



An
Bord
Pleanála

Inspector's Report ABP-321025-24

Development	Retention of retaining wall, ESB substation and temporary site offices. Permission to complete retaining wall and construct pumphouse all ancillary site development works.
Location	Roxborough, Roscommon, Co. Roscommon, F42 PY26 & F42 XF54.
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	2460362
Applicants	Ross Engineering Ltd.
Type of Application	Retention and Permission
Planning Authority Decision	Grant Retention and Permission
Type of Appeal	Third Party
Appellant	Edward Harte
Date of Site Inspection	30 th January 2025.
Inspector	Dolores McCague

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1.0 -Site Location and Description

- 1.1.1. The site is located at Roxborough, Roscommon, Co. Roscommon. The site is located on Local L1805 approximately 2.5km north-east of Roscommon Town and is just over 1km from the N63 National Road.
- 1.1.2. The site is occupied by two buildings on separate but connected grounds, which currently share a road entrance, located approximately between the buildings. An entrance to the west is currently disused. The building to the east is larger and more modern in appearance. The grounds associated with the larger building, unit 1, extends to the rear of the site and for the full width of the site (ie. to the rear of unit 2) and has been surfaced. This area is enclosed by high boundary walls of masonry construction and includes stored product and containers. Along the side of unit 2 and as far as the roadside boundary, a low wall divides the grounds, with the area to the west, associated with unit 2, having a slightly higher ground level. Containers and a temporary office are located along the side of that building.
- 1.1.3. Between the road and the front of the Unit 1, at the eastern side of the site, a derelict structure, formerly a dwelling, separates the site from the L1805. A car park and a green area makes up the remainder of the land forward of Unit 1. The area between unit 2 and the roadside boundary is occupied by car parking.
- 1.1.4. The rear gardens of two detached dwellings, of recent origin, which face east towards local road L1906, extend close to the site. The first one is roughly in line with Unit 1. A short distance to the west there is a detached dwelling of recent origin. Land between the site and the junction with the L1906 has been infilled.
- 1.1.5. The roads are narrow and have a poor structure. The L1805 runs parallel to the national secondary road N63 from Roscommon town (The Walk). The L1906 connects it to the N63 to the south. A number of other commercial premises are located along the L1805.
- 1.1.6. The site is given as 1.88ha.

2.0 Proposed Development

- 2.1.1. The proposed development is described as retention permission & permission for the following:

- (1) Permission to retain as constructed retaining wall and ESB substation along northern boundary and western boundary;
- (2) Planning permission to complete retaining wall to western boundary and to construct pumphouse for onsite water supply;
- (3) Permission to retain temporary site offices and temporary office containers which are required for the duration of the construction phase and carry out all ancillary site development works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decision, dated 23rd September 2024, was to grant permission, subject to 4 conditions, including:

1. Per submitted.

For the avoidance of doubt, this permission pertains only to the elements of development detailed in the formal development description.

Additionally, this permission authorises the retention of identified temporary site offices and storage containers on site on a temporary basis, for a maximum period of 5 years only from the date of the final grant of planning permission, after which time they shall be permanently removed from the property and the land shall be restored to its original condition.

Reason: Clarity, orderly development, the proper planning and sustainable development of the area and having regard to the fact that temporary structures are liable to deterioration over time.

2. All surface water run-off from this development shall be collected and disposed of within the site to specifically designed soakpits. In particular, no such water run-off shall be allowed to flow onto the public road or adjoining properties.

3. All construction and demolition waste produced as a result of works shall be appropriately stored and segregated on site prior to disposal to a licensed or permitted facility in accordance with the provisions of the Waste Management Act 1996 as amended.

4 Within six months of the date of the final grant of planning permission or prior to the undertaking of any element of works associated with this permission, whichever is the sooner, a development contribution in the sum of €1,273.20 (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office) shall be paid to Roscommon County Council as a contribution towards the expenditure that was incurred or is proposed by the Local Authority in respect of providing public infrastructure and services. Payment of this contribution is subject to the provisions of the adopted Development Contribution Scheme 2014 (as amended 2020).

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Planners report, 23rd September 2024, recommending permission, includes:

An outline of the planning history is given, including a current application 24/60028, and that pre planning consultations were engaged in in relation to a related proposal to regularise the planning status of existing buildings, entrance and sewage treatment plant.

