



An
Coimisiún
Pleanála

Inspector's Report

ACP-323869-25

Development

Retention of change of use from storage units to metal recycling facility. Permission for alterations to unit and for a building for truck unloading and storage with associated site works. This application relates to development which comprises an activity requiring a waste facility permit number WFP-WX-21-0181-01.

Location

Ballyknockan and Ballygillane Big, E.D. Saint Helen's, Co. Wexford

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20211334

Applicant(s)

Tamer Metal Recycling Limited.

Type of Application

Permission and permission to retain.

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Darren Ó' Ceallaigh on behalf of
Kilrane Concerned Residents Group.

Observer(s)

None.

Inspector

Stephanie Farrington

1.0 Introduction and Background

- 1.1. The application seeks retention of change of use from storage units to metal recycling facility. Permission for alterations to unit and for a building for truck unloading and storage with associated site works at Ballyknockan and Ballygillane Big, E.D. Saint Helen's, Co. Wexford. I refer to the planning history of the site. Under ABP Ref: 321172-21 issued a decision to refuse permission for the development by order dated the 24th of October 2023. This decision was quashed by order of the High Court and the case was remitted by that Court back to the Board for a new decision.
- 1.2. The appeal was reactivated under ABP Ref: 319921-24. By order dated the 15th of August 2024 the Commission issued a decision to refuse permission for the development. The Commission's decision on ABP Ref: 319921-24 was quashed by order of the High Court and remitted back to the Commission for a fresh determination. A new case number of ACP-323869-25 was assigned.
- 1.3. Having regard to the High Court Order in this case, the quashing of the previous Commission decision and the passage of time, the Commission considered that it was appropriate in the interests of justice to now request relevant parties under Sections 131 of the Planning and Development Act 2000 (as amended) to make any further general submissions/observations in relation to the appeal and to make submissions on the Wexford County Development Plan 2022-2028 in the context of the proposed development which was subject of the appeal.
- 1.4. All participants to the appeal were notified of the quash and remittal of the appeal on the 24th of November 2025 and were invited to make a submission in relation to the matters raised above on or before the 22nd of December 2025. The Commission received a response from the applicant and appellant. The responses received were cross circulated to all parties for comment on or before the 5th of February 2026. Further responses were received from the applicant and appellant.
- 1.5. This report considers the submissions made on foot of the request and the proposed development in the context of the policy provisions of the Wexford County Development Plan 2022-2028 and should be read in conjunction with my original

assessment set out within the Inspectors Report dated the 9th of May 2023 in respect of ABP Ref: 312172-21.

2.0 Response to Section 131 Request

2.1. Applicant's Response (19/12/2025)

2.1.1. The applicant provided a response to the Section 131 request issued by the Commission on the 24th of November 2025. The following provides a summary of the key points raised:

Inordinate Delay and Prejudice

- The application was lodged in 2021. It has been over 4 years since it was submitted and received a notification of decision to grant permission from the Planning Authority.
- Due to the delay in assessing the appeal a new Development Plan came into effect and the zoning of the site changed. There was a failure to invite Tamer Metal Recycling Ltd. to make submissions on the new Development Plan.
- The submission sets out a chronology of the application stages including the lodgement of the application with Wexford County Council, the planning authority's decision, the ABP assessment (312172-21) and the second assessment by the Board under ABP Ref: 319921-24.
- Delays and breaches of fair procedures including a failure to invite submission on the new Development Plan, have caused significant prejudice to the applicant.
- High Court proceedings were initiated twice, with the Board agreeing to quashing the previous decision in each case.
- In such exceptional circumstances the planning authority's decision should be confirmed by the Commission.

