



An
Bord
Pleanála

Inspector's Report ABP-315397-22

Development

Retention of 2 no. units and 39 no. car parking spaces.

Planning permission for the following:

Change of use from storage/warehousing to a use for a confidential shredding and packaging recycling facility,

Junction revision/upgrade at access to the N84,

Revisions to the car park layout to facilitate the access upgrade to serve the site,

Connection to existing services, including foul water and surface water (new filter strips and infiltration basin storage at the adjoining site),

De-commissioning of existing WWTS on-site and its replacement with proposed foul pumping station with connection via rising main to adjacent foul treatment system, and

Removal of totem signage.

The above works include fencing, weighbridge and all associated site works.

Location Headford Road, Sylauun, Co. Galway

Planning Authority Galway County Council

Planning Authority Reg. Ref. 22/1082

Applicant(s) Confidential Shredding Specialists
Ireland

Type of Application Retention permission and permission

Planning Authority Decision Refusal

Type of Appeal First Party -v- Decision

Appellant(s) Confidential Shredding Specialists
Ireland

Observer(s) None

Date of Site Inspection 10th May 2023

Inspector Hugh D. Morrison

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2.0 Site Location and Description

- 2.1. The site is located c. 3.8 km to the north of the outskirts of Galway City along the Headford Road (N84) and in the townland of Sylauun. This site lies on the eastern side of the national secondary road, and in a position between lands that have been developed to the north and south to provide yards, sheds, and offices for Barna Recycling. Further to the south lie two halting sites and a vehicle dismantling yard, while on the western side of the road there are car, van, and truck showrooms and a vehicle test centre.
- 2.2. The N84 is of straight alignment as it passes the site and the above cited uses. It runs on a north/south axis, and it is subject to a 100 kmph speed limit. The surrounding countryside is flat, and it is the subject of extensive arterial drainage schemes. The River Clare runs to the north on a roughly north-east/south-west axis to Lough Corrib further to the west.
- 2.3. The site itself is of largely regular shape and it extends over an area of 1.523 hectares. This site comprises the following three elements:
- The northern portion, which has been developed to provide two freestanding commercial units, i.e., unit 1, which has a GF of 1032.6 sqm and a FF of 202.4 sqm and thus a total floorspace of 1235 sqm, and unit 2, which has a GF of 1030 sqm and a FF of 1030 sqm and thus a total floorspace of 2060 sqm. These units are served by a forecourt, which has been laid out to provide car parking, and a yard to the rear, which contains a vehicular ramp that provides access to the first floor of unit 2.
 - The majority of the southern portion, which is presently in use as a car park for Barna Recycling. Part of the access road through the lands used by Barna Recycling passes through the eastern end of this portion.
 - The remainder of the southern portion, which is laid out as a communal access from the N84 to the two units in the northern portion and to the unit that abuts the southern portion, which is presently vacant/in use as offices by Barna Recycling. A freestanding totem sign testifies to the former use of this unit by Tolco Antiques.

3.0 Proposed Development

- 3.1. The applicant seeks retention permission and planning permission for its proposal.
- 3.2. Retention permission is sought for the 2 units and 39 car parking spaces in the northern portion of the site. Planning permission was granted to application 70429 for 2 units, which would have each had a floorspace of 557 sqm to give a combined floorspace of 1114 sqm. As the 2 units constructed on the site have a combined floorspace of 3295 sqm, 2181 sqm is presently unauthorised.
- 3.3. Planning permission is sought for the following:
 - Change of use of the northern portion of the site from storage/warehousing to a use for a confidential shredding and packaging recycling facility.
 - The junction between the communal access and the N84, which was permitted under application 70429, would be revised/upgraded to provide a formally laid out narrower access point than pertains at present. This access would only serve the proposed confidential shredding and packaging recycling facility.
 - The layout of the car park in the southern portion of the site, which was permitted under application 09/1478, would be altered to allow for a dedicated access road to the yard in the northern portion. (The existing access to the forecourt would be sealed up and access to this forecourt would be from the yard via the existing access road between the 2 units).
 - Connections to existing services, including foul water and surface water, would be maintained. The stormwater drainage system would be enhanced by the provision of new filter strips along the southern perimeter of the site and infiltration basins in the south-western corner on either side of the revised/upgraded junction.
 - The de-commissioning of an existing WWTS on-site and its replacement with a proposed foul water pumping station with a connection via a rising main to an adjacent foul water treatment system (50 PE capacity), which was permitted under application 09/1478.
 - The removal of the totem sign in the communal access area.

- The installation of new 2.4m high security gates at either end of the dedicated access road, the provision of a weighbridge in the rear yard, the erection of new 2.4m high security fencing alongside both the proposed dedicated access road and the existing rear access road, and the erection of 1.8m high mesh fencing around the infiltration basins.

4.0 Planning Authority Decision

4.1. Decision

Permission was refused for the following reasons:

- Having regard to the CDP's Policy Objective CD 1 and the planning history of the site, the proposed change of use/intensification of use would constitute a substantial scale of development, which should be located on zoned service lands. CD 1 and DM 17 would be materially contravened, and a precedent would be created.
- The proposal would lead to an intensification of use of the existing access from the N84 (100 kmph), which serves the site, thereby contravening national policy and endangering public safety.

4.2. Planning Authority Reports

4.2.1. Planning Reports

See reasons for refusal.

4.2.2. Other Technical Reports

- TII: Objects – proposal would be at variance with the control of development on/affecting national roads set out in the Spatial Planning and National Roads Guidelines, as it itself, or by the precedent which it would establish, would adversely affect the operation and safety of the N84 (100 kmph).
- Galway County Council – Environment: Waste management plan condition requested.

5.0 Planning History

More recent site history:

- 70429: Two commercial units for warehousing, storage, and retail use, and septic tanks: Permitted, subject to four conditions including the following two:
 - *The proposed stores shall be used only for the storage of furniture or the garaging of vehicles connected with such storage or other activities in connection with the furniture trade. Reason: In order to control the use of land in this sensitive area.*
 - *Vehicular entrance to the proposed development shall be through the existing entrance way which facilitates the existing development. Reason: In the interests of traffic safety.*
- 22/458: Similar proposal to the current one, only existing access, car parking, and drainage arrangements would have continued to have been used.

