



An
Coimisiún
Pleanála

Inspector's Report PL-501262-LS-26

Development	Retention of side roller door and four containers for storage and office use, permission for extension and new industrial unit.
Location	Ballymullen, Abbeyleix, Co Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2560769
Applicant(s)	Tullen Concrete Limited
Type of Application	Retention
Planning Authority Decision	Grant Retention with Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Thomas McEvoy
Observer(s)	None
Date of Site Inspection	15 th July 2026
Inspector	Matthew O'Connor

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Appendix 1: Form 1 EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site is 0.210ha and is located in the townland of Ballymullen, some 3.3km to the southeast of Abbeyleix, Co. Laois. The subject site is accessible from a long private access road from the L-5731 which runs between the settlements of Abbeyleix and Ballinakill. The appeal site is located within a quarry complex comprising sand and aggregate quarrying, precast and other concrete-related productions. Within the red line boundary of the appeal site, there is a portal frame steel shed, yard area with steel framed racks, a number of shipping/storage containers, mouldings, steel girders, pallets and other materials. The site is partly enclosed by precast concrete walls to the west and north; a low level precast wall topped with railing to the west and an adjoining shed to the south.

2.0 Proposed Development

- 2.1. The subject development retention and permission for the following:
- Retain alterations (roller door to side elevation) to existing industrial unit;
 - Retain two storage containers and two staff office containers;
 - Permission to construct an extension (287.5sq.m) to the rear of existing Industrial unit; and,
 - Permission to construct a new industrial unit (75.5 sq.m).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant the subject development, subject to 11 no. conditions. The majority of conditions are generally standard in nature, however, I make reference to conditions of note:

- Condition 1: Development retained and carried out in accordance with plans and particulars.
- Condition 2: Storage containers to be retained on site for a period of 3 years.
- Condition 4: Development shall be used solely for the purposes detailed in application.

- Condition 10: Processes of development to have regard to the amenity of the area in terms of noise, vibration, smell, fumes, smoke and discharge; pest control; surface water discharge; prevention of discharge of polluting matter to waters; separation of foul and surface water drainage systems; and, bunding of hazardous liquids, oils or chemical storage containers on site to be bunded.
- Condition 11: Payment of financial contributions.

3.2. Planning Authority Reports

3.2.1. First Planning Report

- The first Planner's Report had regard to the submitted documentation, locational context of the site, planning history, provisions of the Development Plan and inter departmental/referral reports received.
- In considering the overall context of the site, the design and location of the proposed permanent structures are considered to be acceptable. The Planning Authority considered the works would not give rise to an unacceptable visual impact on any residential neighbouring amenities or the wider landscape and generally form part of the overall existing site and wider site operations.
- The Planning Authority indicated that it was unclear as to whether the retention for the two no. storage containers and two no. staff office containers is for long term use or if there is a future plan in place to provide permanent welfare/office facilities for staff and storage space within the site.
- With respect to services, the Planning Authority noted that potable water is sourced from the existing private well, surface water is to be disposed of in the existing silt lagoon and wastewater treatment is not applicable.
- In terms of access, it was noted that the site is served via a long access road off the local road and no changes are proposed to the existing access.
- In relation to Appropriate Assessment (AA), it was noted that a Screening for Appropriate Assessment Report was prepared and concluded that no likely significant impacts are predicted due to the nature of the proposed development.

- In relation to Environmental Impact Assessment (EIA), it is indicated that the development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). It is further considered, having regard to nature, size and location, the development would not be likely to have significant effects on the environment and so EIA is not required.

3.2.2. Further Information was sought in relation to 3 no. items which are summarised as follows:

1. Submit further details on proposed timeframe for use of containers and if there are future plans to accommodate storage/office space for staff on site in a more permanent location and permanent basis.
2. Submit comments in relation to the objection raised by the third party.
3. Confirm water usage and demonstrate compliance with the Water Environment (Abstractions and Associated Impoundments) Act 2022 and the Water Environment (Abstractions and Associated Impoundments) Regulations 2024; submit details of the manufacturing process; confirm if waste water is generated as part of the production process; and, provide evidence of waste disposal at a suitably authorised waste facility for Q4 2025

3.2.3. The second Planner's Report provides an analysis of the applicant's Further Information response and forms the basis for the grant of permission and retention with conditions. In terms of Item No.1, the Planning Authority were satisfied that adequate clarification was provided and that a proposed timeframe for the use of the containers (temporary period of 3–5 years) was appropriate and could be conditioned. In relation to Item No.2, the Planning Authority were satisfied with the applicant's response to the submission. With respect to Item No. 3, the Planning Authority deemed the response to be acceptable and sufficient to complete the assessment of the application.

3.2.4. Other Technical Reports

- MD Engineer – No Objection.
- Roads – Response received. Applicant requested to submit a schedule for car parking; confirm parking allocation does not reduce parking provisions outside site; provide written details of agreements allowing use of car parking spaces;

indicate 10% car parking with functioning electric vehicle charging points; submit revised Site Layout Plan showing details of bicycle parking; submit revised Site Layout Plan showing all surface water gullies, manholes and sewers within site and the outfall of surface water to silt lagoon and include location and details of existing/proposed hydrocarbon separators; submit stormwater run-off calculations for the site to demonstrate existing silt treatment lagoon has the capacity required to accept all storm water from proposal in event of a 1 in 100 year rainfall event while allowing for 20% for climate change. The second report received indicates no objection – subject to conditions.

- Water Services – No response received.
- Environment – Further information requested. Confirm water usage in m3/day and demonstrate compliance with the Water Environment (Abstractions and Associated Impoundments) Act 2022 and Water Environment (Abstractions and Associated Impoundments) Regulations 2024; provide details of manufacturing process; confirm if wastewater is generated as part of production process; and, provide evidence of waste disposal at a suitably authorized waste facility for Q4 2025.
- Chief Fire Officer – Response received. Laois Fire Authority did not assess this application, and it is recommended that the applicant/s be informed that they are required to comply with all relevant Building Regulations and all relevant Building Control Regulations.

