



An
Bord
Pleanála

Inspector's Report 305523-19

Development	Removal of excavated material and an extension to a concrete slab granted under Reg. Ref. PD/16/411 and all associated ancillary works.
Location	Rooskagh TD, Bellanamullia, Athlone, Co. Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	19361
Applicant(s)	S. Kildea & Sons Ltd.
Type of Application	Retention Permission
Planning Authority Decision	Refuse Retention Permission
Type of Appeal	First Party
Appellant(s)	S. Kildea & Sons Ltd.
Observer(s)	Denise Moore
Date of Site Inspection	5 th December 2019
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has an area of 0.35 ha and is located approximately 1.3 km to the south-west of the Bellanamullia settlement on the western outskirts of Monksland, Athlone, Co. Roscommon. The site forms part of a concrete manufacturing facility, which is characterised by a variety of processing buildings, storage buildings, yards and associated structures. An area of land to the north of the application site on the northern side of local road L2025 is also used as a storage yard.
- 1.2. There is an existing dwelling located approximately 35 m to the west of the application site.

2.0 Proposed Development

- 2.1. The development comprises the retention of additional works carried out on site consisting of the removal of excavated material and the construction of an extension to a concrete slab granted under Reg. Ref. PD/16/411 and all associated ancillary works.
- 2.2. The concrete slab extension is located towards the south-western corner of the wider concrete manufacturing facility site and will be used for the storage of concrete products.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Retention Permission issued on 4th September 2019 for 1 no. reason relating to the impact of the development on the amenities of the residential property adjoining the western site boundary.

3.2. Planning Authority Reports (30th August 2019)

3.2.1. Planning Reports

- 3.2.2. Basis of Planning Authority's decision.

3.3. Other Technical Reports

3.3.1. None.

3.4. Prescribed Bodies

3.4.1. None.

3.5. Third Party Observations

3.5.1. 1 no. third party observation was received from Denise Moore, Gortacahalla, Moycullen, Co. Galway, who is the owner of the residential dwelling to the west of the subject site. The observer submits that the noise and dust impacts of the development impinge on the amenities and value of her property and that the development has changed the character of this rural area, which is not suitable for industrial development.

3.5.2. It is further submitted that the development is in breach of Planning Reg. Ref. 16/411 regarding the removal of the original berm (condition nos. 1 and 3), digging into the south-west corner of the site (condition nos. 1 and 3) and the erection of a new embankment (condition nos. 1 and 2).

4.0 Planning History

4.1. **PA Reg. Ref. 16/411:** Planning permission granted on 4th January 2017 for the demolition of 2 no. derelict buildings, the construction of a storage yard area involving lowering and raising areas of ground to extend the existing manufacturing and storage areas, the construction of an ESB electricity substation and switch room building and the construction of a concrete batching plant and all associated ancillary works.

4.2. Condition no. 2 of this permission linked the cut and fill activities solely to the permitted development, with no intrusion, lowering or any works permitted which would impact on the existing berm on the south-western section of the site.

4.3. Condition no. 3 of this permission required all on-site berms to be top-soiled, re-seeded and planted with native species hedgerows within the first planting season of the completion of all works.

- 4.4. **PA Reg. Ref. 15/296:** Planning permission refused on 13th November 2015 for the construction of a storage yard area adjacent to the existing concrete manufacturing facility for storing products. The proposed works involve lowering the existing ground level of the current manufacturing yard and raising an area of ground extending the manufacturing area and all associated ancillary works.
- 4.5. Planning permission was refused for 1 no. reason relating to the impact of the proposed development on the amenities of the residential property to the west of the site.
- 4.6. **PA Reg. Ref. 09/581:** Planning permission granted on 13th January 2010 to retain a concrete slab adjacent to the existing workshop and the construction of a building over the slab for the storage and filling of concrete moulds.
- 4.7. **PA Reg. Ref. 07/1025:** Planning permission granted on 2nd April 2008 to retain an office building, site entrance and infill material used to raise site levels and to construct a truck wash area with sediment settling tank and soak pit.
- 4.8. **PA Reg. Ref. 04/1890:** Planning permission granted on 9th June 2005 to construct a yard for the display and sale of concrete products/garden ornaments, stonework etc, together with ancillary site works.
- 4.9. **PA Reg Ref. 04/236:** Planning permission granted on 7th July 2004 to retain existing offices/canteen, control house and storage facilities on an enlarged site in the operation of a concrete plant.
- 4.10. **PA Reg. Ref. 02/1227:** Planning permission granted on 30th April 2003 for a workshop/storage shed.
- 4.11. **PA Reg. Ref. PD18962/1993:** Planning permission granted on 17th May 1994 for a concrete batching plant and ancillary works, consisting of stockpiles for material storage, storage control houses, septic tank, percolation areas, sediment tanks, bulk cement silo, loading hoppers, conveyor belts and access road.
- 4.12. **Enforcement History**
- 4.13. **PA Ref. UDR 2402:** Alleged unauthorised development consisting of works not being carried out in accordance with PA Reg. Ref. PD/16/411.

