



An
Bord
Pleanála

Inspector's Report

ABP-319079-24

Development

The construction of a sterilization technology facility and all associated site and development works above and below ground.

Location

Clara Road (R420), Ballyduff,
Tullamore, Co. Offaly.

Planning Authority

Offaly County Council

Planning Authority Reg. Ref.

2396

Applicant(s)

Synergy Health Ireland Ltd

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party

Appellant(s)

1. Enda Scally
2. David McGettigan and Siobhan McGettigan.
3. Annette Molloy
4. J.J. O'Brien

Observer(s)

None

Date of Site Inspection

15th of October 2024

Inspector

Caryn Coogan

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1.0 Site Location and Description

- 1.1. The subject site is located in the townland of Ballyduff, Tullamore, Co. Offlay. The site is to the northeast of existing commercial/ industrial hub of Tullamore served by a Regional Road network.
- 1.2. The site fronts the main Clara Road out of Tullamore which is the Regional Road R420. The site is a greenfield site, used for arable agriculture, with area of **3.21Ha**. The Clara Road forms the eastern boundary which consists of a mature hedge and trees. There are agricultural fields and a small cluster of dwellings on the opposite side of the Regional Road to the subject site.
- 1.3. There is another small cluster of residential properties to the north of the site fronting Clara Road. The remainder of the northern boundary is agricultural use, and the western site boundary is greenfield/ agricultural use.
- 1.4. To the south of the site is the Axis Business Park.
- 1.5. Further south, within walking distance of the site along the R420, is an Applegreen petrol filling station and a roundabout access to the Axis Business Park.
- 1.6. The southern portion of the site is within the 60kmph speed limit. The national limit of 100kmph applied to the northern roadside boundary of the site.

2.0 Proposed Development

- 2.1. The planning application was received at Offaly Co. Co. on the 8th of March 2023. The proposed development consists of:
 - The construction of a ***sterilization technology facility*** with a gross floor area of 6,726sq.m., a maximum roof height of 19.65m with a flue extension to 22.4m. (Note the bulk of the roof is under 12metres in height, with the high bay warehousing at 19.65m).
 - The building will include a storage area (3,731sq.m.) (high bay and loading), process area (698sq.m), technology area (9691sq.m.), ancillary offices and circulation (1606sq.m.).
 - The proposal also includes the repositioning and upgrade of the 2No. existing entrances to the site off Clara Road (R420) to provide a multimodal entrance

with staff entrance at site and a dedicated truck entrance; (later revised to **ONE** entrance only, and a agricultural entrance)

- Internal roads, footpaths, bicycle path, 42No. carparking spaces, a delivery and loading area with 8No. truck parking spaces, ESB substation, PV panels, lighting, boundary treatment, landscaping, flagpoles, signage, and all associated site works.

The x-ray radiation process will utilise photon radiation to sterilise medical devices and products. The x-ray process is compatible with most materials and provides excellent penetration on dense products. It enables already-packaged to be sterilised.

4.2 There was a request for Further Information issued on 27th of April 2023 and a Request for Clarification of Further Information on 28th of September 2023. The applicant was requested to revise certain aspects of the proposal including, boundary treatment, waste/ recycling, a green infrastructure plan, the industrial processes involved, energy efficiency and climate change adaption statement, a construction waste management plan, location of bat and bird boxes, cycle spaces, and the internal engineering reports requests as per Section 3.2 of this report.

4.3 A response was received on 3rd of August 2023, with revised public notices on the 01/09/2023. There were modifications to:

- Access arrangement with the removal of the dedicated truck entrance
- Internal Road and pedestrian layout
- Relocation of existing agricultural entrance
- External footpath and cycleway layout
- Carparking layout
- Landscaping and Boundary treatments
- Attenuation pond design
- Provision of a surface water line along R420

2.3 The application details indicated the facility will operate 168Hours per week (24 hours a day). There will be 32No. employees. A quick summary of the process

involved is outlined. Pallets of finished and sealed products are delivered for sterilisation at the facility and remain on the pallet. They are stored in the high bay warehouse. The only process involved is energy through an x-ray accelerator and there are no waste by-products or chemicals. No raw materials required to be imported or exported from the site. There will be atmospheric inert ozone gas emitted in small quantities from the x-ray sterilisation process within the bunker and limited below 5 part per million as a concentration constant rate.

- 2.4 On the 28/09/2023 Offaly Co. Co. issued a request for Clarification of Further Information regarding engineering details, the third-party submissions, authors of the Energy Efficiency and Climate Change Adaption Design Statement. Is the development of strategic or national importance?
- 2.5 A response was received on the 21/12/2023. The junction radius was reduced from 16m to 12m, and there were modifications to the footpaths and cycleways. Pinnacle Engineers made a detailed submission regarding the layout, and auto-track layout. An Acoustic Review, and CVs indicating the relevant experience of the authors of The Climate Change Design Statement.

3.0 Planning Authority Decision

3.1. Decision

Offaly Co. Co. made a Decision to Grant Planning Permission for the proposed development on the 24th of January 2024. There were 12No. conditions attached to the permission. The conditions are standard planning conditions and can be summarised as follows:

1. The development shall be in accordance with the submitted plans and particulars received on 08/03/2023, and the revised particulars received on the 21/12/2023.
2. Boundary treatment to be in accordance with the drawing submitted on 03/03/2023.
3. External finishes

4. Traffic, parking, surface water, lighting, construction traffic, fencing, public roads.
5. Works for be carried out in accordance with site Development Works for Housing, waste, noise,
6. Contribution €121,068
7. Irish water
8. Mitigation measures outlined in the Ecological Impact Assessment to be implemented.
9. Rod markings
10. Landscaping
11. Archaeologist
12. Signage

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

- (i) Planning Report No. 1 (27th of April 2023)
 - Site Description
 - Site Designations
 - Relevant Planning History
 - Pre-Planning Consultations Reference TU22/20
 - Internal Reports summarised
 - Referrals
 - The proposed development is sub-threshold EIA
 - Third Party Observations (as bullet pointed below)
 - Infrastructure Services
 - Development Plan

- Assessment: The proposal supports policy ENTP-06 and ENTO-04. The proposal complies with DMS-71, DMS-72. There is more information required regarding industrial processes and hours of operation. The proposal is a high quality design and specification. There is Further Information required on a number of outstanding issues. The proposed sterilisation uses are considered to be 'light industrial' having regard to the definition of same in the Planning and Development legislation.

Further Information Recommended.

(ii) Second Planning Report (27/09/2023)

- Following receipt of the Further Information, the submissions were circulated to the relevant internal departments and the third-party objectors for further consideration.
- The proposed development can be described as light industrial. Sterilisation would not be carried out in a building permitted for 'warehousing'. Therefore, the warehousing is ancillary to the sterilisation process.
- The response included the removal of one of the original site entrances located within the 100km zone.
- The dwelling to the north is 141m from the proposed building. It is not a Seveso development. Overshadowing has been addressed

Clarification of the Further Information is recommended.

(iii) Third Planning Report (26/01/2024)

- This report assessed the Clarification of the Further Information issues:
- The reduced junction radius and footpath layout is acceptable. The boundary between the site and Woodland Cottage to be agreed with the appellant.
- It is not a SID's case

Permission is recommended.

3.2.2. Other Technical Reports

- Area Engineer Report (25/04/2023)

There was Further Information required in respect of the following:

- (i) Available sightlines at the two proposed entrances and the speed limits on the R420
- (ii) Stage 1 and 2 Road Safety Audit. The applicant shall note the AADT on the R420 as follows:

Year 2019: Count 1 AADT = 7722 HGVs = 2%

Year 2019: Count 2 AADT = 7355 HGVs = 2-3%
- (iii) DMURS Street Design Audit. Width of all roads and footpaths. Revised parking layout. Footpath and cycles ways to connect to Axis Business Park. Gullies.
- (iv) Note: The applicant is missing an opportunity to connect to the Axis Business Park and the proposed future roundabout on the R420 (as shown on masterplan) The applicant shall investigate this.

- Area Engineer (21/09/2023)

Clarification of the Further Information received is required:

- Pedestrian and cycling priority crossings at proposed entrance
- A new Roads Safety Audit to be carried out on the upgraded entrance. Examine possibility of reducing the radius from 16m to 9m.
- The drawings are inconsistent in terms of entrance, road lining and signage.

- Area Engineer (24/01/2024)

There are 14 No. conditions recommended in the report. These relate to the geometry of the access, pedestrian and cycle priority, surface water runoff, surface water collection and discharge, lighting design, construction traffic, avoidance of spillage onto public roads, any works to public roads will require a licence, construction activities within the site boundaries, and cycle lanes.

- Environment and Water Services (26/04/2023)

Engage with Irish Water in terms of a Pre-connection Enquiry Form

- Environment and Water Services (22/09/2023)

The conditions recommended related to water supply, foul sewerage, surface water, preserve any existing riparian corridors/ drains, waste management, Noise conditions, dust, Biodiversity and landscaping.

- Chief Fire Officer (23/03/2023)

A Fire Cert and Disability cert required prior to commencement notice.

- Health and Safety Authority (03/04/2023)

The proposal is outside of the scope of the relevant regulations of the Health and Safety Authority. There were no observations forwarded.

3.3. Prescribed Bodies

3.3.1 The planning authority referred the application to Uisce Eireann and the EPA for consideration.

3.4. Third Party Observations

There were 6No. third-party observations/ objections to the proposed development. Similar concerns were expressed throughout all the submissions.

- No evidence of the calculations of emissions, therefore SEVESO regulations may apply
- Devaluation of Residential Properties
- Environmental Impacts
- Overbearing development
- Material Contravention of the Plan: The bulk of the site is zoned Business or Technology Park, and partially Open Space. The application states this is a Science and Technology Enterprise. However, it is a warehouse and distribution facility. Most of the footprint of the building is loading/ unloading bays. There is no manufacturing on site. There is no research and development relating to science on the site. The proposal falls within the industrial and warehousing zoning.

- Traffic congestion
- Road safety along the R420 where the national speed limit applies (evidence of a serious collision from one of the objectors turning into her house in front of the subject site)
- Anomalies regarding proposed site entrances on the drawings
- The development plan requires consideration of using existing entrances through third party lands
- Noise- no assessment of nighttime noise. Acoustic Review lacks detail
- Loss of sunlight onto adjoining residential property and solar arrays
- Privacy
- General wellbeing
- Air emissions – ozone gas
- Light pollution
- Ecological issues
- Failure to comply with Part L of Buildings Regulations
- More suitable locations in Tullamore for the facility
- Deficient tree survey

4.0 Planning History

4.1 There is no relevant planning history associated with the subject site. However, there is relevant planning histories associated with the adjoining site and the applicant.

4.2 *In the adjoining Axis Business Park:*

(i) Reference 22/602. John Flanagan Developments Ltd.

Planning permission granted by Offaly Co. Co. for the construction of 2No. buildings of incubation/ Start up units Industrial/ Warehousing Buildings Consisting of 19No. units totalling 2,060sq.m. at Site 2 Axis Business Park. Applicant: ORS Marlinstown Office Park. Granted permission on 23/10/2023.

4.3 ***Applicant's Planning History in Tullamore***

(i) Planning Reference: 16358

Applicant: Synergy Ireland Limited

Development: The construction of a new industrial building and link corridor to existing facility. The new building will contain a new E-Beam sterilization unit and adjoining two storey laboratory unit with ancillary offices. The works are proposed on a site which is Seveso III, lower tier site and an EPA licenced facility under the Radiological Protection Act.

Decision: Grant with Conditions 03/03/2017.

(ii) Planning Reference: 22629

Applicant: Steris Tullamore, Registered as Synergy Ireland Ltd

Development: The construction of a new industrial extension to the rear of the existing industrial building and all associated site development works. The works are proposed on a site which is Seveso III, lower tier site and an EPA licenced facility under the Radiological Protection Act.

Decision: Grant with Conditions 06/04/2023

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1 **Offlay County Development Plan 2021-2027**

5.1.2 **CHAPTER 5 Economic development Strategy**

5.3.1 Existing Employment in County Offaly

Tullamore, a Key Town in the RSES (Midland Regional Spatial Economic Strategy), is Nationally central and serves as a major employment hub for the Midlands, with Professional Services, Manufacturing and Engineering being its largest industries. Tullamore has a Total Jobs: Resident Workers ratio of 1.48, which is relatively high compared to the EMRA average of 0.82 (over 0.7 represents a strong economic function as stated in Appendix A of the RSES). An increasing cluster of medical-tech

and biopharma companies are locating themselves in Tullamore; in proximity to the Midlands Regional Hospital, which is the major hospital for the region.

The Midlands Skills Centre in Tullamore, located in the Axis Business Park, is amongst the country's best equipped facilities catering to the specialist training and upskilling of those who wish to seek employment in the rapidly growing biopharma and medical-tech sectors. The centre delivers holistic training solutions in a realistic Good Manufacturing Practice (GMP) simulated manufacturing environment, enhancing the learning experience through adjacent IT and meeting facilities. Facilities include a state-of-the-art cleanroom, laboratories and classrooms. Also located in the Axis Business Park is the Junction Business Innovation Centre, which offers a professional, well-serviced co-working environment for remote workers, freelancers, young companies and entrepreneurs. The Council recognises the importance of maintaining and supporting emerging clusters in the area of Med-Tech, FinTech, ICT and Engineering employers, by strengthening linkages or facilitating collective action to improve the cluster-specific business environment.

Table 5.2 Key Initiatives in County Offaly There are 14No. Key Initiatives for Co. Offaly. The first one is relevant to the current proposal.

1. Strategic Employment Zones in Tullamore Key Town as indicated in the Tullamore Zoning Objectives Map and chapter 13 of this Plan.

5.5.2 Large-Scale Development

Optimum locations for large-scale development proposals are considered in accordance with each settlement's location within the identified tiers in the settlement hierarchy. In general, large-scale multi-national companies display a preference for locations within or within proximity to large urban areas that can provide a labour force, skills, infrastructure, services, accessibility and business and social networks. In contrast, established Irish-owned companies are distributed more widely. The Council supports that priority be given to IDA Ireland and Enterprise Ireland to developing sectoral clusters within Tullamore, a Key Town in the Regional Spatial and Economic Strategy (RSES). Regional Policy Objective (RPO) 4.27 of the RSES states 'Key Towns shall act as economic drivers and provide for strategic employment locations to improve the economic base by increasing the ratio of jobs

to workers'. In response, sites are identified in the Tullamore zoning objectives map as 'Strategic Employment Zones'.

5.5.3 Spatial Arrangement

Tullamore and Surrounding Area

Tullamore, a Key Town in the RSES (2019) must function as a driver of economic growth to complement the Regional Growth Centre of Athlone. It has a role as a major employment, retail and services centre with key assets being its existing jobs to resident workers' ratio, excellent quality of life and future strategic development sites known as 'Strategic Employment Zones'. The further development of the med-tech cluster on the IDA business park in Srah provides opportunity to drive development within the town. The need for complementary third level outreach facilities in Tullamore should be examined, particularly with regard to support for the Midland Regional Hospital and where appropriate, its continued development as a Teaching / University Hospital, together with potential for linkages to existing and new med-tech businesses and research facilities. Desirable economic investment for Tullamore would be in the form of green jobs and green technologies, innovation, digital technologies, circular bioeconomy, food and beverage (in particular due to its distilling heritage), advanced manufacturing, tourism, recreation and amenity and high-quality town centre retail development.

5.6.1 Foreign-Direct Investment

The Council recognises the importance of ensuring that there are adequate serviced lands throughout the county that would attract and maintain foreign direct investment. In Offaly there are a number of state-supported companies, and the Council recognises the importance of these companies and acknowledge that their presence and experience in the county is crucial in attracting similar large-scale employers. In settlements throughout Offaly there are serviced sites suitable for large-scale employers and turn-key and greenfield sites available for prospective developers. Offaly County Council maintain a database of suitable sites and will engage with employment agencies and potential investors in order to identify sites for particular investment. In collaboration with the IDA, the Council will endeavour to expand on this database to identify suitably sized land banks and business premises at suitable locations in Tullamore in order to attract foreign direct investment.

ENTP-03 It is Council policy to co-operate with local, regional and national enterprise authorities, most notably the IDA Ireland and Enterprise Ireland, in the attraction of investment into the county, including both overseas investment and local investment and the provision of employment and enterprise within County Offaly.

ENTP-04 It is Council policy to promote Tullamore as a suitable location for Foreign Direct Investment.

ENTP-05 It is Council policy to build a resilient economic base and promote innovation and entrepreneurship ecosystems that support smart specialisation, cluster development and sustained economic growth.

Key Town – Tullamore

ENTP-11 It is Council policy to strengthen and channel development into Tullamore the primary driver for economic development within the county, which is designated as a Key Town in the Regional Spatial and Economic Strategy.

ENTP-12 It is Council policy to promote Tullamore as a key location for economic development supporting the provision of increased employment through the expansion of the existing enterprise ecosystem in the town and smart specialisation and support the provision of physical infrastructure and zoned lands to realise the delivery of strategic employment lands in central accessible locations.

ENTP-13 It is Council policy to support infrastructural development in Tullamore to facilitate the development of Strategic Employment Zones.

Key Town – Tullamore

ENTO-06 It is an objective of the Council to facilitate the development of Tullamore, a Key Town under the Regional Spatial and Economic Strategy, in accordance with regional policy. This will include measures to seek to reserve lands within Tullamore to make provision for potential nationally and regionally significant activities and to attract specialist large-scale enterprise development within the county.

ENTO-07 It is an objective of the Council to identify and quantify suitable locations in Tullamore for strategic employment development, for large scale employment and enterprise activity.

