



**TIPPERARY CO. COUNCIL
RECEIVED**
09 MAR 2026
PLANNING SECTION
FILE NO. SS/24/24

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

**Application for a Section 5 Declaration
Development / Exempted Development**

1. Applicant's address/contact details:

<i>Applicant</i>	ROC Recycling Solutions Ltd
<i>Address</i>	Clonmainam Business Park, Unit 2, Site 2 Portlaoise, Co. Laois
<i>Telephone No.</i>	Mr. Michael O'Callaghan - [REDACTED]
<i>E-mail</i>	[REDACTED]

2. Agent's (if any) address:

<i>Agent</i>	David Mulcahy Planning Consultants Ltd
<i>Address</i>	67 Old Mill Race Athgarvan Newbridge Co. Kildare
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [<input type="checkbox"/>] Agent [<input checked="" type="checkbox"/>]	

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Former Roscrea Bacon Factory, Castleholdings, Roscrea Co. Tipperary
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4. Development Details:

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

Whether the use of an industrial yard at the former Roscrea Bacon Factory is or is not development and is or is not exempted development. Also is minor associated works exempt development under Class 21 of PDR, 2001, as amended
Proposed floor area of proposed works/uses: 8,000 sqm

5. Legal Interest of Applicant in the Land or Structure:

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	A. Owner	B. Occupier
	C. Other <input checked="" type="checkbox"/>	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	Leasehold	
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: Martin Phelan Address: Sheehane, Roscrea, Co. Tipperary	

Signature of Applicant(s)  Date: 5.3.2026 

Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.

- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - o OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - o Floor Plans & Elevations at a scale of not less than 1:200
 - o Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - o Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0818 06 5000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY

Fee Recd. € <u>80.00</u>	DATE STAMP TIPPERARY CO. COUNCIL RECEIVED 09 MAR 2026 PLANNING SECTION FILE NO. <u>SS/26/24</u>
Receipt No <u>201627</u>	
Date <u>09/03/2026</u>	
Received by <u>C. Areen</u>	

ROC RECYCLING SOLUTIONS LIMITED
SITE LAYOUT DRAWING OF PROPOSED
PLASTIC PROCESSING FACILITY AT THE
FORMER BACON FACTORY
(CASTLEHOLDINGS), TOWNPARKS, ROSCREA,
COUNTY TIPPERARY

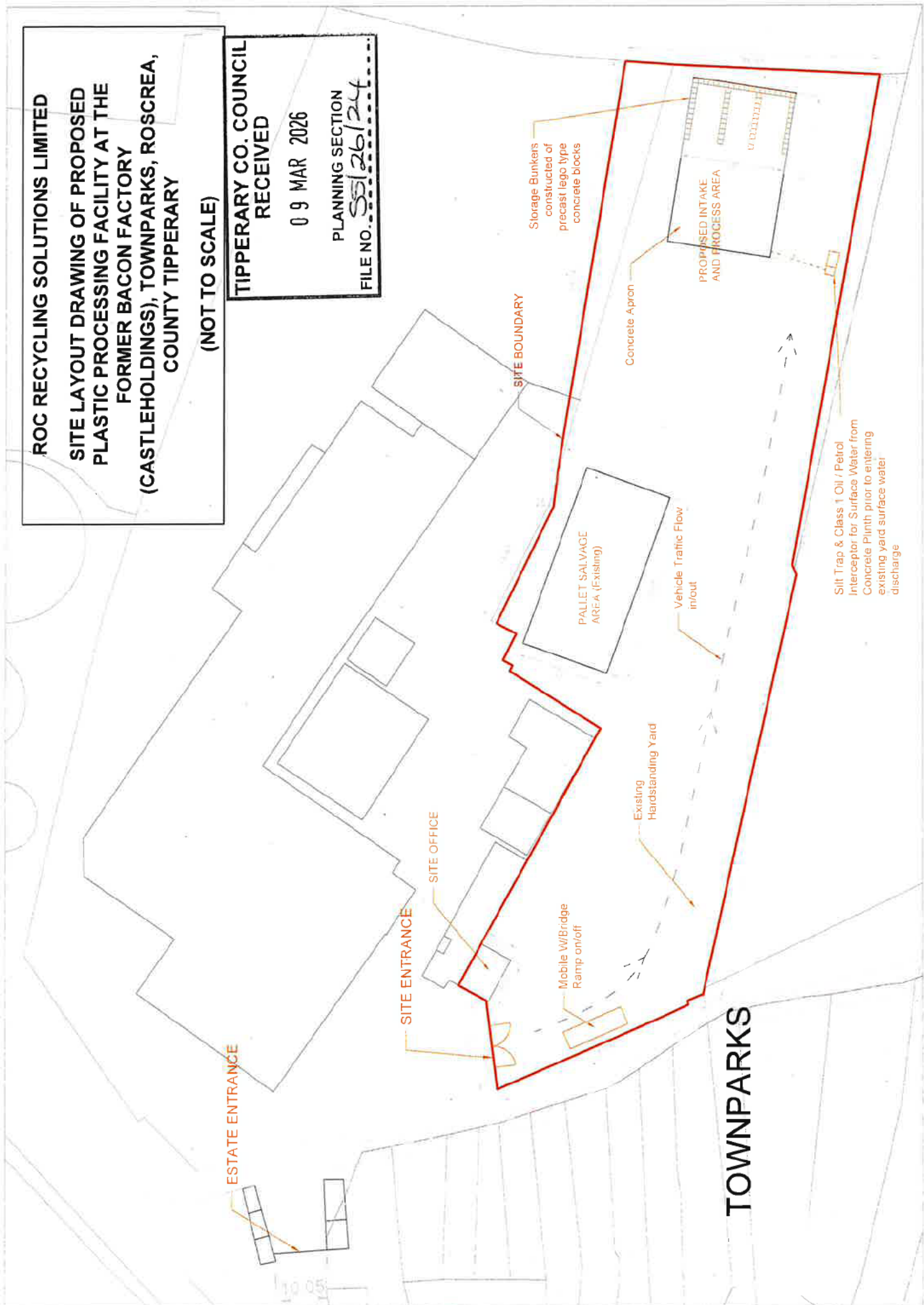
(NOT TO SCALE)

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09 MAR 2026

PLANNING SECTION

FILE NO. *SS/26/24*



TOWNPARKS

Folio Number: TY64111F

Application Number: P2021LR081119W

614020 mE, 689930 mN

The Property
Registration Authority
An tÚdarás
Clárúcháin Maoin

Folio: TY64111F

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping, where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see www.pra.ie.

This map incorporates Ordnance Survey Ireland (OSI) mapping data under a licence from OSI. Copyright © OSI and Government of Ireland.

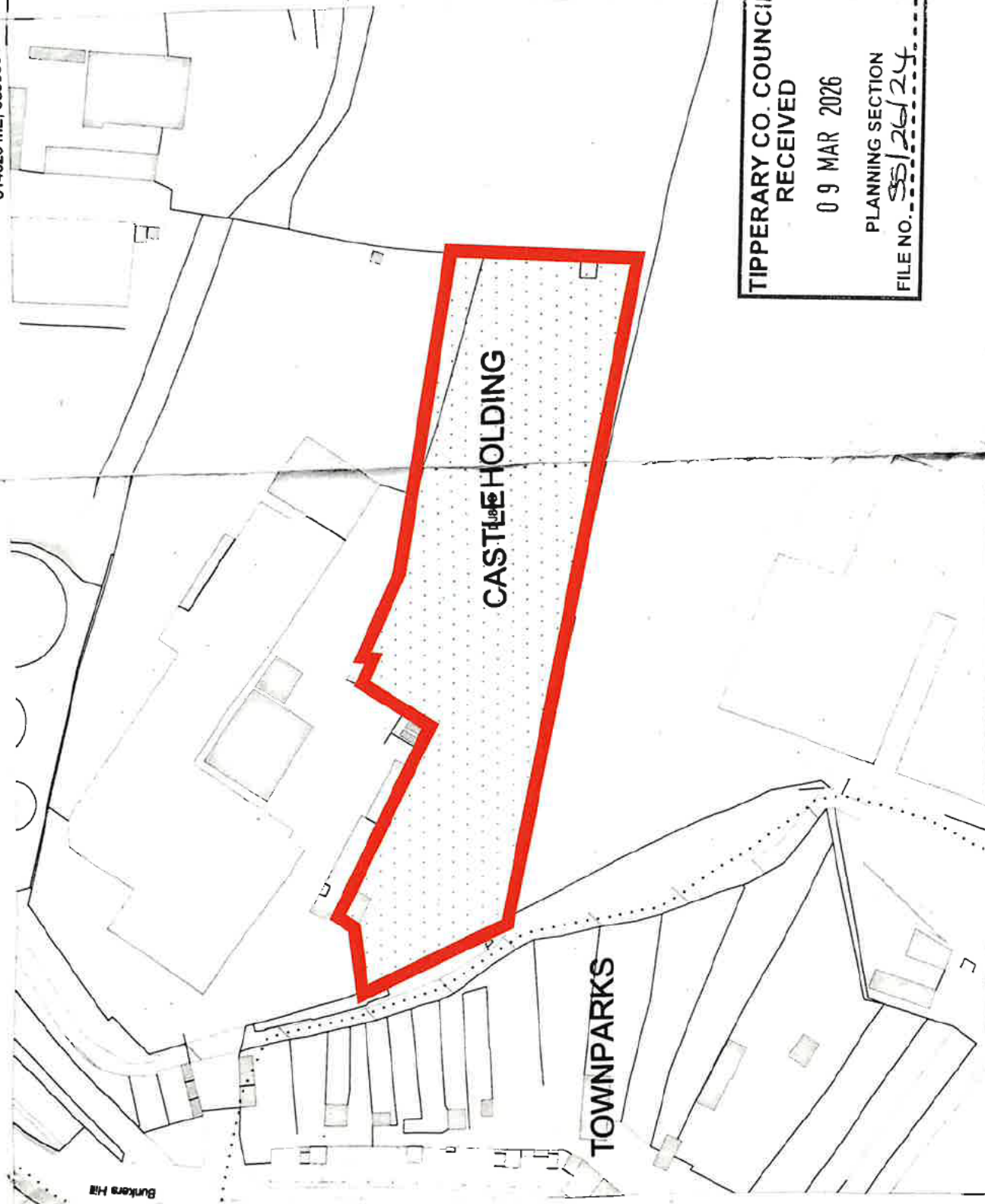
- (centre-line of parcel(s) edged)
- Freehold
- Leasehold
- Subleasehold

