



An  
Bord  
Pleanála

## Inspector's Report ABP 307580-20

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<b>Development</b>	Waste recycling facility.
<b>Location</b>	Buntalloon, Monavalley, Tralee, Co.Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	19/639
<b>Applicant</b>	Dillon Waste Unlimited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Permission
<b>Appellants</b>	(1) Lynch Family Partnership (2) Darren and Laura Donohue
<b>Observer</b>	Philomena Lynch
<b>Date of Site Inspection</b>	24/09/20
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

The site which has a stated area of 1.1952 hectares, comprises a vacant brownfield site within the Monavalley Industrial Estate c. 1.7km to the north of Tralee town centre. The estate is characterised by a mix of commercial and light industrial uses. The estate is accessed from Bracker O'Regan Road to the north and the R556 (Ballybunion Road) to the south-east. The 50 kph speed limit applies.

The site, which is roughly square in shape, comprises the northern most plot within the estate at the junction of the industrial estate road and Bracker O'Regan Road. The site slopes down from north to south. There are two accesses from the estate road with that in the south-eastern corner, only, in use. The 2<sup>nd</sup>, further north along the eastern boundary, is closed up. Remnants of the previous operation on the site remain including foundations, substation and other hard surfaced areas in addition to small stockpiles of spoil material. Open storage of recycling bins, containers and trucks was noted on day of inspection.

The northern and eastern boundaries are delineated by fencing backed with planting. The lands to the west are undeveloped.

Bracker O'Regan Road is wide and straight with pedestrian/cycle paths on both sides with planting along grass verges. There is a right turn lane into the industrial estate. The lands to the north of the road opposite the junction to the industrial estate are undeveloped and slope up from the road.

## 2.0 Proposed Development

The application was lodged with the planning authority on the 18/06/19 with further plans and details submitted 13/02/20 following a request for further information dated 09/08/19. Revised public notices were submitted 05/03/20.

As amended, the proposal entails the development of a waste recycling facility which will provide for the acceptance of a maximum of 24,990 tonnes per annum of waste and recyclable materials broken down (approx). as follows:

- 5000 tonnes of domestic source segregated waste (timber, cardboard, aluminium cans, metal etc.) to be dropped to the facility by public customers.

- 5000 tonnes of glass from commercial customers throughout Kerry and also from bring banks for Kerry County Council, and
- 14,990 tonnes of skip waste from commercial and domestic skip customers throughout Kerry.

The site is to contain:

- Materials recovery facility (MRF) building including ancillary offices with a stated floor area of 2688 sq.m. and height of 12.4 metres.
- External material storage bays.
- Weighbridge
- Separate truck and public access points
- Skip set down area
- Staff and visitor parking

Connection to existing public services is proposed.

The site is to open at 5 am for access by truck drivers. Activities at the site will be between 0700 and 1900 Monday to Friday and 0700 to 1400 Saturday.

A waste facility permit application will be made to Kerry County Council. All solid waste processed at the facility will be removed for recovery, recycling or disposal to fully licenced or permitted facilities.

A 10 year permission is being sought.

The application is accompanied by:

- Planning Report
- Design Report (amended by way of FI)
- Traffic and Transport Assessment
- Screening for Appropriate Assessment
- Natura Impact Statement (by way of FI)
- EIA Screening Report (by way of FI)
- Odour Assessment (by way of FI)

- Noise Assessment (by way of FI)
- Asbestos Survey Report (by way of FI)
- Waste Management and Disposal Plan (by way of FI)
- Fire Risk Assessment (by way of FI)

### 3.0 Planning Authority Decision

#### 3.1. Decision

Grant permission for the above described development subject 17 conditions. Of note:

**Condition 3:** 10 year permission.

**Condition 5:** Measures to be put in place to ensure that surface water runoff from the development will not cause an increase in the hydraulic load to the public sewerage network.

**Condition 11 (i)** maximum tonnage per annum shall not exceed 25,000 tonnes.

**(ii)** all mitigation measures set out in the application and NIS to be implemented.

**(iii)** the facility shall be subject to appropriate authorisation under the relevant waste management legislation.

**Condition 12:** Operating hours including HGV movements to and from the facility and noise restrictions.

**Condition 13:** Restrictions and requirements to address odour

**Condition 14:** Asbestos removal and preparation of a waste management and disposal plan.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The *1<sup>st</sup> Planner's report* dated **09/08/19** notes:

- The primary land-use of the existing area is considered to be industrial. The proposal would support the land use and would be more appropriately located within an industrial estate than elsewhere.
- The particular type of development is not included in the Zoning Matrix but public facilities and infrastructure are open to conditions in M4 zoning. The proposal is considered acceptable in principle.
- The site is not considered to be visually sensitive. The topography of the land will help mitigate the visual impact with the site lying much lower than the road to the north,
- The indicative northern relief road connection to Bracker O'Regan road is in the vicinity of the site.

Further information recommended as per the other technical reports (summarised below) in addition to interface of proposal with proposed northern relief road.

The *2<sup>nd</sup> report* dated **12/06/20** (countersigned):

- contains EIA screening concluding that an EIAR is not required.
- contains AA concluding that the proposal would not have an adverse effect on the integrity of European Sites.
- The proposal is acceptable at this location and will be in compliance with the town development plan objective WMPO3 seeking to provide for additional waste prevention and recycling initiatives facilities including a civic amenity site.
- The location adjacent to Bracker O'Regan Road and the future Northern Relief road on the edge of the town is considered appropriate from a vehicular access point of view.

- The size and scale of the building is necessitated by the nature of the proposed use, machinery and plant required. It is not possible to completely avoid a visual impact.
- Issues of odour and noise have been addressed.
- The proposal would generate an increase in surface water discharge, thus increasing the hydraulic load to the combined sewer. Irish Water states that connection of storm water drains is not allowed to its sewerage network. The applicant to implement measures to ensure that the development would not lead to any increase in discharge to the public sewer over and above the existing level of discharge. This could be achieved by on-site infiltration system or a combination of on-site infiltration and rainwater harvesting. To be addressed by condition.

