



An  
Bord  
Pleanála

## Inspector's Report ABP-313061-22

### Development

Extension of a metal recycling facility and yard, building and substantial demolition of structure and associated works. A waste facility permit will be applied for from Carlow County Council subsequent to making the planning application.

### Location

Bennekerry, Tullow Road, Carlow

### Planning Authority

Carlow County Council

### Planning Authority Reg. Ref.

21210

### Applicant(s)

Bill Flynn

### Type of Application

Permission and Retention

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant(s)

Donal Sheehan

### Observer(s)

Roisin O'Rourke; John Byrne

### Date of Site Inspection

24<sup>th</sup> April 2023

**Inspector**

Una O'Neill

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## **1.0 Site Location and Description**

- 1.1. The site, which has a stated site area of 0.806ha, is located in the rural townland of Bennekerry, Tullow Road, Co. Carlow, c. 2km east of Carlow Town. The site is accessed off a private lane/cul-de-sac, which is itself accessed off the regional road R726, which has a speed limit of 80 km/hr. The cul-de-sac also serves four houses and a carpet/furniture business (all in the same family ownership).
- 1.2. The site comprises an existing metal recycling facility.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the following:
- Permission for the extension of an existing recycling facility including yard extension, new building (297.44sqm) and substantial demolition of structure (182sqm).
  - Following a Further Information request from the PA, the applicant submitted revised notices seeking Permission for Retention in relation to an existing adjoining yard area used as part of the existing recycling facility and for existing perimeter fencing located in the northern, eastern and western application site boundaries.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission GRANTED, subject to 19 conditions, including the following:

C3(a): Maximum of 10,000 tonnes per annum of authorised waste material.

C3(b): Waste types shall be in accordance with the EWC codes submitted.

C3(c): All waste materials shall be stored in impervious concrete areas which drain to an oil interceptor.

C5: Hours of operation.

C7: Height of materials stored in bays shall not exceed 3m.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planning Officer's report generally reflects the decision of the Planning Authority to grant permission. The following is noted:

- Further information was requested in relation to:
  - existing and proposed levels of annual intake of waste in tonnes;
  - type of waste to be accepted;
  - query in relation to EIAR and request for an EIA Screening Report and addressing Schedule 7 and Schedule 7(a);
  - surface water management;
  - annual reports relating to the existing waste permit for 2018, 2019, and 2020;
  - clarification in relation to any connections to the adjoining watercourse;
  - rationale for extension having regard to council policy in relation to waste management facilities;
  - intended use and activities proposed for new building proposed;
  - extent of site boundary given location of containers etc and issue of retention;
  - site layout of location of proposed stockpiles and maximum height;
  - separation distances to site boundaries of all elements of the development and existing powerlines;
  - use of existing gateway at northern boundary to be clarified;
  - hours of operation and clarification in relation to access by the public;
  - landscaping plan.
- The information submitted was deemed significant and re-advertised. It is noted that retention permission was sought in the revised notices in relation to the existing

adjoining yard area to be used as part of the recycling facility and the perimeter fencing to the north, east and west.

### 3.2.2. Other Technical Reports

**Transportation Department** (report dated 30.06.21)– No changes proposed to the existing entrance which has not presented a problem for road users. Proposal will not materially affect the traffic flow and will not add risk to road users. No roads related reason for refusal.

**Water Services** (report dated 22.06.21) – No issues raised.

**Environment Department** (report dated 05.07.21) – FI requested in relation to copies of environmental reports from 2018, 2019, and 2020 as per waste permit WFP-CW-17-004-01; report to outline environmental compliance with planning permission PL09-308, detailed landscaping plan, detail in relation to any connections from the existing or proposed facility to the adjoining watercourse, design calculations for percolation areas, soakholes, oil interceptors, impermeable areas, bunded storage area, storage areas for un-depolluted ELVs; proposed tonnage to be requested as part of Schedule 7A; hours of operation; clarification in relation to access by the public.

**Carlow Fire Authority** – No issues raised.

**Environment Department** (report dated 21.02.22 – following receipt of FI):

- Sub threshold for EIA. Applicant not clear on future intake, therefore propose to limit to 10,000 tonnes, which is below half the threshold for EIA and any waste permit would be restricted accordingly.
- Hours of operation should be restricted from 7am-7pm Monday to Friday and 8am-1pm on a Saturday, with no operation on Sunday or Bank Holidays.
- Landscape and screening to be completed in first planting season.
- Standard conditions in relation to CEMP, Dust and Noise.
- Operation only with a valid waste permit.
- Construction conditions – Waste Management Plan. Noise and vibration, and dust level during construction to be in accordance with standard levels.

**Transportation Report** (dated 16.02.22) – Report as per previous report.

### **3.3. Prescribed Bodies**

Irish Water – No objection, no impact on Irish Water assets.

Development Applications Unit – No response received.

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

Five observations received. The issues raised are largely as set out in the grounds of appeal (see Section 6 hereunder). The following points are noted:

- Inappropriate land use
- Visual impact
- Noise of metal
- Water quality
- Extent of development beyond permitted boundaries
- Exceedance of waste permit of 1,000 tonnes
- Traffic safety
- Flood plain
- Hours of operation beyond that permitted
- Requirement for an EIA

## **4.0 Planning History**

PL09/308 – Retention permission granted for the existing recycling facility. A waste permit will be applied for from Carlow County Council (applicant: Bill Flynn).

[This application was for the use of the site for the recovery of scrap metal and end of life vehicles and their parts]

UD19-36 - Closed enforcement case relating to the unauthorised erection of signage advertising Flynn's Furniture and Carpets.



UD20-87 – Enforcement case in relation to alleged expansion of the scrapyard outside of the permitted area, noise and activity from the site outside of the permitted hours and the opening of an agricultural entrance from the Tullow Road.

