



An
Coimisiún
Pleanála

Inspector's Report

ACP-323540-25

Development

Permission for: (1) The construction of the following - a) 1 no. single storey finished goods storage shed extension (411m²), b) 1 no. single storey industrial shed extension for the manufacture of finished goods (124m²), c) and 1 no. Electrical Substation (14m²); (2) Change of use of no. 1 shed for use as an industrial building for the manufacture of finished goods (292m²) and (3) all ancillary and site works associated with the above.

Location

Irish Pallet Systems, Ballyclare Td.,
Lanesborough, Co. Roscommon.

Planning Authority

Roscommon County Council

Planning Authority Reg. Ref.

2560162

Applicant(s)

Irish Pallet Systems

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

First Party (s.48(10))

Appellant(s)

Irish Pallet Systems

Prescribed Bodies

Development Applications Unit

Inspector

Conor McGrath

1.0 Introduction

- 1.1. This is a first party appeal under s.48(10) of the 2000 Act, as amended, against condition no. 11 of the planning authority decision to grant permission for the proposed development.

2.0 Site Location and Description

The appeal site is located on the western edge of Ballyleague, Co. Roscommon on the western side of the River Shannon. The site is located on the northern side of the N63 with access from within the 60kph zone. The N63 continues east over the Shannon to Lanesborough, Co. Longford. The site with a stated area of 1.285ha, is occupied by an existing industrial undertaking (Irish Pallet Systems) and associated industrial buildings (1,930-sq.m.) and external storage.

3.0 Proposed Development

- 3.1. The proposed development is described as comprising:
 - (1) the construction of the following:
 - a) 1 no. single storey finished goods storage shed extension (411m²)
 - b) 1 no. single storey industrial / manufacturing shed extension (124m²)
 - c) 1 no. Electrical Substation (14m²)
 - (2) change of use of no. 1 storage shed to use as an industrial / manufacturing use (292m²).
 - (3) All ancillary and site works associated with the above.

The total floorspace of development subject to the application is 841-sq.m., with a total of 549-sq.m. of new development.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission for the proposed development subject to 12 no. conditions. Condition no. 11 required the following:

11. *Prior to the commencement of development or within such other timeframe as may be agreed in writing with the planning authority, a development contribution in the sum of €10,980 (updated at the time of payment in accordance with changes in the Wholesale Price Index) shall be paid to Roscommon County Council as a contribution towards the expenditure that was incurred or is proposed by the Local Authority in respect of providing public infrastructure and services.*

Payment of this contribution is subject to the provisions of the adopted Development Contribution Scheme 2014 (as amended 2020)

Reason: *It is considered reasonable that the developer should contribute toward the expenditure that is proposed to be incurred by the Council in respect of the provision of public infrastructure and services.*

In considering the application, the planning authority had sought further information on the nature of activities to be carried out on the site and proposals for nature-based surface water management solutions.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The development will not give rise to significant effects on the environment and the need for EIA does not arise. Further information on SW required for AA Screening.

Further details on the nature of manufacturing processes were sought. No issues in respect of visual impact, design and siting, or access and traffic safety were identified. Nature based solutions for surface water management were sought. On receipt of FI, a grant of permission was recommended.

Development Contributions: €20 per sq,m as per Roscommmon County Council's Development Contribution Scheme 2014 (amended 2020). Contributions applicable to new build elements only and not to the structure which is the subject of the proposed change of use.

Total additional gross floor area proposed = 549-sqm * €20 = €10,980.

4.2.2. **Other Technical Reports**

- AA Screening Report: No likley significant effects on any European sites.
- Environment: Conditions recommended.
- Roads: No objection subject to conditions.

