



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308370-20

---

<b>Development</b>	Industrial Unit, proprietary effluent treatment system and soil polishing filter
<b>Location</b>	Toobrackan, Ballaghaderreen, Co. Roscommon
<b>Planning Authority</b>	Roscommon County Council
<b>Planning Authority Reg. Ref.</b>	20/283
<b>Applicant(s)</b>	Griffdon Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party vs. grant
<b>Appellant(s)</b>	Irene & Paul Davey
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> December 2020
<b>Inspector</b>	Stephen Ward

## 1.0 Site Location and Description

- 1.1. The site is located within a rural area on the outskirts of Ballaghaderreen, approximately 2 kilometres northeast of the town centre. The site adjoins a major road interchange, being bounded by the N5 National Primary Route (to the northeast) and the R293 Regional Road (to the northwest). A slip road between the N5 and R293 roads lies to the north of the site. The land to the southeast is within the same ownership as the appeal site and accommodates a dwelling along with agricultural sheds and associated lands.
- 1.2. Vehicular access to the site is currently provided via a local cul-de-sac road which bounds the southwestern corner of the site. The site is currently surfaced with hardcore and is bounded by palisade security fencing. The site was originally developed as a construction compound for the N5 road project but there does not appear to be any current use of the site.
- 1.3. The surrounding area is generally of rural character and consists of one-off housing and agricultural land. In terms of proximity to the built-up area of Ballaghaderreen, I note that the main concentration of development along the R293 (largely residential) extends to within c. 700 metres of the site. After that point, development is more sporadic and includes a cemetery and a one-off industrial site (Bacon Factory) located c. 300 metres southwest of the site.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of a 732 sq.m. single-level industrial unit with an overall height of 8.5 metres. The vast majority of the building would be open plan, with a small corner section (c. 45 sq.m.) reserved for canteen, toilets and office facilities. The building is of a standard industrial design and incorporates three large roller doors on the northwest elevation. It is stated that the building would be constructed using noise-insulated material.
- 2.2. It is proposed to install a new proprietary wastewater treatment system and soil polishing filter. Water will be supplied via a private well and surface water will be disposed to soakpits.

- 2.3. Vehicular access will be via the existing access at the southwest corner of the site. Apart from a 'proposed grass area' in the northwest corner, a large majority of the site will remain as a hard surface to accommodate turning areas for trucks and external storage for raw materials. Eight car-parking spaces are proposed between the site access and the proposed building. Extensive planting is proposed along the entire site perimeter and 12 no. lighting bollards will be erected on site to replace the existing lighting columns.
- 2.4. The application documents outline that the company specialises in the installation of utility cables and that facilities are urgently required for the assembly and storage of specialist steel work components for contracts in Ireland and Scandinavia. It is stated that there are no other suitable premises available in the locality due to size, circulation and financial limitations. While it is stated that there would be a very low number of traffic movements, the application contends that the ease of access to and from the N5 is advantageous.

### 3.0 Planning Authority Decision

#### 3.1. Decision

By order dated 11<sup>th</sup> September 2020, Roscommon County Council (RCC) issued notification of the decision to grant permission, subject to conditions. The conditions of the permission are largely standard in nature, apart from condition no. 2, which limits the use of the development to the applicant as follows:

*2. Permission is hereby granted for the express use of the development as an industrial unit to facilitate the specific operational and locational requirements of the applicants, Griffdon Ltd., only.*

*Following completion, the development shall be first occupied by the applicants and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the Planning Authority for use of the premises by other persons demonstrating similar operational and locational requirements.*

*No development shall commence until an agreement introducing a provision to that effect has been entered into with the Planning Authority pursuant to Section 47 of the Planning and Development Act 2000 (as amended).*

*This condition shall not affect the occupation of the premises arising from the sale by a financial institution or by a party deriving title from such a sale.*

**Reason: In the interest of orderly development.**

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The RCC planner's assessment can be summarised as follows:

- The site is in an unserviced rural area, which is not zoned for development.
- The report refers to sections 3.1.3 and 3.2.1 of the Development Plan, as well as Core Policy 3.5, all of which generally seek to strictly control commercial/industrial development in the countryside, subject to limited exceptions, and to encourage development within existing towns and villages.
- Policy 3.11 of the Plan outlines that, in exceptional circumstances, industrial developments can be located in the countryside.
- It is normally not appropriate to locate industrial units in town or village centre locations given the nature of their business.
- The proposed location is considered acceptable given the proximity to strategic road networks, the limited use of the facility by the general public, and site-specific justification for the development.
- The proposed building will be located at a low level and the main body of the unit will only be visible when proximate to the site. The proposed landscaping will further reduce the visual impact of the development.
- A grant of permission is recommended, subject to conditions, which is reflected in the RCC notification of decision.

