# Inspector's Report
# ACP-323784-25

| | |
|---|---|
| **Question** | Whether the current use of the building for haulage activity at Kilrane Business Park is or is not development or is or is not exempted development |
| **Location** | Kilrane Business Park, Kilrane, Co. Wexford |
| **Planning Authority** | Wexford County Council |
| **Planning Authority Reg. Ref.** | EXD01209 |
| **Owner/Occupier** | Tamer Metal Recycling Ltd. |
| **Planning Authority Decision** | Is development and is exempted development |
| **Referrer** | Darren O Ceallaigh. |
| **Type of Case** | Section 5(3) Referral |
| **Observer(s)** | None. |
| **Inspector** | Fergal Ó Bric. |

1.0 **Introduction**

1.1 This case pertains to a Section 5 referral submitted by a local resident Mr. Darren O Ceallaigh who asked the question whether the current use of the building at Kilrane Business Park is exempted development.

1.2 Wexford County Council issued a Section 5 declaration on the 10th day of September 2025 which determined that the operation of a haulage facility is development and is exempted development in accordance with the provisions of Schedule 2, Part 4, Class 4 of the Planning and Development Regulations 2001, as amended.

2.0 **Site Location / Description**

2.1 The appeal site is located in Kilrane Business Park along the L7012, approximately 580 metres east of the N25 at Ballyknockan and Ballygillane Big, E.D. St Helens, on the edge of the village settlement of Kilrane. Kilrane is located approximately 1.3 kilometres south of Rosslare Harbour and Europort, Co. Wexford.

2.2 Kilrane Business Park is located within the village of Kilrane. The Business Park is accessed from a local road, the L-7102, which in turn approximately 0.6 kilometres south-east of the N25 National Secondary route linking Wexford town with the Europort. The referral relates to the use of a structure within the established and operational Kilrane Business Park. The structure was vacant on the day of my site inspection except for a single HGV lorry unit parked in the corner of the building. It comprises concreted rising walls, a large roller shutter door facing onto the concreted yard area, contains toilet facilities and a pit area where vehicles undercarriages could be inspected/repaired from. The Business Park is divided each side of a concreted yard area used for parking and circulation of large vehicles. Other uses within the Business Park include a waste recycling facility, a metal recycling facility and an oil distribution depot.

3.0 **The Question**

3.1 The question posed to the Planning Authority by the third-party referrer was:

Whether the current use of the building for haulage activity is or is not development or is or is not exempted development.

## 4.0 Planning Authority Declaration

4.1 Wexford County Council issued a Section 5 declaration on the 10th day of September 2025 which determined that the use of the building at Kilrane Business Park for haulage activity is development and is exempted development in accordance with the provisions of Schedule 2, Part 4, Class 4 of the Planning and Development Regulations 2001, as amended. As part of its assessment (report dated 13/8/25) the Planning Authority determined that the development does not constitute and EIA project and noted that no apparent extension to the structure and that this Section 5 relates to the use of the structure only, and, therefore, that no Environmental Impact Assessment Report (EIAR) was required.

## 4.2 Planning Authority Reports

Initial Planning Report dated 13/8/25

4.2.1 The Executive Planning Officer (EPO) noted the site's location within the established Kilrane Business Park, the planning history associated with the subject site and the relevant statutory provisions. It was noted by the EPO that the referrer states that the haulage activity on the site had ceased approximately eighteen years ago and that in March 2025, haulage activity had re-commenced on site. The Report references the planning history associated with the subject structure in terms of it being used by Transcontinental Rosslare Ltd and a subsequent planning application in 2021 for a change of use from a storage unit to a metal recycling facility which was refused planning permission by the Coimisiún. The referrer sets out that the haulage activity use on site has been abandoned and that a planning application would be required for its continued use. A site inspection was carried out by the EPO on the 12th day of

August 2025 and no activity that would relate to a haulage operator was noted within the building at that time.

