



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315888-23

#### Development

Change of use of part of shed from a 'scrapping shed', to an 'end of life' (for motor vehicle) shed together with all ancillary works and retention of existing storage sheds.

#### Location

Carrowgobbadagh, Carraroe, Co. Sligo.

#### Planning Authority

Sligo County Council.

#### Planning Authority Reg. Ref.

22301.

#### Applicant(s)

Atlantic Metals Ltd.

#### Type of Application

Planning Permission and permission for retention.

#### Planning Authority Decision

Grant permission subject to conditions.

#### Type of Appeal

Third Party versus decision.

#### Appellant(s)

John Scanlon and Others.

#### Observer(s)

None.

**Date of Site Inspection**

19 June 2023.

**Inspector**

Stephen Rhys Thomas.

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## 1.0 Site Location and Description

1.1. The appeal site is located in a purpose built industrial park south of Sligo close to junction S1 on the N4. The industrial park is accessed from the Old Dublin Road and the site is accessed from an internal estate road. The site is large and regular in shape with a large warehouse building at its south eastern corner. Development in the vicinity is made up of warehouse uses and car sales and maintenance establishments. The north eastern boundary of the site comprises a cliff face. The site is level and comprises a large area of concrete slab. There is a collection of plant and machinery distributed throughout the site. At the south eastern boundary, a shear machine is located together with mounds of scrap metal material. The boundary with the property to the south east is made up of a high wall of massed concrete construction.

## 2.0 Proposed Development

- 2.1. The proposed development is for the change of use of part of a shed from a 'scrapping shed', to an 'end of life' (for motor vehicles) shed (357.6 sq.m) together with all ancillary works, and:
- 2.2. The retention of existing storage sheds, amounting to 200 sq.m

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission subject to 4 conditions. The conditions are of a standard or technical nature and one relates to a development contributions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The basis of the planning authority decision includes:

First Report

- Sligo County Development Plan 2017-2023 as it incorporates the Sligo Environs Development Plan 2010-2016 as amended, is the relevant statutory plan. The site is zoned WILT, the principle of development proposed is acceptable.
- AA – conclusions of the screening report are noted. EIA – and EIAR not required.

Further information was requested in accordance with the Planner's recommendation.

- Response to further information considered acceptable, grant permission.

### 3.2.2. Other Technical Reports

Environmental Services – Further information required, no objections subject to conditions.

Area Engineer – no objections.

### 3.3. Prescribed Bodies

Transport Infrastructure Ireland – no objections.

### 3.4. Third Party Observations

Two third party submissions were received, issues include:

- Lack of facilities to properly treat waste.
- AA screening report inadequate, hydrological links not detailed.
- Taurus shear not authorised and impacts neighbours.
- Layout of site interior not clear.
- Some development falls outside the site.

## 4.0 Planning History

### 4.1. Site

PL04/0973 – Permission for warehouse units in three separate blocks A, B, & C. Block A to contain 6 no. units, total floor area 1769sq.m.; Block B to contain 5 no. units, total floor area of 2880sq.m.; Block C to contain 1 no. unit of 750sq.m. to be used for recycling of metal and building demolition material. Overall floor area for development of 5,399sq.m. A proprietary effluent treatment system, new entrance from old N4 road between Ballisodare and Sligo, as well as retention of excavation works carried out on site, together with all other associated site works.

There are permissions for development in the vicinity that includes storage sheds and car storage compounds.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Sligo and Environs Development Plan 2010-2016 (as extended and incorporated with the County Plan)**

The Sligo and Environs Development Plan 2010-2016 (SEDP) was adopted in November 2009 and was due to expire in 2015. When Sligo Borough Council was abolished in 2014, the lifetime of the SEDP was automatically extended in accordance with the legislation. In August 2017, the provisions of the SEDP were further extended through incorporation into the Sligo County Development Plan 2017-2023 (CDP).