### 3.2.2. Other Technical Reports

- Road Section: No objections subject to standard conditions.
- Environment Section: No objections subject to standard conditions.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

Three submissions were received by the Planning Authority and the issues raised can be summarised as follows:

- This is not one of the designated locations for industrial units and would be contrary to the zoning provisions of the LAP;
- Ballaghaderreen already has a large number of vacant industrial units in which commercial activity should be encouraged in the interest of improving visual amenity and sustainability;
- An adjacent river, which regularly floods and flows into Lough Gara, is at risk of pollution from the site;
- The transportation of a large volume of heavy goods in proximity to a busy road junction would greatly increase traffic hazard risks;
- The site was in agricultural use prior to its use in connection with the N5 by-pass project and should have been returned to this use;
- This is not a brownfield site as it was only developed for temporary use;
- The nature of the business does not establish a need for this location;
- The development is out of character with its surroundings and will detract from the visual amenity of this prominent location;
- There are concerns about noise pollution associated with works and traffic.

## 4.0 Planning History

**P.A. Ref DED 98:** A 'section 5' declaration was issued by RCC on the question of the use of site for temporary on-site accommodation to be utilised for the construction of the N5 Ballaghaderreen By-Pass. It was determined that the use and works involved did constitute both 'development' and 'exempted development'.

**P.A. Ref PD 01/1339:** The western portion of the subject site was included as part of a larger site for which outline permission was sought for the erection of 4 dwelling houses with septic tank systems. Outline permission was refused by RCC in February 2003 on the basis of the need to protect a land corridor for the realignment of the N5 road.

## 5.0 Policy Context

### 5.1. National Policy / Guidance

5.1.1. The **National Planning Framework (NPF)** is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains a number of policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 4 promotes attractive, well-designed liveable communities;
- NPO 6 aims to regenerate cities, towns and villages of all types and scale with increased population and employment activity;
- NPO 7 encourages population growth in strong employment and service centres of all sizes, supported by employment growth;
- NPO 11 outlines a presumption in favour of development that generates more jobs and activity within existing settlements, subject to appropriate planning standards.

5.1.2. Chapter 5 relates to 'Planning for Diverse Rural Places' and includes the following:

- NPO 15 supports the sustainable development of rural areas by encouraging growth and arresting decline;
- NPO 16 targets the reversal of rural decline in the core of small towns and villages through sustainable targeted measures that address vacant premises and deliver sustainable reuse and regeneration outcomes.

- 5.1.3. The guidelines for planning authorities on **Spatial Planning and National Roads** (2012) set out planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated junctions, outside the 50-60 kmh speed limit zones for cities, towns and villages. The guidelines aim to facilitate a well-informed, integrated and consistent approach that affords maximum support for the goal of achieving and maintaining a safe and efficient network of national roads in the broader context of sustainable development strategies, thereby facilitating continued economic growth and development throughout the country.
- 5.1.4. **The Planning System and Flood Risk Management Guidelines** (DoEHLG, 2009) require the planning system to avoid development in areas at risk of flooding unless appropriately justified and mitigated; adopt a sequential approach based on avoidance, reduction and mitigation; and incorporate flood risk assessment into the decision-making process.

## 5.2 Regional Policy

5.2.1. The **Regional Spatial and Economic Strategy** (RSES) for the Northern & Western Region supports the implementation of the National Planning Framework (NPF) and the relevant economic policies and objectives of Government. It provides a 12-year strategy (2020-2032) to deliver the transformational change that is necessary to achieve the objectives and vision for the region.

5.2.2. Relevant objectives of the RSES include the following:

- RPO 3.4 supports the regeneration and renewal of small towns and villages in rural areas;
- RPO 3.13 supports the role of smaller and medium-sized towns, which demonstrate an important role in terms of service provision and employment for their catchments within the economic function of the county;
- RPO 6.5 aims to maintain the strategic capacity and safety of the national roads network including planning for future capacity enhancements.