The EPO stated that the unit is zoned for 'light industrial' purposes as per Section 2, Volume 3 of the current Wexford County Development Plan (WCDP) 2022-2028. The EPO concluded that the haulage activity is development and is not exempted development as provided for under the provisions Class 4, Part 4, Scheule 2 of the Planning and Development Regulations 2001, as amended, and that the development would also be contrary to the light industrial land use zoning objective as set out within the current WCDP. The EPO recommended that the haulage facility at this location is development and is not exempted development. The report prepared by the EPO was endorsed by the Senior Executive Planner.

<u>Supplementary Planning Report dated 15/8/25</u>

4.2.2 This report was prepared by the Senior Planner (SP) and dated the 15th day of August 2025. The SP notes that the available record to the Planning Authority (PA) of the use of the site relates to retention and extensions to store and office made by Transcontinental (Rosslare) Ltd under planning reference 89/1109. The SP states that one of the main issues in determining the use of the property relates to whether an abandonment of use has occurred. To determine this, further evidence would-be required. The SP recommended that further information be requested from the owner/occupier and the referrer in relation to providing details of the use of the property from the time that Transcontinental (Rosslare) Ltd ceased trading at the property or alternatively to provide evidence that the property has remained vacant. The owner/operator of the facility was also requested to provide details of any utility bills, revenue or legal records etc, to support their statement.

4.2.3 <u>Third Planning Report dated 10/9/2025.</u>

The SP prepared a report based on the further information response received. The Senior Planner stated that no response was received from the registered owner of the property. The SP noted the response from the referrer however, he was not satisfied that the referrer had proven that the haulage activity use on the site was abandoned. The SP considered that the use of the premiss as a haulage business is the established use of the property, that no change of use has been permitted and that it has not been proven that the site was abandoned. The PA determined that the use of the premises as a haulage facility is development and is exempted development under Schedule 2, Part 4, Class 4 of the Planning Regulations 2001, as amended.

4.3 **Other Technical Reports**

None received.

## 5.0 Planning History

On site:

PA. ref. 89/1109.– In 1989, Wexford County Council granted permission granted for retention of extensions to store and office which included part of the subject site and the adjoining buildings.

On adjacent sites with Kilrane Business Park

PA. Ref. 2021/1334 & ABP. Ref. 319921-21 – Permission for retention of change of use from storage units to metal recycling facility. Permission also sought for alterations to unit and for a building for truck unloading and storage with associated site works. This development comprises an activity requiring a waste facility permit (ref. no WFP-WX-21-D181-01. This development in part relates to the unit that is the subject of the current appeal under consideration by the Coimisiún. This decision was appealed to An Coimisiún Pleanála (ACP) under reference number 319921-24, the Coimisiún refused permission for retention of development. The ACP decision subsequently quashed by the High Court.

PA. Ref. 2021/1334 & ABP. Ref. 323869-25 – Permission for retention of change of use from storage units to metal recycling facility. Permission also sought for alterations to unit and for a building for truck unloading and storage with associated site works. This development comprises an activity requiring a waste facility permit (ref. no WFP-WX-21-D181-01. This development in part relates to the unit that is the subject of the current appeal under consideration by the Coimisiún Permission was refused by the Coimisiún in April 2026. This decision has been subject to judicial review and ACP are awaiting a ruling from the High Court.

PA Ref: 20120874, ABP Ref: PL26.241563: permission granted by An Bord Pleanala in May 2013 for retention of use of retail dispensing facility of existing approved wholesale distribution and sale facility (PA Ref 20032315 refers).

PA Ref: 20032315: Permission granted in September 2003 for installation of Oil Storage Tanks (Capacity 225,000 litres) for wholesale distribution and sale together with relocation of truck washing facility.

PA Ref: 2004/468: Permission granted in July 2005 for retention and change of use of commercial warehouse unit to builders' store, retention and change of use of units 2 and 3 from commercial warehousing to recycling unit, permission for retention of weighbridge and permission for installation of a new weighbridge.

## 6.0 Policy Context

6.1 The applicable Development Plan for this area is the Wexford County Development Plan 2022 – 2028. The subject site is located within the village settlement of Kilrane as defined within the Development Plan. The subject site and the wider Kilrane Business Park is zoned 'light industrial' and for 'Open space and amenity purposes' within the Plan**.**

### 6.2 Natural Heritage Designations

6.2.1 The closest European sites to the development are the Seas off Wexford SPA (site code 004237) located approximately 1.4 kilometres north-east of the subject premises and Lady's Island Lake SPA (site code 004009) located approximately 3.6 kilometres south of the subject site.

