



An
Coimisiún
Pleanála

Inspector's Report

ACP-323043-25

Development

Conversion of attic rooms to offices, 2) extension to manufacturing unit, 3) extension to storage facility, 4) extension to concrete store etc and all associated site works.

Location

Killeshil, Clonearl Demesne Killaderry, Daingean Co. Offaly

Planning Authority

Offaly County Council

Planning Authority Reg. Ref.

2460285

Applicant(s)

Killeshal Precast Concrete Limited

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party

Appellant(s)

Marie-Claire Bellew and Damien Hanlon

Observer(s)

Nil

Date of Site Inspection

24/6/26

Inspector

Ronan Murphy

1.0 Site Location and Description

- 1.1. The appeal relates a site which has a stated area of c. 10.72ha in an area which is predominantly agricultural in character with one off houses and agricultural buildings scattered throughout. The appeal site is located c.0.86km to the north of the town of Daingean in Co. Offaly.
- 1.2. The site comprises of a long-established pre-cast concrete manufacturing facility which includes numerous existing manufacturing building, storage buildings, staff buildings, offices and areas of product storage. The buildings for which retention is sought are located at various positions through the site and include an office extension, extension to an existing manufacturing units, extension to a storage facilities, extension to a concrete store, staff facilities (including toilets, canteen), a machine store, container storage units and a steel storage shed.
- 1.3. A stream known as the Fortyacres (or Esker) stream, runs through the site from the west to the south-east of the site. This stream has been culverted within the site boundary.
- 1.4. The site is bound by agricultural fields to the south, west and north and the local road to the east.

2.0 Proposed Development

- 2.1. The development comprises of the following:

- 1) Offices incorporating conversion of attic rooms to offices and 1st floor offices to rear.

The offices are located to the rear of the building to the east of the site and have a maximum height of c. 6.3m. At ground floor level the offices have an area of c. 151.7m², while at first floor have an area of c. 127m². The dormer element of the main offices has an area of c. 59.62m².

- 2) Extension to manufacturing unit.

The extension to the manufacturing is located to the east of the unit and would have an internal area of c. 73.13m² and a height of c. 5.7m.

3) Extension to storage facility.

The extension to the storage facility is located to southeast of the manufacturing unit in the centre of the site, with a maximum height of c.9.9m. The extension has an internal floor area of c. 791.83m².

4) Extension to concrete store.

The extension to the concrete store is located in proximity to the north of the building which is located to the west of the site. The units have a galvanised steel finish with a maximum height of c. 6.2m and an internal floor area of c. 102m².

5) Building including storage units.

This building is located to the south of the storage facility and has an internal floor area of c. 251m² and a maximum height of c. 5.4m.

6) Canteen and toilets.

The canteen and toilet block is located to the centre of the site. The building comprises of two prefabricated cabins stacked on one another with a height of c. 5.3m and a combined floor area of c. 184.6m².

7) Toilet block adjacent to concrete store.

The toilet block is located to the south-west of the storage facility and has a galvanised metal finish with a maximum height of c. 2.3m and an internal area of c. 12.82m².

8) Machine store.

The machine store is located to west of the site, has a galvanised steel finish, a height of c. 6.2m and a floor area of c. 67.34m².

9) Container storage units.

These are two separate container storage units, known as Building A and Building B which are located to the northern side of the car park. Building A has a floor area of c.19.6m² and has a maximum height of c. 2.6m. Building B has a floor area of c. 29.78m and a height of 2.6m.

10) Steel storage shed.

The steel storage shed is located to south of the car parking area and has a maximum height of c. 2.6m with an internal floor area of c.12.47m.

11) Extension to site curtilage.

The site area as stated in question 11 of the application form is 10.72ha. This is an increase from 5.5ha.

12) Extension to carpark.

The layout of the car park has been altered.

13) Culverted stream as indicated on site layout.

The stream is known as the Fortyacres (or Esker) stream, and it runs through the site from the west to the south-east of the site. This stream has been culverted within the site boundary.

2.2. Planning permission is sought for the following:

14) Construct screening berm

The proposed berm would be located in proximity to the northern boundary of the land and would be 132.6m long, 20m wide and would have a height of c. 3.1m. The proposed berm would be planted with native Irish trees and shrubs.

15) Planting on the north boundary.

The proposed planting would comprise of Oak, Ash, Ivy, Privet, Holly, Willow and Hazel.

16) Additional surface water drainage.

Finally, the proposal would include additional surface water drainage to include management of surface water runoff containing contaminants such as fuel, machine oil or any other substance such as sediment which may threaten the quality of any watercourse or groundwater body.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 19/6/25 the Planning Authority decided to grant retention planning permission subject to 7 conditions. The conditions are standard in nature for this type of proposal..

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 There are two planning reports on file. The first report dated 17/9/24 outlines concerns relating to the surface water layout, the need for a flood risk assessment, the need for revised drawings showing external finishes to buildings and the need for a revised site layout plan. Finally, concerns were raised that the submitted environmental report does not consider the potential need for EIA in terms of class 11 and class 5(b) of part 2 of schedule 5 in terms of existing activities on site. Further information was requested to respond to these concerns.

3.2.2. Other Technical Reports

- **Area Engineer:** Report dated 4th September 2024 outlining no objections, subject to conditions.
- **Environment and Water Services:** Report dated 28th August 2024 requesting further information relating to the storm water culvert and the need for a Flood Risk report.

3.3. Prescribed Bodies

3.3.1 There are no responses on file.

3.4 Second Planning Report

3.4.1 A second planning report dated 18/6/25 states that the applicant's response to the further information request is deemed to be acceptable.

3.4.2 Other Technical Reports-Post FI

- **Environment and Water Services:** Report dated 18th June 2025 outlining no objection, subject to conditions.

3.4. Third Party Observations

3.4.1 One submission was received to the initial application. This submission can be summarised as:

- Further unauthorised development.
- Intensification of use.
- Visual impact on rural environment.
- Environmental impact.
- Noise, vibration and dust.
- Traffic impact.

3.4.2 One submission was received to the further information response. This submission can be summarised as:

- Support for the retention as proposed.

4.0 Planning History

Reg. Ref. 23/60031: Application for 1) offices incorporating conversion of attic rooms to offices and 1st floor offices to rear, 2) extension to manufacturing unit, 3) extension to storage facility, 4) extension to concrete store, 5) building including storage units, 6) canteen and toilets, 7) toilet block adjacent to concrete store, 8) machine store, 9) container storage units, 10) steel storage shed, 11) extension to site curtilage, 12) extension to car-park and permission to construct screening berm and planting on the north boundary. Permission refused for the following reasons:

1. Having regard to lack of information regarding the construction of the culvert of the river on site it is considered that the proposed developments are in an area which are at risk of flooding, and it is therefore considered that the proposal is contrary to the proper planning and sustainable development of the area.

2. The culvert of the river on site is unauthorised, and the developments subject of this planning application are dependent on the continued existence of this unauthorised culvert which is potentially damaging to the environment. The Planning Authority is, accordingly, precluded from considering a grant of permission for the developments subject of this application.

Reg. Ref. 98/729: Application for retention of industrial buildings & extension to existing manufacturing plant. Retention planning permission granted, subject to conditions.

Reg. Ref. 94/560: Application for new industrial unit and extension of industrial compound and retention of cutting shed and retention of first floor offices. Permission granted, subject to conditions.

Reg. Ref. 90/168: Application for retention of structures. Retention permission granted, subject to conditions.

5.0 Policy Context

5.1 Development Plan

- 5.1.1 The *Offaly County Development Plan 2021-2027* is the operative plan for the area. The following policies and objectives are pertinent:

Chapter 4

Section 4.14.2 Protection of Key Scenic Views, Prospects and Key Amenity Routes. The appeal site is located within the scenic view (V8) from the townlands of Barnan, Kilduff, Old Croghan, Croghan towards Croghan Hill and bog lands.