## 5.3 Local Policy

5.3.1. The operative plan for the area is the **Roscommon County Development Plan 2014 - 2020**, the lifetime of which has been prolonged in accordance with the

provisions of section 11(1)(b) of the Planning and Development Act 2000 (as amended). The relevant provisions of the Plan can be summarised as follows:

- The Settlement Hierarchy classifies Ballaghaderreen as ‘Tier 2: Key Towns/Settlements’, which act as ‘Service Centres’ for their adjoining rural hinterlands.
- Core Policy 3.3 seeks to strictly control large-scale commercial development outside the defined development boundaries of Ballaghaderreen.
- Core Policy 3.5 seeks to strictly control commercial development in the countryside, particularly uses which are likely to generate large numbers of visiting members of the public.
- Core Policy 3.7 requires all proposals for new light Industrial warehouse developments within Ballaghaderreen to be accompanied by a comprehensive sequential assessment which demonstrates that no existing vacant units on appropriately zoned lands within the settlement are available or could be adapted to accommodate the proposed development.
- Core Objective 3.3 aims to develop a strategy for the use of vacant retail/distribution warehouse units in the settlements of Cortober and Ballaghaderreen.
- Policy 3.11 seeks to strictly control non-natural resource-based industry and enterprise in the countryside except in exceptional cases where this location is critical to the operation of the enterprise and where the use does not result in large numbers of visiting members of the public.
- The Landscape Character Assessment classifies the character of the area as ‘Hills and Uplands’, and rates the landscape as being of ‘moderate value’.

5.3.2. The **Ballaghaderreen Local Area Plan 2017-2023** (LAP) sets out a framework for the physical development of Ballaghaderreen so that growth may take place in a coordinated, sensitive and orderly manner, while at the same time being sensitive to the environment.

5.3.3. In summary, the LAP includes the following relevant Strategic Aims and Objectives:

- Consolidate commercial activity in the town core and immediate surrounds;



- Facilitate new industrial and enterprise development;
- Avoid urban sprawl and maintain a clear distinction between the urban envelope and the rural hinterland; and,
- Improve vibrancy and sustainable development in the town core through the redevelopment of existing vacant buildings.

5.3.4. The LAP includes a total of 48.23 hectares zoned for a mixture of 'Business, Enterprise/Light Industry & Warehousing' (17.3 ha.) and 'Industrial uses' (30.93 ha.). These zoning objectives are supported by the following policies:

- Policy 80 supports the establishment of new industries at appropriate locations within the LAP area.
- Policy 88 encourages the reuse of existing vacant commercial units outside the town centre for alternative uses.
- Policy 92 aims to ensure that areas of vacant, derelict and under-used land within existing built-up areas (brownfield sites) are brought into productive use, as an alternative to the use of Greenfield sites.

#### 5.4. **Natural Heritage Designations**

The nearest designated sites are located at Tullaghanrock Bog, approximately 700 metres to the east, which is designated as a Special Area of Conservation (SAC) and Proposed Natural Heritage Area. These sites adjoin a larger contiguous area further to the east which is covered by other designated sites including Callow Bog SAC, Lough Gara pNHA, and Lough Gara Special Protection Area (SPA).

#### 5.5. **EIA Screening**

Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The decision to grant permission has been appealed by Irene and Paul Davey of Sligo Road, Ballaghaderreen. The appeal indicates that their house is located approximately 250 metres southwest of the appeal site. The grounds of appeal can be summarised as follows:

- The use of the site for temporary on-site accommodation associated with the construction of the N5 Ballaghaderreen By-Pass was determined to be exempted development. However, this exemption expired after the road project ceased in 2014 and the lands were never reinstated. The existing compound appears to be unauthorised and there is no basis for the proposed industrial development at this peripheral location.
- The site is not a 'brownfield site' and an adequate sequential assessment of alternative sites to accommodate the development has not been carried out as required under Core policy 3.7 of the CDP.
- There has been inadequate assessment of the impact on the N5 National Road and it is contended that the development would be contrary to the 'Spatial Planning and National Roads' guidelines (particularly section 2.7).
- The proposed development would generate unacceptable traffic and road safety issues as a result of the nature and intensity of traffic movements associated with the development. No Traffic Impact Assessment or Road Safety Audit has been completed.
- The un-serviced peripheral location of the site would be contrary to the aims of the NPF, RSES, Development Plan and Ballaghaderreen LAP, which seek to promote compact development and to direct employment uses into existing zoned and serviced centres.
- CDP Policy 3.11 does not justify the development as it is 'non-natural resource based' and the location is not critical to its operation.
- Concerns are raised about the visual impact of the development and the lack of detail in relation to landscaping, lighting and plant.

