



An  
Bord  
Pleanála

## Inspector's Report ABP-319211-24

### Development

Planning permission for (a) change of use of existing factory building to a recycling facility (b) provision of 24 car parking spaces, 2 truck parking spaces, 4 EV charging points and 1 accessible parking space (c) covered bicycle stand (d) perimeter access fencing m access gates and revisions to south-western vehicular entrance (e) provision of two weighbridges (f) connection to existing services including provision of three attenuation tanks and all associated site development works.

### Location

Ballaghderreen, County Roscommon.

### Planning Authority Ref.

23/60036

### Applicant(s)

Seán Curran.

### Type of Application

Permission.

### PA Decision

Grant Permission.

### Type of Appeal

Third  
Party(s)

### Appellant

Martin & Maura Towey  
& Liam Madden.

### Observer(s)

None

### Date of Site Inspection

13/11/24

### Inspector

Fergal Ó Bric

## **1.0 Site Location and Description.**

1.1 The appeal site is located within the Ballaghdereen Industrial Estate and comprises a vacant industrial building that has the benefit of dual frontage onto the internal industrial estate road which in turn accesses onto a local road, the L1205 which in turn accesses onto the Charlestown Road, the L1244 (formerly the N5, National Primary route, until the town was by-passed). The appeal site has dual frontage, with the western and southern site boundaries facing onto the internal industrial estate road and the northern elevation faces onto the L1205 at its junction with the Charlestown Road. The appeal site is stated to have been used until 2017 as a factory for the production of cigar tobacco products. The building is stated to comprise a site area of 1.35 hectares, a prominent site to the front (north-east) within the Industrial Estate on the perimeter of the settlement of Ballaghdereen, within the designated settlement boundary, north-west of the town centre.

1.2 The appeal site is part of the overall Ballaghdereen Industrial Estate, with a number of established businesses operating further south within the industrial estate, including an electrical services and wholesalers, an engineering firm, a steel fabrication business and a waste company, all accessing directly onto the internal service road servicing the Industrial Estate. Site levels within the appeal site are consistent with those of the adjoining roadways. Immediately north and west of the building is a surface car park area and there is a back-up generator structure within the western car park area, and fuel tanks to the east of the building. The Industrial Estate is served by an internal access road, having a carriageway width varying between seven and ten metres however, there are no footpaths nor streetlighting located along its length. There is a 2.7 metre tall leylandii boundary along the northern and western boundaries as well as a low wall along the western boundary and dense shrubbery and trees along the southern boundary of the site and there is a land drain and poor quality hedging along the eastern site boundary. There is a residential property located north-east of the appeal site. There are a number of terraced and apartment residential units located further north-west of the appeal site on the opposite side of the L1205, but they do not appear to be inhabited at present.

## **2.0 Proposed development.**

Planning permission is sought for the following:

- A change of use of existing factory building to a recycling facility,
- Provision of 24 car parking spaces, including 2 truck parking spaces, 4 EV charging point spaces and 1 accessible parking space,
- A covered bicycle stand, catering for twenty bicycles,
- Perimeter security fencing access gates and revisions to south-western vehicular entrance,
- Provision of two weighbridges,
- Connection to existing services including provision of three attenuation tanks,
- All ancillary works.

## **3.0 Planning Authority's Decision:**

The Planning Authority granted planning permission for the change of use of the factory building to a recycling facility subject to seventeen conditions of a standard nature and included the following:

Condition number 2: Shall not operate without a valid waste facility permit.

Condition number 3: Recommendations of Traffic Report and Road Safety Audit shall be implemented in full.

Condition number 4: Liaise with Roads Department and MD Engineer regarding site access, footpaths, public lighting, pedestrian and parking areas prior to commencement of development.

Condition number 6: Submit construction and demolition waste management plan.

Condition number 8 and 9: Noise levels and monitoring.

Condition number 11: Surface water management

Condition number 13: Advertising signage.

Condition 15: All materials to be stored within the enclosed area of the building.

Condition number 16: Landscaping

## **4.0 Planning History**

The following is considered to be the relevant planning history pertaining to the appeal site.

Planning Authority reference number 77/73, in 1975, Permission was granted for the erection of a factory premises in Ballaghdereen. Further extensions to the factory unit were permitted in 1979, 1980, 1987 and in 1988.

Planning Authority reference number PD/07/370, in 2007, Exclusive Cigar Manufacturing Ireland received planning permission to construct an extension to an industrial unit and all associated site works at Ballaghdereen, Co. Roscommon.

## **5.0. Local Planning Policy**

### **5.1 Roscommon County Development Plan 2022 -2028**

Ballaghdereen is identified as one of the four self-sustaining growth towns within the Core Strategy within the County Development Plan. The focus of growth in the Self-Sustaining Growth Towns will be on attracting employment, as well as investment in services, in conjunction with facilitating population growth commensurate with the size and function of the towns, and a more balanced delivery of housing. The strategy for the individual towns is outlined in more detail in their respective Settlement Plans contained in Volume II of this Plan.

The provisions of the Roscommon County Development Plan 2022 – 2028 relevant to this assessment are as follows:

Section 6 of the Plan pertains to Economic Development where the following is set out: 'This Plan seeks to promote economic activity in town and village centres by setting out a policy position that will be attractive to new businesses and will assist in the consolidation of existing businesses'.