Chapter 5

REDP-14: It is Council policy to favourably consider proposals for the expansion of existing industrial or new business enterprise in the open countryside where the proposal;

- a) is an appropriate size and scale,
- b) does not negatively impact on the character and amenity of the surrounding area,

- c) has regard to and complies with guidelines/standards including traffic, noise and environmental considerations, and
- d) is rural in nature by being rural resource based and not urban in nature.

Chapter 13

DMS-71 Industrial and Warehousing Developments

Industry and warehousing developments will be required to present a good quality appearance, for the site, which address the following;

- Individual buildings should exhibit a high quality of modern architectural design and finish;
- A landscaping plan shall be included with any planning application which details landscaped areas to the front of the building line and the provision of a buffer zone (minimum 5-10 metres) where the development adjoins another zoning or where it would impact on the amenities of adjoining land uses;
- Boundaries which are visible from a public road should be of a high architectural quality. Palisade fencing to the front of any building line shall generally not be permitted;
- Areas between the building and road boundary may include car parking spaces provided adequate screen planting is incorporated into the design proposal;
- Adequate provision shall be made on the site for parking of vehicles, turning and circulation of vehicles, storage and stacking space. Storage and stacking areas shall be located to the rear of the building or, where such facilities are located at the side, provision for screening shall be made;
- Any industrial or warehouse development shall not be injurious to the residential amenity of adjoining properties;
- Incorporation of Sustainable Urban Drainage Systems (SuDS); and
- Waste and recycling areas shall be covered, screened or enclosed from public view.

Provision for future access to adjoining third party lands will be required where significant areas of land are being developed.

DMS-91 Commercial, business and industrial areas

Advertising signs in commercial, business and industrial areas should meet the following criteria;

- They are in character and harmony with their surroundings and if applicable buildings on which they are displayed – in terms of size, scale, materials, finishes, and colour;
- The amenities of the area will not be impaired;
- Traffic signs will not be obscured;
- The safety and free flow of vehicular and pedestrian traffic is not interfered with;
- They do not project above the skyline;
- They do not interfere with windows or other features of the building façade;
- They do not detract from the special interest or visual amenity of Protected Structures;
- They would not lead to a cluttered appearance. Advance signs at the entrance to industrial estates etc. are more acceptable than a proliferation of separate stand-alone signs at each premises.

DMS-101 Car Parking Dimensions and DMS-102 Car Parking Requirements

In accordance with DMS-102, the land use of Industry/Manufacturing generate a maximum car parking provision of 1 space per 50 m² gross floor area

5.2 National/Regional Plans/Policies

Project Ireland 2040 - The National Planning Framework: First Revision (April 2025)

National Policy Objective 30

Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

Regional Spatial and Economic Strategy for Midland and Eastern Region 2019-2031:

ACP-323043-25

Rural Economy

RPO 6.7: Support local authorities to develop sustainable and economically efficient rural economies through initiatives to enhance sectors such as agricultural and food, forestry, fishing and aquaculture, energy and extractive industries, the bioeconomy, tourism, and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage.

5.4 Natural Heritage Designations

5.4.1 The subject site is not located within or adjacent to a European Site. The nearest designated site is the Raheenmore Bog SAC (Site Code: 000582) which is located c.3.8km to the north-west to the appeal site. The Split Hills and Long Hill Esker SAC (Site Code: 001831) is located c. 10.6km to the west of the appeal site, the Lough Ennell SAC (Site Code: 000685) is located c. 16.1km to the north-west of the appeal site and the River Barrow and River Nore SAC (Site Code: 002162) is located c. 17.1km to the south of the site.

5.4.2 In addition to the above Lough Ennell SPA (Site Code: 004044) is located c. 16.1km to the northwest of the appeal site. The Grand Canal pNHA (Site Code: 002104) is located c. 2.1km to the south of the site, the Daingean Bog pNHA (Site Code: 002033) and the Raheenmore Bog pNHA (Site Code: 000582) is located c. 3.8km to the north-west of the appeal site.

6.0 EIA Screening

6.1 The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development,

therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required. Please see Appendix 1.

7.0 The Appeal

7.1. Grounds of Appeal

A third-party appeal has been received from Kieran O'Malley and Company Limited, Town Planning Consultants on behalf of Marie-Claire Bellew & Damien Hanlon against the decision of Offaly County Council to grant permission. The appeal can be summarised as follows:

- The development can only be approved through the substitute consent process because it should be subject to mandatory environmental impact assessment (EIA). As a result, An Coimisiún is precluded from making a decision on this application.
- The development comes within Schedule 5 Part 2 10. Infrastructure Projects, b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere in the Planning and Development Regulations 2001 (as amended). It was the applicant's position that an EIA was not required because it didn't come within the site area thresholds i.e. 10.762 hectares is less than 20 hectares.
- The applicant and the planning authority have overlooked Class 13(a) Part 2 in Schedule 5.
- Part 11 is retention permission for "11) extension to site curtilage". is sought for the almost doubling of the site area from 5.497 hectares to 10.762 hectares - an increase of 5.265 hectares or 95.7%. Applying these figures to Class 13(a)(ii), the increase in site area by 5.265 ha. is 26.325% of "20 hectares elsewhere" per 10(b)(iv) thus it exceeds the greater than 25% increase of the appropriate threshold.
- Similarly, the site area is now 10.762 ha, which is 53.81% of "20 hectares elsewhere" per 10(b)(iv) thus greater than an amount equal to 50% of the

appropriate threshold. Accordingly, a mandatory EIA applies to this development. As the site area increase has already taken place and retention permission is being sought for it, it follows that the substitute consent process applies.

- With regard to infrastructure projects (b)(iv), it was claimed that the site location was rural thus the unauthorised development couldn't constitute "urban development". It is not agreed that the location of the development determines whether or not it is considered urban development or rural development. In the context of 10(b)(iv), we understand "Urban development" as being a broad term to describe the general nature of the development in question and not a term referencing the location of the development. The 60 kph speed limit applies at the appeal site, which is an urban as opposed to rural speed limit.
- An Coimisiún is invited to agree that an environmental impact assessment is required and therefore, having regard to the provisions of section 34(12) of the Planning and Development Act 2000 (as amended), it is submitted that An Coimisiún Pleanála shall refuse to consider this application.
- The applicant's approach of carrying out development without first obtaining planning permission demonstrates a disregard for the planning legislation.
- The proposal comprises of an unacceptable intensification of use of this site, and it should be refused.
- Potential environmental impacts from the development, in particular, on groundwater, the Fortyacres stream that traverses the site, Raheenmore Bog SAC, Crohan Hill, and the River Barrow and River Nore SAC (the AA screening report identifies a hydrological connection to this SAC).
- The site has extensive areas of hardstanding and the significant increase in site area will further increase the provision of hardstanding and erode natural drainage to the ground. During heavy rainfall, which is becoming more frequent due to climate change.
- There is extensive surface water run-off and 'flooding' from the concrete plant onto the public road such that condition 3(a) of the Council's decision won't prevent this happening again. This is not clean water. It contains contaminants

from the site and demonstrate the site's surface water drainage doesn't prevent all run-off going onto the public road.

- It is clear that the contaminated run-off is also entering the groundwater and potentially polluting the stream that runs through the site and beyond.
- The surface water monitoring set out in the Environmental Report noted exceedances for total Ammonia and Orthophosphates upstream.
- At a wider level, there is potential to impact Raheenmore SAC and as noted in the Appropriate Assessment, there is a hydrological connection between the site and the River Barrow and River Nore SAC (see page 9 of Appropriate Assessment – Stage 1 Screening) from which it should follow that AA cannot be screened out.
- We do not believe it is not possible for the applicant to prevent contaminated surface water run-off leaving the site onto the public road or entering into the Fortyacres stream and ultimately onto the River Barrow and River Nore SCA. It should follow that this creates significant environmental risk to the immediate and wider area and given that this is a retention application, it is unknown as to what environmental damage has potentially been done already.
- As closest residents to the site, our clients do not accept any of the information presented by the applicant's adviser in their Environmental Report. It is their experience that they suffer, on a daily basis, from excessive noise levels, Monday to Friday and on Saturday with noise from the concrete plant commencing before 7 am.
- Third parties experience vibrations at their home, which isn't addressed or even acknowledged in the Environmental Report.
- Dust emitted from the plant includes cement, which if correct, is potentially very harmful with prolonged exposure capable of causing asthma. Again, spread of dust from the plant has not been addressed in the Environmental Report.
- There is a history of unauthorised development at this site with a litany of works listed for retention in this application. It is disingenuous to suggest that all of these unauthorised works including a greater than 10% increase in the gross floor area of the buildings within the site and a near doubling of the site area,

has resulted in less traffic and no change to the appearance of the overall development.