A grant of permission subject to conditions recommended.

### 3.2.2. Other Technical Reports

**Environment Section** in a report dated **07/08/19** recommends further information on amounts of wastes to be accepted, management of runoff, clarification of waste processing activities, use of mobile compactors, external storage, noise and odour assessments and wastes arising during construction phase. The **2<sup>nd</sup> report** dated **06/03/20** following FI has no objection subject to conditions.

**Biodiversity Officer** in a report dated **08/08/19** notes that environmental protection measures are included within the construction methodology. It is also noted that Environment Section has requested further information on measures proposed to ensure that any possible contamination of surface water network would not arise. A waste permit will be required. Significant effects on European Sites cannot be excluded. Whilst below the 25,000 per annum threshold for installations for disposal of waste Schedule 7A information required. Further information recommended. The **2<sup>nd</sup> report** dated **26/03/20** following FI concludes that the development shall not adversely affect the integrity of European Sites. Conditions recommended.

**Acting Chief Fire Officer** in a report dated **16/07/19** recommends further information be sought. The **2<sup>nd</sup> report** dated **21/02/20** following FI recommends a condition regarding provision of water for firefighting purposes.

**County Archaeologist** states that no mitigation required.

**Kerry National Road Design Office** in an email dated **09/08/19** notes proposals for the Tralee Northern Relief Road.

### 3.3. **Prescribed Bodies**

**Irish Water** has no objection subject to conditions.

**Inland Fisheries Ireland** recommends conditions for good site management during construction and operational phases.

### 3.4. **Third Party Observations**

Objections to the proposal received by the planning authority have been forwarded for the Board's information. The issues raised are comparable to those set out in the 3<sup>rd</sup> party appeals and observation received which are summarised in section 6 below:

## 4.0 **Planning History**

As per the details provided in the Planner's report, I note the planning history dating back to 2005. In summary:-

05/307060 – permission granted for demolition of disused abattoir and construct 2 industrial units.

08/307715 - permission granted for 24 warehouse units in 2 buildings and ancillary services.

## 5.0 **Policy and Context**

### 5.1. **National Planning Framework**

Section 10 – Implementation

Ireland must plan for adequate capacity and systems to manage waste, including municipal and construction and demolition waste in an environmentally safe and sustainable manner.

## **5.2. Southern Region Waste Management Plan 2015-2021**

Policy E1 – future authorisations by the local authorities, the EPA and An Bord Pleanála of pre-treatment capacity in the region must take account of the authorised and available capacity in the market while being satisfied the type of processing activities being proposed meets the requirements of policy E2.

Policy E2 – the future authorisation of pre-treatment activities by local authorities over the plan period will be contingent on the operator demonstrating that the treatment is necessary, and the proposed activities will improve the quality and add value to the output materials generated at the site.

Policy E3b – the plan supports the development by the private sector of public bring infrastructure (eg. civic amenity facilities, bring banks) subject to appropriate statutory approvals and in line with appropriate environmental protection criteria.

## **5.3. Regional Spatial and Economic Strategy for the Southern Region**

RPO 107 - It is an objective to support innovative initiatives that develop the circular economy through implementation of the Regional Waste Management Plan for the Southern Region 2015-2021 and its successor.

## **5.4. Kerry County Development Plan 2015-2021**

Policy Objective WM-3 – facilitate the sustainable provision of additional waste recycling/recovery facilities at appropriate locations.

## **5.5. Tralee Town Development Plan 2009-2015 (as extended)**

The site is within zone M4 – Built-up Area

Section 11.4 - It is the policy of the Local Authority to facilitate development that supports, in general, the primary land use of the existing built up area. Development that does not support or threatens the vitality or integrity of the primary use of these existing built up areas shall not be permitted. Within the development boundary of the town, in areas that are subject to specific zoning objectives, proposals for development will be considered in relation to the following:



- The objectives of this and any other statutory plan;
- The character of the surrounding area; and
- Other planning and sustainable development considerations considered relevant to the proposal or its surroundings.

Policy Objective RDPO7 – Carry out improvements at junction of Bracker O’Regan Road and the Monavalley industrial estate (map 2).

Policy Objective WMPO3 – provide for additional waste prevention and recycling initiatives facilities including a civic amenity site.

Policy Objective WMPO5 – facilitate and co-operate with private operators in the provision of waste facilities.

## 5.6. **Natural Heritage Designations**

None in the vicinity.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

### 6.2. **Lynch Family Partnership**

The 3<sup>rd</sup> Party appeal by Lynch Family Partnership, which is developing a residential scheme on lands on the opposite side of Bracker O’Regan Road, can be summarised as follows:

#### 6.2.1. *Suitability of Site and Zoning Provisions*

- The proposal is out of character with the established pattern of development in the Monavalley industrial estate. It is not consistent with the definition of a ‘light industrial building’ as per the Planning and Development Regulations, 2001, as amended.
- As the proposal is neither incidental nor supportive of the primary land use within the estate. It would be contrary to the provisions of the Tralee development plan for development set out in zone – M4.

- The lands to the north are residential with site servicing works complete for a 46 dwelling scheme permitted under ref. 14/748. The development would adversely impact on the marketability of the housing development, the provision of which would be in accordance with national objectives to increase housing supply.
- The development would be within 75 metres of the permitted dwellings. The location is contrary to the EPA guidelines in terms of site selection for such type facilities.