3.3. Prescribed Bodies

- Uisce Éireann – No response received.
- HSE – No response received.

3.4. Third Party Observations

3.4.1. One third party observation was received by the Planning Authority. The main issues raised have been summarised in the Planner's Report as follows:

- (a) Represents a material intensification and change of use from the original quarry related activity;

- (b) Involves unauthorised industrial-scale operations beyond the scope of any previously permitted development;
- (c) Is ineligible for retention under current planning legislation in the absence of environmental screening and assessment;
- (d) Fails to comply with statutory site notice requirements and omits related unauthorised activities; and
- (e) Raises significant concerns regarding environmental impacts and procedural fairness.

4.0 Planning History

- 4.1. There have been extensive proposals for development on the overall land with the following planning history noted:

ABP Ref. ABP-315944-23 (L.C.C Ref. 22/751): Permission GRANTED by An Bord Pleanála who upheld the decision of Laois County Council to (a) retain 4 no. staff welfare containers to facilitate social distancing requirements as per Covid guidelines; (b) 3 no. steel storage containers with canopies to provide shelter for workers; (c) 1 no. mechanics storage container; (d) Single lean-to shed to provide shelter for materials storage and all associated site works. Applicant: Booth Precast Ltd.

22/253: Permission GRANTED by Laois County Council to retain gantry mounted crane and alterations to an adjoining shed previously granted planning permission Ref. Applicant: Booth Precast Ltd.

12/46: Permission GRANTED to amend the currently approved opening hours for the entire existing and approved quarry, concrete manufacturing, precast manufacturing and entire associated permitted uses at the existing permitted facility which were previously granted permission under Planning Reg. Ref Numbers 95/300, 98/780, 06/24, 07/1451, QY05/76, 10/288, 10/289, 10/290. Applicant: Arastra Construction Ltd.

ABP Ref. PL11.239202 (L.C.C Ref. 10/315): Permission REFUSED by An Bord Pleanála who overturned a decision of Laois County Council to grant permission to erect a new truck park/lay-by and entrance gates to facilitate the off road parking of up to 20 trucks. Applicant: Arastra Construction Ltd.

ABP Ref. PL 11.239204 (L.C.C Ref. 10/290): Permission GRANTED by An Bord Pleanála who upheld the decision of Laois County Council to retain an existing precast concrete product manufacturing building. The development comprises of a single storey steel portal frame structure with external single skin cladding. The building is adjoining an existing maintenance garage (subject to a separate application) and is to house the manufacture and storage of a variety of precast concrete, concrete and related products. The opening hours of the facility are proposed to be 7AM - 8PM Mon to Fri and 7AM - 6PM Sat. Applicant: Arastra Construction Ltd.

ABP Ref. PL 11.239205 (L.C.C Ref. 10/289): Permission GRANTED by An Bord Pleanála who upheld the decision of Laois County Council to retain an existing maintenance garage facility. The development comprises a single storey garage structure with a lean-to single storey ancillary store to the rear. The building is utilised for the maintenance of trucks, light vehicles and ancillary equipment. The opening hours of the facility are proposed to be 7AM - 8PM Mon to Fri and 7AM - 6PM Sat. Applicant: Arastra Construction Ltd.

ABP Ref. PL 11.239206 (L.C.C Ref. 10/288): Permission GRANTED by An Bord Pleanála who upheld the decision of Laois County Council to retain an existing precast concrete product manufacturing building. The development comprises of a single storey steel portal frame structure with external single skin cladding. The building is to house the manufacture and storage of a variety of precast concrete, concrete, masonry and related products. The opening hours of the facility are proposed to be 7AM - 8PM Mon to Fri and 7AM - 6PM Sat. Applicant: Arastra Construction Ltd.

07/1451: Permission GRANTED to replace existing hardstanding by a concrete surface. Applicant: Arastra Construction Ltd.

ABP Ref. PL 11.218941 (L.C.C Ref. 06/24): Permission GRANTED by An Bord Pleanála who upheld the decision of Laois County Council to grant retention for existing industrial unit with offices, toilets and septic tank along with hardstanding and car park spaces. Applicant: Arastra Construction Ltd.

98/780: Permission GRANTED to erect 2-storey office building ancillary to existing concrete works. Applicant: Booth Concrete Ltd.

95/300: Permission GRANTED to retain concrete plant, extraction of sand and gravel and washing facility. Applicant: Mr. Phil Butler.

Referrals

ABP-324050-26 (L.C.C. Ref. No. 2025/98): A referral in relation to 'Whether the extraction of sand, gravel, shale or other minerals after the expiry of planning permission PI95/300 is or is not development or is or is not exempted development'.

Note: At time of writing Inspector's Report, a determination currently pending with the Commission.

ABP-309964-21 (L.C.C. Ref. No. 10/5): Decision issued for question framed as 'whether the erection of an outdoor gantry mounted crane, an addition to an existing gantry crane located with an existing shed, at Booth Precast Limited, Ballymullen, Abbeyleix, County Laois is or is not development or is or is not exempted development' that works is development and is not exempted development.

ABP-309575-21 (L.C.C. Ref. No. 10/5): SPLIT decision issued for question framed as 'whether revisions to the on-site management of concrete products as detailed on Drawing No. 20-056-P-02-00 including the creation of new surface water/silt ponds, recirculation of surface water on site and the cessation of surface water discharge to adjoining watercourse at Ballymullen, Abbeyleix County Laois is or is not development or is or is not exempted development'.

The Board's Order states in relation to the above that it:

- Is development and is not exempted development insofar as it relates to the development of two silt ponds / lagoons, and
- Is development and is exempted development insofar as it relates to the installation of new pipework and the construction of the new pump houses (identified as number 06 and number 15 on drawing 20-056-P-02-00) and works to the existing pumping arrangement and to the closure of the existing surface water discharge from the site.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Laois County Development Plan 2021-2027 is the relevant Development Plan for the subject site.