5.0 Policy and Context

5.1. Roscommon County Development Plan 2014-2020

5.1.1. Mineral Extraction and Quarries

5.1.2. **Section 3.4.4:** The Council seeks to ensure that the extractive and concrete products industry follows an environmental code of practice in order to minimise potential adverse impacts on the environment and local communities.

5.1.3. **Section 9.34:** The Council will seek to facilitate the extractive industry and value-added products associated with it, whilst endeavouring to safeguard amenities such as landscapes of scenic, historic and geological interest, natural habitats, groundwater sources and source protection zones, roads infrastructure, archaeological and architectural features, and residential amenities.

5.2. Natural Heritage Designations

5.2.1. The subject site is located approximately 2.4km to the north-east of the Castlesampson Esker SAC; approximately 2.9 km to the south-east of the Ballynamona Bog and Corkip Lough SAC; 5 km to the south-west of the Lough Ree SAC and SPA and 5.4 km to the north-west of the River Shannon Callows SAC.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the retained development within the red line boundary only, comprising the removal of excavated material and the extension of a permitted concrete slab, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal has been lodged by Earth Science Partnership (Ire) Ltd. on behalf of the applicant, the grounds of which can be summarised as follows:

- In implementing the development permitted under PA Reg. Ref. PD/16/411, the contractor encountered difficult ground conditions during excavation works and carried out corrective actions to stabilise the excavations. A letter is included from the contractor to support this position.
- The net area of the concrete slab to which this application relates is just 3.4% of the original planning area (PA Reg. Ref. PD/16/411). The over excavated area arose due to poor ground conditions and unstable side slopes, which were not envisaged at the outset of construction works;
- The concrete manufacturing facility is located to the north-west of the adjacent residential property. The prevailing winds in Ireland are west/south-westerly and as such, any dust arising from the subject site during windy days will be blown away from this property;
- The main sources of on-site noise and dust are the concrete manufacturing plants, the position of which within the site has not been altered. No additional impacts arise as a result of the additional works, which is verified by noise and dust monitoring carried out within one month of the appeal submission;
- The noise assessment concludes that the proposed development has lowered noise levels at NSL1 (neighbouring dwelling) from all works on the specific site and from the general site area, with the levels (Leq 1 hour 45 dBA) being well within industry standards. Thus, the net effect of the works on the nearest residential dwelling has been beneficial;
- Dust monitoring locations were established at 4 no. locations around the facility, with 2 no. located on the berm near the neighbouring dwelling. Dust monitoring has been undertaken in accordance with EPA Guidelines, with the results indicating that the average dust deposition over the 4 locations (62.5 mg/m²/day) was less than 20% of the EPA limit (350 mg/m²/day);

- The dust monitoring points near the residential dwelling are 30 m from its curtilage, and as such, expected dust deposition would be less at this extended distance;
- Concerns may have arisen on foot of the construction works, which took place during dry weather conditions and would have resulted in elevated levels of dust. Excavators and other construction plant were placed on top of the excavations in plain sight of the neighbouring property, with elevated noise and vibration. These works are now complete, with an embankment of between 3 and 10 m placed between the facility and the neighbouring property acting as a noise barrier and preventing dust migration.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

- 6.3.1. 1 no. observation was received from Denise Moore (owner of the dwelling to the west of the application site) on 16th October 2019. No new issues were raised (see section 3.5 of this report above).
- 6.3.2. A further observation was received from Denise Moore on 9th April 2020 concerning the applicant's further information response as received by the Board on 5th March 2020.
- 6.3.3. The observer submits that her property has become subject to flooding on foot of surface water arising within the application site. The observer also queries the validity of the applicant's Appropriate Assessment Screening Report and submits that planning permission should be refused in this instance.