#### 6.2.2. *Noise*

- The noise impact assessment is inadequate. The methodology used is flawed. Assumptions made are inaccurate ie. (a) the development will generate heavier type and volume of vehicles than existing uses within the industrial estate, (b) the nearest dwelling is outside the town boundary and in a rural setting which cannot be considered to be an urban environment.
- The proposal to open the facility at 5am for access by truck drivers is unacceptable. The assessment does not reflect operations at this time.
- The mitigation measures proposed are inadequate.

#### 6.2.3. *Odour*

- The Odour Impact Assessment is inadequate and does not provide for appropriate mitigation measures.
- Two houses at Lisloose which are in the path of the prevailing south-westerly wind flow have not been identified as sensitive receptors. There are concerns re. health and welfare arising from odour.

#### 6.2.4. *Visual Amenity*

- The proposed building will have an adverse impact on the visual amenities of adjoining property. It has no regard to existing building height and lacks cohesion, will be overbearing and intrusive and would have an adverse impact on views.
- The visual assessment is flawed and does not satisfactorily consider the actual visual impact on the local and wider landscape.

#### 6.2.5. Traffic

- The traffic impact assessment is inadequate. The methodology used is flawed. It does not comply with TII guidelines. The PM peak period in particular is not reflective of traffic movements in the vicinity. There are two schools within 1.5 km of the site which generate significant volumes along Bracker O'Regan Road between 2.30-4pm.

#### 6.2.6. *Environmental Impact Assessment*

- An EIAR is required. Items 11(b) and 13(a) of Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended, are applicable.
- The Schedule 7A information provided clearly lists a number of issues which are significant but does not explain how these have been accounted for in the overall assessment that an EIAR is not required.

#### 6.2.7. *Other Issues*

- The site is currently being used as a storage facility which is unauthorised.
- No details are provided as to how dust emissions are to be controlled.
- The Asbestos report has limitations and gaps.
- The Planning and Environment Section reports did not properly assess their concerns and did not provide for an adequate assessment of the proposal.

### 6.3. **Darren & Laura Donohue**

The submission by Ger O'Keeffe Consulting Engineers Ltd., accompanied by supporting documentation on their behalf, can be summarised as follows:

#### 6.3.1. *Suitability of Site and Zoning Provisions*

- The site, within an industrial estate with a multitude of different uses, is not the appropriate location.
- In view of the site's proximity to the Tralee Ring Road and future housing development the scale of the development should be reduced to address environmental and traffic issues.

- No open storage should be allowed within the site and all storage or processing should be carried out within the building. The external storage and processing of this waste will create noise, nuisance and disturbance.

#### 6.3.2. *Materials to be Accepted*

- The types of waste to be accepted at the site requires clarity.
- Skip waste can include materials that are not recyclable. Uncontaminated construction and demolition waste skips, only, should be allowable. The issue of residual black bag waste has not been addressed. It is not clear how it will be controlled. No general mixed or garden waste should be allowed on the site. It is not suitable for disposal of batteries.
- Insufficient detail is given on the procedures for waste inspection at entry. All traffic entering the facility should pass over a weigh bridge to check the weight with an independent counter and monitoring system installed where figures are compiled by an independent assessor and provided to the local authority on a regular basis.

#### 6.3.3. *Visual Impact*

- The building is significantly larger than those within the estate and excessive in height.
- Inadequate setback from the ring road is maintained.
- Screening along Bracker O'Regan Road is inadequate. It cannot be augmented due to the development layout and site section. The extent of ground available for landscaping is inadequate. There should be a minimum of 10 metres width/depth of screening.
- The building should be located along the southern site boundary.

#### 6.3.4. *Noise, Odour and Dust*

- The noise assessment report does not address the issue of noise at 5 am at which access to the site for truck drivers is proposed. There is insufficient information on activities that generate noise within the facility including vehicles accessing the site.

- There will be many odour sources within the development. A condition controlling the opening of the doors in the proposed building should be attached. No measures for odour abatement from the open storage areas are detailed.
- Dust will be a material issue due to the extent of skip waste proposed to be delivered to the site. Dust abatement measures are not detailed adequately.

#### 6.3.5. Other Issues

- A 10 year permission is unreasonable.
- The Asbestos report is inadequate.
- The mitigation measures detailed are inadequate.
- A hydrological and geological survey should be undertaken of the site. There are suggestions of the existence of underground water courses.
- Site services and disposal of waste liquids to be addressed.
- There is an unauthorised use being carried out on the site.
- Section 35 of the Planning and Development Plan Act allows for refusal of permission on basis of previous failure to comply with permission. In this regard the applicant's operation at The Kerries is referenced.
- The planning authority did not appropriately address the appellants' concerns.

#### 6.4. **Cross Circulation of 3<sup>rd</sup> Party Appeals**

Darren & Laura Donohue (submission by Ger O'Keeffe Consulting Engineers Ltd) note the contents of the appeal from Lynch Family Partnership. The proposal would adversely impact the potential occupancy of other units within the industrial estate. Should permission be granted the proposal should be reduced in size and scale with appropriate monitoring measures put in place. A 10 year permission is inappropriate.

## 6.5. Applicant Response

The submission by RPS on behalf of the applicant can be summarised as follows:

### 6.5.1. *Suitability of Site and Zoning Provisions*

- The site is considered a suitable location. It is a brownfield site at the edge of an established industrial area on land that is suitably zoned for development of this nature.
- The proposal does not consist of heavy industry. The proposal will not threaten the vitality of the primary use of the industrial area.
- There is no consistency in scale, materials, layout, site coverage or boundary treatments within the estate. The proposal would not be out of character.
- Appropriateness of the proposal is considered in the context of the nature of the waste to be handled and the location of the proposed facility. As per the EIA Screening report submitted, likely significant impacts are not anticipated.
- The setting of the site on which permission for 46 houses has been granted is located adjacent to an urban ring road at the edge of the main county town. It would not be considered rural in character going forward. Housing was granted permission in the knowledge of an established industrial area in the vicinity.
- Decisions by the Board with respect to comparable facilities support the decision in directing waste management facilities towards industrial areas eg. 121781, 212716, 213609, 223258, 243099, 301195, 232802.