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipelining
- Well
- Pump
- Septic Tank
- ▽ Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

The registry operates a non-conclusive boundary system. The Registry Map identifies proposed boundaries meaning neither a description of land in a register or identification by reference to a registry map is conclusive as to boundaries or extent. (see Section 1 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Title Act 2006.



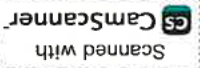
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FILE NO. 25/26/24

613700 mE, 689670 mN
Date Printed: 05/08/2021

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Application Number: P2021LR081119W

1:1000 Scale Page



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PLANNING REPORT

TO SUPPORT SECTION 5
APPLICATION CONCERNING

USE OF YARD IN FORMER ROSCREA BACON FACTORY FOR A PLASTIC REPROCESSING OPERATION

AT

CASTLEHOLDINGS, ROSCREA, CO. TIPPERARY

TIPPERARY CO. COUNCIL
RECEIVED
09 MAR 2026
PLANNING SECTION
FILE NO. 35/26/24

Client: ROC Recycling Solutions Limited

5th March 2026

1.0 INTRODUCTION

David Mulcahy Planning Consultants Ltd have been engaged by **ROC Recycling Solutions Limited** to prepare a planning report in support of a section 5 application to establish if the proposed use of an established industrial yard at Castleholdings, Roscrea, Co. Tipperary, for a plastic reprocessing operation is development and, if so, is it exempted development.

A declaration is sought under Section 5 of the Planning and Development Act 2000 (as amended) from Tipperary County Council to establish:

"Whether the use of an industrial yard at Castleholdings, Roscrea, Co. Tipperary for the purpose of a plastic reprocessing operation is or is not development and is or is not exempted development".

And also, to declare that the associated minor works are exempt development under Planning and Development Regulations, 2001 (as amended) Schedule 2, Part 1: Exempted Development – Development for Industrial Purposes, Class 21.



2.0 SITE LOCATION AND DESCRIPTION

2.1 Location

The subject site is located to the north-east of the town of Roscrea, east of Bunkers Hill in Castleholdings - see Fig. No.1.



Fig No.1: Site Location Map (source: Myplan.ie - OSI Licence No.EN 0080915).

2.2 Site Description

The subject site (c.0.8ha) forms part of a wider industrial premises containing a number of different industrial operators. It currently consists of a yard used for storage by Ashbourne Meats.



Fig No.2 Main entrance to the Old Bacon Factory site from public roadway R421 at Bunkers Hill Townparks.



Fig No.3 Entrance to the Phelan's Pallets yard

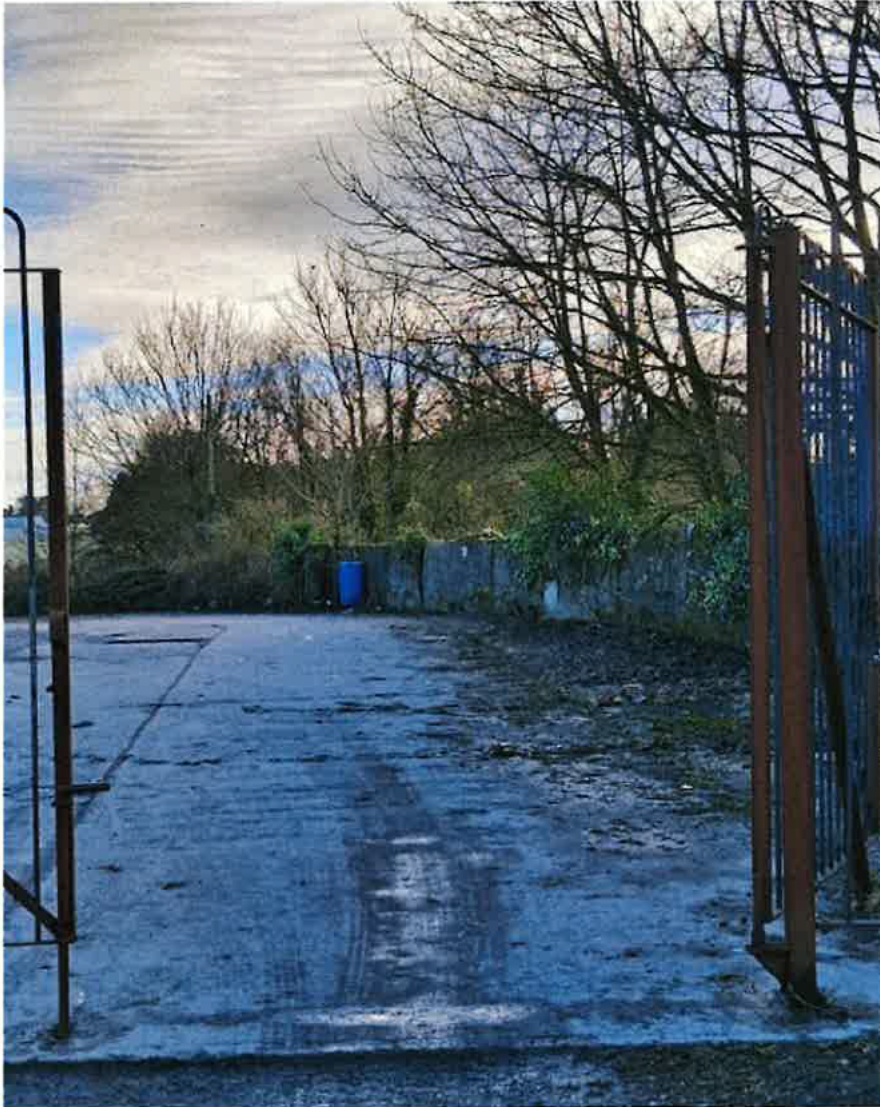


Fig No.4 View from the Phelan Pallets yard entrance gateway up along riverside boundary



Fig No.5 River boundary wall and hedgerow



Fig No.6 Rear of site with soil embankment and hedgerow behind.

The boundary of the site is formed by mature hedgerow/trees to the east, west and south. To the north there are a number of small scale buildings and structures adjoining the site.

Access to the site is via the main entry point of Bunkers Hill to the overall industrial estate.