5.1.3 CHAPTER 12 – Land Use Zoning Objectives

The zoning for the subject site is **Business or Technology Park** and a portion of the site is zoned as **Open Space, Amenity and Recreation** (strip of the site fronting the Clara Road). It is the brown zoning on the Zoning Map. The site is also included a **Strategic Employment Zone**, outlined in pink on the Land Zoning Map. There are Development Management Standards details below applicable to Strategic Employment Zones.

The site's two zoning objectives as per the Plan are as follows:

12.4.7 Business/Technology Park

This zoning facilitates opportunities for technology based industry and advanced manufacturing, compatible office space and research and development based employment within high quality, highly accessible, campus style settings. The zoning accommodates locations for high end, high quality, value added businesses and corporate headquarters. An emphasis on high quality sustainable design and aesthetic quality will be promoted to enhance corporate image and identity

LUZO 08- *It is an objective of the Council to provide for technology based light industry, research and development and compatible offices in a high quality built and landscaped environment.*

12.4.9 Open Space, Amenity and Recreation

The use of land as 'Open Space' shall be taken to include the use of land for; parks, public woodland, pedestrian routes and greenways, riparian zones, housing estate open spaces, development incidental to the enjoyment of open space (including playgrounds, outdoor recreation centres and sports centres, civic/market square, village greens, landscaped areas, shelters, sanitary conveniences, play equipment, dressing rooms and similar facilities). It also provides for the use of such land or such facilities for games, educational and recreational purposes. High standards of accessibility are essential. Land Use Zoning Objective – Open Space, Amenity and Recreation It is an objective of the Council to:

LUZO-10 *Protect and improve the provision, attractiveness, accessibility and amenity value of public open space, amenity and recreation*

5.1.4 **Section 12.5 Uses not listed in the Indicative Zoning Matrix**

Land uses which are not listed in the indicative land use zoning matrix will be considered on a case-by-case basis having regard to the proper planning and sustainable development of the area and compliance with the relevant policies and objectives (including land use zoning objectives), standards and requirements as set out in this Plan, guidelines issued in accordance with Section 28 of the Planning and Development Act, 2000 (as amended) and guidance issued by other government bodies/ departments.

Ancillary Uses

Planning applications for developments which are ancillary to the principle use, i.e. they rely on the permitted principal use for their existence and rationale, will be considered on their merits irrespective of what category the ancillary development is listed under in the zoning matrix of this County Development Plan.

Land Use Zoning Objective – Ancillary Uses

It is an objective of the Council to:

LUZO-13 Ensure that developments ancillary to the parent use of a site are considered on their merits irrespective of what category the ancillary development is listed under in the zoning matrix of this County Development Plan

- 5.1.5 Also included in Chapter 12 of the Plan are the Zoning Objectives relating to Strategic Employment Zones which the subject land forms thereof.

12.6.2 Strategic Employment Zones (particular to Tullamore)

Reflecting Regional Policy Objective 4.27 of the Regional Spatial and Economic Strategy which states that Key Towns (such as Tullamore) shall act as economic drivers and provide for strategic employment locations to improve the economic base by increasing the ratio of jobs to workers, it is an objective of the Plan to provide two Strategic Employment Zones (SEZ) within the settlement boundary of Tullamore town in the following areas:

- Ardan Road; and
- Ballyduff.

The purpose of this objective is to facilitate strategic large scale employment in development zones in a sequential manner to promote sustainable compact growth in tandem with the delivery of infrastructure and enabling services. These zones have development capacity, good accessibility, availability of a land bank of at least 100 acres in size and potential to deliver significant economic development and employment creation.

The proposed Ardan Road SEZ has potential to cater for the expansion of Midland Regional Hospital Tullamore and its continued development as a Teaching/University Hospital and/or to provide a Med or Bio Technology Park with linkages to the Hospital, whilst the proposed Ballyduff SEZ has the potential to provide a Business / Technology Park, leveraging its proximity to the Axis Business Park, Burlington Business Park and Srah IDA Business Park in the area. Land Use Zoning Objective – Strategic Employment Zones (particular to Tullamore)

It is an objective of the Council to:

LUZO-15 *Support the development of Strategic Employment Zones in Tullamore at;*

(a) Ardan Road to cater for the expansion of Midland Regional Hospital Tullamore and its continued development as a Teaching/University Hospital, and/or a Med or Bio Technology Park with linkages to the Hospital; and

(b) Ballyduff for a Business and Technology Park.

LUZO-16 *Planning applications for Strategic Employment Zones shall be brought forward in the context of a masterplan for the subject lands as detailed in Development Management Standard 72. The design and siting of individual units within Strategic Employment Zones shall comply with the principles of any Design Statement prepared as part of the masterplan for the overall site.*

5.1.6 The Zoning Matrix Table 12.1 with the relevant land uses included.

	Town or Village Centre / Mixed Use	Residential - Existing	Residential - New	Residential – Strategic Reserve	Enterprise and Employment	Industrial and Warehousing	Business / Technology Park	Community Services/Facilities	Open Space / Amenity / Recreation	Neighbourhood Centre
Function Room	O	X	X	X	O	X	X	X	X	O
Funeral Home	O	X	X	X	√	X	X	O	X	X
Fuel Depot	X	X	X	O	O	√	X	X	X	X
Garden Centre	O	X	X	X	√	O	X	X	X	X
Golf Course/ Pitch and Putt	X	X	X	X	X	X	X	√	√	X
Go-Kart Track	X	X	X	X	O	O	X	X	X	X
Hairdressing Salon, Beauticians and Nail Bars	√	O	O	X	O	X	X	X	X	O
Heavy Vehicle Depot	X	X	X	X	O	√	X	X	X	X
Helicopter Pad	X	X	X	X	O	O	O	X	X	X
Home Based Economic Activities	√	O	O	X	O	X	X	X	X	O
Hospital	O	X	X	X	O	X	O	√	X	X
Hostel	O	O	O	X	O	X	X	X	X	X
Hotel	√	X	X	X	O	X	O	X	X	X
Industry – Heavy	X	X	X	X	X	√	X	X	X	X
Industry – Light	X	X	X	X	O	√	O	X	X	X

	Town or Village Centre / Mixed Use	Residential - Existing	Residential - New	Residential – Strategic Reserve	Enterprise and Employment	Industrial and Warehousing	Business / Technology Park	Community Services/Facilities	Open Space / Amenity / Recreation	Neighbourhood Centre
Research and Development	O	X	X	X	O	O	✓	X	X	X
Residential Care	O	O	O	X	O	X	X	O	X	X
Residential – Multiple (two or more units)	✓	✓	✓	X	X	X	X	X	X	O
Residential – Single	✓	✓	✓	X	X	X	X	X	X	X
Restaurant/ Café	✓	X	X	X	O	O	O	O	X	O
Retail Warehousing	O	X	X	X	✓	X	X	X	X	X
Science and Technology Enterprise	O	X	X	X	O	O	✓	X	X	X
School/ Third Level Education	O	O	✓	X	O	X	O	✓	X	X
Scrap Yard	X	X	X	X	X	O	X	X	X	X
Self-Catering	✓	✓	✓	X	X	X	X	X	X	X
Service Station	O	X	X	X	O	O	X	X	X	X
Shop (200m ² or less)	✓	✓	✓	X	✓	O	O	X	X	✓
Shop (above 200m ²)	✓	X	X	X	O	X	X	X	X	O
Take Away	O	X	X	X	O	X	X	X	X	O
Training Centre	O	X	X	X	✓	O	✓	O	X	X
Traveller Accommodation	O	O	O	X	X	X	X	X	X	X
Utility Structures	O	O	O	X	O	O	O	O	X	X
Veterinary Surgery	O	O	O	X	✓	O	X	X	X	X
Warehousing	X	X	X	X	O	✓	X	X	X	X

5.1.7 Chapter 13 – Development Management Standards

The following Development Management Standard is applicable to the Business and Technology Parks, Strategic Employment Zones.

DMS-72 New Business and Technology Parks, Strategic Employment Zones and Rhode Green Energy Park

Planning applications for new Business and Technology Parks and Strategic Employment Zones shall be brought forward in the context of a masterplan for the subject lands. The masterplan shall be consistent with the policies and objectives of the County Development Plan and shall include the following:

- A Design Statement that ensures a strong visual presence for the park via high quality design and siting of buildings and which has regard to the sites location and neighbouring uses;

- A comprehensive landscaping and boundary treatment plan for the overall site, with particular attention placed on boundaries facing public realm and roads;
- A Green Infrastructure Plan which:
 - Retains and enhances where possible existing wetland habitat, hedgerow, woodlands, meadows and habitats of species protected under European legislation and National Wildlife Acts; —
 - Creates new green infrastructure assets such as public open space, green roofs, green walls, tree planting and natural pollination zones;
 - Increases and improves ecological corridor connectivity and pedestrian and cycle path linkages with existing green infrastructure assets in the area. Where a large site adjoins a green corridor, a public open space or an area of high ecological value, any new public open space on the site should be contiguous to same to encourage visual continuity and expansion of biodiversity which can assist in expanding the green infrastructure network; and
 - Incorporates Sustainable Urban Drainage Systems (SuDS) such as ponds, bio-retention areas, detention basins, infiltration basins, filter strips, wetlands, swales and rain gardens.

In addition, the following details shall be submitted with any planning application for new Business and Technology Parks and Strategic Employment Zones;

- Full details of the proposed uses(s), including industrial processes (where applicable) and hours of operation;
- Details of suitable access arrangements, internal roads layout, including details of footpaths, turning areas and loading bays.
- Permeability and pedestrian and/ or cyclist friendly environments with the overall site in accordance the NTA's Permeability Best Practice Guide (2015);
- Traffic Assessment as detailed in DMS-105;

- Vehicle and cycle parking provision in accordance with DMS-99 and DMS-102, in a discreet, landscaped and well-screened environment with a view to minimising its visual impact, particularly when viewed from approach roads;
- A Green Roof covering a minimum of 60% of the roof area shall be provided for roof areas greater than 300 m² unless a suite of complimentary or alternative “soft” SuDS measures as detailed above are proposed. A proposal that relies solely on attenuation storage systems and/ or permeable paving as an alternative to the provision of a Green Roof will not be acceptable). The minimum soil thickness shall be 2 to 4cm for a Moss/Sedum type of Extensive Green Roof and 10 to 15 cm for a grassed type of Extensive Green Roof.

Provision for future access to adjoining third party lands will be required where significant areas of land are being developed. This list is not exhaustive and the Council may consider other requirements contained in the chapter on a case by case basis with planning applications should the need arise.

DMS-73 Individual units in Business and Technology Parks, Strategic Employment Zones and Rhode Green Energy Park

The design and siting of individual units in Business and Technology Parks and Strategic Employment Zones shall comply with the principles of any Design Statement prepared as part as part of the masterplan for the overall site. In general,

- Individual buildings should exhibit a high quality contemporary design and finish, within an agreed scheme;
- Car and bicycle parking shall be provided in a discreet, landscaped and well-screened environment with a view to minimising its visual impact, particularly when viewed from approach roads; and
- The building line on all principle road frontages should generally be not less than 15 metres from the road and there should be a minimum planted strip of a width of 5 metres on all principle road frontages.

***DMS-74 Energy Efficiency and Climate Change Adaptation Design Statement
(Industrial, Warehousing, Business Technology Park and Rhode Green Energy
Park > 1,000 m²)***

Development proposals for Industrial, Warehousing, Business and Technology Park developments in excess of 1,000 m² of commercial floor space should be accompanied by an Energy Efficiency and Climate Change Adaptation Design Statement.

The statement should detail how any on-site demolition, construction and long-term management of the development will be catered for and how energy and climate change adaptation considerations have been inherently addressed in the design and planning of the scheme.

Such developments shall have regard to;

- the requirements of the current Building Regulations Part L – Conservation of Fuel and Energy (2008 and 2011), and any other supplementary or superseding Regulations or guidance documents.
- the DECLG guidance document ‘Towards nearly Zero Energy Buildings in Ireland - Planning for 2020 and Beyond’, which promotes the increase of near Zero Energy Buildings (nZEB).

New development proposals shall show energy efficiency is achieved through siting, layout, design and incorporate best practice in energy technologies, conservation and smart technology. The author of an Energy Efficiency and Climate Change Adaptation Design Statement should be appropriately qualified or competent and shall provide details of their qualifications and experience along with the statement.

There are other Development Standards outlined in Chapter 13 regarding Sightlines, cycle parking standards, carparking, Traffic and Transport Assessments, and waste management.

5.2. Natural Heritage Designations

Charleville Woods SAC – Site Code 000571 which is 1.5km from the subject site.

Clara Bog SAC is 5.6km from the site

Split Hills and Long Hill Esker SAC 10.4km

Raheenmore Bog SAC is 11.6km

5.3. **EIA Screening**

Planning and Development Regulations 2021 Schedule 5

Development for the purposes of Part 10

Part 2

Class 10 *Infrastructure Projects*

(a) Industrial estate development projects, where the area exceeds 15 hectares

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1 There are 4No. third party appeals. I will summarise their concerns individually, however there is a certain amount of repetition throughout some of the appeals as the same issues have been raised by the parties.

6.1.2 ***Annette Molloy, Ballyduff, Clara Road, Tullamore.***

- Her house is the family home for the past 70 years.
- The development will cause upheaval for the local residents.
- It will devalue their property.
- It will deter from residential development facilities in the area.
- The traffic will result in significant increase in congestion and pollution. Also the generation, storage and collection of waste generated by the proposed facility will have a detrimental impact on the quality of life of the adjoining residents.
- The upgrading of 2 No. entrances onto the Clara Road will increase traffic on an already overcrowded and dangerous road at a point where the town boundary ends.

6.1.3 ***JJ O'Brien***

- **Overbearing Development/ Visual Amenity:** The overall height, 19.65m, is 2.4times higher than the nearest unit in the Axis Business Park. It will have a direct negative effect on the visual amenities of the area. It will result in a loss of sunlight, privacy, excessive and continuous noise over a 24hour period, overshadowing, general isolation of residences because the opposite side of the Clara Road is now zoned Commercial/ Industrial. This will result in a cluster of dwellings surrounded by industrial development.

This is only Phase 1 of a mammoth project, which will lead to an increase in chemical usage, increased noise and more disruption to local dwellers.

The height of the building was not addressed by the applicant in the further information.

- **Traffic Congestion:** The Clara Road is extremely busy with high traffic volumes. The proposal will increase traffic volume and noise levels.

The acoustic review indicates 60 HGV vehicles will enter and leave the facility over a 24-hour period, along with staff vehicles, which will reduce the wellbeing of residents.

The site location does not provide a suitable route away from the town leading to national roads. Collins Lane is normally gridlocked with traffic heading to the by-pass.

The traffic and transport assessment does not include traffic entering and existing the facility over a 12 to 24 hour period – only from 8-9am and 6-5pm.

The current speed limit of 100km/hour needs to be reduced.

- **Zoning:** The proposed development does not meet the zoning requirements of a business/ technology park in Ballyduff as set out in the County Development Plan, this development consists of a high scale industrial x-ray sterilization chemical facility – not a light industrial commercial development.
- **Devaluation:** The adjoining properties run the risk of serious depreciation of property value.
- **Acoustics:** Operation hours for the carpark/ service yards do not comply with the planning permission granted and the acoustic report has not been in line

with EPA requirements and does not accurately reflect the proposed noise level will impact on local residents.

- **Landscape/ boundary treatment:** The Landscaping and Visual Screening report does not facilitate local residents 'views' of the proposed development, and the boundary hedge will not screen off buildings.

6.1.4 *Enda Scally, Ballyduff, Tullamore*

- The proposed industrial sterilisation facility does not fit in with the local area in terms of operational hours, function, visual impact, atmosphere emissions, noise levels, zoning or required infrastructure.

6.1.5 **SOUND BREACHES**

- **Measurement Location:** A single measurement location was chosen as a baseline study as part of the acoustic study. It is 300metres south of his house. It is close to Tullamore town, roundabouts, and a petrol station whereby the background noise levels would be higher than at his home. The baseline noise measurements are not a true representation of baselines noise levels at his home.

The EPA Publication Guidance Note for Noise is relevant in particular Section 4.1 Pertinent Factors in Determining Noise Control and Limits, and Section 6.1 Stage 1- Baselines Noise Survey/ Monitoring locations. All the Noise Sensitive Locations should be identified in the vicinity of the proposed development. In most instances the most affected areas will be selected such as the most exposed window of an occupied building (house).

The use of a single measurement location for baseline noise levels does not comply with EPA Guidelines. Baseline noise levels should have taken a number of locations, in particular the northern boundary of the site.

BS 4142:2014+A1:2019 notes that a difference between specific and background levels of 10dB or more is indicative of significant adverse impact. A difference of 5dB is indicative of an adverse impact.

- **Tonal Noises and Impulse Noises :** This has not been assessed from the operation of the facility. The identification of tonal noise is beyond the scope of the submission. There should be details of the building plant to be

installed, however the acoustic review does not state the exact plant equipment and only gives limits for maximum sound level from plant equipment. The tonal noises from the MV electrical substation have been ignored. The tonal noises from the facility have not been assessed.

Point 5D of the planning authority's conditions state 'Audible tonal and impulsive components should be minimised at any noise sensitive locations'. This planning condition is too ambiguous to be enforceable and goes against EPA guidelines.

The Acoustic Report included with the planning application under section 5.2 Noise Source Data states 86dB max sound noise for dry plant cooler on the south facing roof. While section 5.2.2 Carpark states noise level of 75dB for parking and reversing of a single car, and 81dB has been stated to the entire carpark. The operation of the carpark to facilitate shift work is stated to be 6am to 22pm. Noise from the plant equipment will have tonal noise and it is not clear if it is continuous or intermittent. The noise in the carpark could be labelled as intermittent with cars coming and going with a sudden increase in background levels to 81dB.

