



An
Bord
Pleanála

Inspector's Report ABP-319655-24

Development	Retention of alterations to workshop and canopy as constructed. Permission for extension and alterations with associated site development works.
Location	Ballingowan, Tralee, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	23816
Applicant(s)	Richard O'Shea
Type of Application	Retention and permission.
Planning Authority Decision	Grant retention and permission
Type of Appeal	Third Party
Appellant(s)	Jerry and Marie O'Sullivan
Observer(s)	None
Date of Site Inspection	19 August 2024
Inspector	Claire McVeigh

1.0 Site Location and Description

- 1.1. The subject site, with a stated area of 0.26ha, is located to the east of local road L10602 which leads directly off the N21. The subject site is approximately 3km from Tralee town centre and is located in a rural area designated in the Kerry County Development Plan 2022-2028 (development plan) as being under significant urban influence.
- 1.2. Immediately adjoining the subject site's eastern boundary is the appellant's dwelling and to the southeast of the private access laneway is another single storey dwelling.
- 1.3. An area of land to the southwest of the existing engineering workshop (referred to as Site B on proposed site location plan submitted 20th March 2024) is included in a revised red line boundary is under grass and bounded by hedgerow. As per submitted site layout map (drawing no. 22/067/003) Site B is referred to as proposed land under consideration for a section 183 disposal of land to the applicant by Kerry County Council.

2.0 Proposed Development

- 2.1. The proposed development comprises two elements:
 - Retention of alterations to existing engineering workshop with all associated site works and retention of canopy as constructed between two existing buildings on site. Gross floor space of work to be retained is stated as 54 sq.m.
 - Permission to construct a minor extension to include a roof alteration, alterations to the site/buildings external envelope which will accommodate upgrade works for fire compliance, construct a car parking area (Located on Site B as referred to in paragraph 1.3 of my report), decommission existing septic tanks, install mechanical treatment unit and sand polishing filter and all associated site works. Gross floor space of proposed works stated as 21 sq.m.

3.0 Planning Authority Decision

3.1. Decision

On the 16 April 2024 the planning authority decided to grant permission subject to nine conditions. A number of bespoke conditions are noted as follows:

In respect to the decision to grant **retention** permission:

Condition no. 3

3. (a) All environmental mitigation measures as set in the information submitted in support of the application to which this permission relates shall be fully implemented, except as may be otherwise required or specified by way of planning condition.

(b) In the event of complaints being received regarding alleged noise nuisance from the development to which this permission relates and, upon investigation by Kerry County Council, such complaints are found to be justifiable the applicant shall, upon written receipt of notification from the planning authority, retain the services of an acoustic specialist to establish the cause of the noise or nuisance and the remediation measures required in order to abate said nuisance. The applicant shall ensure that all such measures are fully implemented and shall be liable for all costs incurred therein.

(c) The developer shall provide suitable waste storage facilities for the development to which this permission relates. The storage facilities shall provide adequate capacity for the proper storage and appropriate segregation of all wastes arising from the development, in such a manner as to avoid any potential risk of environmental pollution.

(d) The applicant shall have in storage an adequate supply of containment boom and/or suitable absorbent material to contain and absorb any spillage at the facility. Once used, the absorbent material shall be disposed of at an appropriate facility.

(e) If deemed necessary at any time, the planning authority reserves the right to engage a 3rd party to carry out environmental monitoring (e.g. Noise, vibration, dust, air quality) on its behalf. Any and all findings or recommendations arising from such monitoring shall be fully implemented by the applicant or any subsequent owner of the development. The applicant or subsequent owner of the development shall

contribute such sums as determined by the planning authority to defray the planning authority's costs in relation to such monitoring work as may be carried out.

(f) All operations on-site shall be carried out in a manner such that air emissions and/or odours do not result in significant impairment of, or significant interference with amenities or the environment beyond the site boundary and at odour sensitive locations.

Reason: In the interest of orderly development and environmental protection.

In respect to the decision to **grant** permission:

Condition 6 (a) The proposed car park shall be completed within two years of the date of this grant of permission.

(b) No works shall take place in relation to proposed car park until the relevant lands have been fully acquired from Kerry County Council.

(c) No water from the proposed development shall be allowed to flow onto the public road.

(d) As a result of this development there shall be no interference with the roadside drainage, which shall be maintained, repaired or made good.

(e) The developer shall institute appropriate measures to prevent material being drawn from the site onto the public road. No earth, soil or other material from this site shall be drawn or deposited onto the public road.