Misapplication of the Development Plan

- The submission outlines that the Commission previously relied on Section 8.8.3 and Objective WM05 as reasons for refusal and states that these provisions were misapplied by the Commission.
- The submission notes that the Commission and the Inspector relied upon a clause in Section 8.8.3 of the Development Plan, which relates expressly to a new waste disposal facilities or waste transfer stations, and treated that provision as if it applied to the development. The submission outlines that the development does not fall within the definitions of such facilities set out within Table 9.7 of Volume 1 of the Development Plan. The submission outlines that the clause relied on by the Commission under Section 8.8.3 does not apply in the instance of the development.
- The submission furthermore outlines that the provision of the Development Plan does not apply to pre-existing waste management facilities holding a valid waste permit. The application relates to a facility which has a waste facility permit register number WFP-WX-21-0181-01 for Class 10- Recovery of Waste (Copy of which is attached as Appendix 2). The submission outlines that there was clear evidence before the Commission that a valid waste permit for the metal recycling facility was in place.
- The submission refers to correspondence from Wexford County Council dated 28th of April 2021 stating their satisfaction with the quality management systems in place at the facility (attached as Appendix 4).
- The facility is a waste recovery facility with a valid permit, not a waste disposal facility or transfer station. The submission furthermore outlines that the wording of the Section 8.8.3 of the Development Plan which outlines that “in general” such facilities should not be within 200 metres of a residence. It is stated that while the clause does not apply in this instance this is not an absolute prohibition.
- Zoning designations and “not permitted” classifications allow flexibility and the Commission has discretion to grant permission even where there is a material

contravention under S.37 (2) (a). As the Planning Authority did not find a material contravention when approving the development, the Commission is not constrained by s.37(2)(b).

- The submission refers to the definitions of “not permitted” uses listed at page 121 Volume 3 of the WCDP as follows:

“Development listed as “not permitted”will not be permitted for one or more of the following reasons:

- (i) Undesirable effects on existing or permitted uses;*
- (ii) Incompatibility with the settlement objectives, or*
- (iii) Inconsistency with the proper planning and sustainable development of the area”*

- The submission outlines that the wording of the Plan allows flexibility and that a use labelled as “not permitted” may still be acceptable where none of reasons (i) – (iii) apply. While part of the industrial estate has been rezoned as Open Space and Amenity under the 2022-2028 Development Plan, the development remains in an Industrial Park. The submission outlines that the waste facility is also not new. There is a pre-existing waste permit, and the development seeks retention of the existing facility.
- The submission refers to the planning history of the industrial park wherein permission was previously approved for change of use of Units 2 and 3 to recycling uses. The submission outlines that in this instance it is unclear as to how the development would be inconsistent with the proper planning and sustainable development of the area.
- The submission outlines that the development does not contravene Objective WM05 of the Wexford County Development Plan. It is stated that the policy uses the word “should” and not “shall” regarding compliance with zoning indicating flexibility.
- The submission outlines that the development is needed and appropriate at this location as evidenced by the granting of a waste permit which remains in effect. No concerns were raised by the planning authority in relation to the

pollution etc. No particular concerns were raised by ABP in terms of compliance with the Water Framework Directive or the Habitats Directive.

Conclusion

- The submission outlines that the cumulative procedural failings and misapplication of the Development Plan justify a grant of permission.
- The previous decisions of the Commission were flawed.
- The applicant requests the Commission to grant permission for the development.

Appendices

- Appendix 1: Letter from An Coimisiún Pleanála
- Appendix 2: Waste Facility Permit
- Appendix 3: Certificate of Registration
- Appendix 4: Correspondence from Wexford County Council in relation to compliance with waste facility permit.

2.2. Appellants Response (12/12/2025)

2.2.1. The appellant provided a response to the Section 131 request issued by the Commission on the 24th of November 2025. The following provides a summary of the key points raised:

Legal

- The submission refers to the Enforcement Notice issued to the applicant 0047/2021 and outlines that in light of the enforcement issue the operation is wholly unsuitable for the area.
- The submission outlines that concerns have been raised by residents in the area with the EPA and Wexford County Council (WCC) in relation to failure to comply with the conditions of the waste licence/permit.
- The submission outlines that Kilrane Business Park is zoned light industry within the Development Plan and waste management facility is not compatible with the area.

- The site is located within 200m of existing residential properties and is not in accordance with the proper planning and sustainable development of the area in this regard.
- The development does not fall within the classification of light industry. The works at the facility, its proximity to many homes, noises and smells emitted, waste storage in proximity to homes, its size and being serviced by HGV's, the lack of proper wastewater treatment demonstrate that the development cannot be classified as light industry.

Safety and Children

- The submission raises concerns in relation to HGV's passing the school on St. Helen's Road. This is contrary to objectives of the 2021 WCDP.
- The submission raises safety and security concerns associated with Metal Recycling Facilities in attracting crime.
- The submissions refers to concerns raised with the planning authority in relation to the waste permit.
- The site is not served by mains wastewater facilities.
- It is stated that there is no access to water for emergency services in the instance of an accident.
- The access to the site from a local road is not suitable to accommodate HGV's. HGV's pose a safety risk to children.