- The application does not address the traffic impact that arises from the significant intensification of use. There are more people working there, more cars coming and going from the plant, and there are significantly more trucks coming and going from the plant.
- All additional traffic is using local road L1019, which isn't suitable for heavy industrial traffic associated with this development.
- Is a traffic impact assessment required? Our clients cannot exit their property without fear of colliding with HGVs. The general traffic movements on the road are dangerous due to excessive speed; the straight road encourages higher speeds, and this danger is exacerbated by HGVs.
- Strictly without prejudice to our position that this application cannot be determined by An Coimisiún, in the event it is determined to grant permission, we invite the following conditions:
 1. All heavy good vehicles approaching and exiting the site shall only approach from the south (from Daingean) and exit to the south (to Daingean).
 2. The hours of operation for the concrete plant and all associated and ancillary activities therein shall be 8 am to 5.30 pm Monday to Friday only. No work is permitted on Saturdays, Sundays or Bank Holidays.
 3. The proposed berm shall be extended in a southerly direction by 65 metres towards building No. 3 inside the site boundary to the L1019. Revised drawings shall be submitted to the Council for their written agreement prior to commencement of development.
 4. Prior to commencement of development, the applicant and the Council shall agree an Environmental Monitoring Programme for the concrete plant including for noise, vibration, dust and surface water run off at the site boundaries. The EMP results shall be submitted to the Council on a quarterly basis for review and revisions where necessary.

7.2. Applicant Response

7.2.1 A response has been received from Murray Architectural Services on behalf of the first party. The response can be summarised as follows:

- It is only where an EIA or AA is required (following screening) that retention permission is precluded. The development does not require EIA / AA.
- The proposal is not fall under 10b) as it is a commercial operation offering relatively specialised concrete products around the country and abroad and there is no critical location and nature for this product as would be integral to the notion of infrastructure. Therefore, the development cannot be deemed to come under this class of activity.
- The location is rural in nature, and it does not fall within the scope of Class 10(b)(iv) in Part 2 of Schedule 5 to the Planning and Development Regulations.
- Acknowledged that the High Court has recently states that the word urban replates primarily to the nature of the project rather than its pre-existing or surrounding location (Ryan v An Bord Pleanála [2005] IEHC 111), the development does not qualify as urban regardless of if one looks at the nature or location of the development.
- Class 10(b) Annex II includes the construction of shopping centres and car parks, while not exhaustive it is clear that it is intended to capture certain types of infrastructure development, and the proposed development would not fall within this category.
- The intention of the EU legislation was to include large developments within an urban environment with a significant number of other parties likely adjacent or within some short distance/emission pathway to the development including associated pressures on urban traffic and availability of public services. Therefore, the notion of being an urban development appears to be mistaken on its face.
- The response to the Further Information request went on to examine the size of the site versus the mandatory threshold for the alleged class of development. This was merely to show that in the event the Planning Authority were of a different mind regarding the applicability of the class. The redline area is barely

over the 50% of the potential 20ha threshold as provided for under 'other'). This is not an acceptance that the EIA directive applies to the development.

- There is large area of c.1.4ha at the south-west of the site which is not developed nor is there any proposal for development in that area, the area is not integral to the site operations, does not support site operations and does not provide for mitigations or potential site impacts. This means that the actual area of development is in the order of 9.02ha, less than 50% of the 'other threshold'
- It is clear from Paragraph 13(a)(1) can only apply to developments which are listed in Part 2 Classes 1 to 12. It is clear that the development which the appellant claims in being 'extended' does not fall within any class of development in Part 1 or Part 2 of Schedule 5 and therefore, Class 13 simply does not arise.
- The area of the site has increased to 9.02ha, an increase of c.3.52 ha, roughly 64% This is 25% greater than the existing development and clearly less than 50%.
- The appellant seeks to use the cumulative site boundary figure of 10.76ha, this is the incorrect approach as the cumulative area is relevant to the alleged mandatory threshold only and applies in respect of Classes 1 to 12 of Part 2 (20ha). In calculating the maximum extension size allowable for an EIA activity under Class 13, only the extension area is relevant.
- EIA does not apply to this development and without prejudice, if the Coimisiún should decide that the alleged class is applicable then the correct application for an extension area criteria does not trip the provisions of Class 13 mandatory EIA for extension.
- Section 34(12) provides for sub threshold screening for EIA activity, and it is only where such a screening results in a determination that sub threshold is required that Section 34(12) can be invoked. Thus, notwithstanding the position that this is not an EIA activity, invocation of Section 34(12) is not an issue. This then rules out the need for substitute consent.

- The screening report correctly identifies the potential for impacts on Natura 2000 sites within the potential zone of influence of the site.
- The site has a discharge license (WP/W40/11) issued in 2011 and standard design features as part of its water management system have been in place at the site since prior to the grant of planning on file No. 98/729. This includes oil interceptors and suspended solids capture as standard features of external yards are allowable at Stage 1 Screening for AA as they are within the scope of features approved in ECJC-721/21 Eco Advocacy v An Bord Pleanála. These were taken in account in the screening report.
- In the planning officers report the need for EIA and AA was assessed. In relation to the EIA and the applicant's response to the Further Information request was deemed acceptable.
- In relation to AA the Planning Authority has fully accepted the submissions of the applicant with respect to a screening report lodged with the application.
- Killeshal Concrete understood that the original site and buildings had full planning permission at the time they purchased the business. Developments of this nature usually start small and expand over the years due to increased demands for the products. The additional buildings were added on as extensions and replacement for older buildings that existed in the past.
- In these cases, the need for planning permission can be overlooked and therefore the allowance in the Planning Act for retention in order for businesses to regularise their planning is a legitimate and pragmatic part of the act. The construction and extension of buildings is a natural requirement of the business, and it was never intended to break the law or disregard planning.
- The doctrine of intensification substantially originated in relation to quarries which by nature can have highly volatile levels of output (and potential impacts).
- The first key test for intensification concerned a Quarry case, Galway County Council v Lackagh Rock (1985 WJSC-HC 1197).
- The first test is whether was had the change in scale or nature been such that there was a material change of use, if the answer was yes than and only then could the Planning Authority proceed to the second stage which was to

ascertain if there had been an unforeseen burden on the local authority as a result of this change.

- In this case, the actual production has only slightly increased as a result of the development for retention, which includes welfare and office easements as well as maintenance facilities. While it is accepted that the yard space has more significantly, modern customer service requirements require that lead times for delivery of orders must be as short as possible.
- The construction industry is cyclical and requires that key suppliers of construction materials can respond to market demand in a reasonable fashion. This site produces relatively specialist concrete products which are not as susceptible to significant increases and decreases in demand in the same way as quarried materials or even ready-mix concrete.
- The answer to the first stage of the Lacknagh Rock test is 'No' and further consideration of intensification is merited given output permitted by the baseline permissions and the appellants allegation of intensification is without merit.
- In terms of visual impact, it is proposed to construct a berm along the northern boundary of the land which will greatly reduce any visual impact when approaching from the Croghan direction and this could be extended if required.
- A full Flood Risk Assessment Stage 1 has been submitted. The Council have reviewed and accepted this assessment and endorsed improvements as outlined in the report to be undertaken as conditions of planning (Conditions 4 and 6).
- A previous flooding incident was caused by bog draining which was diverted through the stream that traverses the site. This has been dealt with and no further flooding has occurred. The Council has full access to quarterly monitoring reports as required by the onsite discharge license.
- The appeal concerning Raheenmore Bog is misleading. The bog is 3.6km from the site and the SAC is upstream and therefore excluded from any possible hydrological pathway, as well as from other potential impacts (such as dust or noise) due to distance.