The permitted development states 55dB (A) Laeq (60minutes) from 8am to 8pm, and 45 dB Laeq (15Minutes) from 8pm to 8am at the nearest sensitive locations. The question is whether the carpark operation between 6am and 10pm with a sound level of 81dB when the shiftwork changes could comply with a sound level below 45 dB over a 15-minute period before 8am and after 8pm at the nearest receptor.

- **Service Yard Noise:** According to the EPA fact sheet, a diesel truck at 150ft (45m) will have a sound level of 90dB. Therefore, it is calculated, the sound level at his house 160metres from the service yard due to a truck is 79dB, far exceeding the sound service yard value of 58dB in the acoustic report. Considering there will only be a hedge between the house and the facility it seems reasonable not to include a sound barrier as a 1st approximation. The clarification of the further information states the service yard will operate between 7am and 7pm. The traffic report states 30 No. trucks a day (30No. in and 30No. out) as a rough estimate that is a truck every 23minutes. During to

the time parking and manoeuvring, and continuous running of the engine, his house will be exposed to noise and light pollution at kitchen/ dining room window (overlooks play area). The headlights from the HGV's would be very distracting in their home. In calculating the sound level at his home, the 5dB penalty should be applied for tonal noises from the trucks reversing or the noise that will come from forklifts, rooftop plant or operational machinery inside of the facility. The level of noise from the service yard and the facility will exceed 55dB(A) Laeq (60minutes) from 8am to 8pm and 45dB Laeq (15minutes) from 8pm to 8am at the nearest sensitive locations.

- **Internal Noise:** The acoustic modelling from inside of the facility, has not accounted for the 8No. large doors that will open to HGV containers outside or the roof lightwells. Also, the drawings state the roof will have mineral wool insulation not PUR. The acoustic report states the building envelop will be Kingspan which uses PUR insulation material. The roof is part of the building envelop, therefore this is another example of conflicting material on the file.

The second acoustic review assumes a minimum sound attenuation value of 24dB for the building envelop. This is over estimated. The 24dB acoustic attenuation of the Kingspan specification is measured in a lab under ideal conditions, and represents a continuous sheet without breaks, gaps or 8No. open large doors connected to the lorries outside and the lightwells.

Is the information included in application Form Part B, Question 11 based on measured values from other x-ray facilities abroad and should be taken as fact? Either way the current model is inaccurate and has not modelled the building or the operation taking place inside the building correctly.

Form Part B Question 11 – ear defenders and PPE are provided for all visitors and staff in warehouse. External levels will not rise above Day- 60dB Laeq (60 minutes) and evening 60 dB Laeq (60 minutes) between 1800-0800hours)

- **Calculated External Levels at Receptors:** Finally, the acoustic review states the current baseline levels at the adjacent filling station are 50 dBLaeq, during the day and dropping to 40 in the evening. According to the EPA factsheet 40 dB corresponds with a quiet rural area. As per table 5 of the acoustic report the noise level from the 24hour facility with 30No. lorries is apparently less

than the current noise levels with a max level of 41 dB and 39 dB at the nearest receptor R1, for day and night. The max noise at his home, R7, would be 35dB and 31dB, day and night respectively, the equivalent noise level to a library or bedroom at night according to the EPA factsheet. This is false.

- **Summarise:** Based on the above findings the acoustic study has not been carried out in line with EPA guidelines and does not take appropriate account of the noise impact that will be present at his home. If allowed to go ahead the facility will not comply with EPA acoustic guidelines and will have a detrimental effect on his family through unwanted and harmful noise.

6.1.6 INADEQUATE ROAD SAFETY AUDIT AND TRANSPORT ASSESSMENT

- The Traffic and Transportation Assessment provided by the applicant does not include 30No. HGVs leaving the facility per day.
- The planning authority requested a Road Safety Audit in the Further Information request. Stages 1 and 2 was submitted. The HGV trucks will now access the site via the southern gate just outside of the 100km/hour speed limit. Following this change and other Road Safety audit was requested, however it was not included in the clarification.
- How has the moving of the HGV access point to the southern gate negated the need for a gateway type treatment and transition zone required as per road safety audit? No revised road safety audit was provided. The southern gateway is located within a 60km/h zone just outside of the 100km/hour where drivers are preparing to speed up or slow down.
- The HGV entrance is 50m outside of the 100km/hour speed zone does not fix the problems raised in the Stage 1 and Stage 2 road safety audit. A gateway type treatment and transition zone is still required for safety.

Condition 4(a) shows the planning authority are concerned about HGVs entering the site.

- **Corner Radius:** Pinnacle Consultant Engineering states that the Design Manual for Urban Roads and Streets is not acceptable for vehicles to cross the R420 line when existing to the left. But yet the final road plans submitted

on the 21st of December is for a 12 metre junction radius that will permit only standard vehicles to turn left without crossing the white line. This is a major accident hazard given the number of HGVs that will access the site.

According to the Road Safety Authority the minimum stopping distance at 60km/ hour in dry and 49m in wet conditions; the minimum stopping distance at 100m/ hour is 70m in dry and 121m in wet conditions. Therefore, a person travelling to the right who has reduced speed from 100km/hr to 60km/ hr at the speed limit would not have enough time to brake if a lorry pulls out at the facility turning left. Additionally, HGVs turning right present the same traffic hazard given the volume of traffic on the road and the location of the gateway in the 60km/hr to 100km/hr transition zone as per the consultants report.

There is no indication of how the site will be controlled or whether there will be barriers at the entrance. There is no indication how the barriers might affect the traffic in the R420.

There was no traffic and transport assessment not carried out for construction phase of the site.

6.1.7 SIGNIFICANT INCREASE IN TRAFFIC AND HGV on R420

- The R420 has an annual average daily traffic of 7772, 2% of which are HGVs. The proposed industrial
- Facility will add a further 60 HGVs daily, leading to an increase of 39% in HGVs from the facility alone. This will set a precedent for future developments. In the Offaly County Development Plan Section 8.6.2 Regional Routes the Council will adopt a restrictive policy in relation to new development in the interest of preserving the traffic capacity of these routes and in order to avoid the creation of traffic hazards. Sections SMAIO-14, SMAP-24 and SMAP-25 are the sections of the development plan quoted. The development is not of national or regional strategic importance.

6.1.8 GATE ACCESS

- The original farm gates were removed and replaced with large industrial gates over a year ago. The consultants have encircled the access point incorrectly. The future position of the northern gateway does not match the current

location of the northern gateway to the field. There are discrepancies between the current gate position to the field and the future sterilisation facility gate positions means there is a level of ambiguity around where the gates will be, therefore the planning permission is not enforceable.

- The content of the consultants reports highlights that the future gateway locations are not clearly defined with reference to the current gateway locations, therefore the locations of boundary treatment along the road frontage is not clear either. Planning permission should not have been granted based on inconsistent plans and particulars.

6.1.9 BUILDING HEIGHT

- **Introduction:** The planning application and the planners report do not mention the heights in the surrounding environment, and yet concerns regarding the proposed height were raised in all submissions.
- As per Master Plan Documents submitted by Thornton/ O'Connor the maximum height of 10m for the Strategic Business Zone was agreed with Offaly Co. Co. Figure 8 shows the heights of the current surrounding buildings. The proposed building is twice the height of the tallest in the adjoining Axis Business Park. The majority of buildings in the Axis Business Park are 8,4m, therefore the proposed structure is 2.4m higher than the average building height with the flue extending 22.4m.
- The floor area of the building with 19.65m is 6726sq.m. is greater than any floor area of the buildings in the Axis Business Park. This will impact on the surrounding environment and it will not assimilate into the surrounding receiving environment.

6.1.10 NATURAL HERITAGE SITES

- Section 6.3 of the Masterplan Documents submitted by Thornton / O' Connor states the surrounding area is greenfield and varying economic uses including medical, science and technology developments, with warehouses ranging in height to 24m. The height of 24m contradicts the maximum height of 10m in the Strategic Masterplan Framework agreed with Offaly Co. Co. in the pre-planning meetings. This will set a precedent for buildings up to 24metres in

height. The height is right beside two heritage sites, Ballyduff Woods and Ballyduff Esker. Buildings heights up to 24m will overshadow the woods, affecting flora and fauna.

- Additionally, the views of Ballyduff Esker and the surrounding rural landscape will be dominated and damaged by buildings of excessive height and size.

6.1.11 NEGATIVE IMPACT ON FAMILY HOME

- There are five houses to the north of the site, including the appellants home. There was no concern expressed in the further information received about the visual impact of the development on the appellant's home, second away from the site.
- **Home:** The visibility map for the sterilisation facility without landscaping is shown on Figure 11. The scale of the visual impact from the proposed development is obvious, it can be seen for up to 1km away. It will be overbearing to the adjacent residents. A theoretical visibility map with the proposed landscaping should have been provided, to demonstrate how the landscaping will reduce the overall visual impact of the facility. The report on file basically states the bulky development will only affect a few houses. The report indicates the area is currently rural hinterland, where open farmland interspersed with private residences. Whilst initially the proposed development will alter the rural hinterland landscape character, as the propose landscaping matures, the rural character will largely return. However, there will be dramatic change.
- **Boundary Changes:** The pictures and assessment of the residential boundary to the north in the Landscape and Visual Screening Report do not accurately show the visual impact to his property. A number of trees have been cut down since the preparation of the planning application. According to the report on file, his house cannot be seen from the boundary, however the boundary was removed at Christmas 2022. A new Landscape and Visual Report should have been carried out by the applicant. Picture 4 shows the boundary in place since Christmas 2022. Then Picture 5 shows the current view from the nearest point in his garden, whereby the site is visible from his property. The 10-12m high trees which are 330m away, are clearly above the

2.5. redline, which indicates the proposed hedgerow height for the site boundary. Therefore, 19.65m at approximately 200m from his garden will be very visible. The scale of the building will dominate the skyline. The proposed boundary treatment of 2.5metres will not shield the visual impact caused to his property. Pictures 6 and 7 show the site from his garden, and it is clear even a 2metre high wall or fence along the boundary would not block out the visual impact of the sterilisation facility. Pictures 8 and 9 are at eye height from the kitchen/ dining room. The visual impact will be significant from this room. Offaly Co. Co. requested the building to be relocated away from the road boundary given its height, the buildings were moved from 38.5 metres from the road to 41.35m. There would appear from the planner's report on file to be a major concern of the view of the building along the road by road users. How come the adjacent residences were not afforded the same level of concern? His family will have to look at the building during all the time their garden is in use, yet some passerby in a car merits more importance. The landscape plan is inequitable. The buildings in the adjoining Axis Business Park to the south are in full view of passing traffic, and yet the planning authority were concerned about the visual impact of the proposed structure from the road.

- **Depreciate Property Value:** The negative impact of the proposed development on his property will devalue his property. The rural setting of his house will be replaced by a huge building that will provide no service to the local community, which will operate 24/7, and is 2.4times the height of buildings in the Axis Business Park. The loading bay area with 30No. lorries a day will be seen and heard from his house.

6.1.12 LIGHT INDUSTRY

- Given the employee numbers, energy consumption, floor area, the proposed development should not be defined as light industry. There was no information provided demonstrating otherwise.
- **Planner's Decision:** There are two conflicting statements in the planning report regarding the nature of the building's use. The proposed sterilisation process is considered to be light industry. How can the proposed

development be so specific it would require substantial redevelopment were it to be used for generalised manufacturing and still be installed in a residential area without any detriment to the amenities of the area. To install this sterilisation process in a more generalised manufacturing facility would require substantial redevelopment and cause detriment to any residential area by reason of noise, vibration, smells, fumes, dust, and grit. The appellant provided several referenced facts from government and other websites as to why the sterilisation process inside the building cannot be characterised as light industry. The Planner did not consider these points in the report.

- **Reasons Why the Proposed Facility is Not Light Industry:**
 - Steris's current facility (10m max height) in the industrial and warehousing zoned Sragh Industrial estate in Tullamore uses an electron beam to sterilise products. The power consumption of an electron beam source is 30 kW. The Rhondotron for the proposed facility has the power consumption of 700kW, which is 23 times more than the current source at Sragh, zoned for industry and warehousing.
 - The employment density guidelines, state an average floor area of 47sq.m. per person for light industry, 36sq.m. for industry/manufacturing. The proposed facility will have an average floor area of 210sq.m. per person. The facility will generate 5times less employment based on floor area when compared to a standard light industrial facility.
 - The x-ray source alone has an electrical consumption of 167kWh/sq.m. per annum.
 - The x-ray source alone will consume enough power to power 35No. homes per year. A substantial consumption of electrical energy, which is an indication of heavy industry. Heavy Industry is not permissible in Business/ Technology parks.
 - Light industry can be defined as consumer orientated business, eg food, paper, household, clothing etc and have a reduced dependence on resources such as raw material, land usage and lower energy

usage. Light industry is small in scale in land and facility needs. Heavy industry involves big equipment, big facilities, large scale undertakings, large areas of land and high energy costs.

- **Process Inside the Building:** From the cross-section drawings the high bay warehouse will be six racks high. According to the further information the facility is similar to the industrial sterilisation facility in Venlo, Holland. By the appellant's calculations based on a similar operation at Venlo, the proposed warehouse will require significant foundation to carry a load of 6000kg/ sq.m. probably involving core drilling, pile driving and reinforced concrete. It could not be installed in any area without determinant to residents of that area by reason of noise, vibration, smell, fumes, dust and grit. There is a concrete bunker proposed to house the Rhodotron (x-ray source), whereby the concrete walls are 3m thick. The foundations for this structure are beyond standard industrial buildings and require excavation work which would be detrimental to any residential area by reason of noise, vibrations, smell, fumes, dust and grit. The Rhodotron will be lifted by crane onto the site. There is a 254sq.m. water treatment facility proposed adjacent to the bunker, and this is not required in many manufacturing processes. The process inside of the building cannot be considered light industry without considering the impact on the community outside of the building. Given the definition of 'light industrial building' in the Planning and Development Regulations 2001, the building does not fall within the definition, and is therefore a material contravention of the County Development Plan.

6.1.13 HEALTH AND SAFETY

- There were two questions raised in the original submission. There is a lack of information regarding the emission of ozone from the facility.
- **Ozone Emissions:** The submissions state atmospheric inert ozone gas is emitted in small quantities from the x-ray sterilisation process within the bunker. It is stated inert gas- ozone shall not exceed 5 parts per million from the ozone extraction stack. S.I. No 53/ 2004- Ozone in the Ambient Air Regulations state the limit is 180 ug/ cubic metre over an 8hour period.

The ozone emissions from the facility is higher than allowable exposure limits, the planning application should be rejected on health and safety grounds.

Given the number of court cases associate with ethylene oxide sterilisation facilities, it would be best for the planning authority to enforce a precautionary principle given the uncertainties associated with such new technology as x-ray sterilisation. The facility is approximately 85m from a Montessori school and Playtown Tullamore.

- **Proof of Health and Safety Compliance:** The applicant has not answered any of the Health and Safety questions raised in the public consultation process. The issue of Fire Safety was raised, and this is a valid concern considering the high-powered x-ray source, gas powered forklifts, and pharmaceuticals and flammable bandages, bed clothes etc on site for sterilization. The site should have a source of ignition, a fuel and oxygen when assessing for a fire hazard.

The applicant states they have two similar developments in Ireland for 15 years and the safety performance on both sites is excellent. This appears to say it's safe, but we won't tell you why its safe.

Two pervious planning applications for sterilisations units are quoted, references 17132 and 1863. The information provided is not possible.

Therefore, the current proposal should not be taken at face value when it comes to health and safety.

6.1.14 WAREHOUSING

- The Planning Report has indicated the offices that are listed in the planning application are not ancillary but are part of the parent use of the building, while the warehousing which is not listed as ancillary in the planning application is considered to be ancillary. The Planner is deciding the business model for the building. It's possible the building could still function if the offices were in a different location, and for that reason are ancillary. The applicant currently has offices in Galway, Mayo, Tullamore and Dublin.
- The App Form No. 2 states: Sterilization Technology Facility for medical and food products and pharmaceutical products. This is a large processing facility

with office support which is planned to be the Headquarters facility for Steris in Ireland. The interpretation of this should be, this is a large sterilisation facility with ancillary office facilities, which has an automated warehouse half the size of the building giving a high sterilisation throughput and will become the main processing facility for the applicant in Ireland. Therefore, the warehouse is not ancillary, the offices are ancillary. The appellant disagrees with the Planning Assessment on file regarding the office not being ancillary and the warehousing is ancillary. The warehouse will be a fully automated warehouse, whereby the pallets have to be dosimetry measured before testing before sterilization. The automated warehousing is a step in the sterilization process and not an ancillary use. The warehouse is part of the parent use of the site. As per Offaly County Development Plan, Warehousing is not permitted in Business/ Technology.

6.1.15 UNTIMELY DEVELOPMENT

The proposal should not be installed in either Ardan Road or Ballyduff/ Technology Parks as it is not light industry. However given the planners have chosen to classify the proposed development as a medical light industry contrary to all of the facts presented in his submissions, the following demonstrates the proposal is ill-considered given the infrastructure available at the Ardan Road Business Technology Park.

- **Leap frogging:** The Offaly County Development Plan states:

LUZO-15 Support the development of Strategic Employment Zones in Tullamore at; (a) Ardan Road to cater for the expansion of Midland Regional Hospital Tullamore and its continued development as a Teaching/University Hospital, and/or a Med or Bio Technology Park with linkages to the Hospital; and (b) Ballyduff for a Business and Technology Park.

LUZO-16 Planning applications for Strategic Employment Zones shall be brought forward in the context of a masterplan for the subject lands as detailed in Development Management Standard 72. The design and siting of individual units within Strategic Employment Zones shall comply with the principles of any Design Statement prepared as part of the masterplan for the overall site.