Refused on the following grounds:

- The proposed change of use/intensification of use would entail a scale of development that should be located on zoned service lands,
- The proposal would lead to an intensification of use of the existing access from the N84, which serves the site,
- The site is at risk of flooding, and so the proposal would materially contravene CDP flooding policies,
- The planning history of the site indicates that the WWTS, which serves the site, may be unsatisfactory, and
- A hydrological link between the site and European sites may mean that the proposal would have significant effects upon the conservation objectives of these sites' qualifying interests.

Adjoining site to the north:

- 10/1472: The following was permitted at appeal PL07.239328:
 - (i) Provision of yard area for storage of empty clean refuse vehicles, skips and bins,

- (ii) Maintenance building to service refuse vehicles (floor area 1,565 square metres),
- (iii) Permanent internal link road to existing recycling facility,
- (iv) Rising main connection to existing effluent treatment network within the existing recycling facility, and
- (v) Associated site works and boundary treatment at existing Barna Waste Recycling Facility.

Adjoining site to the south:

- 09/1478: The following was permitted:
 - (A) amalgamation of the use of a portion of the site known as “Tolco Antiques” into the existing Barna waste recycling facility site via link bridge (5890 sqm). Construction of permanent access/link road over existing drainage culvert. Retention of change of use from retail/warehousing to offices (existing offices relocated from Barna waste recycling facility) in permitted building (440 sqm). Retention of additional first floor for office use in this permitted building (308 sqm). Retention of minor alterations to its elevations.
 - (B) retention of change of use as Seamus Florist Sundries in permitted building (99/2984) (warehouse 336 sqm). Retention of unauthorised signage on northern elevation of this building and on western boundary fence. Retention of unauthorised security cameras and floodlighting. Retention of existing Seamus Florist and Tolco buildings on a reduced site (remainder of site known as “Tolco Antiques” (6200 sqm).
 - (C) proposed associated car parking (71 no. spaces), proposed dividing boundary fence, proposed treatment plant and rising main to connect to existing effluent treatment network within recycling facility, and proposed associated services for (A) and (B) above.

6.0 Policy and Context

6.1. National Planning Guidelines

- The Planning System and Flood Risk Management

6.2. Development Plan

Under the County Landscape Character Assessment, the site lies within the Central Galway Complex Landscape and Type Southern River Clare Basin Unit, which is deemed to be of “low” landscape sensitivity.

Under the Galway County Development Plan 2022 – 2028 (CDP), the site is shown as lying within a rural area. Rural enterprises are addressed under Policy Objective commercial developments in rural areas (CD 1), which states the following:

Consider and support the establishment of small scale rural orientated enterprises in unserviced rural areas outside of town or village settings which can be accommodated in existing farm buildings or can be established on a brownfield site, subject to satisfying the following criteria:

(a) Compatibility and general suitability to an unserviced rural area (primary consideration will be given to agriculture, renewable and marine resources, forestry, tourism, recreation or food production related enterprise activities and services);

(b) Scale of development (assimilate appropriately into a rural setting);

(c) Nature of development (raw materials sourced locally);

(d) Consideration of social and environmental impacts (enterprise must not have a significant adverse impact on the environment or rural amenity);

(e) The enterprise must not constitute a road safety hazard or have a major adverse impact on the road network, road capacity and traffic levels;

(f) Residential amenity (enterprise must not have a significant adverse impact on residential amenity).

DM Standard 17 addresses rural enterprise.

DM Standard 19 addresses industrial/commercial.

DM Standard 67 addresses Sustainable Drainage Systems (SuDS)

6.3. Natural Heritage Designations

- Lough Corrib SAC and pNHA (000297)
- Lough Corrib SPA (004042)

6.4. EIA Screening

6.4.1. The applicant has submitted an EIA Screening for the proposal, i.e., the retention of existing buildings and proposed change of use to recycling facility. This Screening reviews this proposal under Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2023 (hereafter referred to as the Regulations). It concludes that it is not required to be the subject of a mandatory EIA. It identifies under Part 2 of this Schedule the following Classes under which it could be a sub-threshold development for the purpose of EIA:

- *Class 10: “Infrastructure projects”*
Item (b)(iv) urban development which would involve an area greater than...10 hectares in the case of other parts of a built-up area.
- *Class 11: “Other projects”*
Item (b) installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.
- *Class 13: “Changes, extensions, development and testing”*
Item (a) any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:
 - (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and*
 - (ii) result in an increase in size greater than –*
 - 25 per cent, or*
 - an amount equal to 50 per cent of the appropriate threshold,**whichever is the greater.*
- *Class 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but*

which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

6.4.2. The applicant acknowledges that the proposal is for an existing site within an industrial area and, in recognition of the wide scope of the EIA Directive when determining if EIA is required, it concludes that, under Class 10(b)(iv), this proposal is a sub-threshold development.

6.4.3. The applicant proceeds to screen its proposal under the criteria set out in Schedule 7. It has not submitted information explicitly under Schedule 7A, but states that such information is contained in its Schedule 7 screening, and this information is supplemented by its AA Screening and other associated planning application documents and drawings. The applicant concludes that:

An EIA screening has been carried out considering the nature of the proposed development, its size and location having due regard to the criteria set out in Schedule 7 and the relevant information listed in Schedule 7A. It is concluded that the proposed development is unlikely to result in significant effects on the environment, and that the consideration of appropriate mitigation measures reduces the potential effects further.

6.4.4. I will interact with the applicant's submitted "EIA Screening" in undertaking a pre-screening exercise to establish whether the proposal lies within an EIA Class and, if so, whether it is sub-threshold development. I will undertake a pre-screening exercise below based on the following understanding of the nature, size, and location of the proposal.