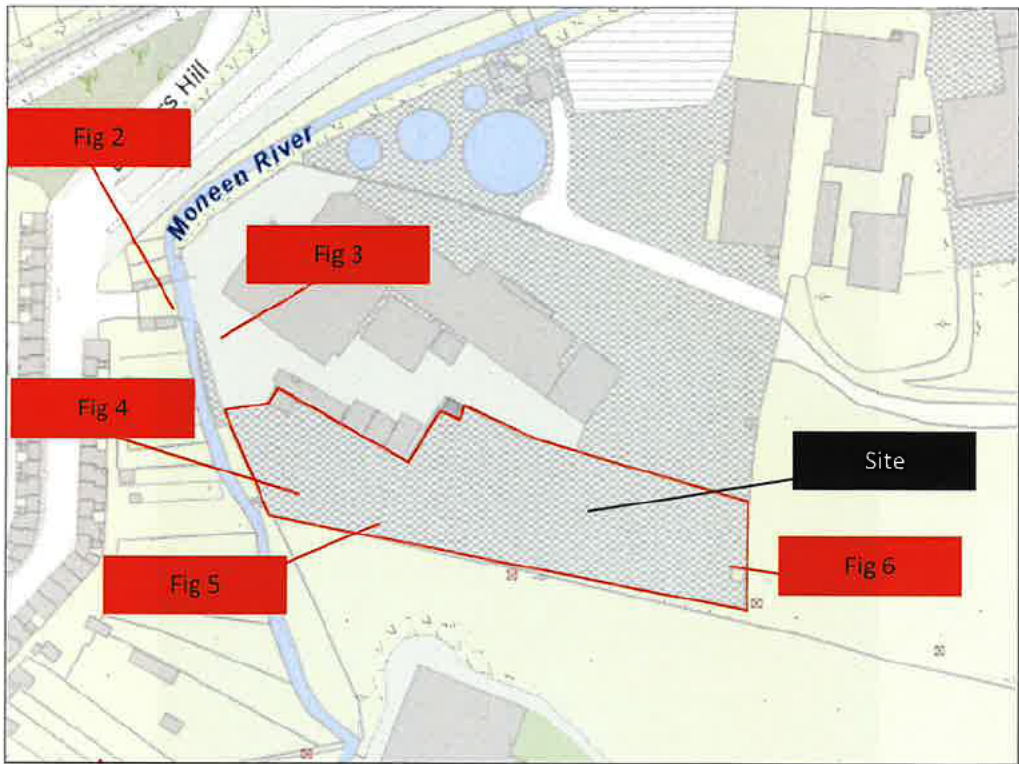


Fig No.7 Site Context (source: Eircode.ie mapping) with location of photographs shown.

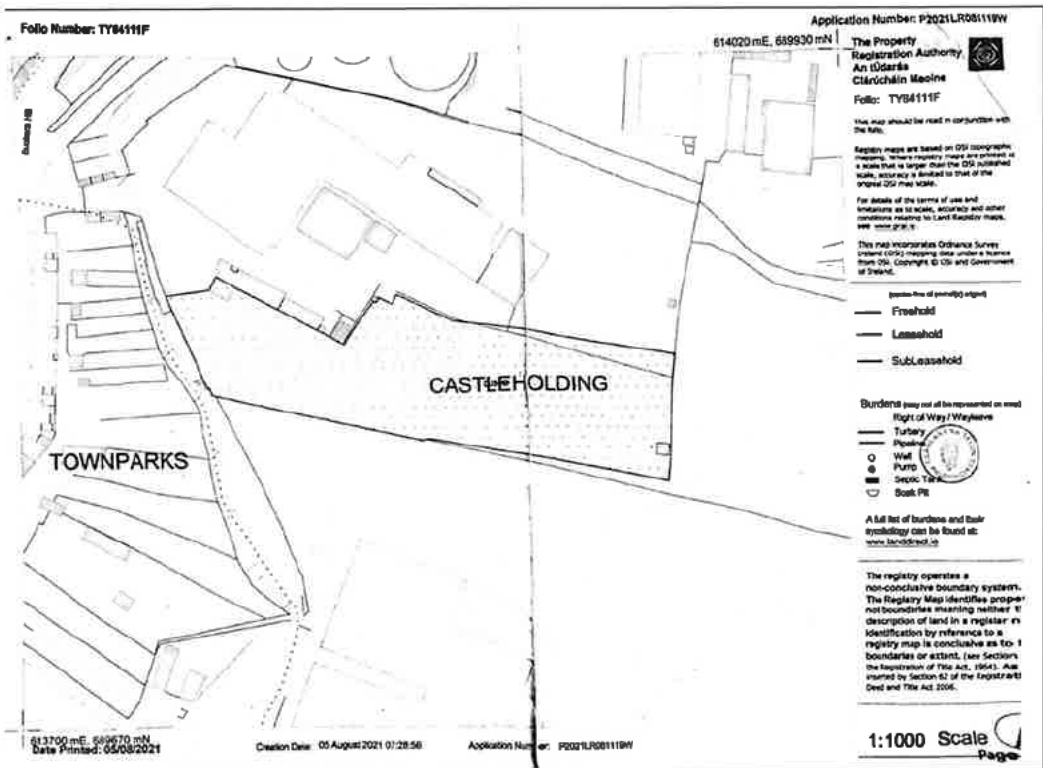


Fig No.8 Folio map showing site outlined – source: client.

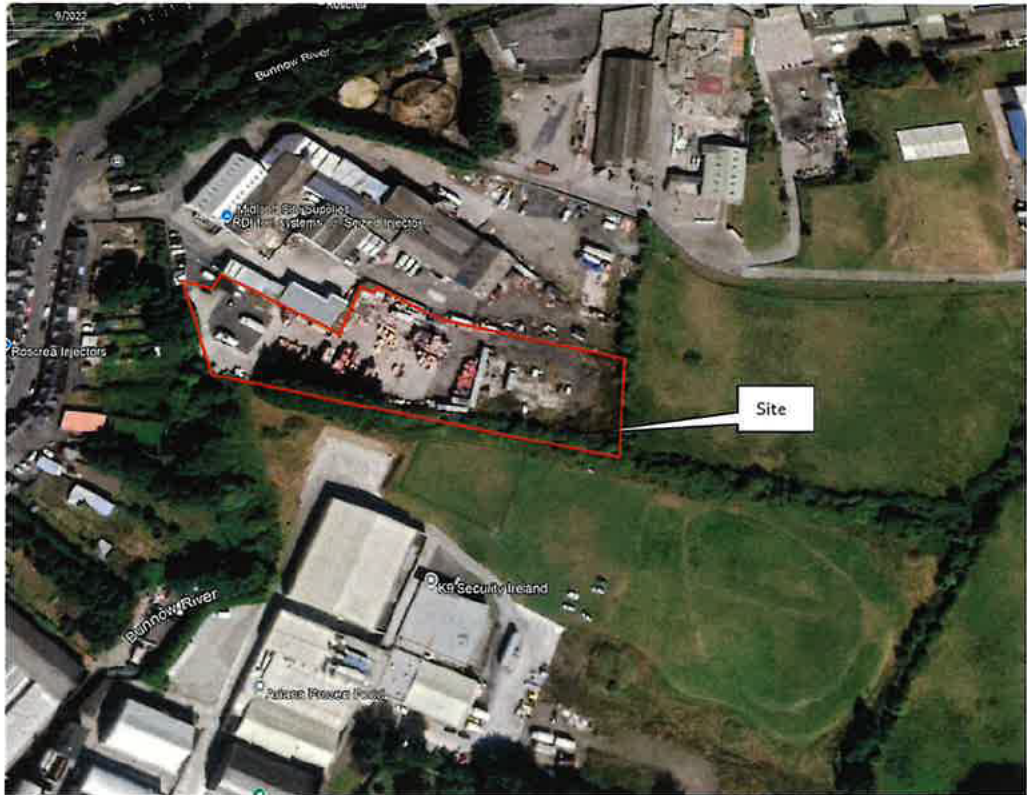


Fig No.9 Most recently available satellite image showing location of the subject site (source: Google Earth March 2022).

2.3 Site History

The client has informed us of the site history as follows:

The land registry folio number of the proposed plastic facility at Castleholdings in Roscrea is TY64111F. The subject site is part of a larger area of land which was the **site of the old Roscrea Bacon Factory**. The Roscrea Bacon Factory was established in the 1800s and was one of the early cooperatives in the country. The Bacon Factory activity operated on the site until the late nineteen eighties. Avonmore acquired the Roscrea Bacon Factory business in the late nineteen eighties and relocated the bacon business to an industrial estate to the south-west of the town in 1990. That business is now called Rosderra Meats.

The c.0.8ha (2 acre) site covers an area that previously encompassed the Cattle Mart, the Banbh mart, and Garage, of the Bacon Factory. The old Cattle Mart, Banbh Mart and Garage buildings which stood on the site when the Bacon Factory was operating were demolished in recent years. Currently, only the shell of a gatehouse building and the concrete floors of the once present buildings remain. The floor pads and foundations of the structures are dotted throughout what is now a mixed concrete yard and levelled hardcore-surfaced yard.