One of the reasons the construction of 99No. dwellings (Planning Ref. 21463) was refused was because the zoning objective was for Business or Technology Park/ Strategic Employment Zone. The main point of the refusal was sequential planning to prevent leap frogging to underserviced sites further from the town centre. The area has insufficient infrastructure to allow development, i.e. no street lighting, no public sewer, no 10 kV, 39kV or 100kV power lines, the road lacks stormwater drainage, and has no safe pedestrian access or footpaths and a 100kmh road.

The Arden Road Technology/ Business Park is 1km closer to the town centre, and has the required infrastructure, adjacent to a wastewater pumping station, and adjacent to the N52 with direct access onto the M6. The Arden Road Technology/ Business Park should be developed for light industry first as it is a Tier 1 site in terms of infrastructure. The Ballyduff/ Technology Park is unsuitable because it is a Tier 2 site.

- **Road Infrastructure :** The planning report noted the development/ site should investigate the possibility of linking through the existing Axis Business Park. The proposed development is premature in terms of transport infrastructure onto a restricted regional road, the R420.

Offaly County Development Plan 2021-2027

SMAP-22 It is Council policy to facilitate development of the road network in Offaly and the midland region in accordance with the National Development Plan and with Government policy. The Council will also support the relevant agencies and bodies involved in achieving such development including Transport Infrastructure Ireland and the National Transport Authority

6.1.16 PROJECT SPLITTING:

- A billion dollar company like Steris does not buy a 7.26 Ha site (which was not advertised for sale), to only develop 3.1ha of the site. In the past year Steris has announced on their website plans for a second sterilisation facility (1st built 3 years ago) at their site in Venlo Holland, and in Italy and Germany. The pre-planning minutes indicate this is Phase 1 but there are no firm plans for Phase 2. It would imply Steris want to get Phase 1 set up on the site and

then apply for permission for Phase 2. The overall effect on the environment cannot be assessed due to project splitting.

- The EPA Guidelines - Environmental Impact Assessment Reports 2022 under the heading Cumulative Effects states it may be prudent to have regard to the likely future environmental loadings arising from the development of zoned lands in the immediate environs of the proposed project.

The need to install large power lines will affect land owned by others. The MV substation must be agreed with the ESB during the design stage. There is no agreement attached to the application documentation.

The feasibility study for the proposed wastewater treatment collection does not include the site as a whole and is a piecemeal approach to planning.

The EPA Guidelines also refer to the Description of Other Related Projects. The omission of such projects or components may be referred to as project splitting. The applicant should carry out an EIAR for the whole development of 7.26ha i.e the proposed development and 2 planned future developments shown on the masterplan.

6.1.17 PART L BUILDING REGULATIONS

- The Planner's Report states it does not consider the waste heat to be a renewable energy resource. According to Part L of the Building Regulations there are definitions for Renewable Energy, Waste Heat and Cold, District Heating or District Cooling. The Energy Performance Assessment attached with the application plans to utilise waste heat energy from the x-ray source to meet with the building requirements under Part L of the Building regulations.
- The only way waste heat energy can be used to meet the requirement of Part L is through the use of a district heating system. A district heating system should include all commercial buildings in the district, i.e. the aircraft building northwest of the proposed site and the business southeast.
- The applicant has not shown how they will comply with objective DMS-74 of the Offaly County development Plan.

DMS-74 Energy efficiency and Climate Change Adaptation Design Statement

6.1.18 **STRATEGIC EMPLOYMENT ZONE**

- The proposal will not facilitate large scale employment. Therefore it will contravene the development plan and the Regional Spatial and Economic Strategy for the Midland Region.
- The facility will have 5 times less employment based on floor area when compared to a standard light industrial building.

6.1.19 Appended to Mr. Scally's appeal is a report prepared by Sabrina Joyce Kemper. The planning consultant prepared the appeal submission, and planning application submission for the McGettigans another third-party appellant party who resides next door to Mr. Scally. The content of the appendix report is similar to McGettigan's appeal submission outlined below.

6.1.20 ***David and Siobhan McGettigan, Woodland Cottage, Ballyduff, Tullamore***

The appeal has been prepared by Sabrina Joyce-Kemper on behalf of the appellants. The appeal identifies several outstanding issues in relational to the original planning application, and further information submissions that were not referred to the observers for comment. There are serious concerns in relation to road safety issues, impact on the McGettigan's solar array, conflicting information and proposals within the plans submitted. They support their neighbour's , Enda Scally, appeal submission.

The Board is asked to refuse the permission. Should the Board decide to grant permission for the proposed development, conditions need to be attached to protect their family and home.

The planning decision and planning report are wholly inadequate from a legal point of view. There is no engagement with the arguments raised by the objectors. There were valid planning concerns put forward by the objectors/ observers that were not addressed by the planning authority or the applicant. Due to the concerns expressed regarding road safety, even by the applicant's design team, to grant permission is wholly irrational and ultra vires. There are multiple contraventions of the development plan that were not addressed in the planning report or overall decision.

The Board must consider the appeal de novo and the original submissions made by the third parties. This appeal will summarise the main issues that remain unresolved. It is impossible to identify the basis for the planning authority's reasons and considerations.

6.1.21 Response to Request for Further Information submitted on 21st of December

- The applicant continually states the site entrances are aligned with the existing agricultural gates. This is incorrect. To proceed with the proposal the current entrances will be closed and new entrances further north of each gate position will be opened. These inaccuracies were not refuted by the applicant or the planning authority.
- The applicant's Road Safety Auditor advised against the removal of the most northern entrance due to traffic hazard. The old use and location of the existing gate has been changed, not retained. The initial plan was for two entrances to provide access and egress to the facility. The applicant has claimed midway through the consent process, a dangerous access will be kept open to facilitate agricultural access. The agricultural gate is exempted development only if it is not changed in any way. The material changes proposed by the planning application require the closing over of an old agricultural entrance and the opening of a new entrance. A traffic hazard has been identified by the RSA, the planning authority and the Board are precluded from granting planning permission for the development. The planning authority erred in law when it granted the development with the second northern gate still part of the development plans.
- There was a clear request to provide a road safety audit with the northern entrance removed and a revised road safety audit which fully assesses the road safety having just one southern entrance to access and egress the site. There was none provided.
- The applicant produced auto-track drawings which do identify dangerous crossing over of vehicles past the median line into the opposite land, but there is no report from Road Safety Auditors assessing the single entrance scenario for the development. It was reckless to grant permission for the development

without the information requested, and with no relevant material presented to alleviate the identified concerns.

- The applicant relies on the fact the road transitions from a 60kmph to 100kmph, which is wrong. The same stretch of road is monitored by the Garda as a Camera safety Route due to speeding along the stretch of road. There is regular breaches of speed limits at this point. The appellant, Ms McGettigan was rear ended resulting in a serious life threatening injury and proof was provided in the first submission. All evidence was dismissed by the planner, so the planning authority acted ultra vires in relation to traffic hazard risks and public safety.
- The applicant was asked by the planning authority if the development was of strategic importance. The reason for the question is because the development does not comply with the zoning of the site. The applicant confirmed it was not strategic, therefore a material contravention of the zoning objective has occurred. Only strategic development can be granted on these lands, and no material contravention statement was produced by the applicant.
- The applicant has claimed the development falls within the class of 'light industry', which can take place within a residential area. This claim is refuted because the proposed development is clearly a warehousing and distribution facility that also sterilizes pallets. The requirement for HGVs to constantly access and egress the site is associated with noise pollution, light pollution, emissions pollution and vibration that comes with HGVs and warehousing vehicles. Detailed submissions have submitted outlining how the proposed use is not compatible with the zoning. Appendix 1 includes a case study that identifies a near identical Steris Facility as warehousing, distribution and storage, in addition to sterilization as part of the supply chain.
- Appendix 1 also confirms the facility is designed to be mechanically automated. The automated approach is the antithesis to the zoning, which is to provide for strategic employment. The facility flies in the face of the zoning as the automated process does not provide employment and the emissions from the facility could jeopardise the health of any employee or other

businesses with high density employment that the rest of the master plan is designed for.

- The proposal does not comply with the mandatory provisions of the development plan for developments in Business and Technology Park and Strategically Zoned land. The objectives state that these provisions shall be required which in legal terms puts a statutory and mandatory requirement to comply. The developer has failed to comply with the objectives therefore the development materially contravenes the Offaly County Development Plan.
- The grant of consent is unenforceable due to contradictions in relation to the fact plans and particulars submitted state that no surface water is to be discharged into the stormwater system and that appropriate SUDs measures are required to prevent discharge to storm water network. These SUDs measures are required under objectives of the development plan and for the site zoning, yet in the grant of permission, there are conditions to discharge to the network. There is no feasibility letter from Uisce Eireann to confirm the development complies with the design requirements or that there is capacity in the water, wastewater and stormwater network.
- There is no agreement between the applicant and the McGettigan's' regarding the impact of the boundary treatment and their solar panels. The planning report incorrectly stated this was already provided for in the plans.
- Although the appellants consider the proposal should be refused on issues relating to roads, safety and material contravention, in the event the Board are mindful of granting the proposal the following conditions should be attached to protect the third party's property:

The site should be landscaped in accordance with details submitted to and agreed in writing with the planning authority prior to the commencement of the development. The scheme shall include the following:

- i) *The establishment of a tree line at heights of 2.5m and 6m along the shared boundary with Woodland Cottage on the applicants side as identified in yellow and blue in Figure 2 of McGettigan appeal submission dated 16/02/2024.*

ii) *The construction of a 2metres high block wall, capped and rendered on both sides, along the shared boundary with Woodland Cottage, north of the treeline discussed at i) as identified in orange in Figure 2 of McGettigan appeal submission dated 16/02/2024.*

- Appended to the appeal are:

A Case Study of the Steris operations on another site (similar to the current proposal) in France.

The McGettigan's original submission to the planning application dated 11th of April 2023

The McGettigan's second submission in Response to the RFI, dated 14th of September 2023

6.2. Applicant Response

Thornton O'Connor Town Planning Consultants has responded to the 4No. third party appeals on behalf of the applicant, Synergy Health Ireland Limited.

6.2.1 Offlay Co. Co's Assessment of the Development

- The proposal is in accordance with the Zoning Objective for the site.
- The development subject of the application is not contrary to the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031.
- In terms of DMS-73 the proposed building exhibits a high-quality contemporary design and finish. The building is more than 15metres back from the road and a 5metres planted strip has been provided.
- The overshadowing impacts from the proposed development on other properties are of minimal levels and any proposed vehicle lighting will be screened from the adjoining dwelling to the northwest by means of landscaping.
- There are no potential impacts that would result in a likely significant impact on the environment.

- The proposed medical light industrial activity in accordance with ENTP-06 as it seeks to reinforce the cluster of medical businesses in Tullamore and in particular the nearby IDA Business Park where Synergy already has an existing industrial unit. The proposal supports ENTP-04 as it will result in direct foreign investment.

6.2.2 **Definition of Use and Compatibility with Zoning Objective**

- The appeals submitted by the McGettigan's. Enda Scally and JJ O'Brien express concern the use of the Sterilization Technology Facility is not in accordance with the Zoning Objective relating to the subject site. The appellant's claim the use is a Warehouse/ Heavy Industrial Use, and as such does not comply with the Zoning Objective for the site.
- The Sterilization Technology Facility does not represent a warehouse use. The drawings do indicate a Storage Area, these areas are ancillary to the use thereof. If the sterilization process was not taking place, there would be no use for storage areas, as they are related to the 'primary use'. The drawings also show Office/ Administration Areas, yet the Sterilization Technology Facility is not an Office Use. The Office/ Administration Areas are ancillary to the primary use.
- An important case law relating to ancillary uses is *Rehabilitation Institute v Dublin Corporation* where Justice Barron sets out a series of principles relating to this type of activity. In the case the High Court considered whether the use part of the rehabilitation institute had a separate and distinct planning use as it was used as a Workshop in the context of the remainder of the Rehabilitation Institute being used for administration purposes. It was held it was a single planning unit as the workshop was ancillary to the primary use. A use is ancillary to the primary use if the ancillary use will not amount to development for the purposes of the Planning and Development Acts. Where, however, the ancillary use becomes the primary use, then it will displace the established use and it will at that point amount to development as the planning use will have materially changed.
- The Sterilization Technology Facility does not represent a Heavy Industrial Use as the operation thereof will not result in negative material impacts by

reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Example the Acoustic Review prepared by RSK Ireland Limited have indicated once regard is had to the mitigation measures, the noise levels arising will not be significant.

- The Sterilization Technology Facility is a Science and Technology Enterprise; however if it was categorised as an Industrial use, it would be akin to an Light Industrial Use which is defined in the Planning and Development Regulations 2001 as:-

“light industrial building” means an industrial building in which the processes carried on or the plant or machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;’

The Sterilization Technology Facility is not a Heavy Industrial Use.

- The subject site as illustrated in the Tullamore Town Plan within Volume II of the Offaly County development Plan 2021-2027. It is zoned ‘Business or Technology Park’ which is *‘to provide for technology based light industry, research and development and compatible offices in a high quality built landscape and environment’*. A small component of the site is zoned Open Space, Amenity and Recreation.
- In the content of the Business or Technology Park zoning, the Sterilization Technology Facility can be categorised as Science and Technology Enterprise which is ‘Permitted In Principle’. Light industry is ‘Open to Consideration’ under the Business or Technology Park zoning. The footprint of the building is within the Business or Technology Park zoning. The entrance to the facility is located within lands zoned Open Space, Amenity and Recreation.
- In respect of Ancillary Uses, it is an objective of Offaly Co. Co. under LUZO-13 to:

‘ensure that the development ancillary to the parent use of the site are considered on their merits irrespective of what category the ancillary

development is listed under the zoning matrix of this County development Plan’.

- The Planning report concluded that the provision of entrances/ roads on lands zoned Open Space, Amenity and Recreation forms a central tenant of the Tullamore Town Plan’s Strategic Distributer Network and Linkages. Therefore entrances through lands zoned Open Space, Amenity and Recreation was intended in the development plans. In addition, 45No. individuals will work at the facility when it is fully operational.

6.2.3 Visual Impact of the Development – Building Height and Landscaping

- The third party appellants have expressed concerns regarding the visual impact of the development. In response to the concerns expressed Environguide Consulting have revised the previously submitted Landscape Masterplan to provide a 2metres high concrete wall (rendered on both sides) at the boundary with Woodland Cottage and an additional 500sq.m. of woodland planting and 5No. additional semi-mature beech trees (located principally to the north of the Deliveries and Loading Yard).
- The Line of Sight Cross section carried out by Environguide Consulting, indicates a 6metres high treeline at the position indicated on Figure 3.1. This will screen the proposed from Enda Scally’s property, whilst the additional 500sq.m. of woodland planting and 5No. additional semi-mature trees will screen the development from Woodland Cottage (McGettigan’s house) and the front of Enda Scally’s house.
- The boundary with Woodland Cottage will also comprise of a treeline maintained to a maximum height of 2.5metres (to ensure the performance of McGettigan’s solar panels) and a tree line allowed to grown 6metres in height to address the concerns of Enda Scally.
- It is submitted the landscape proposal will ensure that the potential for any negative visual impact of the Sterilization Technology Facility is mitigated.

6.2.4 Potential Impact on Flora and Fauna in the Potential Natural Heritage Areas

- It is submitted by Enda Scally that the Sterilization Technology Facility and future development of lands identified as Ballyduff Strategic Employment

Zone would be reason of height would overshadow Ballyduff Woods pNHA affecting flora and fauna. Environguide Consulting has prepared a response to this concern. It is important to note that Ballyduff Strategic Employment Zone Masterplan and Strategic Masterplan Framework, which were prepared by Burns and McDonnell in accordance with Objective DMS-73 of the Offaly County Development Plan 2021-2027 are indicative only. The Masterplan demonstrates how the area could be developed, any future development of same would be the subject of the planning application process.

- Having regard to the distance between the proposed Sterilization Technology Facility and Ballyduff Woods pNHA it is not expected there will be a significant effect on the flora or fauna of the pNHA. The nearest site boundary from the Ballyduff Woods pNHA is located 313metres away. The nearest building line to Ballyduff Woods pNHA is located 450metres away. Whilst the nearest site boundary of Ballyduff Strategic Employment Zone is located 75metres from Ballyduff pNHA, with the nearest building line on the indicative Masterplan located 110metres from Ballyduff Wood pNHA. Therefore any significant overshadowing of flora or fauna is not expected.

6.2.5 Design of Civil Engineering Services

- Two of the appeals (Enda Scally and David and Siobhan Mc Gettigan) state the Decision to Grant Permission for the Sterilization Technology Facility is unenforceable as the plans and particulars submitted with the planning application illustrate that no surface water runoff therefrom will discharge into the public surface network. The appeals additionally note that no Confirmation of Feasibility Letter has been received from Uisce Eireann in respect of the development.
- Pinnacle Consulting Engineers have provided a response to the concerns raised. There is no reference within the Planning Pack either on Drawings or Reports, to no surface water runoff from the Sterilization Technology Facility being discharged to the public surface water network. The surface water runoff would always be discharged into (i) a local ground surface water piped network, or (ii) into a ditch or stream in the vicinity of the site. As regards the surface water run-off from the Sterilization Technology Facility, the intention is to

connect the site's surface water infrastructure into an existing 225mm surface water manhole located on the Clara Road to the south-east of the development, approximately 105metres from the proposed entrance to the development.

- In accordance with Objective DMS-23 of the Offaly County Development Plan 2021-2027, Sustainable Urban Drainage Systems have been incorporated into the design of the development. The surface water runoff will be attenuated within the following SuDS features, and will typically cater for a 1:100 year storm event + 20% climate change:

- (i) Wetland/ Attenuation pond
- (ii) Linear Swale
- (iii) Permeable paving
- (iv) Petrol/ Oil interceptors
- (v) Hydrobrake

The ultimate discharge of surface water will be downstream of the SuDS features, more specifically, the SuDS measures will be combined within the on-site infrastructure network prior to discharging off site into the existing network.

