



An
Bord
Pleanála

Inspector's Report

ABP-321335-24

Development	Retention and permission for industrial units, change of use, and amendments to previously granted permissions, with all associated works.
Location	Roxborough, Roscommon, Co. Roscommon.
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	2460028
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 (ie. to the rear of unit 2) and has been hard 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 parking area and green area makes up the site forward of the building. 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. The predominant use in the area is marginal agriculture; pasture.
- 1.1.6. Part of Unit 1 had a tube laser and a plate laser in place. At least one was being operated on the date of inspection. In one or two bays around the inside perimeter of

the building there were individual operatives using other cutting and welding equipment. A considerable proportion of the building was vacant.

1.1.7. The site is given as 1.88ha.

2.0 Proposed Development

2.1.1. As described in the published notice:

Ross Engineering Ltd. are applying for 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 (Eircode F42PY26),
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 (Eircode F42XF54),
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 Roxborough, Roscommon, Co. Roscommon.

2.1.2. The planning report accompanying the planning application states:

The subject site consists of an existing manufacturing plant constructed in the late 1990's on the outskirts of Roscommon Town. The subject site was purchased in 2022 by the applicant and they have been operating on site since 2019 in the larger unit and 2020 in the smaller unit. There are 10 employees on site with plans to increase this to around 30 if they can secure planning permission.

The subject site was not constructed in accordance with the planning permission awarded to it by the then owner in the 1990's. The statutory period for enforcement has long since passed and Ross Engineering would like to consolidate the facility, create an informal landscaping scheme to help integrate the development into its surroundings, creating one entrance and establish modern facilities for their staff on site. There are trees and rural hedgerows to the north, east and south and the site would benefit from one single access and some tree planting along the south-west and west boundaries.

The development consists of 'a technology plant, where Ross Engineering respond to market demand for the supply of light technological solutions for modern industry. Ross Engineering are an advanced engineering technology company, who take parent company design problems, carry out research solutions and design and fabricate market solutions for their clients.

The company derives its demand from international company's manufacturing design issues, offering unique and custom-design solutions from inception to manufacturing through to installation.

The proposed business and technology plant offers roles in research, design, polymer, fabrication, logistics and installation. Direct spin-off employment will also result on site in relation to office and IT based employment, clean room and maintenance demands from new installations both within the existing site and the purpose-built office and reception area to the south-east of the site.

The development seeking retention and consolidation is not considered to be a material change of use from the parent planning permissions granted on the subject site in the 1990's and early 2000's.

The current application merely seeks to regularise and improve upon existing facilities, bringing them up to a modern specification for the future.

Ross Engineering's processes and activities being carried out on site fall within the definitions of 'industrial process' and 'industrial building' as set out in the Planning and Development Regulations 2001, as amended.

Ross Engineering have not changed the use of the subject structures, they have merely reverted to the last known authorised uses of the subject structures. The subject application would not give rise to an intensification of use on the subject site; would not be inconsistent with any use specified or included in the permitted applications, and would not be a development where the use associated with it would be an unauthorised one.

Adjoining Amenity - The proposed development for retention and consolidation is compliant with the previously permitted uses granted on the subject site and gives rise to no residential impact on nearby dwellings. The applicants have a great relationship with the neighbours, who are happy to see the proposed improvements and investment being made to improve the aesthetics and condition of the subject site.

- 2.1.3. The application is accompanied by a letter of consent from Fergus Naughton 10 Trinity Court, Fonthill Business Park, Clondalkin, Dublin 22, D22 A2C2, which includes:

We Ross Engineering give James Lohan Planning and Design Consulting Engineers permission to apply for planning permission on our behalf at the Ross Engineering Site, Roxboro, Roscommon, F42XF54 and F42 PY26.

- 2.1.4. The detail on the drawings includes:

Shed 11.409m high, 68.090m, 17.600m.

Unit 2: 878.27m², 42.939m, x 20.464m, 11.472 high

Side elevations are isometric (3D) and not scaleable.