(f) The development shall make good any damage caused to the public road as a result of their works to the satisfaction of the Area Engineer.

Reason: To avoid a traffic hazard and protect public property.

(Excerpt of) Condition no. 7 Within one year of the date of this grant of planning permission, the development shall be provided with a packaged wastewater treatment unit ("Tricel P10" or alternative equivalent packaged wastewater treatment unit as may be agreed with the planning authority), a prefabricated tertiary treatment system (Sandcel, or alternative equivalent prefabricated tertiary treatment system as may be agreed with the planning authority) and a gravel distribution area to serve the premises in accordance with the Environmental Protection Agency Code of Practice

(2021) “Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)”, as outlined in the plans and particulars received by the planning authority on the 10th July 2023 and by way of further information received on the 20th March 2024...

Conditions no. 8 and 9 also relate to the installation, commissioning and maintenance of the packaged wastewater treatment unit.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial planners report (Not available):

- By letter dated 17 June 2024 received by the Board Kerry County Council state that there is no initial planner's report.

Second planner's report following receipt of further information 28th February 2024 and 20th March 2024 (revised public notices):

- In response to item 1 of the request for further information the Site Assessment Unit have assessed the separation distance between the proposed WWTS and have no objection subject to specified conditions.
- The applicant has submitted report in relation to noise and air impacts and notes that the Environment Section has no objection to a grant of permission subject to specified conditions.
- With respect to the issues raised by the Fire Services Department the planner notes that engagement between the applicant and Fire Services Department is ongoing and current applications for a disability access certificate and a fire safety certification are under consideration.
- In response to request to clarify the full extent of alterations taken place subsequent to 2008 the applicant has submitted revised drawings including the retention of alterations to the existing workshop, not previously shown, and retention of canopy as constructed as well as proposal to construct a car parking area on a separate site (Site B) indicated on drawing no. 22/067/003. These lands (Site B) are in the ownership of Kerry County Council and a

report has been received from Tralee MD Roads & Transportation recommending approval subject to specified conditions.

- Considers that the outstanding issues with regard to the existing permission on site have been addressed by including for retention of unauthorised elements as well as the proposed car parking to the south of the site.
- It is considered that the proposals are acceptable subject to compliance with conditions and would not be seriously injurious to the amenities of the area.

3.2.2. Other Technical Reports

Tralee MD Roads and Transportation –recommend conditional approval subject to the following:

- a) The proposed works on this development which is located off the N21 at Ballingowan Tralee shall incorporate sufficient car parking availability as to not impact the safety of road users at this junction access and existing the N21.*
 - b) As a result of these works no surface water or seepage water is to flow onto the road surface and no water from the proposed development shall be allowed to flow onto the public road.*
 - c) As a result of this development there shall be not [sic] interference with the roadside drainage, which shall be maintained, repaired or made good.*
 - d) The development shall institute appropriate measures to prevent material being drawn from the site onto the public road. No earth, soil or other material from this site shall be drawn or deposited onto the public road.*
 - e) The developer must make good any damage cause [sic] to the public road as a result of their works to the satisfaction of the Area Engineer.*
- Environment

Initial report:

- The applicant is requested to engage the services of a person/competent and experienced in the area of noise assessment to undertake a noise impact assessment of the proposed development. In this regard, the information submitted with the current application is noted, however, it appears to focus

primarily on occupational exposure. The assessment now required should consider the broader issue of potential noise nuisance beyond the boundary of the application site and should take account of the proposed activities associated with the development in question, including manufacturing, processing, transport of materials etc. Account should be taken of the available guidance in the area of noise assessment, including the EPA guidance document NG4 "Guidance Note for Noise".

- The applicant is requested to engage the services of a person/company competent and experienced in the area of air quality assessment to undertake an air emission assessment of the proposed facility. In this regard, the information submitted with the current application appears to focus primarily on occupational exposure. The assessment now required should consider any potential emissions that could result in issues beyond the boundary of the application site. In this regard, account should be taken of the available guidance on air quality assessment.

- The applicant should provide details of the waste management systems proposed for the facility.

Report following receipt of further information:

- No objection subject to 6 no. conditions (as contained in condition no. 3 of planning authority's decision see section 3.1 of my report).

- Fire Services Department

- In respect to the proposed retention they advise that that the application is deferred pending receipt of a valid application for a regularisation certificate to the Building Control Authority.