Policy objective 6.4 seeks to 'Support the regeneration of the core areas of the county's settlements through sustainable, targeted measures that address

vacancy, encourage economic development and deliver sustainable reuse and regeneration outcomes’.

## Chapter 7: Infrastructure, Transport and Communications

### Section 7.6 Cycling and walking.

Section 7.10 Flood Risk-A Strategic Flood Risk Assessment has been prepared to inform this Plan.

### Section 7.11-Waste Management-

Policy objective ITC 7.57-Support the implementation of the Connacht/Ulster Regional Waste Management Plan

Policy objective ITC 7.58-Encourage and support the principles of waste prevention, minimisation, reuse, recycle and recovery.

Policy objective ITC 7.59-Facilitate the transition from a waste management economy to a green circular economy.

## Section 12: Development Management Standards

Table 12.1 sets out the car parking standards associated with industrial developments as follows:

Manufacturing Industrial/ Light Industrial 1 space per 50 square metres.

### Section 12.14: Flood Risk Protection

### Section 12.24-Roads and Transportation

## **5.2 Ballaghdereen Settlement Plan 2022 -2028**

The appeal site is zoned as being within a Strategic Industrial//Enterprise zone within the current Ballaghdereen Settlement Plan (BSP) as included within Volume 2 of the current Roscommon County Development Plan 2022 - 2028.

The zoning matrix set out within Figure BN1 of the BSP sets out that both light and heavy industrial uses are permitted in principle within a Strategic Industrial//Enterprise zone.

The BSP sets out the following vision in relation to Strategic Industrial//Enterprise zoned lands 'This zone seeks to foster opportunities to enhance the overall economic and employment infrastructure of the area by providing suitable lands for investment at both macro and micro level in industry and enterprise'.

Specific policy objective BN11 sets out the following for Strategic Industrial and Enterprise lands.: 'Facilitate appropriate light and heavy industry, as well manufacturing and service provision, warehousing/storage facilities and ancillary developments such as training, financial, recycling, waste disposal and service stations. Where possible, existing vacant units should be developed prior to further development of new build units'.

## **5.2 Natural Heritage Designations**

The closest designated European Sites are the Callow Bog SAC (site code 000595) located approximately three kilometres east of the appeal site, the Tullaghanrock Bog SAC (site code 002354) located approximately four kilometres south of the appeal site and the Lough Gara SPA (site code 004048), located approximately ten kilometres east of the appeal site.

## **6.0 The Appeal**

### **6.1 Third Party Appeals.**

Two third party appeals were received. The key issues within the appeal submissions are considered to include the following:

Appeal by Martin & Maura Towey.

- There is a high risk of fire associated with recycling facilities.
- The facility is located within one hundred metres of a petrol filling station which presents a significant fire hazard, given the presence of flammable liquids within the petrol station business.

- The appeal site is located at the top of a cul-de-sac and the employees within the other adjacent businesses would be trapped in the event of a fire breaking out at the recycling facility.
- There are approximately two hundred residential properties within a 200 metre radius of the appeal site who would be put at a serious unnecessary risk in the event of a fire breakout within the appeal site.
- No risk assessment appears to have been conducted by the applicants.
- The water run-off from a fire event would outfall to the nearby drain and/or the Lung river.
- Up to 30,000 litres of water per hour would be required to manage a fire event at the proposed recycling facility.
- The proposed facility has permission to process 23,400 tonnes of waste per annum in addition to the waste being processed at another recycling facility which is located further south within the Business Park.
- The proposed recycling facility will result in increased vermin, insects, grey crows and seagulls in this vicinity increasing risk of disease and compromising public health.
- Traffic safety at the L1244 junction will be compromised as the roadway is too narrow to accommodate large lorries that would enter and exit the site. Traffic leaving the appeal site and turning in a westerly direction out the Charlestown Road have to manoeuvre onto the opposite side of the Charlestown to make the turn. This would result in the creation of traffic congestion and represents a traffic hazard.
- There is a stream which flows behind the site and the proposals could result in a deterioration of water quality and could jeopardise the attainment of good water quality in accordance with the Water Framework Directive.
- There is potential for cumulative impacts on the local receiving environment if considered in combination with the adjacent Barna recycling facility.
- The development would have a negative visual impact upon the area and have a negative impact upon local property values.

- The odours from the facility would impact upon a popular and safe walking circuit.
- The Roscommon County Council decision fails to adequately address issues such as air quality and public health. The proposal will intensify foul odours in the area that are created by the existing adjacent recycling facility.
- There may be a conflict of interest as Roscommon County Council sold a portion of land to facilitate the development with his proposals.
- It is unclear as to why the developer is not seeking the increase in tonnage intake at the adjacent recycling facility.
- The applicant has received financial penalties in relation to storing excessive quantities of waste at his other waste facility businesses in Galway and Ballaghderreen.
- The appeal site is approximately three times smaller than the adjacent waste facility, yet it would cater for a greater waste tonnage intake. The existing building is not suitable in terms of its ridge height to cater for tipping vehicles.
- If permitted, a total of 44,000 tonnes of waste could be accepted at the two waste facilities within Ballaghderreen, which has a population of 2,400 persons.