The site is currently **used as a timber pallet salvage and repair yard** by the current owner Mr Martin Phelan, of Sheehane, Roscrea. Mr. Phelan's pallet **recycling operation** has been operating at the facility since the late nineties. Mr. Phelan acquired the site in recent years.

The main structure of the former Bacon Factory building stands adjacent to the proposed plastic facility site in a cluster of buildings currently occupied by a variety of businesses including a grain store (Hastings Mill & Cattle Feed), metal distributor (Midland Site Supplies), cladding business (Gusclad), vehicle repair (Roscrea Diesel Injections) and plant hire business.

The former Antigen Pharmaceutical facility located to the south of the site has been subdivided into several industrial units. The now named 'Antigen Business Park' is occupied by businesses engaged in activities ranging from warehousing, food wholesale and distribution, dog training (K9 Security), used cooking oil recycling, and a Local Authority development and skills training centre. It is relevant to note that the Pure Oil Limited 'Used Cooking Oil (UCO) recycling facility' at Unit 10 Antigen Business Park holds a waste facility permit granted by Tipperary County Council. The facility permit (WFP-T-20-0002-01) was granted in February 2021.

To the North of the Castleholdings site lies the Ashbourne Meats Limited abattoir and metal processing factory and the Roscrea Railway station. The proposed site is accessible from the R421 Roscrea to Kinnitty road.

2.4 Ownership

The subject site is owned by Mr. Martin Phelan, of Sheehane, Roscrea. A letter of consent has been obtained from Mr. Phelan to make the application.

2.5 Adjoining Lands

North: Ashbourne Meats

East: Agricultural field.

West: Undeveloped strip of land beyond which is the Bunnow River. Beyond the river are rear gardens of residential dwellings facing onto Bunkers Hill.

South: Undeveloped field associated with factory complex.

2.6 Built Heritage

The Historic Environment Viewer provided by the Department of Housing, Local Government and Heritage provides details of National Monuments Service Sites and Monuments Record (SMR) and the National Inventory of Architectural Heritage (NIAH). It shows that there is no record of any archaeology or architectural heritage associated with the site or immediate area.

2.7 Flood Risk

A review of mapping on floodinfo.ie did not reveal any flood risk associated with the site.

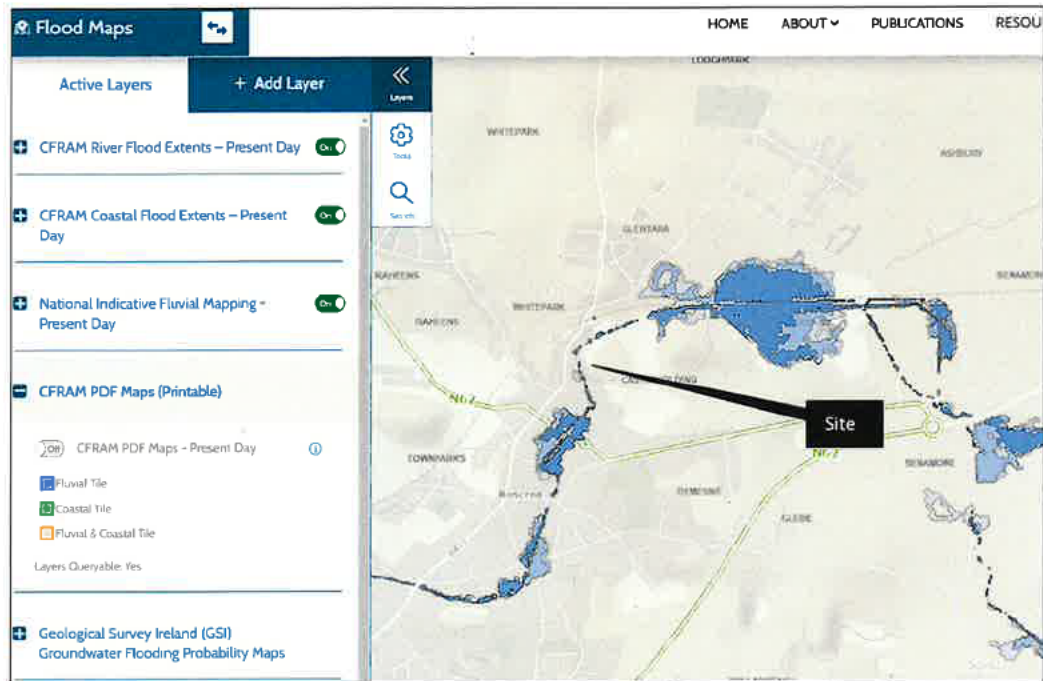


Fig No.10 Extract from floodinfo.ie mapping.

2.8 General Area

The general area is characterised by industrial development with some residential land use adjoining Bunkers Hill.

3.0 PLANNING HISTORY

3.1 Introduction

This section deals with the planning history for the site and the surrounding area in order to determine if there are any relevant planning issues which have previously been raised and need to be addressed as part of the current application.

3.2 Planning History

A review of the on-line planning system for Tipperary County Council revealed the following planning history associated with the site. It should be noted that all information is based on what is available on the Tipperary Co. Co. planning register which for various reasons such as misspelling etc is not always accurate and information relating to a particular file may not be mapped or information missing from the file.

There is very little detail on planning applications associated with the larger industrial site and no recent planning applications. There is a planning permission for retention of partly constructed industrial unit and completion of same under 02/51/1024 and permission for a store under 04/51/0205. This is probably reflective of the fact that there is an established industrial use on the site and permission is not required for the industrial uses that have setup within the site.

Section 5 Declaration

A declaration was issued by Tipperary County Council under Section 5 of the Planning and Development Act 2000 (as amended) denying a planning exemption as to "*Whether the use of a yard at Castleholdings, Roscrea, Co. Tipperary for the purpose of materials recycling and transfer facility is or is not development and is or is not exempted development*" – Ref. Ref. S5/25/40.

In essence the Council considered that the proposed use does not come within the definition of "industrial process" as set out in the Planning and Development Regulations 2001 as amended and does not meet any exemption set down in the said regulations.

No referral was sought in respect of this decision.

The Planner's Report under this file noted the following:

I consider the parent use of the site is industrial.

The recommendation that the proposed use of the yard was not exempted development in this instance turned on a case by An Bord Pleanála (as it was known then) which decided that a process involving the **storage of segregated waste is not an industrial process** and therefore not exempt under the Regulations – Referral Ref. 16.RL.2437. The Board reached the same conclusion under RL09.311087. (This issue does not apply to the current Section 5 application as segregated waste is not involved).

The Planner did not consider there to be any impact in respect of any Natura 2000 site.

3.3 Satellite Images & Views

The following satellite images are obtained from public sources and available to the county council. The factory and yard are visible in all images.



Fig No.11 Google Earth Pro – Oct 2019



Fig No.12 Google Earth Pro – March 2012

4.0 LEGAL CONTEXT

4.1 Development

Section 3(1) of the Planning and Development Act, 2000 defines 'development' as

"the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land".

4.2 Works

"Works" are defined at Section 2 (1) of the Act as:

"any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

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

"industrial process" means any process which is carried on in the course of trade or business, other than agriculture, and which is-

(a) for or incidental to the making of any article or part of an article, or

*(b) for or incidental to the **altering**, repairing, ornamenting, **finishing**, cleaning, washing, packing, canning, **adapting for sale**, breaking up or demolition of any article, including the getting, dressing or treatment of minerals,*

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

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

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

Schedule 2, Part 1: Exempted Development – Development for Industrial Purposes Class 21

(a) Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of, any industrial process, or on land used as a dock, harbour or quay for the purposes of any industrial undertaking –

(i) the provision, rearrangement, replacement or maintenance of private ways or private railways, sidings or conveyors,

(ii) **the provision, rearrangement, replacement or maintenance of sewers, mains, pipes, cables or other apparatus,**

(iii) **the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery.**

(b) Any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the industrial process carried on in the building.

Conditions / Limitations

1. Any such development **shall not materially alter the external appearance of the premises of the undertaking.**
2. **The height of any plant or machinery, or any structure in the nature of plant or machinery, shall not exceed 15 metres** above ground level or the height of the plant, machinery or structure replaced, whichever is the greater.