The site is zoned WILT - waste management, industry, logistics, transport-related uses Objective: Encourage the consolidation of activities such as waste management, light industry, logistics/transport in a designated area, conveniently located and easily accessible at Belladrehid. Non-conforming uses of similar nature currently operating in other areas of the City are also encouraged to relocate to Belladrehid.

Relevant sections of the plan include:

Section 6.4.3 Waste management, industry, logistics and transport-related uses – WILT

Waste management, light industry, logistics and transport-related uses are encouraged to locate on lands to the south of Sligo, lying between the old and the new N4/Dublin Road. A substantial proportion of this zone is undeveloped, as the area relies on the provision of wastewater treatment for future development to occur. Large-scale developments that require substantial sites with good road and environmental infrastructure facilities, and uses/activities unsuitable for the town centre locations (e.g. industrial units) will also be generally encouraged to locate in the WILT zone subject to environmental review and assessment.

## **5.2. Natural Heritage Designations**

- 5.2.1. The site is not located within or directly adjacent to any Natura 2000 sites. Designated sites in the area are located 1.1 km to the south west, Ballysadare Bay SPA (site code 004129) Ballysadare Bay SAC (site code 000622), and Lough Gill SAC (site code 001976) 3.1 km to the east. The applicant has prepared an AA Screening Report.

## **5.3. EIA Screening**

- 5.3.1. The scale of the proposed development is well under the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(11)(e) dealing with the storage of scrap metal, including scrap vehicles where the site area would be greater than 5 hectares, the appeal site amounts to 0.583 Hectares, and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. A third party appeal was received by the Board, prepared by McGinty Consultants on behalf of John Scanlon, Chris McLoughlin and Gerrard Kirrane (adjoining business owners). The appeal submission can be summarised as follows:

- Concern that the inclusion of a fixed Tarus Shear on the site, was not applied for and does not have permission. The new Tarus Shear replaced an earlier smaller unit, its output is greater and operations are intensified. The shear and its permeant concrete base represent development and is therefore unauthorised. The AA screening report omits to mention the shear. The Tarus Shear is a nuisance, in terms of noise and errant objects landing on neighbouring property.
- The overall development was not properly described by the applicant. The notices refer to a scrapping shed, yet this is not defined. Other elements of the development only appeared after further information was requested and responded to.
- Parts of the development lie outside the site boundary, as follows: silt trap, emergency shutdown for interceptor and interceptor. These features protect designated sites and should be found within the site boundary, condition 4 cannot be implemented or controlled.
- Noise has not been fully considered, the location of noise testing was not representative and neighbouring properties suffer greatly from adverse noise impacts. The Noise Report does not include the Tarus Shear and mitigation measures do not deal with this aspect of the site.
- There are no details of boundary treatment, even after further information was submitted. Fence levels appear to be raised but this is not clear, ideally a new boundary is required that manages noise and limits flying objects.
- AA screening report is substandard insofar as it omits to detail hydrological connections to Ballysadare Bay SAC, incorrectly states that an existing concrete base is to be use for the Tarus Shear, likely cumulative impacts not assessed, a zone of influence of 2 km is not adequate, the shear only operates for a few minutes of the day, no surface water calculations has been included.
- The submission from Clearway were not fully considered by the planning authority.



Permission should be refused or if permitted the Tarus Shear be removed from the site or relocated to a position to the rear of the site and adequate noise and projectile barrier erected.