#### Appeal by Liam Madden

- No written consent from the landowner accompanied the original planning documentation. This matter was rectified by means of a further information request and response.
- The waste disposal capacity would cater for a population of 45,000 persons. The planning application was not referred to a number of prescribed bodies including An Taisce, Uisce Éireann, the National Parks and Wildlife Service (NPWS) nor the Environmental Protection Agency (EPA).
- There is no mention of an EPA licence relating to the waste facility.



- The appeal site is too small to cater for the heavy goods vehicle traffic associated with a waste recycling facility.
- The height of the building is too low to cater for taller vehicles.
- The fire risk associated with a recycling facility would pose a serious risk to the adjacent residential properties and filling station.
- Surface water from the lands to the south of the appeal site outfalls into local land drains and these are connected to a Natura 2000 site, the Tullaghanrock Bog Special Area of Conservation (SAC-site code 002354).
- The AA screening report submitted by the applicant should not be relied upon and a full Natura Impact Statement should have been submitted.
- Much of the hinterlands are marked on the Ordnance Survey maps as being marshy.
- Why are attenuation tanks needed, if the site is serviced, as stated.
- Ballaghderreen already has one recycling facility with a capacity of 18,500 tonnes, and there is no demand for an additional recycling facility in this area.
- The facility is not required, the building and site area are too small and the proposals are at variance with the aims, policies and objectives set out within the current Roscommon Development Plan and would be contrary to the proper planning and sustainable development of the area.

## **6.2 P.A. Response**

- None received.

## **6.3 Applicant Response to the third party appeal submissions**

- Schedule 5, Part 2 within the Planning and Development Regulations 2001 (as amended) identifies classes of development for which EIA is mandatory where such development meets or exceeds the specified thresholds in terms of tonnage quantity, site area or other thresholds specified. No

quantity, site area or other limit is exceeded by the development proposed and, therefore, EIA is not required, as confirmed by RCC within their planning assessment.

- Roscommon County Council as the competent authority, following completion of an AA screening exercise, concluded that following an assessment of the development and potential relationships with European sites, that the development either alone or in combination with other plans or projects, would not result in the creation of significant effects on any European site, and that a Stage 2 Appropriate Assessment would not be required.
- The proposal relates to a change of use within an existing industrial building and, therefore, would not give rise to concerns in relation to visual amenity. A landscape masterplan has been submitted and will be implemented in full. Trees and hedges removed will be replaced with plants of a higher biodiversity and ecological value.
- A Noise Impact Assessment (NIA) report was submitted by the applicants as part of the planning documentation, and this was assessed by the Environment Section within Roscommon County Council (RCC) who were satisfied that it would be unlikely the proposed development would cause adverse impact upon adjacent residents provided the management and control measures proposed are fully implemented.
- The Roads Department within RCC outlined no objections to the proposals from a traffic perspective subject to all works to entrances, footpaths, drainage, road markings are carried out in accordance with the recommendations of the Traffic Report and the Road Safety Audit.
- The recycling facility will assist in addressing local and national policy in terms of supporting the principle of the circular economy and to provide infrastructure to meet one of the four main pillars of the Waste Management Strategy for the county, that is recycling.

- The development will assist in making progress towards achieving sustainability goals and reducing environmental impact and reinforcing Ireland's commitment to meeting its legal waste obligations.
- The proposals will enable Roscommon and the region to meet growing demand for recycling solutions as set out within the Roscommon CDP and the Connacht Ulster Regional Waste Management Plan (RWMP).
- Recycling facilities require a certain floor area for the sorting and processing of recyclable materials. The existing building is ideal for such a use in addition to the benefit of bringing a vacant industrial building back into use.
- The applicant gives an undertaking to implementing fire prevention measures, fire detection and warning systems conducting regular fire safety inspections, providing proper training to staff on fire emergency procedures and having the necessary firefighting equipment available, creating a safe and secure environment.
- The applicant/facility operator will ensure that appropriate measures are put in place and maintained to ensure effective pest control at the facility.
- The development on site will operate independently of the adjacent waste facility.
- The letter of consent from RCC submitted as part of the planning application represents a thorough approach to ensure that the footpath and necessary services are provided for the benefit of pedestrians accessing the industrial estate. The footpath and services (for public lighting) would provide for a sustainable means of access and egress to the industrial estate and that the development would be carried out in a responsible and compliant manner.
- The annual tonnage intake at the recycling facility is 23,400 tonnes.
- The appeal site is zoned Strategic Industrial/Enterprise zone and consistent with the zoning provisions within the current Roscommon County Development Plan (CDP). The site is located within an established

Strategic Industrial/Enterprise zone. The proposal falls within the light industrial category within a Strategic Industrial/Enterprise zone and is permissible within the zoning matrix.

**7.0 EIA Screening** - Having regard to the nature of the proposals, which relate to the change of use of an existing underutilised and vacant industrial building within an industrial estate, relatively minor nature of the alterations to the industrial building and its location removed from any sensitive locations or features on zoned serviced lands within a brownfield site, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

**8.0 AA Screening** - The subject site is located approximately three kilometres west of the Callow Bog SAC (site code 000595, approximately ten kilometres west of the Lough Gara SPA (site code 004048) and approximately four kilometres west of the Tullaghanrock Bog SAC (side code 0002354) Having regard to the scale and nature of the development, relating to a change of use of an existing vacant industrial building , the fully serviced nature of the site and to the location removed from any European Sites, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site. This issue is assessed in greater detail within Section 2.6 of this report below.