- There was a letter received from Uisce Eireann in respect of the proposed development, dated 10th of October 2022. This was included with the Engineering Planning Report submitted with the planning application. It should be noted Uisce Eireann can only have jurisdiction over water supply and foul sewer infrastructure, with surface water falling under the auspices of the local authority.
- The design of the civil engineering services has had regard to :
 - (i) All current Building regulations (in particular Part H)
 - (ii) Uisce Eireann Current Code of Practice for Water Infrastructure
 - (iii) Uisce Eireann Current Code of Practice for Wastewater Infrastructure
 - (iv) CIRIA SuDS Manual
 - (v) Recommendations for Site Development Works in Housing Areas
 - (vi) The Greater Dublin Strategic Drainage Study

(vii) Greater Dublin Regional Code of Practice for Drainage works.

6.2.6 ***Impact of Development on Clara Road (R420)***

- In response to the appellants concerns reagridng traffic and congestion on the Clara Road, Pinnacle Consulting Engineering have provided a response.
- In advance of the construction of the proposed development, a Construction Traffic Management Plan will be prepared, which will mitigate against any construction related traffic impacts on the road network. This will address road cleaning, staff parking, working hours and enforcement of construction traffic management plan.
- During the Operational Phase, Table 3.1 HGV Movements outlined. There is an estimated two-way total of up to 32No. HGV movements per day when operating at full capacity.
- The proposed development will serve as the Head Office of Steris Ireland. It is estimated that 45No. people will work at the facility when fully operational. This will imply 80No. two way trips on the Clara Road. The Sterilization Technology Facility will generate 122No. vehicular movements (90 = 32) over a 24 hour period. This equates to 1.7% of the recorded AADT on the R420.
- As regards Peak Hour Flows, Table 8 and Table 9 in the *Traffic and Transport Assessment* The trip rates are based on TRICS Data for Employment/ C-Industrial Land Use. The total vehicular movements generated by the operation of the Sterilization Technology Facility will be 23No. arrivals and 12No. departures between 08.00-9.00, and 5No. arrivals and 24No. departures between 17.00-18.00. Based on TRICS Data the impact of the traffic associated with the operation of the facility, at its worst, is 2.89% of the estimated hourly flows through the R420/ Applegreen roundabout (Table 3.3). As the traffic dispatched the impact will lessen on the adjoining road network.
- The impact of the worst case scenario on the R420/ Applegreen/ Muiniagh Roundabout is provided in Table 3.4. At its worst, the impact of the traffic associated with the operation of the proposed development, based on it being fully operational and the mode of travel of each individual working thereat by

single occupancy cars, is 3.72% of the estimated hourly flows through the R420 Applegreen roundabout.

- Having regard to the relatively low number of vehicular movements, it is concluded that the proposed development will only have a minor impact on junctions in the vicinity of the site.

6.2.7 *Location of Entrances and Site Access/ Egress*

- Two of the third party appeals query the location of the proposed entrances relative to the existing entrances. Furthermore, the appellants allege that the Swept Path Analysis illustrates a dangerous crossing over of Vehicles past the median line into the opposite lane.
- For clarity the existing entrances to the subject site from the Clara Road (R420) will be repositioned and upgraded. The Sterilization Technology Facility is to be accessed via 1No. pedestrian and cyclist priority-controlled entrance (the southernmost entrance to the site which is located marginally northwards to facilitate the existing farm entrance to the north is to be relocated marginally northwards to facilitate the continued agricultural use of the remaining lands in the control of the applicant. This access will be built into the active travel infrastructure proposed along the boundary of the subject site on the Clara Road.
- Visibility splays are included at the junctions to provide sightlines, and to ensure drivers have sufficient reaction time should a vehicle enter their path. The Sterilization Technology Facility is located within the 60km/hour speed limit. The sightlines have been provided based on the speed limit.
- The construction of the access will act as a speed control measure. This combined with the roundabout circa 123m to the southeast will help regulate the speed of the cars approaching from the west. Cars approaching from the east will accelerate to 60km/hour from the roundabout towards the transition where they will accelerate to reach a speed of 100km/h. Drivers exiting the site will do so when there is an appropriate gap in traffic. The sightlines allow drivers to make that decision.

- The access arrangements were examined by a Road Safety Audit Team in carrying out a Road Safety Audit (detailed below in next section). All recommendations by the Road Safety Audit Team have been adopted by the applicant.
- With the exception of a crane, all vehicular movements into and out of the site, can be carried out without crossing over the median line into the opposite land. This is clearly illustrated in Figures 3.2 and 3.3 . the crane will only be required for planned maintenance. In such cases a banksman will manage traffic while the crane accesses and egresses the facility.

6.2.8 Adequacy of Traffic and Transport Assessment and Road Safety Audit

- A number of the appeals expressed regarding the adequacy of the Traffic and Transport Assessment submitted with the planning application. Pinnacle Consulting Engineers has submitted a response to the concerns expressed in the third party appeals.
- The following thresholds for full junction analysis, in line with Transport Infrastructure Ireland are applicable:
 - (i) Traffic to and from the development exceeds 10% of the traffic flow on the adjoining road.
 - (ii) Traffic to and from the development exceeds 5% of the traffic flow on the adjoining road where congestion exists or locations are sensitive.
- The daily vehicular movements associated with the operation of the Sterilization Technology Facility (122No. estimated by the applicant) equates to 1.7% of the recorded AADT (Annual Average Daily Traffic) on the R420. Therefore the proposal does not meet the threshold for a full junction analysis and is not deemed to have an impact.
- As regards the Road Safety Audits, Transport Infrastructure Ireland sets out procedures for carrying out Road safety Audits, which the submitted documents were in line with. Bruton Consulting Engineers (independent of the applicant's Road's Design team) carried out the Road Safety Audit.
- In response to Item 2(d) of the Request for Further Information, a Stage 1 and Stage 2 Road Safety Audit in respect of the proposed development was

carried out. Pinnacle Consulting Engineers completed the design response. The Road Safety Audit identified 6No. problems and provided associated recommendations. There were 5No. alternative measures proposed which were accepted by the Road Safety Auditor. Refer to Drawing 'RSA Review' prepared by Pinnacle Consulting Engineers.

- In response to the Clarification of Further Information the previously prepared Stage 1 & 2 Road Safety Audits were updated to have regard to the revised entrance detail with raised table and 12No. metre junction radius. The Road Safety Audit identified 1No. problem; the recommendation associated with it was accepted by the applicant's consulting engineers, and the implication is included in the Drawing RSA Review.
- There were 2No. independent Road Safety Audits carried out of the proposed layout with all of the recommendations or alternative measures been accepted.

6.2.9 ***Renewable Energy Sources***

- Enda Scally's appeal claims non-compliance with Building regulations Technical Guidance Documents Part L and Objective DMS-74 of Offaly County Development Plan 2021-2027. The appellant states:
 - (i) Percentage of primary energy that will be provided from renewable sources is not stated;
 - (ii) Waste heat energy is not a source of renewable energy;
 - (iii) Compliance with Objective DMS-74 is not demonstrated
- Axis Eng Consulting Engineers were engaged. The proposed development has a Renewable Energy Ratio of 0.26 (26%) exceeding the target under the Building Regulations Technical guidance Documents Part L. This achieved by using heat pump technology to serve the following areas:
 - (i) Warehouse Area – Induction Heating/ Cooling by Air Source Heat Pump
 - (ii) Office/ Administration Areas – VRF Heating/ Cooling by Air Source Heat Pump.

(iii) Domestic Hot Water Production – Air Source Heat Pump.

Reference to the utilisation of waste heat in Section 7 of the Part L Compliance Report is in relation to design forecasting. The utilisation of waste heat from processes to heat up the facility may be considered as the design progresses. However, this is not currently a source of renewable energy as per Part L. Compliance with Part L has been achieved through heat pump technology.

In accordance with DMS-74, an Energy Efficiency and Climate Change Design Statement was prepared by Building Performance Consulting engineers and submitted in response to Item 1 of the Further Information request as well as BPC- Relevant Experience in a response to Item No. 3 of the Request for Clarification.

6.2.10 *Potential Daylight and Sunlight Impacts*

- 3D Design Bureau carried out a comprehensive Daylight and Sunlight Impact Assessment, along with an accompanying Shadow Study for the proposed development has regard to the separation distances between the proposed facility and neighbouring properties in proportion to its height. An additional Daylight and Sunlight Impact Assessment Report on appeal. It concludes the proposed development would result in negligible level of effect on the daylight and sunlight received by all neighbouring gardens by the proposed building throughout the course of the day all year round. The proposed development will not have a direct impact on the level of daylight and sunlight received by the surrounding properties.

6.2.11 *Acoustic Review and Potential Noise Impacts*

- Two appeals (Enda Scally and JJ Obrien) raise concerns regarding the potential noise impact, alleging the proposal will result in excess and continuous noise. RSK Ireland Limited have provided a response to their concerns and addresses the key points in the appeal under the following sections, Measurement Location, Tonal and Impulsive Noises, Service Yard Noise, Internal Noise, Calculated External Levels at Receptors.

6.2.12 *Measurement Location*

- It is claimed by Enda Scally, the utilisation of a single measurement location for Baseline Noise Survey as claimed by one appellant does not give a true representation of the baselines noise levels at his property, due to the closer proximity of the measurement location to both the nearby roundabouts and Tullamore town.
- RKS Ireland Limited consider the Baselines Noise Survey is sufficient and robust in terms of measurement location and duration and ensures the appropriate characterisation of baselines noise levels. The dominant noise source observed at the subject site during the Baseline Noise Survey was road traffic from the Clara Road. The chosen measurement location was of a similar distance from Clara Road as Enda Sally's dwelling house.
- Furthermore Enda Scally claims the utilisation of a single measurement location for the Baseline Noise Survey does not comply with EPA Guidelines and that the EPA Guidelines recommend specific noise limits for a facility in areas of low background noise.
- As noted in the Acoustic Review: The EPA NG4 Guidelines apply to EPA Licenced Sites, and the proposed development is not one of those, and as such the Noise Assessment is not required to comply with the EPA Guidelines.
- The noise criteria for the Sterilization Technology Facility has been proposed to be more stringent than the EPA Typical Limit Values for Noise from Licenced Sites. Upon review of the baselines noise levels, its

6.2.13 ***Tonal and Impulsive Noises***

- RSK Ireland Limited states there shall be clearly audible tonal component or impulsive component in the noise emission from the proposed development at any sensitive location.
- The final selection of plant typically occurs at detailed Design Stage and as such it will be a requirement to ensure all tonal and impulsive emissions are not audible at any noise sensitive receptor. The proposed development will be fully compliant with any noise limits prescribed in planning conditions.

6.2.14 ***Service Yard Noise***

- RSK Ireland disagree that the stated noise sound level of 90 dB for a diesel truck is in any way representative of the expected sound level from activity in the Deliveries and Loading yard area of the proposed development as claimed by Enda Scally. The specific source (i.e. vehicle speed) of the stated noise level (90dB) by the appellant is unknown. The low speed that the vehicle will travel on site and the intended method of loading/ unloading (via reverse docking bays) will ensure noise levels from docking activity will not result in an exceedance of the noise criteria at nearby dwellings.

6.2.14 **Internal Noise**

- It is a requirement to ensure the building envelop complies with the minimum sound insulation performance of 24 dB Rw.

6.2.15 **Calculated External Levels at Receptors**

- The appellant, Enda Scally has incorrectly interpreted the Acoustic Review prepared by RSK Ireland Limited. He states that the acoustic review states the current baseline noise adjacent levels to the filling station are 50 dBL_{aeq} between 7am -11pm and are 40 dBL_{aeq} between 11pm and 7am.
- The baseline noise levels are summarised in Table 1/ Figure 3 (Day-time and Table 2/ Figure 4 (Night time) of the Acoustic Review. The values presented in the tables do not correspond with those stated by the appellants as illustrated in the included tables of the response.
- The Baseline Noise Survey, Noise Calculations / Predictions, Noise Assessment and Recommendations are robust and will ensure that the operation of the proposed development does not cause nuisance to nearby dwellings.
- It is the policy of the development plan under ENVP-21 to promote the pro-active management of noise where it is likely to have adverse impacts on health and quality of life. Having regard to ENVP-12 the operation will not produce significant or unacceptable levels of noise as outlined in the submitted Acoustic Review report.

6.2.16 **Health and Safety**

- It is claimed in two appeals that the proposed development is designed to be mechanically automated due to the number of lawsuits and health concerns in relation to staff exposure to dangerous elements of the sterilization section of the facility.
- This is strongly refuted, wholly inaccurate and flawed. The state of the art facility will be partly mechanically automated to allow for a more efficient process, not because of health and safety concerns. Mechanical automation is the norm in many Science and Technology Enterprises in Ireland.. The applicant can confirm there have been NO lawsuits relating to the sterilization process.
- The facility in Tullamore will be licenced by the Office of Radiation Protection and Environmental Monitoring, part of the EPA, which are the authority ensuring radiation safety to employees and members of the public.. The Health and Safety records for the company at their other locations in Tullamore and Westport have been excellent for the past 30 and 15 years.

6.2.17 Daylight and Sunlight Impact Assessment Report by 3D Design Bureau. This report was carried out in accordance with the BRE Guidelines. The effects are assessed on :

Woodland Cottage

Ballyduff 4No. properties to the north of the site

Ballyduff 2No. properties southeast

Beech Lodge

6.3. **Planning Authority Response**

The planning authority did not raise any new issues on appeal.

6.4. **Further Responses**

The applicant's response to the appeal was circulated to the third party appellants. There were further responses from a number of the parties which are summarised below. There were no new issues arising from the submissions made to the Board. I

will try to avoid undue repetition. Most of the content from the three responses is re-iterating what was previously submitted.

6.4.1 **Joe O'Brien**

- The overall height of the proposal remains the same, impacting on the local residents by overshadowing, loss of light and privacy.
- The Clara Road is already extremely busy and dangerous. The development will result in the likelihood of accidents and traffic congestion particularly when HGVs are entering and existing the site especially when crossing the centre while line on the road.
- The proposal is clearly heavy industry
- The landscaping proposals will have minimal impact on screening the proposal from vehicle lights and noise over a 24hour period.
- The noise level results are not realistic reagridng factory operations, internal site traffic and transportation and external road traffic on the R420.
- There is no construction stage safety audit
- Emissions from the factory and chemical usage has not been fully assessed by the application details.
- Access should be through the Axis business park
- The offices should have been placed beside the residences and the deliveries/ loading area beside the Applegreen service station.

6.4.2 **Enda Scally**

- No evidence to support the development is in accordance with the zoning.
- The applicant's response has provided no evidence to back up why the facility is light industry and not warehousing. There are steps involved in the sterilisation process (dosimetry testing) which will occur in the warehouse which deems the warehouse not an ancillary use but part of the x-ray sterilisation process. To make the sterilisation facility viable the automated warehouse must be 55% of the building footprint. The response has confused the issue by citing Case Law regarding ancillary use. The Office of the

Planning regulator Practice Notes Appendix B summarises the case, where lands are been used for more than one purpose and where one of those primary uses ceases, this can amount to a material change of use. There are two interpretations of the one case, and the OPR is the one of merit. The current use of the site is 7.26Ha agricultural land. The applicant plans to separate the field into two sites. The 3.21 site is to be used for the proposed facility and the remaining 3.05ha will remain agricultural land. The primary use of the 3.21Ha field will cease as agriculture to an industrial sterilization facility with 55% building footprint as warehousing.

- The boundary treatment proposal should have been the subject to a theoretical visibility map to ensure the proposal is screened as per his appeal submission. There should be calculations and drawings of the 6m tree line. The beech trees will not screen his home in winter. There are no trees shown in the masterplan between woodlands cottage and the facility. The 20m high boundary treatment along the road is dangerous, and higher than the current tree line. There is no indication of the spacing of the trees required alongside Woodlands Cottage. The boundary treatment is disjointed, contradictory and inconsistent.
- In terms of impact on the pNHA's a 19.65m building can cast a 150 m shadow in winter months.
- There is no construction management plan included with the application in particular detailing the construction traffic.
- In terms of the number of HGVs, with 32No. HGVs will imply a 21% increase in HGVs from this one facility on the R420.. This would set a precedent in the Business Technology park. The Table on the deliveries indicates 5 days per week. The Acoustic Report refers to 24/7. The offices will be the applicants head office therefore this is not an ancillary use.
- Will the farmer traverse the site to maintain the remainder of the site. The Road Safety Audit did not recommend moving the logistics entrance to the southern gateway, yet the applicant has proposed this and has attempted to say the relocated entrance is for the farmer. In fact, access has been kept for the future development of the remainder of the site.

- It is noted the new sweep path analysis shows the truck not overlapping the white line. How will the drivers know to follow this path. Also the illustration uses an oil tanks, and HGVs are longer than oil tanker.
- The proposed industrial facility will add a further 60HGVs/ 32 HGVs daily as per planning application leading to an increase of 39%/21% in HGVs from one facility alone. Approximately 12 times/ 6times the 3.3% growth in HGVs recorded within the midlands for the year 2019.
- The Traffic and Transport Assessment has not accounted for the impact HGVs on the road network choosing only to assess cars coming and going from the facility between 8am-9am, and 5-6pm. The Traffic Management Guidelines Thresholds for Transport Assessments were not assessed. The location of the industrial facility will materially contravene the county development plan, the road network as per the development plan has not been constructed. There is only ONE Road Safety Audit attached to the application, not two as stated in the response.
- The waste heat produced by the x ray source is the obvious method of heating the building, but this must be done as part of a district heating system and in conjunction with a renewable energy source to meet Part L of the Building regulations. It is not stated in the planning application the percentage of the primary energy that will be provided from the renewable solar source to meet the building regulation requirements.
- The daylight and sunlight assessment is based on an old design. From the drawings on pages 38-46 the second entrance for the delivery yard is still present contrary to the new design. The trees have been removed from McGettigan's boundary. TH report shows no trees along the boundary to the north i.e. the 6m high trees along the northern boundary or the 20m high trees along the roadside boundary. The shadings in December do not match in the report. The Daylight and Sunlight Study is inaccurate.
- There is no evidence from RSK Ireland Limited as to why the additional noise at the measurement location from the town, the roundabout and the petrol filling station area negligible when compared to passing cars on the R420. If moving the delivery entrance from the HGV entrance and going a further

130m from his house can reduce the external noise level at his house by 2dB during the day and 11DB at night, the noise from traffic using the roundabout and petrol station should increase the baseline measurement at the chosen location above the value at his house further north.