Unit 1 existing 2287.77m², annex for removal 57m² 4 = 2792.72m² 42.486m, x 53.855m plus extensions. x 11.616 high for the main part and 4.020 high for the extensions (existing and proposed elevations unit 1 shown – existing 11.472 high 11.602 to apex)

(existing and proposed elevations unit 2 - 6.096m high (new 11.472m high)).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decision, dated 31st October 2024, was to grant permission, subject to 23 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.
2. The development shall be undertaken to ensure that all mitigation measures set out in the Noise Impact Assessment Report submitted on 10th October 2024 and Outdoor Lighting Report and associated documentation submitted on the 5th August 2024 are implemented in full, save as may be required by conditions set out below.
3. All development permitted hereunder shall be retained in single ownership and shall at no time be subdivided or sold/let separately.
4. No signage, save for the areas and locations indicated on approved plans, exempt or otherwise shall be erected on the exterior of the building unless agreed in writing with Roscommon County Council. Prior to the commencement of development, full details of the proposed signage materials and signwriting shall be submitted for the written agreement of the Planning Authority. The agreed signage shall thereafter be implemented. All external signage, shall be adequately maintained in terms of appearance.
5. All surface water run-off from this development shall be collected and disposed of within the site. In particular, no such surface water run-off shall be allowed to flow onto the public road or adjoining properties.
6. The vehicular access to the site shall be constructed and maintained in accordance with the site layout plan submitted on 5th August 2024 along with the indicated achievable sight line shown on this site layout plan. These sight lines indicated as being available shall be permanently maintained and kept free from vegetation or other obstructions that would reduce the minimum visibility required.

7. Existing road drainage shall not be impaired by the proposed development of the access and all roadside works shall be designed and shaped or otherwise treated to ensure the uninterrupted flow of road surface water run-off. The applicants/developer shall be responsible for the cost of any repairs to the public road deemed necessary as a result of any damage done to this road, to facilitate the development hereby granted.
8. Prior to the commencement of development the applicant/developer shall submit a revised site layout plan indicating a minimum of 20% EV car parking spaces to be agreed in writing with the Planning Authority. All parking associated with the development during the construction and operational phase of the development shall be within the confines of the site.
9. Landscaping shall be undertaken in accordance with the details contained on the site layout plan submitted on the 10th October 2024 and shall be undertaken in the first planting season following any final grant of permission.
10. The applicant / developer shall install the 18PE Euro Tank treatment system discharging to three EuroTank TER 3 modules as detailed on page 3 of the PIA Certification document submitted on the 5th August 2024, unless otherwise agreed in writing with the Planning Authority prior to commencement of development alternatively, the applicant may install an alternative PIA certified wastewater treatment system with adequate capacity for at least 15PE. Prior to the commencement of development the applicant shall agree in writing the system design to be installed or any alternative system design with the Planning Authority.
11. The applicant shall carry out additional percolation tests on the imported soil in accordance with section 6.7 of the 2021 EPA Code of Practice: "Domestic Waste Water Treatment Systems (Population Equivalent \leq 10)" and shall submit evidence of the percolation test results to demonstrate that an appropriate percolation value has been obtained, and that the size of the proposed percolation area corresponds to the percolation values achieved onsite.
12. The applicant/developer shall install a percolation area of minimum size to attenuate the effluent arising from the 15PE facility based on the EPA Code of

Practice: Domestic Waste Water Treatment Systems (P.E ≤10). The applicant shall submit evidence to be agreed in writing with the Planning Authority to demonstrate that a percolation area of adequate size has been installed onsite.

13. The Waste Water Treatment and Disposal System, including any associated infiltration area, shall be designed, sited, installed and constructed, and subsequently maintained in accordance with:
 - a) provisions of the 2021 EPA Code of Practice: “Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)”; part H of the Building Regulations and SR 66:2015 or
 - b) the EPA Wastewater Treatment Manual – Treatment Systems for small Communities, Businesses, Leisure Centers & Hotels and guidance issued by Local Authority Services National Training Group (LASNTG), August 2012 - Guidance, Procedures and Training on Licensing of Discharges to Surface Waters, Ground Waters and Sewers, whichever is applicable.

The installation of the system shall be supervised by a suitably qualified person. A certificate confirming that the installed system complies with the aforementioned shall be provided by a suitably qualified person and submitted to the Planning Authority for record purposes.

14. No material shall be stored or stockpiled on the proposed percolation area during construction.
15. No clean uncontaminated surface water from roof, paved areas, etc. shall be permitted to enter the waste water treatment system.
16. The applicant shall submit a construction and demolition waste management plan to account for all waste arising from the proposed development. The waste management plan shall include provisions for the disposal of asbestos and any other hazardous wastes as required. Any asbestos containing waste materials shall be removed in accordance with guidance from the HSE by a suitably competent contractor, and disposed of by an authorised waste collection permit holder, permitted by the NWCPO, to transport hazardous asbestos waste to an authorised waste treatment facility. Records of the

hazardous waste disposal shall be forwarded to the Environment Department for review on completion of works.

