



An
Coimisiún
Pleanála

Inspector's Report ACP-322964-25

Development	Retention and permission to extend an existing metals waste recycling facility (permitted under Reg. Ref. 09/308)
Location	Flynn's Metal Recycling Ltd, Tullow Road, Bennekerry, Co. Carlow.
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	2460302
Applicant(s)	Bill Flynn
Type of Application	Retention Permission and Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Declan Sheehan Donal Sheehan
Observer(s)	None
Date of Site Inspection	18 th September 2025
Inspector	Ian Boyle

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1.0 Site Location and Description

- 1.1. The appeal site is Flynn's Metal Recycling, a waste recycling facility, located in the townland of Bennekerry, roughly 4.5km southeast of Carlow town centre. The site is on the southern side of the Tullow Road (R725) and surrounded by primarily farming land and single detached houses on spacious plots. The M9 Motorway is a short distance towards the southeast and accessed at Junction 5 near Rathcrogue.
- 1.2. The existing access road leading into the site also serves four dwellings. There is also a separate furniture manufacturing business, called Flynn's Furniture, which is accessible via the laneway. This is also the ownership of the Applicant's family. At the southern end of the laneway lies the existing waste recycling facility, together with its associated plant, equipment and other infrastructure.
- 1.3. The premises comprises a c.1,800sqm concrete-surface yard (originally permitted under Reg. Ref. 09/308), and a larger operational area (roughly 6,300sqm) primarily made up of a concrete and crushed stone yard – the application is seeking to regularise this latter component of the overall development proposal. It accommodates mainly metals (ferrous and non-ferrous materials) and skip storage units. Beyond this, further north, lies a small section of greenfield, the roadside verge, and an existing stretch of hedgerow which runs alongside the R725.
- 1.4. The facility currently operates under a Waste Facility Permit issued by Carlow County Council. The permit is for the acceptance and processing of 7,500 tonnes of scrap metal per annum, including steel, aluminium, copper, cables, brass, batteries and lead, scrap metal from end-of-life vehicles and decommissioned machinery, as well as waste electrical and electronic equipment (WEEE). There are several trucks and vehicles parked on the site, signage, storage crates, small plant / cranes, trailers, outbuildings, and an admin office.
- 1.5. The site is bounded by a field to the south, and to the east there is a food processing business, houses and further agricultural fields. There is an existing shed near the southwest corner of the site which is used for agricultural purposes.
- 1.6. The site has a stated area of roughly 1.06ha.

2.0 Proposed Development

Proposed Retention and Extension of an Existing Waste Recycling Facility

2.1. The proposed development comprises the following main elements:

- The retention of the extended concrete yard, and hardcore surface yard, and its proposed upgrade to a concrete surface to integrate with the use and operation of the existing metal recycling facility.
- The retention of existing boundary treatments, including fencing on a retaining wall.
- The retention of a weighbridge and ancillary cabins.
- The demolition of existing storage and ancillary buildings.
- The construction of a new single storey workshop and materials storage building, including an office, staff welfare facilities and solar panels.
- The construction of portable block walls to form external bays to store and segregate metals.
- A new site access from the R725 with a gated entrance and closure of the existing site entrance.
- Site drainage works, boundary treatments, lighting, landscaping, parking areas for cars and trucks, signage and all other site development works above and below ground.

2.2. The application is seeking to facilitate an increase in the intake of waste materials to 17,500 tonnes per annum (up from 7,500 tonnes p.a.).

Further Information

2.3. The Planning Authority (PA) requested further information (FI) on 15th November 2024, including the following:

Item 1: Amended Existing and Proposed Site Layout Plan to be submitted.

Item 2: Revise AA Screening Report.

Item 3: EIA Screening Report to be amended to assess potential risk to the Uisce Éireann abstraction point downstream and to include mitigation measures.

Item 4: Submit Pre-Connection Enquiry to Uisce Eireann.

Item 5: Resubmit the Site Layout drawing (drwg no.23080-DR-0101 Rev: PL01, dated 06/09/2024) indicating the area and volume of the two proposed soakaways / infiltration areas serving the proposed development.

Item 6: Revised Noise Impact Assessment which addresses the extent of noise generating particularly when the site is operating at capacity in terms of vehicles operating onsite, parking, queuing and permeating the site.

Item 7: Road safety, sightlines, onsite traffic flows, car parking provision, and the submission of a Road Safety Audit (RSA).

Item 8: Further details of the proposed means of accessing the site.

Item 9: Demonstrate that glint and glare will not be caused by the solar panels on the roof of the proposed shed.

Item 10: Clarification of staff numbers and potential implications for welfare facilities and the wastewater treatment system, and revised plans showing the layout of facilities, offices, bays, and the workshop for vehicle maintenance.

Item 11: Provision of a report from a suitably qualified professional in relation to the condition and capacity of the existing wastewater treatment system and if it is suitable to cater for potential additional loading.

Item 12: A revised site layout plan is required outlining separation and setback distances between structures and overhead powerlines traversing parts of the site. Applicant should liaise with the owner of the utility infrastructure and submit correspondence from same.

Item 13: Further landscaping and planting details. Also, planting should be undertaken prior to commencement of development and have a minimum of five years maturity.

Item 14: Invited to respond to third party submissions.

2.4. The Applicant responded with further information on 19th May 2025.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority granted permission on 18th June 2025, subject to 24 no. conditions. Notable conditions include:

- Condition 2(b): Storage of non-ferrous metals only and maintenance of vehicles and equipment associated with the permitted metal recycling facility.
- Condition 3: Maximum of 17,500 tonnes per annum of authorised waste material shall be imported to the facility. No hazardous waste permitted. Waste shall be stored in impervious concrete areas which drain to an oil interceptor.
- Condition 4: Road Safety Audit measures to be implemented.
- Condition 6: Hours of operation.
- Condition 10: Noise control measures to be implemented.
- Condition 11: Segregation of waste.
- Condition 16: Treatment and disposal of effluent.
- Condition 17: CEMP measures to be implemented
- Condition 18: Control of invasive species.
- Condition 19: Construction working hours.
- Condition 24: Development contributions (€13,012.80).

3.1.2. Note: It is recommended that the above conditions, or a similarly worded version of same, should be included on any Decision issued by the Commission which grants retention permission and permission for the proposed development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority raised the following main points in their assessment of the application:

Principle of Development

- The recycling facility is an established use at this location as permitted under Reg. Ref. PL09/308. The proposed development is for retention permission and an extension of the existing facility. The principle of the proposed development, subject to compliance with proper planning and environmental considerations, is acceptable with reference to Policy RE.P3 of the CDP.
- Notwithstanding the above, there are concerns regarding the intensification of use, impact on residential amenity, visual amenity, appropriate assessment, traffic and car parking.

Visual Impact and Landscaping

- The existing shed proposed for demolition is c. 6.1m high. The proposed new storage shed is 4.8m high (540sqm). Having regard to the landscaping plan, including photomontages, and the proposed screening measures and boundary treatment there would be no significant visual impact on the area.

Residential Amenity and Noise

- Considering the calculated noise level as per the Noise Impact Assessment (NIA) and short-term nature of the demolition and construction phase, it is not anticipated that resulting noise would cause nuisance at the closest third-party sensitive receptors. Therefore, standard recommended noise level limits would apply to the site during the operational phase.
- The installation of concrete retaining walls and other recommended noise control measures would ensure noise compliance at the closest sensitive third-party receptors.
- The revised NIA received as further information addresses the potential for increased noise due to additional traffic movements.
- The Applicant is willing to accept a condition relating to the implementation of noise control measures.
- The Environment Section raised no concerns in relation to noise.

Access, Traffic and Parking

- The Applicant submitted a Stage 1 Road Safety Audit (RSA) in accordance with TII Guidelines.
- All RSA recommendations have either been implemented as part of the proposed site layout or an alternative measure has been accepted by the Auditor.
- There are 3.0m x 160m sightlines available at the access to the R725, which has a speed limit of 80km/h. The sightline distances therefore exceed the required standards for regional roads with a speed limit of 80km/h.
- Sufficient space to accommodate vehicular movements and traffic within the site has been provided.

Waste, Wastewater and Surface Water

- There would be no significant increase in the maximum number of staff accommodated onsite.
- The facility would be better able to accommodate existing and expanded operations through facility improvements.
- Revised drawings show toilets, kitchen, office and welfare facilities.
- A Site Suitability Report and Site Characterisation Form submitted as further information concludes that the site is suitable for the proposed development.

Utilities

- The Applicant previously liaised with ESB to move the overhead powerlines that were located centrally on the site and have been removed.
- The overhead powerlines that traverse the northern and eastern ends of the site are shown on the Proposed Site Layout (further information) and the ESB will be consulted at detailed design stage to verify that the upgraded facility will continue to comply with ESB standards.

Solar Panels

- No solar panels are proposed as part of the proposed development therefore there would be no glint and glare issues.

- The revised landscaping and boundary treatment details as shown in the LVIA Addendum (further information). This is supported by photomontages showing the front site boundary at Years 1 to 5 post completion of works.
- The LVIA and Addendum state that the proposed development would have no unacceptable landscape or visual effects and can be successfully absorbed into the Bennekerry area.

Other Matters

- The existing facility has an important role in waste recycling in County Carlow providing a facility for metal waste recycling including for ELV (end-of-life vehicles).
- What started as a small operation has grown over time as the emphasis on the need to recycle increases. The Applicant and their family live on the adjoining the site and also work in the adjacent furniture manufacturing facility.
- The facility operates under a Waste Facility Permit that allows for 7,500 tonnes to be recycled per annum. The proposal would facilitate up to 17,500 tonnes per annum over time.
- The additional headroom and the expanded site area would ensure that the operation can expand in a planned manner and allow for facility improvements and the height of waste stored onsite to be reduced.
- The proposal provides for environmental improvements and the development will be able to operate without undue impact on surrounding land uses.
- A map with an accompanying table was submitted with the application shows 10 no. rural based enterprises in the locality, thus, demonstrating that the facility fits in the established pattern of development of the area.

3.2.2. Other Technical Reports

Roads / Transportation: No objection, subject to conditions requiring the completion of road safety measures outlined in the Road Safety Audit (RSA).

Engineering Section: No objection, subject to the completion of a Road Safety Audit (RSA).

Fire Officer: No objection, subject to conditions.