6.4.5. The proposal is for the retention of the two buildings on the site (1.523 hectares), which as constructed, are larger than they were authorised to be, and so they are unauthorised. The proposal is also for the change of use of these buildings (total floorspace 3295 sqm) to a recycling facility, i.e., if they are authorised, then it would not be for any previous use but for that of a recycling facility. Essentially, then the proposal is for a recycling facility, and, as such, it would entail the shredding of confidential paper documents with any cardboard and plastic being removed in advance. Shredded paper would then be baled for subsequent recycling. The volume of material that would be handled annually would range between 1500 and 3500 tonnes. The site adjoins more extensive sites operated by Barna Recycling to the north and to the south. Together these sites and commercial sites opposite, on

the other side of the N59, represent an island of industrial/commercial development within a rural area.

- 6.4.6. As the proposed recycling facility would shred and bale paper for its subsequent reuse, it would be an “industrial process”, as defined under Article 5(1) of the Regulations, and so the proposal is for an industrial use. Under Part 2 of Schedule 5 of the Regulations, Class 10 “Infrastructure projects” includes Item (a) “Industrial estate development projects, where the area would exceed 15 hectares.” The proposal, however, is for a site of only 1.523 hectares, and so it would fall well below the normal 50% bar for sub-threshold development.
- 6.4.7. Item (b)(iv) of Class 10 refers to “urban development”. As noted above the site lies within an island of development in a rural area. This Class does appear to contemplate a scenario where “urban development” could occur outside either a business district or other parts of a built-up area, i.e., on an area greater than 20 hectares elsewhere. Again, the proposal is for a site of only 1.523 hectares, and so it would fall well below the normal 50% bar for sub-threshold development.
- 6.4.8. The applicant identifies three other Classes 11(b), 13(a), and 15. Class 11(b) relates to installations for the disposal of waste, whereas the proposal is for the shredding of waste paper for its subsequent reuse, and Class 13(a) relates to any change or extension of development already authorised, whereas the proposal is for a new use of buildings that are presently unauthorised. Class 15 relates to development which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7. I have reviewed the applicant’s submitted Schedule 7 and I agree with its conclusion that the proposal would not have significant effects on the environment.
- 6.4.9. I have reviewed the other Classes in Part 2 of Schedule 5 of the Regulations and I consider that none of them are of relevance to the proposal.
- 6.4.10. I, therefore, conclude for the purpose of pre-screening that the proposal comes within the ambit of Class 10(a) and 10(b)(iv), and that it would be sub-threshold development. I will now undertake a preliminary examination of the proposal with reference to the four standard questions.
- (i) Is the size or nature of the proposed development exceptional in the context of the existing environment?

No, refer to the information set out in paragraph 6.3.5. above.

(ii) Will the development result in the production of any significant waste, or result in significant emissions or pollutants?

No, under Section 2.4 of the applicant's "Planning Report", the shredding process is described. As this process involves confidential documents, it would occur exclusively within the buildings. Low-speed machinery would be used, which emits moderate noise levels. No dust or gas emissions would be emitted, and electric pallet trucks and forklifts would be utilised. Significant waste would not arise, as the shredded paper would be baled for subsequent reuse in either tissue paper or office paper.

(iii) Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location?

While the locational information set out under paragraph 6.3.5. above is relevant, the River Clare runs to the north of the site on a roughly east/west axis to Lough Corrib further to the west. This River and accompanying lands form part of the Lough Corrib SAC and SPA, which are addressed separately under the applicant's "AA Screening".

(iv) Does the proposed development have the potential to affect other significant environmental sensitivities in the area?

No.

6.4.11. Notwithstanding the proximity of the proposed development to the Lough Corrib SAC and SPA, the nature and scale of the development would not result in a real likelihood of significant effects on the environment. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The applicant begins by setting out the following background information to its proposal:

- The subject buildings have been in-situ since the late 1990s and they have been in use for c. 25 years, first by Calwood Kitchens and second by Steeltech Sheds. The existing access from the N84, which was provided in 1977, was used by both these firms. Vehicular movements were greater in number than would arise under the applicant's use of these buildings.
- Following the refusal of 22/478, the applicant met with the Road Section of Galway County Council and agreed the junction revision/upgrade, which is the subject of the current application. The case planner's report is not informed by this agreement. Instead, it relies on advice from the Road Section that was given at the time of the previous application.
- The TII's advice does not acknowledge that the junction in question exists and its contention that, under the proposed revision/upgrade, an adverse impact on the N84 would arise is contested, i.e., no intensification of use would arise, and the junction itself would be improved.

The applicant responds to the Planning Authority's reasons for refusal as follows:

The first reason:

- The proposal would not entail an intensification of use: staff numbers are between 4 and 6, and vehicle movements are as follows:
 - Operational vehicles: 5 vans (1 tonne cargo) in and out daily and 1 HGV in and out weekly, and
 - Non-operational vehicles: 5 staff cars in and out daily.

Hours of operation are 08.00 to 18.00 and paper is collected from businesses rather than being dropped-off by customers.

Under the proposal peak time vehicle movements would be 16 rather than the previous 54. Furthermore, the applicant has agreed to organise vehicle movements so that they fall outside the am and pm peaks.

- The Planning Authority cites Policy Objective CD1 as if the site did not lie within a commercial/industrial area. The applicant has surveyed this area and identified c. 60 permissions granted within it by the Planning Authority since 1995, which include ones pertaining to accesses off the N84, and to other

recycling uses. The current proposal is thus highly compatible with the pattern of development in the area.

- In the light of the foregoing paragraph, DM Standard 19 rather than DM Standard 17 is appropriate. The applicant also states that, notwithstanding this paragraph, the proposal would satisfy the provisions of Policy Objective CD1.

The second reason:

- As discussed under the applicant's response to the first reason for refusal, the proposal does not entail an intensification of use, as evidenced by fewer vehicle movements.
- As discussed under the applicant's background information, the TII's advice is mis-placed, and the Planning Authority's decision was not informed by the advice of the Roads Section on the junction improvements encapsulated in the current proposal.