17. All construction and demolition waste generated as a result of the proposed development shall be recovered or disposed of in accordance with the provisions of the Waste Management Act 1996 as amended only.
18. The existing onsite wastewater treatment system shall be decommissioned and disposed of at an authorized waste facility and shall be transported by an authorized waste collector.
19. Noise from the construction of this development shall not give rise to the creation of nuisance to the residences in the vicinity of the development. Noise emission limit values of 55dB(A) shall apply to hours of construction activity on site. The hours of construction activity shall be limited to between 08:00 to 20:00 hrs Monday to Friday and 08:00 to 14:00 hrs on Saturday. No construction works should be permitted on site outside of these times.
20. Noise from the operation of the proposed facility shall not give rise to the creation of nuisance beyond the site boundary. Maximum noise emission limit values of 55dB(A) (daytime) and 45dB(A) (night time) at any noise sensitive location shall apply; day time shall be considered to be from 08:00 to 20:00 hrs, any period outside of these times shall be considered night time. The aforementioned noise emission limits are recommended for the normal working week Monday to Friday excluding bank holidays. The lower emission of limits of 45dB(A) to apply at weekends and bank holidays. Noise emissions shall contain no tonal or amplitude modulation or impulsive characteristics.
21. The development shall only operate between 07:30 hours and 17:00 hours, Monday to Friday. No activity shall take place outside these hours or on Saturdays, Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.
22. 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 sooner, a development contribution in the sum of €32,680 (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.

23. The applicant/developer shall give the Planning Authority two weeks' notice in writing of intent to commence development on the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. Arising from the planning reports, a request for further information, issued 19/3/2024 on 22 items; a request for clarification of further information, issued 19/3/2024 on 5 items; and on foot of the final report a decision to grant permission issued.

- 3.2.3. The reports include photographs.

- 3.2.4. The first planning report includes:

Water bottling:

- Unit 2 – permission granted for mineral water bottling plant and extension (97/229 and 01/97).
- Unit 1 permission granted for storage unit associated parking and site works (03/846); retention granted for building and proprietary treatment unit (05/1436).
- Further information – querying light industrial.
- Amendment to elevations listed; and a table of existing permitted and proposed retained building details is set out.

Further information required regarding lighting, noise pollution, and a proposal to reduce visual impact.

Querying the status of other structures on the site.

- 3.2.5. Other Technical Reports

3.2.6. Roads Section, 27/02/24, recommending a request for further information:

1 Sightlines: Prior to approval of the development, please submit detailed drawings demonstrating that adequate sightlines can be achieved in accordance with CDP.

2. 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.

3 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.

- The following general points should be noted and adhered to:

General

- In accordance with CDP the development shall not cause a traffic hazard.
- Any damage to existing road, footpath or other public facilities or services caused by the proposed development shall be fully reinstated to the satisfaction of RCC Roads Department.
- No cycle parking identified on the drawings. Cycle parking should all be arranged so as to eliminate, as far as practicable, interference and conflict between motorists and pedestrians and cyclists.
- Consideration of EV parking should be part of the development.

3.2.7. Environment Department, 29/10/24, which recommends a further information request, includes:

A revised wastewater treatment system has been submitted. This revised design is not acceptable as it does not have the required minimum capacity to treat the wastewater effluents arising from a facility with a population equivalent of 15.

The applicant shall install the above 18PE treatment system onsite, or alternatively, the applicant may install an alternative PIA certified wastewater treatment system with adequate capacity for at least 15PE.

The applicant shall install a percolation area of minimum size to attenuate the effluent arising from the 15PE facility based on the EPA Code of Practice: Domestic Waste Water Treatment Systems (P.E \leq 10).

The applicant shall submit evidence to demonstrate that a percolation area of adequate size has been installed onsite.

Applicant must ensure that the proposed treatment system can achieve and maintain all other minimum separation distances set out in the 2021 EPA Code of Practice:

“Domestic Waste Water Treatment Systems (Population Equivalent \leq 10)”

Waste Water Treatment and Disposal System, including any associated infiltration area, shall be designed, sited, installed and constructed, and subsequently maintained in accordance with provisions of the 2021 EPA Code of Practice:

“Domestic Waste Water Treatment Systems (Population Equivalent \leq 10)”; part H of the Building Regulations and SR 66:2015.

The installation of the system shall be supervised by a suitably qualified person.

No material shall be stored or stockpiled on the proposed percolation area during construction.

A grease trap shall be installed.

Re. construction and demolition onsite.

The existing onsite wastewater treatment system shall be decommissioned.

No burning of waste.