4.3. **Prescribed Bodies**

None

5.0 **Planning History**

- PA ref. 5090D/82: Outline permission granted for workshop (1,000 sq. ft) for pallet manufacturing and storage area.
- PA ref. 5090H/87: Approval granted for retention of lean to-extension to existing workshop (52.8-sq.m.)
- PA ref. 00597: Permission granted to construct a finished goods storage shed and to retain existing storage sheds and workshop extension.
- PA ref. 04/147: Permission granted to revise the profile of the existing roof structure to existing workshop. The existing and proposed floor areas were stated to be 588-sq.m. and 276-sq.m. respectively.
- PA ref. 06/2183: Permission granted to erect a storage shed and manufacturing facility (288-sq.m.). Condition no. 10 required development contributions of

€10,080. This structure was located to the rear of the previously extant structures on the site.

- PA ref. 09/495 Date: Permission granted for the construction of an extension onto an existing storage and workshop facility (798-sq.m.) and yard area, a prefabricated site welfare office (36-sq.m.), the provision of parking with connections to all public sewers & services including all other associated site works. Existing buildings were stated to comprise 898-sq.m. No development contributions were charged.

6.0 Policy Context

6.1. Roscommon Development Plan 2022-2028

The site is within the defined settlement boundary for Ballyleague.

Ballyleague DO 3: To encourage opportunities for employment generation through appropriate developments, commensurate with the scale of the village, and in accordance with the principles of proper planning and sustainable development.

12.4 Development Contributions

The Planning Authority will when granting a permission under S.34 include condition(s) requiring the payment of contributions in respect of public infrastructure and facilities benefiting development in its area and that is provided, or that is intended to be provided, by or on behalf of the Local Authority, in accordance with a Development Contribution Scheme for the County, made under Section 48 of the Planning and Development Acts 2000 as amended.

6.2. Roscommon County Development Plan 2014-2020

(This plan is cited in the Development Contribution Scheme)

Chapter 2 sets out the Core Strategy and Settlement Policy and provides a hierarchy of settlements.

Ballyleague is identified as a Tier 4 Settlement - Serviced & Unserviced Villages and the Countryside (map 4, Figure 2.3 and Table 2.3).

6.3. Roscommon County Development Contribution Scheme 2014 (as amended 24th February 2020)

5. Floor Area

The floor area of proposed development shall be calculated as the internal floor area. This means the floor area determined from the internal dimensions of the proposed buildings, including the floor area of each floor including mezzanine floors.

6. Level of Contributions

Having regard to the estimated cost to the Council of providing further public infrastructure and facilities (as outlined in Table 2 in Appendix 1) in the period 2014 - 2020 and the estimated floor area of projected development (as indicated in Table 3) for the same period, it is estimated that a contribution for an urban dwelling will be €4,400 and a rural dwelling will be €3,600 per residential unit and €20.00 per m² of industrial/commercial development would be required to cover the marginal capital cost involved. This breakdown of the contribution by class of infrastructure is shown in Table 4. Levels of contribution for other categories of development are set out in Table 5.

14. Reductions and Exemptions

The Planning Authority may allow for full or partial exemptions from payment at its discretion. The following categories of development will be considered in this regard (inter alia):

(k) For change of use permissions, a waiver in the case of change-of-use permissions, where change-of-use does not lead to the need for new or upgraded infrastructure / services or significant intensification of demand placed on existing infrastructure (including, for example, transport infrastructure) –

(100% Exemption from Development Contributions)

(L) For redevelopment projects,

- (i) For commercial developments, on land where a business previously operated (subject to documentary evidence), a charge only of the net additional development (e.g. a redevelopment totalling 200m² of which

150m² is replacing existing development, contribution is only required for the additional 50m²);

(iv) On brownfield sites on zoned land where there is sufficient public car parking or on-street car parking in the vicinity having regard to the existing / previous use of premises (100% Exemption from Development Contributions(

(q) In order to incentivise the location of SME's within Tiers 3 and 4 of the Settlement Hierarchy detailed in the RCDP 2014-2020 and provided in Appendix 2¹, commercial development will attract the following:

- 100% exemption from development contributions for developments with a floor area of up to 500m²;
- 50% reduction of development contributions for developments with a floor area of between 501m² and 750m²;
- 25% reduction of development contributions for developments for developments with a floor area of between 751m² and 1,000m²;
- Full development contribution levied for development with a floor area of over 1000m².