## **5.0 Policy Context**

### **5.1. National Policy**

- Project Ireland 2040 National Planning Framework (2018)
- Regional Spatial and Economic Strategy for the Southern Region 2020-2026 (January 2020)
- Southern Region Waste Management Plan 2015-2021
- A Waste Action Plan for a Circular Economy, Ireland's National Waste Policy 2020-2025', prepared by the Department of Communications, Climate Action and Environment.
- Directive 2000/53/EC on end-of life vehicles. EU rules which aim to make the dismantling and recycling of end-of-life vehicles more environmentally friendly. Item (7) Member States should ensure that the last holder and/or owner can deliver the end-of life vehicle to an authorised treatment facility without any cost as a result of the vehicle having no or a negative, market value. Member States should ensure that producers meet all, or a significant part of, the costs of the implementation of these measures; the normal functioning of market forces should not be hindered.

### **5.2. Carlow County Development Plan 2022-2028**

#### **Chapter 4: Enterprise and Employment**

**Policy PT.P3:** Support the regeneration and revitalisation of existing business parks and industrial estates within towns and promote the regeneration of obsolete and / or under-utilised buildings and lands that could yield economic benefits, with appropriate uses, subject to proper planning and sustainable development of the area.

**Objective ED.O1:** Ensure that an adequate supply of land is zoned and located within the development boundary of settlements to support economic development and employment generating uses, at a scale appropriate to the size and role of the settlement as per the Settlement Hierarchy.

## **Chapter 6: Infrastructure and Environmental Management**

**Policy WM.P1:** Implement European Union, National and Regional waste related environmental policy, legislation, guidance and codes of practice to improve management of material resources and wastes.

**Policy WM.P2:** Encourage the transition from a waste management economy to a green circular economy in accordance with A Waste Action Plan for a Circular Economy, Ireland's National Waste Policy 2020-2025', to enhance employment and increase the value recovery and recirculation of resources.

## **Chapter 14: Rural Development**

Section 14.14 Rural Enterprises:... In accordance with the economic strategy for the overall county, employment servicing the rural areas should in general be directed to local employment centres in towns and serviced villages catering for local investment and small-scale industry. Within the rural nodes and the rural countryside, agriculture, horticulture, equine, forestry, tourism, energy production and rural resource-based enterprise should be facilitated.

### **Policy RE.P3:**

Facilitate where deemed appropriate an extension of an existing established authorised rural based enterprise in the rural area provided that the scale and form of the enterprise is compatible with the character of the area, that there is capacity available in the local infrastructure to accommodate the expansion and that the development complies with other relevant objectives of this Plan, including normal planning and environmental criteria.

## **Chapter 16: Development Management Standards**

### **Section 16.11.8 Waste Management Infrastructure:**

Planning applications for waste related facilities will be assessed having regard to:

- The sensitivity of the site: Facilities impacting upon Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Natural Heritage Areas (NHAs), areas protected for landscape character, visual amenity, geology, heritage or cultural value, or areas at risk of flooding.
- Traffic and Transport: A Traffic and Transportation Assessment will be required to be submitted in most cases. All proposals shall indicate details of road access, sightlines / visibility, vehicle turning manoeuvres, parking areas, pull-in areas, the number and types of vehicles which will frequent the site, the carrying loads of vehicles, and haul routes.
- Surface Water Drainage: A sustainable drainage system will be applied to proposed developments, and proposals shall have regard to the requirements of the EU Water Framework Directive and associated River Basin Management Plans.
- Emissions: Details of potential noise, odours, dust, grit, vibration and lighting, along with controls and monitoring of same, will be required.
- Landscaping and Restoration Proposals: Boundary treatments, screening proposals and remediation measures, including a timeframe for implementation, shall be required.
- Impact on Residential Amenity: The Council will consider the proximity to residences and the impact on same (including through the considerations of traffic, emissions etc. outlined above).
- Requirement for Environmental Impact Assessment: Proposals shall be screened for the requirements of mandatory and sub-threshold Environmental Impact Assessment. An EIAR shall be submitted as required.
- Appropriate Assessment Screening / NIS as maybe required.

#### **Section 16.18.6 Non-Conforming Uses**

- 'Non-conforming uses' are established uses that do not conform to the zoning objectives of the Plan. Generally, the Council will consider reasonable intensification of extensions to and improvement of premises that accommodate non-conforming uses, provided that it would not be injurious to the amenities of the area and would not prejudice the proper planning and sustainable development of the area.

### 5.3. Natural Heritage Designations

The River Barrow and River Nore SAC (002162) is located c. 4.6km west of the application site (as the crow flies) and the Slaney River Valley SAC (000781) is located c. 7.1km east of the site (as the crow flies). There is local watercourse c. 112m west of the site, that flows in a southerly direction to the River Burren (c. 290m south of the site), which is a tributary of the River Barrow and River Nore SAC.

### 5.4. EIA Screening

- 5.4.1. The proposed development does not meet the requirements for mandatory EIA under part 1 of schedule 5 of the Planning and Development Regulations 2001. Class 11 (b) of part 2 of schedule 5 of the Regulations lists 'installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule'. The annual intake in 2022 was stated to be c. 5055 tonnes, which is below this threshold. I note the applicant indicated that this could double in the following year however the applicant has not specified the volume of waste proposed to be taken in at this facility. I note there was no condition on the parent permission relating to tonnage and a condition from the PA on the decision to grant this application limits the tonnage of 10,000 tonnes. On the basis of the development accepting approx. 10,000 tonnes of waste, the development falls more than 50% below the threshold of 25,000 tonnes at which stage an EIAR is required.
- 5.4.2. Class 11 (e) of part 2 of schedule 5 of the Regulations lists 'storage of scrap metal, including scrap vehicles where the site area would be greater than 5 hectares'. The site area is 0.806 ha, therefore it falls below this threshold.
- 5.4.3. I note the application is accompanied by an EIA Screening Report comprising information in relation to Schedule 5 and 7 of the Planning and Development Regulations 2001. The PA requested the applicant to submit an EIA Screening Report as Further Information. The body of the screening report addresses the headings as set out under Schedule 7. The EIA Screening Report concludes the proposed development is below the mandatory threshold required for an EIAR and an EIAR would not be required to be completed for this project. I note the applicant did not submit and the PA did not request Schedule 7A information to be submitted.