3.3. Further Information

Request

- 3.3.1. A Further Information request issued 19th March 2024 on 22 items:

- 1 Detailed statement of use and justification outlining the exact nature of the activity that is currently/will take place in all existing buildings and justification.
- 2 Justification for why not on zoned lands
- 3 Re. proximity to dwellings – landscaping.
- 4 Re. 'light industrial use' detailed of the floor plan including equipment to be used indicating, with supporting evidence, the noise generated in decibels during operation and any proposed operational noise abatement measures; details of the heating system for the proposed development and technical specifications; details of any mechanical extraction system or odours the facility/operation onsite may produce.
- 5 What is to be constructed and what is to be retained – distinguish.
- 6 Structures not indicated on the layout – clarify.
- 7 Land registry map and folio details.
- 8 Site layout plan which indicates maximum sight lines available.
- 9 Re. condition no. 3 of 03/846 which required boundary wall set back.
- 10 In order to establish the nature of activity proposed at this location, you are requested to provide a detailed breakdown of proposed activities on site, inclusive of all anticipated vehicular traffic movements, including HGV and car movements associated with this development. Please provide details of staff numbers and the anticipated number of visitors, deliveries, etc on a daily/weekly basis. Please also provide details of proposed days and hours of operations on site.
- 11 Justification for the extensive amount of car parking.
- 12 Proximity to dwellings – submit a noise impact assessment, and details of night and day time noise at all noise sensitive receptors and mitigation measures.
- 13 There is an existing block wall on site which appears to be in conflict with the location of proposed waste water system; comment.
- 14 Provide details of existing lighting scheme / light spillage report – horizontal and vertical illuminance and colour temper at all sensitive receptors.

- 15 There is a boundary wall being erected, which does not correspond with the site boundary delineated on the planning application; provide a rationale.
- 16 Clarify water supply.
- 17 Submit a proposal for nature based sustainable drainage.
- 18 Revised layout to show the proposed machinery shed relocated away from the northern boundary in order to provide adequate circulation for surface water attenuation and maintenance of the exterior.
- 19 Details of external finishes.
- 20 Construction and demolition plan.
- 21 Waste water plant to serve a population equivalent of >10. Etc.
- 22 Percolation area.

Response:

- 3.3.2. A response to the further information request was received 12/8/24 which included:
Letter (5/8/24) with statement of use.

Ross Engineering utilizes its existing buildings for a range of activities integral to its operations. These activities include:

Design and Engineering: Our talented team of engineers and designers utilize dedicated spaces within our buildings for the development of innovative solutions and the creation of detailed engineering plans.

Fabrication and manufacturing: We have designated areas equipped with state-of-the-art machinery and tools for the fabrication and manufacturing of various components and structures according to client specifications.

Storage: the new shed to the rear will be used to house large plant and equipment between project deployment.

Product Assembly: A large portion of our business is modularisation, using the components we manufacture in the factory we offer turnkey modularisation assembly in the smaller industrial building.

Quality Control and Testing: Within our facilities, we have dedicated spaces for rigorous quality control measures and testing procedures to ensure the highest standards of product excellence and reliability.

Administrative and Support Functions: Additionally, our buildings house administrative offices and support functions essential for the smooth operation of our business, including project management, procurement, and customer service.

Future Activities: we have successfully developed 3 product lines. These components are used in high technical facilities worldwide and we want the facility in Roscommon to be the manufacturing hub for the same. This will dramatically boost our export market.

3.4. Clarification of Further Information

3.4.1. A Clarification of Further Information request issued 6/9/24 on 5 items:

1 - response to item no's 1 and 2 of the initial request for further information fails to adequately address the issues raised, referring only in general terms to activities such as 'design and engineering', 'fabrication and manufacturing' and 'product assembly' but failing to specify the nature of products / goods being designed / manufactured / assembled, and additionally failing to demonstrate how the establishment of the enterprise in this rural location and any activities being undertaken therein accord with the policy position as set out in the County Development Plan. Please submit a detailed statement of all existing / proposed uses within all existing buildings on site, and provide justification for such uses at this location in the context of Roscommon County Development Plan Policy Objectives ED6.9 and ED6.10. In the context of the foregoing, please provide a detailed account of all raw material inputs, all onsite fabrication and any associated processing of materials, together with details of precise nature and volume of products produced following manufacture/fabrication.

2 planning status. It is acknowledged that an application has been received (Planning Ref. No. PD/24/60362 refers) to retain the elements of development which were the subject of items no's 6 and 15, a planning decision has not been made in

relation to this new application and therefore the planning status of the said development remains indeterminate.