5.1.2. Chapter 9: 'Rural Laois' has an aim to support the role of rural areas in maintaining a stable population base through a strong network of villages and small towns and strengthening rural communities by supporting a resilient rural economy and the sustainable management of land and resources. Section 9.5 relates to 'Mining and Aggregates' and it is recognised by the Local Authority that the aggregate and concrete products industry contribute to the development of the national, regional and local economies by the proper use and management of natural resources for the benefit of the community and the creation of employment opportunities. These products are required as essential building materials in the social and economic development process including the provision of housing and infrastructure. The following Policy Objectives for Rural Development are deemed relevant to the subject proposal:

RL 12 Reconcile the need for resource-based economic activities to conduct a reasonable operation and the needs of residents in rural areas to access a good quality of life and access to rural areas.

RL 13 Have regard to Laois' Landscape Character Assessment, as well as more general Planning considerations, such as transport, environmental sensitivities, habitat considerations, the need for buffer zones around water bodies in its determination of planning applications related to land-based economic activities.

RL 14 Support in principle the expansion of the aggregates and concrete products industry which offers opportunity for employment and economic development generally subject to environmental , traffic and planning considerations and ensure that any plan or project associated with extractive industry is subject to Appropriate assessment screening in compliance with the Habitats Direction and subsequent assessment as required, applicants for planning permission shall have regard to the GSI-ICF Quarrying Guidelines.

RL 15 To secure the long-term supply of value-added products (such as concrete products and asphalt), which are often, but not always, produced in conjunction with aggregate extraction.

RL 16 To support the necessary role of the extractive industries in the delivery of building materials for infrastructural and other development and to recognize the need to develop extractive industries for the benefit of society and the economy.

RL 17 Support in principle the processing of minerals to produce cement, bitumen or other products in the vicinity of the source of the aggregate, where the transport network is suitable to reduce trip generation.

5.1.3. The following Enterprise Development Management Standards are also considered to be relevant to the subject proposal in terms of both Commercial Development in Rural Areas and Mining & Aggregates:

DM RL 2 Development proposals in the open countryside should satisfy a high standard of siting and design, while being properly located to ensure their assimilation into their rural setting. The following considerations should be taken into account:

- 1) Buildings should be kept simple and should be finished with materials appropriate to a rural setting such as nap plaster, stone and slate.*
- 2) Buildings should reflect the scale and pattern of the rural development in the vicinity;*
- 3) Building height should be restricted to that required for the normal operation of the premises, buildings of excessive height will not be permitted;*
- 4) Buildings should be sited to make use of existing hedgerows and topography to provide natural screening, buildings in open landscapes should be avoided;*
- 5) Access roads and driveways should respect existing site contours;*
- 6) Car parking should be located to the rear of the building and in compliance with the car parking standards in Table 18;*
- 7) Advertising signs should be kept to a minimum;*

- 8) *Large advertising signs at the road frontage will be resisted;*
- 9) *Hedgerows or stone walls should be used for boundary treatments;*
- 10) *Any new building will be required to respect the appearance of and character of the landscape.*
- 11) *It will not be acceptable where it is unduly prominent in the landscape, where it results in build-up of development when viewed with existing and/or approved building or where the impact of the ancillary works, including the creation of visibility splays would damage rural character or impact negatively on the environment or which fails to protect Natura Sites, conservation areas, natural heritage or the environment or fails to protect and improve or is injurious to amenities(including visual amenities).*
- 12) *A justification as to why the proposed development is to be located in a rural area over a settlement where adequate zoning is in place shall be submitted.*

DM RL 3 Applications for new development for aggregate extraction, processing and associated processes, shall

- 1) *identify existing public rights of way and walking routes which may be impacted on or are adjacent to the development site. They shall be kept free from development as a Rights of Way/Walking Route.*
- 2) *ensure the protection, conservation, preservation and safeguarding of recorded monuments and areas in their vicinity, World Heritage Sites(including Tentative Sites), NHA's, Euro Sites, Nature Reserves, scenic views and prospects archaeological sites and features, natural heritage, natural environment, features of natural beauty or interest and prescribed sites, geological sites and areas of geological/geomorphological or historic interest and areas of high scenic amenity from inappropriate development that might be detrimental to them.*
- 3) *minimise adverse effect on the environment and visual and natural amenities to the greatest possible extent must be carried out during*

all life cycle stages, whether in respect of new quarries or extensions to existing ones and development will be prohibited if the quality of the environment or landscape, particularly sensitive landscape, is adversely affected or there is a reduction of the visual amenity of areas of high amenity.

4) be landscaped either by the retention of existing vegetation or by screening to minimise the detracting from the visual quality of the landscape.

5) Require that development proposals on or in proximity to a quarry site should investigate the nature and extent of the risks associated with the development together with appropriate mitigation.

5.1.4. Chapter 11: 'Biodiversity and Natural Heritage' has an aim to contribute towards the protection, conservation and management of biodiversity and natural heritage including sites designated at national and EU level and protected species and habitats outside of designated sites and to develop a green infrastructure network in the interests of the proper planning and sustainable development of the county. Section 11.4 relates to Designated Sites and the following Policy Objectives are deemed relevant:

BNH 1 Protect, conserve, and seek to enhance the county's biodiversity and ecological connectivity.

BNH 2 Conserve and protect habitats and species listed in the Annexes of the EU Habitats Directive (92/43/EEC) (as amended) and the Birds Directive (2009/147/EC), the Wildlife Acts 1976 and 2010 (as amended) and the Flora Protection Orders.

BNH 4 Protect and maintain the conservation value of all existing and future Natural Heritage Areas, Nature Reserves, Ramsar Sites, Wildfowl Sanctuaries and Biogenetic Reserves in the county.

BNH 5 Projects giving rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects

shall not be permitted on the basis of this Plan (either individually or in combination with other plans or projects). Screening for AAs and AAs undertaken shall take into account invasive species as relevant.