Environment: No objection, subject to conditions regarding surface water and wastewater treatment.

3.3. **Prescribed Bodies**

Uisce Éireann: No objection post receipt of further information, subject to conditions.

National Environmental Health Service (NEHS): No objection, subject to conditions regarding noise, operating hours, and the protection of groundwater.

3.4. **Third Party Observations**

The following main issues were raised:

- Inappropriate boundary treatments.
- Visual and residential amenity impacts, including noise, odour, smell and dust emissions.
- Traffic and transport concerns, including proposed means of access is unsafe.
- Current operation ignores existing conditions on the waste permit and planning permission.
- History of unauthorised use on the site.
- Site is not zoned for an industrial use. It is not appropriate in this rural area and is not a rural-based enterprise.
- Site is / would be operating over the 25,000-tonne threshold which would require an EPA licence.
- The Noise Impact Assessment submitted as part of the application is insufficient.
- No acoustics barriers proposed to absorb noise.
- Recent removal of hedgerows and vegetation which provided a visual screen and noise buffer has been removed and the new proposed landscaping is not sufficient.
- Inadequate car parking.

- Proposed method of wastewater treatment and disposal not adequate.
- Application should include a review of alternative sites considered, including of industrial estates (i.e. justification test).

4.0 Planning History

Planning Applications

ABP Ref. 313061 (Reg. Ref. 21/210):

An Bord Pleanála **refused permission** in July 2023 for the extension of an existing metal recycling facility including yard extension, new building and substantial demolition of structure (182sqm) and associated works. A single reason was cited as part of the Board Decision which was that the application had been accompanied by insufficient information. The full reason for refusing permission is as follows:

‘Insufficient information has been submitted in relation to the activities and processes on site, the volume of waste handled and produced, both at present through the development for which retention is sought, and anticipated in the new development 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 as required under Section 16.11.8.1 of the Carlow County Development Plan 2022 -2028. The proposed development would, therefore, be contrary to Policy RE.P3 and Section 16.11.8 of the Carlow County Development Plan and would be contrary to the proper planning and sustainable development of the area.’

The Planning Authority had previously **granted permission** stating that having regard to the nature and extent of the development existing and proposed, and the existing use of the site as an established metal recycling facility, it is considered that subject to compliance with conditions, the development would be acceptable in terms of traffic safety and convenience, would not seriously injure the amenities of the area or of property in the vicinity, and would be therefore in accordance with the proper planning and sustainable development of the area.

Reg. Ref. 09/308: The Planning Authority **granted permission** in December 2009 for the retention of the existing recycling facility.

Enforcement

There does not appear to be any live enforcement issues relating to the site at present. See Planner's Report (Pages 6 and 7), signed 15th November 2024, for further details of past enforcement action and warning letters issued in relation to the existing development.

5.0 Policy Context

5.1. Carlow County Development Plan 2022-2028

Background

The Carlow County Development Plan 2022-2028 ('County Development Plan / 'CDP') was adopted by the Council's Elected Members on 23rd May 2022. It took effect on 4th July 2022.

Zoning

The site is on unzoned rural lands (outside the Carlow Town urban area), in primarily agricultural area.

Chapter 4: Enterprise and Employment Policy

- **Policy PT.P3** is to 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** seeks to 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** seeks to 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** is to 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.
- **Section 6.9.4** is in relation to 'Water Quality County Carlow'. It states that the latest EPA report 'Water Quality in Ireland' was published in December 2019... The aim is to protect water bodies with 'high' and 'good' status and to work towards achieving 'good' status for the remaining water bodies by 2027. A targeted approach is being taken focusing on identified risk areas (catchments) known as Priority Areas for Action...

It further states that the Council will work with all relevant stakeholders including Irish Water, the EPA, Inland Fisheries, Forestry Services, Teagasc, Local Authority Waters Programme and others to facilitate improvements in the ecological status of water bodies. [See CDP for full extract.]

Chapter 9: Landscape and Green Infrastructure

The site is situated in the 'Central Lowlands' Landscape Character Area (LCA) in the County Development Plan (see Map 9.1).

- **Section 9.4** states that this LCA occupies a substantial portion of the County and includes the County's major settlements. The landscape is primarily rural, with medium to quite large fields defined by well maintained and generally low hedges and occasional to frequent hedgerow trees. Since the 1950s, field enlargement has been taken place to accommodate larger farm machinery and has involved the removal of hedges and trees. A dense network of local roads traverses the area, as well as the M9 and the N80.

- The Central Lowlands has capacity to absorb most types of development subject to the implementation of appropriate mitigation measures. The area encompasses river valleys and ridges that are, however, more sensitive to development than other locations within the area. These include the Barrow, Slaney and Douglas River Valleys. (emphasis added.)

Chapter 14: Rural Development

- **Section 14.14 Rural Enterprise** states that 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** is to 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.
- **Policy RE.P6** is consider larger scale enterprise proposals (>200sqm) in rural areas (outside towns and villages) only in exceptional circumstances where the criteria in Table 1 are met and where it can be demonstrated that the development is of regional or national significance, is of a specialist nature and the site-specific location requirements are clearly detailed and demonstrated.
[See Chapter 14 of CDP for Table 1]

Chapter 16: Development Management Standards

- **Section 16.11.8** is in relation to ‘**Waste Management Infrastructure**’. It states that 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** is in relation to **Non-Conforming Uses**. It states that ‘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.

Other Relevant Chapters and Sections of the CDP

- Chapter 2: Core Strategy and Settlement Strategy
- Chapter 7: Climate Action and Energy
- Chapter 10: Natural and Built Environment
- Volume III: Strategic Flood Risk Assessment

5.2. Natural Heritage Designations

- 5.2.1. The River Barrow and River Nore SAC (002162) is roughly 4.6km west of the appeal site. The Slaney River Valley SAC (000781) is roughly 7.1km east of the site.
- 5.2.2. There is local watercourse c. 110m west of the site which flows in a southerly direction towards the River Burren (c. 290m south of the site). The River Burren is a tributary of the River Barrow and River Nore SAC.

6.0 EIA Screening

6.1. Proposed Development

- 6.1.1. The proposed development is for the retention and also physical extension of an existing metal recycling facility. [See Section 2.0 above for further details.]

6.2. EIA Screening

- 6.2.1. The original application was accompanied by an Environmental Impact Assessment Screening Report (dated September 2024) ('EIA Screening'). The report was subsequently amended as part of further information (April 2025). The EIAR Screening is prepared by OCM Environmental Consultants.
- 6.2.2. I have had regard to this report in my screening assessment and confirm that the information provided is in accordance with Schedule 7 and 7A of the Planning and Development Regulations 2001.
- 6.2.3. The Report, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. I am satisfied that the submitted information allows for a complete examination and identification of

all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on the receiving environment.

6.2.4. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, provides that an Environmental Impact Assessment (EIA) is required for:

- Class 11(b) 'installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule'.
- Class 11(e) 'storage of scrap metal, including scrap vehicles where the site area would be greater than 5 hectares'.

6.2.5. I note that the expected annual waste processing capacity is 17,500 tonnes, which is below the 25,000 tonne annual threshold. Therefore, an EIA is not mandatory for this class of activity (Class 11(b)). Furthermore, the site area is 1.06ha, which is below the 5ha threshold referenced above under Class 11(e). Therefore, an EIA is not mandatory for either of these classes.

6.2.6. I note that the Applicant submitted Schedule 7A information as part of their application. This comprises the following:

- A description of the proposed development
- A description of the aspects of the environment likely to be significantly affected by the proposed development.
- A description of any likely significant effects of the proposed development on the environment.

Schedule 7A information can include mitigation measures to avoid or prevent significant environmental effects.

6.2.7. Therefore, a Screening Determination has been completed as part of my report. [This is attached as Appendix B below].

6.3. EIA Screening Conclusion

6.3.1. Having regard to the criteria set out in Schedule 7, the information provided in accordance with Schedule 7A of the Planning and Development Regulations 2000, as amended, and the following: -

- a) the limited size, scale and nature of the proposed development, which is for the retention and extension of an existing recycling facility, located in a peri-rural location, away from any particularly sensitive land uses or community facilities, such as hospitals, schools, etc., which could be affected by the project,
- b) the absence of significant environmental sensitivity in the vicinity of the site,
- c) the location of the site, and existing pattern of development, in the area,
- d) the results and findings of relevant assessments of potential effects on the environment submitted as part of the application, including the Construction Environmental Management Plan, Traffic and Transport Assessment Report, Surface Water Drainage / SuDS Technical Note (with accompanying technical drawings), Landscape and Visual Impact Assessment (with accompanying landscape drawings and photomontages), Noise Impact Assessment, Site Specific Flood Risk Assessment Report, Resource and Waste Management Plan, and the Appropriate Assessment Screening (Stage 1),
- e) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),
- f) the provisions of the Carlow County Development Plan 2022-2028, and results of the Strategic Environmental Assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- g) the features and measures proposed by the Applicant to avoid or prevent what might otherwise have been significant effects on the environment, including the environmental and mitigation measures identified in the CEMP, and
- h) the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development' (2022),

I have concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The Commission has received two appeals, which raise the following main issues:

Site Context

- Development in this area is mainly one-off houses.
- The proposed development would be out-of-context and detrimental to the character of the area.

Zoning

- The site is unzoned / classified as agricultural, which is appropriate to its setting.
- This is an adhoc industrial development on a rural site that is poorly suited for intensification, particularly next to existing houses.
- The Applicant has not demonstrated that there are no other suitable sites on zoned lands which are better suited to accommodating the proposed development.
- The facility should be directed to zoned and serviced lands instead.
- The Applicant has not outlined why this is an 'exceptional circumstance' as required by Policy RE.P6 of the CDP.
- The facility is not a 'rural-based enterprise' and therefore there is no requirement to be located in a rural area.

Previous Grant of Permission

- A significant amount of remedial works required under the previous permission (Reg. Ref. P09/308) have not been complied (see appeal for full list of alleged non-compliance items).
- The previous grant of permission (Reg. Ref. P09/308) was for a small-scale operation and is not adequate justification for a major expansion of the facility.
- The failure to comply with the conditions for Permission Reg. Ref. P09/308 must be taken into account in the assessment of the current application.