Tourism and Environment

- The submission raises concern in relation to the impact of 2 no. waste facilities in the business park on tourism in the area.
- The material being recycled blows along the road and residents have been picking up litter along the road.
- Smell, litter and visual impact could deter tourists from visiting the area.
- The submission includes photos from the facility in October 2025.

- The submission refers to the carbon footprint associated with the transportation of material to the site.
- The submission refers to alternative location at Holmestown for the facility.
- Run-off from the development outfalls to a local stream hydrologically connected to the sea. The submission raises concern in relation to potential for pollution associated with run off from the yard.
- The development is sitting on a high-risk fresh water source which is a pNHA (St. Helens).
- The site is in an area of extreme national ground water vulnerability due to it being a former quarry.
- The proposed development is likely to have significant environmental effects. A full EIAR is required.

Quality of Life

- The Business Park is surrounded by residential development. It is not a suitable location for a waste facility.
- The submission raises concerns in relation to depreciation in valuation of residential properties in the area.
- The village is already served by a waste management facility. The development would result in an intensification of waste facilities at an unsuitable location in a small village.
- The granting of planning permission for a waste facility goes against WCC's long term plan for Kilrane village.

Conclusion

- The development if permitted would be contrary to the proper planning and development of the area and would have a detrimental effect on the quality of life of residents in the area.

Attachments

- The submission includes a report by Terry O’Leary which was submitted in conjunction with the appellants observation on the planning application.

2.3. Further Responses

- 2.3.1. The responses to the Section 131 request were cross circulated to all parties for comment on or before the 5th of February 2026. Further responses were received from the applicant and appellant. The following provides a summary of the key points raised:

Applicant’s Response to Submission from Darren Ó’ Ceallaigh (05/02/2026)

- 2.3.2. The applicant provided a response to the appellant’s Section 131 response. The following provides a summary of the key points raised.

Legal Issues:

- The issuing of an Enforcement Notice does not preclude someone applying for planning permission and does not mean that the operation is unsuitable for its location.
- The submission refers to vague assertions made within the appellant’s submission to breach of the applicant’s permit. It is stated that this is contrary to the correspondence from Wexford County Council dated 19th of December 2025 which outlines that they are happy with the operation of the business.
- The business predates the Wexford County Development Plan. The submission cross refers to the earlier submission dated the 19th of December 2025 which addresses consistency of the development with the zoning objective.
- The reference to development being contrary to the provisions of the development plan as they relate to the siting of new waste disposal facilities and waste transfer stations are misconceived and incorrect. The development is not a waste transfer station or waste disposal facility.
- The definition of light industry in the Regulations is not relevant to the question of whether the development is consistent with the zoning.

Safety Issues

- Reference to theft from such a facility is not a planning consideration.
- No evidence of breach of the Waste Permit has been provided.
- There is proper access to water for emergency services in the event of an accident.
- HGV's have been operating out of the business park since it was constructed in 1971. No objective evidence of risk or traffic risk from HGV's has been provided as part of the appeal. No issues have been raised by Wexford County Council or the EPA in respect of HGV movements. The submission outlines that copies of reports from the EPA can be furnished to the Commission if required. No concerns in relation to traffic were raised by the Commission in its previous decisions.

Tourism and Environment

- The development is located within an existing industrial park and is not a tourist destination. The business park is screened by vegetation to the north, west and east.
- Wastewater is collected from the site and taken elsewhere by EnVa.
- There is no evidence that the development is contaminating any watercourses.

Quality of Life

- The appeal site is not adjoined by houses. Existing residential dwellings are located at the opposite side of the road to the site.
- The business park predates the development of houses in the nearby estate.
- The submission outlines that an existing waste facility operates from the business park. An additional facility will not result in a depreciation of house prices.

Terry O' Leary Report

- The issues raised within this report were considered by Wexford County Council. The report predates the current Development Plan.