## 2.0 **Assessment**

### 2.1. **Introduction**

- 2.1.1. The key issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of development.
- Road Safety and Traffic
- Design and Layout
- Other Matters
- Appropriate Assessment

## 2.2. Principle of Development

- 2.2.1. The appeal site comprises a vacant industrial building located on lands zoned as Strategic Industrial/Enterprise within the current Ballaghdereen Settlement Plan as set out within Volume 2 of the Roscommon County Development Plan (RCDP) 2022-28 and within an established and permitted industrial Estate. The zoning matrix within the BSP set out with Figure BN1 permits in principle light and heavy industrial uses within Strategic Industrial/Enterprise zoned lands. The building previously operated as a cigar factory and is stated to be vacant for the last seven years.
- 2.2.2. The appeal site is a prominent one, located at the main access to the Industrial estate and I consider that it would be beneficial to maintain occupancy within the building and this would accord with the economic policies and objectives as set out within the current Plan. I specifically refer to policy objective BN11 which sets out that 'Where possible, existing vacant units should be developed prior to the further development of new build units'. I consider that the current proposals would satisfy the provisions of this objective, given it relates to the reuse of an existing underutilised industrial building, providing for a recycling business.
- 2.2.3. The proposals relate to a change of use of an existing underutilised industrial building and the alterations to the elevations are of a relatively minor nature and will be addressed in detail later within Section 2.3 of this report, relating to design and layout. I consider that the proposals would assist in the achievement of occupancy which in turn would result in the creation of employment, which is stated would provide for a maximum of six staff members. Therefore, on balance, I am satisfied that the change of use from an underutilised and vacant industrial building to a recycling facility is acceptable in principle, subject to a suitable design and layout being proposed and that any neighbouring businesses/residents would not be

adversely impacted upon. These are matters that will be addressed later within this assessment.

- 2.2.4. Section 7.10 of the CDP pertains to waste management and that waste management for the county is based on the waste hierarchy of waste prevention, reduction, reuse and recycling as being the preferred options in managing and reducing the volume of waste being produced. This policy is consistent with the provisions of the Connacht Ulster Regional Waste Management Plan 2022-2028 which identifies the need to manage waste and the need for waste infrastructure within the region and provides for thermal recovery, biological treatment, reprocessing and recycling. This is in accordance with the green circular economy where the value of bio-based products, materials and resources is maintained in the economy for as long as possible and the production of waste is minimised. The ultimate aim of the regional waste plan is stated to be to save resources, increase resource efficiency and reduce carbon emissions. The promotion of the green circular economy will assist in reducing the volume of waste that is generated within the county and region. This is also in accordance with policy objective ITC 7.59 within the RCDP in relation to facilitating the transition from a waste management economy to a green circular economy.
- 2.2.5. In conclusion, I consider that the change of use proposed to a recycling facility is provided for under the Strategic Employment/Enterprise zoning that pertains to the site and having regard to the provisions of specific objective BN11 which provides for development of recycling enterprises and the reuse of vacant industrial buildings, I consider that the principle of development would be in accordance with the policies and objectives of the current Roscommon Development Plan 2022-28, the Ballaghderreen Settlement Plan 2022-2028 and the current Connacht Ulster Regional Waste Management Plan.

### **2.3. Design and layout**

- 2.3.1 The external alterations proposed to the building are of a relatively minor nature. The ridge height nor footprint of the building will not alter under the proposals. Neither will the external finishes be altered under the proposals, and these will remain as a plaster finish within the lower part of the rising walls and corrugated steel panels within the upper parts of the rising walls. All window and door openings will remain the same as provided for within the existing building, in terms of their location and size.

There are two roller shutter doors used to access the existing industrial building, one on the north-west (side) elevation and the other on the south-west (rear) elevation. It is set out within the elevation drawings submitted as part of the planning documentation that the height of these roller shutter doors would be increased to a height of approximately five metres. The existing roller shutter doors have a height of approximately four metres. I consider that the changes to the height of the roller shutter doors is acceptable, and these alterations will allow for vans and trucks to access and egress the industrial building more easily. No other material alterations to the design or layout of the building itself are proposed as per the drawings submitted.

- 2.3.2 The floor plan for the recycling facility has been demarcated providing for offices and toilets at the northern end of the building, an unloading area, processing areas, a storage area, an area for the bulking of recycling material and a loading dock where recyclable materials would be exported from the site by HGV trucks. Other alterations are within the curtilage of the building and would comprise the installation of two weighbridges, weighing the loads of recycling material entering and exiting the site, the inclusion of surface water attenuation tanks, and lining out of the parking area to the north of the building where parking existed for the former cigar factory use.
- 2.3.3 I am satisfied that the alterations to the design and layout of the industrial building, mainly comprising of the enlarged roller shutter door features are of a relatively minor nature and will not dis-improve the aesthetics of the industrial building. The proposals will provide for occupancy of a vacant industrial building which would be of benefit to the overall Ballaghderreen industrial estate and in terms of generating increased employment in Ballaghderreen.
- 2.3.4 Landscaping proposals have been submitted comprising of native plant and hedgerow species and these would assist in improving biodiversity within the site as well as integrating the development within this urban/industrial landscape. These are

matters that can be conditioned, in the event that a grant of permission is being recommended, if the Board deem appropriate.