TABLE 4: LEVELS OF CONTRIBUTION

Class of Infrastructure	€/Residential Unit - Urban	€/Residential Unit - Rural	€ / m² industrial/ commercial development
Roads Infrastructure including, Town and Village Improvements, Public Lighting, Footpaths, Car Parking, Contribution to Capital Schemes, Traffic Management, Drainage, Broadband, Swimming	2400	1980	12.00

¹ I note that Appendix 2 of the Scheme replicates Table 2.3 of the Roscommon County Development Plan 2013-2020.

Pool Fund, Fire Services Facilities, Unfinished Housing Estates			
Libraries, Enterprise, Cultural Development and Leisure including: Contribution to New Library Facilities, Waterside Tourism Facilities, Arts Centre, Enterprise Centre, Swimming Pool Fund	1100	900	5.00
Amenity, Open Spaces including provision of new parks and open spaces, Cemeteries	900	720	3.00
TOTAL	€4,400	€3,600	€20.00

6.4. Natural Heritage Designations

Downstream of the bridge at Lanesborough, the River Shannon and surrounds are designed as the Lough Ree Special Area of Conservation and PNHA, and Lough Ree SPA. The appeal site is located within approx. 90m and 260m of these sites respectively.

7.0 EIA Screening

This case relates to a first party appeal against a financial contribution condition attaching to the planning authority decision to grant permission. Having regard to the nature of the appeal and the provisions of s.48(10)(c), I conclude that the proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of this report.

8.0 The Appeal

8.1. Grounds of Appeal

Irish Pallet Systems Limited make the following points in their appeal:

- Seeking the removal of condition no. 11 as the contribution scheme has been misapplied, and the following was not considered:
 - i. The redevelopment aspect of the development.
 - ii. The location in a tier 4 settlement.
 - iii. That development contributions were already paid in 2006 (€10,080).
- The planners report notes that the development will be ancillary to the established and permitted use, without undue intensification.
- There were no roads or environmental issues raised.
- The development will continue existing operations in a safer and more spacious setting with no net additional development.
- The Scheme provides for a 100% exemption for development in Tier 4 settlements of up to 500sq.m. The Maximum contribution should therefore be 49-sq.m. x €20 = €980.

No credit for previous contributions paid has been provided for. No intensification of development has occurred.

8.2. Planning Authority Appeal Response

A response to the first party appeal was received from the planning authority on 24/10/2025 which raised the following points:

- The development constitutes new development, comprising extensions to industrial buildings and a new electrical substation.
- This does not represent a “redevelopment project” under item (L) of section 14 of the Contribution Scheme.
- Contributions under condition no. 11 have therefore been correctly applied at a rate of €20 per sq.m.

- This applies to new build elements and not to the proposed change of use, and was calculated on the basis of 549-sq.m. x €20 = €10,980.
- Contributions paid in respect of previously permitted and implemented permissions are not relevant in calculating contributions for new development.
- The decision was made under the 2022-2028 Development Plan, whose settlement Hierarchy and Settlement Types supercede that of the previous development plan 2014-2020.
- Condition no. 11 should be confirmed.

8.3. First Party Comment on Planning Authority Appeal Response

The first party make the following comments on the planning authority response:

- The power to determine planning applications and apply development contributions lies in the Planning and Development Acts and under Development Contribution Scheme.
- The Development Contribution Scheme is very clear regarding the status of Ballyleague in the application of the scheme.
- The planning authority are incorrectly applying an amended settlement hierarchy to the Scheme.
- Amendments to the scheme are a reserved function of the members, and such amendments have not been made.
- Industrial / commercial developments are rare in Ballyleague and were exempted from contributions by decision makers in making the scheme.
- No commercial development in the town has attracted contributions for the past 10 years, to incentivise development. This is not altered by the 2022 Development Plan.
- Dismissal of past contributions ignores the principle of proportionality.
- These incremental improvement works occur within an existing industrial complex that already benefits from supporting infrastructure. This contribution constitutes double charging for infrastructure already funded.