BNH 6 Assess, in accordance with the relevant legislation, all proposed developments which are likely to have a significant effect (directly or through indirect or cumulative impact) on designated natural heritage sites, sites proposed for designation and protected species.

BNH 7 Protect Natural Heritage Areas (NHA) from developments that would adversely affect their special interests.

5.1.5. The following Development Management Standards for Designated Sites are also considered to be relevant to the subject:

Developments in Proximity to pNHA

DM BNH 1 Where a development is of a significant scale or in close proximity to a pNHA, the Council will require an Ecological Impact Assessment to determine the impact of the proposed development on the designated site or natural heritage.

Appropriate Assessment

DM BNH 2 Article 6(3) and 6(4) of the Habitats Directive requires an Appropriate Assessment of any plan or project whether within or outside a designated Natura 2000 site, which does not directly relate to the management of the site but may impact upon its conservation objectives. All planning applications shall be screened for Appropriate Assessment and a Phase II Appropriate Assessment carried out if necessary.

Where full Appropriate Assessment is required, the assessment shall be based on best scientific knowledge, by a person with ecological expertise. It shall address the potential impacts of the plan or project on the conservation objectives of any Natura 2000 site. The impacts assessed must include the indirect and cumulative impacts of approving the plan or project, considered with any current or proposed activities, developments or policies

impacting on the site. The potential impacts of policies outside Natura 2000 sites but potentially impacting upon them (known as 'ex situ' impacts) must also be included in the assessment. (Refer to: Appropriate Assessment of Plans and projects in Ireland, Guidance for Planning Authorities, DEHLG (2009).

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located on or within any designated Natura 2000 sites. The nearest designated site is the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) which is approximately 1.84km to the west (at its closest point). Other Natura 2000 sites include: River Nore Special Protection Area (Site Code: 004233) which is approximately 2.3km to the west; Lisbigney Bog SAC (Site Code: 000869) which is located approximately 2.87km to the south; and, Cullahill Mountain SAC (Site Code: 000831) which is located approximately 14.55km to the southwest. In addition, the River Nore/Abbeyleix Woods Complex Proposed Natural Heritage Area (Site Code: 00076) is situated approximately 1.84km from the subject site.

6.0 EIA Screening

6.1. The subject development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The third party appeal was lodged by Thomas McEvoy. The grounds of appeal are summarised as follows:

- The appeal concerns a development that forms part of a wider, integrated industrial operation comprising quarrying, concrete manufacture and waste-related activities, which has continued and intensified since the expiry of parent permission PL95/300 in 2001.

- Decision is fundamentally defective as it permits development without prior Environmental Impact Assessment or Appropriate Assessment, contrary to binding EU law. It also unlawfully divides a single project and impermissibly relies on post hoc regularisation.
- Development poses a credible risk to the River Nore SAC. In the absence of lawful screening or assessment, the competent authority was not entitled to grant permission.
- This appeal raises issues concerning EU law compliance, jurisdiction and the continuation of unauthorised development.
- A statutory basis of appeal is set out where binding obligations arise under Directive 2011/92/EU, as amended by Directive 2014/52/EU (Environmental Impact Assessment Directive); Directive 92/43/EEC (Habitats Directive); Directive 2008/98/EC (Waste Framework Directive); Directive 2003/35/EC (Public Participation Directive); Article 288 TFEU and corresponding provisions of Irish Law.
- The decision is unlawful as it fails to comply with mandatory requirements of EU Environmental Law and permits development without EIA or AA and therefore the defect is jurisdictional and the Commission is precluded from upholding permission.
- Site previously authorised under PL95/300 for a five-year term and expired in 2001. No subsequent permission authorises the continuation of quarrying, concrete production or associated industrial activities.
- Notwithstanding the expiry of permission, the site has continued to operate and has undergone material intensification.
- The subject development seeks in part to retain elements of this development and permit further expansion. However, it is set against a background in which the lawful planning baseline no longer exists.
- Site must be assessed as comprising unauthorised development forming a wider, integrated operation rather than as a discrete or standalone proposal.

- Activities are interdependent and operate as a single system that supply/supports on-site concrete production. Development constitutes a single “project” within the meaning of Directive 2011/92/EU and must be assessed cumulatively including its direct, indirect and cumulative environmental effects.
- Development is an unauthorised, materially intensified industrial project that requires prior EIA and AA before lawful consent can be granted.
- The grounds of appeal are listed as follows:
 - Failure to carry out Environmental Impact Assessment – Development likely to have significant environmental impacts with prior EIA screening/assessment which is contract to EU Directive and Planning legislation.
 - Failure to carry out Appropriate Assessment – No screening was undertaken and is contrary to Habitats Directive. In the absence of assessment, it cannot be established beyond reasonable scientific doubt that the development will not adversely affect the River Nore SAC.
 - Unlawful Project Splitting – Development was assessed as a discrete proposal rather than part of a wider integrated industrial operation, contrary to the requirement for cumulative assessment under C-50/09.
 - Absence of Lawful Planning Baseline – Parent permission expired in 2001. No valid permission authorises the continued or intensified operations. The application seeks to regularise an unlawful baseline.
 - Unlawful reliance of Retention Permission – Development requiring prior EIA or AA cannot be regularised through retention, save in exceptional circumstances which do not arise (C-215/06).
 - Breach of Waste Law – Development involves handling/disposal of waste, including sludge and industrial by-products without authorisation, contrary to EU Directive and Waste Management Act.
 - Loss of Exempted Development Status – Any reliance on exempted or authorised status is precluded by section 4(4) of P&D Acts 2000 as EIA and AA are required.