2.3.5 In conclusion, I am satisfied that the relatively minor design and layout alterations proposed will integrate appropriately with the industrial building on site in terms of scale, proportion and external finishes and are, therefore, acceptable. They would accord with the policy objective BN11 as set out within the current BSP, in relation to facilitating appropriate light and heavy industry, including recycling facilities and reuse of existing vacant industrial buildings, which is crucial for a settlement such as Ballaghdereen, designated as a self-sustaining growth town within the Development Plan. I am satisfied that the proposals will not adversely impact upon the ability of the neighbouring industrial and commercial businesses to trade now or into the future nor adversely impact upon adjacent residential properties due to the generous separation distances between the industrial building and the dwellings in question.

#### **2.4. Road Safety and Traffic**

- 2.4.1. The appeal site is currently accessed from the industrial estate internal access road, which services a number of industrial and commercial premises that are established further south within the Ballaghdereen Industrial estate. There are three existing entrances into the appeal site from the internal service road, two along the western site boundary and one along the southern boundary of the site. It is proposed to upgrade and relocate the southern site entrance. There is no footpath nor streetlighting currently serving the internal service road.
- 2.4.2. The applicants have submitted a Traffic Report (TR) as well as recommendations of a Road Safety Audit (RSA) as part of their planning documentation which sets out that the previous use on site, as a cigar factory, generated an estimated 75 daily staff trips. This figure did not include trips generated by deliveries or visitors to the site. The TR sets out that the entrance proposals would comply with the provisions of table 4.2 of the Design Manual for Urban Roads and Streets (DMURS, 2013 (updated in 2020), in relation to sight and stopping distances as published jointly by the Department of Transport and the Department of Environment, Heritage and Local Government. The applicants are proposing to provide a footpath (there is no footpath within the industrial estate at present) along the southern, western and



northern site boundaries which would tie in with the existing public footpath to the north-east of the appeal site, at the junction with the Charlestown Road.

2.4.3. The TR sets out that the staff numbers on site will be between 4 and 6 persons that that the number of visitors to the site would be five. They estimate that the number of refuse vehicles, vans and articulated lorries would generate 39 inward movements to the site per day, giving a maximum number of 50 vehicles entering/exiting the site in a daily basis. The TR estimates that the trip rates for the proposed recycling use would be similar in number to the trip rates generated by the previous use on site, that being as a cigar production factory. The Traffic Consultants set out that the traffic that would be generated by the proposed use would be below the 10% of traffic flow on the adjoining road and 5% of traffic flow on the adjoining road where congestion exists or within a location sensitive to thresholds as identified within Transport Infrastructure Ireland's, 'Traffic and Transport Assessment Guidelines' 2014. Therefore, they consider that the mandatory Traffic and Transport assessment is not required to be submitted in this instance. However, in this instance the applicant submitted a Traffic Report.

2.4.4. The applicant are proposing to maintain the existing three accesses to the appeal site and upgrade them to comply with the requirements of DMURS. The existing boundary treatments and fencing around the perimeter of the site will be set back and reduced in height so that visibility splays are achieved. The southern site access will be restricted to use by HGV;s only and an automated barrier system would be utilised on this particular access. A new footpath will be provided around the roadside perimeter of the appeal site. Visibility splays of 45 metres by 2.4 metres will be provided at the three access points in accordance with Table 4.2 of DMURS, given the access points are all located within the 50km/h speed control zone. These standards have all been demonstrated on drawing number 1015-2116-visibility splays, submitted as part of the planning documentation.

2.4.5. A Road Safety Audit (RSA) Stage 1 of 2 was carried out on the design of the development layout and its recommendations have been incorporated into the final design and layout. Some of the recommendations set out within the RSA include: The provision of dropped kerbs and tactile paving at all likely crossing locations, minimise the crossing lengths at the access points, the inclusion of a fob system for the automated access barrier gate, that overhang vegetation within the visibility

splays be removed and that channel drains be included along the carriageway edge. These standards have all been demonstrated on drawing number 1015-2111-Roads layout including traffic plan, submitted as part of the planning documentation.

- 2.4.6. There are presently 27 on-site dedicated car parking spaces on site. There are 26 spaces proposed, which will include two refuse truck spaces, one disabled space and 4 spaces specifically dedicated for electric vehicle charging. The car parking standards as set out within Table 12.1 in the RDP 2022-28 would require that 42 spaces be provided for the development. However, the applicants have stated that the site would have a maximum of six employees and five visitors per day and, therefore, the provision of 26 spaces is considered sufficient to serve the parking needs of the use proposed. I also note that the proposals provide for twenty covered bicycle parking spaces, which allows for the use of sustainable transport options for employees and visitors to access the site. This is considered to represent a feasible option, given the location of the appeal site within the settlement boundary of the self-sustaining growth town.
- 2.4.7. I note that a referral response was received from the Roads Department within Roscommon County Council (RCC) outlining no objections to the roads, traffic and parking proposals subject to the inclusion of the road safety measures included as part of the applicants' proposals.
- 2.4.8. In conclusion, I consider that the applicant is proposing to optimise the safety of the access points to the site and is seeking to optimise visibility splays in accordance with best practice road safety standards as set out within DMURS. The recommendations provided within the Road Safety Audit would be implemented, including the introduction of a footpath around the roadside perimeter of the site and dropped kerbing and tactile paving. These improvements would benefit the employees and customers of the wider industrial estate and the north-western part of the town of Ballaghderreen, where there is presently no footpath connectivity. On balance, I consider that the traffic proposals will improve safety for pedestrians and drivers alike within this part of Ballaghderreen.