- Regard should be had to the regeneration element of the development.
- The development will have minimal impacts and there will be no additional demands on the County Council arising therefrom.
- The Scheme allows for reduced contributions in Ballyleague.

8.4. **Prescribed Bodies**

Development Applications Unit: The DAU make the following nature conservation observations:

- The planning authority screened the development out notwithstanding its location in proximity to Louth Ree SAC and SPA.
- There are potential hydrological pathways to the European Sites via surface water drainage channels.
- There is potential for release of sediments and pollutants during construction.
- Potential adverse impacts on water quality should be considered including cumulative, in-combination impacts.
- The efficacy of “established and proven construction measures” should be considered.
- Regard should be had to guidance on nature based solutions for the management of rainwater and surface water run-off.

9.0 **Assessment**

- 9.1. This is a first party appeal under S.48(10) against a development contribution condition (no. 11) attaching to the planning authority decision to grant permission. There has been no other third-party appeal against the decision. In this regard and in accordance with s.48(10)(c) I propose to confine consideration to whether the terms of the scheme were properly applied by the planning authority and will not consider the merits or otherwise of the scheme itself.

9.2. The consideration of the Commission is restricted to whether the terms of the Scheme have been properly applied and there is no discretion to the Commission to selectively apply those terms.

9.3. The proposed development comprises the following elements:

(1) the construction of the following:

a) 1 no. single storey finished goods storage shed extension (411m²)

b) 1 no. single storey industrial / manufacturing shed extension (124m²)

c) 1 no. Electrical Substation (14m²)

(2) change of use of no. 1 storage shed to use as an industrial / manufacturing use (292m²).

(3) All ancillary and site works associated with the above.

The total floorspace of development subject to the application is 841-sq.m.

Applying section 6 and Table 4 of the Development contribution scheme to each element in turn:

(1a) 1 no. single storey finished goods storage shed extension (411m²)

As a new build commercial / industrial building, this would be subject to a development contribution of €20 / sq.m., equating to €8,220.

(1b) 1 no. single storey industrial / manufacturing shed extension (124m²)

As a new build commercial / industrial building, this would be subject to a development contribution of €20 / sq.m., equating to €2,480.

(1c) 1 no. Electrical Substation (14m²)

As a new structure ancillary to existing commercial / industrial uses on the site, this would be subject to a development contribution of €20 / sq.m., equating to €280.

(2) change of use of no. 1 storage shed to use as an industrial / manufacturing use (292m²).

There is no new floorarea of development and the development contribution scheme provides for an exemption from contributions in respect of a change-of-use, where the change does not lead to the need for new or upgraded infrastructure / services or significant intensification of demand placed on existing infrastructure. As there is no evidence on the file that any such intensification arises and having regard to the conclusions of the PA in this regard, I conclude that this element of the development is exempt from the requirement to pay development contributions under section 14(K) of the scheme.

(3) All ancillary and site works associated with the above.

These works are understood to comprise drainage works etc. There is no provision in the Development Contribution Scheme for contributions in respect of such works, which are ancillary to other categories of development.

The total applicable rate of contributions would therefore be

(1a)	1 no. single storey finished goods storage shed extension (411m2)	€8,220.
(1b)	1 no. single storey industrial / manufacturing shed extension (124m2)	€2,480
(1c)	1 no. Electrical Substation (14m2)	€280.
(2)	change of use of no. 1 storage shed to use as an industrial / manufacturing use (292m2).	€0
(3)	Ancillary development	€0
		€10,980

Other Available Exemptions / Waivers / Reductions:

Section 14. of the Scheme sets out the available reductions and exemptions.

Section 14(K) I have already considered the exemption under section 14(K) in respect of Changes of Use, above.

Section 14(L) This provision of the scheme relates to redevelopment projects.

I concur with the planning authority that this development, comprising the expansion of an existing commercial / industrial use on the site, does not comprise a Redevelopment Project within the scope of section 14(L) of the development contribution scheme.

Section 4(Q) Exemption / Reduction for Tier 3 & 4 settlements.