Intensification / Capacity Issues

- There has been a significant increase in activity and processing of materials on the site since it was originally permitted in 2009.
- The Planning Authority should not have granted retention permission for the facility in the first instance.
- The Applicant has provided insufficient justification for continued intensification of use of a non-conforming activity, and does not satisfy the criteria regarding access to roads, respecting the established rights of adjoining residential properties, supporting the natural habitat, and would unduly pressurise public utilities and roads.
- Concerns that the site will be operating at more than 25,000 tonnes per annum threshold, thus, requiring an EPA licence (if not already).
- There have been continual spillages of material over site boundaries and overloading of the existing facility due to poor site management.

Residential Amenity and Visual Impact

- The Noise Impact Assessment has several deficiencies, including regarding monitoring, baseline information, the assertion the site is not located in a quiet area is not correct, onsite activities were suspended during noise monitoring, appellant was not requested to have a monitoring station placed on their property (i.e., the house nearest the site).
- The new operational building would be placed closer to third party properties.
- Submitted drawings do not show acoustics buffers or screens.
- Enclosure of machinery would amplify noise impacts.
- Existing mature planted hedgerows along the site boundary have been removed recently to facilitate the new yard. These trees offered some acoustic protection, but are now gone.
- Little of the previously proposed landscaping and planted has been completed to date.

Access, Traffic and Car Parking

- The proposed means of accessing the site via the R725 via a new setback entrance and local roads would be unsuitable for the predicted increased levels of traffic.
- A significant amount of hedgerow is required to be removed to achieve the required visibility splays – this would have a detrimental impact on surroundings.
- The facility is car-based and would be poorly linked to infrastructure, services and Carlow town centre.
- The creation of a new access point onto a busy public road is a concern and would be against the principle of limiting a proliferation of new access points onto the R725.
- The current speed limit of 80km/h is exceeded by most traffic.
- Inadequate car parking is proposed.

Public Utilities

- The proposal to continue the existing onsite method of wastewater treatment should be inspected and information provided the system is separated from contamination of oils and chemicals.
- Concerns over the proposed method of surface water attenuation, particularly given the number of attenuation areas, soak holes, and prevalence of hard landscaping.

Other Matters

- The proposal would establish a precedent for further intensive commercial sites in the area, and which would change its character.
- Concerns in relation to Appropriate Assessment and how the proposal may potentially impact the environment.
- The development is in breach of existing conditions and planning legislation meaning there is ongoing unauthorised works taking place on the site. A

retention application should not be facilitated for this reason and permission refused.

- There is a possibility of leachate entering the groundwater system.

7.2. Applicant Response

The Commission has received two responses from the Applicant which separately address each third party appeal. They are dated the 5th and 11th August 2025, respectively.

The main issues raised can be summarised as follows:

Previous Decision to Refuse Permission

- An Bord Pleanála (ABP) refused retention permission and permission for the proposed extension of the metal recycling facility and associated works in July 2023, thus, overturning the Planning Authority's Decision to grant permission (Reg. Ref. 21/210 refers).
- The Board's Decision was due to 'insufficient information' being submitted as part of the application (see Section 4.0 above). The current application, therefore, seeks to address this by way of including detailed information in respect of the activities and processes on site, waste volumes, environmental impacts and appropriate mitigation measures.
- The PA noted the previous refusal reason cited by ABP was due to insufficient information being available on the file, but that the principle of the development was considered acceptable having regard to CDP Policy RE.P3 'extension of rural based enterprise' (see Section 5.1 above.)

Zoning and Context

- The appeal site is outside Carlow town in a rural-urban fringe area. There are a mix of uses in the vicinity, including housing, farming and business / manufacturing uses. Also, the Applicant and several family members live directly beside the site.
- It is not unusual for such sites to be unzoned and to manage development on unzoned lands through planning policy.

- The proposed development is for the improvement and extension of the existing facility, it is not adhoc and, instead, has carefully taken account of its location and receiving environment.
- The facility is subject to a Waste Facility Permit (WFP) requiring the operator to conduct monitoring for water, dust and noise, which is reported to the PA.
- A third party allegation of a warehouse being constructed to the southwest of the site is unrelated to the existing facility and current application. It is an agricultural shed which is exempt from planning permission as confirmed by the PA (Ref. SEC5/24/39 refers).

Intensification and Capacity

- The proposal is for an existing metal recycling facility, which already had a WFP for 7,500 tonnes p.a., and which helps to secure Ireland's waste recycling targets.
- The facility can be accommodated by the existing road network, will not have undue impacts on residential or visual amenity, and can readily be accommodated by existing utilities.
- Section 4 of the EIAR Screening Report addresses the existing operation and its environmental setting, whilst Section 5 assesses all relevant environmental topics.

Residential Amenity and Visual Impact

- The Noise Impact Assessment (NIA) relies on data collected during a 2024 baseline survey. Therefore, the data is current and accurate and the alleged 'lack of monitoring' before 2012 is irrelevant.
- Environmental noise surveys (2021-2024) are provided in the NIA (Figure 8.1) and have been submitted to the PA as part of ongoing WFP requirements.
- The site is 'in a quiet area' as per the relevant EPA guidance; this is despite third party contentions that this is not the case.
- The site was fully operational during the 2024 baseline noise survey and completed in accordance with best practice.

- The new operational building and storage bays would be located near the eastern boundary of the site and not closer to third party lands. It would be more than 30m away from the shared boundary with the closest third party.
- The NIA concludes that a minimum noise reduction of 20dB at the source of the copper granulator would be achieved using mitigation, including acoustic buffers, concrete retaining walls and various building materials.
- The Applicant has not recently removed planted vegetation to facilitate the construction of a new yard area.
- The Applicant has sought to reinforce the shared boundary through planting young trees in September 2024 within their field to the west of the site, however some of these have failed.
- The Applicant has retained a landscape architect to implement landscaping and planting measures. This will ensure the development will integrate into the surrounding area, reduce visual impact, and create a buffer between the facility and third party lands.

Access, Transport and Parking

- The proposed access complies with TII standards for an 85km/h design speed. It was subject to an RSA and the recommendations arising from this audit have been incorporated into the design.
- This will switch traffic from using the existing sub-standard junction to one which meets TII standards and is therefore safer.
- The PA (Roads Department) supports the proposed vehicular access arrangement, subject to condition.
- The removal of roadside boundary vegetation is necessary to provide the visibility envelope as required by TII standards.

Other Issues

- Re: planning precedent, further commercial sites in the area could only be developed after being considered by the PA, on a case by case basis, and within the relevant planning framework.

- The AA Screening report concludes that the proposed development will not have a significant effect on any natura 2000 sites. The PA's AA Screening also confirms that a full NIS is not required.
- The southern boundary of the site has been reinforced in recent years to prevent scrap metal slipping onto adjoining lands.

7.3. Planning Authority Response

- No further comments.
- The issues raised in the appeal have already been addressed in the Planning Authority's assessment of the application.

8.0 Assessment

Having examined the application details and all other documentation on file, including the grounds of appeal, responses to same from the Planning Authority and observations on the appeal, having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Land Use and Zoning
- Residential Amenity and Visual Impact
- Access, Traffic and Car Parking
- Other Matters

8.1. Land use and Zoning

- 8.1.1. The proposed development is for the retention and extension of an existing waste metal recycling facility. The facility is roughly 4.5km to the southeast of Carlow town on the southern side of the Tullow Road (R725). It surrounded by primarily agricultural land and a small proliferation of detached houses facing onto the public road network.
- 8.1.2. There are other commercial operations directly adjacent the site, including a furniture manufacturing premises and food processing business. Bennekerry Business Park

is roughly 300m to the southwest of the facility, which accommodates a tip trailer manufacturer, roof tiling company and a plant hire business. The context of the surrounding environment is therefore one of farming land mixed with one-off houses and commercial / manufacturing land uses.

- 8.1.3. The facility currently operates under a Waste Facility Permit (WFP) issued by the Planning Authority (Ref. WFP-CW-23-002-04). The WFP authorises the facility to accept and process 7,500 tonnes of scrap metal annually, including ferrous and non-ferrous metals, such as steel, aluminium, copper, cables, brass, batteries and lead, scrap metal from end-of-life vehicles, old and decommissioned machinery, and waste electrical and electronic equipment (WEEE).
- 8.1.4. The Board (now Commission) recently refused permission, in July 2023, for a planning application seeking to retain and extend the recycling facility (ABP-313061-22 refers). However, I note that the Inspector's Report for that case considered the principle of the proposed development to be acceptable, but that insufficient information had been provided as part of the application to enable the Board to address potential impacts relating to residential amenity and traffic. The Inspector also expressed reservations regarding the volume of waste proposed to be handled, the spatial implications of this (i.e. the extent of land area required relative to the volume of waste to be handled), and implications arising in terms of noise and traffic. I confirm that I have read and considered the previous Inspector's Report as part of my assessment of this current appeal case.
- 8.1.5. The current application is effectively seeking to address the Board's previous reason for refusal by providing a more detailed and comprehensive application. This information is in respect of the activities and processes carried out on the site, waste volumes, and potential environmental impacts arising due to the processes being carried out by the facility. Importantly, the application also includes a series of mitigation measures and monitoring protocols where, under the previous application, these were limited or absent altogether. I note that this was a recurring concern raised by the previous Inspector where it was observed that no mitigation measures were proposed to address potential impacts relating to noise, including that caused by machinery and onsite operations, visual impact, and screening / boundary treatments.