7.0 Assessment

7.1. I am satisfied that the main issues for consideration in this case include:

- Planning History
- Residential Amenity Impacts

- Surface Water Management
- Appropriate Assessment Screening

7.2. Each of these issues is addressed in turn below.

7.3. **Planning History**

- 7.3.1. In November 2015, planning permission was refused on the subject site for the construction of a storage yard area adjacent to the existing concrete manufacturing facility (**Planning Authority Reg. Ref. 15/296**). Permission was refused for 1 no. reason relating to the impact of the proposed development on the amenities of the residential property to the west of the site.
- 7.3.2. A review of Drawing No. PP-120-00 (Existing and Proposed Site Sections) and Drawing No. PP-120-01 (Berm Section Details) which accompanied that application, confirms that the storage yard area was proposed in the south-western corner of the overall site. The yard had an area of 1.18 ha and extended around the northern and eastern boundaries of the neighbouring dwelling. A buffer zone of 5 m was proposed between the application site and the neighbouring site, with a planted soil berm of 3 m providing screening along the site's western boundary.
- 7.3.3. In assessing this proposal, Roscommon County Council's Planning Officer noted that the topography of the site provided screening which substantially reduced the potential impact of the industrial development on the neighbouring dwelling. The Planning Officer considered that the proposed levelling of the application lands would bring the manufacturing activities much closer to the existing dwelling, giving rise to the potential for unacceptable residential amenity impacts. As such, planning permission was refused in this instance.
- 7.3.4. Planning permission was subsequently granted in January 2017 for development which included the construction of a storage yard area involving lowering and raising areas of ground to extend the existing manufacturing and storage areas (**Planning Authority Reg. Ref. 16/411**). As identified in Section 4.3 of this report, condition no. 2 of this permission prohibited the intrusion, lowering or any works which would impact on the existing berm on the south-western section of the site. The Planning Officer considered that the retention of this berm, and the proposed 60 m separation distance which would arise to the residential dwelling to the west, would protect the

amenities of this dwelling and address the previous refusal of permission on the site under Planning Authority Reg. Ref. 15/296.

- 7.3.5. In considering the planning history identified above, I acknowledge that the development which was refused permission under PA Reg. Ref. 15/296 had the potential to impact on the residential amenities of the neighbouring dwelling given the limited separation distances which were proposed. I further acknowledge that the retention of the existing berm and the 60 m separation distance arising from the development permitted under PA Reg. Ref. 16/411, was appropriate in safeguarding the residential amenity of the neighbouring property.
- 7.3.6. In considering the rationale for the development to which this appeal case relates, I note that the application documentation includes correspondence from Des Nally Developments Ltd., the site contractor responsible for implementing the works permitted under PA Reg. Ref. 16/411. This correspondence confirms that excavation works to the pit face resulted in the appearance of cracks on the overburden. The face was extended in a westerly direction to avoid slippage, whereby its height could be reduced to a safe level and benched to avoid future slippage. A Geotechnical Assessment is included from Earth Science Partnership (Ire) Ltd which confirms that unforeseen ground conditions were encountered based on the presence of unstable materials.
- 7.3.7. In my opinion, these submissions provide a reasonable justification for the development which has occurred on the site. However, notwithstanding the unforeseen circumstances in this case, it is acknowledged that the incremental expansion of the site has the potential to impact on the residential amenities of the neighbouring dwelling to the west as discussed further below.

7.4. Residential Amenity Impacts

- 7.4.1. The development to be retained has reduced the separation distance between the western site boundary and the neighbouring residential dwelling to 35 m from 60 m as permitted under Planning Reg. Ref. 16/41. A berm of 3m is provided along the western boundary of the application site. The owner of the residential dwelling has raised concerns in relation to noise and dust impacts arising from within the application site. Each of these issues is considered in turn below.