- In respect to the proposed extension (B1) and alterations to the site/building external envelop (B2) there is no objection to the application, subject to a fire safety certificate and disability access certificate being obtained prior to the commencement of development.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland (TII) no observations to make. Following receipt of further information note that the position remains as set out in the original letter of 31 July 2023.
- Uisce Eireann no objection.

3.4. Third Party Observations

A copy of the submission from M and J O'Sullivan is date stamped as being received by the planning authority on the 2nd April 2024 at the public counter and letter of acknowledgement is also included in the appeal submission. This observation was made following the publication of the revised public notices for further information/revised notices. The issues raised are similar to those raised in the third-party appeal.

4.0 Planning History

Subject site

Planning register reference 22/703 (deemed withdrawn no response to further information request) Richard O' Shea applied to retain alterations to existing engineering workshop and all associated site works (June 2023).

Planning register reference 08979 Retention permission granted to Richard O'Shea for an extension to existing shed and erection of store and prefab and incomplete roof over yard. Permission granted to complete the roof over the yard at Allbrite Engineering, subject to 10 no. conditions (October 2008).

Condition no. 3: The existing septic tank and percolation area shall be decommissioned within one month of the grant of retention permission.

Reason: In order to provide treatment of the effluent to the satisfaction of the Local Authority and in the interest of public health.

Condition no. 4: The existing development shall be provided with a mechanical aeration system and polishing filter system in accordance with Environmental

Protection Agency Wastewater Treatment Manual 'Treatment Systems for Single Houses...

Condition no. 6: 11 no. car parking spaces shall be provided inside the southern boundary of the site as per the site layout plan received on the 03/09/08 only...

Condition no. 10: The access road along the entire length of the southern boundary of the site shall be upgraded at the applicant's own expense in accordance with the plans and sections received on the 24th August 2008 except where otherwise stated hereafter and to the satisfaction of the Area Road Engineer of Kerry County Council.

- No footpath shall be provided along the entire length of same.
- A revised cross section illustrating all upgrading proposals for the access road shall be submitted for the written agreement of the planning authority within one month of the grant of permission.
- All agreed upgrading works shall be carried out within two months of the grant of permission.

Reason: In the interests of traffic safety.

Planning register reference 94503 Permission granted to Richard O'Shea for an engineering workshop at Ballingowan, Tralee (June 1994).

Site adjoining to the east

Planning register reference 012997 Permission granted for the erection of a house and installation of a septic tank (March 2002)

Site to the southeast

Planning register reference 022528 Permission granted for the erection of a single storey dwelling with septic tank and percolation area (January 2003).

Planning register reference 031380 Permission granted to construct a private garage/store (August 2003).

5.0 Policy Context

5.1. Kerry County Development Plan 2022-2028

The subject site is located within the open countryside and is in a rural area designated as being under significant urban influence.

9.7.3 Rural economy - The rural economy of Kerry consists of the district towns, villages and open countryside...

9.7.7 Manufacturing - The Local Authority will continue to support investment in the future development of manufacturing facilities at appropriately zoned locations throughout the county. Manufacturing encompasses a broad range of activities from research and development through design, production, logistics and distribution and production activities in food, pharmaceuticals, engineering and green technologies.

Manufacturing

It is an objective of the Council to: KCDP 9-80 Promote the growth of the manufacturing sector in Kerry by responding to the varying needs and requirements of the different components within the sector and by supporting the development of high-quality built environments offering a range of building sizes and formats, supported by the targeted provision of necessary infrastructure.

Appendix 6 Development Management Standards & Guidelines

1.20 Transport, Movement & Parking Standards and Table 4: Parking Requirements.

5.2. Natural Heritage Designations

The Special Area of Conservation: Ballyseedy Wood SAC (Site Code:002112) is located approximately 0.5km south of the subject site.