- Inadequate processing and operational details have been submitted and there are concerns that noise pollution will adversely impact on residential amenity.

## 6.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows:

- The proposed development will facilitate the regularisation of the site in accordance with the conditions and limitations of the temporarily exempted use associated with the N5 Road construction project.
- The brownfield nature of the site and its proximity to the N5 route provides a valid basis for the location of the development in accordance with national, regional and local planning policy, and would also ensure that HGV traffic would be directed away from the town centre.
- An assessment has been carried out of alternative sites and premises, which are not deemed to be suitable to the proposed development by reason of size, availability, accessibility, financial viability etc.
- The access to the site does not form part of the N5 interchange and the Spatial Planning and National Road Guidelines should not apply.
- The low volumes of traffic associated with the development, estimated at 12 staff trips per day and 10 larger vehicle trips per week, would not compromise the capacity and efficiency of the N5 and associated junctions. The proposal does not meet the thresholds that would require the completion of a Traffic and Transport Assessment or a Road Safety Audit.
- The proposed overhead crane facilities will be internal to the building itself and will not distract road users.
- The levels of the site and proposed landscaping will ensure that the development will cause minimal visual impact or distraction to road users.
- Development of the site will not set a precedent for other sites as it is based on exceptional circumstances relating to the low of number of public users; the lack of suitable alternatives; its suitability to a rural location; and its location being critical to the operation of the enterprise.

- The site is serviced by upgraded road infrastructure and electrical services, and the proposed wastewater system has been deemed acceptable.
- The proposal complies with the standards of the Development Plan relating to rural siting and design and would not harm the visual amenity of the area.
- The building would be insulated to reduce any potential noise disturbance and any external activities will be limited. No shot blasting will be carried out and hours of operation will be limited to 8am to 5.30pm (Monday to Friday) and 8am to 1pm Saturday. There are other dwellings closer to the site than the appellant's house and the proposed development would not create such a level of noise to warrant refusal of permission.

### 6.3. **Planning Authority Response**

None

### 6.4. **Observations**

None

## 7.0 **Assessment**

7.1. Having inspected the site and examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal are as follows:

- The principle of the development
- Visual amenity
- Residential amenity
- Traffic and transport
- Wastewater
- Flooding
- Appropriate Assessment

## 7.2. The principle of the development

### Policy

- 7.2.1. I acknowledge that the national, regional and local policies outlined in this report seek to support rural areas through the facilitation of employment and enterprise-related development. However, in accordance with the NPF aims to promote more compact forms of development, I consider that the policies of the CDP and LAP relevant to this case, as outlined in section 5 of this report, clearly aim to direct commercial and industrial development into the existing built-up area of settlements such as Ballaghaderreen. The aims in this regard are to promote sustainable development; to encourage the regeneration of the town; and to protect the surrounding rural area from urban sprawl.
- 7.2.2. While the Planning Authority appears to accept the general thrust of this approach, the location of the development was deemed acceptable on the basis that Policy 3.11 of the CDP allows industrial developments in the countryside in exceptional circumstances. In this regard the Planning Authority contends that the location is appropriate given that industrial units are not appropriate in town centres; the proximity to the N5; the low volume of visitors to the site; and site-specific justification put forward by the applicant.
- 7.2.3. However, I do not consider that this approach appropriately interprets Policy 3.11, under which exceptional circumstances are qualified as '*cases where this location is critical to the operation of the enterprise and where the use does not result in large numbers of visiting members of the public*' (my emphasis added). Whilst I would agree that the development is unlikely to generate large numbers of visitors, the policy requires that the location must also be critical to the operation of the development. In this regard I would acknowledge that the location of the site may be convenient, particularly regarding proximity to the N5, but I do not consider that there is any evidence that the location is critical to the operation of the enterprise.
- 7.2.4. A critical location may normally involve a unique operation that is fixed to a natural resource, raw material or essential piece of infrastructure. Conversely, the proposed development is of a standard light industrial nature involving the transport of raw materials to the site and the export of finished products both nationally and internationally. On that basis I do not see any valid reason why the proposed

development could not be located elsewhere, and more particularly within an existing built-up area. While the planning authority rightly highlights the unsuitability of the proposal to the 'town centre', I consider that this position does not address the issue at hand, i.e. the preference for the location of such proposals on industrial/enterprise-zoned lands outside town centres.

