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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Offaly County Council**

**Planning Register Reference Number: 22/490**

**APPEAL** by Residents of Rhode and Croghan Community care of Claire Smale-Murray of Villa Shalom, Clonmore, Edenderry, County Offaly and by Residents of Rochfortbridge care of Cathryn Whelehan of 1 Brookfield, Rochfortsbridge, County Westmeath against the decision made on the 7<sup>th</sup> day of November, 2023 by Offaly County Council to grant permission, subject to conditions, to Oxygen Environmental Unlimited Company care of Fehily Timoney and Company of J5 Plaza, North Park Business Park, North Road, Dublin.

**Proposed Development:** Demolition of existing agricultural sheds and structures on-site and construction and operation of a materials recovery facility for the acceptance and processing of up to 90,000 tonnes per annum of household, commercial and industrial, and construction and demolition waste. Elements of the proposed development include the following: (1) demolition of all existing site agricultural sheds and structures on-site (which cover an area of 1,417 square metres); (2) construction and operation of a materials recovery facility comprising: (a) a site entrance, (b) a weighbridge, (c) trucking set down and parking areas, (d) staff parking, comprising 24 parking spaces including disabled parking and EV charging, (e) a concrete

yard area, (f) a fuel storage area, (g) external waste storage bays, (h) skip/bin storage areas, (i) a perimeter boundary wall (four metres in height) and perimeter fencing (2.1 metres in height), (j) a stormwater drainage and attenuation system, (k) an administration two-storey building (with an overall floor area of circa 396 square metres and circa 7.35 metres in height), (l) a single storey materials recovery facility (with an overall floor area of circa 2,850 square metres to a maximum height of circa 13 metres), (m) a truck loading bay, (n) an on-site wastewater treatment system, associated percolation area and ancillary services, (o) an on-site ESB sub-station and adjoining electrical room (with a combined floor area of 61 square metres and 2.175 metres in height), (p) solar panels (covering a total area of 737 square metres) mounted atop the proposed administration and materials recovery facility buildings. The application is accompanied by an Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS). The proposed development will accept up to 50,000 tonnes of waste per annum and operate under a waste facility permit from Offaly County Council during phase 1 of operations. The proposed development will accept up to 90,000 tonnes of waste per annum and operate under an Industrial Emissions Licence from the Environmental Protection Agency during phase 2 of operations, all at Derryarkin, Rhode, County Offaly. The proposed development was revised by further public notices received by the planning authority on the 13th day of September, 2023.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## Reasons and Considerations

1. On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in light of the assessment carried out in the Inspector's report, the Board is not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European sites, the River Boyne and River Blackwater Special Protection Area (Site Code: 004232) and the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) in view of the sites' Conservation Objectives. In such circumstances the Board is precluded from granting permission. This conclusion is based on the lack of certainty in relation to the use of water for firefighting and its containment/disposal, and the inadequacy of proposed monitoring of surface water discharges, such that reasonable doubt remains as to the actual effects of the proposed development on the conservation objectives and site integrity of the Protected Sites.

2. The proposed development is to be accessed via a narrow rural road which provides vehicular access for substantial existing commercial development adjoining to the subject site and exiting to the R400 Regional Road that is specifically identified in Table 8.4 'Restricted Regional Routes in County Offaly' in the Offaly County Development Plan 2021-27 for restricted carrying capacity reasons. The Board was not satisfied that the proposed development, in conjunction with substantial existing commercial development adjoining to the subject site, would not be likely to create a traffic hazard and endanger public safety from conflict of vehicles on a substandard rural road and be in conflict with the development plan policy for Regional Route R400 through the creation of additional vehicular traffic on an identified restricted regional route. The Board noted that the nature of the proposed development was distinct from the pig farm, quarry and wind farm developments adjoining/proximate to the subject appeal site which by their nature are location specific in the rural area.



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**Stewart Logan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 19<sup>th</sup> day of September 2024.