The building on the south of the site (unit 2) had a permitted use for a mineral water bottling plant and the building to the north was granted permission for industrial storage in 2003 and was granted retention permission in 2005 which included a production unit. The current application (PD24/60028) is to retain light industrial use. It is not considered that the subject proposal, to retain infrastructure and temporary offices on the site which are ancillary to any prevailing use on the site, would perpetuate or intensify an unauthorised use, nor would it prejudice the outcome of PD 24/60028.

The proposal is therefore considered to constitute boundaries, infrastructure and temporary structures ancillary to any prevailing use on site and is therefore considered acceptable.

There are two entrances / exits to the site.

Development Contribution – the containers, pump house to be retained and offices are temporary structures and contributions shall therefore be levied at 50% the normal rate per the provisions of Section 14(j) of Roscommon County Council's Development Contribution Scheme 2014 (amended 2020).

Three temporary containers 26.23 m² @€10 - €262.30

Temporary office containers, 28.211m² @€10 - €281.10

Pump house and ESB substation combined floor area 336.49m² €20 - €729.8

Total €1,273.20.

Wall – no floor area therefore exempt.

3.3. Other Technical Reports

3.3.1. Roads Section, 10/09/2024

- It is noted that this application was required to regularise unauthorised activity / structures on the site prior to a planning adjudication being made on PD 24-60028 which is currently at FI stage.
- With the information to hand it is hard to know exactly what is being proposed for this site and the likely impacts that it will pose for the local road network. An adequate development contribution will be required for public road maintenance and the Area Engineer shall be consulted in this regard prior to a decision being made on the initial application.
- Surface water attenuation would also be a concern and whether it can be appropriately managed on site with adequate outfall points in storm periods.
- Perhaps a flood risk assessment is required for the site and public road along the front of the site. It was noted that some of the initial 3rd party observations made reference to flooding of adjacent lands and public road.
- FI Required.
 - Surface water: significant increase in non-permeable surfaces over the area of the site, little or no detail is provided in relation to the surface water management proposed for the site. Surface water design proposal should be provided. Site surface water design and attenuation to be in accordance with SUDS and where possible should be designed in accordance with best

practice and incorporate nature based solutions. Surface water runoff should not impact on public roads or adjacent properties.

- Traffic study: details of traffic movements to and from the development are required, inclusive of vehicle type currently using the facility, numbers of movements, and routes taken approaching and departing the units. This information is required in its present form and predicted detail if application is granted. It is noted there is a significant amount of parking detailed on the application at present.
- Flood Risk: provide details of a flood risk assessment for the site and in particular effects on the adjoining lands and public road.
- The following general points should be noted and adhered to:

General Comments

- In accordance with CDP the development shall not cause a traffic hazard.
- Sightlines are to be provided and maintained in accordance with the CDP.
- All parking requirements should be within the curtilage of the site. Road side parking is prohibited adjacent to all of this development during and after construction.
- No surface water runoff from the site shall discharge onto the public road. Existing roadside drainage shall not be impaired by the proposed development and all roadside works shall be designed and shaped or otherwise treated to ensure the uninterrupted flow of existing roadside drainage.
- Internal stormwater attenuation and retention is to be designed to current standards incorporating nature based solutions.
- Any damage to existing public road, footpath or other public facilities or services caused by the proposed development shall be fully reinstated to the satisfaction of Roscommon County Council.

3.3.2. Environment Department, 23/09/2024:

- Associated planning permission application 2460028 is in train and a general Construction and Demolition Waste Management Plan was submitted as part of this application.
- Should permission be granted, the following conditions to be applied to the proposed development:
 - Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Tier 2 Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021) including demonstration of proposals to adhere to best practice and protocols.
 - The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record.
 - The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.
 - The assessment of the soil and stone excavated as a results of the proposed development shall be based on the EPA (2020), Guidance on waste acceptance criteria at authorised soil recovery facilities.
 - This shall apply to the sample testing requirements, frequencies and associated maximum concentrations of contaminants and trigger levels.
 - All construction and demolition waste generated as a result of the proposed development shall be disposed of to a facility authorised in accordance with the provisions of the Waste Management Act 1996 as amended. This shall apply to the transport, recovery and disposal of all waste arising as a result of the development. All waste arising at the construction stage shall be source segregated for onward recovery or disposal.

- Soil and stone excavated as a result of the proposed development shall be assessed to determine what level of contamination (if any) exists prior to their removal from site for authorised disposal/recovery.
- Secure storage area for all wastes arising from associated activity should be provided within site confines.