### 6.5.2. *Access and Traffic*

- Early access by truck drivers is required so as to allow for avoidance of morning peak traffic, both locally and at onward destinations, whereby waste would be moved onto destinations nationally and to ensure journey/driving times for drivers can be minimised. Waste will not be accepted at 5am.
- The TTA was undertaken in accordance with the Traffic and Transport Assessment Guidelines PE-PDV-02045 (May 2014). The traffic count was undertaken on Tuesday 11<sup>th</sup> December 2018 which is outside the Christmas period with schools open.

- In the absence of any plans or proposed junction layouts/arrangements, even preliminary, it was not possible to undertake any meaningful assessment of the potential impact of the proposed Northern Relief Road on traffic movements. It is anticipated that the proposed road will include improvement works at the junction of Bracker O'Regan Road and Monavalley Industrial Estate which may increase the junction capacity and improve safety further. An area to the north-east of the site has been acquired by the local authority for the provision of a new junction alignment.

#### 6.5.3. *Visual Impact*

- The floor area of the proposed building is influenced by the processes to be undertaken and the plant and machinery movements, allowing for adequate circulation space as opposed to the volume of throughput.
- The building line to Bracker O'Regan road is considered appropriate to the context of the site.
- The skips, while close to the boundaries, will be partially hidden. The nature of the area within an established industrial estate must be considered.
- The proposal would not have an adverse impact on the visual amenities of the area. There are gaps in existing screening with landscaping proposals provided. There is sufficient space available to supplement and reinforce existing planting adjacent to Bracker O'Regan Road.
- A landscaping plan has been drawn up. A mix of deciduous and coniferous planting would enhance winter cover.
- The excavation along the northern boundary is historic. Suitable walls are to be provided to ensure the integrity of the area.

#### 6.5.4. *Materials to be Accepted*

- Waste will be inspected on arrival. The procedures are based on the procedures at the applicant's facility at The Kerries which has been approved by the County Council.
- The development will require a waste permit. If granted, it will stipulate monitoring requirements.

#### 6.5.5. Noise

- The only activity proposed during night time will be trucks leaving the site from 5am onwards.
- The traffic to be generated as part of the proposal is limited in the context of existing and future overall traffic volumes as demonstrated in the TTA. Accordingly, the traffic noise to be generated will also be limited.
- The slope on the industrial estate road is not significant requiring excessive revving of engines. Trucks utilising the site will be similar to those serving other businesses and operations in the industrial estate.
- Glass tipping happens on a number of discrete occasions, 1 to 2 times on a working day. This does not fall within the classification of intermittent noise. The glass storage area is located on the remote side of the building and will be screened from noise sensitive locations.
- The noise calculations are based on the loudest source as the other sources do not contribute in any significant way to the overall noise level.
- Noise from the compactors is generated within the compactor enclosure and will not give rise to significant emissions.
- Noise mitigation is set out. There is a clear commitment to keep the doors closed as much as practically possible.
- Permanent noise monitoring stations would result in excessive cost for no environmental benefit. The EPA NG4 guidance indicates that an independent annual monitoring survey is sufficient.

#### 6.5.6. Odour

- There will be specific measures in place to prevent nuisance from odour.
- The assessment undertaken was based on best practice guidance including the Guidance on the assessment of Odour for Planning (Institute of Air Quality and Management, July, 2018).



#### 6.5.7. *Other Issues*

- A screening report for EIA has been submitted. It clearly demonstrates that an EIAR is not warranted on foot of the volume of waste to be accepted at the facility and/or the site's location in the context of the permitted residential development.
- Skips arriving at the facility are covered and following inspection are tipped indoors. They are not a source of significant dust. Dust mitigation measures for the construction phase are included in section 7.1.5 of the design report.
- A non-invasive survey of asbestos was conducted to date with a report submitted. Condition 15(i) requires a final survey. The appropriate action will be taken in agreement with the local authority. The potential to encounter contaminated soil or other materials is acknowledged. If identified, it will be disposal of at an appropriately licensed facility.
- The applicant has responded to Council correspondence with respect to the current use of the site/enforcement.
- Trial pitting during the preparation of the site drawings encountered no groundwater.
- Condition 5 addresses the requirements in terms of surface water management.

#### 6.6. **Planning Authority Response**

The submission can be summarised as follows:

- Screening along the boundaries would mitigate the visual impact, particularly for users of Bracker O'Regan Road.
- The siting of the proposed development in an industrial estate on the edge of the built up area to the north of Tralee with easy access to the Tralee Ring Road is considered appropriate.
- Reference to a refusal of permission for an extension to an existing materials recovery facility on a different site is not of relevance.

- The day to day operation of the proposal would be subject to a Waste Facility Permit.
- Unauthorised use of the site has been investigated.
- To suggest that the development would impact on the marketability of adjoining proposed development having regard to the previous zoning of the lands and to the previous use of the site is disingenuous.
- Issues relating to noise, dust and odour were fully assessed and conditions attached.
- The proposal is subthreshold. Screening for EIA was carried out.
- The visual impact must be assessed in the context of its location within an industrial estate.

