



An
Bord
Pleanála

Inspector's Report ABP 313952-22.

Development	Change use of warehouse to factory for the granulation of plastic into pellets, to install an office and canteen prefabricated building and to install an effluent treatment tank and polishing tank.
Location	Dooneen, Castleisland, Co. Kerry.
Planning Authority	Kerry County Council.
Planning Authority Reg. Ref.	22190
Applicant	Mac Waste Management Services
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellants	John Lynch
Observers	none
Date of Site Inspection	2/5/2023
Inspector	Siobhan Carroll

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2: EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Dooneen which is situated circa 3km to the north of Castleisland, Co. Kerry. It is situated immediately to the north of the N21 National Primary Road.
- 1.2. The site has a stated area of 0.67 hectares. It contains a warehouse building of 532sq m. The site is accessed from the N21, there is a setback of circa 20m between the edge of the carriageway and the gates of the premises. The site is surrounded by a forested area to the north, east and west. A residential property a single storey house is situated immediately to the south of the site. To the west of this property there is a commercial building.

2.0 Proposed Development

- 2.1. Permission is sought to change use of warehouse to factory for the granulation of plastic into pellets, to install an office and canteen prefabricated building and to install an effluent treatment tank and polishing tank.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission subject to 6 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further Information was requested in relation to the following issues;

1. When the site was inspected by the Planning Department, it appeared that the warehouse building subject of this planning application was being used for purposes other than storage. Applicant is requested to confirm if the change of use of the building to factory for granulation of plastic into pellets has already been carried out. If so, the application must be amended to retention permission to retain the change of use.

2. The permitted use of the warehouse building is for storage purposes only. The Planning Department is concerned that the change of use to factory use would generate additional traffic. Applicant is requested to submit details in relation to the vehicular traffic that would be generated by the proposed development.
3. The Planning Department notes that there is a dwelling house located on a site adjoining the application site. Applicant is requested to submit details in relation to environmental impacts such as noise, dust and odour emissions that would be generated by the proposed factory use.
4. In addition to the roofed area of the warehouse building the Planning Department notes that there is an extensive hard-standing area on the site. Applicant is requested to submit proposals for the treatment and disposal of surface water generated from the site.

3.2.2. Following the submission of a response to the further information the Planning Authority were considered that the issues were satisfactorily addressed.

3.2.3. Other Technical Reports

3.2.4. Kerry North Roads Design Office – They advised that the application be referred to TII.

3.2.5. Environment Department, SAU – No objection subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. Irish Water – No objection.

3.3.2. Transport Infrastructure Ireland – TII has no observations.

3.3.3. Inland Fisheries Ireland – IFI require method statements to include mitigation and monitoring measures if any works on the site impact any watercourse.

3.4. **Third Party Observations**

3.4.1. The Planning Authority received three observations/submissions in relation to the application. The issues raised are similar to those set out in the appeal.

4.0 Planning History

- 4.1.1. **Reg. Ref. 10/697** – Permission was granted for (1) retain existing warehouse as built on site (2) Remove prefabricated cabin to front of warehouse and ancillary storage container at side of warehouse, existing garage on site to be maintained for storage purposes only (3) To decommission and relocate existing on site treatment system and replace with septic tank with Bord Na Mona puraflo with ancillary UV filter and soil polishing filter, alter layout of boundaries.
- 4.1.2. The permission was granted subject to 13 no. conditions. Condition no. 7 specified that the warehouse shall be used for storage purposes only and that details of the materials to be stored shall be agreed with the Planning Authority. In the interest of clarification of the specific nature of the warehouse and to protect the residential amenities of the area.

5.0 Policy Context

5.1. Kerry County Development Plan 2022-2028

- 5.1.1. The site at Dooneen, Castleisland, Co. Kerry is located within an area designated as Visually Sensitive Area as illustrated on Map G – Landscape Designations.
- 5.1.2. Chapter 9 – Economic Development

5.2. Natural Heritage Designations

- 5.2.1. Stack's to Mullaghareik Mountains, West Limerick Hills and Mount Eagle SPA (Site Code 004161) lies to the north, east and west of the appeal site at the closest point it is located circa 1.2km from the site.
- 5.2.2. Lower River Shannon SAC (Site Code 002165) lies to the north and north-east of the appeal site at the closest point it is located circa 3.8km from the site.