## **2.5. Other Matters**

- 2.5.1. The appellants have raised issue of devaluation of their property that would arise as a result of the development proposals. The appellants have failed to submit any

documentary evidence to substantiate this claim. In the absence of such documentary evidence, I am not satisfied that this claim can be substantiated and therefore, I do not consider it appropriate to assess this issue any further within this report.

- 2.5.2. It is proposed to change the use of an existing underutilised industrial building from a cigar factory to a recycling facility for recyclable materials. A recycling facility is not specifically mentioned within Schedule 5, Parts 1 or 2 of the Planning and Development Regulations (PDR), 2001, as amended. The site has an overall area of 1.35 hectares and is located within the designated settlement boundary of Ballaghderreen. The site is not located in a business district and currently constitutes Strategic Industrial/Enterprise zoned and serviceable lands, within the development boundary. It is stated that up to 23,400 tonnes of recyclable material will be handled within the site on an annual basis.

An Environmental Impact Assessment Screening Report was not submitted with the appeal.

There is no specific mention of recycling facilities within the PDR.s however, Class (11)(b) of Schedule 5 Part 2 within the Planning and Development Regulations 2001 (as amended) references Other Projects, specifically references installations for the disposal of waste with an annual intake greater than 25,000 tonnes. I consider that the preparation of a mandatory EIA is not required in this instance, given the proposal relates to a recycling facility, and not a waste disposal facility as referenced in Class 11 above.

I have also referenced the European Commission (EC) Document published in 2024 entitled 'Interpretation of definitions of project categories of annex I and II of the EIA Directive'. Under the definition of waste within this document, there is mention of recovery and other such terms, however recycling is not included within this definition. Therefore, I consider that recycling does not come within the scope of the definition of waste as per current EC guidance. The definition of recycling is not

included within the definition of waste, unlike that of recovery, disposal and treatment as per Annex 1(9), Pg 31 of the EC document.

As per the criteria set out within Schedule 7 of the Planning and Development Regulations 2001 (as amended)), as to whether a development would/would not have a significant effect on the environment, the introduction of a recycling use within an area zoned for Strategic Industrial/Enterprise purposes will not have an adverse impact in environmental terms on surrounding land uses. It is not considered the proposed development would have a significant effect on a European Site (as discussed below in Section 2.6 of my report). The proposed use would not likely give rise to a deterioration in water quality, pollution or nuisances that differ from that arising from other uses in the vicinity. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Roscommon County Council, upon which its effects would be marginal.

Having regard to: -

- The nature and scale of the proposed development, which is not specifically provided for with Schedule 5, Parts 1 or 2 under the mandatory threshold in respect of Class 11 – Other Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are governed by a Strategic Industrial/Enterprise zoned zoning objective under the provisions of the current Ballaghderreen Settlement Plan 2022-2028, and the results of the Strategic Environmental Assessment of the Roscommon County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of industrial development in the vicinity,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,

- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

Given the nature of the operations, the prevailing pattern of industrial development in the surrounding area and given the proposed operations would be subject to the issuing of a Waste Facility Permit, I am satisfied that the development is generally acceptable, and it would not give rise to adverse impacts on the local receiving environment.

I have concluded that, having regard to the nature, scale and location of the subject site within of the confines of the settlement boundary on serviceable lands, the proposed development/use would not be likely to have significant effects on the environment. On preliminary examination, there is no real likelihood of significant effects on the environment, arising from the proposed development. The need for Environmental Impact Assessment Report (EIAR) can, therefore, be excluded at preliminary examination.

2.5.8 The applicant submitted a site specific flood risk assessment (SSFRA) as part of their planning documentation. This sets out that the appeal site is located within Flood Zone C. This information is supported by the data included within the Strategic Flood Risk Assessment (SFRA) conducted as part of the preparation of the current Roscommon County Development Plan (RCDP) 2022, which included the preparation of the Ballaghderreen Settlement Plan. There is a drainage ditch located along the eastern boundary of the appeal site. However, on the day of my site inspection there was only a trickle of water evident within the drain, and no water flow was evident due to the absence of a sufficient volume of water within the drain. The nearest water course (the River Lung) is located approximately one kilometre

south of the appeal site and south of the established businesses and the internal service road within the industrial estate.

2.5.9 The applicant has submitted surface water management proposals in terms of three on site attenuation tanks which will be fitted with hydrocarbon interceptors before discharging via a flow restrictor to the open ditch along the eastern site boundary. Therefore, I consider that the surface water run off from the site will be managed effectively through the use of these Sustainable urban Drainage Systems (SuDS) and, therefore, will not increase the risk of flooding on site, or in the vicinity of the appeal site.