Conclusion

- The submission outlines that the issues raised within the appellants submission are either factually incorrect, misconceived, unsupported by evidence or not material planning considerations.
- The development is located within an established business park that has accommodated industrial and recycling-related uses for decades and which predates the development of nearby residential estates.
- No objective evidence has been provided to demonstrate adverse impacts on safety, traffic, tourism, the environment, or residential amenity. Wexford County Council issued a notification of decision to grant permission for the development.
- The observation does not raise any planning matters that would warrant refusal of permission or departure from the Planning Authority's assessment.

Appellant's Response to Applicants Section 131 Response (26/01/2026)

2.3.3. The following provides a summary of the key points raised.

- The submission cross refers to the detailed submission dated December 2025.
- The delay in the appeals process does not justify a grant of permission. The appeal must be determined in accordance with the Development Plan in place at the time and the delay does not alter land use suitability.
- The proper planning and sustainable development of the area remains the sole consideration of the Commission.
- The zoning conflict remains fundamental. Waste Management Facilities are not permitted on lands zoned for light industrial purposes and lands zoned for Open Space and Amenity purposes are intended to protect and buffer residential and community uses.

- The applicant's reliance on alleged zoning flexibility is misplaced. Flexibility exists only where a proposed use does not undermine the zoning objective or cause adverse impacts. In this the development is located within 50m from occupied family homes, adjacent to a primary school access route, within an area identified for residential growth, community and tourism development. The zoning conflict is material, substantive and unresolved.
- The development does not meet the definition of light industry (results in noise, vibration, traffic, smell and dust). The development fails the light industry test.
- Residential Amenity and Section 8.8.3. The applicant's assertion the Section 8.8.3 relates only to new waste disposal or transfer stations is overly prescriptive. The purposes of Section 8.8.3 is to protect residential amenity. The proposal seeks retention and expansion.
- The submission outlines that a Waste Facility Permit does not determine planning suitability.
- The submission raises concerns in relation to environmental sensitivity and protection. The site is located within an area of extreme groundwater vulnerability. Surface water connects to St Helen's National Nature Reserve (p NHA) and Natura 2000 sites. In circumstances of high vulnerability, lack of dedicated wastewater infrastructure and hydrological connectivity to designated sites the precautionary principle applies.
- The 2021 operational letter relating to standards at the facility is of limited relevance to planning assessment.
- Granting retention and permission would undermine zoning objectives, weakening the buffering function of Open Space and Amenity lands, establish undesirable precedent near residential areas and conflict with the planned growth of the village. The development would be contrary to the proper planning and sustainable development of the village.
- Section 30 of the Planning and Development Act reinforces the plan-led nature of the planning system.

- It is requested that permission is refused for the development.

3.0 **Assessment**

3.1. I have reviewed the points raised within the submission from both the applicant and appellant as summarised in Section 2 above. The points raised are summarised under the following headings.

- Development Plan Context
- Impact on Residential Amenity
- Impact on Environment
- Other Issues

3.2. The issues raised are addressed as follows and should be read in conjunction with my original assessment set out within the Inspectors Report dated the 9th of May 2023 in respect of ABP Ref: 312172-21.

3.3. **Development Plan Context**

3.3.1. The submission from the applicant raises concerns in relation to the delays in the decision-making process and the adoption of the Wexford County Development Plan 2022-2028 during the consideration of the application. The submission outlines that due to the delay in assessing the appeal a new Development Plan came into effect and the zoning of the site changed. The submission outlines that delays and breaches of fair procedures including a failure to invite submission on the new Development Plan, have caused significant prejudice to the applicant. In such exceptional circumstances it is stated that the planning authority's decision should be confirmed by the Commission.

3.3.2. I note the concerns raised by the applicant in terms of the delays in the decision making process. I refer to Sections 5.1 and 7.2 of the Inspector's Report dated the 9th of May 2023, which notes the change in policy context since the planning authority's decision. The appeal was assessed on its merits having regard to the operative development plan in place at the time of assessment, namely the Wexford County Development Plan 2022-2028.

3.3.3. I refer to Section 7.2.20 of the Inspectors Report ABP Ref: 312172-21 which outlines that relevant parties were not given an opportunity to comment on the appeal in the context of the Wexford County Development Plan 2022-2028 and states that the Board may wish to seek their views prior to determining the case. I refer to the correspondence issued by An Coimisiún Pleanála dated the 24th of November 2025 wherein the applicant, appellant and planning authority were given the opportunity to make general comments on the appeal and specific comments in relation to the Wexford County Development Plan 2022-2028. I have taken the submissions received into consideration in preparing this addendum report.