#### The status of the site

- 7.2.5 Much of the appeal debate centres on the status of the site, both in terms of its authorised/unauthorised planning status and whether the site should be treated as a greenfield or brownfield site.
- 7.2.6 In terms of planning status, it would appear clear to me that the site benefitted from a temporary exemption for use as a construction compound associated with the N5 construction project within the approximate period of 2012-2014. The conditions and limitations of any such exemption require the removal of all such structures and plant and the reinstatement of the site upon expiration of the construction period. All parties to the appeal appear to accept that this has not been complied with in full and the applicant contends that the current application presents an opportunity for the regularisation of the site. While I acknowledge these outstanding issues, planning enforcement is ultimately a matter for the consideration of the planning authority.
- 7.2.7 The applicant promotes the suitability of the subject site based on its 'brownfield' nature and contends that the development of such sites would be consistent with NPF policy to promote more compact forms of development. The appellant argues that the site cannot be considered 'brownfield' on the basis of a temporary use.
- 7.2.8 I note that the Planning and Development Act 2000 (as amended) does not provide any definition for 'brownfield' land, nor does the NPF. However, the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (DEHLG, 2009) provides useful guidance in stating that it may be defined as "*any land which has been subjected to building, engineering or other operations, excluding temporary uses or urban green spaces*". The application of this definition would exclude the subject site on the basis of its temporary use. Furthermore, I would have serious concerns about affording the site favourable consideration as a 'developed site' given that the site should have been fully reinstated as outlined in section 7.2.6 above.

7.2.9 Ultimately, I consider that NPF policy regarding compact development aims to promote brownfield/infill development on serviced sites within the existing built-up areas of cities towns and villages. The subject site is located within a rural area and is c. 300 metres distanced from the LAP boundary and the closest zoned land (i.e. the existing Bacon Factory). The Bacon Factory and the cemetery on the opposite side of the road are themselves detached from the contiguous built-up area of Ballaghaderreen, which effectively terminates c. 700 metres from the appeal site. Whilst the site does benefit from some services, I note that it is not serviced by important public infrastructure such as water and wastewater and consequently is reliant on on-site wastewater treatment and a private well water supply.

7.2.10 Having regard to the temporary period of use of the site and the outstanding issues associated with the its regularisation; the remote rural location of the site at a significant remove from the built-up area; and the absence of appropriate infrastructure serving the site; I do not consider that the site should benefit from policies aimed at encouraging 'brownfield' development.

#### Alternatives

7.2.11 I note that the CDP highlights concerns relating to the high rate of vacancy of large commercial units in some settlements, including Ballaghaderreen. Core Policy 3.7 requires all proposals for new light Industrial warehouse developments within Ballaghaderreen to be accompanied by a comprehensive sequential assessment which demonstrates that no existing vacant units on appropriately zoned lands within the settlement are available or could be adapted to accommodate the proposed development. The Strategic Aims and Objectives of the Ballaghaderreen LAP also reflect this approach.

7.2.12 On the issue of alternatives, I note the following in relation to the applicant's response to the appeal and my findings on the day of site inspection:

- The applicant states that The Mill Business Park and Ballagahaderreen Business Park appear to be fully occupied and do not meet requirements. I note that there are 3 large units to the rear of 'The Mill' which appear to be vacant for some time and are consistent with the overall scale of the proposed building. Numerous other similar vacant units exist in the 'Ballaghaderreen Business Park'.

- It is stated that the Old Cigar Factory at Cloverhill Industrial Estate does not have sufficient height; adaption is not financially viable; and is not for sale. I note that this is a large vacant unit which detracts from the amenity of the area. While the building is in poor repair, the redevelopment of the site would certainly be welcomed.
- The remaining industry-zoned greenfield lands are discounted by the applicant on the basis that they are not 'not for sale'. The applicant does not indicate whether or not any approach was made to the landowners.
- The applicant states that alternative options are also unsuitable on the basis that it would direct HGV traffic movements through the town. However, on the basis of the applicant's estimated low volume of HGV movements (i.e. 10 per week), I do not consider that this should be a reasonable deterrent.