3.4. Prescribed Bodies

- 3.4.1. Uisce Éireann's, 6 September 2024 - This premises is connected to the private Mid Roscommon Cooperative Group Water Scheme. It should not have been referred.

3.5. Third Party Observations

- 3.5.1. A third party observation on the file has been read and noted.

4.0 Planning History

321335 PA Reg Ref 2460028 Planning permission and retention permission for the following: Retention planning permission for: 1. As constructed industrial units which are at variance with planning permissions PD/97/229, PD/01/97 and PD/03/846, 2. The change of use from mineral water bottling plant and associated stores/offices & ancillaries previously permitted under Planning Ref. No's PD/97/229, PD/01/97 PD/03/846 to current light industrial use. Planning permission for: 3. The construction of a single storey extension to building granted under PD/03/846 to include reception area, office space, staff welfare facilities and plant room and upgrade elevations with new cladding, new windows, signage and removal of a rear annex, 4. The upgrade of elevations of building granted under PD/97/229 and extended under PD/01/97 with new cladding, new windows and signage, 5. The construction of a new machinery storage shed to the rear of the site, 6. The installation of a new proprietary treatment system and polishing filter in lieu of malfunctioning septic tank and treatment system (which are both for decommissioning and removal), 7. The removal of one entrance and upgrading existing entrance and boundary treatments, landscaping and all ancillary site works, car parking and surface finishes at

14/352 permission refused for change of use of part of existing store area to Community shop and Roscommon Society for Prevention of Cruelty to Animals Charity Shop. Reasons: unacceptable location for a retail unit, contrary to national policy; intensification of use would give rise to unsustainable patterns of travel and associated increased traffic generation on the rural road network, inadequate sightlines, (copy of file provided).

13/77 Permission to retain part of existing permission known as Roxborough Discount Store to retail outlet refused. Reasons: unacceptable location for a retail unit, contrary to national policy; intensification of use would give rise to unsustainable patterns of travel and associated increased traffic generation on the rural road network, (copy of file provided).

RL20.RL2923 (2011) Referral to an Bord Pleanála to determine whether the change of use of an industrial premises to use as a retail discount store is or is not development or is or is not exempted development. The Board decided that the proposal was development and was not exempted development.

07266 adjoining site, permission for 2,215 sq m warehouse, refused. Reasons: deficient road network, deficient soils, contrary to policy to develop and improve safety and carrying capacity of road network, insufficient interest in land, (copy of file provided).

06/2182 adjoining site, permission granted to demolish hayshed and construct agricultural store, (copy of file provided).

05/1436 Retention refused to retain building and proprietary treatment unit as constructed and production unit. Reasons: materially contravenes condition no. 3 of 03/846, inadequate soils, related to unauthorised use, (included proposed work to road junction) (copy of file provided).

03/846 permission granted for 1 no. industrial storage unit and associated parking and site works, (copy of file provided).

01/97 permission granted to extend existing mineral water bottling plant for use as storage facilities for a Mineral Water bottling plant: 4 conditions, condition 2 compliance with 97/229 the 25 conditions of 97/229 are given and include 6) hours of operation 8am to 6pm, condition 13) noise at nearest or any residence daytime 50

dB LAeq, night 40 dB LAeq., condition 19) no tree or hedgerow removal, 23) access restricted to one point, 25) front boundary timber post and rail (copy of file provided).

97/229 permission granted to erect Mineral Water bottling plant / stores / offices & ancillaries. Details on file include: the applicant owns two wells on the site which can provide up to 40,000 litres...

4262 Pre-planning in relation to proposals to regularise the planning status of existing buildings, sewage treatment plant and entrance.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Roscommon County Development Plan 2022-2028 is the operative plan. Relevant provisions include:

Strategic Aims

1 Achieve a transition to a competitive, greener, low carbon, climate resilient and environmentally sustainable county, facilitated through reducing the need to travel, by integrating land use and sustainable modes of transport, by reducing the use of non-renewable resources and by promoting and facilitating renewal energy initiatives on a domestic and commercial scale.

2 Plan for a population uplift of 6,387 persons / 2,353 housing units during the Plan period. In doing so, ensure increased alignment between the location of population growth and employment growth.

3 Direct a significant proportion of the county's assigned population growth to the Athlone West area of Athlone (in recognition of the NPF designation of Athlone as a Regional Growth Centre) and to Roscommon town (as a designated Key Town in the RSES for the Northern and Western Region), thereby enabling the creation of a critical mass in those areas for the provision of increased services, facilities, and employment opportunities.