- 5.4.4. The PA in its assessment states it carried out its own screening assessment and determination and concluded that the development is not likely to have significant effects on the environment as per the criteria listed in Schedule 7 of the Regulation, including a Screening Determination as Appendix A of its planning report.
- 5.4.5. Having regard to all the information submitted, including the Schedule 7 information submitted by the applicant and having regard to:
- (a) the nature and scale of the proposed development, which is an extension to a permitted facility,
  - (b) the absence of any significant environmental sensitivities in the area,
  - (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),
- it is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment.
- 5.4.6. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not in my opinion required.

## **6.0 The Appeal**

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

One appeal has been lodged by the owner and occupier of the residential property to the east of the site (received 21<sup>st</sup> March 2022). The grounds of appeal are summarised as follows:

- The proposal is 25m from neighbouring house.
- This is a rural location in which a commercial waste facility should not be permitted.
- Noise generated from loading and unloading scrap metal is excessive and will be moving closer to neighbouring house and getting louder.
- Existing operating hours are not being adhered to.
- Proposal will increase traffic movements in this rural location.

- Sightlines are limited at the site entrance.
- Existing stockpile of waste material is constantly overflowing, damaging crops and leaking oil. Ground water testing should have been requested.
- A boundary wall is non-existent in some parts of the yard. Waste material is over 7m at times.
- Proposal is contrary to character of area which comprises detached dwellings.
- Proposal would adversely affect residential amenity of adjoining residential properties, would depreciate value of adjoining and neighbouring properties, and would set an undesirable precedent in the area for further inappropriate development and in contrary to the development plan.
- Site is proximate to a river, which forms part of the River Barrow and River Nore SAC and would be at risk of causing a rise in ecological impacts and possibly affect the SAC and its conservation objectives due to regular overspill of materials into adjacent lands and the burning of waste at night time.
- Fear that unauthorised activity will continue.

## 6.2. Applicant Response

A response was received from Panther Environmental Solutions on behalf of the applicant on 7<sup>th</sup> April 2022, and is summarised as follows:

- The closest dwelling is 30m to the east.
- This is an established activity, operating since 1993, before the construction of the nearest dwelling. The proposed development is consistent with the established activities in this peri-urban area, which includes light industrial activities.
- The environmental assessments included addressed potential impacts to human health and amenity in the context of the existing activity at the site, several light industrial activities in the area, traffic along the R725 and other in-combination activities.

- Adjacent the premises is a Meat Processing Facility, and 300m to the west are multiple activities of roof tile manufacturer, plat hire and tip-trail manufacturer.
- Environmental Noise Assessment found that current operations are not having an impact at the closest noise sensitive location and that the site is in compliance with limits set out in Schedule 1 of its Waste Permit and paragraph 12 of previous planning conditions ref 09/308.
- RFI – processing of intake material will take place at the same location on site as at present. Metal storage bays and new proposed shed would be located closer to proposed eastern boundary and residential property, but these areas would not contain additional noise sources. See Condition 2(b) of approval.
- Noise Monitoring Plan will be prepared prior to development, as per Condition 8(c).
- Operating hours are as permitted.
- Existing entrance was assessed and permitted by the planning and roads department. The proposal will result in negligible increase in traffic movements, which will have no appreciable impact on existing traffic volume or road safety.
- Proposed extension would not directly result in an increase of material intake at the site – this will be determined by demand for recycling.
- Three new metal storage bays with max height of 3m will be located along eastern boundary, away from southern boundary.
- Two storage areas at southern boundary are for ELV storage only. This is not a loose scrap stockpile, so there will be no slipping into the corn.
- An Ecological Impact carried out for Flynn Metal Recycling in 2021 found no evidence of soil contamination.
- Following RFI, a new bunded storage area for containment of hazardous material is proposed.
- Interceptor to be installed between the surface water drainage network and bunded storage area.

- Oil/Water separator to be installed before soakaway.
- Existing interceptor to be upgraded.
- 24 letters of support submitted as appendix.
- Additional planting proposed as part of submitted Landscaping Plan.
- In compliance with Council's policy in relation to waste management facilities as set out in Section 10.1.3 of the development plan.
- There is no potential for significant impacts on protected sites or watercourses.
- Burning of waste material does not occur on the site.

### **6.3. Planning Authority Response**

Report received – No further comments.

### **6.4. Observations**

Two observations were received on the 14<sup>th</sup> and 19<sup>th</sup> April 2022 and are summarised as follows:

- Concern raised in relation to methodology adopted in Noise survey undertaken by applicant. It is stated that there is no tonal noise, however graph indicates a tone at 800mhz, which would incur a 5dB penalty increasing noise from 66dB to 71dB. There is no certificate of competency in relation to person who undertook the noise monitoring, no photographic evidence of equipment, and no indication of how much road traffic is due to site trucks entering and leaving the site.
- Proposal would be visually obtrusive.
- Land is not zoned for the proposed development.
- The storage piles of scrap metal can be seen clearly from R729, N9 motorway, and L1025.
- Negative impact on rural area.



- Current operating hours of 8-18 Monday to Friday and 8-16 on a Saturday are continually disregarded. Permission reduces hours on a Saturday, but concerns raised that applicant won't keep to these hours.
- Burning of plastic at night at the site harmful to health.
- Land registry indicates Flynn's own the site since 1995 and were granted retention permission in 2009 and a waste permit was applied for.
- Facility is situated on the R725, where there is a continuous white line. The entrance also serves 4-5 houses and a carpet and furniture business. The access onto R725 is hazardous.
- Second entrance is on a blind bend. Both entrances are dangerous.
- Increase from 1,000 tonnes to 25,000 tonnes per annum is going to increase traffic on an already dangerous stretch of road.
- Applicant admits he operates at five times over the permitted limit of his licence. Concern that he will continue to further exceed any new licence.
- CCC refused permission for a mobile home 100m from the site on grounds of devaluing property in the area. This proposal will devalue property to a significantly greater extent.
- Noise is sudden and with extreme banging. Working hours at present extend to 10.30pm.
- There are two houses on either side of the proposal and on opposite side of road to the proposal. This is a residential area and proposal will be unsightly.
- There are two fields owned by applicant to rear of the site.
- Concern over potential pollution of river 75m from this elevated site, which is on grounds which are drought prone.

## 6.5. Further Responses

None.