7.2. **Planning Authority Response**

None

7.3. **Observations**

None

7.4. **Further Responses**

None

8.0 **Assessment**

- 8.1. I have reviewed the proposal under the Planning System and Flood Risk Management Guidelines, the Galway County Development Plan 2022 – 2028 (CDP), relevant planning history, the submissions of the parties, and my site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use, planning history, CDP, and the pattern of development,
- (ii) Traffic, access, and parking,
- (iii) Water, and
- (iv) Appropriate Assessment.

(i) Land use, planning history, CDP, and the pattern of development

- 8.2. During my site visit, I observed that the northern portion of the site is presently unused and vacant. I also observed that the southern half of the southern portion is presently in use as a car park for Barna Recycling, and the northern half is overgrown and, insofar as it is in use, it is used for open storage. The communal access from the N84 was only used once during my site visit, by an HGV exiting from Barna Recycling via the northern portion of the site. The lands used by Barna Recycling to the north and south of the site are in use.
- 8.3. The planning history of the northern portion of the site indicates that it was authorised under planning application 70429 to be developed to provide two commercial units (557 sqm x 2 = 1114 sqm) in the northern portion of the site. Each of these units would have had an internal length and width of 36.575m and 15.250m, respectively, and they would have had ground floors only. They would have been sited in similar positions to the two units that were subsequently developed.
- 8.4. The two units were proposed for warehousing, storage, and retail use under planning application 70429, and they were authorised subject to a usage condition, which stated the following:
- The proposed stores shall be used only for the storage of furniture or the garaging of vehicles connected with such storage or other activities in connection with the furniture trade. Reason: In order to control the use of land in this sensitive area.*
- The applicant states that the two units have previously been in use since c. 1997: unit 1 was used by a furniture shop from 2000 – 2008, and then by Steeltech Sheds from 2008 – 2018, and unit 2 was used by Calwood Kitchens before it scaled back and sub-let some of its floorspace to Seamus Florist Sundaries and Playbricks.
- 8.5. The planning history of the southern portion of the site indicates that it was authorised for car parking, under planning application 09/1478, in conjunction with

the adjoining uses of the units to the south of this site, i.e., a florist's and offices for Barna Recycling.

- 8.6. Under the CDP, the site is shown as lying within a rural area, where, under Policy Objective CD1, small scale rural orientated enterprises are considered to be appropriate. The proposed use of the site is that of a recycling facility. Under its first reason for refusal, the Planning Authority (PA) considers that this facility would entail a change of use/intensification of use, which would represent a substantial scale of development, and so it should be located on zoned service lands.
- 8.7. The applicant has responded by challenging the PA's view that the proposal would entail an intensification in the use of the site. In this respect, it refers to staff numbers, hours of operation, and vehicular movements. Staff would number between 4 and 6, hours of operation would be 08.00 to 18.00 with paper being collected from businesses rather than being dropped-off by customers, and vehicular movements would be as follows:
- Operational vehicles: 5 vans (1 tonne cargo) in and out daily and 1 HGV in and out weekly, and
 - Non-operational vehicles: 5 staff cars in and out daily.
- 8.8. The applicant does not state what staff numbers and hours of operation were under the previous two uses of the site. However, I consider that it is reasonable to assume that they would have been comparable. By contrast, it states that peak time vehicular movements would have been 54 rather than the projected 16, and so a significant decrease would occur. I will discuss vehicle movements under the second heading of my assessment.
- 8.9. The applicant also challenges the PA's citation of Policy Objective CD1 on the basis that this Policy Objective is applied as if the site did not lie within a commercial/ industrial area. The applicant reports that c. 60 permissions have been granted by the PA since 1995 within this area (cf. Appendix 4 of its grounds of appeal), including ones pertaining to accesses off the N84, and to other recycling uses. Its proposed recycling facility would thus be highly compatible with the pattern of development in the area.

8.10. I have reviewed the current CDP and the previous CDPs for 2015 – 2021 and for 2009 – 2015 and I have not been able to detect any change in approach to the site within its context, i.e., the surrounding island of commercial/industrial development has not been/is not explicitly addressed. The lands to the north of the site were the subject of planning application 10/1772, which was subsequently the subject of appeal PL07.239328. This application was made by Barna Recycling for the construction of a yard for open storage of empty clean refuse vehicles, skips and bins over an area of c. 2 hectares, a maintenance building with a floorspace of 1565 sqm, and an access road, which runs to the rear of the current application site. It was determined by the Board, under CDP 2009 – 2015, and the accompanying Order makes clear that regard was had to “the scale and strategic nature of the existing permitted waste management facility at this location and the pattern of compatible land-uses”. This permission has been implemented, and so the lands to the north and south of the site are used by Barna Recycling. Within this context, the introduction of the proposed recycling facility would complement the existing pattern of development on the eastern side of the N84 within the vicinity of the site.

8.11. The current application is for the proposed recycling facility, which would utilise the two units in the site as built. These units have the following dimensions and floorspaces:

- Unit 1: 49m x 21.1m – GF 1032.6 sqm and FF 202.4 sqm – total 1235 sqm, and
- Unit 2: 49m x 21m – GF 1030 sqm and FF 1030 sqm – total 2060 sqm.

As permitted, each of the units would have had a floorspace of 557 sqm. If this floorspace is compared with the as built ground floorspace of units 1 and 2, then the increase that has occurred is 475.6 sqm (85.39%) and 473 sqm (84.91%). They are higher, too, than those that were authorised, although, as cited above, these units are sited in similar positions to those that were authorised.

8.12. I note that the two units on the site date from the 1990s. I note, too, that they do not appear to have been the subject of any enforcement action within the requisite period for such action. I consider that these two units, while larger than the ones authorised, do resemble them.