5 Promote the regeneration and renewal of towns and villages throughout County Roscommon, and create healthy place-making by improving the attractiveness, quality, design, viability and vibrancy of towns and villages. This will be achieved in part through a focus on the redevelopment / development of /infill / brownfield lands

within the existing built settlement footprints, in accordance with the principle of compact growth as set out in the NPF.

6 Promote the development of the towns and villages throughout County Roscommon to their full economic and social potential in order to support and enhance both the resident/hinterland community and economic and employment base and to enable towns and villages become self-sustaining, sustainable and balanced.

ED 6.1 Ensure that sufficient and suitable land is reserved for new industry / enterprise development and other employment uses in a range of sizes at key locations throughout the county.

ED 6.2 Promote the co-ordinated alignment of population and employment in designated growth towns, providing for natural increases and to enable towns to become more economically self-sustaining, in line with the quality and capacity of public transport, services and infrastructure available.

ED 6.3 Support appropriately scaled economic development and services, together with the enhancement of local infrastructure and amenities and improved sustainable transport links.

ED 6.8 Facilitate the future expansion of existing Industrial / Business Parks, in circumstances where the existing parks are substantially complete and occupied and there is a demonstrable need for further expansion.

6.3 The Role of Rural Roscommon

Accommodate proposals for small scale enterprise in rural areas, including the suitable expansion of existing facilities, subject to relevant planning considerations, including demonstration that the nature of the activity is appropriate to the rural area and evidence that it cannot be accommodated on zoned land in the towns within the county.

ED 6.9 Support the development of rural resource based industries in rural areas, subject to compliance with appropriate planning and servicing requirements.

ED 6.10 Facilitate proposals for new small-scale rural enterprises or extensions to existing smallscale, rural-based, indigenous activity, subject to compliance with appropriate planning and servicing requirements.

ED 6.11 Facilitate new commercial uses for vacant or derelict buildings, including buildings in rural areas, subject to compliance with appropriate planning and servicing requirements.

7.2 Land use planning and transportation

The integration of land-use and transportation can help reduce the need to travel and can facilitate sustainable urban development by shaping the pattern of development and location and scale of centres of growth.

The plan strongly supports the creation of compact urban growth, consolidation of existing settlements and prioritisation of the development of brownfield lands across the settlement hierarchy, which in turn will encourage the use of public transport, cycling and walking as viable alternatives to the private car.

ITC 7.1 Support and facilitate the integration of land use with transportation infrastructure, through the development of sustainable compact settlements within the hierarchy of settlements as identified within the Core Strategy and which are well served by public transport.

ITC 7.2 Promote sustainable land use planning measures which facilitate transportation efficiency, economic returns on transport investment, minimisation of environmental impacts and a general shift towards the greater use of public transportation throughout the county.

ITC 7.5 Prepare an Area Based Transport Plan for Roscommon in conjunction with relevant agencies, to support the growth of Roscommon as a Key Town.

Chapter 12: Development Management Standards

Proposals for development will be assessed in terms of potential impact on existing adjacent developments, existing land uses and/or the surrounding landscape. Where proposed developments would be likely to have a significant adverse effect on the amenities of the area through pollution by noise, fumes, odours, dust, grit or vibration, or cause pollution of air, water and/or soil, mitigation measures should be included in order to eliminate adverse environmental impacts or reduce them to an acceptable operating level.

5.2. Natural Heritage Designations

- 5.2.1. Corbo Bog SAC, (site code 002349), c3km straight line distance to the east and Lough Ree SAC, (site code 000440), c4km straight line distance to the south-east are the nearest Natura sites.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third party appeal was submitted by Eddie Harte. The grounds include:
- Cannot be considered in isolation to the other application 2460028.
 - Aside from the extensive reconstruction of the grey building the developer started work on constructing a mass concrete perimeter wall and some additional structures, all of which added to the appellants discomfort. These issues were raised with the planning authority under complaint ref. no. UDR2882; correspondence from which is supplied with the grounds and referred to; with photographs and dates taken.
 - In relation to the conditions attached to the decision, the appellant states that condition no. 1 is absurd since the work is largely completed.
 - Re. condition no. 2 drains / pipes have already been placed under material spread on adjacent properties.
 - Re. condition no. 3, this is absurd since a substantial amount of material was removed and spread on adjacent property.
 - A condition re. times of operation is absent.
 - The planning authority has failed to consider their submissions.