#### 6.7. Observations

The observation by Philomena Lynch raises issues comparable to those set out in the 3<sup>rd</sup> party appeals as summarised above including:

- Unauthorised use of the site.
- Suitability of site for proposed use
- Odour and Noise
- Hours of operation
- Impact on potential occupation of other units within the industrial estate
- Visual impact
- Examination of alternative locations

## 7.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings:

- Suitability of Site and Zoning Provisions
- Amenities of Adjoining Property
- Access and Traffic
- Other Issues
- Environmental Impact Assessment
- Appropriate Assessment

### 7.1. Suitability of Site and Zoning Provisions

- 7.1.1. The proposal for the materials recovery facility would accord with both regional and local policies and objectives as set out in the Regional Spatial and Economic Strategy for the Southern Region, the Southern Region Waste Management Plan 2015-2021, Kerry County Development Plan 2015 and Tralee Development Plan 2009-2015 (as extended), all of which seek to facilitate the sustainable provision of additional waste recycling/recovery facilities at appropriate locations.
- 7.1.2. The brownfield site subject of the appeal constitutes the northern most plot within the Monavalley Industrial estate served by an access from Bracker O'Regan Road which bounds the site to the north. The said road functions as Tralee's outer ring road. The industrial estate is characterised by a mix of light industrial and commercial uses in buildings of varying designs and sizes. The remnants of the previous meat factory building and use are evident on the site. I note that the lands immediately to the west are zoned for enterprise with lands north of Bracker O'Regan Road zoned residential. An indicative line for the Northern Relief Road which would connect into the junction of the industrial estate and Bracker O'Regan Road is also delineated.
- 7.1.3. The site is within the Tralee town boundary, within an area zoned M4 – Built-Up Area in the current Tralee Town Development Plan 2009-2015, as extended. As per the details available on file the alterations to the zoning provisions by way of Variation 5 of the plan was so as to align with the MyPlan general zoning types. There is nothing within the zoning matrix which precludes the proposed use on the said site.

- 7.1.4. It is the policy of the planning authority to facilitate development that supports the primary land use of the existing built up area. Proposals for development are to be assessed against the objectives of the plan and any other statutory plan, the character of the surrounding area, and other planning and sustainable development considerations considered relevant to the proposal or its surroundings.
- 7.1.5. I submit that the proposed development would not be at variance with the prevailing environment which is dominated by the industrial estate and Bracker O'Regan Road. As yet the residential development for 46 dwellings permitted under ref. 14/748 (consequent to a grant of outline permission under ref. 11/99) on lands to the north and separated by the road has not been developed. It is reasonable to assume that the acceptability of the said development would have been assessed in the context of the long established industrial estate to the south.

## **7.2. Amenities of Adjoining Property**

- 7.2.1. The issue in terms of amenities of adjoining property largely relates to the lands to the north and on the opposite side of Bracker O'Regan road which, in addition to the nearest sensitive receptors, has permission for a residential development as referenced above. The said lands are c. 80 metres to the north of the appeal site.
- 7.2.2. As noted above the appeal site is the northern most parcel within a long established industrial estate comprising a mix of light industrial and commercial uses. The proposed development entails a waste recycling facility which will provide for the acceptance of a maximum of 24,990 tonnes per annum of waste and recyclable materials from domestic sourced segregated waste, glass from commercial customers and skip waste from commercial and domestic customers. By way of further information the applicant advised that the maximum tonnage is set at 24,990 per annum in order to future proof the development. It is anticipated that the actual annual waste intake in initial years of operation will be approx. 10,000-15,000 tonnes per annum.
- 7.2.3. A waste recycling building to allow for internal processing is proposed in addition to external storage for segregated materials. The site will provide for a civic amenity facility (within the building) which will be open to the public. The Civic Amenity Facility and Sorting Area are to be separated by an internal dividing wall.

- 7.2.4. A small amount of residual 'black bin' residential waste is proposed to be accepted on a charged basis. Whilst such materials are to be transferred to mobile compactors within the building at the end of each day and are to be removed from site within 24 hours no details are provided as to the percentage it accounts for. In the absence of such detail and to allow for a proper assessment of the proposal and the impacts that may arise from such materials including odour, I recommend that the acceptance of such a waste stream be precluded at this juncture should permission be granted.
- 7.2.5. All processing of waste is to be undertaken within the building with a commitment from the developer to keep the doors closed as far as is practicable. The openings are to be located along the southern elevation of the building facing towards the industrial estate and away from the existing and proposed residential lands to the north. The south-west corner of the building will include a split level truck loading pit and ramp. In addition, the glass storage area is to be located along the southern boundary at the furthest point from the residential lands. The storage bays proposed along the northern boundary are for segregated material such as metal, timber and inert soil/stones. In view of the differential in terms of levels between the site and Bracker O'Regan Road they will not be visible from the road.
- 7.2.6. Whilst the said differential in site levels will assist in reducing the impact of the materials recovery building it is accepted that the proposed structure is large and will be visible in the vicinity. In view of its context within a long established industrial estate adjoining a busy road I consider that the visual impact is acceptable. The existing planting along the northern boundary, save for a small stretch in the north-western corner, is dense precluding views of the site at present. Its augmentation can be secured by way of condition.
- 7.2.7. By way of further information, a noise assessment was carried out to assess the impact of the proposal. It concludes that the dominant noise source at the two monitoring locations is vehicular traffic using Bracker O'Regan Road and the Monavalley Industrial Estate Road and that an increase in HGV movements (waste trucks) in and out of the site compound during the early morning hours (5am onwards) will not have a perceptible effect on the said noise sensitive locations.