- 8.13. The applicant's submitted plans include drawings of how the floorspaces within the two units would be used for the purpose of the proposed recycling facility. They illustrate how these units would be suited, with only relatively minor adaptations, to accommodating the entirety of this facility. Consequently, the impact of the use upon the surrounding area in terms of noise from plant and machinery would not be significant, especially within the context of the existing adjoining waste recycling use and the proximity of the N84.
- 8.14. I consider that the as built units are sufficiently like those that were authorised as not to represent a radical departure from the same. I consider, too, that, while the proposed use of the site is different from its authorised/previous uses, the units would lend themselves to this use, and it would complement the established pattern of authorised land uses on the adjoining lands to the north and to the south. I further consider that the application of Policy Objective CD1 to this site in isolation from its context is unrealistic. Nevertheless, I have considered whether a temporary permission would be warranted, and I have concluded that, in the absence of a comprehensive approach to addressing the site and the surrounding island of commercial/industrial uses, too, any time limit would be arbitrary. I do, however, consider that the proposed use should be the subject of a condition requiring that any future change of use be the subject of a further planning permission. Such a condition would allow the PA to control any future usage in the interests of amenity and the environment.
- 8.15. In the light of the considerations set out in the preceding paragraph, I conclude that the retention of the units and their use to accommodate the proposed recycling facility would be appropriate from a land use perspective.

(ii) Traffic, access, and parking

- 8.16. The applicant has submitted a "Traffic Report". This Report states that, under the proposal, 4 – 6 staff would be employed, and they would generate 6 car trips to the site daily. The use itself would generate 5 van trips daily and 1 HGV trip weekly. Accordingly, it estimates that a maximum of 12 trips (6 non-operational and 6 operational) would occur on a typical working day.
- 8.17. At the appeal stage, the applicant submitted, under Appendix 2 to its grounds of appeal, a report entitled "Traffic – Site Usage Assessment". This report draws upon

traffic counts at the existing junction to the site, which were taken during the am and pm peak on Wednesday 30th November 2022. It recorded 30 arrivals between 08.00 and 09.00 and 15 departures between 17.00 and 18.00. Under the proposal the equivalent numbers would be 6 and 6. Furthermore, while operating hours would be 08.00 to 18.00, the applicant undertakes to organise vehicular movements so that they fall outside the am and pm peak (cf. Appendix 3 of its grounds of appeal). Such organisation could apply to operational and non-operational vehicles.

- 8.18. The “Traffic Report” also states that the previous pattern of usage on the site generated c. 50 staff car trips and 5 visitor car trips daily, and it estimates that the permitted furniture warehouse and shop would have generated 20 – 30 car trips daily. Under either scenario, the traffic profile of the proposed use would lead to a reduction in vehicular movements to the site from the N84. In this respect, the Report draws upon traffic counts on the N84, and it concludes that the traffic generated by the proposal would not increase vehicles on the N84 by anything like the 10% needed to prompt a Traffic and Transport Assessment or, in the case of congested roads, 5%.
- 8.19. The existing access point from the N84 is excessively wide at c. 30m. Under the proposal this access point/priority junction would be upgraded/improved to accord with relevant dimensions set out in the TII’s Geometric Design Standards (DN-GEO-03060). It would be accompanied by the requisite visibility splays to the north and south of 3m x 215m.
- 8.20. In conjunction with the proposed upgrade/improvement to the priority junction, the existing access point to the forecourt to the two units in the northern portion of the site would be closed, and a new dedicated access road, through the northern half of the southern portion of the site would be provided. Accordingly, this junction would cease to serve either the units abutting the southern boundary of the site or the access road to the rear of the site used by Barna Recycling.
- 8.21. The PA’s second reason for refusal expresses the concern that the proposal would lead to an intensification in use of the priority junction with the N84. The applicant has responded by drawing attention to the above cited traffic generation figures. It also draws attention to discussions that it had with the PA’s Roads Section between the submission of planning application 22/458 and the current one. It states that this

Section's support for the proposed upgraded/improvement was not relayed to the case planner. Likewise, the TII's advice does not appear to recognise the existing situation and baseline levels of usage, which would all improve under the proposal.

- 8.22. The applicant has submitted a Stage 1 Road Safety Audit (RSA). It has accepted the recommendations of this Audit, one of which (Recommendation 3) addresses wayfinding once the existing totem sign is removed. The Design Team's commentary on this Recommendation states that the site is to be "accessed by people who are familiar with the site only", as commercial operations will cease. If permitted, further Stage RSA's should be conditioned.
- 8.23. Both the applicant's traffic generation estimates for its proposal and its response to Recommendation 3 of the RSA hinge on the operation of a collection service rather than customer drop-off of confidential documents for shredding and recycling. On Page 11 of the applicant's "Planning Report", it states that "There are no customer drop offs proposed, i.e., all paper is collected in vans from businesses/offices/ organisations etc." Accordingly, I consider that, if permitted, a condition requiring the exclusive use of a collection service should be conditioned.
- 8.24. I consider that the proposed upgrade/improvement of the priority junction and the accompanying revised access arrangements to the northern portion of the site would ensure that future usage of this junction is dedicated to the proposed recycling facility only. Provided such usage does not entail customer drop-offs, these access proposals would be welcome, as they would ensure lighter usage of the junction and its formal layout in accordance with current standards.
- 8.25. The applicant's "Traffic Report" addresses parking. Under the proposal, the existing 39 spaces in the forecourt to the two units and between them would be retained. Two of these spaces are for the mobility impaired, and so they would accord with the CDP's 5% requirement in this respect. Eight spaces would have EV charging points installed spaces, and so they would accord with the CDP's 20% requirement in this respect.
- 8.26. Under Table 15.5 of the CDP, each 100 sqm of warehousing floorspace should be accompanied by 1 car parking space. Under the proposal, 3295 sqm of floorspace would be retained, and so 33 spaces would be an appropriate level of provision. A surplus of 6 spaces would thus ensue. However, the proposed dedicated access

road would entail the displacement of 18 spaces from the southern portion of the site, which is used by Barna Recycling, and so the applicant proposes to provide for this parking need in the existing car park in the northern portion of the site.