6.2. Applicant Response

- 6.2.1. A response has been submitted on behalf of the applicant to the grounds of appeal, which includes:

- Re. the suggestion that the application should be considered with PD24/60028. Although part of the overall development they believe that the applications can and should be assessed independently. The infrastructure retained under PD24/60362 is integral to the site's functionality and does not directly involve the operational use of the warehouse itself.
- The site improvements support Roscommon County Development Plan policy objectives ED6.9 and ED6.10 to promote rural-based enterprises and local economic growth.
- Their strategic location offers key advantages that benefit the community and region.
- Existing building improvement and regeneration; proximity to agricultural and industrial sectors; logistical efficiency; support for local employment; support for local suppliers and environmental and sustainability benefits.
- Their core activities are stated:
 - Design and Engineering – their design and engineering teams specialise in architectural and structural steel solutions. Their work spans across sectors such as construction, infrastructure, and modular housing, providing custom-engineered steel structures.
 - Fabrication and Manufacturing - they operate an advanced manufacturing facility equipped with state-of the-art CNC machinery. This allows them to fabricate both lightweight architectural steel components and large structural elements, ensuring precision and efficiency.
 - Product Assembly - a key component of their business is the assembly of modular units for housing and commercial applications. By pre-assembling these units offsite, they reduce construction time and minimise disruptions to surrounding areas, contributing to more sustainable construction practices.
- They acknowledge the appellant's concerns regarding potential environmental impacts. They have conducted comprehensive assessments and introduced several mitigation strategies to ensure the development complies with environmental, safety, and planning standards:

- Surface water management: SUDS and Flood Risk Minimisation.
- Noise Assessment and Mitigation – A comprehensive Noise Impact Assessment was carried out which confirm that the business is operating well within acceptable noise levels. They remain committed to further reducing noise impact and propose the following mitigation measures:
 - Building cladding upgrades – they are enhancing the sound insulation properties of the cladding to further dampen operational noise.
 - Boundary wall treatment – The boundary wall has been designed to reduce noise and limit light spillage.
 - Extensive planting along the perimeter.
 - State-of the-art CNC equipment – modern, quieter, and energy efficient machinery that operates well within reduced noise thresholds.
- Lighting Upgrade and Mitigation: It was determined that the existing lighting system, in place since 2003 could be improved. Incorporated are
 - Directional lighting – shields will direct light only to intended areas, such as pathways and parking lots, preventing light from spilling into neighbouring properties or the sky.
 - Angled and adjustable fixtures.
 - Lighting intensity control: low-intensity lighting and warm light sources.
 - Timers and motion sensors. A curfew system will automatically reduce or turn off lighting during late-night hours to limit disturbances.
 - Glare mitigation – anti-glare shields.
 - Screening and Vegetation – an essential long-term solution.

These measures aim to minimise any environmental disturbance while improving site safety and efficiency.

- Site safety

As part of their commitment to safety and security, measures have been incorporated into the overall development plan:

- Site boundary wall – preventing unauthorised access and safeguarding site equipment and personnel; helping to contain both noise and light, aesthetic screening.
- New Plant
- The new manufacturing plant has been designed with the highest safety standards in mind.
- Operational safety: plant will incorporate advanced safety systems including automatic shutdown in case of equipment malfunction.
- Environmental compliance – the plant design includes emissions control systems to reduce environmental impact, keeping operations within regulatory limits.
- Security Gates - State-of the-art security gates will feature biometric keycard access to limit entry to authorised personnel only. 24/7 surveillance – integrated CCTV monitoring will be employed to ensure that the site remains secure at all times, reducing the risk of theft or vandalism; emergency access – in compliance with safety regulations, gates will allow for swift emergency access.

These measures will enhance site safety and ensure that the facility will operate with minimal impact on the surrounding environment.

- Compliance with the Planning and Development Act
 - Retention is a well-established legal mechanism.
 - The appellant's concerns regarding supposed irregularities in earlier planning approvals are unrelated to the current application. The original development, completed in 2003, has stood for over 22 years without any objections from the appellant. No recorded breaches of planning compliance or environmental issues were raised during that time.
- The current proposal is forward looking, elevating operational integrity and reducing visual and operational impact.
- Engagement and Complaint Resolution:

- Throughout the planning process they have maintained proactive engagement with Roscommon County Council, nearby residents and key stakeholders including the appellant, in an effort to address and mitigate concerns. This demonstrates their commitment to transparency and collaboration. The appellant's complaints were addressed appropriately through the planning enforcement and retention process, and any issues raised were resolved within the established legal framework.
- All concerns raised by the appellant and others have been managed through the proper channels and they are confident that the Council's planning conditions, along with their active engagement with stakeholders, will ensure the project progresses in full compliance with the law and community expectations.