- The River Barrow and River Nore SAC is downstream of the site, however, it is 22km in a direct line and was brought forward in the AA Screening due to possible hydrological connection. The case for potential contamination of the qualifying waters was ruled out due to the distance involved (c.37.5km), the ongoing monitoring of discharges from the site and the findings of no discernible change in water quality up and downstream of the site.
- A noise survey on the site shows sound levels at site boundaries ranging from 42dB to 56dB, with higher values recorded in proximity to the onsite plant. The closest location to the appellants property showed a value of 51Db. It is proposed as part of this application to construct an earthen bank on the northern boundary to mitigate any potential noise pathways.
- Condition 7b now controls the site noise to daytime emissions of 55dBA 8am to 8pm.
- The site does not experience significant vibrations on its boundaries and no significant noise emission associated with the operation of the plant or equipment occur. With no sources of significant vibration on the site or at the boundaries no further action was undertaken.
- Regular reviews of the site boundaries show no noticeable dust build up on walls or hedging. Bergerhoff dust monitoring was conducted at four boundaries during 2023 and do not indicate significant dust associated with the operation of the site. Cement is not manufactured on the site and is carefully managed from the point of acceptance until it is bound within the creation of concrete products. Cement is stored in weatherproof silos. There are regular inspections and maintenance of equipment used in the handling and mixing of cement. By adhering to stringent procedures, the site ensures that the cement is effectively managed.
- Over the years the number of employees has reduced and the only cars visiting the site belong to the workforce and a small number of visitors. A large percentage of heavy good traffic goes south to Daingean which is further away from the appellant's house. The road does not have footpaths or margins but is a straight road with ample visibility in both directions. The applicants do not have control over other people speeding on the road.

- The rural location of Killeshil Concrete is ideal in that it has minimal impact on neighbouring properties and any houses in the vicinity. The site owes its origins to pre-63 development and several permissions over subsequent decades which permit continuing use without an operational term. The principle of the location of the activity is not at issue.
- With regard to the appellants proposed first condition, this is possible but not practical. The bulk of the HGV traffic is not related to the applicant. The site is a long-established commercial activity with established transport routes.
- With regard to suggested condition No.2 if the applicants were required to start at 8am their production cycle would be significantly impacted as precast concrete production requires 24-hour rotation of moulds. Trucks are sent for delivery from 7am, a condition requiring an 8am start would put them at a competitive disadvantage. The operation works from 7.00am to 5.30 Monday to Friday and 7.00am to 1.00pm on Saturday occasionally. There is limited site movement before and after these times. A proposed 8am start would not be feasible or acceptable.
- Killeshal accepts that environmental monitoring is a common practice for industry. Killeshal's ISO 45001 audit covers the Environmental Monitoring from a health and Safety point of view. They are working towards certification under ISO 14001 Environment Management.

7.3. Planning Authority Response

- 7.3.1 A response has been received from the Planning Authority by letter dated 12/8/25 stating that the details of the Third-party appeal are noted and that the Bords attention is brought to the technical reports on file. The Planning Authority respectfully requests that An Coimisiún Pleanála supports its decision to grant permission in this instance.

7.4. Observations

- 7.4.1 There are no observations on file.

7.5. Further Responses

7.5.1 There are no further responses on file.

8.0 Assessment

8.1. Having examined the appeal details and all other documentation on file, including submissions / observations, the reports of the local authority and inspected the site, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of development
- Visual / Amenity Impacts
- Traffic Safety
- Flooding
- Water Framework Directive
- Other matters
- Appropriate Assessment

8.2 Principle of Development

8.2.1 The subject site is in the open countryside, outside of the town of Daingean in Co. Offaly. While I note that the site is within a rural area and the development is industrial in nature, the first permission for this use was granted in 1968. I am satisfied that the use of the land for industrial purposes is established and therefore the retention of structures is acceptable in principle. In addition to this, I am satisfied that the proposed screening berm, planting on the northern boundary and additional surface water drainage are all ancillary to the established use of the land and are acceptable in principle. This is subject to a full assessment of the application.

Substitute Consent

8.2.2 The appellant has outlined concerns that the development can only be approved through the substitute consent process because it should be subject to mandatory environmental impact assessment (EIA). As a result, An Coimisiún is precluded from making a decision on this application. This is because the development comes within Schedule 5 Part 2 10. Infrastructure Projects, b) (iv) Urban development which would

involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere in the Planning and Development Regulations 2001 (as amended). The appellant further states that both the applicant and the planning authority have overlooked Class 13(a) it is stated that the increase in site area by 5.265 ha. is 26.325% of "20 hectares elsewhere" per 10(b)(iv) thus it exceeds the greater than 25% increase of the appropriate threshold.

8.2.3 In response, the first party states that the proposal does not fall under 10b) as it is a commercial operation offering relatively specialised concrete products

8.2.4 I have considered the arguments of both the first and third parties with respect to the need for a mandatory EIA (and therefore substitute consent required). In addition to this I have considered Schedule 5 Part 2 Class 10 and Schedule 5 Part 3 Class 13 of the Planning and Development Regulations 2001 (as amended). It is my view that a mandatory EIA is not required in this case, I have come to this conclusion as the development for which retention is sought does not fall under Schedule 5 Part 2 10 for the following reasons:

- The site is located in a rural area which is not an urban area and is not in a business district.
- The site has an area of c.10.76ha which is below the trigger of 20ha elsewhere.
- I am of the view that Schedule 5 Part 3 Class 13 does not apply to this development as Class 13 (a)(i) states that being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule. In my opinion, the development does not relate to any class listed in Part 1 or paragraphs 1 to 12 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended) and therefore does not apply to this development.

8.2.5 I make the Coimisiún aware that, if they do not agree with this assessment, then the development could only be approved through the substitute consent pathway and therefore having regard to Section 34(12) of the Planning and Development Act 2000 (as amended) the Coimisiún is precluded from considering the application and therefore it must be refused on this basis.

Intensification of use

- 8.2.6 Concerns are outlined that the development represents a significant intensification of the use of the concrete plant including a 10.2% increase in floor area and a doubling of the site area. This is considered to be unacceptable and should be refused.
- 8.2.7 The first party response states that the actual production area has only slightly increased and this includes welfare and office elements as well as maintenance facilities. The first party also outlines that the doctrine of intensification substantially originated in relation to quarries which by nature can have highly volatile levels of output (and potential impacts) and that the first key test for intensification concerned a Quarry case, *Galway County Council v Lackagh Rock* (1985 WJSC-HC 1197), the test being whether the change in scale or nature had been such that there was a material change of use.
- 8.2.8 I note that the floor area of the development has increased, I further note that the yard area has increased. However, I refer the Coimisiún to the details provided both at the initial planning application stage and at Further Information which shows that the number of employees and truck movements (including supplies and dispatch) have decreased from peak production.
- 8.2.9 In addition to this, I note that the majority of works which are proposed to be retained include storage facilities and staff facilities (such as canteen, toilet and office) and that the only extension to a production facility relates to the extension of the manufacturing unit by 73.13m².
- 8.2.10 Having considered the foregoing, while I note that the site area is increased and there are a number of new buildings and extensions to previously existing buildings, I am satisfied that the proposed does not represent a significant intensification of the use of the site and is acceptable. I have come to this conclusion having regard to the reduction in the number of staff at the site, the reduction in traffic to and from the site and the fact that the manufacturing facilities on the site have not been increased to large extents.