- 7.2.8. I consider that the noise assessment has due regard to appropriate guidance including that from the EPA set out in the NG4 document with noise monitoring location 1 (NML1) located on the grass verge on the northern side of Bracker O'Regan Road with the nearest noise sensitive location (NSL) being the permitted dwelling (part of the larger scheme) c.10 metres to the north of same again. I accept the conclusions that the predicted noise from the facility including glass tipping, which is anticipated to occur at most 1 to 2 times a day, will be lower than the baseline values at the nearest noise sensitive location and within EPA limit values for noise from licenced sites. However, I would have concerns about the 5am opening time to allow vehicular access and truck drivers to leave the site, with the explanation for such an early commencement somewhat vague referring to the need to avoid peak time traffic. I recommend that a condition precluding any operations on the site before 6am to be a reasonable compromise.
- 7.2.9. An odour assessment was submitted by way of further information. Whilst the bulk of the materials will not emanate odour it is accepted that a fraction of overall waste to be accepted at the civic amenity facility will be mixed residual 'black bag' waste and garden waste which have the potential for odour. 5 no. mobile compactors are to be located along the northern elevation of the building. Their design is such that they are covered and leak proof which significantly reduce odour risk. These materials are to be placed into the said compactors. As noted above in the absence detail as to the anticipated volume of residual waste materials and to allow for certainty in the nature and extent of materials to be accepted, this waste stream should be precluded at this juncture.
- 7.2.10. As with noise keeping the hydraulic doors closed in the waste sorting portion of the building as far as practicable will assist in preventing odour nuisance. The open storage areas are to be for clean sorted fractions.
- 7.2.11. An odour management programme is to be drawn up in accordance with the relevant EPA guidance documents to ensure compliance with the future Waste Facility Permit. All routine or reactive odour monitoring will be carried out in accordance with the waste permit and will be documented with the files maintained on site for inspection.

### **7.3. Access and Traffic**

- 7.3.1. A Traffic Impact Assessment was submitted with the application and is in accordance with the TII Traffic and Transport Assessment Guidelines PE-PDV-02045 (May 2014) which reflects current best practice in relation to the preparation of Traffic and Transport Assessments (TTA) including the peak periods used. It concludes that the traffic volumes that would be generated by the proposal are not significant in the context of existing traffic volumes on Bracker O'Regan Road with the junction with Monavalley Industrial estate operating within capacity.
- 7.3.2. Having inspected the site and noted that it is located within the 50 kmph zone and, have regard to the nature of the surrounding uses and the size and scale of the roads in question, I do not consider that the nature and volume of the traffic predicted to be generated by the proposed development will not adversely affect or exacerbate traffic issues in the vicinity of the site.
- 7.3.3. I note that the Tralee Development Plan shows the indicative route of the proposed Northern Relief Road which is shown to junction with Bracker O'Regan Road and Monavalley Industrial Estate with lands reserved for a future roundabout. As yet there are no definitive plans in place with no timeline available for its realisation.

### **7.4. Other Issues**

- 7.4.1. The applicant is seeking a 10 year permission so as to provide for flexibility to react to the volatility of the waste industry economics and the rapidity with which the recyclables market can change (see section 6.1.3 of Planning Report accompanying the application). Having regard to the nature and extent of the development as proposed I do not consider that such commercial considerations raise specific or exceptional issues to justify the extension of the normal period of permission from 5 to 10 years. On this basis I consider it appropriate that a condition specifying a 5 year period to be appropriate in the interests of clarity should permission be granted.
- 7.4.2. A pedestrian/cycle path is provided alongside Bracker O'Regan Road. In view of the setting of the route alongside a relatively busy road and the presence of the existing industrial estate the proposed development would not have an adverse impact on its prevailing amenities.

- 7.4.3. Whilst reference is made by both the appellants and the applicant to the materials recovery facility at The Kerries Tralee, the current proposal must be assessed on its merits.
- 7.4.4. The Board has no remit in terms of enforcement and is a matter for the planning authority through the appropriate legislative mechanisms.
- 7.4.5. The applicant will be obliged to dispose of asbestos appropriately should it be encountered on the site.

## 7.5. Environmental Impact Assessment

- 7.5.1. It is noted that for the purposes of the EIA Directive, the term 'disposal' is interpreted to include 'recovery'. On this basis and in terms of development for the purposes of Part 10 (environmental impact assessment) Class 11(b) Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, is relevant, namely - *Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.*
- 7.5.2. The proposed waste acceptance at 24,990 tonnes per annum is marginally below the said threshold.
- 7.5.3. Reference is made by appellants to other classes of development which they consider relevant in terms of EIA. In this regard I note that the site, with a stated area of 1.2 ha within an existing industrial estate on the edge of the built up area, does not come within item 10 (b)(iv) of Part 2 pertaining to urban development on areas greater than 2 ha within a business district, 10 ha in other parts of a built up area and 20 ha elsewhere. I also submit that the proposed development is a standalone development. It does not constitute an extension to an existing development. It comprises an existing brownfield site within an industrial estate. Therefore, I do not consider that the provisions of class 13 for changes and extensions are applicable.
- 7.5.4. Thus, on the basis of the nature and extent of the proposed development and class 11(b) as detailed above screening for EIA is appropriate. An EIA Screening Report was submitted by way of further information.
- 7.5.5. In this assessment I have regard to the provisions of Schedule 7 of the Planning and Development Regulations, 2001, as amended, which sets the criteria for determining



whether development listed in part 2 of schedule 5 should be subject to an environmental impact assessment.

### **Characteristics of Proposed Development**

#### *(a) Size and design of the whole proposed development*

- 7.5.6. A recycling facility including a materials recovery building to a maximum tonnage of 24,990 per annum is proposed. It will provide for a civic amenity facility, skip waste and glass waste. All solid waste that has been sorted at the facility will be bulk transferred onto destinations in Ireland and abroad.

#### *(b) Cumulation with other existing and/or approved projects*

- 7.5.7. There are no existing or approved projects which would give rise to significant cumulative effects.

#### *(c) Nature of any associated demolition works*

- 7.5.8. The brownfield site has the remnants of the previous building including its foundations and hardstanding areas, the bulk of which is to be removed. Testing of material to be removed from site will be carried out to determine the appropriate destination for disposal of waste arising. An asbestos survey was carried out. No traces were identified but there remains the potential to encounter contaminated soils or other materials

#### *(d) The use of natural resources, in particular land, soil, water and biodiversity*

- 7.5.9. Due to the small scale of the construction works the proposed development would not give rise to significant use of natural resources. The site is brownfield with limited biodiversity value. Large volumes of construction material or energy use would not be needed in the construction phase. Energy usage during operation would not be a significant draw on available supply.