## 7.0 The Referral

7.1 <u>Referrer's Case</u>

The referrer (Mr. O Ceallaigh) raised a number of as part of his Section 5 referral as follows:

- That the current use of the building for haulage activity constitutes unauthorised development.
- Any previous planning permission for such a use has expired by reason of abondonment.
- The re-commencement of this use is incompatible with the land use zoning of the area.
- The haulage activity ceased approximately eighteen years ago when P & O ceased trading.
- The building has not been used for haulage purposes since that time.
- In the intervening eighteen year period, the premises has been used by motor mechanics and as an unauthorised waste metal recovery facility.
- Haulage activity recommenced on the site since March 2025. Given the intervening period since the premises were last used for haulage activities, the use would constitute a material change of use and would require planning permission.
- The current use of the site involves intensive haulage operations with regular movement of Heavy Goods vehicles (HGV's), increased noise from engines, loading/unloading activities, noise generated from refrigerated containers and twenty-four activity at the site.
- The subject site is zoned for light industrial purposes as per the provisions within the current Wexford County Development Plan 2022-2028.
- The nature and intensity of the current haulage operations on site are incompatible with the objectives and characteristics of a light industrial zoning designation.
- By virtue of excessive noise levels, extended hours of operation from early mornings to late evenings, increased volume of traffic posing a safety risk and lack of adequate facilities for lorry drivers.
- There is planning precedent, where under planning reference 20240515, permission for a haulage depot on an adjacent site was refused permission.

- The activities observed at the subject site are similar to those for which planning permission was recently refused on an adjacent site.
- The current use within the subject site adversely impacts the residential amenities of neighbouring residential properties.
- Increased safety risks to local residents generated by HGV traffic on a rural road and passing a local school.

7.2 **Planning Authority Response**

The Planning Authority issued a response to the appeal as follows:

- The owner of the property should be afforded the opportunity to respond to the detail as set out within the appeal.
- The registered owner of the property at the time of the PA's determination was Tamer Metal Recycling Ltd.

7.3 **Observation(s).**

None received.

7.4 **Further Responses**

7.4.1 The Coimisiún issued a notice on the 2nd day of October 2025 under Section 129 of the Planning and Development Act 2000 as amended, notifying the Planning Authority and the landowner that an appeal had been received by ACP and that they may make a submission to ACP within a period of up to four weeks.

7.4.2 ACP received a response from the Planning Authority on the 13th day of October 2025. The content of this response is specifically referenced in Paragraph 7.2 above.

7.4.3 The owner/occupier of the site did not make a response to the Coimisiún in relation to the appeal.

8.0 **Statutory Provisions**

8.1 **Planning and Development Act 2000 (as amended)**

<u>Section 2(1)-Defintions include</u>

In this Act, except where the context otherwise requires-

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

‘structure’ as any building, structure, excavation or other thing constructed or made on, in or under any land, or part of a structure so defined, and where the context so admits, includes the land on, in or under which the structure is situated.

‘Use’, in relation to land, does not include the use of the land by the carrying out of any works thereon. ‘works’ includes any act or operation of construction, excavation., demolition, extension, alteration, repair or renewal’.

<u>Section 3(1)</u>

In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

<u>Section 4(1)</u>

The following shall be exempted development for the purposes of this Act - …

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Section 4(4)

development shall not be exempted development if an Environmental Impact Assessment or an Appropriate Assessment of the development is required.

8.2 **Planning and Development Regulations, 2001 (as amended)**

PART 2 - Exempted Development

*Article 6(1)*

Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

*Article 9(1)*

Development to which Article 6 relates shall not be exempted development for the purposes of the Act –

*(a)* if the carrying out of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

*Article 10*

Change of use states' Development which consists of a change of use within any one of the classes of use specified in Schedule 2, Part 4, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not (d) be a development where the existing use is an unauthorized use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Schedule 2, Part 4-Exempted Development-Classes of Use

Class 4-Use as a light industrial building.