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered

that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

A third-party appeal from Jerry and Marie O'Sullivan who live at Ballingowan, Tralee in the house adjacent to the subject site (immediately east). The access road to their property is also used by the manufacturing business (Allbrite Engineering Ltd. who lease the lands from Richard O'Shea). The issues raised in summary are as follows:

- The enjoyment of their private house and garden is being seriously affected by the continued expansion of Allbrite Engineering Ltd.'s activities. Originally granted permission for a small workshop in 1994 (94/503) but have continually expanded activity on site to the present day. An application in 2008 (08/979) to retain developments already taken place was granted with certain conditions to deal with staff parking and traffic management. These conditions were not complied with.
- The residential area is unsuitable for the level of manufacturing activity that Allbrite Engineering Ltd are carrying out, it would be more appropriate in an industrial park.
- The overall site of this engineering workshop is too small to accommodate safely the expanded business of Allbrite Engineering Ltd. Concerns that the planning application includes the site of the existing house that further expansion of the manufacturing facility will occur by removing the house from the site.
- The use of the access road to park staff cars, stated to be 16 employees on Albrite Engineering' website, obstructed by cranes, and for deliveries often restricts access to the appellants property. No proper assessment of traffic movements/management and access by emergency services to any of the properties. No details have been provided in respect to a staff car park on Kerry County Council owned lands. Even if a staff car parking area is

constructed the access road will continue to be used for deliveries and removal of finished goods restricting access to the appellant's property.

- Concerns that the planning decision did not address the issue of fire safety compliance. The buildings are located on the boundary of the O'Sullivan property.

Copy of original submission and Folio Map, Aerial Photograph and site layout map.

7.2. Applicant Response

- Allbrite Engineering was established in 1990 by Mr. Richard O'Shea as a stainless-steel manufacturing company supplying items to the catering industry. The workforce grew between 1990 and 1995 from 2 to 14 people.
- The site is adjacent to three dwellings, and the applicant has maintained good relations with these households over the years.
- The overall site boundaries of the workshop have not changed, changes to the buildings are minimal to accommodate slightly larger updated piece of equipment.
- The access road is used to park cars but there is ample room for a second car to travel the road safely. A pull in bay for trucks to park while being unloaded/loaded (which occurs on average 5 times per week 15 minutes per day).
- Have applied to Kerry County Council, via a section 183 disposal of land, for a piece of land adjacent to the premises to taking the parking off the access road.
- The application includes provisions for fire compliance upgrades. The applicant has engaged with Kerry County Council Fire Dept both on the Fire Safety Certificate and the Disability Access Certificate. Screen shots submitted of both the FSC and DAC. Further information is required to be submitted in respect to the FSC. These elements relating to fire safety are included in the planning application. Given the distance between the manufacturing workshop and the appellants property there is no likelihood of danger to them.

- There is nothing that would hinder emergency service vehicle access to any of the neighbouring properties.
- Retention has been sought by Allbrite Engineering to regularise the situation.
- The applicant has only had to use cranes twice in the past 30 years to lift modern machinery into the workshop.
- The applicant has no intention to expand the business into the site of the private residence of Deirdre O'Shea. Letter submitted from Richard and Deirdre O'Shea outlining the history of the business and the development of the immediate area.

7.3. **Planning Authority Response**

- None.

7.4. **Observations**

- None.

8.0 **Assessment**

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

- Principle of development
- Traffic and car parking
- Fire safety

8.2. *Principle of development*

8.2.1. Permission was granted in 1994 for an engineering workshop at the subject site. I note that the use is a non-conforming use within this unzoned rural area. Details of the planning permission are not on the file or digitally available with respect to

conditions pertaining to this permission or available on Kerry County Council's ePlan. Subsequently, as set out in section 4.0 of my report permission was sought for retention of permission and was granted in October 2008 (Planning register reference 08979) for retention for extension to the workshop, subject to conditions. The application form and drawings in respect to register reference 08979 indicates the footprint of the original engineering workshop as being approximately 130sq.m (as permitted in 1994) and the engineering workshop extension proposed to be retained comprising 686 sq. m additional floorspace, over five times the size of the originally permitted workshop on site. I am of the opinion that the extensions carried out at this time, without permission, comprised a significant increase of the workshop's footprint on the site.

- 8.2.2. Having regard to the plans submitted and from my site visit, I would agree with the appellants that the conditions in respect to the planning register reference 08979 have not been complied with, this is evident in relation to the required laneway upgrade and provision of car parking have not been carried out. I also note that the decommissioning of the septic tank did not occur given that the same is included within the subject appeal. As such, given the non-compliance with conditions pertaining to 08979 I am of the view that the grant of retention permission was not implemented, and the workshop extension (of over 600 sq. m) remains unauthorised. Subsequently further unauthorised development has occurred in a piecemeal manner on the site.
- 8.2.3. Whilst I note that the matter of enforcement falls under the jurisdiction of the planning authority, I am of the opinion that the submitted information and the gross floor area sought to be retained under the subject application does not accurately encompass all of areas of the workshop to be retained. As such, I am of the view that the proposed development relates to a structure which is unauthorised and that the proposed development would comprise the extension and alteration of this unauthorised structure. Accordingly, it is considered that it would be inappropriate for the Board to consider the grant of a permission for the proposed development in such circumstances.
- 8.2.4. In the event that the Board is minded to grant retention permission and permission I would be of the opinion that further information with revised plans and particulars

detailing the full extent of workshop to be retained is requested under the provisions of Section 132 of the Planning and Development Act 2000, as amended.