## 6.2. Applicant Response

The applicant has responded to the grounds of appeal as follows:

- Permission was granted for Block C and a shear is an integral part of the recycling process. The location of the original shear is more or less in the same position and shown on drawings.
- In relation to access to the Interceptor, the applicant has confirmed access.
- The applicant is agreeable to the erection of a wall.
- Noise levels are acceptable, an Environmental Noise Report, dated 18 January 2023, that relates to condition 5.8 of the company's Waste Permit. The location of noise monitoring points are detailed by figure 1. Monitoring took place on the 12 and 13 November 2022, noise generation are within limits (55dBA) for daytime, operating hours are 9am to 5pm and no tonal characteristics were observed. Previous complaints to the Council came to nothing. Also included is an Environmental Noise Survey dated 15 December 2021, to comply with Permit WFP-SO-19-002-01.
- The operator is a scrap business seeking permission to carry out an additional activity on site. It is disputed that metal objects stray away from the site, but the applicant is willing to erect barriers. The Tarus Shear was introduced to improve matters and runs for one and a half hours each day.
- The 'installation of a Tarus Shear' should not have been included in the AA Screening Report.
- Scrapping Shed is an accurate term, and directly related to end of life vehicles and waste facility permits. A new waste facility permit has been applied for to take account of the development now permitted.
- AA Screening Report, additional details are provided, location of a stream identified, Qis of the Ballysadare SAC/SPA listed and a conclusion that it is unlikely to be a significant effect on any European site.

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

The planning authority provided a response to the grounds of appeal and can be summarised as follows:

- The Board should refer to the planning and other reports on file.
- No information has been submitted by the appellant that would change the planning authority's decision on this case. The development is an acceptable use at this location and permission should be granted.

### 6.4. **Observations**

None.

### 6.5. **Further Responses**

The appellant has supplied video footage (with sound, dated July/Oct 2021 and Nov 2022) that shows operations on the appeal site and a projectile bolt on their site. Two photographs also show details of the appeal site machinery.

The appellant responds as follows:

- Noise sampling locations are not representative, and in general the noise survey is criticised. The shear has moved again and the noise survey takes no account of this.
- The installation of the Tarus Shear is disputed, its location is not shown on planning drawings and aerial photographs show that the P04/0973 had expired by the time the shear was installed (2020). Operations have intensified and permission has not been granted.
- No evidence of the applicant's right to access the Interceptor has been forwarded or proofed.
- The appellant at no time was approached with reference to a wall or new boundary. The appellant initiated this course of action but to no avail.
- The AA Screening Report is substandard, and new details are inaccurate.

## 7.0 Assessment

7.1.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Tarus Shear
- Description of Development
- Development outside the site
- Other Matters
- Appropriate Assessment

### 7.2. Principle of Development

7.2.1. The appeal site is located on lands that are subject to zoning objective WILT - waste management, industry, logistics, transport-related uses. The land use zoning objective associated with the lands seeks to encourage the consolidation of activities such as waste management, light industry, logistics/transport in a designated area, conveniently located and easily accessible at Belladrehid. The proposed uses would fall into the following development descriptions, waste-recycling depot and general industry uses, as such these are permitted in principle in the WILT zoning. I am satisfied that the proposed development would be acceptable in principle on these lands, subject to the normal planning process, including the consideration of policies and objectives outlined in the Plan.

### 7.3. Tarus Shear

7.3.1. Both the applicant and appellant refer to a Tarus (Taurus) Shear on the site. I observed a large machine on site that would appear to be a mechanical shear baler and in the interests of clarity I refer to it as a shear in my report. The appellants have serious concerns about a number of aspects of the application, but the principal issue is that of the shear, its location, operation and whether it is permitted at all. A shear (baler) is a large piece of industrial machinery that can cut, crush and compact metal during the process of recycling scrap material, including end of life vehicles.

The description of development that has been applied for comprises the change of use of part of a shed from a 'scrapping shed', to an 'end of life' (for motor vehicles) shed and the retention of existing storage sheds. The appellants point out that the shear is a nuisance at its current location, should not be located so close to a shared boundary and no permission exists for its use. The applicant explains that a previous planning permission allowed the use of the site for recycling of metal and building demolition material, including a previous shear machine, PL04/0973 refers. The current application does not include the shear machine. But in their view, the new shear is an improvement on a previous machine and is an integral part of the permitted processes on the site and its current location is more or less as it was shown on previous plans. The problem is that the appellants dispute whether such a large piece of machinery should be used on site and its current location does not match any drawings.

