in full as part of the proposed development.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

5. The noise mitigation, control measures and monitoring recommendations set out in the Noise Impact Assessment (NIA) and Noise Management Plan (NMP) shall be implemented in full as part of the proposed development. This includes the management of noise generated by onsite traffic, such as vehicle movements, queuing and parking. The NMP shall be implemented in full and communicated to all staff through appropriate training to ensure ongoing compliance.

Reason: In the interest of protecting the environment and residential amenity.

6. (a) Prior to the commencement of development, the developer shall obtain a permit in accordance with the Waste Management (Facility Permit and Registration) Regulations 2007 (as amended) and site operations shall not commence until the grant of the permit.
- (b) All activities shall be carried out in accordance with the permit conditions.
- (c) Waste onsite shall be segregated into individual waste streams prior to removal offsite and in accordance with a Waste Management Plan to be submitted to the planning authority for written agreement, prior to the commencement of development.

Reason: In the interest of public health and to protect groundwater and local watercourses from possible contamination.

7. All waste material onsite shall be stored in the designated metal storage bays and ELV storage areas as detailed on the Proposed Site Layout Plan received by the planning authority on the 19th day of May, 2025. The maximum height of stockpile areas shall not exceed three metres.

Reason: In the interest of orderly development and visual amenity.

8. (a) Prior to commencement of development on the new single storey pitched roof workshop the applicant shall submit to, and agree in writing with, the planning authority of an amended site layout plan clearly indicating the location of the proposed wastewater treatment system and associated percolation area/polishing filter.
- (b) The proposed on-site domestic wastewater treatment system and associated percolation area/polishing filter shall be designed, constructed, operated and maintained in accordance with the Environmental Protection Agency's, Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) June 2021.
- (c) Within six months of the completion of the onsite wastewater system and soil polishing filter, the developer shall submit a Certificate of Compliance, prepared and signed by a suitably qualified and indemnified person to state that the onsite domestic wastewater treatment system and percolation area/polishing filter fully comply with the drawings and plans received with the application and shall be submitted to the planning authority. The certificate shall include a site specific 'as-constructed' drawing of the length of percolation trench/pipe and cross-sectional drawing through the effluent treatment system and associated percolation area/polishing filter. A generic cross-section is not acceptable.

- (d) The developer shall submit certification to confirm that the septic tank/domestic wastewater treatment system has been tested in accordance with the relevant part of I.S. EN 12566 and meets the performance requirements set out in the national annex to the standard.
- (e) The minimum length of percolation piping shall be 36 metres (four metres by nine metres).
- (f) No single percolation pipe shall be more than 10 metres in length.
- (g) There shall be vents at the ends of the proposed percolation pipes.
- (h) There shall be a maximum of six distribution pipes originating from a single distribution box.
- (i) The proposed percolation pipes shall all originate from the distribution box.
- (j) There shall be a purpose made pipe seal on all distribution pipes originating from the distribution box and all percolation pipes originating from the distribution box shall have a liquid levelling device.
- (k) Surface water shall not be allowed to infiltrate treatment system.
- (l) A domestic grease trap shall be installed to prevent grease entering treatment.
- (m) The wastewater system and percolation area shall be protected by a 1.2-metre-high green palisade fence (unless otherwise agreed in writing with the planning authority).

Reason: In the interest of environmental protection.

9. The development, and all activities occurring therein, shall only operate between the hours of 0800 to 1800, Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. 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 and to ensure a proper standard of development.

11. (a) The landscaping scheme shown on drawing numbers 8164-PHL-00-zz-DR-L-0001-00 and 8164-PHL-00-xx-DR-L-0002-00, as submitted to the planning authority shall be carried out within the first planting season following substantial completion of external construction works.
- (b) All proposed screening measures as set out in the plans submitted with the application, including the provision of landscaped berms, shall be completed within six months of the date of this Order.
- (c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from

the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

- (d) On completion of the landscaping works, a certificate of compliance by a suitably qualified landscaping professional shall be submitted for the written agreement of the planning authority.
- (e) Landscape management and maintenance shall be carried out in accordance with the Landscape Management and Maintenance Plan received by the planning authority on the 19th day of May, 2025.
- (f) The clearance of any vegetation, including trees, scrub and hedgerows, shall only be carried out between September and February (that is, outside the main bird breeding season). If this seasonal restriction cannot be accommodated, a suitably qualified ecologist with experience in nest-finding will be required to check all vegetation, including hedgerows, for nests.

Reason: In the interest of visual amenity and residential amenities and protecting bird species.

- 12. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority, within six months of the date of this Order.

Reason: In the interest of amenity and public safety.

13. Prior to the commencement of development, the developer shall submit a final Invasive Species Management Plan (ISMP), which shall be carried out by a suitably qualified individual for the review of the planning authority. No works shall commence onsite until the developer has received the written agreement of the planning authority with regard to this assessment.

Reason: In the interests of public safety and biodiversity.

14. (a) Any service poles which require relocation on or from this site shall be relocated prior to the construction works at the expense of the developer.
- (b) All ESB, telephone cables, service lines and any other cables shall be located underground except as otherwise agreed with the planning authority. The developer shall arrange in consultation with the relevant authorities for the relocation of any existing ESB or Telecom poles, if necessary, prior to commencement of development and this shall be done at the full expense of the developer.

Reason: In the interests of public safety, traffic safety and visual amenity.

15. Prior to the commencement of development, the developer shall consult with the Chief Fire Officer and comply with their recommendations, including in relation to access for fire brigade vehicles and water supplies for firefighting purposes.

Reason: In the interest of fire safety.

16. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

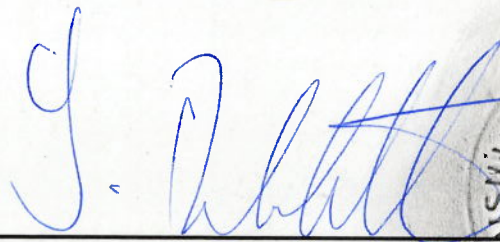
Reason: In order to safeguard the residential amenities of property in the vicinity.

17. Prior to the commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply and comply with the Uisce Éireann Code of Practice.

Reason: In the interest of public health and to ensure adequate water facilities.

18. 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.



Tom Rabbette

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 7th day of Nov. 2025.