## 7.0 Assessment

Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development and Intensification of Use
- Impact on Residential Amenity
- Visual Amenity
- Traffic and Car Parking
- Appropriate Assessment

### 7.1. Principle of Development and Intensification of Use

- 7.1.1. Planning reference 09/308 permitted retention of a recycling facility at this location, with a Waste Facility Permit (WFP-CW-17-004-01) from the council limiting the waste to 1000 tonnes in any calendar year. I note there was no condition on the permission limiting the waste intake and the scale of the site was much smaller than presently proposed. The principle activities at the site are listed in the submitted documents as including: Class 4 – Reception, storage and recovery of scrap metal, including end of life vehicles (ELVs) and WEEE; and Class 12 – Collection and storage (including temporary storage) and the appropriate treatment of ELVs in accordance with the provisions of articles 14 and 15 of the Waste Management (End-of-Life) Vehicles Regulations 2006(SE 2828 of 2006).
- 7.1.2. The proposed application is for the extension of an existing permitted recycling facility including yard extension, new building and substantial demolition of structure (182sqm). Permission is also sought for retention (following Significant Further Information being requested and received) of use of an existing adjoining concrete yard area (1135 sqm in area) which makes up part of the yard extension proposed, for the purposes of movable skips and storage containers, and for existing perimeter fencing located in the northern, eastern and western application site boundaries. The information with the application confirms the materials accepted at this location are

End-of-Life Vehicles, Construction and demolition wastes (including excavated soil from contaminated sites), Metals, and Mixed Metals. Attachment 3(B)(ii) of the applicant's FI response to the PA also lists the conditions attached to the parent permission (09/308) and position in terms of their compliance.

- 7.1.3. The applicant submits that the waste volume intake, comprising end-of-life vehicles and mixed metals, in 2008 was 869.57 tonnes; in 2019 was 3074.147 tonnes; and in 2020 was 5055.23 tonnes. The applicant's submission states that the 2021 intake is expected to increase by a further 50% compared to 2020. I note the EIA Screening Report does not estimate a figure for 2021 and no upper limit as to the expected scale of business is indicated. The stated reason for the proposed extension is indicated to be due to an increasing demand for recycling services due to public awareness of environmental issues. The applicant makes the case that this is a peri-urban area and there are commercial premises in this area, including a licenced meat processing plant directly to the east and a roof tile manufacturer, plant hire, and tip trailer manufacturer located 300m to the west.
- 7.1.4. As per the submission from the applicant, the waste figures indicate a material and significant intensification of use has occurred/is occurring on the site, with the volume of waste being handled increasing from 869 tonnes in 2009 to 5055 tonnes in 2020, with it stated that this is estimated to double by 2021. I note condition 3 on the permission granted under this application by the PA limits the intake of waste material to 10,000 tonnes per annum.
- 7.1.5. Concerns are raised in the grounds of appeal and observer submissions in relation to the suitability of locating a commercial waste facility in a rural area which is not zoned for such use. I acknowledge the use subject of this application and elements for retention are commercial in nature and the development is located on lands that are rural and therefore not zoned for commercial development. This does not, however, preclude the expansion of this commercial development in such a rural location. Where a development has been permitted, Policy RE.P3 states the following: 'facilitate where deemed appropriate an extension of an existing established authorised rural based enterprise in the rural area provided that the scale and form of the enterprise is compatible with the character of the area, that there is capacity available in the local infrastructure to accommodate the expansion

and that the development complies with other relevant objectives of this Plan, including normal planning and environmental criteria’.

7.1.6. Section 16.11.8 of the operative development plan states that Planning applications for waste related facilities will be assessed having regard to (see also Section 5.2 above):

- The sensitivity of the site
- Traffic and Transport
- Surface Water Drainage
- Emissions: Details of potential noise, odours, dust, grit, vibration and lighting, along with controls and monitoring of same, will be required.
- Landscaping and Restoration Proposals
- Impact on Residential Amenity
- Requirement for Environmental Impact Assessment
- Appropriate Assessment Screening / NIS as maybe required.

7.1.7. The Board will note that the operative development plan at the time of the decision by the PA and appeal by the applicant was the Carlow County Development Plan 2015-2021 and the relevant section of the development plan as quoted by the PA was section 10.1.3 which stated the local authority would direct waste management facilities such as facilities for end-of-life vehicles to appropriately zoned lands and where not located on appropriately zoned land, criteria to be considered included compliance with national and regional waste management plans, proximity to a county or larger town, impact on amenities, risk of pollution, compliance with water framework directive and river basin management plan and compliance with the habitats directive. The applicant has assessed the development against Env Policy 1 and section 10.1.3 of the then development plan in ‘Attachment 4’ of the FI submission to the PA and in the grounds of appeal. While the operative plan was not adopted at the time of the planning application or appeal, I consider the criteria set out in policy RE.P3 and section 16.11.8 to be standard planning and environmental criteria that I would have considered even if the assessment were under the old plan

and applying the standards of the old plan. I do not therefore consider the policy change has given rise to new issues for this assessment.

- 7.1.8. I acknowledge the applicant has permission to operate a facility on a smaller land area than proposed and is permitted via a waste permit to handle 1000 tonnes of waste per annum. This appeal is for an extension to this permitted waste facility including a yard area. The applicant in the grounds of appeal states that the proposed extension would not directly result in an increase of material intake at the site and this will be determined by demand for recycling. The appeal has not therefore specified what the implications are of the extension of the yard and new shed on the increasing volume of waste being handled. The applicant has not indicated or adequately assessed in my opinion what the spatial implications are of increasing the volume of waste on the site, nor the associated implications in terms of traffic, noise and the residential amenity of the area. These are key planning considerations that cannot be separated from the assessment of the physical works proposed on the site relating to the yard and shed. Further to a FI request from the PA the applicant provided details in relation to the volume and type of waste being handled but provided no details in terms of the maximum volume of waste they are seeking to ultimately handle. This is a planning application, separate from a waste permit application, and therefore the environmental and planning implications of the proposed extension of the facility must be considered in totality, including consideration of the volume of waste to be handled and the spatial and environmental implications of this, all of which a waste permit cannot determine.
- 7.1.9. On the basis of existing policy, I consider that the principle of the proposed development is acceptable, however, such is contingent on the intensification proposed not being injurious to the amenities of the area, as per section 16.11.8 and Policy RE.P3 of the development plan, and on the assessment of the proposal against normal planning and environmental criteria.
- 7.1.10. I have serious reservations in relation to the lack of information presented concerning the volume of waste proposed to be handled at this location, the spatial implications of this, ie the extent of land area required at this rural location relative to the volume of waste proposed to be handled, and the associated implications for increased handling of waste on the site in terms of noise generation, traffic

generation and impacts on residential amenity. These aspects of the proposal will be examined in the following sections of this report in addressing the grounds of appeal.