Misapplication of Section 8.8.3

3.3.4. The applicant's submission refers to the decision of the Commission to refuse permission for the development and outlines that the provisions of the Wexford County Development Plan 2022-2028 were misapplied in the context of the development. In particular, the submission outlines that the provisions of Section 8.8.3 of the Development Plan as cited within the reasons for refusal are not applicable to the development. Section 8.8.3 of the Wexford County Development Plan outlines that *"in general, no new waste disposal facility or Waste Transfer Station shall be located within 200m of a residence"*.

3.3.5. The submission outlines that Section 8.8.3 of the Development Plan relates expressly to a new waste disposal facilities or waste transfer stations and outlines that the development does not fall within such definitions. The submission outlines that the permission relates to a waste recovery facility and the provisions of Section 8.8.3, Volume 2 of the Plan are not of relevance in the instance of the development. The submission furthermore outlines that this provision relates to new and not pre-existing waste management facilities holding a valid waste permit. The application relates to an existing facility which has a waste facility permit register number WFP-WX-21-0181-01 for Class 10- Recovery of Waste.

3.3.6. On review of the details of the submission, I accept the point raised by the applicant in relation to the provisions of Section 8.8.3 as set out within Volume 2 of the Development Plan. While I note that Section 8.8.3 of the Plan relates to Waste Recovery and Disposal Facilities the criteria in relation to the siting of facilities

relative to existing residential properties relates specifically to waste disposal facilities and waste transfer stations. On the basis of the information provided by the applicant, I am satisfied that the development would not fall within the definition of waste disposal or waste transfer station. I recommend that the reference to Section 8.8.3 as it relates to the siting of waste disposal and waste transfer facilities relative to residential development of the Development Plan is omitted from the reason for refusal.

- 3.3.7. Notwithstanding the above, I consider that the proposal remains inconsistent with the overall guidance set out within Section 8.8.3 of the Development Plan which outlines that: *“The provision of waste recovery facilities, pre-treatment infrastructure and development of indigenous secondary waste processing, including Material Recovery Facilities (MRF) and Waste Transfer Stations will be facilitated at appropriate locations within the county (see Volume 1 Chapter 9 Infrastructure Strategy)”*. Section 9.7.3 of the Plan relates to the Location of Waste Management Facilities and outlines that: *“In general, the Council will direct waste management facilities such as waste transfer stations, waste material and recovery facilities, sludge management facilities and anaerobic digester units and authorised treatment facilities for end-of-life vehicles to appropriately zoned lands. This approach will not apply to smaller facilities such as recycling banks and bring centres. Proposals on zoned land must comply with the criteria outlined in Objective WM05”*. (author emphasis added).
- 3.3.8. The appeal site is not identified as such an appropriate location within the Development Plan. The appeal site is zoned for both Light Industrial purposes and Open Space and Amenity purposes within the Kilrane and Rosslare Harbour Settlement Plan as set out within Volume 3 of the Wexford County Development Plan 2022-2028. The development falls within the definition of Waste Management Facilities as set out within the Wexford County Development Plan 2022-2028. The use waste management facilities is listed as a use which is “not permitted” on both lands zoned for Light Industrial purposes and Open Space and Amenity purposes. I therefore consider that the development remains inconsistent with the provision of Section 8.8.3 of the Development Plan.

3.3.9. On an overall basis I do not consider that the applicant's submission overcomes the substantive reason for refusal in relation to material contravention of the zoning objectives pertaining to the site.

3.3.10. The applicant's submission outlines that zoning designations and "not permitted" classifications allow flexibility in interpretation and outlines that the Commission has discretion to grant permission even where there is a material contravention under S.37 (2) (a). In this regard, the submission refers to the definitions of not permitted uses listed at page 121 Volume 3 of the WCDP as follows:

"Development listed as "not permitted"will not be permitted for one or more of the following reasons:

- (i) Undesirable effects on existing or permitted uses;*
- (ii) Incompatibility with the settlement objectives, or*
- (iii) Inconsistency with the proper planning and sustainable development of the area"*