- 7.3.2. The planning authority note a previous permission for the site that permits recycling activity and have not raised any major concerns with regard to the development proposed. At no point in the planning authority's assessment did the matter of the operations on site arise for examination. There is no planning history documentation on the appeal file, and I have not seen any historic layouts or drawings that show the location of machinery on site associated with the development permitted. The current application seeks the change of use of part of a shed and the retention of a use within that shed, drawing PMcD/PL002 refers. An additional drawing was submitted as further information and it details the operations on site, including the location of the shear. In my view it is beyond the scope of this appeal to consider the operations on site that appear to accord with the planning permission, that would be a matter for the planning authority to investigate. However, as the proposed development to change and retain uses are enclosed by a red line boundary that encompasses the site, the matter of the shear and its operation can be taken into account.
- 7.3.3. The appellants, have pointed out that the shear is too close to their premises, causes a noise nuisance and even emits errant materials such as bolts and other pieces of metal that land on their property. The appellants are critical of the applicant's Environmental Noise Report, because it does not include the operational noise emitted by the shear. I note that the issue of noise was addressed by a noise report but upon my reading I see no reference to the shear either.

- 7.3.4. The location of the shear is strongly defended by the applicant, and it is shown on drawings submitted during the planning application process. The noise report is also defended and it is considered by the applicant to describe the operational noise of the facility and other extraneous elements such as road noise, the location of the N4 and other operators. The applicant points out that the shear is part and parcel of the recycling business and only runs for one and a half hours of the day. Although the applicant resists a call to reposition the shear they are amenable to the erection of a screen or wall to address the concerns of the appellants.
- 7.3.5. I am satisfied that the Environmental Noise Report prepared by the applicant is representative of the noise environment of the site and its surrounds. I note the use of such reports with reference to waste permits required for the site, Permit WFP-SO-19-002-01 refers. Specifically, I note the position of the noise survey locations NSL1 and NML2, the latter located in close proximity of the shear. I would expect to see some change in the noise environment at NML2, but this is not the case and the report concludes that the noise from the facility is within daytime noise limits of 55 dBA. That being the case it would be reasonable to attach a condition to ensure that the operational noise emitted by the site does not exceed these levels.
- 7.3.6. With reference to errant objects, I have observed the material (video and photographs) submitted by the appellants and visited the site. It is not inconceivable that objects from the site may stray abroad, despite the assurances made by the applicant. This issue is most likely exacerbated by the location of the shear baler so close to the shared boundary. However, the matter can be addressed by the erection of a solid screen securely positioned entirely within the applicants property. Any screen erected should be sufficiently high enough to deflect errant material emitted by the shear. The applicant has stated that they are willing to comply with such a request. The design, extent and scale of the screen should be subject to approval with the planning authority and erected within a set period of time. I am satisfied that the erection of a suitably designed solid screen would address the issues raised by the appellants with regard to noise and errant objects. The actual position of the shear, its size, scale and operation within the site is a matter for the planning authority to investigate if warranted.

#### **7.4. Description of Development**

7.4.1. The appellants note that the actual activities that take place within the change of use and retention of use areas within the shed are not defined. The planning authority raise no such similar concerns. I note that further information submitted by the applicant includes a description of the proposed activities scheduled to take place and the location of each activity within the shed and around the yard. The applicant also points out that a new waste permit licence will be applied for to take account of the activities now permitted on the site. I am satisfied that the recycling activities that are ongoing and are proposed for this site are acceptable and accord with the land use zoning for the area. I also note that permission has already been granted for the recycling of metal and building demolition material, PL04/0973 refers.