8.3 Visual / Amenity Impacts

- 8.3.1 The appellant has outlined concerns that the development detracts from the visual amenity of the area, noting that the site is exposed and that the prevailing landscape is flat so that the development is visually dominant industrial feature on the landscape.
- 8.3.2 In response the first party states that it is proposed to construct a berm along the northern boundary of the land which will greatly reduce any visual impact when approaching from the Croghan direction and this could be extended if required.
- 8.3.3 I note that the appeal site is within a predominantly rural area with dwellings and agricultural buildings scattered throughout. The appeal site is an industrial style development within this landscape and as such is easily identifiable in the area. I further note Protected View V8 as set out in Table 4.21 of the *Offaly County Development Plan 2021-2027*. This view is described as the view from Townlands of Barnan, Kilduff, Old Croghan, Croghan towards Croghan Hill and bog lands.
- 8.3.4 I note the concerns of the appellants in this regard. Having been on site I noted that the landscape in the area is flat and rural in character. The development is at a variance to this and is clearly visible in the landscape, especially from the south.
- 8.3.5 Notwithstanding this, the overall development has been in place for a substantial period of time, with the first permission granted in 1968 with numerous applications granted permission for the use of the land, various buildings and extension to existing buildings.
- 8.3.6 In broad terms, I do not have concerns with respect to the buildings for which retention are sought. I have come to this conclusion having regard to the nature of the operation on site and the fact that the buildings 1. The majority of the buildings are not visible from outside of the site and 2. The buildings would be of a nature which would be expected with a site with an established use.
- 8.3.7 Notwithstanding this, the building for which retention is sought which is most visible from outside of the site is the store building to the north of the site. This building has a height of c. 5.4m and a length of c.28.5m. In this regard I note that the application includes planning permission for a landscaped berm on the northern boundary of the site. The proposed berm would be 132.6m long, 20m wide and would have a height of c. 3.1m. The proposed berm would be planted with native Irish trees and shrubs. In

my opinion, the proposed berm would provide a reasonable level of visual screening to the north of the site. However, in my opinion this berm should be extended to the entire length of the northern boundary of the land.

- 8.3.8 As previously noted, the development is clearly visible in the landscape, especially from the south of the development. In my opinion, berm, similar to that proposed on the northern boundary should be placed along the southern boundary of the land. This would ensure that the development does not have an undue impact on the visual amenity of the area. This could be dealt with by way of condition if the Coimisiún is of a mind to grant permission. Subject to the foregoing, I am satisfied that the proposal would comply with Policy REDP-14 and Policy DMS-71 of the *Offaly County Development Plan 2021-2027*.

Noise

- 8.3.9 The appellant has outlined concerns that they suffer on a daily basis from excessive noise levels, Monday to Friday and on Saturday with noise from the concrete plant commencing before 7 am. In addition to this, the appellants do not accept any of the information presented by the applicant's adviser in their Environmental Report
- 8.3.10 The first party appeal response states that a noise survey on the site shows sound levels at site boundaries ranging from 42dB to 56dB, with higher values recorded in proximity to the onsite plant and that it is proposed to construct an earthen bank on the northern boundary to mitigate any potential noise pathways. In addition to this, it is stated that Condition 7b now controls the site noise to daytime emissions of 55dBA 8am to 8pm.
- 8.3.11 I refer the Coimisiún to the Section 4 of the Environmental Report prepared by Malone O'Regan Environmental which provides a Noise survey of the site and surrounding properties. The Noise Survey includes the appellants property as a Noise Sensitive Receptor.
- 8.3.12 It is noted that noise sources included forklift activity (including reversing alarms, engines, vibrating concrete moulding machines inside and outside warehouses, HGV activity, crane activity, banging on site from metal materials dropping on the ground).
- 8.3.13 At the noise testing location on the northern boundary (closest to the appellants property), it is noted that the noise was recorded between 51 dBL_{eq} with a background

of 38 dBL_{eq}. The report concludes that there are no significant adverse noise related impacts are likely to occur at the Noise Sensitive locations (including the appellants property), as a result of normal operations on the site. However, a berm along the northern boundary is proposed to improve attenuation.

8.3.14 I note the concerns of the appellants; however, I am satisfied with the information provided in the Noise Survey. In addition to this, I note that the Environment and Water Services Department of Offaly County Council did not object to the proposed development, subject to conditions relating to Noise which is reflected in Condition 7 of the Notification of Decision to Grant Planning Permission which states that noise emissions at the nearest noise sensitive location (such as dwellings, schools, places of worship or areas of high amenity) shall not exceed the following: LA_{eq} (60 minutes) 55dB(A) 8am to 8pm and LA_{eq} (15 minutes) 45dB(A) 8pm to 8am

Vibrations

8.3.15 The appellants have outlined concerns with respect vibrations at their home, which isn't addressed or even acknowledged in the Environmental Report.

8.3.16 The first party appeal response states that the site does not experience significant vibrations on its boundaries and with no sources of significant vibration on the site or at the boundaries no further action was undertaken.

8.3.17 I note that the concerns of the appellants, however, I note that the development does not include activities which are significant sources of vibrations (such as piling, blasting dynamic compaction or rock breaking). In my opinion, any vibrations generated would be negligible and below levels that would give rise to unacceptable effects. Should the Coimisiún be of a mind to grant permission then a condition requiring all works be carried out in accordance with established best practice guidelines and that any potential impacts remain within acceptable limits is recommended.

Dust

8.3.18 The appellant outlines concerns with respect to dust emissions for the site.

8.3.19 The first party appeal states that regular reviews of the site boundaries show no noticeable dust build up on walls or hedging. In addition to this, the Bergerhoff dust monitoring was conducted at four boundaries during 2023 and do not indicate significant dust associated with the operation of the site.

8.3.20 In the first instance, I note that Cement is not manufactured on the site. I make the Coimisiún aware that the Bergerhoff dust monitoring requires the input of atmospheric matter be determined over the planned period of measurement, usually one month, by exposing the collecting jars to ambient air. The sample is then evaporated down and the dry residue is determined gravimetrically, the result being reported in g/(m²d) or mg/(m²d).

8.3.21 I am unable to find any evidence of this dust monitoring on file, however, if the Coimisiún is of a mind to grant planning permission then a condition could be included which requires the developers to ensure there are no off-site amenity impacts by way of dust as part of an Environmental Monitoring Programme.

Traffic Safety

8.4.1 The appellant outlines concerns with respect to the traffic impact from the development. These concerns relate to the number of employees and trucks using the site and that the local road is not suitable for heavy industrial traffic. There are also concerns that existing residential properties can be dangerous due to HGV movements and high speeds of drivers on the road.

8.4.2 The first party response states that over the years the number of employees has reduced and the only cars visiting the site belong to the workforce and a small number of visitors. In addition to this, it is states that a large percentage of heavy good traffic goes south to Daingean which is further away from the appellant's house. The road does not have footpaths or margins but is a straight road with ample visibility in both directions.

8.4.3 The site is access from the L1019 which is two lane rural straight road. On my site visit I noted that the road was not heavily trafficked and that a number of vehicle types used the road, including cars, trucks a bus and bicycles.

8.4.4 The initial application material includes a breakdown of vehicular traffic using the site which includes HGV's and cars. It is noted that the site at present has 53% less HGV traffic than was accessing the site during its peak production (between 2002 and 2007). In addition to this, the figures show a 17% reduction in the number of cars accessing the site.

- 8.4.5 I note the concerns of the appellants with regard to the traffic volumes attributable to the site and I further note that the site is within a rural area where traffic generating uses such as on the appeal site are not typical for such areas. Notwithstanding this, the use is established on the site and has been in place for a number of years. In addition to this, the number of vehicles using the site is reduced from its peak. I am therefore I am satisfied that the current number of vehicles accessing the site is acceptable.
- 8.4.6 In terms of traffic safety, the plans submitted with the application show that there are three vehicular access points to the site. The accesses to the south and north of the site are for deliveries while the central access is for cars. I am satisfied that the use of two HGV access and egress points and a separate access / egress for cars ensures an acceptable segregation of traffic which allows for safe vehicular movements in the area. In addition to this, I am satisfied that the visibility splays provided at each of the access points are acceptable and ensure that drivers have reasonable views in both directions. I make the Coimisiún aware that these access arrangements were detailed on plans submitted with the application for permission in Reg. Ref. 90/168.
- 8.4.7 I make the Coimisiún aware that the Area Engineers of Offaly County Council outlined no traffic safety concerns in their response to the planning application dated 4/9/24.
- 8.4.8 I note that the appellants believe a Traffic Impact Assessment is required in this case. However, having considered the foregoing, I am of the opinion that no such assessment is required in this case. The development attracts less vehicular traffic than at its peak production.