- 8.1.6. In terms of the subject application, the components for which retention permission is sought include an extended concrete yard; a hardcore surface yard, and its proposed upgrade to a concrete surface to integrate with the existing facility; existing boundary treatments, including fencing on a retaining wall; a weighbridge; and ancillary cabins. Permission is sought for the demolition of existing storage and ancillary buildings; the construction of a new single storey workshop and materials storage building, including an office, and staff welfare facilities; portable block walls to form external bays to store segregate metals; a new site access from the R725 with a gated entrance with closure of the existing site entrance; site drainage works; boundary treatments; lighting; landscaping; parking for cars and trucks, signage; and other ancillary site works.
- 8.1.7. The proposal seeks an increase in the intake of waste materials to 17,500 tonnes per annum. This would be an uplift in the existing approved operational volume of 7,500 tonnes of waste p.a. as per the 2023 Waste Facility Permit (Ref. WFP-CW-23-002-04). There is no proposed change to the operating hours for the facility or the type of materials accepted. The number of staff will remain similar. The types of waste being accepted will not change.
- 8.1.8. I note that the subject site and its surrounding vicinity are 'white zoned' land meaning there is no particular land use zoning objective that applies. As such, individual developments are required to be assessed on their own merits and against other relevant planning policy and objectives. However, as the land is not zoned, this does not, in itself, preclude a commercial use from being considered or granted permission in this location.
- 8.1.9. I consider Policy RE.P3 of the Development Plan particularly relevant. It states that extensions to established, authorised, rural-based enterprises may be facilitated, where appropriate, provided the scale and form are compatible with the rural character of the area, adequate infrastructure is available to support the expansion, and the development complies with the other relevant objectives of the CDP.
- 8.1.10. It follows, therefore, that the proposed development should be assessed *inter alia* against Section 16.11.8 of the Development Plan which is in relation to 'Waste Management Infrastructure'. This section states that planning applications for waste related facilities will be assessed having regard to the sensitivity of the site, traffic

and transport, surface water drainage, emissions (including noise, odours, dust, grit, vibration and lighting), landscaping and restoration proposals, impact on residential amenity, and the requirement for EIA and AA screening / NIS, as required. [See Section 5.1 above for full policy citation.]

8.1.11. The Applicant has assessed the proposal against these criteria with the support of several assessments, reports, and surveys undertaken during the preparation of the application and as part of further information to the PA. This information includes a Noise Impact Assessment, Construction Environmental Management Plan, Traffic and Transport Assessment, Surface Water Drainage / SuDS Technical Note, Landscape and Visual Impact Assessment, Site Specific Flood Risk Assessment Report, Resource and Waste Management Plan and an AA Screening Report.

8.1.12. I note the concern raised by one of the appellants which argues the proposed development is not a rural-based enterprise, which uses agricultural materials or provides direct services to the local agricultural industry, – the argument being that there is no specific requirement for a metal recycling facility to be in this rural location. I do not agree with this statement, however, and note that while the proposed use is industrial in nature, there are many instances where similar types of land uses are compatible with a rural environment. For example, recycling operations typically require large yards for stockpiling, sorting, and facilitating vehicle movements onsite, which can otherwise be a constraint on smaller lots in certain industrial park settings. Industrial parks are also often situated within / near towns or housing areas, thus, giving rise to noise, dust or HGV traffic, if not properly controlled, – I note the site is not in a residential housing area, despite the presence of some one-off houses in the vicinity, and so a non-urban location may be preferable under such circumstances.

8.1.13. I also consider that rural sites with good access to regional or national roads can facilitate heavy vehicles without adding congestion to urban or suburban roads, or at entry points to a busy town centre. I note that the appeal site is a short distance from the M9 Motorway (Junction 5 at Rathcrogue) and is relatively well-served by the local road network. The Applicant has undertaken an RSA and committed to delivering several road safety measures, including upgrading the existing site entrance and surpasses the minimum requirement for visibility splays. Furthermore, industrial parks can often be more suited to more high-tech, light manufacturing or

office-based industry, where compatibility with a waste recycling facility can be an issue. This would not be the case for the existing site where there are already some industrial uses present in the surrounding area, such as furniture manufacturing and food processing.

8.1.14. In summary, I consider that Policy RE.P3 makes provision for the expansion of appropriate rural enterprise, provided the relevant scale, character and environmental criteria are met. The principle of the proposed development is acceptable, and not adhoc, in my opinion, but this contingent upon there being no unacceptable amenity impacts being incurred by the surrounding area. These aspects of the proposal are examined in more detail as part of my assessment under Sections 8.2 – 8.4.

8.1.15. I also note for the Commission's attention, however, that CDP Policy RE.P6 is relevant in the assessment of this proposal. The policy requires that larger-scale enterprise proposals (>200sqm) in rural areas can only be considered in exceptional circumstances where the criteria in Table 1 of Chapter 14 of the CDP are met and where it is demonstrated that the development is of regional or national significance, is of a specialist nature, and the site-specific location requirements are clearly detailed and demonstrated. I note that neither the Applicant, nor the Planning Authority, have referred to this policy in any real detail as part their submission / assessment, respectively. The Commission may wish to request further information in this regard and to seek a specific response from the Applicant against the criteria outlined in Table 1 (Chapter 14).

8.1.16. However, notwithstanding this, I consider that the application is accompanied by adequate supporting information, assessments, and reports which demonstrate compliance with this particular policy (RE.P6). The proposal is in accordance with national and regional policy, including NPO 56 of the NPF, which is to sustainably manage waste generation, invest in different types of waste treatment, and to support the circular economy by prioritising prevention, reuse, recycling and recovery of waste to support a healthy environment, economy and society.

8.1.17. I also consider the application to be in accordance with several of the relevant CDP policies regarding infrastructure and environmental management, including Policies WM.P1 and Policy WM.P2, which seek to encourage the transition from a waste

management economy to a green circular economy (see Section 5.1 for full policy citations). The existing facility receives and recycles waste metal from several different locations in the surrounding region, thus, helping to deliver circular economy and other sustainable benefits on a regional scale. It is therefore an important regional facility in terms of waste collection and recycling, and particularly so given the volume of materials it processes on an annual basis. In this regard, I also note the section of the Planner's Report where it states the existing facility has an important role in waste recycling in County Carlow providing a facility for metal waste recycling, including for end-of-life vehicles.

8.1.18. Furthermore, and as noted above, I consider that the facility has certain specific locational characteristics meaning it is suitable for this peri-rural area. This includes access to extensive onsite yard and storage space, which is important for storing and sorting material, facilitating deliveries, and enabling servicing requirements on the premises; good access to the regional and national road network, which means the facility and surrounding vicinity can accommodate the predicted additional traffic movements, and that potential amenity impacts arising can be controlled and mitigated by the measures proposed as part of the application, for example, the installation of noise attenuation measures in the form of tall concrete retaining walls.

8.1.19. In summary, I am satisfied that the proposed development is in accordance with the provisions of the Carlow County Development Plan 2022-2028, including Policy RE.P3, Policy RE.P6, and Section 16.11.8, respectively, and that given the nature of the use (waste recycling facility), and its location near other light industrial and manufacturing uses in the area, the site is appropriate in principle to accommodate the proposed development.

8.2. Residential Amenity and Visual Impact

Noise

8.2.1. I note the concerns by third parties in relation to noise impacts caused by the facility and that the Noise Impact Assessment (NIA) provided as part of the application is deficient.

8.2.2. I have reviewed the NIA and consider that the survey data that has been collected to inform the assessment is in accordance with the relevant guidance, which is the EPA

Guidance Note for 'Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)'. I note that the baseline environmental noise levels were determined by monitoring existing noise levels in the area and by taking noise measurements at several different noise locations around the site. The report includes a Noise Monitoring Location Map (Appendix B.2.1) and Background Noise Monitoring Location Map (Appendix B.2.2). Appendix B.3 identifies the location of noise sensitive receptors on a map. I also note that photographs of the noise monitoring locations are included under Appendix E, and that this provides further context to the methodology employed as part of the analysis.

- 8.2.3. The NIA includes a screening exercise to determine if the proposed development qualifies as a 'quiet area' in open country, as per the relevant EPA guidance. The NIA concludes that the development would not be located within a 'quiet area' as it fails to satisfy the required criteria (see Table 7.1 of the NIA refers). I have reviewed the table and concur with these findings noting the proximity of various population centres to the site and regional and national status roads. Furthermore, given the noise monitoring results, and the character of the area, it is unlikely that the site could be deemed as falling within a 'low background noise area'.
- 8.2.4. The NIA confirms that where noisy construction activities are planned to take place, mitigation measures will be employed in accordance with relevant standards. The report states that a purpose-built noise barrier can reduce noise levels by roughly 10-15dB. Therefore, given the short-term nature of the construction phase, and the reduction in noise due to appropriately positioned barriers, it is not anticipated that resulting noise would be a significant nuisance for the closest third-party sensitive receptors.
- 8.2.5. For the operational phase, I note that high noise activities and related plant and machinery will generally be positioned towards the eastern part of the site, away from most sensitive receptors. This includes positioning the metal baler near the southeastern site boundary within the facility's main processing area, and which is roughly 115m way from NSR1 (see Appendix B.4).
- 8.2.6. The NIA also proposes to include mitigation at source through utilising certain building materials and sound proofing equipment. I note that a minimum noise reduction of 20dB at the source would be able to be achieved by a purpose-built

acoustic shield which would house the copper granulator with a source level of 100dB. The assessment also makes provision, however, for alternative building materials and techniques in the unlikely event granulator noise levels are determined to be greater.

- 8.2.7. I consider that with larger annual waste processing volumes, there is likely to be an increase in both traffic volumes and forklift activity on the site, particularly in the storage yard areas. I note that the site contains a single forklift, several small to medium size skip transport trucks and some HGVs with attached storage trailers. The NIA addresses this issue, however, and confirms that material from the main processing area in the south of the premises would be transferred to the new storage bays positioned along the eastern site boundary. I consider that this could potentially result in intermittent noise being generated during the movement of waste material from one location on the site to another. However, the NIA recognises this and makes provision for the installation of tall portable concrete retaining walls to provide sound attenuation. This would be particularly effective in reducing noise for NSL Nos. 1 to 4 which are to the east and northeast of the site, respectively.
- 8.2.8. In addition to the above noise mitigation measures, I note that a full list of recommendations is set out in Section 10.0 of the NIA and also the CEMP. The measures and protocols are expansive and include the restriction of operating hours to certain times of day, required regular maintenance of machinery and plant, for mechanical plant and pneumatic tools to be fitted with silencers and mufflers, generators to be housed within acoustic enclosures, amongst others. I recommend that in the event the Commission decides to grant permission that a condition be attached requiring the Applicant to fully implement these measures.
- 8.2.9. Lastly, I note that the Planning Authority did not raise any concerns in relation to noise upon receipt of the revised NIA submitted as further information. The amended NIA addresses the issue raised by the PA in relation to potentially higher traffic volumes being linked to an increase in operational noise levels. The assessment confirms that an increase of only 0.1dB would be experienced by the closest residential property and that this would be imperceptible to the human ear.

8.2.10. In conclusion, I am satisfied that the Noise Impact Assessment adequately addresses the predicted noise environment and clearly demonstrates that potential noise impacts on the receiving environment would be acceptable.