3.3.11. The submission outlines that the wording of the Plan allows flexibility and that a use labelled as "not permitted" may still be acceptable where none of reasons (i) – (iii) apply. The submission outlines that while part of the industrial estate has been rezoned as Open Space and Amenity under the 2022-2028 Development Plan, the development remains in an Industrial Park

3.3.12. Notwithstanding the case made by the applicant, I note that the use is listed as a use which is "not permitted" under both zoning objectives pertaining to the site including Light Industry and Open Space within the adopted Development Plan. I note the location of the site within an existing industrial park. I am satisfied that the zoning of the majority of the Business Park for Light Industrial purposes reflects the industrial park use. I furthermore note that the development is inconsistent with the provisions of Section 9.7.3 of the Plan which relates to the Location of Waste Management Facilities. I conclude therefore that the development is inconsistent with the criteria for "non permitted" uses as cited within page 121 Volume 3 of the WCDP. I consider that the development is (ii) incompatible with the settlement objectives and (iii) inconsistent with the proper planning and sustainable development of the area.

3.3.13. The applicant's submission outlines that the waste facility is not new as the development seeks retention of an existing facility which has a pre-existing waste permit. In this regard I note that the facility does not have the benefit of planning permission. The existence of a waste permit does not exempt a development from the requirement of planning permission.

3.3.14. The submission outlines that the development does not contravene Objective WM05 of the Wexford County Development Plan. The submission outlines that the Objective uses the word "should" and not "shall" regarding compliance with zoning indicating flexibility. I refer to the wording of Objective WM05 as follows:

Objective WM05 Where it is proposed to develop waste management facilities on zoned land, it will be necessary for the following criteria to be satisfied:

- *The proposal should comply with the zoning objective for the subject lands.*
- *The need for the proposal at the particular location, in particular having regard to the Southern Region Waste Management Plan 2015-2021, the Irish Water National Sludge Waste Management Plan 2016-2021, and any future updated versions of these plans produced during the lifetime of the Plan;*
- *The site should be located outside of a flood risk area.*
- *There should be no adverse impacts on amenities.*
- *There should be a minimal risk of pollution.*
- *An appropriate buffer zone shall be provided around the site in order to protect the amenities of adjoining lands and properties. This buffer zone will be determined by the Planning Authority, in consultation with the EPA, where relevant.*
- *The development should comply with the requirements of the Water Framework Directive, the National River Basin Management Plan 2018-2021 and any future updated version during the lifetime of the Plan.*

- *The development must comply with the requirements of the Habitats Directive.*

3.3.15. At the outset, I refer the Commission to the wording of reason for refusal under ABP Ref: 312172-21. The reason for refusal does not infer that the development materially contravenes the provisions of Objective WM05. It states that the development is contrary to this objective.

3.3.16. I note the reference within the submission to the powers of the Commission under Section 37 (2) (a) of the Planning and Development Act. The submission refers to the existing pattern of development within the vicinity of the site which includes waste facilities and the distance of the development from existing residential properties and outlines that the facility has a waste permit from WCC.

3.3.17. However, in the instance of the development, I do not consider that permission is warranted for the development in accordance with the provisions of 37(2)(a). I consider that the development is at variance with numerous provisions of the Wexford County Development Plan. The development materially contravenes the zoning objectives pertaining to the site and is contrary to the provisions of the Wexford County Development Plan 2022-2028 including Objective WM05 and Section 9.7.3 (Volume 1) and Section 8.8.3 (Volume 2) in relation to the Location of Waste Management Facilities. I conclude therefore that the development is inconsistent with the criteria for “non permitted” uses as cited within page 121 Volume 3 of the WCDP. I consider that the development is (ii) incompatible with the settlement objectives and (iii) inconsistent with the proper planning and sustainable development of the area.

3.3.18. Having examined the received submissions I consider that no significant new information or comment has been made that would result in a substantially different recommendation to that originally made in the Inspector’s Report dated 9th of May 2023.

3.4. Impact on Residential Amenity

3.4.1. The submission from the appellant raises concern in relation to the impact of the development on the residential amenity of existing properties within the vicinity. I am satisfied that the concerns raised are addressed within Sections 7.4 and 7.5 of the

Inspectors Report ABP Ref 312172-21. I have reviewed the appellant's submission, and I consider that no significant new information or comment has been made that would result in a different recommendation to that originally made in the Inspector's report.