3 noise impact assessment.

4 lighting plan.

5 landscaping plan.

Response

- 3.4.2. A response to the clarification of further information request was received 10/10/24 which included:

Letter (10/10/24) with statement of use: fabricating and manufacturing – cutting, bending and shaping of steel components. Welding and assembly of lightweight structural and architectural elements. Typical assemblies include – modular steel-framed units for housing and commercial applications; pre-fabricated staircases, balustrades and architectural façade; structural components ready for onsite installation, reducing time-intensive assembly work during construction.

Breakdown of the core functions and operations conducted at our site, along with a justification for our location:

Design and Engineering: at the heart of our operation is our design and engineering team, which specializes in both structural and architectural steelwork solutions. We work closely with clients across multiple sectors, including construction, infrastructure, and modular housing, to develop custom-engineered steel structures that meet their unique requirements.

Our design services range from concept development through to detailed engineering specifications, incorporating advanced CAD and 3D modelling technologies to ensure precision and compliance with building codes. We are particularly focused on modularisation, developing pre-engineered solutions that streamline onsite assembly and installation.

For architectural applications, our designs focus on aesthetic, lightweight steel structures that are both functional and visually appealing. Examples include custom balustrades, balconies and architectural facades. For structural projects, we provide

comprehensive solutions for primary and secondary steel frameworks, ensuring the strength and durability necessary for complex builds.

Fabrication and manufacturing: our fabrication and manufacturing capabilities are fully integrated within our facility, allowing us to maintain stringent quality control and meet tight project deadlines. We have invested in cutting edge CNC machinery and automated welding systems, which enable us to fabricate both modular units and traditional steel structures with exceptional precision.

Our processes include:

- Cutting, bending, and shaping of steel components.
- Welding and assembly of lightweight structural and architectural elements.

Our facility has the capacity to produce both small-scale, high spec architectural elements and large scale structural components, offering flexibility to serve diverse project needs. This in-house fabrication capability ensures we can deliver on complex orders with minimal lead times.

Product Assembly: As part of our turnkey service we also provide modular assembly solutions. We pre-assemble modular units in a controlled environment at our facility, reducing the need for extensive onsite assembly and minimising disruption at the construction site. This method greatly enhances efficiency, reduces overall build time, and allows for a higher degree of quality control.

Typical assemblies include:

- modular steel-framed units for housing and commercial applications,
- pre-fabricated staircases, balustrades and architectural façade,
- structural components ready for onsite installation, reducing time-intensive assembly work during construction.

Further Reports

3.4.3. Following receipt of further information.

3.4.4. Planning Report - recommending permission, which issued.

- 3.4.5. Environment Department, 29/10/24, includes: the wwtp does not have the required minimum capacity; recommending conditions.

3.5. Third Party Observations

Third party observation has been read and noted.

4.0 Planning History

321025, PA Reg Ref 2460362 Retention of retaining wall, ESB substation and temporary site offices. Permission to complete retaining wall and construct pumphouse all ancillary site development works. The decision to grant is currently with the Board on foot of a third party appeal.

14-352 Permission refused for change of use of part of existing store area to community shop and charity shop, for 3no. 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 on 321025).

13-77 Retention permission refused to John Farrell for Discount Store, 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 on 321025).

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.

07-266 Permission refused for construction of a new warehouse, parking, WWTS and ancillary works; 4 reasons: capacity of road, capacity of soils; 3 policy to develop and improve safety and capacity of road; 4 interest in lands; (copy of file provided on 321025).

05-1436 - Retention refused to Dún Carriag Spring Ltd. for production unit and WWTS, for 3no. reasons: 1 contravention of condition 3 of 03/846; 2 unsuitable soils

for on-site treatment; 3 unauthorised activities associated with water production, (copy of file provided on 321025).

03-846 - Permission granted subject to 14 no. conditions on 05.02.2004 to construct 1 no. industrial storage unit & associated parking & ancillary.

PD 01/97 – Permission granted on 09/01/02 for an extension of the existing bottling plant for use as storage 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 on 321025).

PD 97/229 – Permission granted for the erection of a mineral water bottling plant, stores, offices, ancillary works and services on the site.

Photocopy provided in observation.

Condition no. 6 of permission hours of operation 8am to 6pm Monday to Friday only. 042085, 05/1388 and 03/846 are referred to on history files, no details are provided.

UDR 2882 is referred to, no details are provided.