9.0 **Assessment**

9.1 **Introduction**

The scope of the referral:

This referral question posed is whether the current use of the premises as a haulage facility within Kilrane Business Park is or is not development or is or is not exempted development.

9.2 **The Question of Development**

9.2.1 As per the statutory provisions set out within Section 8 of this report above, works are defined in Section 2(1) of the Planning Act as including any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal. I am not aware that any works or alterations to the structure have been carried out in relation to the transport haulage activity on site.

9.2.2 In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land. The use of the structure as a transport facility is considered to be development in accordance with Section 3 of the Planning and Development Act, 2000 (as amended). This was accepted by the Senior Planner within his assessment and by the referrer in his appeal submission.

9.3 **The Question of Exempted Development**

9.3.1 The Planning Authority relied on the provisions of Schedule 2, Part 4, Class 4 of the Planning and Development Regulations 2001 to confer an exemption on the use of the premises as a haulage facility. This section of the legislation sets out use classes that are exempt from planning and class 4 specifically relates to ‘use as a light industrial building'. The premises is located within the established Kilrane Business Park. I note that the referrer has submitted some newspaper cuttings, dated November 2008, as part of his planning appeal submission which specifically references freight operations being conducted from the site in Kilrane. I also note from the Planning Inspectors report prepared under reference number PL26.241563 dated May 2013, which related to the operation of a wholesale fuel distribution facility on an adjoining site within the overall Kilrane Business Park stated that that particular site (the subject of that particular appeal) 'forms part of a larger transportation yard and recycling facility', and that it was stated by the applicant within the appeal documentation that the overall site has been used as a warehousing facility/heavy goods yard for thirty years. The Planning Inspector also noted 'the established use of the site and its surrounding area as a transport yard and noted that HGV's regularly traverse this roadway in order to gain access to the site and its adjoining facilities, while conducting port related activities'.

9.3.2 However, that Planning Inspectors' report was prepared in May 2013, and the transport yard referenced by the inspector was not specific to the use within the unit, the subject of the current referral. In any event, notwithstanding that a transport/haulage use may have existed within the unit in May 2013, this being thirteen years ago. I note that the owner/occupier was afforded an opportunity by the Planning Authority as part of the further information request dated 15th day of August 2025 to provide details of the use of the unit from the time Transcontinental (Rosslare) Ltd ceased trading or to provide evidence that the property has remained vacant and to submit documentary evidence to support their response. No response was received from the owner/occupier.

9.3.3 I also note that the Coimisiún circulated the Section 5 referral to the Planning Authority and the stated landowner (Tamer Metal Recycling Ltd) on the 2nd day of October 2025. The landowner did not avail of the opportunity to respond to the request from the Coimisiún.

9.3.4 There is no record of a planning permission in relation to the development of a transport facility within the particular unit. However, from the planning history, specifically under Board reference PL26.241563 where the Planning Inspector identified a number of uses being conducted within the Kilrane Business Park, including as a waste recycling facility, a fuel distribution business and as a Transportation yard. However, the Inspectors' Report does not reference the specific use of the commercial unit, the subject of this referral. However, from the information submitted by the referrer, it is apparent that the use of the unit for freight operations ceased by Transcontinental (Rosslare) Ltd in 2008. I also note that the referrer has submitted details of a Transport Repair Solutions company that operated at Unit 2, Kilrane Business Park for the servicing, repairs and diagnostics for vehicles until that business ceased trading from the unit in May 2025. This documentation submitted by the referrer indicates that the servicing, repairs and diagnostics use operated at the site between 2012 and 2025. Neither the Planning Authority, referrer, nor the landowner have submitted details of a planning permission or planning exemption relating to these uses as part of the planning documentation.