- The applicant has not chosen measurement locations that will give results that are representative of the ambient sound and residual sound at the assessment locations, i.e. his home and receptor 7 on the acoustic review.
- The issue of tonal and impulse noises from the facility plant, the delivery yard and the carpark due the shift operation at the facility have not been considered. The acoustic review stated 81dB for the carpark, but no distance was given. The adequacy of the review is questionable. The validity of the acoustic review is questionable of the final selection of plant material typically occurs at The Detailed Design Stage (post planning). The response ignores impulsive and tonal noises from carpark, HGVs, fork trucks, etc in the delivery yard. What equipment did the acoustic consultant model if the applicant is going to select equipment later. The applicant will have to carry out another acoustic review to ensure the equipment is appropriate.
- The applicant should have responded with a sound level at 150 feet is from the EPA noise and health fact sheet. It is unknown why the EPA chose to give a single figure, maybe its an average value or the sound level does not vary much with speed. The applicant should have responded with a sound level at 150feet for the speeds of the HGVs will travel in the delivery yard.
- The acoustic consultant has modelled the building assuming sound attenuation value of 24dB for the building envelop. This is an overestimate, because it is measured in a lab under ideal conditions. The applicant has completely negated the internal noise impacts. The applicant cannot create an accurate model for the facility and put in place appropriate mitigation measures. There is no sterilization facility of this scale in Ireland, therefore why has the applicant not presented data from their facility in Venlo.
- The acoustic review has chosen noise limits which are set in line with the baseline noise levels measured at the filling station. It is not possible for the proposed facility to be this quiet. The applicant has not addressed the sound

issues raised and little evidence has been provided to back up the statements in the response, if this facility is allowed to proceed it will cause noise nuisance to nearby dwellings.

- A planning application for a new site with the first of its kind technology in Ireland should not be taken at face value when it comes to health and safety. The health effects of living beside such a facility are unknown at this stage.
- There has been no further information provided regarding the high levels of ozone the proposal will emit.

6.4.5 ***David and Siobhan McGettigan***

- In the applications earlier planning permission for a similar development in Tullamore, reference 16/358, the applicant referred to the proposal as 'Industrial). The appellants state the proposal is heavy industrial being a warehouse.
- The development could not be considered in a residential area due to the high volume of HGVs accessing and exiting the site; the dangerous chemical emissions and radiation; noise impacts, light emissions, vibration, smells, and fumes from the HGVs.
- There is no assessment in the Traffic Impact assessment of nighttime activity even though the applicant states the development will operate 24/7. If not deliveries/ collections take place during the night, this must form a condition of any permission. There is also no reference to the 7 days per week. It is unclear why the GFA figures imputed were used and why they fluctuated in the assessment tables. The ADDT was in 2029 which seems outdated.
- The emissions from x-ray radiation or the chemicals to be used have not been clearly quantified. The Board is asked to review Chapter 10 of Trends in Radiation Sterilization of Health Care Products regarding radiation safety for employees and the public. This facility requires a radiation licence and may need to be assessed for a risk of a major accident. Other Steris/ Synergy sites have been the subject to strict assessments with EPA and HAS. The potential impact that dangerous emissions could have on the immediate area

and any updated masterplan for the Business and Technology Park must be robustly assessed.

- The proposed development falls into the Warehouse/ Industrial Zoning and is therefore not permissible on this site. The use of Heavy Goods Vehicles would also exclude coning in the Business and Technology Zoning. Even the TRICs assessment classified the development as Warehouse commercial and employment industrial which contradicts the applicants claims reagridng the zoning and class of the development. The proposal materially contravenes the Offlay development plan.
- The use of the site and volumes of HGVs will intersect a cycleway, and the proposal is not safe for cyclists.
- The second entrance needs to be removed from the scheme, it is still included on the drawings. The applicant claims the second entrance has been kept to provide access to provide access for agricultural machinery. Figure 6 of the submission shows the current location of both entrances need to be closed.
- A newly opened entrance further up from the southern agricultural access is the proposed entrance location. There has been no actual evidence of what conclusion the independent RSA auditor reached on the revised single entrance, and it is questionable if it is legally safe to put forward and accept their own drawings without producing an unedited Road Safety Audit.
- The Daylight and Sunlight assessment along the boundary of Woodlands Cottage is out of date. The appellants have installed new windows and French door, February 2024. These are not accurately referenced in their report. It is not clear why the reporting consultants were not given up to date information regarding the appellant's dwelling. The report does not take account of the new screening heights between 2.5m and 6.5m along appellants property.
- It is disappointing 3D Bureau does not assess the effect on the appellants solar array just on the garden and house. The report excluded the beech trees, provided inaccurate dimensions, measurements etc. 3D Bureau Design did not engage with the impacts on the availability of the solar array to

generate the same amount of energy that is currently enjoyed based on the current light availability. It is imperative that an accurate assessment based on factual up to date data is carried out. Under Irish legislation, it can be argued the appellants have acquired a right to daylight in their garden by prescription and that the right to light is a specific right. The fact the appellants have harnessed that right in order to supply them with energy, is a material consideration.

7.0 Assessment

7.1. Introduction

The planning application and the third-party appeals contain a significant amount of information as regards the proposed development. I intend to examine this planning appeal under several headings listed below. The proposed development is for a Sterilization Facility in Tullamore town, Co. Offlay. The subject site is located on the north-west outskirts of the town, alongside a Regional Road (R420) known locally as Clara Road. Fundamentally, in planning terms, the site is clearly ear-marked as having development potential in the current development plan for the area. The subject site is located within the development plan boundary for Tullamore. It is zoned for Business or Technology Park, and it is also located within a designated Strategic Employment Zone. These issues will be assessed in further detail below, along with other relevant issues raised in the appeal under the following headings:

- Compliance with the Core Strategy and Economic Development set out in the Offaly County Development Plan 2021-2027
- Compliance with Land Use Zoning Objectives
- Design and Layout
- Environmental Considerations
- Traffic
- Residential Amenities
- Ecological Issues
- Surface Water

- Other Issues

7.2 *Compliance with the Core Strategy and Economic Development set out in the Offaly County Development Plan 2021-2027*

7.2.1 One of the core principles of the current development plan is to develop the designated Key Town of Tullamore to sufficient scale and quality to be a driver of regional growth, investment and prosperity (Policy SSP-06). Tullamore, a Key Town in the RSES, is nationally central and serves as a major employment hub for the Midlands, with professional services, manufacturing and engineering being its largest industries. It has a role as a major employment, retail and services centre with key assets being its existing jobs to resident workers' ratio, excellent quality of life and future strategic development sites known as 'Strategic Employment Zones'. The further development of the med-tech cluster on the IDA business park in Srah provides opportunity to drive development within the town. The applicant, Synergy Ireland limited, has an existing facility in Tullamore at Srah, in the IDA Business Park south of the site (see Photo Plate 22 appended to this report). (The recent planning history associated with the existing facility is detailed in Section 4.0 of this report above.)

7.2.2 The key enterprise policies include the Council's policy to promote Tullamore as a suitable location for Direct Foreign Investment. According to Section 5.6.1 of the Plan, the Council recognises the importance of ensuring that there are adequate serviced lands throughout the county that would attract and maintain foreign direct investment. In settlements throughout Offaly there are serviced sites suitable for large-scale employers and turn-key / greenfield sites available for prospective developers. It also recognises the economic benefit of clustering certain enterprises into designated areas and has facilitated this through the zoning objectives and Strategic Employment Zones in Tullamore. (Policies ENTP-11, ENTP-12, ENTP-13 ENTP-03, ENTO-04).

7.2.3 Steris (Synergy Ireland) is a global company providing contract sterilization, laboratory testing and product and packaging testing services to manufacturers of medical devices, pharmaceuticals, consumer goods and industrial products in over 55No. locations worldwide. The applicant has sites in Galway, Westport and Tullamore. The current proposal is similar in principle to a Steris facility in the

Netherlands and Switzerland. The proposed x-ray processing is powered by electricity. The x-ray irradiation process utilises proton radiation for a variety of applications including sterilization and decontamination. The proposed x-ray facility is designed to follow the heating and cooling approach utilised in Venlo, The Netherlands. No chemicals are used to generate the x-rays used in the sterilization process. Hospital and medical equipment need to be sterilised before it can be safely used in hospitals nationwide. Everything from replacement hips to plasters, needs to be sterilized. Most of the items come into the facility packaged. The X-rays penetrate the packaging and sterilize the contents. Opening each item to sterilize it would be ineffective. The x-rays are administered inside a completely shielded and secure portion of the facility that requires little human interaction. The items are moved on pallets through the process on an auto tract system. The proposal will also include the Head Office for Steris (Ireland). According to the appeal file, there will be a total of 32No. employees.

7.2.4 The proposal represents a significant investment from a global company which is one of the key strategic objectives of the county development plan to attract such investment into Co. Offaly. The site is located on zoned lands in Tullamore, a designated Key Town in regional and local plans. The proposed use is consistent with several similar land uses in this general area of Tullamore. The principle of the proposed development meets with the strategic policies and objectives of the development plan as outlined above.

7.3 *Compliance with Land Use Zoning Objectives*

7.3.1 Compliance with the zoning objectives on the site is a contentious issue for the third-party appellants. The third-party appellants consider the proposed use is not permissible under the 'Business or Technology Park'. The third-party appellants also question the actual proposed use of the site too. The third party maintain the proposed use materially contravenes the zoning objective associated with the subject site.

7.3.2 According to the planning application documentation, the proposed Sterilization Technology Facility has a gross floor area of 6,726sq.m. with the maximum roof height of 19.65m with a flue extension of 22.4metres.

The areas of the proposed building are as follows:

Process Area (Xray Bunker)	696sq.m.
Technology Area	691sq.m
Storage (High Bay and Loading Area)	3731sq.m.
Ancillary Offices and Circulation	1606sq.m.
Gross Floor Area	6726sq.m

The proposed development includes 42No. carparking spaces (including 3No. accessible parking spaces and 17No. EV parking spaces), 8No. truck parking spaces (including 2No. EV parking spaces) within the deliveries and loading yard, and 34No. bicycle parking spaces.

7.3.3 The subject site is located within one of Tullamore's 2No. 'Strategic Employment Zones'. Section 16.6.2 of the Plan states these designated areas are on foot of the Regional Spatial and Economic Strategy to ensure the Key Towns of the region are the economic drivers for the Midlands Region. The purpose of this designation is to facilitate strategic large-scale employment in two zones in a sequential manner to promote sustainable compact growth in tandem with the delivery of infrastructure and enabling services in Tullamore. Both zones have development capacity, good accessibility, availability of a land bank of at least 100 acres in size and potential to deliver significant economic development and employment creation.

The appellants submit that the proposed development only creates 32No. jobs and therefore is not providing for large scale employment. However it is my opinion, this is one development and one large unit within a sizeable, designated area for employment. The proposed development cannot be considered in isolation of the development potential of the entire designated area to create employment. The proposal represents a considerable level of investment into the area. It also represents the applicant's confidence in Tullamore as a location and employment hub, to provide a second facility in Tullamore. *Objective LUZO-16 Planning applications for Strategic Employment Zones shall be brought forward in the context of a masterplan for the subject lands as detailed in Development Management Standard*. I examined the Masterplan submitted with the planning application prepared by Burns and McDonnell Engineers. It is a vague and indicative masterplan only. The Ballyduff Strategic Employment Zone covers an extensive

area, including lands located on the opposite side of the Regional Road to the subject site, which are not under the ownership of the applicant. The subject site is c.3.21ha and represents a small portion of the total designation. To permit the proposed development would not impede the future development of the designated lands. Although the proposed structure is taller than the existing built environment of the adjoining Axis Business Park, the principle of a high-quality industrial type building is envisaged in the development plan objectives for the site and general area.

- 7.3.4 In terms of the zoning, the subject site is principally zoned '**Business or Technology Park**' as per Volume II Settlement Plans of the Offaly County Development Plan 2021-2027. According to Chapter 12 of Volume I of the Plan:

12.4.7 Business/Technology Park

This zoning facilitates opportunities for technology-based industry and advanced manufacturing, compatible office space and research and development based employment within high quality, highly accessible, campus style settings. The zoning accommodates locations for high end, high quality, value added businesses and corporate headquarters. An emphasis on high quality sustainable design and aesthetic quality will be promoted to enhance corporate image and identity

LUZO 08- *It is an objective of the Council to provide for technology based light industry, research and development and compatible offices in a high quality built and landscaped environment.*

The roadside boundary of the subject site includes a narrow strip that is zoned **Open Space, Amenity and Recreation**.

- 7.3.5 The range of uses which are identified as 'Permitted In Principle' and 'Open for Consideration' under the zoning objective Business or Technology Park are identified in Table 12.1 Land Use Zoning Matrix. As per the Planning Report submitted with the original planning application documentation, the applicant has indicated the proposed land use is 'Science and Technology' and is therefore Permitted in Principle under the zoning objective.
- 7.3.5 I refer to Planning Report No. 1 (26/04/2023) whereby the planning authority considered the proposal to be in accordance with the zoning objectives for the site

because it is a medical related light industrial activity which is in accordance with ENTP-06 relating to clustering medical businesses in Tullamore and it complies with ENTP04 whereby direct foreign investment is supported.

7.3.6 The third-party planning application submissions and appeals submit a different view regarding the proposed use of the development. The submissions state the proposed use cannot be considered 'light industrial' by virtue of:

- Its power consumption for power the Rhodotron (x-ray source)
- The future employment has five less employment-based floor area when compared to a light industrial facility
- The proposed warehouse will require significant foundation to carry a load of 6000kg/sq.m. which cannot be installed without detriment to the surrounding area in terms of noise, vibration, smell, fumes, dust and grit. Also, the 3m deep concrete surround walls associated with the bunker for the x-ray machine cannot be considered light industry.
- The warehousing element of the proposal is not an ancillary use. The proposed development is a warehousing and distribution facility that sterilizes pallets. There will be a constant flow of heavy goods vehicles in and out of the site with associated noise pollution, emissions pollution and vibration. Case studies of similar Steris plants are cited by the appellants such as Chusclan in France, where the same development is described by the applicant's own company pamphlet as 'a warehouse/ distribution centre'.
- There is no manufacturing carried out on site.
- There is no research and development relating to science carried out on site.
- The proposed development falls under the Industrial and Warehousing zoning, therefore a material contravention of the development plan has occurred.
- Under planning reference 16/358, the applicant got planning permission for a similar development in Tullamore, which was described in the applicant's submission documents as 'industrial'.

7.3.7 The proposed building has 8No. HGV docking bays along the northern elevation. The storage/ warehousing element of the proposal is 3731sq.m with an automated system of storing pallets on high and low bays (for entries and exits). On the lower

floor of the building there an autotrack conveying system transferring pallets to be sterilised. The micro-organisms are removed from the products by x-ray in a restricted and inaccessible area. The sterilised pallets are then stored/ distributed out of the facility. In addition, there is 1606sq.m. of office space. It is stated in the application, the proposed facility will be the corporate headquarters for Steris Ireland.

- 7.3.8 The applicant has responded stating the Sterilisation facility does not represent a warehouse use. While the drawings do refer to a Storage Area, this is ancillary to the primary use on site which is Sterilization. The office/ administration area is also ancillary to the primary Sterilization use on the site. I note the Case Law cited is *Rehabilitation Institute Vs Dublin Corporation* as been relevant to the current proposal in terms of the definition of an ancillary use. I do not regard this case as relevant because it relates to a material change of an established use post 1963. This is a proposed use is not an established use.
- 7.3.9 The floor plans of the proposed building illustrate the extent of the loading bays, good storage in, goods storage out, and the high bay storage areas. The circulation area links the large storage and loading area to the sterilization bunker area, which has a small footprint in comparison to the storage/ loading area. It is apparent the bulk of the facility is associated with storage and distribution of pallets in the high bay warehousing facility. The third party's case presented, that the development would be more appropriately located on lands zoned in the development plan for 'Industrial and Warehousing Use' is worth considering further.
- 7.3.10 In terms of the Science and Technology land use examples of science fields are chemistry, biology, and physics. Technology jobs are in computer science, artificial intelligence, electronics, nanotechnology, robotics, and more. Having considered the floor plans and the process involved, I do not consider the proposed development to be Science and Technology land use. The applicant has not provided any supporting clarification other than to state the proposed development is a Science and Technology Enterprise. However, the office use, the extent of the storage areas, would appear to be unsupported in terms of science and technology.
- 7.3.11 This brings me onto 'light industrial' use, which is 'open for consideration' under the Business or Technology Park zoning objective. The grounds of appeal above, have presented a case whereby the proposal is considered to be a heavy industry due to

the construction works involved, the high number of HGVs, the emissions, environmental factors, the usage of electricity and the processes involved. According to the Planning and Development Regulations 2001 the definition of a light industrial building is as follows:

“light industrial building” means an industrial building in which the processes carried on or the plant or machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;

The impacts on residential amenity are assessed later in this report. The processes that will be carried out within the building should not impact on the residential amenities of the area providing the proposed mitigation measures are implemented. The Planning Reports on file considered the proposed development to be light industrial. I note one appellant presented a case, the reporting officer, contradicted themselves in their respective reports on this issue. The interpretation of words can be subjective and is not relevant to the grounds of appeal. Without being pedantic, the Planning Report clearly indicates the proposed use is considered by the planning authority to be a medical related light industrial activity. The issue of concern for me is the high volume of Heavy Goods Vehicles accessing and egressing the site.