2.5.10 A Noise Impact Assessment (NIA) was submitted as part of the applicants' planning documentation. Four noise assessment location were selected, representing the nearest residential, commercial and amenity locations. The nearest occupied noise sensitive receptor (NSR) is located approximately 30 metres north-east of the appeal site, identified as SR01, and located along the Charlestown Road, formerly the N5. Noise Impact Assessments for the nearest NSR's have been prepared for the construction and operational phases of the development. Predicted day and evening noise levels at each of the 4 NSL's are set out and range from 41 to 45.7 dBL<sub>aeq</sub>, all within the acceptable criterion of between 50 and 55 dBL<sub>aeq</sub> and the change in noise level above existing noise levels at all NSL's is 1dB or less and, therefore, not significant as per the Environmental Protection Agency (EPA) glossary of impacts, set out within Table 2 of the NIA.

2.5.11 The NIA includes a number of mitigation measures to control the level of noise and vibration from the development and include limiting the hours during which activities on site can take place, appointing a site representative responsible for matters of noise and vibration on site and as a channel of communication between the contractor/developer, local authority and residents, monitoring noise levels at noise sensitive location during critical periods, that machinery will be shut down/throttled back when not in use and hours of activity on site are specifically set out between 8.00 and 6pm Monday to Friday and 8am to 2pm on Saturdays. I note that the Environment Section within RCC outlined no objections to the proposals from a noise perspective, or indeed any other environmental perspective. These

recommendations in terms of noise levels can be included as part of the planning conditions in the event that a grant of planning permission is being recommended, if the Board deem appropriate.

2.5.12 In relation to the Water Framework Directive (WFD), I have considered the WFD as part of my assessment, and particularly in terms of surface water management within the site and in terms of Appropriate Assessment. An assessment of the surface water management proposals was conducted within Section 2.5.8 of this report above and I am satisfied that the surface water management proposals for the site including that surface water generated on site would pass through hydrocarbon interceptors before discharging via a flow restrictor to the open ditch along the eastern site boundary. Therefore, I consider that the surface water run-off from the site will be of adequate quality such that it would not adversely impact water quality within the local drainage network.

2.5.13 The appellants have raised the issue of the potential for the facility to be a fire hazard and have referenced instances of fire break out at other waste /recycling facilities throughout the country. Each planning appeal must be considered on its individual planning merits. The issue of compliance Fire Regulations will be evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal.

### **Appropriate Assessment**

2.6.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately three kilometres east of the Callow Bog Special Area of Conservation (SAC-site code 000595, approximately ten kilometres west of the Lough Gara Special Protection Area (SPA-site code 004048) and approximately four kilometres west of the Tullaghanrock Bog SAC (side code 0002354). The development description was set out within Section 2 of the report above. One of the appellants did reference the potential for adverse impacts to arise upon Natura 2000 sites. The

applicant submitted an Appropriate Assessment (AA) Screening Report as part of their planning documentation. The PA also conducted an AA screening exercise.

2.6.2 The applicants' AA screening report, submitted as part of their planning documentation sets out that the nearest European sites to the appeal site are the Lough Gara SPA, Callow Bog SAC and the Tullaghanrock Bog SAC. The Consultant Ecologist stated that the appeal site is not hydrologically connected to the west or south of the site. The drainage ditch along the eastern site boundary was identified and was stated to be dry during the Summer months. The nearest watercourse is the River Lung, located approximately one kilometre south of the appeal site, however, it is unclear if the drainage ditch along the eastern site boundary is hydrologically connected to this watercourse.

2.6.3 Ten European sites were identified within a 15 kilometre radius of the appeal site. Seven of these sites can be screened out due to the absence of hydrological or ecological pathways from the appeal site to these European sites and the separation distance to these particular European sites. However, three European sites were considered in greater detail within the screening report, namely The Lough Gara SPA (site code 004048), the Callow Bog SAC (site code 000595) and the Tullaghanrock Bog SAC (site code 002354) as a potential source-pathway -receptor relationship has been identified with the appeal site.

2.6.4 The Lough Gara SPA is located approximately 14 kilometres hydrologically removed and east of the appeal site. I am satisfied that once the facility operates in accordance with its waste facility permit conditions and that dust and noise are maintained in accordance with best practice standards and given that the site is connected to the public piped water services that no adverse impacts on water quality, or the qualifying interests or conservation objective of this particular European site would arise. The Callow Bog SAC is located approximately seven kilometres hydrologically removed and east of the appeal site. I am satisfied that once the facility operates in accordance with its waste facility permit conditions and that dust and noise are maintained in accordance with best practice standards and given that the site is connected to the public piped water services that no adverse impacts on water quality, or the qualifying interests or conservation objective of this



particular European site would arise. The Tullaghanrock Bog SAC is located approximately eight kilometres hydrologically removed and south of the appeal site. I am satisfied that once the facility operates in accordance with its waste facility permit conditions and that dust and noise are maintained in accordance with best practice standards and given that the site is connected to the public piped water services that no adverse impacts on the water quality, or the qualifying interests or conservation objective of this particular European site would arise.

2.6.5 I am satisfied that with the implementation of the standard control construction measures including those of surface water management, referenced within Section 2.5.8 of my report above will not result in the recycling facility adversely impacting upon water quality within the drainage ditch along the eastern site boundary. It is unclear if this drainage ditch is hydrologically connected to the River Lung, approximately one kilometre south of the appeal site. This river is hydrologically connected to the Lough Gara SAC, albeit approximately ten kilometres downstream of the Lung. I consider that even in the unlikely event that the standard control measures should fail, this indirect hydrological link represents a weak ecological connection, given the separation distance to the Lough Gara SAC. As such any pollutants from the site that should enter groundwater during the construction stage, via spillages onto the overlying soils, or via spillages into the surrounding drains, will be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the Lough Gara SAC unlikely. This conclusion is supported within the Planning Authority's AA screening Report, which set out the following 'It is concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites'.