## **7.2. Impact on Residential Amenity – Noise, Operational Hours, Dust**

### **Site Layout**

- 7.2.1. The site layout is described in the information submitted as part of the application and indicated on drawing no. J778-PL01-001 (date stamped by the PA as received on 11<sup>th</sup> April 2022). An existing shed is to be demolished and a new shed (for the storage of non-ferrous metals and for the maintenance of vehicles and machinery associated with the recycling facility) is proposed toward the eastern boundary, set 8m off the eastern boundary and 7m off a section of the southern boundary. A bunded storage area is located north of this building for the storage of waste brake fluid, radiator oil, waste engine oil, diesel, petrol and batteries. To the north of the bunded area, it is proposed to provide three metal storage bays and one tyre storage bay. The storage bays have walls 2.4m high and are open to the west and do not have a roof. The proposed maximum storage height within these bays is stated to be 3m. These bays are located 2-2.5m off the eastern boundary, with planting along the perimeter of the eastern boundary as well as to the north and west, and there is a distance between these bays and the residential dwelling to the east of c. 35m. I note no planting is proposed around the southern portion of the existing yard. It is stated that non-depolluted end of life vehicles (ELVs) will be stored at the southern boundary along with compounds out of de-polluted ELVs, and this southern area is for stockpiling to a maximum height of 5m as per drawing J778-PL01-001 (albeit the text in the application states the height would be maximum 3m).
- 7.2.2. The Board will note from drawing J778-PL01-001 the area of the yard for which retention permission is being sought. However, I note from my site inspection that the area to the north of the yard area for which permission is being sought to extend into, has been laid out with hardcore and is being used for storage of containers and skips along the northern boundary. Nonetheless I will proceed with my assessment based on the information submitted and I note any issues arising in relation to enforcement are a matter for the Planning Authority.

- 7.2.3. On drawing J778-PL01-001, the northern portion of the site is stated to be for truck and car parking. As mentioned previously I note from site inspection that a significant number of empty skips and truck trailers are currently lined up along the northern boundary. While it is proposed to move these to an area further south to the yard area to be retained, as per the annotation on drawing J778-PL01-001, it is not clear to me that there would be adequate space for all the containers on site to be located in that area or how trucks would move around the site, or how much additional space (if any) would be required relative to an increasing volume of waste being handled in the processing area of the site, and it is not clear if it is intended that an overflow into the northern area would be required depending on the volume of waste being handled continuously increasing and what the implications of that would be in terms of noise and impact on residential amenity.
- 7.2.4. The site layout indicates a waste inspection area and a quarantine area to the north of the existing weighbridge along the western boundary. While the two dwellings at this boundary are in family ownership and therefore a degree of latitude could be given in the consideration of impacts given it is a family business, the location of the quarantine area is particularly close to one of the dwellings and would in my opinion be an area of concern from a health and safety as well as visual impact.

#### Noise

- 7.2.5. Submissions raise concerns in relation to noise generated from loading and unloading scrap metal and the movement of operation closer to the neighbouring house. The applicant in the response to the grounds of appeal states the metal storage bays and new proposed shed will be not contain additional noise sources and references condition 2(b) which reinforces that the shed will be used for storage of non-ferrous metal and for maintenance of vehicles/machinery associated with the facility and a noise monitoring plan will be prepared. It is stated that the processing of intake material will take place at the same place as currently occurs on the southern end of the site.
- 7.2.6. Under the parent permission a noise report was required by condition for monitoring operations. This Noise Survey by Dixon Brosnan Environmental Consultants accompanies the application and is dated 06.01.10. An Environmental Noise Assessment was undertaken in 2021 and forms part of this application

documentation. The submitted EIA Screening Report addresses noise and states the site complied with the recommended daytime limit of 55dB(A) and this will remain unchanged as the site intends to use the same plant equipment utilised during existing site operations.

7.2.7. In relation to the original Noise Survey by Dixon Brosnan in 2010, it is stated that a noise survey was undertaken on 15.12.09 between 9am-11am, following which noise operations were halted to allow a measurement of background noise (application was for retention therefore there was a recycling facility present on site). Noise from site operations related to a truck unloading steel, departing truck, forklift truck, steel cutting equipment and voices. The report states that offsite noise emissions arose from traffic and a dog barking. Local road traffic on the R725 is stated to have resulted in an elevated baseline of LAeq 58 dB. It is stated that site operations alone were below the 55dB limit. It is stated that the site emissions were more audible at the dwelling to the northeast of the facility, however, emissions did not contribute significantly to the specific LAeq level of 58dBA, with the same level of 58dBA recorded with and without site operations being measured.

7.2.8. A noise survey was undertaken as part of the Environmental Noise Assessment (October 2021) on Monday 21<sup>st</sup> June 2021 from 14.00pm to 17.30pm. I note the EIA Screening Report (dated January 2022) states the volume of waste treated at the site in 2020 was c. 5055 tonnes of waste. No figure is given for 2021, however the documentation states elsewhere the applicant expected this to double in 2021. The Noise Assessment Report is not clear on what the baseline handling of waste was at the site when the survey was undertaken. The survey undertaken identified five noise sensitive locations chosen at the eastern boundary, northeastern boundary, and along the northern / northwestern boundary of the site. I note the existing family dwellings adjoining the site are not included in the results of the noise assessment. Two source noise monitoring locations were also chosen proximate to the area of the main operations on site/southern portion of the site (see Environmental Noise Assessment Report, dated 2021, Appendix A, Site Monitoring Locations). The source noise monitoring locations were positioned to capture the noisiest operations on site. The main noise source is stated to arise from the operation of three pieces of equipment used in the southern portion of the site, which are as follows: Fuchs Material Handling Grab, used to unload material therefore operates intermittently



when material arrives; Fuchs Material handling Grab, used to process scrap metal; and a Mobile Scrap Metal Baler, used to compress scrap metal. Noise was also arising from low intermittent metal banging/crashing noise, HGV entering the site, forklift operations, angle grinding noise from jeep, engine noise, idling forklift, intermittent raised voices. Traffic from the R725 and intermittent door banging was audible from location SN2. Background noise monitoring was undertaken at two locations on the R725 further west and east of the site, where site operations could not be heard, to determine the level of existing background noise.