9.3.5 I also note that under planning reference 2021/1334.which partly related to the subject premises and the adjoining units sought permission for retention of change of use from storage units to metal recycling facility. Permission was also sought for alterations to unit and for a building for truck unloading and storage with associated site works. The development description states that permission for retention of a change of use from storage units by Tamer Metal Recycling Ltd, stated to be the registered owner of the unit as per the information submitted by the PA within its appeal submission response to the Coimisiún. This would indicate that the stated owners accept that the use of the unit is for storage purposes and not for haulage activities at that particular time in 2021. The photographs that were submitted by the PA as part of the Planning Report would also support that the unit was being used for metal recycling purposes at that time in 2021.

9.3.6 Based on the information submitted, no evidence of the continued use of the unit as a transport facility since Transcontinental (Rosslare) Ltd ceased trading in 2008 has been submitted. The Planning Authority and the Coimisiún afforded the owner of the unit the opportunity to submit information in relation to the use of the site and/or a response to the appeal. The landowner has not availed of the opportunity to provide information in support of the use of the unit as a transport facility since 2008. No evidence has been submitted to support the continued use as a transport facility. There is anecdotal information of transportation uses being conducted within the wider Kilrane Business Park as per the 2013 Planning Inspector's Report referenced in paragraph 9.3.1 above. However, that information is not specific to the particular unit, the subject of this referral.

9.3.7 I refer to the commentary on the concept of abandonment as set out by within Chapter 2 of Browne, Simons, third edition 2021, Section H of the publication refers to abandonment of development and states that 'the mere suspension of development will not, generally, amount to abandonment. It has been held, however, that where a previous development has not merely been suspended for a temporary and determined period but has ceased for a considerable time, with no evinced intention of resuming it at any particular time, it is a question of fact whether or not the former use has been abandoned. It seems that the issue of an intention to resume the development is an important factor in determining whether or not there has been abandonment. Thus, where the use of premises as a general industrial building was suspended for a period of four years without any satisfactory explanation, it was held that the use had been abandoned' as in the case of Cork City Council v Ardfert Quarry Products Ltd-High Court, December 1982.

9.3.8 Based on the information submitted by the referrer and the Planning Authority, and having regard to the commentary provided within the Browne and Simons planning law publication, and specifically that a planning permission for the use of the premises as a haulage facility, and notwithstanding the established haulage activity use on the site until 2008, no evidence has been submitted regarding the continued use of the haulage facility use within the unit since 2008, a period of eighteen years. The landowner has not provided information or documentation, although afforded the opportunity by the Planning Authority and the Coimisiún, to demonstrate that the established haulage activity use within the unit has not been abandoned. I acknowledge, based on the information submitted to the Coimisiún by the referrer that other transport related uses, not specifically haulage activity use but vehicle (including lorry) servicing and repairs appear to have been conducted from the premises over a period of time. However, there was no activity within the premises on the day of my site inspection, except for a HGV cab being parked within the corner of the premises, albeit this could not be construed as being conclusive of a haulage activity use being conducted from the premises.

9.3.9 On balance, based on the information submitted to the Coimisiún, there is no evidence to support the contention that the haulage use activities have continued from the unit since 2008. Other uses including metal waste recycling and vehicle servicing, repair and diagnostic uses are stated to have been carried out from the unit as per the information submitted by the referrer. The Browne & Simons Planning law publication, referenced in paragraph 9.3.7 above references the case of Cork City Council v Ardfert Quarry Products Ltd-High Court, December 1982, that where the use of a premises was suspended for a period (four years in that instance) and eighteen years in this instance without any satisfactory explanation, it was held that the haulage activity use had been abandoned.

9.3.10 In conclusion, I consider that the owner of the unit has not demonstrated that the haulage activity use has been continued within the unit since 2008. I, therefore, would concur with the opinion of the referrer in this instance, that the haulage activity use is development, and is not exempted development by reason of the passage of time since the haulage activity ceased on site in 2008, and no evidence of the continuation of the haulage activity use within the unit has been submitted and that other uses (not specifically related to haulage activity) have been operating within the unit in the intervening period between 2008 and 2025.