5.3. EIA Screening

- 5.3.1. The proposal entails the change of use of a warehouse to factory for the granulation of plastic into pellets, the install an office and canteen prefabricated building and the installation of an effluent treatment tank and polishing tank. The change of use

proposed is not a project under the provisions of Schedule 5 of the Planning and Development Regulations 2001 (as amended).

- 5.3.2. Having regard to the nature and scale of the proposed development comprising the change of use of a warehouse to factory for the granulation of plastic into pellets, the install an office and canteen prefabricated building and the installation of an effluent treatment tank and polishing tank there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See Appendix 2 attached to this Report for the preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted by J.J. O'Connor Civil and Architectural Design on behalf of John Lynch. The issues raised are as follows.

- The proposal requires a change of use from a storage facility to an industrial process facility.
- It is stated that the applicant did not supply the Planning Authority with details of the specific industrial process proposed to be carried out.
- It is stated that the applicant did not supply the Planning Authority with details of the specific waste generated and disposal of same from industrial processes.
- They did not provide the Planning Authority with specific details of the air pollution emissions and noise pollution emissions from industrial processes.
- They did not provide details to the Planning Authority in relation to the recycling plastic washing requirements prior to pelletising from such industrial processes.
- The applicant did not provide the Planning Authority with details of surface water runoff and any attenuation measures due to the proximity of the Dirtoge

stream to the north. The stream provides potable water for cattle on surrounding landholdings including Mr. Lynch's farm.

- The applicant did not supply the Planning Authority with specific details of the proposals for proprietary interception of oils, diesel, battery acid, grit and other pollutants from delivery trucks and forklift trucks from hard stand areas to such an industrial process facility.
- They consider that the further information issued by the Planning Authority was vague and that the responses provided from the applicant were also nonspecific.
- The appellant considers that the omissions by the applicant should be addressed. They request that the decision of the Planning Authority be overturned having regard to the deficiencies in the details provided with the application and the response to the further information.

6.2. Applicant Response

A response to the appeal was submitted by Frank Curran Consulting Engineers Ltd on behalf of the applicant Mac Waste Management Services. The issues raised are as follows.

- The applicant Mac Waste Management Services operated a similar facility at Unit 3, Coolcashlagh Industrial Estate, Coolcashlagh, Killarney, Co. Kerry.
- They state that the proposed activity and process to be carried out at the building at Doonen, Castleisland, Co. Kerry will be exactly the same as the activity that they carry out at Coolcashlagh Industrial Estate in Killarney.
- They state that Mac Waste Management Services are re-locating to the subject location because the least is up in the premises at Killarney.
- Mac Waste Management Services have a waste permit issued by the Environment Section of Kerry County Council for their activities/processing at Coolcashlagh, Killarney, Co. Kerry.
- The permit addresses all the following issues;

- The industrial process that is being carried out.
- The generation of waste and the disposal of same which is a recycling process of plastic into granulated pellets which are exported.
- There are no requirements for air pollution emissions as none are generated in the process.
- The matter of noise pollution was addressed. It is stated that the noise is generated by machinery which is located indoors and that it complies with requirements.
- The process has no washing requirements. The plastic from Munster Joinery is brought into the facility in sections it is then granulated into pellets which are then bagged and exported from the facility.
- The applicant was requested to provide details on the surface water run-off and those details were provided with the further information response to the Planning Authority. The Planning Authority considered those details acceptable.
- It is highlighted that the proposed development includes the installation of a new waste water treatment system. This will provide a significant improvement on the existing septic tank serving the site. Therefore, this new system will protect the ground water and waters of the adjacent stream.
- The traffic vehicles using the site were outlined in the further information. There are five staff and two truck drivers employed in the factory. The vehicle deliveries made by the factory are from small trucks. The lorries collect the waste which comprises plastic pellets and cardboard two to three times a week. This is a relatively low level of traffic.
- It is submitted that there would be no risk in connection with oils, diesel, battery acid or grit. The Environmental Section of the Council are aware of this from the activity at the Killarney site.
- The proposed new waste water treatment system has been designed in the EPA Code of Practice. The Site Assessment Unit of the Council assessed the application and approved the proposal.