There is an estimate of 32No. HGV's per day, and indications on the file, the site will operate 24/7. In order to ensure the existing amenities of the residents are not negatively impacted upon by the proposal, the hours of operations of the HGVs on site would have to be conditioned into any permission, if the Board are inclined to grant planning permission for the proposal. The process of sterilization as described in the submission documents could be described as light industrial. The level and type of traffic associated with the use would not deem the use of the facility to be light or heavy industrial use in my opinion. There have been no material negative impacts by reason of noise, vibration, smell, fumes, dust or grit demonstrated. The noise levels arising from the operation of the Sterilization facility as demonstrated in the submitted Acoustic Review will not be significant. Heavy industrial uses would have significant or adverse impacts on the environment or on residential properties in close proximity to the site, these are not demonstrated in this instance. The level of electrical power required is not a determining factor. The radiation licence is not a determining factor because the technology will be contained in a bunker and

machine automated with no risk to employees or neighbours. The use of the facility is capable of operation in such a manner as to control any effects that may be anticipated such as noise, odour or emissions. The sterilisation processes are contained within an enclosed building, and it excludes basic industrial processing from raw materials, and excludes bulk oil/ chemical storage and chemical processing. There is no processing or assembly of materials, the intact pallets are moved around the enclosed building on an automated tracking system, which I would consider to be a light industrial activity.

The bulk of the floor area of the proposed facility is associated with warehousing and the distribution of sterilized products. I do accept in terms of qualifying the level of storage and HGVs associated with the facility, the appellant's have justified their argument, this is a warehousing/ distribution facility which materially contravenes the zoning objective Business or Technology Park zoning of the site. The proposed development applied for is a Sterilization Technology Facility, and not a warehousing/ distribution facility. If the sterilization process, albeit within a small floor area of the complex, was not taking place, the need for the storage area would not exist. The high bay pallet storage area, it is to serve the sterilization area of the facility, not the other way around. Therefore, I do not agree with third party description that the proposal is primarily a warehouse and distribution centre. It is primarily a sterilization facility.

- 7.3.12 In the context of the Zoning Objective, 'Business or Technology Park', Light Industry is 'Open for Consideration'. In accordance with Section 12.3 of the Offaly County Development Plan 2021-2027, 'Open for Consideration' – *The subject use may be permitted where the Local Authority is satisfied that it is in compliance with the zoning objective and other relevant policies and objectives, standards and requirements as set out in the County Development Plan and will not conflict with the permitted, existing or adjoining land uses, in accordance with the proper planning and sustainable development of the area.* In this instance, the proposed development is located within a Strategic Employment Zone. It is adjacent to the Axis Business Park, and other medical related land uses, including the applicant's existing site in Tullamore. On balance, I am satisfied that a Sterilisation Technology Facility, with ancillary offices, is in keeping with the Business or Technology Park zoning objective of the site.

7.3.13 In terms of the roadside boundary treatment strip along the eastern boundary of the site which is zoned for Open Space, Amenity and Recreation, there are entrances, roads and landscaping provided in the proposal. The footprint of the building is on the lands zoned Business or Technology Park. The proposed entrances/ landscaping are in keeping the objectives **LUZO-10** *Protect and improve the provision, attractiveness, accessibility and amenity value of public open space, amenity and recreation.*

7.4 Design and Layout

- 7.4.1 The site is currently a large greenfield site used for agricultural (arable) purposes, with mature planting along the southern and eastern (roadside) site boundaries. There is agricultural land to the north of the site with a cluster of one-off dwellings fronting the Regional Road. To the west of the site, there is agricultural land. The Axis Business Park is to the south of the site, and the buildings are clearly visible from the subject site. Further south along the R420, is an Applegreen Service Station, and a roundabout on the Clara Road which provides access to the Axis Business Park. There are one off dwellings on the opposite side of the R420 to the east of the site, at the south-east extremity of the site. There are agricultural fields to the east of the site also. Of relevancy in the submission documents are, the photomontages in the Verified Views and CGI, and the Architectural Design Statement.
- 7.4.2 The applicant owns 7.2 Ha, and the subject site is 3.21 Ha. The mature trees and planting on the subject site will be retained and enhanced with additional planting.
- 7.4.3 The original site plan illustrated two entrances to the proposed development off the R420. This was later revised to one singular entrance, as per the further information received on the 3rd of August 2023. The singular entrance is to the south of the site, and a service road will go around to the rear of the building and progress to main deliveries/ loading area. The second entrance will remain and agricultural entrance. The General Layout Drawing indicates the building setback from the public road, a wetland/ pond area to the south, and the northern part of the layout is the HGVs loading and delivery area.
- 7.4.4 The design includes for one building which will include the process facility with offices to the front of the buildings. The front façade is inspired by a sterile

environment with clean white lines, and a bright colour palette, with the Steris logo on the two highest bays. The bulk of the building is under 12metres in height, with the central high bay storage area at 19.65m. The building will be constructed from a steel frame with cladding panels on the outer layer in pure white.

7.4.5 There were serious concerns expressed regarding the proposed height at 19.65m and the flue at 22.5m. The prevailing height in the Axis Business Park is cited as 10metre, and the proposed development greatly exceeds the height. It is considered the proposed development will be obtrusive and over dominant in the area.

7.4.6 The overall scale and massing of the proposed development in terms of height is alternated to reduce the overall monolithic visual impact of the structure. To understand the proposed height, one must examine the key components within the building from the offices to the sterilisation bunker to the high bay storage for the pallets. The height of the pallet storage area ensures optimum use of the entire facility in a viable manner. The 19.65m height is centrally positioned on the façade and flanked on each side by maximum 9-12m heights. The building is setback 40metres from the roadside boundary. The building is 141.5m from the dwelling to the north. There is ample separation distance between the building and dwellings on the opposite side of the R420 which acts as a physical buffer area.

7.4.7 I do not regard the proposed height as oppressive or obtrusive. The screening and landscaping proposals as per Drawing NO: SIT1000-BMD_V1-XX-DR-A-0910-P6 indicates Hedges and Woodland understorey to be added to the site layout and a huge volume of trees to the front façade and roadside boundary. The general locality from Shraih to Ballyduff is associated with industrial buildings. The proposed development, in my opinion, will not look out of place, and represents a high quality design and finish.

7.5 Environmental Considerations

7.5.1 **Noise/ Acoustics:-** RSK Ireland Limited prepared An Acoustic Review of the proposed development. This was submitted with the planning application and a further detailed review was submitted on the 21/12/2023. The objective of the review was to study the potential impacts, if any, and to reduce the risk of nuisance to the neighbouring dwellings arising from operational noise emissions. The noise levels associated with the construction works are outlined in the submitted Construction

Environmental Plan and will be temporary and within specified standard construction times.

7.5.2 The nearest receptors are the existing dwellings east of the site on the opposite side of the Regional Road which are 90metres from the proposed development. The dwelling houses to the north of the site area approximately 145metres from the proposed facility and 100metres from the edge of the proposed delivery / service yard.

7.5.3 The baselines noise study was conducted in accordance with ISO 1996-2:2017 at locations represented by nearby dwellings. The baselines study found the pre-existing noise levels are typical of a suburban/ rural location alongside a Regional Road network. The traffic on the road and noise from the nearby petrol filling station were the main contributors to the baseline noise environment. The average ranges recorded were:

Daytime background sound levels : 40-50dBL a90, 15mins, with an average of 51 dB LA90 07.00-23.00

Night time background sound levels : 27-53 dBL a90, 15mins, with an average of 36 dB LA90 07.00-23.00

The potential noise sources of the operational phases have been identified as the building services plant, car parking activity, the service yard/ delivery noise and operation within the warehouse facility. The service plant items will be selected at the detailed design stage, i.e. chillers, dry coolers, extract fans and condensers, with sound power levels not exceeding the stated threshold in the report. The specification for the overall building confirms a sound reduction performance of 23dB Rw.

7.5.4 In the Acoustic Report, the nearby receptors labelled 1-7 are identified in Figure 1. The Baseline Noise measurement was carried out at the south-east extremity of the site, which is proximate to the closest residential receptors of the site. The studies were carried out over three days. The results are outlined on Tables 1 and 2, with the recording profiles indicated on Figures 3 and 4 of the report. A Noise model was developed in order to assist in assessment of the potential noise levels during the operational phase.

- 7.5.6 The Building Service Plant items are positioned on the southern roof of the facility. The maximum sound power levels are indicated for each item, and these will not be exceeded. The carpark was assessed. There will be 42No. cars during normal working hours, therefore there are no mitigation measures required. The service yard would appear to be the most contentious issue especially with the appellants residing to the north of the site. The proposal was revised to include one entrance to the facility only, which is positioned at the southern end of the roadside boundary. In terms of the delivery/ service yard, there will be approximately 60 No. truck movements anticipated per day, 30No. HGVs in and out. The HGVs will reverse into the docking bays, where the pallets will be rolled out into the main building. The anticipated noise levels were taken from the noise modelling software iNoise, and the Source Sound Power Level is anticipated to be 58 (per linear meter x ~225 metres). The calculations indicate there are no noise mitigation measures required regarding the service yard. The operational phase impact assessment has concluded that emissions to nearby receptors can be mitigated to comply with the relevant limit values. Condition No. 5 specifies the daytime and night-time noise levels that shall not be exceeded. The same condition also limits the construction hours to 7am – 6.30pm Monday to Friday, and 8am to 1.30pm on Saturdays only.
- 7.5.7 Two of the third-party appellants questioned the validity of the Acoustic Report and questioned why the baseline study was not carried out in close proximity to their properties. The dominant noise source at the site is the traffic on the R420, and the noise study measurement location is a similar distance from the R420 as the appellant's dwellings. The subject site is not and will not be an EPA Licenced site, and is not required to comply with the EPA Guidelines. The requirements of one appellant, regarding the exact details of the plant to be installed, is in my opinion unreasonable. The applicant has outlined the plant required and where it will be placed on the roof of the facility, and stated the noise levels will not be exceeded. RSK Ireland Limited took into consideration the third-party objections at the planning application stage and in full on appeal in its submission to the Board received on 15/03/2024. I am satisfied the applicant has provided a baseline noise study, carried out predicted noise calculations for various sections of the facility, and made recommendations that will ensure the noise impact of the proposed development will not be significant and within the standards imposed by the planning conditions.

7.5.8 Daylight/ Sunlight Impacts

7.8.6 I refer to Daylight and Sunlight Impact Assessment Report and Solar Impact Assessment Report which were submitted with the planning application and on appeal. The third party appellants, in particular the owner/ occupier of Woodland Cottage (adjoining the site along the northern site boundary) remains concerned about the impact of the development on their amenities in terms of overshadowing, loss of daylight and the impact on their solar panels. The reporting consultants have stated the studies are unnecessary because there is adequate separation distance from all neighbouring properties in proportion to the height of the proposed structure. The proposed development does not subtend when measured in a vertical section from any other surrounding property windows. The third parties believe the new windows and fenestration design has not been considered in the applicant's reports. Having regard to the separation distance of the proposed building, its height and the relationship with the third-party properties to the north, there is no material difference as a result of the updated fenestration in Woodlands Cottage.

7.8.7 The impact report prepared by 3D Design Bureau is in accordance with the BRE Guidelines. The studies carried out by the applicant on this issue are comprehensive and robust given the considerable separation distance of the proposed building from existing residential curtilages and the orientation of the same curtilages relative to the proposed facility. Upon examination of the reports especially in terms of the shadow analysis throughout the year and the impact on daylight into identified residential properties, I consider the proposed development would result in a negligible level of effect on the level of sunlight and daylight received at the adjoining properties.

7.8.9 Other

There are no chemicals used to generate the x-rays used in the sterilization process. The x-rays are produced by the same electricity used to power the homes abutting the facility. The by-product of the process is heat, which will be captured and used to heat the buildings. This will reduce the building's carbon footprint. The sterilisation process is safe, and there will be no hazardous emissions.

7.6 Traffic

- 7.6.1 The planning application was accompanied by a Traffic and Transport Assessment. The access (revised to a singular access) is off the R420 within the 60kmph speed limit. The Regional Road fronting the site is straight in vertical and horizontal alignment. It is 7.5m in width with 2.5m road verges. There are no footpaths. There is a 100kmph speed limit which reduced to 60kmph on approach to Tullamore. The proposed singular entrance to the facility is located to the south of the site within the 60kmph speed limit.
- 7.6.2 It is anticipated there will be 35No. staff on site plus visitors. There are 60No. carparking spaces proposed, 42No. standard spaces, 6No. accessible spaces and 12No. EV spaces. There will be 34No. cycle bays provided. The Trip Rate Information Computer Systems (TRICS) database has been used to determine the traffic associated with the proposal. Table 8 of the assessment outlined the peak hours traffic flows. There will be a total of 23No. arrivals and 13No. departures during the AM Peak and the total number of PM peak hour movements will be 5No. arrivals and 25No. departures. The traffic modelling indicated there will be no material adverse impact on the operations of the road or the associated junctions.
- 7.6.3 In terms of the Construction Traffic, the planning conditions were derived from a detailed internal engineering report. A Construction Traffic Management Plan to be submitted prior to the commencement of the development will mitigate any potential construction traffic impacts on the public road network such as road cleaning, staff parking, working hours.
- 7.6.4 It is confirmed by the applicant, in addition to the above traffic projections, there will be up to 32No. two way HGV movements per day when the facility is operating at full capacity. The AADT on the R420 was calculated in 2019 which was submitted by way of Further Information, and it is calculated the facility will generate up to 122No. vehicular movements (90 cars + 32 HGVs over a 24 hour period. This equates to 1.7% of the recorded AADT on the R420. The worst-case scenario on the R420/ Applegreen/ Muiniagh Roundabout is presented as single occupancy vehicles, and even in it's worse case as presented in Table 3.4 of the appeal submission, the proposal development will have a minor impact on the junctions in the vicinity of the site.

7.6.5 There are currently two existing accesses to the site off the R420. Upon completion, there will be one main entrance to the facility, and the existing farm entrance will be marginally repositioned northwards to continue the agricultural use of the residual landholding. The sightlines at the proposed facility are acceptable and in line with development plan requirements for Regional Roads, and as required by a 60kmph speed limit. The roundabout is 123m to the southeast of the proposed main entrance, and this will regulate speed approaching from the Tullamore direction. The speed limit signs will reduce traffic speeds on approach from the north. I note the concerns of the third parties regarding the safety of traffic on the Regional Road in close proximity to the facility. In addition, they have expressed concern regarding traffic turning movements, in particular the HGVs to and from the facility. There were two independent Road Safety Audits carried out, which illustrated in particular, turning movements can be carried out without crossing over the median line into the opposite lane (figure 3.2 illustrates the swept path analysis for HGVs and oil tankers accessing and existing the site in both directions). I am satisfied the Road Safety Audits have been carried out in accordance with *Transportation Infrastructure Ireland*. The planning authority requested a Stage 1 and Stage 2 Road Safety Audit as part of its further information request. In response to the Road safety Audits, the applicant's consulting engineers prepared a RSA Review. I have examined the revised proposals and these relate mainly to inbound/ outbound cycle path/ footpath provision from the roundabout and along the roadside boundary of the site. The original audits did not include the safety issues regarding the revised entrance. On the 21/12/2023 revised detailed entrance designs were submitted which included a raised table and a 12.0m junction radius. The 21/12/2023 submissions included auto track layouts associated with all HGV movements, internally and externally, and road specifications. I am satisfied the traffic impact assessment and safety issues regarding turning moving movements into the site and along the R420 have been adequately addressed by the applicant at the design stage of the proposal.

7.7 Renewable Energy Sources

7.7.1 According to objective DMS-74 of the Offlay County Development Plan 2021-2027, development proposals for Industrial, Warehousing, Business and Technology Park developments in excess of 1,000 m² of commercial floor space should be

accompanied by an Energy Efficiency and Climate Change Adaptation Design Statement. Such developments shall have regard to;

- the requirements of the current Building Regulations Part L – Conservation of Fuel and Energy (2008 and 2011), and any other supplementary or superseding Regulations or guidance documents.
- the DECLG guidance document 'Towards nearly Zero Energy Buildings in Ireland - Planning for 2020 and Beyond', which promotes the increase of near Zero Energy Buildings (nZEB).

New development proposals shall show energy efficiency is achieved through siting, layout, design and incorporate best practice in energy technologies, conservation and smart technology.

7.7.2 A detailed report was submitted by the applicants in response to the further information on the 03/08/2023. The report indicates the proposed design satisfies the energy requirements of the Irish Building Regulations Part L as follows:

- Limiting of primary energy usage and CO₂ emissions
- Requirement for renewable energy
- Fabric insulations levels.

The planned design will result in the facility achieving an energy rating performance of A3 (BER).

7.7.3 The primary heating source for the facility will be the heat recovered from the x-ray process. One of the appellants has stated heat energy is not a source of renewable energy, therefore compliance with objective DMS-74 has not been demonstrated. The applicant did submit a Part L Compliance Report with the original submission documentation. The proposed development has a Renewable Energy Ratio of 0.26 (26%) exceeding the target under the Building Regulations Documents. Heat pump technology will heat the warehouse area, office areas and hot water production. It is accepted by the applicant the utilisation of waste heat from processes to heat up the facility are not currently a source of renewable energy as per the Building Regulations Part L.