8.5 Flooding

- 8.5.1 The appellant has outlined concerns that there is extensive surface water run-off and 'flooding' from the concrete plant onto the public road such that condition 3(a) of the Council's decision won't prevent this happening again.
- 8.5.2 The first party appeal response states that a full Flood Risk Assessment Stage 1 has been submitted and that a previous flooding incident was caused by bog draining which was diverted through the stream that traverses the site.
- 8.5.3 By way of background, I note that the Fortyacres (Esker) Stream is culverted through the site from the north-west to the east of the site. The first section of the culvert (for

which retention is sought) comprises a twin 750 mm pipe culvert. The second section of the culvert reduces to a single 750mm pipe culvert (retention is not sought for this section of the culvert).

- 8.5.4 I make the Coimisiún aware that the response to the Further Information request includes a Site-Specific Flood Risk Assessment prepared by IE Consulting. This report concludes that overall, the flood risk to and from the development from the twin 750mm pipe culverts for which retention is sought is considered to be low. They do not result in an adverse impact to the hydrological regime of the area or to increase flood risk elsewhere and is therefore considered to be appropriate from a flood risk perspective.
- 8.5.5 I make the Coimisiún aware that the Flood Risk Assessment states that the primary cause of potential flooding from the site is the insufficient hydraulic capacity in the existing single 750 pipe culverts on site. The Environment & Water Services of Offaly County Council required that the applicant shall increase the capacity of the existing single 750mm dia. culvert downstream of existing twin 750mm dia. culvert to eliminate attributed flooding across the site and in surrounding land. Prior to commencement of works the applicant shall submit proposals to the Planning Authority for approval. This is reflected in Condition 6(b) of the Notification of Decision to Grant Planning Permission.
- 8.5.6 Having considered all the foregoing I am satisfied that the development would not cause flooding of surrounding properties, subject to the second section of the culvert (the single pipe) is upgraded to a size equivalent to the first section of the culvert (the twin 750mm culvert). This matter could be dealt with by way of condition, should the Coimisiún be of a mind to grant retention planning permission.

8.6 Water Framework Directive

- 8.6.1 The purpose of the EU Water Framework Directive is an initiative aimed at improving water quality throughout the European Union. The Directive was adopted in 2000 and requires governments to take a new approach to managing all their waters; rivers, canals, lakes, reservoirs, groundwater, protected areas (including wetlands and other water dependent ecosystems), estuaries (transitional) and coastal waters.
- 8.6.2 An Coimisiún Pleanála and other statutory authorities cannot grant development consent where a proposed development would give rise to a reduction in water quality.

- 8.6.3 The ESKER STREAM_010 (IE_SE_14E010100) is culverted through the site. This river water body is classified as moderate status and thus status is currently under review. This is illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/agriculture>).
- 8.6.4 I have considered the potential flooding impact of the culvert in Section 8.5 above. However, I am also required to consider the impact of any potential discharges into the river from the development and any potential impacts on the ecological status of the river waterbody.
- 8.6.5 In this regard, I note that the external site storage area consists of a concrete surface (yard slab) spanning approximately 4.9 hectares. This surface generates surface water runoff during rainfall events. To manage this runoff effectively, a network of gullies, drainage channels, and open channels has been introduced throughout the site. All of the drainage from yard run off goes through existing settlement tanks or coalescent filters / petrol interceptors located at strategic points on site. The surface water run off passes through these filters/ tanks to clean the water of any sediment, or hydrocarbons before it discharges into Fortyacres stream.
- 8.6.6 With regard to the roof water, it is noted that water emanating from here is collected in a separate network using underground 225mm diameter upvc pipes. The roof water drainage system would include overground rainwater harvesting tanks. This will reduce the amount of roof water discharge from the site. All of the roof water network discharges either directly to open drains or to the underground culverts on site and will not mix with any yard drainage run off. I refer the Coimisiún to Drawing No. 21004-MOR-ZI-XX-DR-C-00103.
- 8.6.7 The subject land has a discharge license which are issued under Section 4 of the Local Government (Water Pollution) Act 1977, as amended in 1990, in respect of the discharge of trade effluent to surface water or groundwater. Licences set conditions so the discharge is treated and controlled in a manner that protects the receiving environment. Failure to comply with the terms and conditions of a Discharge Licence is an offence under the Local Government (Water Pollution) Act 1977, as amended.
- 8.6.8 I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status

(meaning both good chemical and good ecological status), and to prevent deterioration.

8.6.9 In this regard, I refer the Coimisiún to Section 5.1 and Appendix 1 of the Appropriate Assessment Stage 1 Screening Report prepared by Malone O'Regan Environmental which shows provides details on surface water monitoring of the stream upgradient and downgradient which shows that there was no reportable difference for water quality at either location from October to December 2022. Therefore, discharges from the site do not impact on water quality.

8.6.10 Section 5.6 of the Environmental Report prepared by Malone O'Regan Environmental which notes that stormwater is controlled through a collection of existing and proposed oil interceptors.

8.6.11 Having considered the information provided by the applicant, the discharge license for the site, the stormwater management system which includes settlement tanks or coalescent filters / petrol interceptors located at strategic points on site and overground rainwater harvesting tanks, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

8.6.12 The reason for this conclusion is as follows:

- The development is subject a discharge license for which water quality is required to be monitored.
- The development comprises of retention of buildings which have been in place for a number of years.
- Surface water discharge is controlled by a system of settlement tanks or coalescent filters / petrol interceptors and overground rainwater harvesting tanks (with respect to roof water).

8.7 Other matters

Conditions

8.7.1 Without prejudice to their overall position the appellants have outlined a number of conditions relating to heavy goods vehicles, hours of operation, the depth of the

proposed berm and an environmental monitoring programme including for noise, vibration and dust and surface water runoff.

- 8.7.2 The first party appeal response states that the proposed condition for vehicular movements is possible but not practical. It is also noted that the majority of HGV movements on the road are not related to the site.
- 8.7.3 With respect to the hours of operation, the first party states that the production cycle would be significantly impacted and any alteration of times would put the company at a competitive disadvantage.
- 8.7.4 With regard to the berm the first party would agree to the third-party suggestion and there is no objection to environmental monitoring.
- 8.7.5 Having considered the foregoing; I am of the opinion that the traffic movements associated with the development are broadly acceptable and that allowing trucks to access or egress the site in both directions would assist in managing traffic flow in the area. With regard to hours of operation, I am satisfied that conditions could manage noise from the site and therefore reductions in the hours of operation are not required in this instance.
- 8.7.6 With regard to the berm and the need for an environmental monitoring programme, I am satisfied these matters could be dealt with by way of condition.

Wastewater

- 8.7.7 While not part of the application, I make the Coimisiún aware that the site is serviced by a Molloy Environmental System SBR wastewater treatment system. This is an on-site sewerage treatment plant that uses Sequencing Batch Reactor technology to clean wastewater. The specifications submitted with the application states that the system comprises of 1 no. precast concrete primary tank (8,000 litres), 1 no. precast concrete buffer tank (8,000 litres) and 1 no. precast concrete reactor tank (8,000 litres) which provides a PE of 25
- 8.7.8 The site is managed by way of a discharge license and this is satisfactory.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development is

located within a rural area of County Offaly and comprises of a precast concrete manufacturing facility.