5.0 PLANNING CONTEXT

5.1 Roscrea Local Area Plan 2023-29

Zoning

The site is zoned Employment where the objective is:-

*"To provide, improve and encourage general enterprise, business development and employment activity, including start up enterprises and tourism, and provide for **distribution, warehouse, storage** and logistics facilities where appropriate access to a major road network is available".*

Description

*Facilitate opportunities for compatible **industry and general employment uses**. General employment areas should be highly accessible, well designed, permeable and legible with a modest density of employees. Inappropriate intensive office uses at locations poorly served by public transport and the proliferation of retail or commercial uses requiring public access that are best located in mixed-use town core areas will not be acceptable.*

***Facilitate logistics and warehouse type activity including storage, distribution and associated re-packaging of goods and products with a low density of employees**. These uses have specific transportation requirements as they can generate considerable traffic volumes and should be located within a purpose built, well designated environment connected to the strategic road network.*

'Industrial – Light' is Permitted in Principle under the zoning objective.

There are no built or heritage features associated with the site or lands in the immediate area.

It is important to note that for the purpose of a Section 5 application the policies and objectives of a county development plan generally do not apply, unless Article 9 Restrictions on Exemptions are relevant.

6.0 RELEVANT PRECEDENT

6.1 Tivoli Industrial Estate, Cork City

Bord Pleanála Case reference: RL28.308153

Planning Authority Case Reference: R593/20

Former TATA Steel site, Tivoli Industrial Estate, Cork City.

Description: Whether the use of an existing industrial building and associated storage area in the Port of Cork for the temporary storage of baled dry recyclable wastes pending export from the port to overseas recycling facilities is or is not development and is or is not exempted development.

Decision: Is not development

Date signed: 15/12/2022

The Board's Order states that:

(a) the permitted development on the site comprising a depot that functions as a store for steel constitutes a 'repository' with regard had to the definition for same as set out in Article 5 of the Planning and Development Regulations, 2001, as amended, and

(b) the use of an existing building for the temporary storage of baled dry recyclable wastes falls within the above permitted use and, therefore, is not a material change of use and is not development:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the Planning and Development Act, 2000 hereby decides that the use of an existing industrial building and associated storage area in the Port of Cork for the temporary storage of baled dry recyclable waste pending export from the port to overseas recycling facilities at TATA Hill Site, Tivoli Industrial Estate, Cork is not development.

6.2 Industrial Unit, Whitesland West Business Park, Kildare Town

The attention of the Council is referred to an established precedent in Whitesland West Business Park, Kildare Town where the use of an industrial unit for the purpose of housing a business receiving, storing and baling waste (tyres) was deemed not to require a fresh planning permission.

Kildare County Council issued a declaration under Ref. **ED/00471** that the use of an existing warehouse unit to receive, bale and store end of life car tyres from trade suppliers for collection by licensed waste collection hauliers at Whitesland West Business Park, Kildare Town was exempted development.

In that case permission had been granted in 2003 for a business park consisting of 4 new warehouse blocks. Condition No.6 of the permission required that *"the use of the proposed development shall be restricted to warehousing and industrial uses and for no other uses, unless a separate permission for such uses has been obtained from the planning authority. In addition, the units in the development shall be occupied as single units and shall not be subdivided"*. The Reason given was *"to restrict the development to uses ancillary to the use sought within the public notices, in the interest of clarity"*.

The Planner's Report noted the definition of 'industrial process' in the P&D Regulations and condition No.6 of the 2003 permission which provides that the unit can be used for industrial use. The Planner concluded that:-

"the use of the tyre baler on the site comes within the remit of the legislative definition of an 'industrial process'. It would involve the making of an article (tyre bales as a construction industry product), and the altering and adapting for sale of an article (the end of life tyres). It is considered that the site (a warehouse/industrial unit) is certainly a suitable location of the use of the tyre baler. The only other machinery/plant required on the site would be a JCB Teleram telescopic handler. I am

therefore of the opinion that the proposed use is permitted under condition no.6 of 03/2320 and accordingly would not represent a change of use" – emphasis added.

6.3 Industrial Unit, Kildare Business Park, Kildare Town

The attention of the Council is also referred to an established precedent in Unit 6, Kildare Business Park, Melitta Road, Kildare Town, where the use of an industrial unit for the purpose of receiving, storing, separating and baling dry waste was deemed not to require a fresh planning permission.

Kildare County Council issued a declaration on 14th June 2006 under Ref. **ED/576** confirming that the use of an existing warehouse unit for receiving, storing, separating and baling dry waste was exempted development. The Council noted that the intended new use would comply with the parent permission for industrial use.

6.4 Newbridge Industrial Estate, Newbridge

The attention of the Council is further referred to an established precedent in Unit 20, Newbridge Industrial Estate, Newbridge, where the use of an industrial unit for the purpose of manufacturing wood pellets from waste straw from the equine industry was deemed not to require a fresh planning permission.

Kildare County Council issued a declaration on 21st December 2016 under Ref. **ED/598** confirming that the use of an industrial unit for manufacturing wood pellets is exempted development.

6.5 Summary

These recent precedents demonstrate that it has previously been accepted that where planning permission for established industrial/warehouse use, new uses

involving industrial use do not require the benefit of a fresh planning application.
The key issues are proving:

- a) that the site in question has the benefit of permission for industrial/warehouse use and,
- b) that the intended use meets the definition of industrial process.

7.0 INTENDED USE

7.1 Details of Intended Use

ROC Recycling Solutions Limited propose to establish a **plastic reprocessing operation** that will mechanically process a source segregated, post-industrial plastic scrap to produce a quality defined product intended for use as a raw material in plastic molding on the subject site in Castleholdings, in Roscrea.

No moulding will be carried out just the reprocessing of the scrap plastic into a defined raw material for use in moulding plastic items, primarily for use in construction and automotive parts molding. Typical examples include plastic buckets, plastic crates and trays, along with plastic manufacturing turnings and sprues.

Under the proposed activity, the materials will be processed by size reduction, followed by temporary storage pending removal of the second raw material off-site for re-use.

The operation would be carried out on the yard. A bolt down, above ground, weighbridge would be installed. The plastic processing equipment is mobile and modular.

There are two processes. First is granulation, essentially a mechanical size reduction process. The second process is agglomeration of low density plastic into a dense consistent material for ease of molding use.

There is no fixed power or substation, only a diesel powered mobile generator with insulated housing. The generator will power a plastic granulator.

The plastics granulator and bagging system transforms bulky plastic waste into uniform, reusable regrind. These systems integrate specialized enclosures and filtration technologies to manage noise and dust generation during operation. The unit is a mobile above-ground mounted mobile unit with height less than 5m.

Description of Process & Controls

Material is fed via a hopper into a granulator, where a rotor equipped with knives shears the plastic. The material remains in this chamber until it is small enough (through process of granulation or agglomeration) to pass through a perforated sizing screen. Once through the screen, a pneumatic discharge blower sucks the granules out and transports them toward a bagging station, where they are collected in bulk bags for storage or immediate reuse

Modern "silent" granulators are built inside a fully hermetic soundproof enclosure. This housing is lined with acoustic insulation materials (like composite foam) that absorb sound waves at the source, while the entire unit often sits on vibration-damping mounts to prevent mechanical noise from traveling through the floor. To prevent fine particles from contaminating the air, the system uses a cyclone separator paired with a baghouse filter. As a fan moves the regrind from the granulator to the bagging system, the cyclone drops the heavy granules into the bag while directing dust-laden air into cylindrical filter socks. These socks, often made of needlefelt fabric, trap 99% of fine particulates as the air passes through them.

Ancillary Plant

The ancillary plant and equipment that will be employed at the site include:

- Counter balance Forklift
- Weighbridge

-
- Loading Ramp
 - Portable pre-cast lego blocks

Photographs of ancillary items to be installed on the site:



Portable above-ground Weighbridge



Prefabricated Concrete Block Bunkers



Portable loading ramp



7.2 Operator

ROC Recycling Solutions Limited was established in 2010. The business arose from the purchase of the trade and assets of a Portlaoise based waste management business called Ryan O'Connor Recycling. ROC Recycling Solutions Limited headquarters and registered office is at Unit 2 Site 2 Clonminam Business Park, Portlaoise, County Laois. ROC Recycling Solutions Limited is a waste management service provider and provides waste management solutions to commercial and industrial waste producers on the Island of Ireland. ROC Recycling Solutions Limited is a privately owned business and is part of the Agnail Group of businesses. Sister companies include Agnail limited, Bailey Waste Recycling, and Recycling & Compaction Equipment (RACE) Limited. The promoters of ROC Recycling Solutions are actively involved in day to day activities.

ROC Recycling Solutions Limited is one of the foremost companies in the field of industrial recycling and waste management in Ireland, spearheading the efficient use of resources and working with an integrated, circular economy-based business philosophy. The business has a clearly defined purpose; to use resources as sustainably as possible. ROC Recycling Solutions views waste as a secondary raw material that can be re-integrated into the production cycle.

Please refer to the proposed site layout below.