- **Noise**

- 7.4.2. The appeal includes the results of a 30-minute noise survey undertaken at 3 locations within the site on 16th September 2019. These locations include NSL1 approximately 7 m from the boundary of the residential property to the west of the site, and locations N2 and N3 along the eastern boundary of the application site. Measurements were recorded when all mobile and fixed plant was operating and when activity was at a maximum level within the block laydown area which borders the site. A forklift was also running continuously to determine the maximum noise levels at NSL1. The assessment notes that, in practice, the forklift would be moving within the application site for less than 30% of the time in any one hour.
- 7.4.3. The results of the assessment state that maximum Leq 1 hour at location NSL1 from the manufacturing works will be less than 45 dBA which is noted to be within the guidelines for industrial developments and ancillary activities as set out in the EPA Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4). No tonal or impulsive tonal components were recorded in the noise levels at NSL1. The constructed berm, together with the lowering of ground levels on foot of the excavation works, is noted to result in an acoustic barrier effect in the region of 18 dBA.
- 7.4.4. Based on the foregoing, I am satisfied that no undue noise impacts will arise to the neighbouring residential property to the west of the application site on foot of the retained development.

- **Dust**

- 7.4.5. On-site dust monitoring was undertaken at 4 no. locations on 24th September 2019. Two monitors were positioned along the western site boundary adjacent to the nearest residential property, with the remaining two located at the northern and north-western boundaries of the wider concrete manufacturing facility site.
- 7.4.6. The results of the dust monitoring range from 59 – 67 mg/m²/day which is noted to be significantly below the total dust deposition standard of 350 mg/m²/day (averaged over a 30-day period) recommended under the EPA's Environmental Management Guidelines for Environmental Management in the Extractive Industry (Non-Scheduled Minerals), 2006.

7.4.7. Based on the foregoing, I am satisfied that no undue dust impacts will arise to the neighbouring residential property to the west of the application site on foot of the retained development.

7.5. **Surface Water Management**

7.5.1. The application and appeal documentation as originally submitted, included no information regarding the treatment of surface water discharge within the site. Question 20 of the planning application form states that the proposed method of surface water disposal is by watercourse. While the Appropriate Assessment Screening which was undertaken by Roscommon County Council's Planning Officer concluded that the works would have no impact on any Natura 2000 sites, in my opinion, insufficient information was provided with the application and appeal to exclude the potential for impacts to arise.

7.5.2. Following on from the foregoing, the applicant was requested to provide further information to the Board regarding: (1) full details of the existing and proposed surface water management arrangements on the site, and, (2) an Appropriate Assessment Screening Report.

7.5.3. A response to this request was received by the Board on 5th March 2020. The submitted information clarifies that the surface water management system was installed in 2008 and treats the runoff water from the site as well as the wash-water from the batching plant. The drainage arrangements are illustrated on Figure 1 (Site Layout Map) which accompanies the submission. Rainwater drains via gravity in a north-westerly direction across the overall site to a 2-stage surface water management system. The water is recycled in an enclosed system and as such, there is no discharge off-site. Based on the information which has been submitted, I am satisfied that the surface water management arrangements within the site have been sufficiently clarified in this instance.

7.5.4. While the observer submits that her property has become the subject of flooding from surface water arising on foot of the development to which this application relates, I note that no evidence has been provided to support these claims. I further note that any concerns which may arise in relation to the operation of the facility are dealt with under the separate enforcement provisions of the Planning Act. As such, this matter is not open for adjudication under this appeal case.

7.6. Appropriate Assessment Screening

7.6.1. An Appropriate Assessment Screening Report prepared by Kingfisher Environmental Consultants has been provided to the Board as part of the applicant's further information response. The assessment notes that the subject site has a closed-loop water recycling system with no discharges off-site. It is further noted that there are no surface water drains within the site or discharges to surface waters which could act as pathways to surface waters and therefore there is no risk of sedimentation of surface waters which could indirectly impact Natura 2000 sites.