## 9.4 **Restrictions on Exempted Development**

9.4.1 I note that Section 4(4) of the Planning and Development Act 2000, as amended, provides that development shall not be exempted development if an Environmental Impact Assessment (EIA) or an Appropriate Assessment (AA) of the development is required. In terms of EIA, a haulage facility does not fall within a class of development outlined within Schedule 5, Part 1 or 2 of the Planning and Development Regulations 2001, as amended. The PA conducted an EIA preliminary screening and set out that the development does not constitute an EIA project as no extension to the structure has been carried out and that the Section 5 referral relates to the use of the structure only. The need for environmental impact assessment can, therefore, be excluded at pre-screening stage and a screening determination is not required in this instance.

9.4.2 In terms of Appropriate Assessment (AA) the closest European sites to the development are the Seas off Wexford SPA (site code 004237) located approximately 1.4 kilometres north-east of the subject site and Lady’s Island Lake

SPA (site code 004009) located approximately 3.6 kilometres south of the subject site. The issue of AA is specifically addressed below within Section 10 of this report.

## 10.0 Appropriate Assessment

10.1 The two most proximate Natura 2000 sites to the subject site are the Seas off Wexford SPA (site code 004237) located approximately 1.4 kilometres north-east of the subject site and Lady's Island Lake SPA (site code 004009) located approximately 3.6 kilometres south of the subject site.

10.2 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. As per paragraph 10.1 above, the subject site is removed from the designated boundaries of the nearest Natura 2000 sites. The subject referral relates to whether the haulage activity use has been abandoned and I note that no additional development or structures have been developed at this location, since the extension of the structure was permitted by the Planning Authority in 1989.

10.3 Having considered the nature, scale, and location of the haulage facility, the subject of this referral, I am satisfied that it can be eliminated from further assessment because there is no likelihood of significant effects on these or any other European Site(s). The reason for this conclusion is as follows:

- The modest scale of the development, which relates to the use of a commercial premises within the confines of a larger Business Park,
- The location of the haulage facility premises within a Business Park on light industrially zoned lands with no additional servicing requirements,
- The separation distance from the nearest European site(s),
- The information submitted by the referrer and the Planning Authority.

10.4 I conclude, that on the basis of objective information, the development would not have a 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 (Stage 2) under Section 177V of the Planning and

Development Act 2000 (as amended) is not required. This preliminary screening is supported by a review of National Parks and Wildlife Service (NPWS) datasets, Ordnance survey mapping and aerial photography.

## 11.0 Conclusion and Recommendation

I recommend that the Board should decide this referral in accordance with the following order.

**WHEREAS the following** question has arisen as to whether:

The use of a commercial premises as a haulage facility at Kilrane Business Park, Kilrane, Co. Wexford is or is not development or is or is not exempted development.

**AND WHEREAS** Wexford County Council issued a declaration on the said question to the referrer on the 10th day of September 2025, stating that the operation of the haulage facility is development and is exempted development.

**AND WHEREAS** Mr. Darren O Ceallaigh referred this declaration for review to An Coimisiún Pleanála on the 1st day of October 2025.

**AND WHEREAS** An Coimisiún Pleanála, in considering this referral, had regard particularly to –

(a) Section 2 (1) of the Planning and Development Act, 2000, as amended,

(b) Section 3 (1) of the Planning and Development Act, 2000, as amended,

(c) Section 4 (1) (h) of Planning & Development Act 2000, as amended**,**

(d) Schedule 2, Part 4, Class 4 of the Planning & Development Regulations, 2001, as amended.

**AND WHEREAS** An Coimisiún Pleanála has concluded that –

- The use of the premises as a haulage facility is development for the purposes of Section 3 of the Planning and Development Act 2000, as amended.
- The development is not exempted development under Schedule 2, Part 4, Class 4 of the Planning & Development Regulations, 2001, as amended.
- The likelihood of significant effects on the conservation objectives of European sites can be excluded.

**NOW THEREFORE** An Comision Pleanála, in exercise of the powers conferred on it by Section 5 (1) of the 2000 Act, hereby decides that:

(a) The operation of the haulage facility is development: and

(b) The operation of the haulage facility is not exempted development.

At Kilrane Business Park, Kilrane, Co. Wexford.

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

Fergal Ó Bric

Planning Inspectorate

10th day of August 2026