- Jurisdictional Defect – In the absence of a lawful prior assessment, the P.A lacked legal capacity to grant permission. The decision is void and incapable of being upheld.
- The continued operation of the stie depends on unauthorised infrastructure constitutes a material intensification carried out without prior EIA or AA contrary to European Directives and cannot be regularised by retention.
- In the absence of a substitute consent application, the development remains unauthorised and cannot be regularised.
- A number of alleged unauthorised developments are referred to in the appeal with associated photographs provided regarding: shared office infrastructure and integrated operation; waste disposal, racking and enclosure, infilling ground, industrial scale concrete production, integrated industrial manufacturing operation, Laois Scaffolding Limited is a distinct industrial use that requires planning permission, unauthorised plant/silos/waster operations, sludge disposal, unauthorised sludge disposal to silt pond, unauthorised disposal of sludge to unauthorised quarry void and continued operation of silt pond system.
- Diagram provided identifying eight quarry extraction areas. 3 no. quarries are within former 261 registration area with the remaining outside that boundary. Extraction from these areas is unauthorised but supplies the Tullen Concrete facility thereby forming a single integrated industrial system.
- Dividing extraction, processing and supply into separate elements is unlawful. A declaration is sought under Section 5(1) of P&D Acts 2000 in respect of multiple developments.
- Extraction exceeds ABP Ref. PI.11.239204 and constitutes a new project under Directive 2011/92/EU. No EIA or AA has been carried out. The development is unlawful and cannot be regularised by retention. Without substitute consent it remains unauthorised.
- The silt pond remains in active use and system has previously been determined to constitute development and not be exempt. Its continued

operation without planning permission or discharge authorisation constitutes a breach of planning and environmental law.

- Evidence contradicts premise underlying ABP Ref. RL11.309575 which treated the system as a closed loop arrangement designed to facilitate the cessation of discharge. The current use demonstrates that this premise is no longer valid.
- The silt pond forms part of a wider integrated industrial project and is subject to EIA and Habitats Directives including potential hydrological effects on the River Nore SAC. No EIA or AA has been carried out and section 4(4) of P P&D Acts 2000 precludes any claim to development exemption.
- Ballymullen site operates as a single, integrated industrial complex comprising multiple entities that function within a unified operational system. Evidence demonstrates a vertically integrated structure in which raw material extraction, processing, manufacturing, storage and distribution are carried out on same landholding and using shared infrastructure and coordinated logistics.
- Separation of activities among corporate entities is artificial and legally irrelevant. The site must be assessed as a single project within the meaning of Article 1(2)(a) of Directive 2011/92/EU.
- Any attempt to divide quarrying, manufacturing, waste handling and logistics into separate components constitutes unlawful segmentation.
- The site, in part, functions as a waste-handling facility and disposal system, including the storage and use of fly ash and generation/disposal of concrete sludge. These activities require authorisation under Directive 2008/98/EC and the Waste Management Act 1996 but no authorisation identified.
- The entire complex constitutes unauthorised development and an unassessed project under EU law. The absence of prior assessment creates a jurisdictional defect that prevents the grant or validation of permission under the ordinary planning process.
- Remedial reliefs sought include:

- Refusal of permission/Setting aside decision: By reason of failure to assess the integrated industrial complex as single project and in absence of EIA and AA the decision is vitiated by error of law.
- Declaration of Single Project Status: Given the demonstrated vertical integration, shared infrastructure and operational interdependence among multiple operators, the Commission should determine that the site constitutes a single project under Directive 2011/92/EU and any segmentation is unlawful.
- Declaration of Unauthorised Development: By reason of expiry of original permissions and material intensification of activities all operations, structure and uses constitute unauthorised development under P&D Acts 2000.
- Mandatory cessation of operations: By reason of continuing breaches the Commission should require the immediate cessation of all unauthorised industrial and waste-related activities.
- Refusal of Retention Permission: By reason of Case C-215/06 and requirement that environmental assessment must precede consent, development cannot be regularised by retention and must be refused.
- Direction to Substitute Consent Procedure: Because there is no prior EIA or AA, any regularisation if at all, may arise only through exceptional substitute consent procedure.
- Requirement for full Remedial Assessment: Given the scale and environmental risk of the integrated project, including potential impacts on the River Nore SAC, a full remedial EIA and AA must be carried out.
- Waste Enforcement and Remediations: By reason of unauthorised handling/disposal of waste the Commission should require the cessation of such activities and the preparation of a remediation plan and Environmental Risk Assessment
- Determination that no exemption applies: By reason of Section 4(4) of P&D Acts 2000 requiring EIA and AA it precludes any claim that the development is exempt.

7.2. Applicant Response

7.2.1. A response was received on behalf of the applicant and is summarised under the same headings provided in the document:

Nature and Scale of Proposed Development

- Appeal seeks to characterise application as part of a much wider industrial, quarrying, extraction and waste management operation extending beyond scope of application.
- Proposal relates to a defined and limited development with an established industrial/manufacturing use on lands with a substantial planning history.
- Application does not seek permission for quarrying, extraction activities, waste disposal operations, landfill activity, sludge disposal, or any material change of use.
- Proposal relates solely to industrial/manufacturing activities associated with the established precast concrete facility.

Planning History and Established Use

- Appeal repeatedly suggests that no lawful planning baseline exists following the expiry of Reg. Ref. 95/300. That is not factually correct.
- The subject land and wider industrial complex benefit from significant planning history demonstrating longstanding and established industrial use of the site.
- This application represents a continuation and consolidation of existing authorised industrial activity rather than establishing a new industrial project.

Environmental Assessment and Appropriate Assessment

- Appeal incorrectly asserts that the Planning Authority failed to consider environmental matters and failed to carry out Appropriate Assessment.
- Further Information was sought in relation to water abstraction, wastewater management, manufacturing processes, oils and lubricants, waste handling/disposal and nature of container accommodation.
- Detailed responses were submitted which proved clarification.

- Appropriate Assessment screening was carried out and the Planning Authority concluded that the proposal would not give rise to likely significant effects on any European Sites.
- The Planning Authority fully discharged its statutory obligations in relation to environmental assessment and Appropriate Assessment screening.