Landscape and Visual Impact

8.2.11. The site is situated in the 'Central Lowlands' Landscape Character Area (LCA) as per the Carlow County Development Plan 2022-2028. The CDP describes this LCA as occupying a substantial portion of the county and includes its major settlements. A dense network of local roads traverse the area, as well as the M9 and the N80. The CDP states that the Central Lowlands has the capacity to absorb most types of development, subject to the implementation of appropriate mitigation.

8.2.12. Furthermore, I note that the appeal site is not in a prominent or elevated position. It is not within an area that is subject to a special amenity designation. During my physical inspection of the site, it was evident that the property benefits from a good level of screening from existing field boundaries and hedgerows, particularly alongside public roads. The site itself is setback some way from the roadside, behind residential properties with associated plant, equipment and storage yards sitting at the rear (southern part) of the property. During my site inspection, views of the existing commercial premises were effectively not possible from the road, and the facility only came into view after I entered the access lane and drove a short distance towards the site.

8.2.13. The facility is visible from adjoining sites to the east, west and south, and its extension would likely increase the visual impact on these areas – particularly for properties to the east. The application also comprises the removal of approximately 140m of hedgerow along the northern site boundary, against the Tullow Road, which is required to achieve the necessary visibility splays. Whilst this would open up views into the property and create some noticeable visual change compared to the existing situation, this impact would be offset by the provision of replacement planting.

8.2.14. I consider that with the proposed landscaping and boundary treatments most of the facility would, in fact, be visually obscured in the medium term. This is demonstrated to be the case by the photomontages accompanying the application, and which show the site at Years 1 to 5, post-completion of works. Having physically visited the site,

and completed a visual inspection up close, and from the surrounding vicinity, I consider that the photomontages are an accurate description of how the facility would appear once constructed.

8.2.15. The screening proposals include a small earth berm (1m high) to be set behind the visibility splays at the site entrance, together with the planting of a native species hedgerow and installation of new stockproof fencing. Substantial hedgerow and tree planting is also proposed for parts of the eastern and western boundaries of the site, and, in my opinion, this will complement and tie-in with the remaining tracts of mature hedgerow and low-lying vegetation which are already in situ.

8.2.16. In conclusion, I acknowledge that localised visual impact may be incurred by the surrounding area. However, this would not be significant in my opinion and, on balance, the proposed development, together with the site's topography and mitigation measures, would not give rise to any unacceptable landscape or visual effects. In conclusion, it is my opinion that the facility would be readily absorbed into the existing landscape and that it would not be out of character with the surrounding area.

Dust and Airborne Emissions

8.2.17. I note that the existing facility is subject to a Waste Facility Permit (WFP). The permit requires the annual monitoring of dust levels – as well as satisfying other controls and procedural requirements – the results of which must be reported to Carlow County Council.

8.2.18. The EIA Screening Report accompanying the application confirms that dust monitoring was completed in 2002, 2023 and 2024 (see Appendix 2 of the EIA Screening). I note that the annual monitoring of dust deposition rates is taken at a location inside the site and during the summer months in accordance with the relevant guidance.

8.2.19. The monitoring completed in 2023 (June-July) established that the dust emissions from the current activities did not exceed the deposition limit (350mg/m²/day) as specified in Table F2 of the Waste Permit. I note that the levels were recorded at 103.5 mg/m²/day, which is well within the recommended EPA limit, and typically what might be expected for this type of facility. I consider the results to be acceptable and that there are no ongoing or past issues associated with dust generation.

8.2.20. I note also that the Applicant has committed to continue monitoring dust levels as part of their WFP requirements and that further mitigation and control measures are included in the CEMP – this is despite the favourable dust deposition results recorded to date. I note that no dust mitigation was put forward as part of the part of the previous application made under Reg. Ref. 21/210 (ABP Ref. 313061) and welcome the inclusion of these additional controls as part of the current proposal.

8.2.21. The proposal seeks to change the existing yard in the central and northern portion of the site from a hardcore surface to concrete. This would match the surface treatment of the other yards situated deeper into the site towards the southern boundary. From my site inspection, it appears that the existing hardcore surface primarily comprises granular aggregate materials, including crushed stone and gravel. I consider that a new concrete yard would likely generate less dust and require lower maintenance over time. It would also be preferable in terms in cleanliness, drainage and durability.

Public Lighting

8.2.22. I note that the issue of lightspill and light pollution is not an issue raised in any of the third party submissions. However, I consider that the Applicant should be required to provide a sensitive lighting strategy to prevent potential disturbance and misdirected artificial light on adjacent and nearby residential properties. This can be done via condition.

Invasive Plant Species

8.2.23. The expanded facility will receive waste from several different locations and sources, some of which may be potentially near areas affected by invasive plants, such as Japanese Knotweed.

8.2.24. I therefore recommend that an Invasive Species Management Plan (ISMP) should be required to be completed, prior to commencement of development, if the Commission is minded to grant permission.

8.2.25. The ISMP would be an important tool to help prevent the spread of such species and to ensure proper waste disposal and site management.

8.3. Access, Traffic and Car Parking

- 8.3.1. I note the third party concerns regarding the proposed access via a new entrance and that this would be against the principle of limiting a proliferation of new access points onto the R725.
- 8.3.2. The existing access has been in existence for some time, and whilst I did not experience any particular difficulties entering or existing the site during my site inspection, I note it has not been designed to any particular road safety standard or engineering specifications.
- 8.3.3. Conversely, I note that the proposed new access arrangement – which would be roughly 60m to the east of the existing site entrance – is in accordance with TII standards. I note also that the access has been subject to a Road Safety Audit and that the Applicant is committed to implementing its recommendations. The improved vehicular accessway would therefore contribute to better road safety by providing a clearer vehicle entry and exit point, help to ensure a more efficient flow of traffic along this part of the R725, and reduce potential conflict between vehicles and more vulnerable roads users.
- 8.3.4. As noted above, the removal of a strip of vegetation at the front of the site is required to achieve the necessary visibility splays and will be replaced by a native species hedgerow and fencing (see drawing entitled ‘Landscape Proposals – Site Entrance’, dated July 2024). There would be a small / negligible increase in traffic volumes on foot of the proposed development (c. 2.1%). However, I do not consider that this would result in any significant impact on the receiving road network and the additional volume of trips could be readily absorbed by the R725 and other roads.
- 8.3.5. In terms of car parking, I note that the Proposed Site Layout drawing clearly delineates the location, dimensions and number of parking bays which would be made available to the new facility. This includes nine spaces for staff, three for visitors, and five for customer use. There would also be two large parking areas for trucks and HGVs. The parking areas are well segregated from the processing area and situated in the western and northern parts of the site, respectively.

- 8.3.6. In conclusion, I consider that the proposed parking arrangement would be sufficient. I note that the Council's Transportation Department did not raise any concerns in respect of access, traffic or parking.

8.4. **Other Matters**

Drainage and Wastewater Disposal

- 8.4.1. I note the third party concerns regarding the proposed method of surface water treatment and whether provision has been made for the separation of oils and chemicals.
- 8.4.2. The application provides for a new surface treatment system with dedicated SuDS measures. The measures mimic natural drainage processes and would help to reduce the effect on the quality and quantity of runoff from the site. The system is described in the Surface Water Drainage and SuDS Technical Note, and accompanying drawings, which has been prepared by Kilgallen and Partners Consulting Engineers.
- 8.4.3. The report under Section 7 sets out a series of SuDS measures which will form part of the proposed development. This includes the provision of sumps in gullies and manholes to collect silt in runoff, a Class 1 retention separator to remove hydrocarbons and oils from surface water runoff before discharge, for surface water runoff to be collected in infiltration areas, and for the regular inspection and maintenance of all treatment measures to ensure the remove of accumulated silt and for this to appropriately disposed of at a licenced landfill.
- 8.4.4. The sanitary wastewater generated from staff welfare facilities will be treated via a new onsite proprietary wastewater treatment system with the treated effluent discharged to ground. The application is accompanied by a site characterisation assessment, and I note that this has confirmed that ground conditions are suitable for the proposed percolation. In this regard, I note that the report confirms that there is a minimum unsaturated zone below ground of 1.5m comprising of gravelly and sandy soil. These soil conditions would provide additional, natural attenuation of any potential contaminants and assist in the treatment of sanitary wastewater. The PA (Environment Section) confirmed no objection to the proposed means of foul effluent treatment, subject to conditions.

Overhead Powerlines

- 8.4.5. The application has adequately addressed the presence of the overhead powerlines crossing the northern and northeastern parts of the site. The powerlines are shown as a dotted green line on the Proposed Site Layout drawing submitted as further information to the PA.
- 8.4.6. The Applicant states that they previously consulted with the ESB to reposition overhead powerlines that passed through the centre of the site so as to avoid this becoming an issue or constraint. I note that the Applicant has also committed to liaising with the ESB at detailed design stage to continue to ensure the facility complies with the relevant guidance.
- 8.4.7. Having regard to this, I am satisfied that this issue has been addressed. However, I would recommend that in the event permission is granted that the Applicant be formally required to consult with the ESB, prior to commencement of development, to ensure the facility remains compliant with the requirements of the ESB in this regard.

Previous Enforcement and Compliance

- 8.4.8. I note that the existing development has been subject to alleged non-compliance and enforcement proceedings spanning several years, and which is a concern raised in the submissions by third parties. There does not appear to be any live enforcement action relating to the facility at present, however.
- 8.4.9. The matter of unauthorised works, alleged or otherwise, and compliance with planning conditions is a planning enforcement issue. This matter falls under the jurisdiction of the PA and need not concern the Commission for the purposes of assessing this appeal case, in my opinion. I note also that the Planning Authority in their recent assessment of the application did not reference any potential breach of planning conditions or ongoing unauthorised works taking place on the site.
- 8.4.10. The inclusion of standard conditions, however, controlling the hours of construction and hours of operation, respectively, would help to protect residential amenity in the vicinity and should be included as part of a decision to grant permission.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The appeal site comprises Flynn's Metal Recycling, an existing waste recycling facility, which is in the rural townland of Bennekerry, roughly 4.5km to the southeast of Carlow town. The site is on the southern side of the Tullow Road (R725) and surrounded by mainly agricultural land and single detached houses on spacious plots.
- 9.3. The existing waste recycling facility comprises a c.1,800sqm concrete-surface yard (permitted under Reg. Ref. 09/308), and another, larger operational area, roughly 6,300sqm. The latter is mainly made up of a concrete and crushed stone yard, together with waste metal and skip storage units.
- 9.4. There are other light industrial, and manufacturing uses in the area, including a food processing and a furniture-making business, both of which are adjacent the appeal site. Bennekerry Business Park accommodates further industrial uses, including a tip trailer manufacturer, roof tile manufacturer and plant / equipment hire. The park is roughly 300m to the southwest of the subject lands.
- 9.5. The appeal site is not directly located within, or in proximity, to any European Sites. It is a largely a developed site which is situated in peri-rural area. It is not within, or immediately adjoining, any protected area(s). There are no waterbodies on the site and there are no ecological links between the subject site and any European site. The River Barrow and River Nore SAC (002162) is roughly 4.6km west of the appeal site. The Slaney River Valley SAC (000781) is roughly 7.1km east of the site.
- 9.6. There is local watercourse, called the Pollerton Little Stream, c. 110m west of the site. The stream flows in a southerly direction towards the River Burren which is c. 290m south of the site at its nearest point. The River Burren is a tributary of the River Barrow and River Nore SAC. However, there is no link between the site and the Pollerton Little Stream. The stream is also on the far side of several residential properties, a local road, and local drainage patterns indicate that the direction of groundwater flow underneath the site is from north to south.