#### *(e) The production of waste*

- 7.5.10. The demolition and construction phases will not generate significant amounts of waste. The operational phase of the development is for the recovery of waste and to allow for the appropriate identification of its future use/end.

#### *(f) Pollution and nuisances*

7.5.11. There is the potential for dust during both demolition and construction phases. There will be increased vehicular movements and activity on the site which could have a potential impact on noise.

7.5.12. No discharge to groundwater or surface water is proposed with connection to public mains.

*(g) Risk of major accidents, and/or disasters, including those caused by climate change.*

7.5.13. The most significant risk would be from fire. A Fire Risk Assessment accompanies the application which concludes that the risk potential is low. A Fire Safety certificate will be required.

*(h) Risk to human health*

7.5.14. There are no significant risks to human health including from impacts related to odour or other air emissions or noise.

#### **Location of proposed development**

*(a) Existing and approved land use*

7.5.15. The brownfield site within an existing industrial estate is located on the outskirts of Tralee town on lands zoned 'built up area' and is fully serviced.

7.5.16. The location of the development does not contain lands designated for ecological or scenic amenity value.

*(b) Relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground.*

7.5.17. None of the resources affected are lacking in abundance. The site is on zoned and serviced lands.

*(c) The absorption capacity of the natural environment*

7.5.18. The site is within an existing industrial estate on zoned and serviced lands on the outskirts of Tralee town. It is not within or in the vicinity of any designated site, an area designated as being of scenic amenity or in proximity to areas of historical, cultural or archaeological significance. The lands to the north of the site on the

opposite side of Bracker O'Regan Road are zoned residential on which permission has been secured for a housing scheme.

### **Types and Characteristics of potential impacts**

*(a) & (b) The magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected) and the nature of the impact.*

7.5.19. Certain potential impacts associated with the proposed development would mainly be associated with the immediate environs of the site.

7.5.20. Impacts related to the construction phase would affect only the immediate locality of the site. There would also be short-term traffic related impacts on the surrounding road network. There is potential for impact on human beings as a result of noise and dust emissions and general disturbance.

7.5.21. During operation, any direct or cumulative impacts related to human beings arising from increased traffic and noise would have a very restricted spatial extent and be likely to affect residents of a small number of existing and proposed houses.

7.5.22. There is the potential for positive impacts in terms of increasing the opportunities for recovery of waste and to identify the appropriate end location/use.

*(c)The transboundary nature of the impact*

7.5.23. There would be no transboundary impact.

*(d)The intensity and complexity of the impact*

7.5.24. I consider that the intensity of the impacts would not be described as intense, either in the construction or operational phases. Due to the scale and nature of the proposed development the impacts arising would be described as reasonably well understood, straightforward, lacking complexity and generally capable of mitigation and monitoring with proven technology.

7.5.25. *(e) The probability of the impact*

I consider that the probability of impacts is high but are not considered to be significant.

*(f)The expected duration, frequency and reversibility of the impact*

7.5.26. The duration of impacts on human beings would be short-term as they would largely be related to the construction phase.

*(f)The cumulation of the impact with the impact of other existing/proposed development*

7.5.27. There appears to be no potential for significant cumulative impacts.

*(g)the possibility of effectively reducing the impact*

7.5.28. Impacts on human beings during the construction phase including in relation to dust, noise and general nuisance are amenable to mitigation and are not likely to be significant.

7.5.29. Impacts on human beings during the operational phase including in relation to noise and odour are also amenable to mitigation and are not likely to be significant.

## **Conclusion**

7.5.30. In view of the above assessment I would conclude that the aspects of the environment likely to be affected by the development would be localised with those likely during construction e.g. emissions to air, noise, construction and demolition waste etc. being temporary. During the operational phase the impacts on adjoining human beings and amenities of adjoining property arising from noise and traffic are not considered to be significant and have been satisfactorily addressed in the documentation accompanying the application. On this basis I do not consider that the preparation of an EIAR is required.

## **7.6. Appropriate Assessment**

7.6.1. This section of the report considers the likely significant effects of the proposal on the relevant European sites in view of the conservation objectives. A Natura Impact Statement was submitted following a request for same by the planning authority.

### *Project Description and Site Characteristics*

7.6.2. The site of the proposed development and the project are as described in sections 1 and 2 above.

## *Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives*

7.6.3. There are 10 designated sites within a 15km radius of the appeal site:

1. Tralee Bay Complex SPA (site code 004188) c. 2.7km to the south west of the appeal site. <https://www.npws.ie/protected-sites/spa/004188>  
The qualifying interests comprise a mix of bird species including wading and wintering birds. Detailed conservation objectives for the site have been drawn up, the overall aim being to maintain or restore the favourable conservation status of the qualifying interests.
2. Tralee Bay and Magharees Peninsula West to Cloghane SAC (site code 002070) is c.2.8km to the south west of the appeal site. <https://www.npws.ie/protected-sites/sac/002070>. The qualifying interests comprise a mix of aquatic and freshwater habitats and species. Detailed conservation objectives for the site have been drawn up, the overall aim being to maintain or restore the favourable conservation status of the qualifying interests.
3. Ballyseedy Wood SAC (site code 002112) is c. 4km to the south east of the appeal site. <https://www.npws.ie/protected-sites/sac/002112>. The qualifying interest is alluvial forest. To date generic conservation objectives apply, the overall aim being to maintain or restore the favourable conservation status of the qualifying interest.
4. Slieve Mish Mountains SAC (site code 002185) <https://www.npws.ie/protected-sites/sac/002185> . The qualifying interests are a mix of upland habitat. To date generic conservation objectives apply, the overall aim being to maintain or restore the favourable conservation status of the qualifying interests.
5. Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (site code 004161) c. 7.3 km to the east. <https://www.npws.ie/protected-sites/spa/004161>. The qualifying interest is the hen harrier. To date generic conservation objectives apply, the overall aim being to maintain or restore the favourable conservation status of the qualifying interest.