Integrated Project Argument

- Appeal relies heavily on assertion that the proposed development forms part of a wider “integrated project” involving multiple operators, extraction activities, waste operations and infrastructure extending beyond appeal site.
- Appellant has conflated separate activities and historic matters with the relatively modest development proposed.
- Board is required to assess the development before it and not broader allegations relating to surrounding lands and activities which do not form part of proposal.

Waste and Environmental Allegations

- Appeal contains extensive allegations concerning waster disposal, sludge management, infilling and alleged unauthorised activities on surrounding lands which are not within application site.
- The applicant has confirmed that no trade effluent is generated, wastewater is appropriately managed, waste is removed by authorised contractors, oils/lubricants are appropriately stored/handled and environmental protection measures are in place.
- Conditions further regulate drainage, environmental protection, waste management and pollution control.

Photographic Material submitted with Appeal

- Appeal contains photographs of land, infrastructure and activities extending beyond redline boundary of site and outside scope of subject development.
- Photographs largely relate to broader allegations concerning surrounding lands and historic activities which do not form part of subject proposal
- Limited evidential weight should be attached to photographic material relating to lands, activities or infrastructure outside the application site.

7.3. **Planning Authority Response**

- None.

7.4. **Observations**

- None.

8.0 **Assessment**

Having examined the application details and other associated documentation on file, the third party appeal, having conducted an inspection of the site, and having reviewed relevant local policies and guidance; I consider the main issues in this third party appeal can be addressed under the following headings:

- Principle of Development
- Requirement for Environment Impact Assessment
- Requirement for Appropriate Assessment
- Other Matters
- Appropriate Assessment (Screening)

8.1. **Principle of Development**

8.1.1. In assessing any development, I consider that a key consideration for the assessment of the proposal is the principle of development. Having regard to the development before the Commission, the appeal site is 0.210 hectares and the red line boundary relates to an existing enterprise, Tullen Concrete Limited, located within a larger quarry complex in rural area of County Laois. Having regard to the provisions of the Laois County Development Plan 2021-2027, I consider that relevant policy objectives are RL12, RL14, RL15, RL16 and RL17. In essence, these policy objectives support for resource based economic activities; support in principle the expansion of the aggregates and concrete products industry which offer opportunity for employment and economic development; secure the long-term supply of value-added products (such as concrete products; support the necessary role of the extractive industries in the delivery of building materials; and, support in principle the processing of minerals to produce cement or other products in the vicinity of the source of the aggregate.

- 8.1.2. Having conducted a site visit and having regard to the planning history on the overall lands, I acknowledge the predominant surrounding use is the quarrying of aggregate and manufacturing of concrete products. In relation to the appeal site, permission was previously granted by An Bord Pleanála under ABP Ref. PL 11.239204 who upheld the decision of Laois County Council (Reg. Ref. 10/290) to retain an existing precast concrete product manufacturing building. This development was indicated as comprising a single storey steel portal-frame structure with external cladding and indicated as housing the manufacture and storage of various precast concrete, concrete and related products.
- 8.1.3. The subject development before the Commission comprises the retention of alterations, a roller door to side elevation, to the existing industrial unit and the retention of two storage containers and two staff office containers. The proposed works include the construction an extension to the existing industrial unit and construction of a new industrial unit. In describing the subject development, I note the proposed industrial unit is to be located in the northeastern corner of the appeal site. The structure is indicated as 75.5sq.m (approximately 12 metres X 6 metres) and rectangular in shape with a mono-pitched roof rising between 6.13 metres to 6.69 metres in height. The proposed industrial unit open sided on its south-facing elevation and the internal area is open plan. The external finishes are illustrated as corrugated metal sheeting to the roof and side walls. The submitted drawings illustrate the housing of a wrapping/packing machine. The proposed extension is to be sited to the west of the existing shed and is rectangular in shape with a floor area of 321sq.m (12 metres x 23.9 metres). The extension will have a frame construction and will be mono-pitched rising from 4.07 metres to 5.5 metres. The extension is indicated as having an open floor plan and will have two external standard door opes on the northern and western elevations. The external finishes are illustrated as matching the existing shed which I note to be concrete walls and corrugated metal sheeting to the roof and side walls. In addition, the 4 no. containers to the be retained are located adjacent to the western boundary of the site. The two storage containers are conventional shipping-type “40ft” containers with the two office containers (20 ft or 6.58 metres long) placed atop of each storage container. There is a metal frame with stairs and gangway to provide access to the office containers. The roller shutter door

to be retained on the existing industrial unit is on the north-facing (indicated as side) elevation.

8.1.4. Having regard to the nature and scale of the development proposed and to be retained, it is my opinion that the principle of development is acceptable insofar as it relates to supporting the concrete products industry in terms of employment opportunities and economic development; supporting the role of extractive industries; and supporting the processing of minerals to produce cement or other products in the vicinity of the source of the aggregate. In addition, I consider the proposed industrial unit and the proposed extension to the existing industrial unit to be a conventional industrial design and external materials which are in keeping with such buildings and others present in the wider complex. It is my view that the proposed works that the subject site and surrounding area can absorb the scale, form and massing of the subject development.

8.1.5. I acknowledge in relation to the container units that the assessment of the Planning Authority noted the proposed timeframe for the use of the containers to be for a temporary period of three to five years and that in granting retention, Condition No. 2 states that the use of storage containers is for a temporary period of three years and shall not continue beyond this period. I consider the inclusion of this condition to be both reasonable and appropriate. Should the Commission be minded to grant retention and permission for the subject development, I consider that a similarly worded condition can be attached.

8.2. Requirement for Environment Impact Assessment

8.2.1. The appellant claims the development is likely to have a significant environmental effect and was permitted without prior screening or assessment which is contrary to Directive 2011/92/EU and section 176 of the Planning & Development Act 2000 (as amended). It is contended in the appeal that development requiring Environmental Impact Assessment (EIA) cannot be regularised through retention. Additionally, it is claimed the subject development represents unlawful project splitting and that the development cannot be viewed in isolation as a discrete proposal but rather it is part of a wider integrated industrial operation which requires cumulative assessment.