7.7.4 The applicant submitted an *Energy Efficiency and Climate Change Design Statement* which is in full compliance with objective DMS-74 of the development plan.

7.8 Residential Amenities

7.8.1 The boundary treatment includes a 2metre high block concrete wall (rendered on both sides) at the boundary with Woodlands Cottage to the north of the site and the Landscape Masterplan includes an additional 500sq.m. of woodland planting with 5No. additional semi-mature beech trees (located principally to the north of the deliveries yard). The planting will serve to screen the facility from the adjoining residential properties north of the site. It is also proposed to ensure the treeline at Woodland Cottage will be maintained to a maximum height of 2.5metres in order to maintain the performance of the McGettigan's solar panels, and a tree line to grow 6metres to facilitate the screening of the facility from Enda Scally's property. The details of the proposed boundary treatment are indicated on Figure 3.1 of the applicant's appeal submission. In my opinion, the applicant has given due consideration to the concerns expressed by the third parties in their submission regarding screening and boundary treatment proposals. The robust planting and screening proposal along with the entire Landscape Masterplan for the site, will ensure the proposed development will assimilate into the receiving environment.

7.9 Ecological Issues

7.9.1 There were concerns expressed on appeal that the proposed development by reason of height would overshadow and significantly impact on the Ballyduff pNHA, affecting the flora and fauna of the area. It was further implied that the submitted Ballyduff Strategic Employment Zone Masterplan and the Strategic Masterplan Framework would impact on the flora and fauna of the Ballyduff pNHA. The masterplans are only indicative, and will be the subject of future planning applications.

7.9.2 The nearest subject site boundary from Ballyduff NHA is 313metres to the north of the site on the eastern side of the Clara Road. Having regard to the considerable distance between the sites, I do not envisage any significant negative impact to the flora and fauna of Ballyduff Woods as a result of the proposal.

7.9.3 A detailed Ecological Impact Assessment Report was submitted as part of the Further Information response on the 8th of August 2023. Table 1 indicates a number of pNHA sites that are within 15km radius of the subject site. Most notably is Ballyduff Woods pNHA (001777) 0.5km from the site, Grand Canal pNHA (002104) 1.5km from the site, Ballyduff Esker pNHA (000884) 1.9km from the site, and Charleville Wood where there are no pathways from the site to the pNHAs.

7.9.4 There was no sign of mammal species on the site. There was one tree on the southeast boundary that had evidence of the common bat, and this tree will not be affected by the proposed development. The construction phases will require the removal of 10 No. trees from the site to provide access. This represents a minor loss of trees and will not decrease the commuting/ foraging potential of the boundary vegetation.

7.9.5 Chapter 7 outlined Mitigation and Enhancement Measures which include:

- Appropriate storage for fuel and chemicals on site
- Construction Best practice Principles
- Retained tree protection
- Reduction of noise impacts
- Reduction of dust related impacts
- Timing of vegetation clearance
- Tree felling
- Wildlife friendly lighting
- Enhancement Measures such as bat boxes, bird boxes, log piles, planting and landscaping.

7.10 Surface Water

7.10.1 The surface water run-off from the facility will connect to the surface water infrastructure into an existing 225mm surface water manhole located on the Clara Road to the south-east of the development, approximately 105 metres from the proposed entrance. In addition, surface water run-off will be attenuated within the following Sustainable Urban Drainage Systems (SuDs) and will cater for a 1:100 year storm + 20% climate change. There will be a constructed wetland/ attenuation pond, linear swale, permeable paving, petrol interceptors and a hydrobrake installed.

The SuDs measures will be combined within the on-site infrastructure prior to discharging off site into the existing surface water network.

7.11 Other Issues

- Uisce Eireann Pre-Connection Enquiry details are included in the Appendices of the Engineering Report submitted on 08/03/2023. The connection to the public watermain is feasible without infrastructure upgrade. Wastewater connection requires an upgrade, with an 80m extension required to accommodate the connection on the Clara Road. The surface water drainage is the responsibility of the local authority. Offaly Co. Co. has considered and granted the proposed surface water drainage proposals.
- The applicant refutes the false claims made on appeal that it is highly likely the facility is mechanically automated because there could be lawsuits and health concerns in relation to staff exposure to dangerous elements of the sterilisation section of the facility. The applicant states it is automated to allow for more efficient processes and not because of health and safety concerns. There are no lawsuits associated with the applicant and the sterilisation process. The proposed development will be licenced by the Office of Radiation Protection and Environmental Monitoring which is part of the EPA.
- The applicant is seeking a 24/7 operation. The further information received on the 03/08/2023 indicated the facility will operate 168Hours per week (24 hours a day). In the interests of residential amenity, I would advise a condition be attached in the event of a favourable decision to ensure the hours of operation of the loading and delivery yard area are limited to certain hours Monday to Friday and Saturday. With no deliveries or unloading etc on Sundays, Bank Holidays or Saturday afternoon onwards. I consider this to be reasonable.

8.0 AA Screening

- 8.1. The planning authority carried out an Appropriate Assessment Screening (26/04/2023) and deemed the development is unlikely to have a significant effect on any European Sites. The applicant submitted an appropriate assessment screening report prepared by Enviroguide Consulting on 08/03/2023.

- 8.2. This section details the requirements under Article 6(3) of the Habitats Directive, which requires the screening of projects to determine the need for Appropriate Assessment (AA). This assessment is carried out in accordance with Part XAB, Section 177U of the Planning and Development Act 2000 (as amended), to ensure that all potential impacts for designated Natura 2000 European Sites are fully evaluated. This assessment for Appropriate Assessment follows the steps outlined in the OPR's Practice Note PN01: *Appropriate Assessment Screening for Development Management (2021)* and other relevant AA guidance documents.
- 8.3. **Overview of the Screening Report**
- 8.4. The applicant has submitted with the application a Screening Report for Appropriate Assessment, on 8th of March 2023, prepared by Enviroguide Consulting. The Screening Report sets out the methodology for the Screening for Appropriate Assessment based on relevant guidance and is informed by the description of the proposed development, an overview of the site location, a desktop study to gather available information on the site's natural environment, field surveys to provide an overview of the baseline ecology in the study area and an assessment of the potential impacts and effects of the proposed development on Natura 2000 sites within the zone of influence (15km). Other documents accompanying the planning application include an Ecological Impact Assessment Report, a Construction and Environmental Management Plan and a Construction Methodology Report.
- 8.5. The Screening Report identifies six designated Special Areas of Conservation (SAC) with the selected 15 km zone of influence (ZOI). There were no SPAs within the Zone of Influence. Table 2 in the report details the qualifying features of conservation interest of these Natura 2000 sites.
- 8.6. The screening uses a source-pathway-receptor model, with only one site identified within the 15km precautionary zone of influence with having an source-pathway-receptor link identified, as per Table 1.
- 8.7. The AA Screening Report concludes that the proposed development would not have a significant effect on any Natura 2000 European site, either individually or in combination with other plans and projects, including all other elements of the overall project.

- 8.8. Having reviewed the documentation submitted, I am satisfied that the information provided allows for an examination and identification of any potential significant effects of the development, both individually and in combination with other plans and projects, including all other elements of the overall project, on Natura 2000 European Sites.
- 8.9. ***Screening for Appropriate Assessment –***
- 8.10. **Test of likely significant effects**
- 8.11. The proposed sterilization facility is located outside of any Natura 2000 sites. The subject site is an arable field with a boundary of trees and hedgerows. There is a business park to the south, with greenfield lands to the north and east, along with a number of residential units. There is no open drain or surface water associated with the site. The proposed development is examined in relation to any possible interaction with the identified Natura 2000 sites to assess whether it may give rise to significant effects on these European Sites.
- 8.12. ***Brief Description of the Proposed Development***
- 8.13. The AA Screening Report provides a brief description of the proposed development. In summary, the proposal is the construction of a sterilization technology facility with a maximum roof height of 19.65m and a gross floor area of 6,726sq.m. comprising of high bay and loading storage, process area, technology area and ancillary offices. The site area is 3.21Ha. The development will include one main entrance and an agricultural entrance to the residual landholding. There will be internal roads, carparking, a delivery and loading yard area, and ESB substation, plant, PV panels, lighting, boundary treatments, signage, cycleways and all associated site development works. The surface water management design includes a wetland/attenuation pond, permeable paving, rainwater harvesting system, petrol interceptor and a hydrobrake. The surface water network will connect to the existing public water infrastructure on the Clara Road. The foul water will connect to the public foul sewerage network located on the Clara Road. The foul water will be treated at the Tullamore Wastewater Treatment Plant. A confirmation of feasibility has been received from Irish Water.
- 8.14. ***Description of Site Characteristics***

8.15. Table 1.0 below details Natura 2000 Sites within a 15 km radius of the proposed development, identified using the Source-Pathway-Receptor model. It lists their qualifying interests/conservation objectives, distance from the site, potential source pathway connections between the site and the Natura 2000 sites and whether or not they are considered further in the screening assessment.

Site/ Site Code	Qualifying Interests/ Special Conservation Interests	Distance from site	Connections
Charleville Wood SAC (000571)	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (91E)) Desmoulin's whorl snail (1016)	1.5km	There is a weak hydrological pathway from the proposed development via the Tullamore Wastewater Treatment Plant. The plant ultimately discharges to the Silver River under a Discharge Licence. The Silver River flows through Charleville Wood SAC downstream of the WWTP. There are no waterbodies in the immediate vicinity of the site. There is no hydrological connectivity during the construction phase. The distance of 1.5km between the sites insufficient to exclude any significant emissions arising from noise, dust, pollutions

			from the site during construction phase, traffic and increased human presence.
Clara Bog SAC (000572)	<p>Active raised bogs (7110)</p> <p>Degraded raised bogs still capable of natural regeneration (7120)</p> <p>Semi-natural dry grasslands and scrubland facies</p> <p>Depressions on peat substrates of Rhychospurion (7150)</p> <p>Bog Woodland</p>	5.5km	<p>No-</p> <p>There are no impact pathways present between the proposed development and the habitats listed in the SAC. There is no hydrological connection.</p> <p>The distance of 5.5km between the sites insufficient to exclude any significant emissions arising from noise, dust, pollutions from the site during construction phase, traffic and increased human presence</p>
Split Hills and Long Hills Esker SAC (001831)	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (6210)</p>	10.4km	<p>No-</p> <p>There are no impact pathways present between the proposed development and the habitats listed in the SAC. There is no hydrological connection.</p> <p>The distance of 10.4km between the sites insufficient to exclude any significant emissions arising from noise, dust, pollutions</p>

			from the site during construction phase, traffic and increased human presence
Raheenmore Bog SAC (000582)	Active raised bogs (7110) Degraded raised bogs still capable of natural regeneration (7120) Depressions on peat substrates of Rhychosporion (7150)	11.6km	No- There are no impact pathways present between the proposed development and the habitats listed in the SAC. There is no hydrological connection.
River Barrow and River Nore SAC (002162)	Estuaries Mudflats and sandflats not covered by seawater at low tide	12.8km	No- There are no impact pathways present between the proposed development and the habitats listed in the SAC. There is no hydrological connection.

8.16. ***Assessment of Likely Significant Effects***

- 8.17. There was only one site identified that may be at risk from indirect likely significant effects and that is Charleville Woods SAC. The proposed development is not located within any European site and therefore there will be no loss of habitat or alteration of the habitat as a result of the proposal.
- 8.18. There is no hydrological connection between the proposed site and any European site during the construction phase. During the operational phase, foul water generated will be discharged to the local sewer where it is subsequently treated at the Tullamore WWTP. The treated water from the WWTP is discharged under EPA licence to the Silver River. The Silver River flows through Charleville Woods SAC, approximately 0.4 km downstream of the discharge location. However, I consider the

foul water generated on site will have negligible effects on the European site for the following reasons:

- There will be dilution occurring as a result of the Tullamore WWTP and Silver River;
- The Tullamore WWTP has ample capacity to treat the additional loading from the proposed development;
- The Tullamore WWTP has been removed from the list of significant pressures on the Lower Shannon Catchment.

8.19 The hydrological link between the site and Charleville Woods SAC will not result in any significant effects on the water quality during the construction and operational phases. Therefore, the Desmoulin whorl snail will not be impacted.

8.20 **Potential for In-combination Effects**

There were several planning permissions granted in the general area over the past five years. These range from extensions to dwelling houses to larger scale developments such as industrial warehousing, residential estates. All of the relevant planning permissions were screened for potential impact on European sites.

8.19. **Screening Determination**

8.20. Having carried out Screening for Appropriate Assessment of the project, it is concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any of the above-listed Natura 2000 Sites, or any other European designated Natura 2000 site, in view of the sites' Conservation Objectives, and Appropriate Assessment is not therefore required. This determination is based on the following:

- the lack of a hydrological link between the subject site and European sites
- The treatment of the foul water generated on site at the Tullamore Waste Water Treatment Plant.
- Cumulative impacts with other existing or planned developments in the surrounding area would not be significant.

9.0 Recommendation

I recommend the planning authority's decision to grant planning permission for the proposed development be upheld and that planning permission is granted for the proposed development based on the following Reasons and Considerations.

10.0 Reasons and Considerations

Having regard to:

- The strategic policy and objectives of the Offaly County Development Plan 2021-2027;
- The location of the subject site with a Strategic Employment Zone for Tullamore as per the Offaly County Development Plan 2021-2027;
- The zoning objective that applies to the area, Business/ Technology Park
- the nature and scale of the proposed development, which comprises of a sterilization technology facility warehouse in serviced and appropriately designated area of Tullamore,
- and pattern of development in the surrounding vicinity,

it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity, or result in any significant environmental impacts. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

11.0 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 received by the planning authority on the 8th of March 2023, the further information received on the 3rd of August 2023, and the Clarification of Further information received on 21st of December 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 the proper planning and sustainable development of the area.

2. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.
- (c) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health.

3. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details of the attenuation and disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of sustainable drainage.

4. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

5. The landscaping scheme shown on drawing number FI-01, as submitted to An Bord Pleanála on the 15th day of March, 2024 shall be carried out within 12 months of the date of commencement of development or within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants/ trees which die or become seriously damaged or diseased, within a period of 5 years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

6. The site boundary treatment shall be in accordance with the drawings submitted to the planning authority on the 03/08/2023 and An Bord Pleanála on the 15th of March 2024. Any deviation to the boundary treatment which may be required in order to comply with the conditions of this permission, shall be agreed in writing with the planning authority.

Reason: In the interest of visual and residential amenity.

7. Prior to commencement of development, the developer shall submit details for the written approval of the planning authority of the proposed access junction including geometry of the access, pedestrian and cycleway lanes/crossings, pavement materials, surfacing of roads, footpaths and carparking areas.

Reason: In the interest of proper planning and sustainable development and to ensure proper facilities for all road users, and robust and durable construction materials

8. Site development, building works and the general operations of the facility in terms of the deliveries/ loading shall be carried out between the hours of 8.00-18.00hrs pm Mondays to Fridays inclusive, between 8.00-14.00 hrs on Saturdays and not at all on Sundays and public holidays. Deviation from these

times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: In the interests of Residential Amenity.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site ABP-318533-23 Inspector’s Report Page 42 of 65 clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. Reason: In the interests of sustainable waste management.
10. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of public health and safety and environmental protection

11. The Noise emissions at the nearest noise sensitive location (such as dwellings, schools, places of worship or areas of high amenity) shall not exceed the following:
- an LArT value of 55 dB(A) during 0800 and 2000 hours. The T value shall be one hour, and
 - an LAeqT value of 45 dB(A) at any other time. The T value shall be 15 minutes.

The tonal and impulsive components should be minimised at any noise sensitive locations.

Reason: In the interest of environmental protection and residential amenities.

13. The site development and construction works shall be carried out such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

14. The mitigation measures as set out in the Ecological Impact Assessment Report submitted with the further information on the 08/03/2024 shall be carried out. Bird and bat boxes shall be located in accordance with the details provided on the 03/08/2023.

Reason: In the interest of environmental protection.

15. 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 the 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 upon 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.

Caryn Coogan

Planning Inspector

13th of February 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319079-24			
Proposed Development Summary	Construction of a Sterilization Facility			
Development Address	Clara Road, Tullamore			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√	
		No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes	√	Part 2 Class 10 <i>Infrastructure Projects</i> Industrial estate development projects, where the area exceeds 15 hectares	Proceed to Q3	
No			Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	√	Part 10		Proceed to Q.4

		Part 2 Class 10 <i>Infrastructure Projects</i> (b) Industrial estate development projects, where the area exceeds 15 hectares		
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4. Has Schedule 7A information been submitted?		
No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2

EIA Preliminary Examination

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 319079-24
Proposed Development Summary	Sterilization Technology Facility
Development Address	Clara Road, Tullamore, Co. Offlay
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposed development consists of The construction of a sterilization technology facility with a gross floor area of 6,726sq.m., a maximum roof height of 19.65m with a flue extension to 22.4m. (Note the bulk of the roof is under 12metres in height, with the high bay warehousing at 19.65m).The building will include a storage area (3,731sq.m.) (high bay and</p>

	loading), process area (698sq.m), technology area (9691sq.m.), ancillary offices and circulation (1606sq.m.).The proposal also includes the repositioning and upgrading of the 2No. existing entrances to the site off Clara Road (R420), one to service the facility and the other to service the residual landholding.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The site is currently arable land located outside or immediately adjacent to any designated site. The proposed development will use the public water and wastewater services of Uisce Eireann, upon which its effects will be marginal.</p> <p>It is considered that the proposed development would not likely to have a significant effect individually, or in combination with other plans and projects on a European site and appropriate assessment is therefore not required. .</p>
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/ features, likely limited magnitude and spatial extent effects and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in Section 171A of the Act.</p>

Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	YES
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____ Date: _____