- 9.2. The subject site is not located within or adjacent to a European Site. The nearest designated site is the Raheenmore Bog SAC (Site Code: 000582) which is located c.3.8km to the north-west to the appeal site. The Split Hills and Long Hill Esker SAC (Site Code: 001831) is located c. 10.6km to the west of the appeal site, the Lough Ennell SAC (Site Code: 000685) is located c. 16.1km to the north-west of the appeal site and the River Barrow and River Nore SAC (Site Code: 002162) is located c. 17.1km to the south of the site.
- 9.3. In addition to the above Lough Ennell SPA (Site Code: 004044) is located c. 16.1km to the northwest of the appeal site. The Grand Canal pNHA (Site Code: 002104) is located c. 2.1km to the south of the site, the Daingean Bog pNHA (Site Code: 002033) and the Raheenmore Bog pNHA (Site Code: 000582) is located c. 3.8km to the north-west of the appeal site.
- 9.4. The application material includes an Appropriate Assessment Screening Report prepared by Malone O'Regan Environmental.

Screening Summary

- 9.5. The Appropriate Assessment Screening Report identifies two Natura 2000 sites within 15km of the appeal site being the Raheenmore Bog SAC (Site Code: 000582) and the Split Hills and Long Hill Esker SAC (Site Code: 001831).
- 9.6. The report states that given the distance and intervening land uses separating the sites from the appeal site and the lack of pathways that the development has not and will not result in adverse impacts to these European sites and therefore have been screened out.
- 9.7. However, Table 4-2 identifies the River Barrow and River Nore SAC (Site Code: 002162) which requires further consideration due to the possible hydrological connection by way of the Fortyacres stream.
- 9.8. Table 1 below provides a summary of each of the sites:

European Site	Distance	Qualifying Interests	Screened in / Out

Raheenmore Bog SAC (Site Code: 000582)	3.8km to the north-west	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	Screened Out- Given the distance and intervening land uses separating the sites from the appeal site and the lack of pathways
Split Hills and Long Hill Esker SAC (Site Code: 001831)	10.6km to the west	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco- Brometalia) (* important orchid sites) [6210]	Screened Out – Given the distance and intervening land uses separating the sites from the appeal site and the lack of pathways

River Barrow and River Nore SAC (Site Code: 002162)	22km North	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco- Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho- Batrachion vegetation [3260] European dry heaths [4030] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Petrifying springs with tufa formation (Cratoneurion) [7220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and	Screened In – Due to possible hydrological connection by way of the Fortacres stream.
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		Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White- clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Vandenboschia speciosa (Killarney Fern) [6985]	
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9.9 Site specific conservation objective has been prepared for the River Barrow and River Nore SAC (Site Code: 002162) which is summarised as to maintain the favourable conservation condition of Estuaries, the Mudflats and sandflats not covered by seawater at low tide, Reefs, Salicornia and other annuals colonizing mud and sand, o

restore the favourable conservation condition of Atlantic salt meadows, Mediterranean salt meadows, to maintain the Favourable conservation condition of Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation, European dry heaths, Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels, Petrifying springs with tufa formation (Cratoneurion), to restore the favourable conservation condition of Old oak woodland with Ilex and Blechnum, Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae, to maintain the favourable conservation condition of Desmoulin's whorl snail, the Freshwater pearl mussel (Margaritifera margaritifera), to maintain the Favourable conservation condition of White-clawed crayfish, to restore the Favourable conservation condition of Sea lamprey, Brook lamprey, River lamprey, Twait shad, Salmon, Otter, Killarney Fern in the River Barrow and River Nore SAC.

- 9.10 I am satisfied that no other Natura sites are likely to be affected by the proposed development. I am satisfied that the listed habitats and species are those likely to be affected by the proposed development.
- 9.11 Section 5.1 of the Screening Report notes that while there is a potential hydrological connection between the appeal site and the River Barrow and River Nore SAC, it can be concluded that development have not and will not have an impairment on the water quality within this European site. In coming to this conclusion, the report states that water monitoring takes place at monthly intervals to support the discharge license for the site (WP/W40/11) and supplementary monitoring of the waters upstream and downstream of the site undertaken from October to December 2022. The report states that water that is discharged from the site do not have any impact on water quality.
- 9.12 In addition to this, the report states that given the distance of the site from the River Barrow and River Nore SAC then this would be significantly diluted and would not have entered the River Barrow and River Nore SAC in any measurable quantity.

In combination effects

- 9.13 I make the Coimisiún aware that I have reviewed the submitted Appropriate Assessment Screening Report the Department of Housing, Local Government and heritage's National Planning Application database and EIA Portal and the Offaly County Council's planning register, I note that while there are a number of applications in the

area, they predominantly consist of applications for dwellings, extensions to dwellings and agricultural buildings, have considered all of the foregoing, and I am satisfied that there are no other plans of projects for potential in-combination effects in the Clondallon or surrounding areas.

9.14 Having considered the above, I am satisfied that the subject application will have no cumulative impacts on the River Barrow and River Nore SAC (Site Code: 002162) or any Natura 2000 site when considered in combination with properly assessed developments.

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

9.16 This determination is based on:

- Surface water discharge is controlled by a system of settlement tanks or coalescent filters / petrol interceptors and overground rainwater harvesting tanks (with respect to roof water)., which ensures that no polluted water leaves the site; and
- The discharge license for the land; and
- Distance from European sites.

10.0 Recommendation

10.1. I recommend that retention planning permission and permission be granted.

11.0 Reasons and Considerations

11.1 Having regard to the provisions of the *Offaly County Development Plan 2021-2027*, the established nature of the pre-cast cement manufacturing on the site, it is considered that subject to compliance with the conditions set out below, the development for which retention planning permission and the proposed development would not seriously injure the residential or visual amenities of the area or property in the vicinity and would be acceptable in terms of the protection of existing residential

amenity, traffic safety, surface water design and flooding. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by additional information received on 4/3/25 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.	Within three months of the date of this permission (or other timeframe as agreed in writing with the Planning Authority the second section of the culvert (the single pipe) shall be upgraded to be a size equivalent to the first section of the culvert (the twin 750mm culvert). Reason: In the interests of the public safety and the proper planning and sustainable development of the area.
3.	Prior to the commencement of development: a) An updated plan showing the proposed berm extended by 65m to the south towards building No.3 and a similar sized berm along the southern boundary of the land to be agreed in writing with the Planning Authority. b) A storm water drainage plan and storm water management plan are agreed to in writing with the Planning Authority.

	c) Plans showing the second section of the culvert (the single pipe) to be upgraded to a size equivalent to the first section of the culvert (the twin 750mm culvert). .c) Requirements of Offaly County Council's Area Engineer and the Environment and Water Services Department are agreed in writing. .d) A construction Management Plan outlining how all waste at the site is managed in accordance with the Waste Management Acts 1996 as amended and how the development will take reasonable measures to mitigate any environmental nuisance (noise and dust). .e) An environmental monitoring programme detailing how the development will take reasonable measures to mitigate any environmental nuisance (noise and dust, including dust suppression measures for dry and windy days) including how the development will ensure that Noise emissions at the nearest noise sensitive location (such as dwellings, schools, places of worship or areas of high amenity) shall not exceed the following: .LAeq (60 minutes) 55dB(A) 8am to 8pm .LAeq (15 minutes) 45dB(A) 8pm to 8am .Audible tonal or impulsive components shall be minimised at any noise-sensitive location. .Full details shall be agreed with the Planning Authority prior to commencement of development, and all works shall be completed by the applicant, to the satisfaction of the Planning Authority prior to the occupation of any house within the proposed development. .Reason: In the interests of roads and traffic safety, protection of the amenity of the area, protection of the natural environment, public health and the proper planning and sustainable development of the area.
4.	.a) The visibility splay shall at all times be kept free of obstacles. Any obstructions to visibility splays including existing hedgerows and utility poles must be permanently removed and set back behind the sight lines to the

	satisfaction of Offaly County Council. No kerbing or other objects shall be installed between the near edge of the public road and the site boundary. . This area shall remain unobstructed and nothing shall be planted, sown, constructed or erected forward of the sightlines. . (b) Any damage to the public road during the construction of the development shall be made good to the satisfaction of the Area Office prior to the completion of the works. . Reason: In the interests of traffic safety.
5.	. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity.
6.	The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 [five] years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. Reason: In the interest of the visual amenity of the area.