- 8.27. As discussed under the first heading of my assessment, I consider that the proposed recycling facility should be conditioned to ensure that the PA has control over any future changes of use. Accordingly, the parking requirement of this facility is known, i.e., 6 staff cars, 5 vans, and 1 HGV. Accordingly, 6 spaces for staff would be needed in the forecourt, with operational vehicles being able to be accommodated in the extensive rear yard.
- 8.28. Critically, the applicant's assessment of usage of the proposed upgraded/improved junction is based on the above cited vehicle numbers. Accordingly, the introduction of 18 cars into the car park from the adjoining use to the south would increase usage of this junction significantly. Presumably, the applicant would not be able to control the pattern of this increased usage, as it proposes to do in the case of its own staff. Thus, the relocation of these spaces has not been "factored-in" consistently in the applicant's submissions.
- 8.29. By way of response, I note that under a worst-case scenario the combined am peak arrivals and pm peak departures would be $6 + 18 = 24$ in each case. I note, too that this compares with the applicant's baseline of 30 am peak arrivals and 15 pm peak departures at present. Thus, while a slight decrease would still occur in the am peak, a slight increase would occur in the pm peak. I consider that against the backdrop of the upgraded/improved priority junction this would be acceptable. However, it serves to illustrate that the retention of 39 spaces would not be appropriate and so the number of car parking spaces in the northern portion of the site should be reduced by 15 to 24. As there are 18 spaces adjacent to the western boundary of the site with the N84, all but 3 of these should be omitted and the opportunity availed of to landscape this site frontage.
- 8.30. I conclude that traffic generated by the proposal would be capable of being accommodated on the public road and the proposed upgrade to the priority junction serving the site would, provided the proposed recycling facility operates on a collection only basis, improve road safety. Likewise, the number of parking spaces in the northern portion of the site should be restricted to those that would be needed by

the staff of the proposed facility and the 18 spaces that would be displaced from the southern portion of the site by the proposed dedicated access road.

(iii) Water

- 8.31. Under the proposal, the two units on the site would continue to be supplied with water from the public mains.
- 8.32. Under the proposal, the two units would cease to be served by the existing on-site WWTP. Instead, this WWTP would be de-commissioned, and these units would be connected via a new on-site pumping station and a new rising main to an existing WWTP (50 PE), which was installed under permitted planning application 09/1478 to the south-east of the main body of the site. Details of these measures are shown on drawing no. 1015-2159 revision P2, and the applicant's "Planning Report" advises under Section 8.0 that Barna Recycling have consented to them. Under an agreement with Galway City Council (GCC), Barna Recycling's WWTP ultimately discharges to GCC's nearby WWTP at Carrowbrowne.
- 8.33. Under the proposal, a new on-site stormwater drainage system would be installed. The applicant's "Civil Engineering Design Report" gives an overview of this system, which is depicted on the aforementioned drawing, too. It would entail the sub-division of the site into catchment areas and the channelling of surface water run-off from all hard surfaces into infiltration basins, which would be formed on either side of the upgraded/improved priority junction with the N84. These basins would be connected under the proposed access road and water entering them would pass through petrol interceptors. The system is designed in accordance with the Department of the Environment's "Recommendations for Site Development Works" and the recommendations of the Greater Dublin Strategic Drainage Study. As submitted, the capacity of this system under differing flood scenarios has not been made explicit, and so, if permitted, a condition should be attached to elucidate this matter, which is of importance, given the proximity of the N84.
- 8.34. Under the OPW's flood maps, the site is shown as being at risk of fluvial flooding under an annual exceedance probability (AEP) of 10%. The applicant has submitted a Flood Risk Assessment (FRA), which draws upon the experience of the flood event (AEP 1%) in November 2009 in the nearby River Clare. The site was unaffected by this flood, and it is considered that the N84, which passes along an embankment

(7.80m OD) afforded protection to the site (Units 1 and 2 have FFLs of 7.885m OD and 7.820m OD). Consequently, the FRA considers that the site is at minimal risk of fluvial flooding. (Other forms of flooding do not pose a significant risk).

- 8.35. Under Table 3.1 of the Planning System and Flood Risk Management (PSFRM) Guidelines, the proposed recycling facility would be a “less vulnerable development”. As it would be located within flood zone A (AEP greater than 1%), under Table 3.2, this facility would normally be subject to the PSFRM Guidelines’ justification test. However, in this case, the facility would entail the new use of existing buildings, which would themselves be retained as effectively larger versions of what was permitted for the site. Under Section 5.28 of the PSFRM Guidelines as amended by Circular PL 2/2014, the following advice is given concerning the assessment of minor proposals in areas of flood risk:

Applications for minor development, such as...most changes of use of existing buildings and or extensions and additions to existing commercial and industrial buildings, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances.

- 8.36. I consider that the current proposal is analogous to the development described in this quotation, and so it can reasonably be categorised as “minor development”. The applicant’s FRA advises that none of the qualifying factors cited in it are applicable. This FRA comments upon how the proposal would not entail changes in site levels and how the introduction of the proposed stormwater drainage system would assist in ensuring that the off-site flood risk would not be heightened. It also identifies measures that could be considered, e.g., tanking/waterproofing the existing units and protocols for a flood event. In the light of these considerations, I conclude that the propose recycling facility would be compatible with the flood risk that pertains to the site.
- 8.37. I conclude that the proposal would, subject to clarification on the size of flood that the proposed stormwater drainage system could cope with, raise no water issues. Specifically, as “minor development” under the PSFRM Guidelines, it would be compatible with the fluvial flood risk, which pertains to the site.

(iv) Appropriate Assessment – Screening

- 8.38. The requirements of Article 6(3) of the Habitats Directive as related to appropriate assessment of a project under Part XAB, Sections 177U & V of the Planning and Development Act 2000 (as amended) are considered fully.
- 8.39. The applicant has submitted an “AA Screening” dated September 2022. This Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European sites within a possible zone of influence of the development. This Report concluded that:

The change of use relates to modification of the site to an inert, paper recycling in an existing enclosed building. Proposed modifications are required to the external and internal layout... Without consideration of protective mitigation measures, and in consideration of the precautionary principle, potential for likely significant effects either individually or in-combination with other plans or projects, are ruled out for Lough Corrib SAC, Lough Corrib SPA, and Inner Galway Bay SPA.