- 8.2.5. Separately, I note from my site inspection that there is a significant number of mature trees, hedgerow and earthen bank along the eastern edge of the subject site and no details have been provided in respect to same. In the event that the Board is minded to seek revised plans, as noted above, I recommend that further information is also sought in respect to the boundary proposals and protection of existing trees along the eastern boundary.

8.3. *Traffic and car parking*

- 8.3.1. On the day of my site visit I noted that cars were parked along the laneway immediately adjacent to the engineering workshop and on the opposite side of the laneway where the laneway widens out close to the subject site's entrance. The laneway is not within the applicants red line boundary.
- 8.3.2. During the course of the planning authority's consideration of the application further information was sought in respect to parking provision within the site boundary. Subsequently revised plans were submitted and new public notices for same were received on the 20th March 2024. The revised plans included a new site referred to as 'Site B' and it is proposed to provide car parking (14 no. spaces) with a separate entrance and exit. The lands are identified as being '*Proposed land under consideration for a section 183 disposal of land by Kerry Co Council*' and '*Subject to acquiring land it is proposed that the land will accommodate the required car parking only – no further development on site*' (Drawing 22/067/003 as received by the planning authority on 20 March 2024).
- 8.3.3. The planner's report (following receipt of further information) refers to a letter from the Director of Services, Roads and Transport KCC confining that KCC are currently examining the issue with a view to Section 138 disposal of land. Copy of letter included in the further information submitted on the 28 February 2024. I note for the Board that no letter of consent for making the application relating to 'Site B' was submitted with the documentation.
- 8.3.4. Table 4 of Volume 6 of the development plan requires that a maximum of 3 spaces is provided per 100 sq. m of industrial uses (within parking planning area: Area 3). Given the existing use as an engineering workshop I consider that the use would

meet with the definition of an industrial building as it is used for the carrying on of any industrial process.

- 8.3.5. As per Part 2 of the Planning and Development Regulations, 2001 (as amended) an:

“Industrial process” means any process which is carried on in the course of trade or business, other than agriculture and which is-

(a) for or incidental to the making of any article or part of an article, or for, or incidental to the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article, including the getting, dressing or treatment of minerals,

As such, the total floor area of the workshop which is in excess of 800 sq.m which would require up to a maximum of 24 no. spaces.

- 8.3.6. I note that Tralee MD Roads & Transportation report recommends conditional approval subject to the “...*proposed works on this development which is located off the N21 at Ballingowan Tralee shall incorporate sufficient car parking availability as to not impact the safety of road users at this junction access and existing the N21*”. It is unclear from the report from Tralee MD Roads & Transportation that the number of car parking spaces and proposals with respect to delivery and collection of goods is in their opinion sufficient.

- 8.3.7. On balance, taking into account these identified issues including the lack of clarity on sufficient legal consents with respect to ‘Site B’ in conjunction with concerns relating to adequate of car parking and drop off/pick up facilities, I am of the view that the traffic impacts including proposals for the traffic management of deliveries drop down area/pick up area has not been adequately demonstrated in the application documentation. Having regard to the other substantive reason for refusal set out below, it may not be considered necessary to pursue the matter.

8.4. *Fire safety*

- 8.4.1. I note the matters raised in relation to fire safety. The footprint of the engineering workshop has incrementally expanded to the site’s boundaries and the subject application for retention of same and further extension to the boundary represents approximately 90% site coverage. The building and its proposed extension would

effectively sit just within the eastern boundary. I note the Fire Services Department's concerns with respect to the items for retention requiring a regularisation certificate.

- 8.4.2. The issue of compliance with Building Regulations will be evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal.

9.0 AA Screening

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the retention of alterations to workshop and canopy as constructed and permission for extension and alterations in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located approximately 0.5km north of the Special Area of Conservation: Ballyseedy Wood SAC (Site Code:002112). The subject site is buffered from the nearby European site by the N21.