7.	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 Coimisiún 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.
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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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Ronan Murphy
Planning Inspector

2 July 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ACP-323043-25		
Proposed Development Summary	Conversion of attic rooms to offices, 2) extension to manufacturing unit, 3) extension to storage facility, 4) extension to concrete store etc and all associated site works.		
Development Address	Killeshil, Clonearl Demesne, Killaderry, Daingean, Co. Offaly		
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	X
		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	X		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		EIA Mandatory EIAR required
No	Tick/or leave blank		X
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Schedule 5 Part 2 Class 10 (b) (IV) The appeal site has an area of 10.56ha which is below 20ha elsewhere.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	ACP-323043-25
Proposed Development Summary	Conversion of attic rooms to offices, 2) extension to manufacturing unit, 3) extension to storage facility, 4) extension to concrete store etc and all associated site works.
Development Address	Killeshil, Clonearl Demesne, Killaderry, Daingean, Co. Offaly
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposal comes forward as part of a retention application relating to a number of buildings within a long-established pre-cast concrete manufacturing facility. The development does not require any demolition works. The development does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity	

of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural, or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects, and opportunities for mitigation).	Having regard to the nature of the development which comprises of the retention of a number of buildings within a long-established precast concrete manufacturing facility, its location within a predominantly rural area removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	
There is no real likelihood of significant	EIA is not required.

effects on the environment.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Appendix 3: Standard AA Screening Determination Template 2

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: ACP-323043-25	
Step 1: Description of the project and local site characteristics The proposal comprises of the retention of 1) offices incorporating conversion of attic rooms to offices and 1st floor offices to rear, 2) extension to manufacturing unit, 3) extension to storage facility, 4) extension to concrete store, 5) building including storage units, 6) canteen and toilets, 7) toilet block adjacent to concrete store, 8) machine store, 9) container storage units, 10) steel storage shed, 11) extension to site curtilage, 12) extension to car-park and 13) culverted stream as indicated on site layout map, all associated site works and permission to construct screening berm, planting on the north boundary and additional surface water drainage on a site within a rural area of County Offaly.	
Brief description of project	The proposed development comprises retention for a number of buildings associated with a long-established pre-cast concrete factory and permission for ancillary works including a berm and landscaping within a rural area close to Daingean, Co. Offaly.
Brief description of development site characteristics and potential impact mechanisms	The site is a long-established pre-cast concrete manufacturing business which is bound by fields to the north, west and south and a local road to the east. The Forty acres (Esker) stream is culverted through the site from the north-west to the eastern boundary.
Screening report	Yes. The report concludes that there will be no likely significant impact on any European Site
Natura Impact Statement	No

Relevant submissions	Yes-third-party submissions raised specific concerns in terms of impacts on the European Sites.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Raheenmore Bog SAC (Site Code: 000582)	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	3.8km to the north-west	The development does not directly affect any land within the SAC and there are no hydrological pathways. The appeal site is waterflow in the area and through the site flows away from the SAC. Distance and location preclude any direct impacts from the proposed works and so is deemed outside the zone of influence	N
Split Hills and Long Hill Esker SAC (Site Code: 001831)	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia)	10.6km to the northwest	Given the distance and intervening land uses separating the sites from the	No

	(* important orchid sites) [6210]		appeal site and the lack of pathways	
River Barrow and River Nore SAC (Site Code: 002162)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] European dry heaths [4030] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Petrifying springs with tufa formation (Cratoneurion) [7220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion	22km to the south	Potentially via surface water run-off and indirect hydrological pathway via wastewater treatment.	Yes

	incanae, Salicion albae) [91E0] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twait Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Vandenboschia speciosa (Killarney Fern) [6985]			
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The subject site is not located within or adjacent to a European Site. The nearest designated site is the Raheenmore Bog SAC (Site Code: 000582) which is located c.3.8km to the north-west to the appeal site. The Split Hills and Long Hill Esker SAC (Site Code: 001831) is located c. 10.6km to the west of the appeal site and the River Barrow and River Nore SAC which is located c.22km to the south of the site.

The applicants Appropriate Assessment Screening Report contained within the application material concludes that there is no potential for impacts on the QI habitats of the River Barrow and River Nore SAC (Site Code:) as development have not and will not have an impairment on the water quality within this European site. In coming to this conclusion, the report states that water monitoring takes place at monthly intervals to support the discharge license for the site (WP/W40/11) and supplementary monitoring of the waters upstream and downstream of the site undertaken from October to December 2022 shows no impact on the water quality. The report states that water that is discharged from the site do not have any impact on water quality.

I concur with the conclusions reached in this regard.

Step 4: Conclude if the proposed development could result in likely significant effects on a European site.

Based on the information provided with the application and appeal, having conducted a site visit, having reviewed the conservation objectives and supporting documents, I consider the development for which retention is sought does not have the potential to result in significant effects on any European site.

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that it is possible to exclude that the development alone, or in combination with other plans and projects, would give rise to significant effects on the Raheenmore Bog SAC (Site Code: 000582), Split Hills and Long Hill Esker SAC (Site Code: 001831) or the River Barrow and River Nore SAC (Site Code: 002162) in view of the site's conservation objectives. It is therefore determined that Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed works.
- The fact that the stream which runs within a culvert below the site flows in the opposite direction to the Raheenmore Bog SAC (Site Code: 000582), the lack of hydrological connection, distance and intervening land uses between the appeal site and the Split Hills and Long Hill Esker SAC (Site Code: 001831).
- Notwithstanding the potential hydrological connection to the River Barrow and River Nore SAC (Site Code: 002162), the monthly monitoring of the water required for the derogation

license and the distance of the site from the River Barrow and River Nore SAC (Site Code: 002162) would ensure the development will not impact on this European site.

Appendix 5: Water Framework Directive Screening and Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ACP-323043-25	Townland, address	Site at Killeshil, Clonearl Demesne. Daingean, Co. Offaly
Description of project		The proposal comprises of the retention of 1) offices incorporating conversion of attic rooms to offices and 1st floor offices to rear, 2) extension to manufacturing unit, 3) extension to storage facility, 4) extension to concrete store, 5) building including storage units, 6) canteen and toilets, 7) toilet block adjacent to concrete store, 8) machine store, 9) container storage units, 10) steel storage shed, 11) extension to site curtilage, 12) extension to car-park and 13) culverted stream as indicated on site layout map, all associated site works and permission to construct screening berm, planting on the north boundary and additional surface water drainage on a site within a rural area of County Offaly.	
Brief site description, relevant to WFD Screening		The appeal site is a long-established pre-cast concrete manufacturing facility which includes a number of buildings, car parking and large areas of hardstanding. The Esker stream is culverted under the site.	
Proposed surface water details		Soakpit	
Proposed water supply source & available capacity		Private well	
Proposed wastewater treatment system & available capacity, other issues			
Others?		The site is not within a Flood Zone.	
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection			

Identified water body		Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody		Culverted under the site	ESKER STREAM_010 (IE_SE_14E010100)	Under review	Under review	Under review	Surface water run-off.
Groundwater Waterbody		Underlying site	Daingean IE_SE_G_049	Under review	Under review	Under review	Groundwater
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
OPERATION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	ESKER STREAM_010 (IE_SE_14E010100)	Nil.	Run-off during site works, hydrocarbon spillages This could result in a deterioration of surface water quality.	Monthly monitoring for derogation license. Use of various settlement tanks, coalescent filters		Screened out.

					/ petrol interceptors located at strategic points on site. The surface water run off passes through these filters/ tanks to clean the water of any sediment, or hydrocarbons before it discharges into Fortyacres stream T		
2.	Ground	IEGBNI_NW_G_059	Pathway exists via drainage to soil/bedrock	Spillages/Run Off which could reduce groundwater quality.	As above.	No	Screened out.
DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A