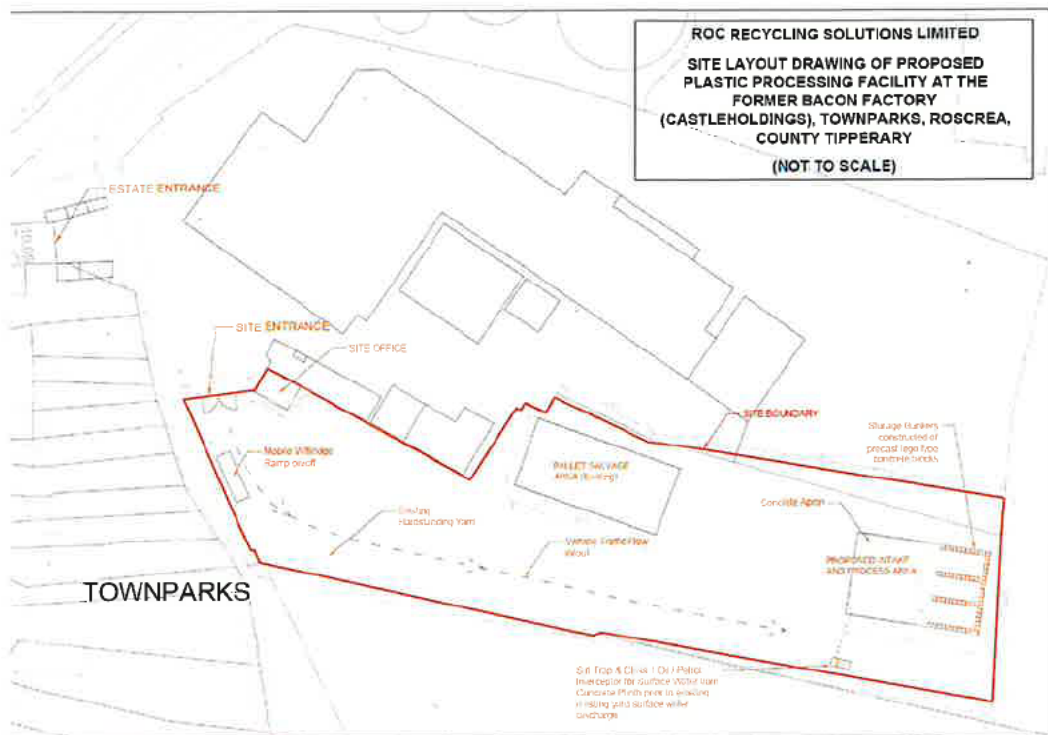


Fig No.13 Proposed layout – source: client.

Operating Hours, Quantums and Traffic Flow

The proposed facility will operate:

- Monday to Fridays from 08:00 to 17:00.

It is envisaged that the site will accept an average of 500 tonnes per month of source segregated plastic from commercial and industrial waste producers in the region. The volumes will vary seasonally and are not anticipated to exceed 6,000 tonne per annum. These will comprise of:

- Rigid Plastics (HDPE, PET, PP, PVC, PS) for size reduction and bagging
Plastic Sprue and molding rejects

The facility will not accept the following materials:

- Mixed or commingled materials from commercial and industrial sources.

-
- Mixed construction and demolition waste
 - Household waste.

The source segregated recyclable material will be delivered to the facility by permitted waste collection vehicles (primarily curtainsider rigids and artic trucks). ROC Recycling Solutions Limited collects material from its commercial and industrial customers using own fleet and third-party subcontractor collectors. If successful, the activity will accept up to 25 metric tonne of material per weekday. This will entail an average of 3/4 delivery vehicles per day.

The incoming material will be weighed, inspected, sorted, and graded prior to temporary storage pending processing. Processing activities at the site will include:

- Granulation and bagging of rigid plastics prior to temporary storage prior to movement to off-site plastic compounding, pelletising and manufacturing facilities in full loads of bagged granulate.

The processing of plastics will result in a reduction in volume reduction. Outgoing material will be loaded into 40ft shipping trailers or containers in loads. If successful, the operation will despatch circa 5 loads of plastics per week.

8.0 APPROPRIATE ASSESSMENT SCREENING

8.1 Screening

Under Article 9 (restriction on exemption) an exemption from planning permission cannot be availed of if Stage II Appropriate Assessment is required (Art. 9 (1)(a)(viiB)).

Screening is the first stage within the overall process of 'Appropriate Assessment' (AA) or 'Habitats Directive Assessment', required by the Habitats Directive (Article 6 (3) s.1.2). Circular NPW 1/10 and PSSP 2/10, dated 11th March 2010, issued by the Department of the Environment, Heritage and Local Government states that any project must be assessed for impact upon Natura 2000 sites, in accordance with Article 6 (3) of the European Habitats Directive. The Circular further notes that while:

"all projects involving land use change are subject to screening, in the majority of cases this will not necessitate the consent authority having to seek additional information" - emphasis added.

The purpose of the screening is to assess, in view of best scientific knowledge, if the proposed development, individually or in combination with another plan or project is likely to have a significant effect on a site of European-level ecological importance (i.e. Natura 2000 sites: candidate Special Areas of Conservation and Special Protection Areas).

Screening is defined in the Appropriate Assessment for Plans and Projects in Ireland: Guidance for Planning Authorities, 2009 ('AA Guidelines, 2009') as:

"the process that addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3):

-
- i) whether a plan or project is directly connected to or necessary for the management of the site, and
 - ii) whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a Natura 2000 site in view of its conservation objectives.

If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA). Screening should be undertaken without the inclusion of mitigation, unless potential impacts clearly can be avoided through the modification or redesign of the plan or project" (emphasis added).

If no likely significant effects have been identified then the assessment process does not proceed any further.

In this context "likely" means any effect that may be reasonably predicted and "significant" means not trivial or inconsequential but an effect that is potentially relevant to the site's conservation objectives (English Nature, 1999). Any effect which would compromise the functioning and viability of a site and interfere with achieving the conservation objectives of the site would constitute a significant effect.

The closest Natura 2000 site is **c.4.47 kilometres** away – **Slieve Bloom Mountains SPA 004160**.

9.0 CASE FOR EXEMPTION

9.1 Introduction

The primary question before the Council is "*Whether the use of an industrial yard at Castleholdings, Roscrea, Co. Tipperary for the purpose of a plastic reprocessing operation is or is not development and is or is not exempted development*".

Secondly our client seeks a determination that the associated minor works are exempt development under Planning and Development Regulations, 2001 (as amended) Schedule 2, Part 1: Exempted Development – Development for Industrial Purposes, Class 21.

The existing yard forms part of a long-established industrial premises.

The intended use is for plastic reprocessing operation.

This is an industrial use as it involves granulation which is essentially a mechanical size reduction process and agglomeration of plastic into a dense consistent material for ease of molding use. The process involves the altering/finishing of the original article received on site (post-industrial plastic scrap) and adapting same for sale.

It is submitted to the Council that the proposed use would not constitute a material change of use from the permitted industrial use. As such no fresh permission is required.

Furthermore, the works associated with the use are notably limited, amounting to only to minor sized works such as weighbridge and loading ramp. Such works

are exempted development under Planning and Development Regulations, 2001 (as amended) Schedule 2, Part 1: Exempted Development – Development for Industrial Purposes, Class 21.

It is submitted to the Council that the proposed use is similar to multiple established precedents as listed above whereby it has been declared that a similar type industrial use is not development and could operate without the need for a fresh planning permission.

Therefore, the Council are invited to issue a declaration to confirm that the use of the subject yard for the purpose of a plastic reprocessing operation is not development or, is development and is exempted development.

Also that the associated minor works are exempt development under Planning and Development Regulations, 2001 (as amended) Schedule 2, Part 1: Exempted Development – Development for Industrial Purposes, Class 21.

Please contact **Mr. Michael O'Callagahn** at [REDACTED] to arrange a site visit (allow 24 hour notice).

Signed:

[REDACTED]

David Mulcahy
BA (Mod. Natural Sciences), MRUP, MSc. Urban Design, MIPI, MRTPI
David Mulcahy Planning Consultants Ltd
CHARTERED PLANNING CONSULTANTS

Separate Enclosure – proposed site layout plan.

Appendix A – Letter of consent from landowner (Mr Martin Phelan, of Sheehane, Roscrea)

Appendix B – Documentry evidence of previous decisions on similar types of declarations and referrals.

APPENDICES

- A Letter of consent from landowner (Mr Martin Phelan, of Sheehane, Roscrea)

OWNER'S CONSENT

Section 5 Application – Planning & Development Act 2000

Date: 25TH February 2026

To: Tipperary County Council

Re: Section 5 Application in respect of lands at

Former Roscrea Bacon Factory, Castleholdings, Roscrea Co. Tipperary. Folio No: TY64111F.