- 7.2.9. As per the survey in 2009, the dominant noise arising from the noise survey is stated to be from the R725 road. The 2021 survey records an LAeq of 58 (I note this is the same figure for road traffic in 2009), LA10 of 64dB(A) and LA90 of 45dB(A). The noise limit as applied by the waste permit is LAeq 55dB(A) for daytime and LAeq 45dB(A) for all other times. According to table 7.1 Noise Monitoring Results, at location NM1 (boundary to the northeast, proximate to neighbouring dwelling) the LAeq is 66dB(A), with LA90 of 47dB(A); at NM2 its 59dB(A) with LA90 of 42dB(A) and at NM3 its 57dB(A) with LA90 of 40dB(A), demonstrating an exceedance of the limit value as it relates to LAeq in the waste permit. However, as set out on page 14 of the Environmental Noise Report, it is stated that the high LAeq level is due to an already high baseline noise environment as a result of traffic on the R725 (baseline LAeq of 58dB(A)) and at the NM1 location there was an impact from a dog barking. The report states that the LA90 levels, which exclude external noise events, shows that noise from the facility is 40-47dB(A). No tonal elements were detected at the boundary, which is within the limit. At the noise sensitive locations selected, the noise impact when measuring only the site operations (excluding background noise and factoring in distance) ranged from LAeq 41-48dB(A), which is stated to be in compliance with the waste permit licence. The Environmental Noise Report on page 16 makes the case that the LA90 noise level is a more accurate indication of noise emission from the site than the LAeq and that if the LAeq is calculated on the basis of site operations only excluding the background noise that the site meets the LAeq in the waste permit. The report concludes that the dominant noise source in the region is the R725 road and when assessed against the baseline results and factoring in all elements, the site is not having a noise impact in the vicinity of the site.

7.2.10. The noise assessment results show that background traffic noise is high, however, the noise from the operation itself is within limits for this operation. I note the LAeq in 2010 at the northeastern boundary was 58dB(A), while currently it is 66dB(A), therefore it would appear there has been an increase in noise over the interim, however this is not commented on. There is no analysis as to what would occur with a doubling of waste volume being handled. I am not clear as to whether a doubling of waste at the site would result in this northern area having to be utilised in a more intensive way. While the noisiest part of the operation is stated will remain in the southern portion of the site, it is not clear to me that there is adequate space in the southern area to cater for the volume of waste proposed to be handled, as no indication has been given as to the space requirements and no indication of any limit on the waste from the applicant's side has been given, only the limit applied by the PA of 10,000 tonnes under condition 3(a).

7.2.11. The noise assessment does not in my opinion adequately address the predicted noise environment which would be impacted in terms of volume of waste being handled at the site and from the site operations (ie movement of material, trucks and skips) extending into the northern portion of the site. While I note the applicant in response to the grounds of appeal states the storage bays will not involve loud operations, there will nonetheless be increased traffic and materials movement across the northern portion of the site, which is not considered in the report. The noise report does not analyse the future noise impact arising from locating the metal storage bays/tyre store at the eastern boundary at a location determined in both noise assessments as being proximate to the most noise sensitive receptor, ie the dwelling to the northeast, nor the impact/potential for increased impacts depending on the volume of waste being handled and what that means for the site operations and increased frequency of noise events in the southern section of the site or mitigation in relation to this. Intake volumes and corresponding transport of materials are expected to increase, but no consideration is given to impacts of this in terms of noise within the site.

7.2.12. I note there is a lack of a high solid boundary or sufficient landscaping to the southern portion of the site where the noisiest part of the operation is occurring and where the stockpile is visible/appears in the past to have overflowed into adjoining agricultural fields (as per photos submitted). Given the removal of the shed which

has an acoustic barrier effect at that location at present (as stated in the noise assessment), it is not clear if the noise from an increased level of activity, which is not quantified, would be confined to this area, with no replacement acoustic barrier or proposals for acoustic barriers forming part of the application, either at the location of the noisiest part of the operation to the south or at the location of new storage areas to the eastern boundary. No mitigation measures are proposed within the documents to address noise in terms of machinery or site operations/management of operations.

7.2.13. Overall, I consider the lack of detail in relation the volume of waste proposed to be handled and lack of assessment in relation to the predicted impact in terms of noise to be a deficiency of this application. Even if one assumed a level of 10,000 tonnes as per condition 3(a) of the PA, there is no analysis of what this means in terms of noise and if the increased intensity of the use of the machinery would impact on noise at noise sensitive receptors, what are the space implications for storage on site, how many more truck/vehicle movements does this generate etc. Furthermore, no mitigation is proposed having regard to the rural nature of this environment in terms of improvement to boundaries both relating to visual impact or provision of acoustic barriers at those noisiest parts of the site or at locations where there is a sensitive noise receptor. I consider the level of uncertainty around the scale of development proposed/envisaged at the site and lack of associated analysis or mitigation is grounds for a refusal.

7.2.14. I note concerns raised that an agricultural entrance from the R725 will be used by the facility. The applicant has confirmed that this is not the case and that the main entrance will be from the private laneway to the west, which is the entrance used at present. I am satisfied that the documentation is clear that the existing entrance is the only entrance to be used for access to the recycling business. Any works which may or may not have been undertaken in relation to the agricultural entrance on the R725 is a matter for the PA to address.