- 8.40. Having reviewed the Report and the submissions of the parties, 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.
- 8.41. The proposed development is examined in relation to any possible interaction with European sites designated SACs and SPAs to assess whether it may give rise to significant effects on any European site.
- 8.42. The applicant provides a description of the project on Pages 16 and 17 of its AA Screening Report. In summary, the development comprises:
- Retention permission is sought for the 2 units and 39 car parking spaces in the northern portion of the site. Planning permission was granted to application 70429 for 2 units, which would have each had a floorspace of 557 sqm to give a combined floorspace of 1114 sqm. As the 2 units constructed on the site have a combined floorspace of 3295 sqm, 2181 sqm is presently unauthorised.
 - Planning permission is sought for the following:

- Change of use of the northern portion of the site from storage/warehousing to a use for a confidential shredding and packaging recycling facility.
- The junction between the communal access and the N84, which was permitted under application 70429, would be revised/upgraded to provide a formally laid out narrower access point than pertains at present. This access would only serve the proposed confidential shredding and packaging recycling facility.
- The layout of the car park in the southern portion of the site, which was permitted under application 09/1478, would be altered to allow for a dedicated access road to the yard in the northern portion. (The existing access to the forecourt would be sealed up and access to this forecourt would be from the yard via the existing access road between the 2 units).
- Connections to existing services, including foul water and surface water, would be maintained. The stormwater drainage system would be enhanced by the provision of new filter strips along the southern perimeter of the site and infiltration basins in the south-western corner on either side of the revised/upgraded junction.
- The de-commissioning of an existing WWTS on-site and its replacement with a proposed foul water pumping station with a connection via a rising main to an adjacent foul water treatment system (50 PE capacity), which was permitted under application 09/1478.
- The removal of the totem sign in the communal access area.
- The installation of new 2.4m high security gates at either end of the dedicated access road, the provision of a weighbridge in the rear yard, the erection of new 2.4m high security fencing alongside both the proposed dedicated access road and the existing rear access road, and the erection of 1.8m high mesh fencing around the infiltration basins.

8.43. The development site is described in Pages 7 and 10 of the applicant's AA Screening Report. Essentially, the northern portion of the site has been developed to provide two large sheds with a tarmac car park to the front and a concrete yard to the rear. A triangular area within the yard has recolonised. The majority of the

southern portion of the site comprises a tarmac car park and an unsurfaced area of open storage. The remainder of this portion comprises a tarmac communal access from the N84 and accompanying grass verges.

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

- Construction phase: works to alter sheds and provide a formalised junction and a dedicated access road could lead to silt and other materials being borne off site by surface water run-off.
- Construction phase: noise generated by plant and machinery and artificial lighting.
- Operational phase: pollutants could be borne off site by surface water run-off.
- Operational phase: noise generated by plant and machinery and artificial lighting.

8.45. The development site is not located in or immediately adjacent to a European site. The closest European site is Lough Corrib SAC (000297), which is 0.2 km to the west. Another European site where there is a possible connection with the development site is Lough Corrib SPA (004042).

8.46. The qualifying interests of the above cited European sites are set out below. Their conservation objectives are either to restore (R) or to maintain (M) their favourable conservation condition.

Lough Corrib SAC

Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] – R

Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] – R

Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] – R

Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] – M

Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (important orchid sites) [6210] – M*

Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] – M

Active raised bogs [7110] – R

Degraded raised bogs still capable of natural regeneration [7120] – See raised bogs