3.5. Impact on Environment, Tourism, Safety, Traffic Impact

3.5.1. I refer to the concerns raised within the submission from the appellant in relation to impacts on tourism, traffic and safety and the environment. I am satisfied that the concerns raised are addressed within Sections 7.5 and 7.6 and 7.8 of the Inspectors Report ABP Ref 312172-21. I have reviewed the appellant's submission, and I consider that no significant new information or comment has been made that would result in a different recommendation to that originally made in the Inspector's report.

3.6. Other Issues

Enforcement & Non-Compliance with Waste Permit

3.6.1. The appellants submission refers to the enforcement history on the site and the history of non-compliance with the terms and conditions attached to the waste permit and parent permission for the business park. The applicant's response to the appellant's submission outlines that the subject application seeks to regularise the planning status on site. The response furthermore notes that the applicant is unaware of any breach of conditions of waste permit WX-21-0181-01 or non-compliance with conditions attached to the business park permission. I am satisfied that these issues are addressed in Section 7.3 of the Inspector's Report dated 9th of May 2023.

3.6.2. In summary, I note that the issue of enforcement and compliance with the terms of the waste permit is a matter for the planning authority in terms of compliance with other codes and not for the Commission. What is currently before the Commission is the proposed development as described within the public notices and annotated within the application drawings and the effects of that development on the surrounding area. I have assessed the application on its individual merits and in accordance with the policy context pertaining to the site and the proper planning and sustainable development of the area.

Updated National Policy

- 3.6.3. I refer to Sections 5.2 and 5.3 of the Inspector's Report which relates to the provisions of the Climate Action Plan 2023 and the Southern Regional Waste Management Plan 2015-2021. I note that in the interim period that these documents have been updated as detailed below.

Climate Action Plan 2025

- 3.6.4. The CAP provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and reach net zero by no later than 2050, as committed to in the Climate Action and Low Carbon Development (Amendment) Act 2021. The current 2025 CAP is to be read in conjunction with the 2024 CAP. The 2025 CAP has targets to reduce waste generation.
- 3.6.5. The CAP outlines that our current linear economic model, based around 'Take-Make-Waste', is environmentally and economically unsustainable and outlines that a transition to a circular economy will reduce our greenhouse gas (GHG) emissions and make a significant contribution to achieving our climate objectives. Specific objectives relating to waste highlight the need to minimise waste generation.

National Waste Management Plan for a Circular Economy 2024-2030

- 3.6.6. This Plan sets out a framework for the prevention and management of waste in Ireland for the period 2024 to 2030. The plan replaces the previous 3 regional waste management plans (i.e. Connacht-Ulster Region Waste Management Plan 2015-2021, Southern Region Waste Management Plan 2015-2021, Eastern-Midland Region Waste Management Plan 2015-2021).
- 3.6.7. The Plan outlines that Ireland is moving away from the traditional linear 'take-make-use-dispose' model towards a 'circular economy' regenerative growth model where resources are reused or recycled as much as possible, and the generation of waste is minimised. The transition to a circular economy is essential to reduce pressure on natural resources, aid in achieving climate targets, support Sustainable Development Goals and create sustainable growth and jobs.

Waste Water Facilities

- 3.6.8. The appellant's submission outlines that the site is not served by mains wastewater facilities. The application documentation outlines that the development connects to the existing WWTP located to the northeast of the business park. I refer the Commission to Section 7.7.3 of the Inspectors Report ABP Ref: Ref 312172-21 which identifies information deficiencies in the application relation to the capacity of the existing wastewater treatment plant to accommodate the proposal. I note that this is not addressed within the applicant's submission.
- 3.6.9. The applicant's submission dated 5th of February 2026 outlines that the applicant has a wastewater treatment system on site where wastewater is collected by EnVa. No details of this system are provided. I consider that this reference is contrary to details provided within the application as detailed above. I am recommending that permission be refused for other substantive reasons but in the instance that the Commission is minded to grant permission for the development it may be considered appropriate to clarify provisions for wastewater treatment and the capacity of same.