- 8.2.2. The applicant's appeal response submits that the proposal relates to a defined and limited development with an established industrial/manufacturing use on lands with a substantial planning history and that the development does not seek permission for quarrying, extraction activities, waste disposal operations, landfill activity, sludge disposal, or any material change of use. The appeal response also indicates that the appellant relies heavily on the assertion this proposed development is part of a wider integrated project which involves multiple operators, extraction activities, waste operations and infrastructure. These operations extend beyond appeal site with separate activities being conflated in association with historic matters against the relatively modest development proposed. The applicant contends that the Commission is required to assess the development before it and not broader allegations relating to surrounding lands and activities which do not form part of this proposal. Furthermore, it is stated that the Planning Authority fully discharged its statutory obligations in relation to environmental assessment.
- 8.2.3. The subject development, as presented by the applicant, relates to permission for the construction of an extension an existing industrial unit, the construction of a new industrial unit, retention of a roller door to side the elevation of the existing industrial unit and retention of two storage containers and two staff office containers on the subject site. The assessment of the Planning Authority included EIA Screening in the body of the Planner's Report and stated that *'the proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required'*. Furthermore, I have carried out Environmental Impact Assessment screening for the subject development, and I am satisfied that the subject proposal is not an EIA development.
- 8.2.4. In relation to the appellants grounds regarding the subject development amounting to unlawful project splitting project splitting and that cumulative impacts have not been assessed, I am of the view that the appellant has not adequately demonstrated how any part of the subject development which is before the Commission that would trigger the requirements for EIA. In this

regard, I note that development on the subject site has been permitted previously for the precast concrete product manufacturing building and I do not consider that in-combination or cumulative effects are likely in this instance on account of the nature and scale of the proposed extension and new structure along with the extent of works to be retained and the associated uses for which these structures are intended.

8.3. Requirement for Appropriate Assessment

- 8.3.1. The appellant states that no Appropriate Assessment was undertaken which is contrary to Article 6(3) of Directive 92/43/EEC and in the absence of assessment it cannot be established beyond reasonable scientific doubt that the development will not adversely affect the “River Nore SAC” (in the interests of clarity the Inspector has deemed this SAC to be the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) as there is no River Nore SAC as referred in the appeal. Moreover, the River Nore Special Protection Area (Site Code: 004233) is approximately 2.3km to the west of the site). It is also contended in the appeal that development requiring Appropriate Assessment (AA) cannot be regularised by way of retention.
- 8.3.2. The applicant’s appeal response contends that the appellant’s assertion that the Planning Authority failed to carry out Appropriate Assessment is not correct and that further information was requested in relation to a number of matters including to water abstraction, wastewater management, manufacturing processes, oils and lubricants, waste handling/disposal and nature of container accommodation. It is further stated that the Planning Authority carried out Appropriate Assessment screening, and it was concluded that the subject development would not give rise to likely significant effects on any European Sites. The applicant’s appeal response contends that the Planning Authority fully discharged its statutory obligations in relation to Appropriate Assessment screening.
- 8.3.3. In my assessment of the subject development, I note the matters raised in the grounds of appeal with regard to screening for Appropriate Assessment. I have had regard to the note the assessment of the Planning Authority included Appropriate Assessment Screening in the Planner’s Report. The Planning Authority’s screening for Appropriate Assessment Report concluded that *‘having*

regard to the proximity of the nearest SAC/SPA and given the nature and extent of the proposed development, with no direct connections to the hydrology of the SAC/SPA, it is not considered there would be potential for significant effects on the Natura 2000 network’. Additionally, I note that it is the responsibility of the competent authority to complete an Appropriate Assessment and I refer the Commission to my determinations in relation to Appropriate Assessment as set out in section 9.0 of this report. In essence, I have concluded that the subject development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects and that Appropriate Assessment is not required. The appeal site is approximately 1.84km (as the crow flies/closest point) from the nearest designated site which is the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) and the River Nore Special Protection Area (Site Code: 004233) which is approximately 2.3km to the west of the subject site. I note these European Sites are several kilometres from the appeal site in terms of hydrological connections via watercourses.

- 8.3.4. I note from review of the planning history and the appeal file that previous discharges of water from existing silt pond/lagoons on the quarry complex in Ballymullen has ceased which therefore indicates that the direct hydrological connection between the subject site and the Natura 2000 network is disrupted. To this end, having regard to the subject development before the Commission which relates to permission for the construction of an extension an existing industrial unit, the construction of a new industrial unit, retention of a roller door to side the elevation of the existing industrial unit and retention of two storage containers and two staff office containers on the subject site, I am of the view that the subject development is such that impact on the qualifying interest habitats or species of the protected sites is not likely, either from construction/operation. Moreover, having regard to the nature and scale of the subject development before the Commission, it is also my opinion that the subject development is not likely to operate in combination with other plans or projects to impact on protected sites.

8.4. Other Matters

8.4.1. Having regard to the grounds of appeal, I shall consider a number of other matters raised under a series of sub-headings set out below:

Retention Permission

8.4.2. The appellant states that development requiring prior Environmental Impact Assessment or Appropriate Assessment cannot be regularised through retention, save in exceptional circumstances, which do not arise in the case of the subject development. In addition, the appellant claims that in the absence of any substitute consent procedure, the subject development remains unauthorised and cannot be lawfully regularised.

8.4.3. In my opinion, the contention of the appellant is correct insofar as applications for retention for development whereby Appropriate Assessment or Environmental Impact Assessment was/is required cannot be considered by the Planning Authority and that substitute consent is required from An Coimisiún Pleanála. However, the pertinent item for consideration in this regard is whether or not the subject development before the Commission required/requires Appropriate Assessment or Environmental Impact Assessment. As has been outlined previously in this report, I am satisfied that neither Appropriate Assessment or Environmental Impact Assessment was or is required in relation to the subject development before the Commission. In this regard I also note that the Planning & Development Act 2000 (as amended) provides for the regularisation of development by way of an application through retention. In this instance, the applicant has sought to retain elements of works, namely the container units and roller shutter door on the existing industrial unit, on the appeal site whilst also seeking permission to complete/carry out proposed works.