7.2.15. I note storage containers/trailers relating to the facility appeared to be permanently stored beyond the perimeter of the site in the adjoining field, adjoining the boundary with the neighbouring residential dwelling to the northeast. This is a matter of enforcement for the planning authority to address.

### Operational Hours

- 7.2.16. The grounds of appeal raises concerns in relation to operational hours.
- 7.2.17. Attachment 9 of the FI submission states current hours are 8am to 18:00pm Monday to Friday, and 8am-16:00 on Saturday and that these are the hours permitted by the waste permit. I note condition 5 of the Chief Executives Order lists the hours of operation shall be between 8:00 hours to 18:00 hours Monday to Friday, and 8:00 hours to 14:00 hours on Saturday, with no operation on Sundays, public holidays or bank holidays without the prior written approval of the Planning Authority.
- 7.2.18. I consider the operational hours as set out in condition 5 to be reasonable and this planning permission is not bound by the operation hours issued under the waste permit, which was for a smaller facility.
- 7.2.19. While concern is raised in relation to operational hours and previous breaches of the operation hours, which is disputed by the applicant, I can only assess the hours of operation as proposed before me. Any issue arising in terms of a breach of the Waste Permit or breach of a relevant planning condition is a matter for the planning authority to address via enforcement and is not within the remit of the Board.

### Dust

- 7.2.20. A Dust Monitoring Report, dated 2021, was submitted as part of the application documentation and was received by the PA following a request for FI. The dust report is stated to be compiled as a requirement under the Waste Permit and a methodology has been applied in accordance with the requirements of the permit. Two monitoring locations are stated to have been established and sampling took place over a 32 day period from 17<sup>th</sup> June to 19<sup>th</sup> July 2021. The dust level recorded of 46mg/m<sup>2</sup>/day was below the EPA limit of 350 mg/m<sup>2</sup>/day. I consider the results acceptable. I would note however no mitigation or best practice plan is set out in terms of a predicted increase in operations.

### Water Services

- 7.2.21. Concerns are raised in the grounds of appeal in relation to potential impact of the development on water quality in the area and risk of pollution to soil.
- 7.2.22. The EIA Screening Report sets out the existing surface water environment and the groundwater environment. There is no direct surface water connections from the site

to the nearest stream to the west, Pollerton stream, or any other watercourse. The River Burren is monitored by the EPA and the results are set out in EIA Screening Report. Groundwater vulnerability is classified as high in this area. The aquifer over which the site is located has a Good overall WFD quality status and the overall risk status is 'not at risk'. There is no direct groundwater connection between this site and the nearest groundwater protection zone 7.2km to the south west at Ballinabranna GWS.

- 7.2.23. In terms of surface water management, an existing interceptor and gully are located in the southern area of the site. That interceptor is to be upgraded and a new drainage network and second interceptor are proposed further to the north with the two to be connected. A new soakaway area will be installed in the northeastern corner of the site (the existing one to be decommissioned). New surface drains are to be installed within the area of yard proposed for retention to prevent potentially contaminated water entering the permeable area to the north. The submitted EIA Screening Report (dated 2022, by Panther Environmental Solutions) states that there would be no significant risk to the environment from the ongoing operations as long as standard environmental practices are implemented on site and the waste permit conditions are adhered to. The report states there would be no change in operations at the site as a result of the proposed development. I note the waste permit limit on waste handling has been exceeded by the ongoing operations and a new waste permit would be required, which is subject to a separate process to this appeal.
- 7.2.24. In response to a FI request from the PA in relation to surface water disposal, revised calculations for various drainage elements of the scheme were submitted and the PA raised no further issues.
- 7.2.25. I note that any failures relating to the surface water system as it exists, or breaches of the waste permit, are a matter of enforcement and are matters for the planning authority to address, outside the remit of the Board.
- 7.2.26. I am satisfied that based on the information submitted that the development can be accommodated with no significant impacts on the environment. I note there are no surface water drains on the site with no direct connections to the Pollerton Stream,

which is located c.110m to the west of the recycling facility. Given the intervening area and lack of a source-pathway-receptor link, no significant effects are predicted.

7.2.27. Potential issues in relation to European sites are addressed in section 8 hereunder under the heading of Appropriate Assessment Screening.

### **7.3. Traffic**

- 7.3.1. Concerns are raised in the grounds of appeal and observer submissions that the proposal will increase traffic movements in this rural location, sightlines are limited, and the entrance is on a current accident blackspot. The applicant in response to the grounds of appeal notes traffic impact has been addressed and the existing entrance was assessed and permitted by the planning and roads department, stating there will be no appreciable impact on existing traffic volumes or road safety. The PA has indicated that there are no issues to date from the existing volume of traffic on the road network and given the entrance was previously permitted and is not proposed to be altered, there is no objection to the proposal.
- 7.3.2. It is not clear what the level of traffic generated by the permitted application for 1,000 tonnes of waste was, relative to what a business accommodating up to 10,000 tonnes of waste would be. I note the EIA Screening Report submitted (page 24) states the proposed site intake volumes, and corresponding transport of materials, are expected to increase as the demand for recycling services increases, and it is stated that it is not anticipated that this would have a significant negative impact on the R725. However there is no quantifiable assessment of traffic, for example what type and number of trucks use the facilities at present, what increase in traffic movements into and out of the site are expected in the scenario where 10,000 tonnes of waste will be handled, what are/will be the total movements into/out of the top of the laneway onto the regional road taking account the existing furniture business and residences, and assessment as to whether the existing entrance is suitable for an intensification of traffic movements (notwithstanding that no impacts have arisen to date). There is also no indication in relation to the level of employment at the facility or if this will increase.
- 7.3.3. Section 16.11.8 of the operative development plan states that Planning applications for waste related facilities will be assessed having regard to, inter alia, traffic and

transport and all proposals shall indicate 'details of road access, sightlines / visibility, vehicle turning manoeuvres, parking areas, pull-in areas, the number and types of vehicles which will frequent the site, the carrying loads of vehicles, and haul routes'. None of this information has been submitted. No indication has been given in relation to the level of traffic generated by this development or the traffic implications of increasing the volume of waste handled at the facility.