7.2.13 Having regard to the above, I do not consider that there has been a comprehensive demonstration that there are no other suitable buildings or sites available within the built-up and serviced area. There is no evidence that the applicant has made thorough investigations about the availability of buildings/land and the potential for the adaption of existing buildings has been summarily dismissed. And while I would consider the appeal site unsuitable in any case, I consider that the avoidance of more suitable brownfield/infill options would be contrary to national and local policies that aim to consolidate and regenerate the built-up area of Ballaghaderreen, as well as other serviced settlements that could equally accommodate the development.

### Conclusion

7.2.14 In conclusion, I consider that the proposed location for this industrial development, in a rural area lacking appropriate services, would be contrary to national and local policy to promote compact sustainable development in existing built-up and serviced areas. The nature of the site and the proposed development is not such that would warrant consideration under exceptional circumstances and, accordingly, I consider the principle of the proposed development at this location to be unacceptable.

## 7.3 Visual Amenity

7.3.1 The site is located within a rural landscape which is classified as 'moderate value' as per the CDP. Although the N5 road is a significant piece of infrastructure, it is noted



that its lower level relative to surrounding lands means that it has only localised visual impacts and the wider surrounding area generally retains its rural character.

7.3.2 The proposed building is of a significant scale and height. Furthermore, it is of an industrial design which is out of character with surrounding dwellings and agricultural structures. In addition to the proposed building, I note that a significant area of external space is reserved for storage of raw materials and vehicle parking/circulation, which would add significantly to the industrial/urban character of the site.

7.3.3 Given the relative levels between the site and the N5 road, I would accept that the proposed development would not be overly prominent when viewed from the N5. The site would, however, be prominent when viewed from the Regional Road to the west and north of the site. From these prominent vantage points I consider that the proposed development would form an incongruous feature and would seriously detract from the rural character of the area. It is noted that landscaping of the site perimeter is proposed but this would take a significant period to reach maturity and would not satisfactorily mitigate my concerns. Although the landscape is classified as 'moderate value', I nonetheless consider that, consistent with the policy approach outlined in section 7.2 above, development of this nature and scale is unacceptable in the rural environs of a serviced built-up area.

#### 7.4 **Residential amenity**

7.4.1 It is noted that the closest house to the site (to the south) is also owned by the site owner who has consented to the application. The other neighbouring houses are all in excess of 200 metres from the proposed unit.

7.4.2 Concerns raised in relation to residential amenity mainly relate to noise. In this regard the applicant outlines that noise insulation will be applied to the building and that the separation distance from houses and the existence of the Regional Road as a buffer will mitigate against any harmful noise effects.

7.4.3 In the absence of a detailed assessment it is difficult to assess the precise noise impact of the development. However, given the light industrial nature of the development and the significant separation distances from houses, I consider it is likely that the processes to be carried out are such that could be carried out without detriment to the amenity of the area by reason of noise or other emissions.

## 7.5 Traffic and transport

- 7.5.1 The appeal contends that insufficient consideration has been given to the impact of the development on the N5 National Road and that the traffic movements generated by the development would interfere with the safety and free flow of traffic.
- 7.5.2 Much debate in this regard surrounds the applicability of the guidelines on 'Spatial Planning and National Roads'. I note that the site access is off a local road, c. 60 metres from its junction with the adjoining Regional Road to the west (60 km/h limit applies). The slip road to the N5, on which a 30 km/h limit applies, is then located another c. 60 metres northwards. Accordingly, traffic between the N5 interchange and the subject site is separated by a distance of c. 120 metres via two separate non-national roads where the 60 km/h speed limit applies. Access onto the N5 road itself is further separated by the slip road for a distance of c. 150 metres at a speed limit of 30 km/h.
- 7.5.3 The guidelines set out planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated junctions, outside the 50-60 kmh speed limit zones for cities, towns and villages. Having regard to the significant remove between the subject site and N5 route as outlined above (including the interchange), all of which is within the 60 km/h speed limit, I do not consider that the guidelines strictly apply to the subject site. While I acknowledge that section 1.6 of the guidelines provide for their application to stretches of non-national roads specifically identified as part of the development plan, no such identification has occurred in the Roscommon CDP.
- 7.5.4 The applicant has estimated that there will be low volumes of staff and HGV vehicles associated with the proposed development. This is generally reflected in the limited number of staff parking spaces proposed (8) and the description of the operation of the development. I have considered the thresholds and sub-threshold considerations set out in section 2 of the Traffic and Transport Assessment (TAA) Guidelines (TII, 2014). I confirm that the proposed development is well below any reasonable trigger to require the completion of a TTA. Furthermore, given the nature and scale of the development and the absence of any proposed alterations to the national road network, I do not consider that a Road Safety Audit is required in this case.