9.7. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

9.8. The reason for this conclusion is as follows:

- The proposed nature of works, which comprise the retention and extension of the existing metal recycling facility, where run-off from hardstanding areas and building roofs will be collected and discharged to a percolation area via an oil interceptor.
- The location and distance from the nearest European site and lack of any ecological connection(s), including a waterbody, such as a river, stream, drainage channel, or ditch.
- The Applicant's AA Screening Report, which states that the proposed development does not represent a risk of significant effects on the Qualifying Interests and Conservation Objectives of any Natura 2000 Site.
- The conclusion of the Planning Authority in relation to AA which is that 'the Environment Section has ascertained that the project, alone or in combination with other projects, will not adversely affect the integrity of any Natura 2000 Site'.

9.9. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

10.1. I recommend that retention permission and permission be granted for the reasons and considerations set out below.

11.0 Reasons and Considerations

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

12.0 Conditions

1.	<p>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 19th May 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>a) A maximum of 17,500 tonnes per annum of authorised waste material is permitted to be imported and processed by the permitted facility.</p> <p>b) No hazardous wastes, household wastes or green waste shall be imported.</p> <p>c) No activities shall commence until a waste permit has been issued for the proposed operations.</p>

	<p>d) All waste materials shall be stored in impervious concrete areas which drain to an oil interceptor.</p> <p>e) The proposed new building onsite shall be solely used for the storage of non-ferrous metals and for maintenance of vehicles and machinery associated with the metal recycling facility.</p> <p>f) The facility shall be solely used for the storage of non-ferrous metals and maintenance of vehicles and machinery associated with the metal recycling facility.</p> <p>Reason: In the interest of clarity and protection of the environment.</p>
3.	<p>The proposals, mitigation measures and commitments set out in the Construction Environmental Management Plan (CEMP) shall be implemented in full as part of the proposed development.</p> <p>Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.</p>
4.	<p>The road safety measures outlined in the Road Safety Audit (RSA) shall be completed and implemented in full in accordance with the revised site layout drawing and proposed access and swept path drawing.</p> <p>Reason: In the interest of traffic safety and protecting residential amenity.</p>
5.	<p>The noise mitigation, control measures and monitoring recommendations set out in the Noise Impact Assessment (NIA) and Noise Management Plan (NMP) shall be implemented in full as part of the proposed development. This includes the management of noise generated by onsite traffic, such as vehicle movements, queuing and parking. The NMP shall be implemented in full and communicated to all staff through appropriate training to ensure ongoing compliance.</p> <p>Reason: In the interest of protecting the environment and residential amenity.</p>
6.	<p>a) Prior to the commencement of development, the Applicant shall obtain a permit in accordance with the Waste Management (Facility Permit and Registration) Regulations 2007 (as amended) and site operations shall not commence until the grant of the permit.</p>

	<p>b) All activities shall be carried out in accordance with the permit conditions.</p> <p>c) Waste onsite shall be segregated into individual waste streams prior to removal offsite and in accordance with a Waste Management Plan to be submitted the Planning Authority for written agreement, prior to the commencement of development.</p> <p>Reason: In the interest of public health and to protect groundwater and local watercourses from possible contamination.</p>
7.	<p>All waste material onsite shall be stored in the designated metal storage bays and ELV storage areas as detailed on the Proposed Site Layout Plan received by the Planning Authority on the 19/05/2025. The maximum height of stockpile areas shall not exceed 3 metres.</p> <p>Reason: In the interest of orderly development and visual amenity.</p>
8.	<p>a) All surface water generated by the proposed development shall be diverted to the two proposed soakaways within the curtilage of the site.</p> <p>b) Only clean uncontaminated surface water generated by the proposed development shall be diverted to suitably designed and constructed soakaways.</p> <p>c) All soakaways shall be designed and installed in accordance with BRE Digest 365 standards.</p> <p>d) No surface water generated at the site shall be dispersed onto the public roadway.</p> <p>e) A suitably designed, located and maintained interceptor shall be installed as per Drwg. No. 23080-DR-0201 Rev PL03 and 23080-DR-0202 Rev PL03.</p> <p>f) The Applicant shall maintain a regular sampling regime of the surface water quality generated by the development dispersing from the hydrocarbon interceptor and records shall be made available for inspection by the Environment Department Carlow County Council.</p> <p>Reason: In the interest of environmental protection.</p>

9.	<p>a) The proposed on-site domestic wastewater treatment system and associated percolation area/polishing filter shall be designed, constructed, operated and maintained in accordance with the Environmental Protection Agency's, Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) June 2021.</p> <p>b) Within 6 months of the completion of the onsite wastewater system and soil polishing filter, the applicant shall submit a Certificate of Compliance, prepared and signed by a suitably qualified and indemnified person to state that the onsite domestic wastewater treatment system and percolation area/polishing filter fully comply with the drawings and plans received with the application shall be submitted to the Planning Authority. The certificate shall include a site specific 'as-constructed' drawing of the length of percolation trench/pipe and cross-sectional drawing through the effluent treatment system and associated percolation area/polishing filter. A generic cross-section is not acceptable.</p> <p>c) The applicant shall submit certification to confirm that the septic tank/domestic wastewater treatment system has been tested in accordance with the relevant part of I.S. EN 12566 and meets the performance requirements set out in the national annex to the standard.</p> <p>d) The minimum length of percolation piping shall be 36m (4m by 9m).</p> <p>e) No single percolation pipe shall be more than 10m in length.</p> <p>f) There shall be vent/s at the ends of the proposed percolation pipes.</p> <p>g) There shall be a maximum of 6 distribution pipes originating from a single distribution box.</p> <p>h) The proposed percolation pipes shall all originate from the distribution box.</p>
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	<p>i) There shall be a purpose made pipe seal on all distribution pipes originating from the distribution box and all percolation pipes originating from the distribution box shall have a liquid levelling device.</p> <p>j) Surface Water shall not be allowed to infiltrate treatment system</p> <p>k) A domestic grease trap shall be installed to prevent grease entering treatment.</p> <p>l) The wastewater system and percolation area shall be protected by a 1.2m high green paladin fence.</p> <p>Reason: In the interests of environmental protection.</p>
10.	<p>The development, and all activities occurring therein, shall only operate between the hours of 0800 and 1800, from Mondays to Fridays inclusive, between 0900 and 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
11.	<p>a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
12.	<p>a) The landscaping scheme shown on Drwg. Nos. 8164-PHL-00-zz-DR-L-0001-00 and 8164-PHL-00-xx-DR-L-0002-00, as submitted to the planning authority shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>b) All proposed screening measures as set out in the plans submitted with the application, including the provision of landscaped berms, shall be completed prior to the commencement of development.</p>

	<p>c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>d) On completion of the landscaping works, a certificate of compliance by a suitably qualified landscaping professional shall be submitted for the written agreement of the Planning Authority.</p> <p>e) Landscape management and maintenance shall be carried out in accordance with the Landscape Management and Maintenance Plan received by the Planning Authority on 19/05/2025.</p> <p>f) The clearance of any vegetation, including trees, scrub and hedgerows, shall only be carried out between September and February (i.e. outside the main bird breeding season). If this seasonal restriction cannot be accommodated, a suitably qualified ecologist with experience in nest-finding will be required to check all vegetation, including hedgerows, for nests.</p> <p>Reason: In the interest of visual amenity and residential amenities and protecting bird species.</p>
13.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development.</p> <p>Reason: In the interest of amenity and public safety.</p>
14.	<p>Prior to the commencement of development, the applicant shall submit a final Invasive Species Management Plan (ISMP), which shall be carried out by a suitably qualified individual for the review of the Planning Authority. No works shall commence onsite until the Applicant has received the written agreement of the Planning Authority with regard to this assessment.</p> <p>Reason: In the interests of public safety and biodiversity.</p>

15.	<p>a) Any service poles which require relocation on or from this site shall be relocated prior to the construction works at the expense of the applicant.</p> <p>b) All ESB, telephone cables, service lines and any other cables shall be located underground except as otherwise agreed with the Planning Authority. The applicant shall arrange in consultation with the relevant authorities for the relocation of any existing ESB or Telecom poles, if necessary, prior to commencement of development and this shall be done at the full expense of the applicant.</p> <p>Reason: In the interests of public safety, traffic safety and visual amenity.</p>
16.	<p>Prior to the commencement of development, the Applicant shall consult with the Chief Fire Officer and comply with their recommendations, including in relation to access for fire brigade vehicles and water supplies for fire fighting purposes.</p> <p>Reason: In the interests of fire safety.</p>
17.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
18.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and comply with the Uisce Éireann Code of Practice.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
19.	<p>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</p>

	<p>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.</p> <p>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.</p>
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[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.]