4262 Pre planning is referred to, no details are provided.

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 selfsustaining, 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. **Planning and Development Regulations 2001,**

Interpretation for this Part. 5. (1) In this Part—

“industrial building” means a structure (not being a shop, or a structure in or adjacent to and belonging to a quarry or mine) used for the carrying on of any industrial process;

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

"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,

and for the purposes of this paragraph, "article" includes-

(i) a vehicle, aircraft, ship or vessel, or

(ii) a sound recording, film, broadcast, cable programme, publication and computer program or other original database;

“industrial undertaker” means a person by whom an industrial process is carried on and “industrial undertaking” shall be construed accordingly;

Schedule 2, PART 4, Article 10, Exempted development – Classes of Use

- CLASS 4 Use as a light industrial building.

5.3. Natural Heritage Designations

- 5.3.1. 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 on behalf of Edward Harte. The grounds include:
- Pointing out the planning history 99/229 and 01/97 the bottling plant with initially a single roof and a double roof with the 01 extension.
 - 03/846 storage (2255 sq m referred to in the current application as unit 1) double pitch 10.6m height to ridge 7m eaves on the roadfacing side and 9.5m on the other side.
 - Concerns include previous and ongoing failures and enforcement. It should be refused under S35 of the Act.
 - His dwelling is 110m to NE with impacts on residential amenity.
 - It would compromise the rural area – damage the natural rural environment.
 - Operating in an unauthorised manner. Unit 1 is a storage unit as permitted. Unit 2 is a mineral water bottling plant. The volumes of both buildings have been increased. A sketch of unit 1, as permitted, is provided. A layout indicating the permitted location of unit 2, to the rear of the site, is provided.

- This is a high value landscape, Character Area 27, where there is a presumption against unnecessary development outside the town boundary. There is significant negative impact, it is highly visible. The increase in scale and intensity is unacceptable.
- It is not in accordance with the National Framework Plan or the Western Regional Spatial and Economic Strategy, which push all forms of development to urban centres unless spatially required to be in a location such as this.
- Permitted 9.15m x 30m x 6m height bottling plant set back from road. Double pitch roof over the original bottling plant + extension (known as Unit 2).
- Unit 2 (as now known) was permitted as a bottling plant, is in an unauthorised location. It is now proposed to increase in height from 6m (permitted) to 8m, a 33% increase in height and in mass.
- Unit 1 (as now known) was permitted for storage, to a maximum height 10.6m it has a height of 10.547m: an unauthorised height, mass, and use for 5 years. It is in breach of conditions – noise sensitive.
- Use – is vague. It seeks significant intensification of the already unauthorised use. The notice says light industrial; the report document states industrial and the cover letter industrial process and industrial building. The Further Information response lacked clarity. It appears to include design, manufacturing, assembly, testing and support services in the engineering, construction and polymer sectors. A review of their website refers to uses akin to industrial as opposed to light industrial.
- Landscaping – the landscape plan proposes a berm of 0.75m and planting along the southern boundary with the nearest residential property and inside the front boundary. There are no proposals along the northern boundary. It does not address concerns re. visual amenity.
- Excessive noise disturbance impact. – existing NSR 1, 46 dBA, NSR2 50dBA. This is a misleading approach to baseline. There is no account of existing unauthorised use; it is therefore misleading. Clarifying of Further information – cutting, bending and shaping of steel components and welding. Their main

concern is operational noise. The developer regularly operates outside the proposed hours 7.30-17.00, which is not assessed.

- It is not supported by policy – not permitted or open for consideration. This area is under urban influence.
- Draft Roscommon Plan 24-32
- NPO 11.
- Not a suitable expansion of existing facilities of a small scale enterprise. SD6.9 & 6.10 of CDP 22-28.
- Traffic hazard – in an attempt to manage risks – the removal of the entirety of the hedge and creation of an urban edge.
- No details of traffic levels. No reference to what form the delivery vehicles would take,
- The ongoing day to day operations pose serious traffic hazards as it stands and the proposal will exacerbate these risks. The road network is not suitable.
- Light pollution – rationale and reasoning is unclear for the degree of lighting. The lighting study is relying on a range of mitigation being implemented on site, in an unauthorised context.
- Drainage impacts on groundwater surface water and aquifer is inadequately addressed.
- Visual – increase in height of two buildings and an additional building is unacceptable impact, and no landscaping is proposed to north and west.
- They disagree with the render (photomontage) showing no visibility from L1805.
- Precedent
- Policies are aimed at enabling small indigenous businesses to expand in a rural context – not large scale industry.