The scheme provides for a reduction / exemption of contributions payable, in order to incentivise the location of SME's within Tiers 3 and 4 of the Settlement Hierarchy. This provision of the scheme specifically refers to the Settlement Hierarchy detailed in the RCDP 2014-2020. While the Development Contribution Scheme was updated in 2020 and a new development plan, and settlement hierarchy was adopted in 2022, no amendments or updates to the scheme to reflect the new development plan have been made. In this regard, I consider that the relevant settlement hierarchy for the purposes of calculating development contributions is that set out in the 2014 Development Plan, notwithstanding the arguments of the planning authority in this regard. Within the 2014 plan, Ballyleague is clearly identified as a Tier 4 Settlement. I therefore concur with the interpretation of the first party that an exemption / reduction in development contributions under section 14(q) is applicable in this instance.

The proposed development comprises 549-sq.m. of liable new development floor area

Floorarea	Exemption / Reduction under section 14(q)
500-sq.m.	100% exemption up to 500m ²
49-sq.m.	50% reduction between 501m ² and 750m ²

Therefore 49-sq.m. x €20 per sq.m. = €950 @ 50% = €490

Conclusion:

The total floor area liable to contributions is 549-sq.m. The determination of the Commission is restricted to consideration as to whether the terms of the scheme as

drafted were properly applied by the planning authority and does not consider the merits or otherwise of the scheme itself. The scheme refers specifically to the settlement hierarchy set out in the 2014 County Development Plan and the scheme has not been updated to reflect the 2022 plan. The reductions / exemptions available based on the 2014 settlement hierarchy therefore still remain valid.

10.0 **AA Screening**

- 10.1. I note the screening determination of the planning authority and the finding of no significant effect in respect of the proposed development. I also note the submission of the Development Applications Unit received 04/11/2025 in this regard.
- 10.2. Notwithstanding this submission, the first party appeal has been made under the provisions of section 48(10)(b) of the Planning and Development Act, 2000, as amended. In this regard, the Commission shall therefore determine only the matters relating solely to a condition dealing with a development contribution. As such, the requirements S177U of the Planning and Development Act 2000, as amended, do not apply.

11.0 **Water Framework Directive**

- 11.1. The appeal has been made under the provisions of section 48(10)(b) of the Planning and Development Act, 2000, as amended. The Commission shall therefore determine only the matters relating solely to a condition dealing with a development contribution. As such, the requirements under the Water Framework Directive do not apply in this instance.

12.0 **Recommendation**

- 12.1. I conclude that, in accordance with section 48 of the Planning and Development Act, 2000, as amended, and based on the reasons and considerations set out below, that

the terms of the Development Contribution Scheme for the area have not been properly applied in respect of condition number 11, and recommend that the Council be directed to amend said condition and the contribution payable thereunder for the reasons stated.

Condition

11. The developer shall pay to the planning authority a financial contribution of **€490 (four hundred and ninety euro)** 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.

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.

13.0 Reasons and Considerations

The Roscommon County Development Contribution Scheme 2014 (as amended 24th February 2020) sets out the levels of contributions payable in respect of commercial / industrial development and Section 14 thereof, sets out Reductions and Exemptions in respect of certain categories of development from payment of such contributions. Section 14(q) provides for reductions or exemptions in respect of commercial development within Tier 3 and 4 of the Settlement Hierarchy detailed in the Roscommon County Development Plan 2014-2020 and provided in Appendix 2 of the Scheme.

The proposed development is located within the settlement of Ballyleague, identified in the 2014 Development Plan as a Tier 4 Settlement. Notwithstanding the adoption of the Roscommon County Development Plan 2022-2028, the terms of the

Roscommon County Development Contribution Scheme 2014 (as amended 24th February 2020) have not been amended to reflect the settlement hierarchy contained within the 2022 County Development Plan. The Reductions / Exemptions available under section 14(q), which refer to the 2014 Development Plan Settlement Hierarchy, therefore remain applicable to the development proposed in this instance. It is concluded that the terms of the Development Contribution Scheme were not properly applied in this instance and the planning authority are therefore directed to amend the condition.

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

Conor McGrath

Assistant Director Planning
28/11/25