Ian Boyle

Senior Planning Inspector

25th September 2025

Appendix A: Form 1 - EIA Pre-Screening

Case Reference	ACP-322964-25
Proposed Development Summary	The proposed development is for the retention and physical extension of existing metal recycling facility [See Section 2.0 of report above for further details.]
Development Address	Flynn's Metal Recycling Ltd, Tullow Road, Bennekerry, Co. Carlow
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	NA
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of	

<p>proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>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'.</p> <p>However, the annual waste processing capacity is 17,500 tonnes, which is below the 25,000 tonne annual threshold. Therefore, an EIA is not mandatory for this class of activity.</p> <p>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'.</p> <p>However, the site area is 1.06ha, which is below the 5ha threshold. Therefore, an EIA is not mandatory for this class of activity.</p> <p>Schedule 7A information has been submitted as part of the application (see Q4 below).</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input checked="" type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	

Inspector: _____

Date: _____

Appendix B: Form 3 - EIA Screening Determination

Form 3 - EIA Screening Determination Sample Form

A. CASE DETAILS	
An Bord Pleanála Case Reference	ACP-322964-25
Development Summary	<p>The proposed development comprises the following main elements:</p> <ul style="list-style-type: none">• The retention of the extended concrete yard, and hardcore surface yard, and its proposed upgrade to a concrete surface to integrate with the use and operation of the existing metal recycling facility.• The retention of existing boundary treatments, including fencing on a retaining wall.• The retention of a weighbridge and ancillary cabins.• The demolition of existing storage and ancillary buildings.• The construction of a new single storey workshop and materials storage building, including an office, staff welfare facilities and solar panels.• The construction of portable block walls to form external bays to store and segregate metals.• A new site access from the R725 with a gated entrance and closure of the existing site entrance.

		<ul style="list-style-type: none"> Site drainage works, boundary treatments, lighting, landscaping, parking areas for cars and trucks, signage and all other site development works above and below ground.
		Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	The Planning Authority states they have adopted the EIA Screening Determination by the Applicant which is that the site location is not considered to be especially sensitive from an environmental perspective and any potential impacts on identified specific sensitive receptors have been mitigated appropriately. Therefore, an EIA is not required for the Proposed Development.
2. Has Schedule 7A information been submitted?	Yes	The Applicant submitted an EIAR Screening Report as part of the planning application to Carlow County Council.
3. Has an AA screening report or NIS been submitted?	Yes	The Applicant submitted an AA Screening (Stage 1) Report as part of the planning application to Carlow County Council. This concluded that the proposed development will not have a significant adverse effect on any Natura 2000 Sites
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	The need for an IED/ IPC or Waste Licence does not arise. [However, the facility currently operates under a Waste Facility Permit issued by Carlow County Council. See Appendix 1 of Applicant's EIA Screening Report.]
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out	Yes	<ul style="list-style-type: none"> - Appropriate Assessment Screening Report (Stage 1) for the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) - Directive 2001/42/EC, SEA Directive

<p>pursuant to other relevant Directives – for example SEA</p>		<p>[The Applicant's EIA Screening Report includes a full list of Directives considered within the wider application.]</p> <p>Furthermore, the proposed development has been assessed and designed for:</p> <ul style="list-style-type: none"> • Mitigation of impacts experienced during the construction phase (Construction Environmental Management Plan). • Assessing and minimising traffic impacts (Traffic and Transport Assessment Report). • Managing drainage, wastewater and stormwater (Surface Water Drainage / SuDS Technical Note with accompanying drawings). • Visual impact, land restoration, planting and biodiversity (Landscape and Visual Impact Assessment with accompanying photomontages and landscape drawings). • Noise impacts (Noise Impact Assessment Report). • Flooding (Site Specific Flood Risk Assessment Report). • Reducing and effectively managing waste types (Resource and Waste Management Plan). • Environmental impacts and mitigation measures outlined in Natura Impact Statement (NIS) and CEMP.
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B. EXAMINATION	Yes/ No/ Uncertain	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	No	<p>The appeal site (1.06ha) is in the rural townland of Bennekerry, Tullow Road, roughly 2km east of Carlow Town.</p> <p>The site is in a rural urban fringe and the surrounding land uses are a mix of one-off residential houses primarily along the local road network, farm holdings and light industry.</p> <p>There is a meat processing factory on an adjoining lands to the east and several commercial operations, including a tip trailer manufacturer, roof tile manufacturer, and plant hire are in the Bennekerry Business Park, which is roughly 300m to the southwest of the site.</p>	No

		<p>The site is in the Central Lowlands Character Area, which the CDP states has the capacity to absorb most types of development, subject to the implementation of appropriate mitigation measures. The scale of the development is relatively modest, in my opinion. I also note that the LVIA concludes that while recognising there would be localised impacts on the application site (within client ownership), and the immediate site periphery, including a section of the Tullow Road, on balance the proposed development would have no unacceptable landscape or visual effect and can be successfully absorbed into this area.</p>	
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The subject site is roughly 1.06haha. There is no significant demolition or decommissioning works proposed.</p> <p>However, there would be minor changes to the topography of the land due to construction works. The extension of the existing facility will therefore cause slight physical changes to the locality, which would be mainly visible from the Tullow Road.</p> <p>As noted above, the is in the Central Lowlands Character Area which has the capacity to absorb most types of</p>	<p>No</p>

		development, subject to the implementation of appropriate mitigation measures.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	No	<p>The likely required construction materials are typical for this type of facility, which is a metal recycling facility. The development would not result in any significant loss of natural resources or local biodiversity. The facility, conversely, has a focus on recovering and processing scrap metal and converting it into reusable materials which can be used in the manufacturing industry.</p> <p>I note that the proposed development due to its size and localised nature would not have any significant negative effect on natural resources. This part of Carlow is not a location which has significant natural resources, such as wetlands, riparian areas, river mouths, mountain and forest areas or nature reserves.</p> <p>The site is not in or adjacent to any sites designated under the EU Habitats and Birds Directives (Natura 2000 Sites). The nearest Natura 2000 Site is the Lower River Barrow and River Nore Special Area of Conservation (SAC) which is roughly 4.5km west of the site.</p>	No

<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Harmful materials would be stored onsite, primarily for use in connection with the construction phase. The removal of any discovered known hazardous material from the site and its transportation to an appropriate licenced facility shall be carried out in accordance with current legislation, best practice, and guidelines.</p> <p>In the construction stage, control measures specified in the CEMP will be applied to ensure works do not adversely surface water course or groundwater. For the operational stage, the safe handling and storage of potentially polluting substances (e.g. oils, hydraulic oil, brake fluids, battery acid) will be followed minimise the impact of accidental spills/releases on water.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>However, waste produced during the construction phase would be disposed of using licensed waste disposal facilities and contractors and would not be particularly hazardous / toxic / noxious.</p> <p>The scale of the waste during the operational stage of the facility would not result in likely significant effects on the environment.</p>	<p>No</p>

		The accompanying Resource Recovery Management Plan (RWMP) outlines the methods for the control, management, monitoring and disposal of waste from the site. Other than construction waste during the works phase, the proposed development would not produce significant volumes of waste. Conversely, the facility is concerned with recovering and processing scrap metal and converting it to reusable material.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	There is potential for construction related impacts due to increased sediment and runoff from excavation, soil handling, removal and compaction; contamination from accidental spills and leaks dewatering runoff and sediment loading; foul water leaks during construction; and operational impacts due to stormwater discharges and flood related impacts. However, no significant impacts likely to occur due to the mitigation and best practice construction measures proposed.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	No	There is potential for construction works to give rise to localised noise and vibration. Such emissions will be small in scale, short term and their impacts mitigated by measures outlined in the Construction Management Plan.	No

		<p>There is also potential for noise and vibration during the operational stage due to the nature of the facility and related activities concerning the processing stage. This could potentially be caused by heavy machinery, such shearing, fragmentation and crushing.</p> <p>However, noise mitigation measures include the provision of concrete block walls around the external storage bays and acoustic cladding in the granulator bay in the new processing building. Annual monitoring of dust deposition is required as part of the existing waste permit and will be continued, including during the summer months.</p> <p>There would be no significant new or additional sources of noise, dust or surface water emissions and the facility will not generate process wastewater. Discharge from the site would be controlled / minimised by mitigation measures, including the installation of an oil separator to the percolation area.</p>	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	<p>The potential impacts would be mainly increased air pollution (dust), noise, traffic, and visual impact of the construction phase. These potential short-term impacts during the construction will be mitigated in accordance with the CEMP</p>	No

		<p>included as part of the application and through restricting the hours of construction and operation under condition. The risk of a major accident which could affect human health is discussed below under Section 1.9 of this screening matrix.</p> <p>Surface waters and groundwaters may be impacted by the proposed construction works through run off of silt laden surface waters, or pollution events associated with hydrocarbon spillages (petrol, diesel, oil, etc). I note that appropriate mitigation has been proposed to counter this, however, and is outlined in the accompanying CEMP.</p> <p>The construction phase to extend the facility would utilise heavy machinery and plant. This equipment will potentially use fossil fuels, but the possible impact on air and climate associated with this is imperceptible and will be short-term in nature.</p> <p>For the operational stage, additional traffic would have a negative, imperceptible, long term and local impact on local air quality.</p>	
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1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	<p>The Seveso III Directive (2012/18/EU) is aimed at preventing major accidents involving dangerous substances and limiting the consequences of such accidents in terms of human health, but also for the environment.</p> <p>The development is not a type which triggers the requirement for SEVESO considerations.</p>	No
1.10 Will the project affect the social environment (population, employment)	Yes	The main effects in terms of the social environment is that the proposed development will create employment for the local jobs market.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	<p>This is a stand-alone development, comprising a waste recycling facility. The existing premises has a c.1,800sqm concrete-surface yard (originally permitted under Reg. Ref. 09/308), and a larger operational area (roughly 6,300sqm) primarily made up of a concrete and crushed stone yard. I note that the application is seeking to regularise this latter component of the overall development proposal. Whilst there are some smaller unrelated industrial activities / uses in the surrounding vicinity, I note that these would form part of a broader largescale change in the wider environment. These other developments are also not considered likely to give rise</p>	No

		<p>to significant cumulative effects when considered together with the subject development proposal.</p> <p>Furthermore, I note that Section 6.15 of the Applicant's EIA Screening Report states that various assessments completed as part of the application have taken into consideration the relevant environmental factors, such as biodiversity, population, cultural heritage, road network, services, geology, hydrology and hydrogeology and visual impact of the subject facility and the surrounding area.</p> <p>In summary, it is unlikely that there would be cumulative impacts with other existing and/or permitted developments associated with the construction and operation of the proposed development.</p>	
2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> European site (SAC/ SPA/ pSAC/ pSPA) 	Yes	<p>The appeal site comprises an existing waste metal recycling facility, which is in the rural townland of Bennekerry, roughly 4.5km to the southeast of Carlow town.</p> <p>The premises comprises a c.1,800sqm concrete-surface yard (originally permitted under Reg. Ref. 09/308), and a larger operational area (roughly 6,300sqm) primarily made up of a</p>	No