7.6.2. The assessment identifies 17 Natura 2000 sites within 15 km of the application site as illustrated in Figure 6.3.1. The screening assessment concluded that:

- There will be no loss of any Natura 2000 site area on foot of the development;
- There will be no potential for significant effects on any Natura 2000 sites;
- There will be no loss of Annex I habitats or Annex II species upon which the Natura 2000 sites qualify for their protected SAC or SPA status as a consequence of the development;
- The development will not cause deterioration of water quality which will have a negative impact on any Natura 2000 sites and there are no discharges from the site which could indirectly impact upon any Natura 2000 sites;
- There will be no cumulative impact upon any Natura 2000 sites in combination with other plans or projects;
- The development will not compromise the maintenance of Annex I habitats for which any Natura 2000 sites have been selected at favourable conservation status;
- The conservation objectives of the screened Natura 2000 sites will be met, as the habitats and species will be maintained at a favourable conservation status.

7.6.3. **Castlesampson Esker SAC** (Site Code 001625) is located 2.4 km from the subject site. The conservation objective for this site is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. The qualifying interests for this SAC include turloughs*

(3180) and semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia) (* important orchid sites) (6210).

- 7.6.4. The screening assessment concluded that given the significant site separation distance and the absence of direct or indirect connections between the sites, there will be no likely significant impacts on Annex I habitats or Annex II species.
- 7.6.5. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Castlesampson Esker SAC (Site Code 001625) and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in relation to this European site.
- 7.6.6. **Ballynamona Bog and Corkip Lough SAC** (Site Code 002339) is located 2.8 km from the subject site. The conservation objectives for this site are: (1) to restore the favourable conservation condition of turloughs in Ballynamona Bog and Corkip Lough SAC; (2) to restore the favourable conservation condition of active raised bogs in Ballynamona Bog and Corkip Lough SAC; and, (3) to restore the favourable conservation condition of bog woodland in Ballynamona Bog and Corkip Lough SAC. The qualifying interests for this site include turloughs (3180); active raised bogs (7110); degraded raised bogs still capable of natural regeneration (7120); depressions on peat substrates of the Rhynchosporion (7150); and bog woodland (91D0).
- 7.6.7. The screening assessment concluded that given the significant site separation distance and the absence of direct or indirect connections between the sites, there will be no likely significant impacts on Annex I habitats or Annex II species.
- 7.6.8. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Ballynamona Bog and Corkip Lough SAC (Site Code 002339) and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in relation to this European site.
- 7.6.9. **Lough Ree SAC** (Site Code 000440) is located 5.2 km from the subject site. The conservation objectives for this site are: (1) to restore the favourable conservation

condition of natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation in Lough Ree SAC; (2) to restore the favourable conservation condition of semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) in Lough Ree SAC; (3) to restore the favourable conservation condition of degraded raised bogs still capable of natural regeneration in Lough Ree SAC; (4) to maintain the favourable conservation condition of alkaline fens in Lough Ree SAC; (5) to maintain the favourable conservation condition of limestone pavements in Lough Ree SAC; (6) to restore the favourable conservation condition of bog woodland in Lough Ree SAC; and, (7) to maintain the favourable conservation condition of otter in Lough Ree SAC.

7.6.10. The qualifying interests for this SAC include: natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation (3150); semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) (6210); active raised bogs (7110); degraded raised bogs still capable of natural regeneration (7120); alkaline fens (7230); limestone pavements (8240); bog woodland (91D0); alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae) (91E0); and *Lutra lutra* (Otter) (1355).

7.6.11. The screening assessment concluded that given the significant site separation distance and the absence of direct or indirect connections between the sites, there will be no likely significant impacts on Annex I habitats or Annex II species.

7.6.12. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Lough Ree SAC (Site Code 000440) and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in relation to this European site.

7.6.13. **River Shannon Callows SAC** (site code 000216) is located 5.5 km from the subject site. The conservation objective for this site is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. The qualifying interests include: molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) (6410); lowland hay

meadows (*Alopecurus pratensis*, *Sanguisorba officinalis*) (6510); limestone pavements* (8240); alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)* (91E0); and otter (*Lutra lutra*) (1355).