- 7.3.4. The applicant's lack of definition in relation to the potential scale of the business at this location raises questions in relation to the appropriateness of this facility to cater for an ever-increasing volume of waste and what the carrying capacity of the existing rural environment and impacts on neighbouring properties would be.

#### **7.4. Visual Amenity**

- 7.4.1. The new proposed building is shown positioned c.8m from the eastern site boundary, with the existing building on site to be demolished. New storage bays are proposed north of the new shed, c 2m from the eastern boundary. A landscaping plan has been submitted showing planting along the northeastern, northern and northwestern boundaries of the site. I note no landscaping plan indicating boundary treatments is proposed around the existing facility, albeit this was a condition of the previous retention permission on the site.
- 7.4.2. Stockpiles of material are shown located in the area of the southern portion of the site, with the plan 'proposed soakaway design', drawing no. J778-PL01-001 stating the stockpile area to have a maximum height of 5m, while the document submitted (Response to Further Information, by Peter Bolger Consulting Ltd, dated 18.01.22) states the stockpile height will vary on a day-to-day basis but it is envisaged that it will have a maximum height of 3m.
- 7.4.3. The site itself is not in a prominent or elevated location and is not located within an area subject to any special amenity designation. There is existing screening from field boundaries adjoining the public road and I note the site itself is set back from the public road. While the development is visible from the sites immediate neighbours to the west and east, I note that the proposed planting plan will adequately screen the development in time. However, I am not satisfied with the

existing boundary treatment along the existing southern boundary, as mentioned previously in this report.

- 7.4.4. Overall, having regard to the existing topography, and the design and scale of the development, the proposal would be acceptable in the context of the visual amenity of the area, subject to conditions.

## 8.0 Appropriate Assessment Screening

- 8.1.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 8.1.2. An Ecological Impact Report was submitted in response to a FI request from the PA to clarify if there are any connections from the existing or proposed facility to the adjoining watercourse.
- 8.1.3. The proposed development is located within a rural area and comprises the extension of an existing metal recycling facility and all associated site works. The development includes a surface water treatment system comprising collection via a system of gullies and stormwater drains directed to soakaways with hydrocarbon interceptors, in addition to bunded areas for containment of hazardous material with a new interceptor to be installed between the surface water drainage network and bunded storage area.
- 8.1.4. The subject site is not located within or immediately adjacent to any site designated as a European Site. The closest European Site, part of the Natura 2000 network, is the River Barrow and River Nore SAC (002162), 4.8km west of the proposed development and the Slaney River Valley SAC is 7.1km to the east of the site. The Slaney River Valley SAC is in a different hydrological catchment to that of the site. The Pollerton Little River is hydrologically linked to the River Barrow and River Nore SAC. The Pollerton Little River is located 110m west of the site. It flows 370m south connecting into the Burren River, which is 285m south of the site, and connects 6.4km away into the River Barrow, which is also part of the River Barrow and River Nore SAC (002162).

European Site	Qualifying Interests/SPIs	Distance
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<p>River Barrow and River Nore SAC (002162)</p> <p>Conservation Objective:</p> <p>To maintain and / or restore the favourable conservation condition of the Annex I habitat(s) and / or the annex II species for which the SAC has been selected. Further detailed conservation objectives for each qualifying interest are provided by the NPWS</p>	<ul style="list-style-type: none"> <li>▪ Estuaries</li> <li>▪ Mudflats and sandflats not covered by seawater at low tide</li> <li>▪ Reefs</li> <li>▪ Salicornia and other annuals colonising mud and sand</li> <li>▪ Atlantic salt meadows (Glaucopuccinellietalia maritima)</li> <li>▪ Mediterranean salt meadows (Juncetalia maritimi)</li> <li>▪ Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation</li> <li>▪ European dry heaths</li> <li>▪ Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</li> <li>▪ Petrifying springs with tufa formation (Cratoneurion)</li> <li>▪ Old sessile oak woods with Ilex and Blechnum in the British Isles</li> <li>▪ Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)</li> <li>▪ Vertigo moulinsiana (Desmoulin's Whorl Snail)</li> <li>▪ Margaritifera margaritifera (Freshwater Pearl Mussel)</li> <li>▪ Austropotamobius pallipes (White-clawed Crayfish)</li> <li>▪ Petromyzon marinus (Sea Lamprey)</li> <li>▪ Lampetra planeri (Brook Lamprey)</li> <li>▪ Lampetra fluviatilis (River Lamprey)</li> <li>▪ Alosa fallax fallax (Twait Shad)</li> <li>▪ Salmo salar (Salmon)</li> <li>▪ Lutra lutra (Otter)</li> <li>▪ Trichomanes speciosum (Killarney Fern)</li> <li>▪ Margaritifera durrovensis (Nore Pearl Mussel)</li> </ul>	<p>4.8km to the west</p>
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- 8.1.5. There are no hydrological links between the appeal site and the Pollerton Little river to the west. There are no watercourses or other ecological features of note on the site that would connect it to the River Barrow and River Nore SAC or other European sites in the wider area.
- 8.1.6. The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC. Due to scale of works, distance from the SAC, and lack of meaningful hydrological connections there will be no changes in ecological functions due to any construction or operational related emissions or disturbance. No mitigation measures are required to come to this conclusion. I consider the provision of the oil/petrol interceptor a standard measure to prevent ingress of vehicle pollutants to the ground and is not a mitigation measure for the purpose of avoiding or preventing impacts to the SAC.
- 8.1.7. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site 002161 (River Barrow and River Note SAC) or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 8.1.8. This determination is based on:
- Nature of the works
  - Distance from the nearest European site and lack of any hydrological connections.

## **9.0 Recommendation**

- 9.1. I recommend that permission is refused for the reasons and considerations set out hereunder.

## **10.0 Reasons and Considerations**

1. Insufficient information has been submitted in relation to the activities and processes on site, the existing and anticipated volume of waste handled and

produced, and the resultant impacts in terms of noise, traffic, and mitigation or monitoring measures required, to enable the Board to address the likely impacts of the proposed development on residential amenity and on the road network. The proposed development is therefore contrary to Policy RE.P3 and Section 16.11.8 of the Carlow County Development Plan 2022-2028.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Una O'Neill  
Senior Planning Inspector

1<sup>st</sup> June 2023