<ul style="list-style-type: none"> • NHA/ pNHA • Designated Nature Reserve • Designated refuge for flora or fauna • Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 		<p>concrete and crushed stone yard – the application is seeking to regularise this latter component of the overall development proposal. The facility currently operates under a Waste Facility Permit issued by Carlow County Council.</p> <p>The site is not directly located within, or directly adjacent, any European Site. The River Barrow and River Nore SAC (002162) is roughly 4.6km west of the appeal site. The Slaney River Valley SAC (000781) is roughly 7.1km east of the site.</p> <p>There is local watercourse c. 110m west of the site which flows in a southerly direction towards the River Burren (c. 300m south of the site). The River Burren is a tributary of the River Barrow and River Nore SAC.</p> <p>There is no potential for direct effects as the proposed development footprint is outside any designated SAC or SPA.</p> <p>The nearest pNHA or NHA is Oak Park (Site Code: 000810), which is roughly 5.2km to the northwest of the site.</p> <p>The Pollerton Little is a tributary of the River Burren, which itself is a tributary of the River Barrow. The Barrow is part of the River Barrow and River Suir SAC. There is no direct</p>	
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		<p>hydrological connection between the site and the Pollerton Little, however. Given the distance between the development site and the Natura 2000 Sites (more than 4km) there is no ecological connection, via either air or groundwater pathways, between the facility and Natura 2000 Sites.</p> <p>The proposed development does not present a risk of significant effects on the Qualifying Interests and Conservation Objectives of any Natura 2000 Site or any other designated sensitive sites.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	No	<p>The site is already developed for industrial processing purposes (metal recycling facility). The operational area is occupied by buildings, paving and hardstanding and is classified as BL3 Buildings and Artificial Surfaces in accordance with 'A Guide to Habitats in Ireland' (Fosset 2000).</p> <p>The land north of the operational area is classed as GA1 'Improved Agricultural Grassland'. Both of these habitat types are of low ecological value and do not host rare or protected flora and fauna. The section of hedgerow along the southern edge of the R725 is classed as WL1 Hedgerow. I note that</p>	No

		<p>the hedgerow has nesting potential for birds; however, given its proximity to R725 its attractiveness for this purpose is reduced due to traffic disturbance, passing vehicles, etc.</p> <p>The potential for residual impacts on sensitive species would not likely be significant in my view and there is no real potential for the proposed new works to contribute to cumulative impacts on biodiversity when considered in combination with other plans and projects.</p> <p>In conclusion, provided that the proposed works are constructed in accordance with the design described within the planning application, there will be no significant effects on biodiversity at any geographic scale.</p>	
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	No	<p>There are no features of landscape, historic, archaeological, or cultural importance that could be affected by the proposal.</p> <p>I reiterate that the site is situated in the 'Central Lowlands' Landscape Character Area LCA as per the County Development Plan. The CDP states that this LCA occupies a substantial portion of the County and is primarily rural, with medium to quite large fields defined by well-maintained and generally low hedges and occasional to frequent hedgerow</p>	No.

		trees. It also states that 'the Central Lowlands has capacity to absorb most types of development subject to the implementation of appropriate mitigation measures'.	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	There are no significant or important such resources in proximity to the site which could be negatively affected by the project.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	<p>Prior to the commencement of any construction activities, the necessary mitigation measures will be put in place to ensure the protection of surface water during the works.</p> <p>Stormwater will discharge to a new percolation area via a Class 1 oil interceptor. Sanitary wastewater will discharge to a new proprietary wastewater treatment system with the treated effluent discharge to a new percolation area.</p> <p>Interceptors are installed on sites that treat potentially oil contaminated rainwater (run-off) from impervious areas, and to hold any spillage of light liquids to protect controlled waters (any surface waters leading to foul drains, ground water, rivers/streams etc) from possible hydrocarbon pollution. The</p>	No

		<p>EIA Screening Report notes that monitoring carried out by the Applicant in 2023 and 2024 confirms that the interceptors are functioning properly and meeting the design target level of <5mg/l for water leaving the interceptors and entering the percolation areas.</p> <p>A Site-Specific Flood Risk Assessment (SSFRA) has been submitted with the application. The SSFRA confirms that the site is located in Flood Zone C which has a Low Risk (0.1% annual exceedance probability) for fluvial flooding. There are also no records of any pluvial or groundwater flooding in, adjacent or in proximity to the site.</p>	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No such risks identified.	No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	<p>No such risks identified. There are also adequate sightlines in place at the existing site entrance.</p> <p>The site is currently accessed via private lane/cul-de-sac off the R725 (Regional Road) that has a speed limit of 80 km/hr. I note that the site will initially be accessed via this existing entrance. However, the application make provision to construct a new access off the R725 and once</p>	No

		<p>this is completed construction related traffic will access the site via this route.</p> <p>A Traffic Management Plan (TMP) will be prepared prior to the start of the construction stage and submitted to the Planning Authority for approval.</p> <p>The proposed development would widen the existing vehicular access to meet current standards and ensure safe access and egress. I note also that a designated section along the site access road is proposed to accommodate a delivery bay adjacent the site.</p> <p>I further note that the Traffic and Transport Assessment (TTA) submitted as part of the application confirms that the surrounding road network and new site access can accommodate the predicted increase in traffic volumes (2.1%) on the local road network and that this have a slight impact on local traffic only.</p>	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	The surrounding area is mainly characterised by farms, detached houses on spacious plots of land / large gardens, and other light industrial uses. Such uses are typical in an rural fringe setting.	No

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	<p>It is unlikely that there would be cumulative impacts with other existing and/or permitted developments associated with the construction and operation of the proposed development.</p> <p>During the simultaneous operational phase of the proposed development, and other developments in the wider vicinity, there would be potential for cumulative impacts in terms of noise, dust, biodiversity and traffic in the absence of mitigation. However, this is unlikely and mitigation measures and standard protocols and procedures would ensure there would be no significant cumulative impacts in this regard.</p>	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise.	No
3.3 Are there any other relevant considerations?	No	No other relevant considerations arise.	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	X	EIAR Not Required	

Real likelihood of significant effects on the environment.		EIAR Required
D. MAIN REASONS AND CONSIDERATIONS		
<p><i>EIAR not Required</i></p> <p>Having regard to the criteria set out in Schedule 7, the information provided in accordance with Schedule 7A of the Planning and Development Regulations 2000, as amended, and the following: -</p> <ul style="list-style-type: none"> i) the limited size, scale and nature of the proposed development, which comprises an existing and proposed extension to a waste recycling facility in a peri-rural location away from any sensitive land uses or community facilities, such as hospitals, schools, etc., which could be affected by the project, j) the absence of any significant environmental sensitivity in the vicinity of the site, k) the location of the site, and existing pattern of development, in the surrounding area, l) the results and findings of relevant assessments of the effects of the environment submitted as part of the application, including the Construction Environmental Management Plan, Traffic and Transport Assessment Report, Surface Water Drainage / SuDS Technical Note, with accompanying technical drawings, Landscape and Visual Impact Assessment with accompanying landscape drawings and photomontages, Noise Impact Assessment Report, Site Specific Flood Risk Assessment Report, Resource and Waste Management Plan, and the Appropriate Assessment Screening (Stage 1). m) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended), 		

- n) the provisions of the Carlow County Development Plan 2022-2028, and the results of the Strategic Environmental Assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- o) the features and measures proposed by the Applicant to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified in the CEMP, and
- p) the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development' (2022),

it is concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Ian Boyle

Date _____

Approved (DP/ADP) _____

Date _____

Appendix C: WFD Impact Assessment – Stage 1 Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	322964-25	Townland, address	Tullow Road, Bennekerry, Co. Carlow
Description of project		Proposed retention and extension of an existing waste recycling facility. See Section 2.0 of my report above for a full description of the proposed development.	
Brief site description, relevant to WFD Screening,		<p>There are no natural water features within the appeal site. The closest off-site watercourse is the Pollerton Little Stream (the Burren_050), which is roughly 110m to the west.</p> <p>There is no direct hydrological connection between the site and the Pollerton Little. Based on the topography and the local drainage pattern the direction of groundwater flow beneath the site is from north to south.</p> <p>The topsoil extends to 0.6m below ground levels and is underlain by 0.4m of gravelly, sandy silt. This is underlain by a further 1.1m of sand and gravel with cobbles. Therefore, there is a minimum unsaturated zone of 1.5m comprising soils that would provide natural attenuation of potential contaminants, including hydrocarbons and treated sanitary wastewater.</p>	

Proposed surface water details	New surface treatment system with dedicated SuDS measures. The measures will mimic natural drainage processes and help to reduce the effect on the quality and quantity of runoff from the development. The system is described in the Surface Water Drainage and SuDS Technical Note (report). Run-off from hardstand areas and building roofs will be collected and discharged to a percolation area via a Class 1 hydrocarbon interceptor.
Proposed water supply source & available capacity	Existing water supply via private well with capacity available.
Proposed wastewater treatment system & available capacity, other issues	Wastewater generated by staff welfare facilities will be treated via a new onsite proprietary wastewater treatment system with treated effluent discharged to ground. The application is accompanied by a Site Characterisation Assessment, and I note that this confirms that ground conditions are suitable for the proposed percolation values. The Council's Environment Section confirmed no objection, subject to conditions.
Others?	NA

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River	Approx. 110m to the west of the site.	Burren_050 (Pollerton Little Stream) IE_SE_14B050400	Good	Not at risk	None identified on EPA catchment data	The stream flows in a southerly direction towards the River Burren which is c. 290m south of the site at its nearest point. The River Burren is a tributary of the River Barrow and River Nore SAC. However, there is no link between the site and the Pollerton Little Stream.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	IE_SE_14 B050400	No pathway exists	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice and CEMP measures	No	Screened out

OPERATIONAL PHASE

1.	Surface	IE_SE_14 B050400	No pathway exists	Hydrocarbon spillages, leachate due to waste / metals stored onsite	Standard operational practice measures, including SuDS and use of a Class 1 oil / hydrocarbon interceptor.	No	Screened out
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