- 7.6.14. The screening assessment concluded that given the significant site separation distance and the absence of direct or indirect connections between the sites, there will be no likely significant impacts on Annex I habitats or Annex II species.
- 7.6.15. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on River Shannon Callows SAC (site code 000216) and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in relation to this European site.
- 7.6.16. **Lough Funshinagh SAC** (site code 000611) is located 8.7 km from the subject site. The conservation objectives for this site include: (1) to maintain the favourable conservation condition of turloughs* in Lough Funshinagh SAC; and, (2) to maintain the favourable conservation condition of rivers with muddy banks with *Chenopodium rubri* p.p. and *Bidention* p.p. vegetation in Lough Funshinagh SAC. The qualifying interests for this SAC include turloughs (3180) and rivers with muddy banks with *Chenopodium rubri* p.p. and *Bidention* p.p. vegetation (3270).
- 7.6.17. The screening assessment concluded that given the significant site separation distance and the absence of direct or indirect connections between the sites, there will be no likely significant impacts on Annex I habitats or Annex II species.
- 7.6.18. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Lough Funshinagh SAC (site code 000611) and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in relation to this European site.
- 7.6.19. **Killeglan Grassland SAC** (site code 002214) is located 10.2 km from the subject site. The conservation objective for this site is to restore the favourable conservation condition of semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (* important orchid sites) in Killeglan Grassland

SAC. The qualifying interests for this SAC are semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) (6210).

- 7.6.20. The screening assessment concluded that given the significant site separation distance and the absence of direct or indirect connections between the sites, there will be no likely significant impacts on Annex I habitats or Annex II species.
- 7.6.21. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Killeglan Grassland SAC (site code 002214) and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in relation to this European site.
- 7.6.22. **Crosswood Bog SAC** (site code 002337) is located 10.3 km from the subject site. The conservation objective for this site is to restore the favourable conservation condition of active raised bogs in Crosswood Bog SAC. The qualifying interests for this site are active raised bogs (7110) and degraded raised bogs still capable of natural regeneration (7120).
- 7.6.23. The screening assessment concluded that given the significant site separation distance and the absence of direct or indirect connections between the sites, there will be no likely significant impacts on Annex I habitats or Annex II species.
- 7.6.24. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Crosswood Bog SAC (site code 002337) and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in relation to this European site.
- 7.6.25. **Lough Croan Turlough SAC** (site code 00610) is located 10.6 km from the subject site. The conservation objective for this site is to restore the favourable conservation condition of turloughs in Lough Croan Turlough SAC. The qualifying interests for this site are turloughs (3180).

- 7.6.26. The screening assessment concluded that given the significant site separation distance and the absence of direct or indirect connections between the sites, there will be no likely significant impacts on Annex I habitats or Annex II species.
- 7.6.27. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Lough Croan Turlough SAC (site code 00610) and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in relation to this European site.
- 7.6.28. **Pilgrim's Road Esker SAC** (site code 001776) is located 11 km from the subject site. The conservation objective for this site is to maintain the favourable conservation condition of semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) in Pilgrim's Road Esker SAC. The qualifying interests for this site include semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) (6210).
- 7.6.29. The screening assessment concluded that given the significant site separation distance and the absence of direct or indirect connections between the sites, there will be no likely significant impacts on Annex I habitats or Annex II species.
- 7.6.30. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Pilgrim's Road Esker SAC (site code 001776) and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in relation to this European site.
- 7.6.31. **Mongan Bog SAC** (site code 000580) is located 11.3 km from the subject site. The conservation objective for this site is to restore the favourable conservation condition of active raised bogs in Mongan Bog SAC. The qualifying interests for this site include active raised bogs (7110), degraded raised bogs still capable of natural regeneration (7120) and depressions on peat substrates of the Rhynchosporion (7150).