#### **7.5. Development outside the site**

7.5.1. The appellant raises concerns about the enforceability of condition 4 that relates to a silt trap, emergency shutdown for interceptor and interceptor, that all fall outside the site. If a problem should occur, the appellants are fearful that designated sites could be impacted upon. Drawings submitted with the planning application detail the locations of a silt trap, emergency shut down for interceptor, interceptor and drainage infrastructure that all fall outside the site. The applicant states that they have full legal access to the off site drains and can provide documentation to that effect. The planning authority have included condition 4 in their notification to grant permission and it refers to the management of waste onsite. Specifically, condition 4 parts c), d) and e) refer to surface water management. Part c) refers to an oil interceptor shown on plans submitted, and this is outside the red line boundary and hence off site. However, part d) refers to an oil interceptor installed on site and relates to its management and upkeep. Part e) refers to an emergency shut down valve and that this shall be installed as per plans received, again off site. I have not seen any legal undertaking on the appeal file that demonstrates that the applicant has access to off site drainage infrastructure.

7.5.2. In the interests of clarity and to ensure the efficient and safe management of surface water treatment at this facility, I advise that surface water management measures including oil interceptors, silt traps and emergency shut down valves should all be located on the site. As constructed drawings showing their location upon installation should be provided to the planning authority within a fixed timeframe.

## 7.6. Other Matters

- 7.6.1. The appellants are concerned that their submission and the submission from Clearway was not fully considered by the planning authority. Subsequent to the submission of further information, two observations were received by the planning authority and are summarised and noted in the second Planner's Report. There is nothing to suggest that the submissions received by the planning authority were not dealt with properly. I can see that each aspect of the further information requested was addressed and in addition, the Planning Report states under section 7.0 that the submissions received were considered in the assessment.

## 7.7. Appropriate Assessment

### Introduction

- 7.7.1. The applicant has submitted a Screening for Appropriate Assessment report prepared by Dr Monica Sullivan lead Ecologist at Jennings O'Donovan and Partners. Additional material to support the conclusion that stage 2 Appropriate Assessment is not necessary was submitted in response to the appellants grounds of appeal. The appellants are critical of the contents and findings of the screening report and are concerned that designated sites could be impacted upon.

### Overview

- 7.7.2. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

### Compliance with Article 6(3) of the Habitats Directive

- 7.7.3. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal

will not adversely affect the integrity of the European site before consent can be given.

- 7.7.4. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).
- 7.7.5. The applicant has submitted a Screening for Appropriate Assessment report as part of the planning application. In addition, the Screening Report was updated to take account of the grounds of appeal. The report provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The AA screening report concludes that the preparation of a Natura Impact Statement (NIS) is not required.
- 7.7.6. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

#### Need for Stage 1 AA Screening

- 7.7.7. The project site is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

#### Brief Description of the Development

- 7.7.8. The applicant provides a description of the project in the Screening Report at section 2.2 proposed works. The development is also summarised in Section 2 of my report. In addition, the applicant includes corrections with regard to the inclusion of the shear and its footings in section 7 of their response to the grounds of appeal, dated March 2023. The response report also includes an examination of hydrological links and pollution control. In summary, the development relates to a change of use of part of the existing shed from a 'scrapping shed', to an 'end of life' shed and the retention



of storage sheds. The site is serviced by public water and drainage networks. Foul effluent will drain to a communal wastewater treatment system for the estate.. Surface water from the development will discharge to a separate surface water drainage system and discharged to surface/tidal waters at the perimeter of the estate after passing through existing oil interceptors and silt traps.

#### Submissions and Observations

7.7.9. The submissions and observations from the Local Authority, any Prescribed Bodies, and third parties are summarised in sections 3 of this Report. The appellants raise concerns about the description of development contained within the Screening Report, the applicant may not be able to maintain surface water management infrastructure that lies outside the site, hydrological connections are not adequately detailed, the footings used for the shear are not assessed, cumulative impacts not assessed and a 2 kilometre zone of influence is inadequate. I note that the planning authority carried out a screening exercise and concluded that a stage II assessment was not required. I am satisfied that the AA Screening Report and other related material is suitably detailed.