I, Martin Phelan Sheehane, Roscrea, Co. Tipperary, confirm that I am the legal owner of the above-mentioned lands.

I hereby give my full consent to Michael o Callaghan of ROC Recycling Solutions Ltd Clonminam Business Park, Unit 2, Site 2 Portlaoise, Co. Laois, to submit a Section 5 Application under the Planning & Development Act 2000 (as amended) to the above-named Planning Authority in respect of the lands described above.

This consent relates to the proposed determination as to whether the following constitutes development and/or is exempted development:


Use of yard in former Roscrea Bacon Factory for a Plastic Reprocessing Operation

Signed:


Signature of Owner

Name (Block Capitals): MARTIN PHELAN

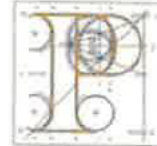
Address: 22 Sheehane Roscrea Co Tipperary

Contact Number: 

Appendix B – Documentary evidence of previous decisions on similar types of declarations and referrals.

Our Case Number: ABP-308153-20

Planning Authority Reference Number: R593/20



**An
Bord
Pleanála**

**Cork City Council,
c/o John A Murphy,
Anglesea Road,
Cork,
T12 T997**

Date: 19 DEC 2022

Re: Whether the use of an existing industrial building and associated storage area in the Port of Cork for the temporary storage of baled dry recyclable wastes pending export from the port to overseas recycling facilities is or is not development and is or is not exempted development.
Former TATA Steel site, Tivoli Industrial Estate, Cork City.


Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned referral under the Planning and Development Acts 2000 to 2021. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

Yours faithfully,


Rita Donnelly
Executive Officer

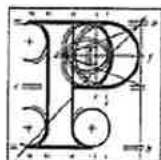
RL100n



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Facs (01) 872 2684
Láithreán Gréasáin www.pleanala.ie
Riomphoist board@pleanala.ie

Tel (01) 858 8100
LoCall 1800 275 175
Facs (01) 872 2684
Website www.pleanala.ie
Email board@pleanala.ie

64 Sraid Maoilbhride **64 Marlborough Street**
Baile Átha Cliath 1 **Dublin 1**
D01 V902 **D01 V902**



**An
Bord
Pleanála**

**Board Order
ABP-308153-20**

Planning and Development Acts 2000 to 2021

Planning Authority: Cork City Council

Planning Register Reference Number: R593/20

WHEREAS a question has arisen as to whether use of an existing industrial building and associated storage area in the port of Cork for the temporary storage of baled dry recyclable wastes pending export from the port to overseas recycling facilities at TATA Hill Site, Tivoli Industrial Estate, Cork is or is not development or is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Cork City Council on the 8th day of September, 2020:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to -

- (a) Sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5 and 10 of the Planning and Development Regulations, 2001, as amended,

ABP-308153-20

An Bord Pleanála

Page 1 of 2

p.c

-
- (c) Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
 - (d) the planning history of the site, and
 - (e) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the permitted development on the site comprising a depot that functions as a store for steel constitutes a 'repository' with regard had to the definition for same as set out in Article 5 of the Planning and Development Regulations, 2001, as amended, and
- (b) the use of an existing building for the temporary storage of baled dry recyclable wastes falls within the above permitted use and, therefore, is not a material change of use and is not development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the Planning and Development Act, 2000 hereby decides that the use of an existing industrial building and associated storage area in the Port of Cork for the temporary storage of baled dry recyclable waste pending export from the port to overseas recycling facilities at TATA Hill Site, Tivoli Industrial Estate, Cork is not development.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 15 day of December 2022.

Comhairle Contae Chill Dara
Kildare County Council



**Declaration on development and exempted development
under Section 5 of the
Planning and Development Act 2000-2012**

WHEREAS a question has arisen as to whether or not the proposed use of an existing Industrial unit at Unit 6 Kildare Business Park, Melitta Road, Kildare Town, Co. Kildare for the purpose of receiving, storing, sorting and bailing dry waste pending removal to off-site reuse, recycling and recovery is or is not development and is or is not exempted development.

AS INDICATED on the plans and particulars received by the Planning Authority on 25/02/16,

AND WHEREAS ROC Recycling Solutions Ltd, Ballymackan Industrial Estate, Ballymackan Portlaoise, Co Laois requested a declaration on the said question from Kildare County Council;

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000-2012, had regard to;

- (a) Section 3 of the Planning and Development Act 2000-2015.
- (b) Article 5(1) of the Planning and Development Regulations 2001-2015.
- (c) The planning history of the site namely the parent permission for the site 74/986

AND WHEREAS Kildare County Council has concluded that (a) the warehouse/industrial unit is on lands zoned 'H – Industrial and Warehousing' in the Kildare Local Area Plan 2012-2018, and (b) that the proposed use comes within the definition of an 'industrial process' as set out in Article 5(1) of the Planning and Development Regulations 2001-2015;

AND WHEREAS Kildare County Council has also concluded that the proposed use would comply with the parent permission planning reg. ref. 74/986

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act, 2000-2015, hereby decides that the proposed use would be development and would be exempted development.

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000-2015 may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed: _____

Date: _____

14th June 2016

KildareCountyCouncil

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Kildare County Council, Áras Chill Dara, Deroy Park, Naas, Co. Kildare.

T 045 980200 • F 045 980240 • E customercare@kildareco.ie • www.kildarecountycouncil.ie

Comhairle Contae Chill Dara
Kildare County Council



ED00598

Declaration of Exempted Development under

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether *'the use of an existing industrial unit at Unit 20, Newbridge Industrial Estate, Newbridge, Co. Kildare for the purpose of manufacturing wood pellets is or is not development and is or is not exempted development'*.

AS INDICATED on the plans and particulars received by the Planning Authority on 26/07/2016,

AND WHEREAS David Mulcahy on behalf of Craigavin Bio-Products Ltd, requested a declaration on the said question from Kildare County Council;

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Part 1, Sections 2 (1), 3 (1), 4 (4); Part X of the Planning and Development Act 2000 (as amended);
- (b) Part 2; Article 5(1), 6 (1), 9 (1)(a)(viii), 10; Schedule 2, Part 4 (Article 10); Schedule 5, Part 2 (11)(b) of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Kildare County Council has concluded that *'the use of an existing industrial unit at Unit 20, Newbridge Industrial Estate, Newbridge, Co. Kildare for the purpose of manufacturing wood pellets is development and is exempted development'*.

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that *'the use of an existing industrial unit at Unit 20, Newbridge Industrial Estate, Newbridge, Co. Kildare for the purpose of manufacturing wood pellets is development and is exempted development'*.

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanala within 4 weeks of the issuing of the decision.

Signed: 
Director of Services

Date: 21st December 2016

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Kildare County Council, Áras Chill Dara, Devoy Park, Naas, Co. Kildare, W91 X77F
T 045 980200 • F 045 980240 • E customercare@kildarecoco.ie • www.kildarecountycouncil.ie

Copy Receipt - € 80.00 payment.

From Ahern, Catherine [REDACTED]
Date Mon 9 Mar 2026 2:21 PM
To O'Dwyer, Shelley [REDACTED]

Tipperary County Council
Civic Offices
Clonmel
Co Tipperary

09/03/2026 14:20:27

Receipt No. : CLONMEL/0/201627

DAVID MULCAHY
67 OLD MILL RACE
NEWBRIDGE
CO KILDARE
(YOUR REF - BACON FACTORY)

SECTION5 EXEMPTION DECLARATION 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
Credit Card 80.00

Change : 0.00

Issued By : CATHERINE AHERN
From : CLONMEL TOWN RECEIPTS DESK
Vat reg No.3259712MH

Catherine Ahern | Clerical Officer | Finance |

| Tipperary County Council | Civic Offices, Emmet Street| Clonmel |
Co. Tipperary |E91 N512|

T 0818 06 5000/0818 06 6000|

E [REDACTED] **W** www.tipperarycoco.ie |



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary
E91 N512

Comhairle Contae
Thiobraid Árann,
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Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

t 0818 06 5000/6000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 9th March 2026

Our Ref: S5/26/24

Civic Offices, Clonmel

ROC Recycling Solutions Ltd
C/O David Mulcahy Planning Consultants Ltd
67 Old Mill Race
Athgarvan
Newbridge
Co. Kildare

Re: Application for a Section 5 Declaration –Use of yard for a Plastic Processing Operation at The Former Roscrea Bacon Factory, Castleholdings, Roscrea, Co. Tipperary.