Unauthorised Development

8.4.4. The appellant makes reference to a number of alleged unauthorised works including, but not limited to, disposing concrete/concrete waste into an unauthorised quarry, erection of racking and enclosure areas, infilling/made ground, industrial-scale concrete production, companies operating from the site,

plant, sludge disposal, and the continued operation of an unauthorised silt pond system. It is claimed that where development has been carried out with prior Environmental Impact Assessment or Appropriate Assessment that retrospective regularisation by way of retention permission is precluded and that unauthorised development cannot be lawfully regularised.

8.4.5. The applicant's response to the appeal informs that the proposal relates to a defined and limited development with an established industrial/manufacturing use and does not seek permission for quarrying, extraction activities, waste disposal operations, landfill activity, sludge disposal, or any material change of use. The applicant further claims that the extensive allegations with respect to waste disposal, sludge management, infilling and other unauthorised activities are on surrounding lands which are not within appeal site and are therefore outside scope of subject development. The applicant requests that allegations concerning surrounding lands and historic activities outside the application site be given limited evidential weight.

8.4.6. As previously stated, the subject development before the Commission comprises the retention of a side roller door and four containers for storage and office use and permission for an extension to the shed and a new industrial unit along with all associated site works. Most operations and activities referred to by the appellant do not form part of the current application and in relation to the racking and fencing on the site, these items do not form part of the subject development and I am not satisfied that the appellant has demonstrated how these elements do not benefit from exemptions as set out in the Planning & Development Regulations 2001 (as amended). In any event, I note that issues of apparent unauthorised development are a matter for the Planning Authority and outside of the remit of the Commission for consideration in this appeal.

Public Participation

8.4.7. The appellant claims that the absence of any public participation engages Directive 2003/35/EC on the basis of no Environmental Impact Assessment or Appropriate Assessment being carried out. In relation to this matter, I am satisfied that third parties/members of the public could reasonably engage with the

planning process and that public participation in respect of matters affecting the environment were not prevented.

9.0 Appropriate Assessment (Screening)

- 9.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 (as amended). The subject development seeks permission to construct an extension (287.5sq.m) to the rear of existing Industrial unit; and the construction of a new industrial unit (75.5 sq.m); and, alterations (roller door to side elevation) to existing industrial unit and two no. storage containers and two no. staff office containers on a site with an area of 0.210ha in the townland of Ballymullen, Co. Laois. The appeal site is located in an existing quarry complex within a rural area of County Laois and is not located within or immediately adjoining any designated Natura 2000 sites.
- 9.2. The subject site is approximately 1.84km (as the crow flies/closest point) from the nearest designated site which is the River Barrow and River Nore Special Area of Conservation (Site Code: 002162). Having considered the nature, scale and location of the project as described above, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- The small scale and limited nature of the subject development;
 - The distance from European sites and lack of meaningful connections.
 - Taking into account the screening determination by the Planning Authority
- 9.3. I conclude, on the basis of objective information, that the subject development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. There are no water courses on or adjoining the appeal site which is situated within an existing quarry complex. The nearest waterbody to the appeal site is the 'Ballymullen 15' which is approximately 440 metres to the northeast of the

site. The proposed development comprises the retention of a side roller door and four containers for storage and office use and permission for an extension to the shed and a new industrial unit along with all associated site works. The subject development is to use existing private well for water supply, utilise existing septic tank system for wastewater and surface water will be disposed of via existing silt lagoon. The water deterioration concern raised in the planning appeal relate to claims that uncontained disposal of sludge on the site, to the silt pond/lagoon and quarry void risk contamination of groundwater.

10.2. 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.

10.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The nature and scale of the subject works; and,
- The distance from nearest water bodies and lack of direct hydrological connections to same.

10.4. I conclude that on the basis of objective information, that the subject development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that retention and permission be GRANTED subject to the conditions set out in the following reasons and considerations.

12.0 Reasons and Considerations

- 12.1. Having regard to the overall nature, scale and design of the subject development within an existing industrial site context, it is considered that, subject to compliance with the conditions set out below, the proposed development and works to be retained would be ancillary to the existing authorised use on the appeal site, would not result in a significant intensification of established activity on the site, would accord with the policy objectives of the Laois County Development Plan 2021-2027 insofar as they relate to rural development, would not be prejudicial to public health, the environment or visual amenities of the area, and would be acceptable in terms of traffic safety and convenience. Accordingly, the subject development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 20/11/2025 and the further information received on 30/03/2026, 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. The development shall be used solely for the purposes as detailed on the submitted plans and particulars date received by the Planning Authority on 20/11/2025. No change of use shall take place without a prior grant of planning permission (notwithstanding the provisions of the Planning & Development Regulations 2001 (as amended)).

Reason: In the interest of clarity.

3. The permission hereby granted for the use of storage containers is for a temporary period of three (3) years from the date of grant of this permission

decision. The use shall not continue beyond this period and the containers shall not be retained or used thereafter without the prior written permission of the Planning Authority.

Reason: In the interests of orderly development.

4. Details of the materials, colours and textures of all the external finishes to the proposed building and proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements for the site, including the disposal of surface soiled water and wastewater, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of environmental protection and public health.

6. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters and surface waters, site housekeeping, emergency response planning, site environmental policy and project roles and responsibilities.

Reason: In the interest of environmental protection and public health and safety.

7. Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 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 amenities of properties in the vicinity.

8. 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.

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.

Matthew O Connor
Planning Inspector

6th August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501262-LS-26
Proposed Development Summary	Retention of side roller door and four containers for storage and office use, permission for extension and new industrial unit.
Development Address	Ballymullen, Abbeyleix, Co Laois
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	

☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____