#### 7.8. Zone of Influence

7.8.1. A summary of European Sites that occur within the vicinity of the proposed development is presented in the applicant's AA Screening Report. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a Natura 2000 site. There are 12 European sites within 15 kilometres as follows: Ballysadare Bay SAC and SPA, Union Wood SAC, Unshin River SAC, Lough Gill SAC, Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, Benbulbin, Gleniff and Glenade Complex SAC, Templehouse and Cloonacleigha Loughs SAC, Cummeen Strand SPA, Drumcliff Bay SPA, Sligo/Leitrim Uplands SPA and the Ballintemple and Ballygilgan SPA, table 4.1 of the Screening Report refers.

7.8.2. Section 4.1 of the applicant's screening report identifies all likely significant effects associated with the proposed development taking account of the characteristics of the proposed development in terms of its location and scale of works, examines whether there are any European sites within the zone of influence, and assesses whether there is any risk of a significant effect or effects on any European sites, either alone or in combination with other plans or projects. The issues examined are

impacts arising from habitat loss / disturbance, hydrological pathways, dust and noise impacts. The possibility of a hydrological pathway between the proposed development and habitats and species of European sites in Ballysadare Bay SPA is identified due to surface water connections. The potential for significant impacts such as displacement or disturbance due to loss or fragmentation of habitats or other disturbance can be excluded due to the lack of suitable habitat for qualifying interests of SPAs and the intervening distances between the site and European sites.

7.8.3. In applying the 'source-pathway-receptor' model in respect of potential indirect effects, all but two sites, are screened out for further assessment at the preliminary stage based on a combination of factors including the intervening minimum distances, the lack of suitable habitat for qualifying interests of SPAs and the lack of hydrological or other connections. The designated area of sites at Ballysadare Bay could therefore reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis this site is subject to a more detailed Screening Assessment.

7.8.4. I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.

7.8.5. The Conservation Objectives (CO) and Qualifying Interests of sites at Ballysadare Bay SPA and SAC are as follows:

Ballysadare Bay SAC (Site code 000622) - c. 1.1 kilometres south of the proposed development.
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Conservation Objective (CO) - To maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
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Qualifying Interests/Species of Conservation Interest: Estuaries [1130]
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Mudflats and sandflats not covered by seawater at low tide [1140]
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Embryonic shifting dunes [2110]
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Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120]

Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]

Humid dune slacks [2190]

*Vertigo angustior* (Narrow-mouthed Whorl Snail) [1014]

*Phoca vitulina* (Harbour Seal) [1365]

Ballysadare Bay SPA (Site code 004129) - c. 1.1 kilometres south of the proposed development.

CO - To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Qualifying Interests/Species of Conservation Interest:

Light-bellied Brent Goose (*Branta bernicla hrota*) [A046]

Grey Plover (*Pluvialis squatarola*) [A141]

Dunlin (*Calidris alpina*) [A149]

Bar-tailed Godwit (*Limosa lapponica*) [A157]

Redshank (*Tringa totanus*) [A162]

Wetland and Waterbirds [A999]

AA Screening Conclusion:

#### 7.8.6. Consideration of Impacts on Ballysadare Bay SAC and Ballysadare Bay SPA:

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.
- There is a potential hydrological connection from the site to European Sites at Ballysadare Bay via surface water. The entire site drains to the public surface water system, which in turn outfalls to Ballysadare Bay, a kilometre downstream. The surface water pathway creates the potential for a direct connection between the site and Ballysadare Bay SAC and SPA. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from

leaving the construction site and entering the water system. The site comprises hard standing that will remain undisturbed and petrol interceptors are already in place at outfall locations. During the operational phase attenuated surface water will discharge to the public system. The proposed development will not increase the volume of stormwater outfall. The pollution control measures on site and to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Ballysadare Bay can be excluded given the nature and scale of the development and volume of water separating the application site from Natura 2000 sites in Ballysadare Bay (dilution factor). Given the circumstances of the site and the characteristics of the proposed development described above, it is highly unlikely that contaminated surface water runoff from the construction or occupation of the proposed development would reach Ballysadare Bay. If such an unlikely event were to occur, the volume of the runoff means that there is no realistic prospect that it could have a significant effect on the current water regime such that it would hinder the achievement of the conservation objectives of any of the Natura 2000 sites.