- 7.6.32. The screening assessment concluded that given the significant site separation distance and the absence of direct or indirect connections between the sites, there will be no likely significant impacts on Annex I habitats or Annex II species.
- 7.6.33. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Mongan Bog SAC (site code 000580) and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in relation to this European site.
- 7.6.34. **Fin Lough (Offaly) SAC** (site code 00576) is located 12.9 km from the subject site. The conservation objectives for this site are to maintain the favourable conservation condition of alkaline fens in Fin Lough (Offaly) SAC and to maintain the favourable conservation condition of Geyer's Whorl Snail in Fin Lough (Offaly) SAC. The qualifying interests for this site include alkaline fens (7230) and vertigo geyeri (Geyer's Whorl Snail) (1013).
- 7.6.35. The screening assessment concluded that given the significant site separation distance and the absence of direct or indirect connections between the sites, there will be no likely significant impacts on Annex I habitats or Annex II species.
- 7.6.36. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Fin Lough (Offaly) SAC (site code 00576) and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in relation to this European site.
- 7.6.37. **Carn Park Bog SAC** (site code 002336) is located 13 km from the subject site. The conservation objective for this site is to restore the favourable conservation condition of active raised bogs in Carn Park Bog SAC. The qualifying interests for this site include active raised bogs (7110) and degraded raised bogs still capable of natural regeneration (7120).
- 7.6.38. The screening assessment concluded that given the significant site separation distance and the absence of direct or indirect connections between the sites, there will be no likely significant impacts on Annex I habitats or Annex II species.

- 7.6.39. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Carn Park Bog SAC (site code 002336) and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in relation to this European site.
- 7.6.40. **Lough Ree SPA** (site code 004064) is located 5.2 km from the subject site. The conservation objectives for this site are: (1) to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA and (2) to maintain or restore the favourable conservation condition of the wetland habitat at Lough Ree SPA as a resource for the regularly-occurring migratory water birds that utilise it.
- 7.6.41. The qualifying interests include Little Grebe (*Tachybaptus ruficollis*) (A004); Whooper Swan (*Cygnus cygnus*) (A038); Wigeon (*Anas penelope*) (A050); Teal (*Anas crecca*) (A052); Mallard (*Anas platyrhynchos*) (A053); Shoveler (*Anas clypeata*) (A056); Tufted Duck (*Aythya fuligula*) (A061); Common Scoter (*Melanitta nigra*) (A065); Goldeneye (*Bucephala clangula*) (A067); Coot (*Fulica atra*) (A125); Golden Plover (*Pluvialis apricaria*) (A140); Lapwing (*Vanellus vanellus*) (A142); Common Tern (*Sterna hirundo*) (A193); and Wetland and Waterbirds (A999).
- 7.6.42. The screening assessment concluded that given the significant site separation distance and the absence of direct or indirect connections between the sites, there will be no potential impact on bird life or wetlands.
- 7.6.43. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Lough Ree SPA (site code 004064) and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in relation to this European site.
- 7.6.44. **Middle Shannon Callows SPA** (site code 004096) is located 5.5 km from the subject site. The conservation objectives for this site are: (1) to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA and (2) to maintain or restore the favourable

conservation condition of the wetland habitat at Middle Shannon Callows SPA as a resource for the regularly-occurring migratory water birds that utilise it. The qualifying interests for this site include Whooper Swan (*Cygnus cygnus*) (A038); Wigeon (*Anas penelope*) (A050); Corncrake (*Crex crex*) (A122); Golden Plover (*Pluvialis apricaria*) (A140); Lapwing (*Vanellus vanellus*) (A142); Black-tailed Godwit (*Limosa limosa*) (A156); Black-headed Gull (*Chroicocephalus ridibundus*) (A179); and wetland and Waterbirds (A999).

- 7.6.45. The screening assessment concluded that given the significant site separation distance and the absence of direct or indirect connections between the sites, there will be no potential impact on bird life or wetlands.
- 7.6.46. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Middle Shannon Callows SPA (site code 004096) and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in relation to this European site.
- 7.6.47. **Lough Croan Turlough SPA** (site code 004139) is located 10.8 km from the subject site. The conservation objectives for this site are: (1) to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA and (2) to maintain or restore the favourable conservation condition of the wetland habitat at Lough Croan Turlough SPA as a resource for the regularly-occurring migratory water birds that utilise it. The qualifying interests for this site are Shoveler (*Anas clypeata*) (A056); Golden Plover (*Pluvialis apricaria*) (A140); Greenland White-fronted Goose (*Anser albifrons flavirostris*) (A395); and Wetland and Waterbirds (A999).
- 7.6.48. The screening assessment concluded that given the significant site separation distance and the absence of direct or indirect connections between the sites, there will be no potential impacts on bird life or wetlands.
- 7.6.49. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Lough Croan Turlough SPA (site code 004139)

and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in relation to this European site.