- The proposed change of use from storage to this type of recycling facility is considered quite minor.
- The new facility/activity will have to obtain a waste permit. Therefore, the facility and the activity in the facility will be monitored on a yearly basis by the Environment Section of Kerry County Council. This will ensure that the activities and process that is being carried out in the facility comply with the conditions that are required by the waste permit.
- A copy of the waste permit for the facility/activity for the unit in Killarney was submitted with the planning application.
- It is submitted that all the issues raised in the objection to the application were addressed.

6.3. **Planning Authority Response**

- None received.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of the appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Proposed change of use
- Drainage
- Appropriate Assessment

7.1. **Proposed change of use**

7.1.1. The grounds of appeal refer to the proposed change of use in relation to the use of the existing warehouse building as a factory. The appeal raised the concerns regarding the specific industrial process proposed on site, waste generated and potential air pollution and noise emissions.

7.1.2. The first party responded to the grounds of appeal and have set out the details of the scheme. In relation to the industrial process that is being carried out it is described

by the first party as the generation of waste and the disposal of same which is a recycling process of plastic into granulated pellets which are exported.

- 7.1.3. Regarding the matters of potential air pollution and noise emissions, the first party confirmed that there are no requirements for air pollution emissions as none are generated in the process. The matter of noise pollution was addressed in the response to the further information when the applicant confirmation the nature of the process to be carried out which is the recycling process of plastic into granulated pellets. The first party confirmed that this processing would occur within the building. The Planning Authority in their assessment of the proposal were satisfied that, as the noise generated by machinery involved in this processing would be located indoors and given the nature of the processing i.e. the use of a granulator that it would not result in significant impacts on the amenities of the existing dwelling.
- 7.1.4. In relation to the proposed change of use the Planning Authority had concerns in respect of the level of additional traffic which would be generated by the proposal. The applicant provided details in relation traffic generation in response to the further information requested. They set out that there would be five staff and two drivers employed at the factory. The traffic movements generated were stated as a maximum of fourteen movements to the site and fourteen movements from the site per day. The report of the Planning Officer stated that the traffic levels which would be generated would be relatively light and that it would not represent a significant increase on the traffic generated by the permitted use on the site. I would agree with the assessment based on the limited level of traffic which would be generated daily.
- 7.1.5. In terms of the principle of the proposed change of use it entails the use of the existing warehouse building on site as a factory. Having regard to the nature and scale of the proposed change of use within an existing light industrial/commercial premises of 532sq m, I would consider this use would be acceptable subject to it being in accordance with all other relevant planning and environmental considerations.
- 7.1.6. I would note that as confirmed by the first party that the new facility/activity will be subject to the acquisition of a waste permit.

7.1.7. Accordingly, having regard to the details set out above, I would conclude that the proposed change of use would be in accordance with the proper planning and sustainable development of the area.

7.2. **Drainage**

Surface water

7.2.1. The grounds of appeal refers to the matter of surface water drainage. It was set out in the appeal that applicant did not provide the Planning Authority with details in relation to surface water runoff and attenuation measures. They highlighted the location of the Dirtoge stream to the north of the site and stated that the stream provides water supply for cattle on surrounding landholdings. The stream referred to by the appellant is located circa 50m to the north of the appeal site.

7.2.2. The first party in response to the matter stated that they provide the Planning Authority with details regarding surface water run-off and those details were provided with the further information response to the Planning Authority. The report of the Planning Officer dated 3rd of June 2022 which refers to the response to the further information, noted that the hardstanding on the site has a porous stone finish and therefore that it would not result in the generation of surface water run-off from the site. Regarding the surface water collected on the roof of the existing warehouse building this discharges to existing soakpits on site.

7.2.3. Accordingly, having regard to the detailed proposals provided in respect of the treatment and disposal of surface water generated on the site, I am satisfied that the scheme has been designed to ensure that surface water does not enter the surroundings lands including the appellant's property and also the stream to the north of the site.

On site effluent treatment

7.2.4. The scheme proposed includes the installation a new effluent treatment unit on site to replace the existing effluent treatment system. As detailed on the site layout it is proposed to locate the treatment system to the eastern side of the site.