There are a number of attachments with the response.

7.0 Assessment

- 7.1.1. I consider that the main issues which arise in relation to this appeal are appropriate assessment screening, the principle of the development, residential amenity, and the following assessment is dealt with under those headings.

8.0 AA Screening

- 8.1.1. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site, there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision.
- 8.1.2. I have considered the project:
- (1) Permission to retain as constructed retaining wall and ESB substation along northern boundary and western boundary;
 - (2) Planning permission to complete retaining wall to western boundary and to construct pumphouse for onsite water supply;

(3) Permission to retain temporary site offices and temporary office containers which are required for the duration of the construction phase and carry out all ancillary site development works;

in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located at Roxborough, Roscommon, Co. Roscommon, c3km straight line distance from Corbo Bog SAC, (site code 002349) which is to the east and c4km straight line distance from Lough Ree SAC, (site code 000440), which is to the south. These are the nearest European sites.

The proposed development comprises minor works and temporary offices.

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 any European Site. The reason for this conclusion is as follows.

- Nature of works which are small scale and the temporary use of the structures.
- The distance from nearest European site and lack of connectivity.

I conclude that 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 (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

8.2. The Principle of the Development

- 8.2.1. The proposed development, as described in the notices, is associated with established industrial use on this site in this rural area.
- 8.2.2. The grounds of appeal states that the application cannot be considered in isolation to the other application 2460028; that is the other appeal before the Board: ref 321335. The Board will be aware that there is an appeal against itemised retention and permission proposals on this site. The subject development is however a separate appeal and although related to the appeal ref 321335, it falls to be considered in its own right.

- 8.2.3. Notwithstanding that the use as a mineral water bottling plant has ceased, it is a permitted use and therefore does not extinguish with lapse of time or abandonment. There is permitted industrial use on this site. The proposed development comprises reasonable works associated with an industrial use. In my opinion the proposed development is acceptable in principle.

8.3. Residential Amenity

- 8.3.1. The concerns stated in the grounds of appeal relate largely to the current use of the site and to works which are the subject of the other appeal. The appeal states:

Aside from the extensive reconstruction of the grey building the developer started work on constructing a mass concrete perimeter wall and some additional structures, all of which added to the appellants discomfort. These issues were raised with the planning authority under complaint ref no UDR2882; correspondence from which is supplied with the grounds and referred to; with photographs and dates taken.

- 8.3.2. In my opinion the retaining wall and ESB substation (northern and western boundaries), the retaining wall to western boundary, the pumphouse for onsite water supply; the temporary retention of site offices and office containers for the duration of the construction and associated and ancillary site development works, are reasonable works and uses associated with an established industrial use, and have limited impact on residential amenities.

9.0 Recommendation

- 9.1.1. It is considered that planning permission should be granted subject to the following conditions, for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the established industrial use of the site, it is considered that the proposed works and temporary uses are reasonable, would not unduly impact on the amenities of the area and are otherwise in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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) This permission authorises the retention of identified temporary site offices and storage containers on site on a temporary basis, for a maximum period of 5 years only from the date of permission, after which time they shall be permanently removed from the property and the land shall be restored to its original condition.

Reason: In the interest of clarity and having regard to the fact that temporary structures are liable to deterioration over time.

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

Reason: In the interest of public health.

4) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services.

Reason: In the interest of public health and surface water management.

5) The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of

the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Planning Inspector

March 2025

Form 1 EIA Pre-Screening

An Bord Pleanála Ref	321025		
Proposed Development Summary	Retention permission & permission for the following: (1) Permission to retain as constructed retaining wall and ESB substation along northern boundary and western boundary; (2) Planning permission to complete retaining wall to western boundary and to construct pumphouse for onsite water supply; (3) Permission to retain temporary site offices and temporary office containers which are required for the duration of the construction phase and carry out all ancillary site development works.		
Development Address	Roxborough, Roscommon, Co. Roscommon		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?		Yes	/
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	/		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	NA		
No	NA		
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	NA		
5. Has Schedule 7A information been submitted?			
No	No		
Yes			

Inspector: _____

Date: _____