- 7.6.50. **Mongan Bog SPA** (site code 004017) is located 11.7 km from the subject site. The conservation objective for this site is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. The qualifying interest for this site is Greenland White-fronted Goose (*Anser albifrons flavirostris*) (A395).
- 7.6.51. The screening assessment concluded that given the significant site separation distance and the absence of direct or indirect connections between the sites, there will be no potential impact on bird life or wetlands.
- 7.6.52. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Mongan Bog SPA (site code 004017) and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in relation to this European site.
- 7.6.53. **River Suck Callows SPA** (004097) is located 12.2 km from the subject site. The conservation objectives for this site are: (1) to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA and (2) to maintain or restore the favourable conservation condition of the wetland habitat at River Suck Callows SPA as a resource for the regularly-occurring migratory waterbirds that utilise it. The qualifying interests for this site are Whooper Swan (*Cygnus cygnus*) (A038); Wigeon (*Anas penelope*) (A050); Golden Plover (*Pluvialis apricaria*) (A140); Lapwing (*Vanellus vanellus*) (A142); Greenland White-fronted Goose (*Anser albifrons flavirostris*) (A395); and Wetland and Waterbirds (A999).
- 7.6.54. The screening assessment concluded that given the significant site separation distance and the absence of direct or indirect connections between the sites, there will be no potential impact on bird life or wetlands.
- 7.6.55. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be

likely to have a significant effect on River Suck Callows SPA (004097) and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in relation to this European site.

7.7. Conclusion

- 7.7.1. Having regard to the nature and scale of the development, comprising the removal of excavated material and the extension of a concrete slab within a permitted concrete manufacturing facility for the purposes of storing concrete products, and the noise and dust assessments which accompany the appeal and demonstrate that no undue noise or dust impacts will arise to the neighbouring residential dwelling to the west of the application site, I am satisfied that the development to be retained is acceptable at this location and is in accordance with the proper planning and sustainable development of the area.

8.0 Recommendation

- 8.1. I recommend that retention planning permission be granted subject to conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature and scale of the development and the established pattern of development at this location, it is considered that, subject to compliance with the conditions set out below, the development to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The retained development would, therefore, be in accordance with the proper planning and sustainable development of the area.
- 9.2. **Appropriate Assessment Stage 1**
- 9.2.1. The Board noted that the proposed development is not directly connected with or necessary to the management of a European site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the

development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives.

- 9.2.2. The Board was satisfied that the development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on Castlesampson Esker SAC (Site Code 001625); Ballynamona Bog and Corkip Lough SAC (Site Code 002339); Lough Ree SAC (Site Code 000440); River Shannon Callows SAC (site code 000216); Lough Funshinagh SAC (site code 000611); Killeglan Grassland SAC (site code 002214); Crosswood Bog SAC (site code 002337); Lough Croan Turlough SAC (site code 00610); Pilgrim's Road Esker SAC (site code 001776); Mongan Bog SAC (site code 000580); Fin Lough (Offaly) SAC (site code 00576); Carn Park Bog SAC (site code 002336); Lough Ree SPA (site code 004064); Middle Shannon Callows SPA (site code 004096); Lough Croan Turlough SPA (site code 004139); Mongan Bog SPA (site code 004017); River Suck Callows SPA (004097), or any other European site, in views of the site's Conservation Objectives.

10.0 Conditions

1.	<p>The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 5th day of March 2020, except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity.</p>
2.	<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 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 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</p>

	<p>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>
3.	<p>Within the first planting season, the berm along the western site boundary shall be top-soiled and reseeded and planted with native species hedgerows which shall be permanently maintained.</p> <p>Reason: In the interest of visual and residential amenity.</p>
4.	<p>All surface water generated by the development shall be disposed of within the site and shall not be discharged onto any adjoining road network or property.</p> <p>Reason: In the interest of public health.</p>

Louise Treacy
Planning Inspector

1st July 2020