6. Akeragh, Banna and Barrow Harbour SAC (site code 000332) is c.8.30km to the north-west. <https://www.npws.ie/protected-sites/sac/000332>. The qualifying interests comprise a mix of aquatic and terrestrial habitats. Detailed conservation objectives for the site have been drawn up, the overall aim being to maintain or restore the favourable conservation status of the qualifying interests.
7. Castlemaine Harbour SAC (site code 00343) is c. 13km to the south-west <https://www.npws.ie/protected-sites/sac/000343>. The qualifying interests are a mix of fresh and seawater habitats and species. Detailed conservation objectives for the site have been drawn up, the overall aim being to maintain or restore the favourable conservation status of the qualifying interests.
8. Castlemaine Harbour SPA (site code 004029) is c.14.51 km to the south-west <https://www.npws.ie/protected-sites/spa/004029>. The qualifying interests comprise a mix of bird species including wading and water birds. Detailed conservation objectives for the site have been drawn up, the overall aim being to maintain or restore the favourable conservation status of the qualifying interests.
9. Magharee Islands SAC (site code 002261) is c.14.30 km to the west. <https://www.npws.ie/protected-sites/sac/002261>. The qualifying interest is reefs. Detailed conservation objectives for the site have been drawn up, the overall aim being to maintain or restore the favourable conservation status of the qualifying interest.
10. Magharee Islands SPA (site code 004125) is c. 14.8km to the east. <https://www.npws.ie/protected-sites/spa/004125>. The qualifying interests comprise a mix of bird species including wintering birds. To date generic conservation objectives apply, the overall aim being to maintain or restore the favourable conservation status of the qualifying interest.

*Assessment of likely effects*

- 7.6.4. As the site is not within a designated site no direct impacts will arise.

- 7.6.5. In view of the industrial estate location of the site within the development boundary of Tralee and the separation distances to the above listed SPAs it is considered that no indirect impacts will arise. In addition there is no hydrological connection to Akeragh, Bann and Barrow Harbour SAC, Magharee Islands SAC, Ballyseedy Wood SAC, Slieve Mish SAC, Castlemaine Harbour SAC.
- 7.6.6. There are no streams or watercourses within or in the vicinity of the site with the nearest being the River Lee (Tralee) c. 460 metres to the east which discharges into Tralee Bay which forms part of the Tralee Bay and Magharees Peninsula West to Cloghane SAC (site code 002070). The said SAC is c.2.8km to the south west of the appeal site.
- 7.6.7. Indirect effects on both surface and groundwater arising from discharge during the construction phase such as silt laden run off, hydrocarbons or other pollutants could arise. Therefore, a risk exists.
- 7.6.8. The Board is required to assess the potential (a) likely and (b) significant effects (direct or indirect) of the project alone on the European site(s) solely within the context of the site's conservation objectives in light of best scientific knowledge. I would suggest to the Board that the questions of most importance, in this regard, is whether the potential risk is firstly significant and secondly whether the construction measures intrinsic to the development proposed are measures, which would be implemented with or without an appropriate assessment of the proposal, would negate same.
- 7.6.9. I note that the Design Report submitted with the application and amended by way of further information includes a section on Environmental Management for both the construction and operational phases. The measures to be employed during the construction phase to protect against spillage from fuels, lubricants etc are standard practice in terms of appropriate storage and containment. The plan also includes a surface water management plan for the construction and operational phases in accordance with best practice. The site is fully serviced with surface water to discharge to the combined sewer within the industrial estate. In terms of the construction phase a small settlement pond is to be developed to allow for suspended solids to settle prior to discharge to the system. In the operational phase measures are to be incorporated to restrict surface water discharge to current levels.

- 7.6.10. The implementation of the above measures would ensure that the proposed development would not have the potential to have a negative effect on the existing surface water disposal system or groundwater. They are regarded as best work practices that are an integral part of the proposed development that will be implemented by those carrying out the development at the same time and as part of the same process, as opposed to separate or additional measures that would be conceived and implemented to mitigate potential impact on Natura 2000 sites. They are fully and properly described in the documentation submitted by the applicant.
- 7.6.11. The measures set out above would be required by the proper planning and sustainable development of the area, even if no question of an indirect effect on a Natura 2000 site arose. Therefore, the likelihood of any significant effect can be excluded on the basis of the objective information contained within the application to the nature of the habitats and drainage regime in and around the application site and between it and the Natura 2000 sites.

*Stage 1 Screening Conclusion*

- 7.6.12. Notwithstanding the submission of an NIS in order to facilitate the Board in carrying out an Appropriate Assessment, I consider that the particular characteristics of the project for which permission is being sought in the current application, including its location on a fully serviced and zoned site and the means by which water and ground water quality would be protected during its construction and operational phases, are such that it would not be likely to have a significant effect on any Natura 2000 site, either individually or in combination with other projects. This exclusion can be made in view of best scientific knowledge and on the basis of the objective information set out in the application and this report.

It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Tralee Bay and Magharees Peninsula. West of Cloghane SAC (site code 002070) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.



## 8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

## 9.0 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 and Tralee Town Development Plan, 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 traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 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 5 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.
  - (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 Bank 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 waste water 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 agreement prior to the commencement of development.

**Reason:** In the interest 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

- (iv) details of proposed boundary treatments at the perimeter of the site including heights, materials and finishes.

- (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 residential amenity.

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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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**October, 2020**