6.2. Applicant Response

6.2.1. No response

6.3. Planning Authority Response

6.3.1. No response

7.0 Assessment

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

7.2. Adequacy of the Information Provided / Description of Development

- 7.2.1. The appellant considers that the proposed use is vague. It seeks significant intensification of the already unauthorised use. The notice says 'light industrial'; the report document states industrial and the cover letter industrial process and industrial building. The further information response lacked clarity. It appears to include design, manufacturing, assembly, testing and support services in the engineering, construction and polymer sectors. A review of their website refers to uses akin to industrial as opposed to light industrial.
- 7.2.2. The development as described in the public notices comprises:
- 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 (Eircode F42PY26),

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 (Eircode F42XF54),
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 Roxborough, Roscommon, Co. Roscommon.

7.2.3. Item 2 of the listed development is the change of use from mineral water bottling etc. to current light industrial use.

7.2.4. The letter that accompanied the application included 'the proposed business and technology plant offers roles in research, design, polymer, fabrication, logistics and installation. Direct spin-off employment will also result on site in relation to office and IT based employment, clean room and maintenance demands from new installations both within the existing site 2 and the purpose-built office and reception area to the south-east of the site.

7.2.5. In further information provided, in response to a request, related to the description of the development, the details provided include:

Ross Engineering utilizes its existing buildings for a range of activities integral to out operations. These activities include:

Design and Engineering: Out talented team of engineers and designers utilize dedicated spaces within our buildings for the development of innovative solutions and the creation of detailed engineering plans.

Fabrication and manufacturing: We have designated areas equipped with state-of-the-art machinery and tools for the fabrication and manufacturing of various components and structures according to client specifications.

Storage: the new shed to the rear will be used to house large plant and equipment between project deployment.

Product Assembly: A large portion of our business is modularisation, using the components we manufacture in the factory we offer turnkey modularisation assembly in the smaller industrial building.

Quality Control and Testing: Within our facilities, we have dedicated spaces for rigorous quality control measures and testing procedures to ensure the highest standards of product excellence and reliability.

Administrative and Support Functions: Additionally, our buildings house administrative offices and support functions essential for the smooth operation of our business, including project management, procurement, and customer service.

Future Activities: we have successfully developed 3 product lines. These components are used in high technical facilities worldwide and we want the facility in Roscommon to be the manufacturing hub for the same. This will dramatically boost our export market.

7.2.6. Clarification of further information was sought including details of the proposed use.

7.2.7. The response for a detailed statement of use includes:

Design and Engineering: at the heart of our operation is our design and engineering team, which specializes in both structural and architectural steelwork solutions. We work closely with clients across multiple sectors, including construction, infrastructure, and modular housing, to develop custom-engineered steel structures that meet their unique requirements.

Our design services range from concept development through to detailed engineering specifications, incorporating advanced CAD and 3D modelling technologies to ensure precision and compliance with building codes. We are particularly focused on modularisation, developing pre-engineered solutions that streamline onsite assembly and installation.

For architectural applications, our designs focus on aesthetic, lightweight steel structures that are both functional and visually appealing. Examples include custom balustrades, balconies and architectural facades. For structural projects, we provide comprehensive solutions for primary and secondary steel frameworks, ensuring the strength and durability necessary for complex builds.

Fabrication and manufacturing: our fabrication and manufacturing capabilities are fully integrated within our facility, allowing us to maintain stringent quality control and meet tight project deadlines. We have invested in cutting edge CNC machinery and automated welding systems, which enable us to fabricate both modular units and traditional steel structures with exceptional precision.

Our processes include:

- Cutting, bending, and shaping of steel components.
- Welding and assembly of lightweight structural and architectural elements.

Our facility has the capacity to produce both small-scale, high-spec architectural elements and large-scale structural components, offering flexibility to serve diverse project needs. This in-house fabrication capability ensures we can deliver on complex orders with minimal lead times.

Product Assembly: As part of our turnkey service we also provide modular assembly solutions. We pre-assemble modular units in a controlled environment at our facility, reducing the need for extensive onsite assembly and minimising disruption at the construction site. This method greatly enhances efficiency, reduces overall build time, and allows for a higher degree of quality control.

Typical assemblies include:

- modular steel-framed units for housing and commercial applications
- pre-fabricated staircases, balustrades and architectural façade
- structural components ready for onsite installation, reducing time-intensive assembly work during construction.