Depressions on peat substrates of the Rhynchosporion [7150] – See raised bogs

Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] – M

Petrifying springs with tufa formation (Cratoneurion) [7220] – M

Alkaline fens [7230] – M

Limestone pavements [8240] – M

Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] – M

Bog woodland [91D0] – M

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] – R

Austropotamobius pallipes (White-clawed Crayfish) [1092] – M

Petromyzon marinus (Sea Lamprey) [1095] – R

Lampetra planeri (Brook Lamprey) [1096] – M

Salmo salar (Salmon) [1106] – M

Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] – R

Lutra lutra (Otter) [1355] – M

Najas flexilis (Slender Naiad) [1833] – M

Hamatocaulis vernicosus (Slender Green Feather-moss) [6216] – R

Lough Corrib SPA

Gadwall (Anas strepera) [A051] – R

Shoveler (Anas clypeata) [A056] – R

Pochard (Aythya ferina) [A059] – R

Tufted Duck (Aythya fuligula) [A061] – R

Common Scoter (Melanitta nigra) [A065] – M

Hen Harrier (Circus cyaneus) [A082] – R

Coot (Fulica atra) [A125] – R

Golden Plover (Pluvialis apricaria) [A140] – M

Black-headed Gull (Chroicocephalus ridibundus) [A179] – R

Common Gull (Larus canus) [A182] – R

Common Tern (Sterna hirundo) [A193] – R

Arctic Tern (Sterna paradisaea) [A194] – R

- 8.47. During the construction and operational phases, the possibility of water pollution and likely noise and artificial lighting could affect the qualifying interests and their conservation objectives. Specifically, a reduction in water quality could affect the SAC's qualifying interests 1029, 1092, 1095, 1096 & 1106 and 1355 and all the SPA's qualifying interests. Likewise, noise and artificial lighting could affect the SAC's qualifying interest 1303.
- 8.48. The Kilrogther Stream passes through Barna Recycling's lands to the south of the site and it flows into Lough Corrib to the west. A wet ditch to the east of the site connects with this Stream. A potential hydrological link between the site and Lough Corrib exists thereby. Nevertheless, during the construction phase, best practice methodologies would ensure that surface water run-off from the site would not flow into this ditch, and, during the operational phase, SuDS methodologies would ensure that surface water run-off is handled within the overall site.
- 8.49. The applicant's AA Screening Report acknowledges that the site is at risk of fluvial flooding. However, as the level of this site was raised during the development of the sheds, it has not, in practise, experienced flooding since then.
- 8.50. The applicant's AA Screening Report also advises that the presence of qualifying interest 1303 has not been detected on the site and it is not considered to be one that would be suitable for this interest. Furthermore, noise levels would be kept to within standard regulatory parameters, i.e., 55dBA during the daytime and 45 dBA during the night-time. In this respect, the proposed recycling activities themselves would be undertaken entirely within the sheds: the inherent noise attenuation properties of these sheds would, therefore, apply. The use of artificial lighting is not envisaged.
- 8.51. I am not aware of any other projects and plans that together with the proposed development could affect Lough Corrib SAC and SPA.
- 8.52. No 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.
- 8.53. The proposed development was considered in the light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having

carried out Screening for AA of this project, it has been concluded that the project individually or in combination with other plans and projects would not be likely to give rise to significant effects on European Sites Nos. 000297 and 004042, or any other European site, in view of the Sites' Conservation Objectives and AA, (and the submission of a NIS) is not therefore required.

The determination is based on the following factors that would form part of the project regardless of the proximity of Lough Corrib SAC and SPA:

- During the construction phase, the use of best practice methodologies for handling surface water run-off, and, during the operational phase, the use of SuDS methodologies that would allow surface water run-off to be handled within the overall site,
- The existing raised nature of the site relative to surrounding lands, and
- During the construction phase, the use of best practice procedures to limit the noise emitted from plant and machinery, and, during the operational phase, the inherent limitation of noise emitted by plant and machinery installed within the sheds on the site.

9.0 Recommendation

9.1. That retention permission and permission be granted.

10.0 Reasons and Considerations

Having regard to the Planning System and Flood Risk Management Guidelines, the Galway County Development Plan 2022 – 2028, the planning history of the site, and the established pattern of authorised development in the surrounding area, it is considered that, subject to conditions, the proposed retention of the units on the site and their use as a recycling facility would complement existing adjoining land uses and so, notwithstanding the rural location of the site, these units and this facility would be compatible with the commercial and industrial development in its vicinity. Traffic generated by the proposal would be capable of being accommodated on the public road network. Provided the recycling facility operates on a collection only basis, the use of the proposed upgrade of the junction between the N84 and the

proposed dedicated access to the site would improve road safety. Provided on-site parking provision is restricted to the stated needs of the staff of the proposed recycling facility and the 18 spaces displaced by the construction of the proposed access road, it would be satisfactory. The proposal would raise no water or Appropriate Assessment issues. It would thus accord with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The 2 no. units and 39 no. car parking spaces shall be retained in accordance with the plans and particulars lodged with the application, and further plans and particulars received by An Bord Pleanála on the 19th day of December, 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority within 12 weeks of the date of this Order.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Only 24 no. car parking spaces shall be retained. Fifteen of the eighteen spaces along the frontage of the site with the N84 shall be omitted, and the area thus cleared shall be the subject of a detailed landscaping scheme for the dense planting of indigenous tree species.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>Tree planting shall be undertaken in the first available planting season following the grant of this Order. All planting shall be adequately protected from damage until established. Any trees which die, are removed or become seriously damaged or diseased, within a period of 5 years from being planted shall be replaced within the next available planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.</p>

	<p>Reason: In order to avoid the overprovision of parking spaces and in the interests of visual amenity.</p>
3.	<p>The proposed development shall be carried out and completed 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 19th day of December, 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
4.	<p>Prior to the commencement of development, a scheme for the proposed stormwater drainage system shall be submitted to, and agreed in writing with the Planning Authority. This scheme shall demonstrate that the proposed system would be capable of handling a 1 in 100-year rainfall event plus a 20% allowance for climate change. Any consequential changes that may be needed to the proposed stormwater drainage system submitted with the applications shall be made explicit.</p> <p>Reason: In order to ensure the resilience of the proposed stormwater drainage system.</p>
5.	<p>The proposed recycling facility shall operate strictly on the basis that confidential documents for shredding are collected from customers workplaces. Consequently, no customer drop-offs of such documents shall occur.</p> <p>Reason: In order to limit vehicular movements to and from the site, in the interest of road safety.</p>
6.	<p>No signage for the proposed recycling facility shall be installed on the 2 no. units or within the site, including on any boundary fencing.</p> <p>Reason: In the interests of consistency, road safety, and visual amenity.</p>

7.	<p>The use of the site hereby permitted is a recycling facility for the shredding of confidential documents and the subsequent recycling of paper, plastic, and cardboard. Any future change of use shall be required to be the subject of a further planning permission.</p> <p>Reason: In order to ensure that the Planning Authority has the opportunity to control the future use of the site, in the interests of road safety and amenity.</p>
8.	<p>Prior to the commencement of the recycling facility, the existing accesses to the forecourt and yard of the site of the proposed recycling facility shall be permanently closed and the proposed upgrade of the priority junction to this site shall be fully implemented, along with the dedicated access road to it. This junction shall be accompanied from the outset by infiltration basins on either side of it and this road shall be accompanied at all times by fencing with the insertion of only those vehicular gates that are shown on drawing no. 1015-2159 Revision P2.</p> <p>Reason: In order to ensure that a satisfactory means of access is available to the site, in the interest of road safety.</p>
9.	<p>Prior to the commencement of the recycling facility, the existing wastewater treatment plant within the site of this facility shall be de-commissioned, and the proposed pumping station and rising main to the existing wastewater plant to the south-east of this facility shall be installed and made ready for operation.</p> <p>Reason: In order to ensure that wastewater can be handled satisfactorily at all times, in the interests of public health.</p>
10.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition</p>

	<p>waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
11.	<p>Within 12 weeks of the date of this Order, 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 prior to commencement of development or 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 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>

Hugh D. Morrison
 Planning Inspector

19th July 2023