2.6.6 Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to these three or any other European Site. The reason for this conclusion is as follows:

- The modest scale of the development, which relates to a change of use of an existing vacant industrial building.
- The separation distance from the nearest European site and the lack of hydrological or ecological connectivity to any Natura 2000 site.

- The AA screening exercise conducted by the Planning Authority which concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites.

2.6.7 I conclude, that on the basis of objective information, that the proposed development would not have a significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and, therefore, Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

### 3.0 Recommendation

I recommend that planning permission for the alterations to the commercial building be granted.

#### Reasons and Considerations:

Having regard to the location of the site within a serviced urban area to the compliance with the economic policies and objectives of the current Roscommon County Development Plan 2022-2028, specifically BN11 in relation to Facilitate appropriate light and heavy industry, including recycling facilities within existing vacant industrial buildings set out within the Ballaghderreen Settlement Plan 2022-28 specifically EL1 in relation to key employment locations, to the acceptability in principle, to the scale and design of the alterations, and to the pattern of industrial development in the area, it is considered that subject to compliance with the conditions set out below, the development would integrate appropriately within the site and not adversely impact upon the aesthetics within the Business Park nor the neighbouring industrial nor residential development. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### 6.0 Conditions

- 1 The development shall be constructed in accordance with the plans and particulars lodged with the application on the 3rd day of August 2023 as

submitted to the Planning Authority and as per the amended details and drawings submitted on the 15<sup>th</sup> day 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 clarity.

- 2 The developer shall seek a waste facility permit for the operations of the recycling facility prior to the commencement of receipt of recyclable materials at the facility.

**Reason:** In the interest of visual amenity.

- 3 (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roof, paved areas or otherwise shall discharge onto the public road or adjoining properties.  
  
(b) Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of proper planning and sustainable development.

- 4 Details of external signage shall be agreed in writing with the Planning Authority prior to the commencement of development.

**Reason;** In the interest of architectural heritage.

- 5 All recycling materials shall be stored, segregated, processed and baled within the enclosed factory space building.

**Reason;** In the interest of visual amenity.

- 6 During the operational phase of the development, the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 and 2300 and (b) 45 dB(A) 15 min and 60 dB LAfmax 15 min at all other times.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.

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

- 7 All mitigation measures included within the Noise Assessment submitted to the Planning Authority on the 3rd day of August 2023 shall be implemented in full. A programme of noise monitoring shall be conducted upon commencement of operations on site at the nearest noise sensitive receptors. The monthly results shall be submitted to the local authority at the end of each month.

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

- 8 The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
  - (i) Existing trees, hedgerows and walls, specifying which are proposed for retention as features of the site landscaping
  - (ii) The measures to be put in place for the protection of these landscape features during the construction period
  - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include prunus species.
  - (iv) Details of screen planting which shall not include cupressocyparis x leylandii
  - (v) Details of roadside/street planting which shall not include prunus species

(vi) Hard landscaping works, specifying surfacing materials, furniture play equipment and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

(c) The landscaping works shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, 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.

- 9 Final details of the setbacks including details of surfacing, and construction of footpaths and set back of the roadside boundary and street lighting along the internal industrial estate road, access and traffic arrangements as submitted to the Planning Authority on the 3rd day of August 2023 shall be agreed in writing with the Planning Authority prior to the commencement of development. It shall be the responsibility of the developers to implement the recommendations of the Road Safety Audit, submitted as part of the planning documentation to, the Planning Authority on the 3rd day of August 2023.

**Reason:** In the interest of public safety and sustainable transportation.

- 10 Prior to the commencement of development details of the following shall be submitted to, and agreed in writing with, the planning authority:

- Precise details of the materials to be used within the bicycle parking shelters, including provision of adequate illumination.

**Reason:** In the interest of public safety and sustainable transportation.

- 11 The sight distance triangles set out within drawing number 1015-2116 submitted to the Planning Authority on the 3<sup>rd</sup> day of August 2023 shall be maintained on a permanent basis and kept free of obstruction at all times. Any vegetation that restricts visibility within the splays shall be cut back or removed.

**Reason:** In the interest of traffic and pedestrian safety.

- 12 A minimum of 25% of the proposed car parking spaces in on-surface car parkin shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

- 13 Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

- 14 The construction of the development shall be managed in accordance with a Construction Waste Management Plan and a Construction and Environmental Management Plan, which shall be submitted to, final details of which shall be agreed in writing with the planning authority prior to commencement of development. This plans shall provide details of intended construction practice

for the development, management of construction waste and materials on site, environmental control measures, including noise, dust and vibration management measures, working hours, construction traffic and parking, measures for managing construction sediment run-off and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

- 15 It shall be the responsibility of the developers to implement the recommendations of the Road Safety Audit, submitted as part of the planning documentation to, the Planning Authority on the 27<sup>th</sup> day of April 2023.

**Reason:** In the interest of public safety and sustainable transportation.

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

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Fergal Ó Bric

Planning Inspectorate

12th day of December 2024