7.3. Light Industrial Use

- 7.3.1. Regarding the reference to change 'to current light industrial use'. As stated in the foregoing paragraphs, the intended use has been described in different terms on different occasions; it is clear that the use carried on in this large industrial building, on this large industrial site is not light industrial. Light industrial is defined in the 2001 Planning and Development Regulations:

“light industrial building” means an industrial building in which the processes carried on or the plant or machinery installed are such as could be carried on

or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

7.3.2. The nature of the machinery currently on site, the operations being carried on based on the site inspection, and the materials visible on site, are not such as would be associated with a use which could be carried on in any residential area without detriment to amenity. The public notification is therefore inaccurate.

7.3.3. The information provided in support of the application does not provide sufficient details on the processes, inputs, outputs, emissions, wastes, nature and volume of traffic, which are required to enable an assessment of the planning and environmental impacts of the proposed development. This is a reason to refuse permission.

7.4. Appropriate Assessment Screening

7.4.1. 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.

7.5. Assessment

7.5.1. As previously stated, the development is not supported by sufficient detail of the processes, inputs, outputs, emissions, wastes, nature and volume of traffic, to enable an assessment of the impacts of the proposed development.

7.5.2. In my opinion the Board does not have before it sufficient information to carry out screening for appropriate assessment.

7.6. The Principle of the Development

7.6.1. The appellant considers that the proposed development does not accord with the development plan. He considers that it is not in accordance with the National Framework Plan or the Western Regional Spatial and Economic Strategy which push

all forms of development to urban centres unless spatially required to be in a location such as this.

- 7.6.2. The Roscommon County Development Plan 2022-2028 seeks to channel development into the towns of Athlone and Roscommon to achieve the necessary growth in these towns, and to reduce travel demand. In rural areas, such as the subject area, industrial uses envisaged are rural resource-based industries and new small-scale rural enterprises or extensions to existing. It is also the intention to facilitate new commercial uses for vacant or derelict buildings, including buildings in rural areas, subject to compliance with appropriate planning and servicing requirements.
- 7.6.3. The permitted industrial use was a rural resource-based industry: treatment and bottling of water sourced on site. The previous use ceased some time ago and the planning history indicates that a number of uses were unsuccessfully proposed in the intervening period.
- 7.6.4. It is questionable whether or not a rural resource-based industry could be found for buildings of the scale of those on the site.
- 7.6.5. Per objective ED 6.11 to 'facilitate new commercial uses for vacant or derelict buildings, including buildings in rural areas, subject to compliance with appropriate planning and servicing requirements', it could be argued that a change of use to another industrial use would be acceptable on this site. However, as previously stated, the Board does not have before it sufficient information, to enable it to establish that the current proposed use would comply with appropriate planning and servicing requirements.

7.7. Residential Amenity

- 7.7.1. Impacts on residential amenity are the main concerns of the appellant, whose dwelling is 110m to the north east. He considers that it would compromise the rural area and damage the natural rural environment. He alleges that it is operating in an unauthorised manner. Unit 1 is a storage unit as permitted. Unit 2 is a mineral water bottling plant. The volumes of both buildings have been increased. This is a high value landscape, Character Area 27, where there is a presumption against unnecessary development outside the town boundary. It is highly visible and

constitutes a significant negative impact. The increase in scale and intensity is unacceptable. In addition there are no proposals for landscaping along the northern boundary and it does not address his concerns regarding visual amenity. He states that the approach to establishing a noise baseline is misleading because it includes the existing development and further that there is excessive noise disturbance impact.

- 7.7.2. As previously stated, the Board does not have before it sufficient information, to establish whether or not the current proposed use would impact unduly on residential amenity.

8.0 Recommendation

- 8.1.1. Having regard to the foregoing assessment it is considered that the proposed development should be refused for the following reasons and considerations

9.0 Reasons and Considerations

The use for which retention is sought is not light industrial and there is insufficient information provided on the file, of the use proposed, to assess the environmental and planning implications of the development. To grant retention for the proposed retention and proposed development, including the change of use would accordingly be contrary to the proper planning and sustainable development of the area.

Planning Inspector

March 2025

Form 1

EIA Pre-Screening

<p>An Bord Pleanála</p> <p>Case Reference</p>	<p>321335</p>
<p>Proposed Development Summary</p>	<p>Retention planning permission for:</p> <ol style="list-style-type: none"> 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. <p>Planning permission for:</p> <ol style="list-style-type: none"> 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 (Eircode F42PY26), 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 (Eircode F42XF54), 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 Roxborough, Roscommon, Co. Roscommon.

Development Address	Roxborough, Roscommon, Co. Roscommon		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	/
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	/	Probably not but lack of clarity. See inspector's report	
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	/	Probably not but lack of clarity. See inspector's report	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			

5. Has Schedule 7A information been submitted?		
No	/	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: _____