- The foul discharge from the proposed development already drains to an onsite wastewater treatment system serving the commercial units on site.

7.8.7. On the basis of the foregoing, I conclude that the proposed development will not impact the overall water regime (quality and quantity) of Ballysadare Bay and that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Ballysadare Bay. In relation to in-combination impacts, given the negligible contribution of the proposed development to the surface water regime of Ballysadare Bay, I consider that any potential for in-combination effects on water quality in Ballysadare Bay can be excluded. Furthermore, other projects within the Sligo Area which can influence conditions in Ballysadare Bay via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

7.8.8. It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would be not be likely to have a significant effect on the Ballysadare Bay SAC and Ballysadare Bay SPA and that Stage II AA is not required.

#### 7.9. Screening Assessment

7.9.1. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Ballysadare Bay SAC and Ballysadare Bay SPA, or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

### 8.0 Recommendation

8.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

### 9.0 Reasons and Considerations

Having regard to the WILT zoning objective of the Sligo and Environs Development Plan 2010-2016 (as extended and incorporated with the County Plan) which seeks to encourage the consolidation of activities such as waste management, light industry, logistics/transport in a designated area, and the fact that similar type motor vehicle facilities are located in the vicinity, it is considered that the proposed development, subject to conditions set out below, would not seriously injure the amenities of the area, be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### 10.0 Conditions

1. The 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 submitted on the 15<sup>th</sup> day of November 2022 and by the further plans and

particulars received by An Bord Pleanála on the 21<sup>st</sup> day of March, 2023, 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) A stout and solid screen fence shall be erected along the south eastern boundary to extend at least 2 metres above the height of the existing boundary wall.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

In the interest of orderly development.

3. Surface water drainage management infrastructure to include silt trap, emergency shutdown for interceptor and interceptor shall all be contained within the red line boundaries of the site and accord with the technical requirements and standards of the planning authority.

- a) Specifications and drawings that detail the design and location of silt trap, emergency shutdown for interceptor and interceptor shall be submitted to the planning authority for written agreement within three months of the date of this order.
- b) As constructed drawings shall be submitted to the planning authority within six months of the receipt of the planning authority agreement regarding item a) above, such infrastructure shall be completed and operational within nine months of the date of this order.

Reason: In the interests of public health.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Prior to the commencement of development, the applicant shall obtain as necessary a waste facility permit or licence and shall comply with any conditions attached therein.

Reason: To comply with all statutory requirements.

6. The storage of batteries shall be in suitable containers for hazardous waste details of which shall be agreed with the planning authority prior to the commencement of development and shall be stored within the warehouse on site prior to removal from site for recovery.

Reason: In the interest of public health.

7. Adequate spill control equipment shall be maintained on site at all times.

Reason: In the interest of public health.

8. The applicant shall ensure that all hauliers of waste to and from the facility shall hold a valid waste collection permit for the waste material collected.

Reason: In the interest of orderly development.

9. (a) During the operational phase of the proposed development, the noise level from within the development, as measured at the nearest noise sensitive location, shall not exceed –

(i) an Leq 1h value of 55 dB(A) during the period 0800 to 2000 hours from Monday to Saturday (inclusive), and

(ii) an Leq 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

(b) All sound measurements shall be carried out in accordance with ISO Recommendations 1996:2007: Acoustics, - Description and Measurement of Environmental Noise.

Reason: To protect the amenities of properties in the vicinity of the site.

10. 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.

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.



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Stephen Rhys Thomas  
Senior Planning Inspector

3 August 2023