7.5.5 The local road that serves the site is a short cul-de-sac with minimal traffic volumes and the site distances from the existing/proposed access are not obstructed. Sight distances at the junction onto the Regional Road are considered satisfactory having regard to the 60 km/h speed limit that applies. I note that the Road Design section of RCC has examined the proposal and I would concur that there is no objection to the proposed development in terms of impacts for traffic.

## 7.6 Wastewater treatment

7.6.1 According to the information contained in the LAP, the public wastewater network terminates approximately 700 metres west of the site. The applicant proposes on-site wastewater treatment and has included a site suitability assessment. The assessment uses the EPA Wastewater Treatment Manual – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999) for calculation of hydraulic and organic loadings, and the 2009 EPA Code of Practice: Wastewater Disposal Systems Serving Single Houses (p.e. <10) for the treatment system design.

7.6.2 With regard to the submitted assessment I note that:

- the site overlies a 'locally important' aquifer of 'moderate' vulnerability;
- ground conditions on site were considered very good;
- The groundwater response matrix in the CoP indicates that the site falls within the R1 category, whereby an on-site system is acceptable subject to normal good practice;
- It is noted that the assessment does not include a CoP Site Characterisation Form outlining details of depths to groundwater/bedrock, T/P-test results etc;
- The site layout plan indicates that 3 separate trial holes were provided outside the percolation area for T/P tests and this is consistent with site inspection;
- It is indicated that the P/T value is between 3 and 20 which is suitable for a secondary treatment system with polishing filter at ground surface or overground (Table 6.3 of the CoP refers);
- The development complies with the separation distances to key features as per CoP Table 6.1 and Annex B;

- Based on the P/T value between 3-20 and a calculated PE of 6, the assessment calculates a minimum percolation trench length of 36 metres as per Table 10.1 of the CoP, which is upgraded to 45 metres for safety.

7.6.3 While the information submitted does not fully comply with the requirements of the CoP, including the completion of a Site Characterisation Form, the proposals submitted would nonetheless appear to be in compliance with the prescribed standards and are consistent with site conditions upon inspection of the site. Accordingly, I would have no objection to proposals in this regard, subject to the conditions as outlined in the RCC Environment Section report.

## 7.7 **Flooding**

It is noted that there is an existing stream running to the south of the site at a separation distance of c. 50 metres from the site boundary and down-gradient of the site level. Having reviewed the OPW's national flood information portal (floodinfo.ie), I note that there are no records of past flood events relating to the subject site and surrounding lands and that the modelling for future river flooding events does not indicate any risk to the site. A Strategic Flood Risk Assessment was completed as part of the Ballaghaderreen LAP and the subject site was not included within the indicative Flood Zone A or B. Accordingly, I would have no objections in terms of flood risk relating to the proposed development.

## 8.0 **Appropriate Assessment**

The requirements of Article 6(3) of the Habitats Directive, as related to screening the need for Appropriate Assessment of a project under Part XAB (section 177U) of the Planning and Development Act 2000 (as amended), are considered fully in this assessment.

### 8.1 **Background to the application**

8.1.1 The applicant did not include an AA Screening Report as part of the application documentation. However, Roscommon County Council did carry out a screening exercise and concluded that there would be:

- No loss of habitat within designated sites;
- No loss of Annex 1 habitat outside designated sites;

- No evidence that any habitats proposed for removal are used by Qualifying Interests of any designated sites;
- No potential for cumulative habitat loss or disturbance impacts; and,
- No likely significant effects on any European Sites, either alone or in combination with other plans or projects.

8.1.2 Having reviewed the documents, drawings and submissions included in the appeal file, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

8.1.3 The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development would have any possible interaction that would be likely to have significant effects on a European Site(s).