7.2.5. The first party in their response to the appeal stated that the proposed new waste water treatment system would provide a significant improvement on the existing

septic tank serving the site. Therefore, they submit that the new system will protect the ground water and waters of the adjacent stream.

- 7.2.6. The applications unit of the Council assessed the proposal and were satisfied subject to the attachment of conditions referring to the installation and operation of the proposed waste water treatment system. Accordingly, having regard to the information submitted including the site characterisation report and the proposal to install a secondary treatment system with soil polishing filter, I would concur with the assessment of the planning authority that the site is suitable for the proposed on-site effluent treatment system subject to the system being constructed and maintained in accordance with the details submitted.

7.3. Appropriate Assessment

- 7.3.1. The nearest Natura 2000 site is Stack's to Mullaghareik Mountains, West Limerick Hills and Mount Eagle SPA (Site Code 004161) which lies to the north, east and west of the appeal site. At the closest point it is located circa 1.2km from the site.
- 7.3.2. Lower River Shannon SAC (Site Code 002165) lies to the north and north-east of the appeal site. At the closest point it is located circa 3.8km from the site.
- 7.3.3. There is a stream located circa 50m to the north of the appeal it is also uphill of the appeal site. Having regard to the topography of the area it does not provide a direct pathway between the appeal site and Stack's to Mullaghareik Mountains, West Limerick Hills and Mount Eagle SPA or Lower River Shannon SAC.
- 7.3.4. Having regard to the nature, scale, and location of the proposed development, the nature of the receiving environment, and the separation distance to the nearest European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any European site.

8.0 Recommendation

- 8.1. It is recommended that permission be granted subject to conditions for the reasons and consideration set out below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the nature and scale of the proposed change of use development within an existing light industrial/commercial premises, it is considered that subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential amenities of the area and would be acceptable in terms of traffic safety and convenience. 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 received by the planning authority on the 9th day of May 2022, 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.
 - (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 22nd day of February, 2022, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021. No system other than the type proposed in the

submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the installation of the system and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

(e) Within three months of the installation of the effluent treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

3. 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.

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.

Siobhan Carroll
Planning Inspector

18th January 2024

**Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]**

An Bord Pleanála Case Reference	313952-22		
Proposed Development Summary	Change use of warehouse to factory for the granulation of plastic into pellets, to install an office and canteen prefabricated building and to install an effluent treatment tank and polishing tank.		
Development Address	Dooneen, Castleisland, Co. Kerry.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	✓	
	No	No further action required	

2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?

Yes		Class 10(b), Schedule 5 Part 2	EIA Mandatory EIAR required
No	✓	Below Threshold	Proceed to Q.3

3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?

		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes		Class 10, (b) (iv)		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	313952-22	
Proposed Development Summary	Change use of warehouse to factory for the granulation of plastic into pellets, to install an office and canteen prefabricated building and to install an effluent treatment tank and polishing tank.	
Development Address	Dooneen, Castleisland, Co. Kerry	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p>	<p>The proposal comprises the installation of an office and canteen prefabricated building and the installation of a new effluent treatment system within an existing premises where there is an existing light industrial use. Accordingly, it is not exceptional in this context.</p>	No

<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>No significant emissions resultant</p>	
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>No, the proposal entails the installation of a 34.8sq m building and installation of a new effluent treatment system on an existing within an existing premises where there is an existing light industrial use.</p> <p>No significant emissions resultant of this project combined with any existing or permitted</p>	<p>No</p>
<p>Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>It is located over 1.2km to any ecologically sensitive sites. There is a stream located circa 50m to the north of the appeal it is also uphill of the appeal site. Having regard to the topography of the area it does not provide a direct pathway to the closest ecologically sensitive site.</p> <p>Having regard to the nature and scale of the proposal which comprises the proposal entails the installation of a 34.8sq m building and installation of a new effluent treatment system on an existing within an existing premises where there is an existing light industrial use it does not have the potential to significantly affect other significant environmental sensitivities in the area.</p>	<p>No</p> <p>No</p>
<p>Conclusion</p>		

<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A information required to enable Screening Determination to be carried out</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIA not required</p>
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Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)