Water Framework Directive

- 3.6.10. The appellants submission refers to non-compliance of the development with the objectives of the Water Framework Directive and potential pollution of surface water and groundwater quality. As detailed within the Inspector's report dated 9th of May 2023 an existing water course is located to the northeast of the appeal site. While this watercourse is not identified in EPA mapping, watercourses in the vicinity of the site flow in an easterly direction and outfall to Carnsore Point SAC (Site Code 002269). I refer the Commission to Section 7.9 of the Inspectors Report prepared under ABP Ref:312172-21 which addresses Appropriate Assessment.
- 3.6.11. The watercourse in the vicinity is identified as Kisha_010 (IE_SE_13K140950). This waterbody is identified to have a Moderate status within the WDF 2019-2024. The risk status of this waterbody is identified as being under review on EPA mapping. I refer to 7.9.15 of the Inspectors Report ABP Ref: 312172-21 which relates to measures which will be provided to negate against pollution of the watercourse including interceptors and filters and silt traps. The ground waterbody underlying the

site is the Bridgetown (IE_SE_G_022). The waterbody has a “Good” status under the 2019-2024 WFD. This groundwater body is identified as not being at risk.

3.6.12. I note that the operation of the facility would be managed in accordance with a waste permit and the conditions set out therein. The existing waste permit for the facility is attached as Appendix 2 of the applicant’s submission dated 19/12/2025. This sets out detailed conditions for the management, operation and monitoring of the facility. Such conditions relate to measures to be adopted within tanks and drum storage areas (3.13), drainage system and pipeline testing (3.14), groundwater emissions (6.5) and surface water emissions (6.6). I refer to the correspondence from Wexford County Council dated October 2021 attached as Appendix 4 of the applicant’s submission (19/12/25) which outlines that the facility operates to a high standard. I am satisfied that compliance with the requirements of the waste permit would negate against risk to ground water and surface water bodies.

3.6.13. I have assessed the proposed development, on an established industrial site and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale, location of the project and subject to adherence to the conditions of a waste permit, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

3.6.14. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

4.0 Recommendation

4.1. Taking into account my assessment as set out in this addendum report, in conjunction with my original assessment, Inspector’s report ABP Ref: 312172-21

dated 9th of May 2023, my recommendation to the Commission regarding the application before it remains broadly the same. On foot of the submission received from the applicant (19/12/2025), I recommend some revisions to the wording of the reason for refusal to omit reference to the siting of waste facilities relative to residential properties as set out within Section 8.8.3 of Volume 2 of the Wexford County Development Plan for the reasons cited within this report. I also recommend inclusion of reference to the provisions of Sections 9.7.3 (Volume 1) and 8.8.3 (Volume 2) of the WCDP as it relates to the Location of Waste Management Facilities.

4.2. I recommend that planning permission be refused for the development in accordance with the following reasons and considerations:

1. The appeal site is located within Kilrane Business Park on the edge of the village Kilrane. The proposal seeks permission to retain a metal recycling facility use within Kilrane Business Park and permission for alterations to the structure. The appeal site is zoned for both Light Industrial purposes and Open Space and Amenity purposes within the Kilrane and Rosslare Harbour Settlement Plan as set out within Volume 3 of the Wexford County Development Plan 2022-2028. The development falls within the definition of Waste Management Facilities as set out within the Wexford County Development Plan 2022-2028. The use waste management facilities is listed as a use which is “not permitted” on both lands zoned for Light Industrial purposes and Open Space and Amenity purposes.

Objective WM05 of the Wexford County Development Plan sets out criteria to be satisfied where it is proposed to develop waste management facilities including “*the proposal should comply with the zoning objective for the subject lands*”. The Development Management Guidance set out within Section 8.8.3, (Volume 2) and guidance in relation to the siting of waste management facilities as set out in Section 9.7.3 (Volume 1) of the Wexford County Development Plan 2022-2028 furthermore relates to the development of waste management facilities at appropriate locations within the county and on appropriately zoned lands.

The proposed development and development proposed to be retained would materially contravene the zoning objectives pertaining to the site as set out within the Wexford County Development Plan 2022-2028 and would be contrary to the requirements of Objective WM05 and Section 9.7.3 of the Plan and the development management criteria for the siting of waste facilities as set out within Section 8.8.3, (Volume 2) of the Wexford County Development Plan. The proposed development and development proposed to be retained would, therefore, be contrary to the provisions of the Wexford County Development Plan 2022-2028 and the proper planning and sustainable development of the area.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Stephanie Farrington
Planning Inspectorate

23rd of March 2026