## 8.2 **Brief description of the development**

8.2.1 As previously outlined, the development involves the construction of an industrial unit, the installation of a wastewater treatment system and polishing filter, as well as all associated siteworks and landscaping. The existing site is entirely composed of artificial surfaces and, apart from the significant road infrastructure associated with the N5, the surrounding area is of a typical rural landscape with agricultural land/buildings and one-off houses.

8.2.2 Taking account of the characteristics of the proposed development in terms of its location and scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European Sites:

- Construction related pollution
- Habitat loss / fragmentation
- Habitat / species disturbance (construction and/or operational)

## 8.3 **Submissions and observations**

There have been no comments from prescribed bodies. One observation, submitted to the planning authority from a member of the public (Anthony Connell), raises concern about a high risk of pollution to rivers and Lough Gara.

## 8.4 European Sites

The European Sites that occur within the possible zone of influence of the development are presented in the table below. Having regard to the scale of the proposed development; the separation distances involved; and the absence of identified pathways; I do not consider that any other European Sites fall within the possible zone of influence.

### Summary of European Sites within a possible zone of influence of the development

European Site (Code)	List of Qualifying Interests / Special conservation interest	Distance from proposed development (km)	Connections (source, pathway, receptor)	Considered further in screening (Yes/No)
Tullaghanrock Bog SAC (002354)	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	0.7	Indirect hydrological connection	Yes
Callow Bog SAC (000595)	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	1.8	Indirect hydrological connection	Yes
Lough Gara SPA	Whooper Swan ( <i>Cygnus cygnus</i> ) [A038] Greenland White-fronted Goose ( <i>Anser albifrons flavirostris</i> ) [A395]	3.3	Indirect hydrological connection	Yes

## 8.5 Identification of likely effects

8.5.1 In relation to potential construction-related pollution, I note that the site is not within or directly adjacent to any European Sites. All European Sites are located more than 700 metres from the development site. The site is located c.50 metres from a stream which provides a potential hydrological pathway to the European Sites. However, when the route of this hydrological link is used, the separation distances increase to c. 1.5 km (Tullaghanrock Bog SAC), c. 2.5 km (Callow Bog SAC) and c. 6 km (Lough Gara SPA). Accordingly, I consider that significant construction-related effects are

unlikely having regard to the limited scale of the development; the separation distances involved; and the presence of substantial hydrological buffers.

8.5.2 In terms of habitat loss / fragmentation, it is again noted that no part of the development site is located within any European Sites and that there will be no direct loss of habitat. The European Sites are all significantly distanced from the appeal site and, accordingly, having regard to the scale of the development, it is not considered that there is potential for habitat loss or fragmentation by reason of disturbance or otherwise.

8.5.3 With regard to habitat / species disturbance at operational stage, it is acknowledged that there will be on-site wastewater treatment and surface water disposal. Ongoing operations and machinery/vehicles can also sometimes raise concerns about emissions. However, having regard to the nature and limited scale of the development, together with the remove of the appeal site from European Sites, I do not consider that the operation of the development is likely to cause disturbance to species or habitats.

8.5.4 In terms of cumulative effects, the development must be considered in the context of various other projects in the area. As previously outlined, the proposed development would not be considered to have a significant impact in respect of emissions at construction or operational stage. Similarly, I do not consider that the development is likely to have any such cumulative impact with other developments.

## 8.6 **Mitigation measures**

I do not consider that any measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

## 8.7 **Screening Determination**

The proposed development was considered in light of the requirements of section 177U of the Planning and Development Act 2000 (as amended). Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project, individually, or in combination with other plans or projects, would not be likely to give rise to significant effects on any European Sites in view of the sites'

conservation objectives, and Appropriate Assessment including the submission of Natura Impact Statement is not, therefore, required.

## 9.0 Recommendation

Having regard to the above, it is recommended that permission be refused based on the following reasons and considerations.

## 10.0 Reasons and Considerations

Consistent with the National Planning Framework objective to promote compact growth, the policies of the planning authority, as set out in the current Development Plan for the area, permit development proposals for industrial enterprises in the countryside where the proposed use has locational requirements that are critical to the operation of the enterprise. This policy is considered to be reasonable. It is considered that the proposed industrial development has no specific locational requirements which necessitate its location at this rural location, which is lacking in certain services, and would, thereby, be contrary to development plan policy. Furthermore, the proposed development would form an incongruous industrial feature at this location, which would detract from the rural character of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

---

Stephen Ward  
Senior Planning Inspector

13th January 2021