The proposed development comprises two elements:

- (1) Retention of alterations to existing engineering workshop with all associated site works and retention of canopy as constructed between two existing buildings on site. Gross floor space of work to be retained is stated as 54 sq.m.
- (2) Permission to construct a minor extension to include a roof alteration, alterations to the site/buildings external envelope which will accommodate upgrade works for fire compliance, construct a car parking area (Located on Site B as referred to in paragraph 1.3 of my report), decommission existing septic tanks, install mechanical treatment unit and sand polishing filter and all associated site works. Gross floor space of proposed works stated as 21 sq.m.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Nature of works
- Location-distance from nearest European site and lack of connections]
- Taking into account screening report/determination by the planning authority in respect to the retention elements.

I conclude, on the basis of objective information, that the proposed development would not have a likely 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 (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

I recommend that permission is refused in accordance with the following reasons and considerations:

11.0 Reasons and Considerations

1. On the basis of the submissions made in connection with the planning application and appeal, it appears to the Board that the proposed development relates to a structure which is unauthorised and that the proposed development would comprise the extension and alteration of this unauthorised structure. Accordingly, it is considered that it would be inappropriate for the Board to consider the grant of a permission for the proposed development in such circumstances.

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.

Claire McVeigh
Planning Inspector

2 May 2025

Appendix 1: Form 1

Form 1 - EIA Pre-Screening

Case Reference	319655-24
Proposed Development Summary	Retention of alterations to workshop and canopy as constructed. Permission for extension and alterations with associated site development works.
Development Address	Ballingowan, Tralee, Co. Kerry
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, no further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Part 2, Schedule 5, Planning and Development Regulations, 2001 (as amended)</p> <p>Class/Threshold – Class 10. (b) (iv) Infrastructure projects</p> <p>10. Infrastructure projects (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)</p> <p>The subject site area is stated as 0.29ha located outside the business district, outside the town boundary but within the Municipal District for Tralee.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	319655-24
Proposed Development Summary	Retention of alterations to workshop and canopy as constructed. Permission for extension and alterations with associated site development works.
Development Address	Ballingowan, Tralee, Co. Kerry
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
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 to be retained and for construction comprises extensions and alterations to an existing engineering workshop 'Albrite Engineering'.</p> <p>The main activities include cutting of stainless steel and fabrication of stainless-steel including welding, grinding and shaping of the steel to create workstations, counter tops, sinks etc.</p> <p>The submitted Air Dispersal Model (Axis Environmental Services) which states that the only emissions (Oxides of Nitrogen) from the installation relate to two gas oil heaters which are used intermittently on site to heat the building. There is no other local extract or building ventilation systems at the installation. There are no process emission points that remove air from the building and discharge to atmosphere.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use,	The subject site is located in the open countryside adjacent to the N21 Tralee to Killarney Road.

<p>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>	<p>There are no ecological or cultural/archaeological sensitive locations in the immediate vicinity of the site.</p> <p>The application site is not located in or immediately adjacent to a European site. The Special Area of Conservation: Ballyseedy Wood SAC (Site Code:002112) is located approximately 0.5km south of the subject site but is buffered by the N21 from the subject site.</p>
<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>	<p>Likely significant effects on air quality have been considered and the appropriate percentile concentrations for Oxides of Nitrogen were predicted following analysis by Axis Environmental Services to comply with the limits applied in 2008/50/EC. The report states that the annual average and 1-hour GLC over the modelled period were both well within the applied limit values.</p> <p>A noise survey carried out on 18-05-23 and repeated on 14-02-2024 for the confirmation of noise impact assessment by Axis Environmental Services demonstrated that traffic from the N21 (which is 50m from the site boundary) was a major contributor to the noise levels in both surveys.</p> <p>The submitted noise survey states that there was no tonal or impulsive noise observed at any time at the noise sensitive locations for the duration of the assessment.</p>

		<p>As the application is for retention the survey states that it gives a true reflection of the worst-case noise from the facility. The findings of the survey would indicate that the noise levels are below EPA guidance limits for noise at all three locations assessed.</p> <p>I consider that on the basis of the scale of further extensions sought to the facility that there would be no likely significant effects with respect to noise.</p> <p>No significant waste, emissions or pollutants are likely.</p> <p>There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.</p>
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	
There is no real likelihood of significant effects on the environment.	EIA is not required.	
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.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)