A Chara,

I acknowledge receipt of your application for a Section 5 Declaration received on 9th March 2026 in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours sincerely,


For Director of Services.

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

Planning & Development Act 2000, as amended

Planning & Development Regulations 2001, as amended

Planning Ref.: S5/26/24

Applicant: ROC Recycling Solutions Ltd.

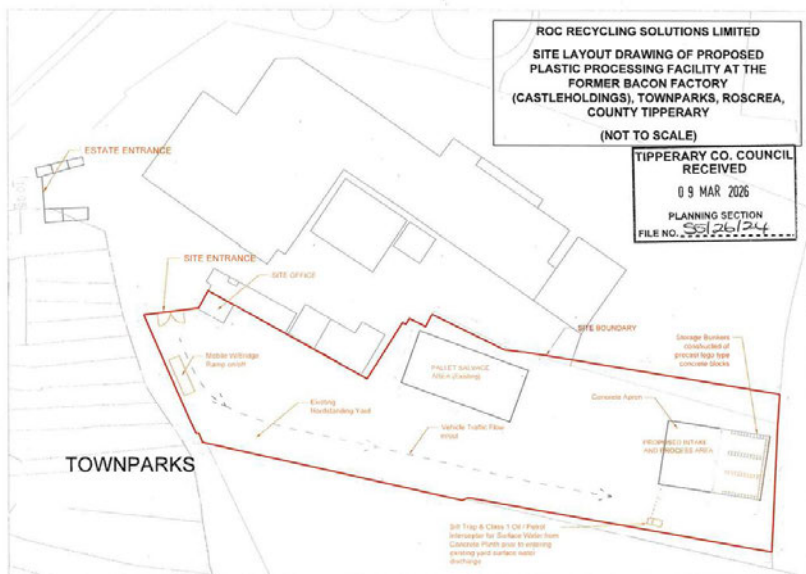
Development Address: Former Roscrea Bacon Factory, Castleholdings, Roscrea, Co. Tipperary.

Question: Use of site for a plastic reprocessing operation and undertaking of minor works.

1. GENERAL

A request was made for a declaration under Section 5 of the Planning and Development Act, 2000 (as amended) by ROC Recycling Solutions Ltd as to whether or not the use of the site a plastic reprocessing operation and the undertaking of minor works at the Former Roscrea Bacon Factory, Castleholdings, Roscrea, Co. Tipperary, is development and, if so, is it exempted development.

The site to which the Declaration application relates is outlined in red on the Map below and comprises the yard area of the former Roscrea Bacon Factory. The site entrance and proposed new structures are illustrated on this map.



Details of the proposed use, together with the structures and works associated with the proposed use are described in Section 7 of the Planning Report prepared by David Mulcahy Panning Consultants that accompany the Declaration application.

The proposed use is the reprocessing of segregated, post-industrial plastic scrap to produce a quality, defined product intended for use as a raw material in plastic moulding. The materials will be processed by size reduction, i.e. shredding. This shredded material is then collected in bulk bags for storage or immediate reuse.

The works identified comprise the following:

- New storage bunkers with 3 banded storage bays with front apron. The concrete base will be drained to a silt trap, interceptor and temporary storage tank prior to discharge to surface water. The bays will be used for:
 - Bay 1-Material Intake
 - Bay 2-, Sorting, grading and processing
 - Bay 3- Baled or bagged storage prior to removal off-site.
- Each bay will be 12m deep x 12m wide x 4m high. The apron will extend 10 meters out from the front of the bays and will stand the process equipment.
- A mobile material baling press with feed hopper. The baler will be sited on a concrete pad with its own enclosure and elemental covers.
- Granulator unit with infeed conveyor and screening and metal check
- Weighbridge -This will be an above ground bolt down weighbridge with drive on/off ramps.
- Loading ramp.
- Associated drainage works.

The drawing submitted contain limited information and do not clearly show the full extent of works proposed.

The application documentation outlines that the facility will operate from Monday to Fridays from 08.00-17.00 and will accept an average of 500 tonnes per month of source segregated plastic from commercial and industrial waste producers, with potential seasonal adjustments in volumes, not to exceed 6000 tonnes per annum. The applicant has outlined that the segregated material will be delivered by permitted waste collection vehicles, averaging 3/4 vehicles per day.

2. STATUTORY PROVISIONS

Planning and Development Act, 2000 as amended

According to Section 2(1) of the Planning and Development Act (as amended), the definition of “works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

According to Section 3(1) of the Planning and Development Act (as amended), “development” means, save where the context otherwise requires, the carrying out of works on, in or under land or the making of any material change in the use of any structures or other land.

Section 4 of the same Act lists works that would be considered exempted development. Section 4 also conveys power on the Minister to make regulations to provide for any class of development to be exempted development for the purposes of the Act

Planning and Development Regulations, 2001, as amended:

Part 2, Article 5(1) sets out the following relevant definitions:

- “industrial building” means a structure (not being a shop, or a structure in or adjacent to and belonging to a quarry or mine) used for the carrying on of any industrial process;
- "industrial process" means any process which is carried on in the course of trade or business, other than agriculture, and which is – (a) for or incidental to the making of any article or part of an article, or (b) for or incidental to the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article, including the getting, dressing or treatment of minerals, and for the purposes of this paragraph, "article" includes- (i) a vehicle, aircraft, ship or vessel, or (ii) a sound recording, film, broadcast, cable programme, publication and computer program or other original database;

Article 6(1) states that subject to Article 9, development of a class specified in Column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act provided that such development complies with conditions and limitations specified in Column 2 of said Part 1 opposite the mention of that class in said Column 1.

Article 9 of said Regulations lists a series of restrictions on exemptions. Of particular note are the provisions of Article 9(1)(a)(i) which de-exempts development which would contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act, and, (viiiB) which de exempts developments that require an appropriate assessment because it would likely have an effect on the integrity of a European designated site.

Schedule 2, Part 1: Exempted Development – Development for Industrial Purposes Class 21

(a) Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of, any industrial process, or on land used as a dock, harbour or quay for the purposes of any industrial undertaking –

(i) the provision, rearrangement, replacement or maintenance of private ways or private railways, sidings or conveyors,

(ii) the provision, rearrangement, replacement or maintenance of sewers, mains, pipes, cables or other apparatus,

(iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery

(b) Any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the industrial process carried on in the building.

Conditions / Limitations

1. Any such development shall not materially alter the external appearance of the premises of the undertaking.

2. The height of any plant or machinery, or any structure in the nature of plant or machinery, shall not exceed 15 metres above ground level or the height of the plant, machinery or structure replaced, whichever is the greater.

Class 22 Storage within the curtilage of an industrial building, in connection with the industrial process carried on in the building, of raw materials, products, packing materials or fuel, or the deposit of waste arising from the industrial process.

Conditions / Limitations

The raw materials, products, packing materials, fuel or waste stored shall not be visible from any public road contiguous or adjacent to the curtilage of the industrial building

3. ASSESSMENT

a. Site Location

The site is located at the Former Roscrea Bacon Factory, Castleholdings, Roscrea, Co. Tipperary.

b. Relevant Planning History

S5/25/40- Use of site for materials recycling and transfer and undertaking of minor works deemed development and not exempted development.

PI Ref 02/510124 Grant of permission retain partly constructed industrial unit and permission to complete the building and to add a similar industrial unit to form 2 no. industrial units.

PI Ref 04/510205 Grant of permission to erect a store.

UD-05-081-Possible non-compliance with PI Ref 02/510124. Warning Letter not served and case closed.

In assessing this Declaration I have examined and considered the precedent cases outlined in the Planning Report included with the Declaration application. I have also examined and considered the following:

- Tipperary County Council S5/16/88- Under this Declaration the Council determined that the use of a shed (permitted as industrial) to store wastes was development and exempted development.
- An Bord Pleanála Reference Number: 16.RL.2537- An Bord Pleanála made the decision that a process involving the storage of segregated waste is not an industrial process as defined by the Planning and Development Regulations, 2001 and the introduction of this waste storage constitutes a material change of use and is not exempted development. An Bord Pleanála considered the process involves the storage, sorting and bailing of segregated waste and is not an industrial process as defined by the Planning and Development Regulations, 2001 as amended.
- An Bord Pleanála Reference Number: RL09.311087- An Bord Pleanála made the decision that the change of use of an industrial building and storage yard within a business park for the processing and temporary storage of construction waste for further re-use, recovery and recycling is development and is not exempted development. An Bord Pleanála considered the proposed use as a material change of use and that the re-use, recovery and recycling proposed did not constitute an industrial process.

c. Assessment

A) "Is or is not Development"

Development is defined in the Planning and Development Act 2000, as amended as the carrying out of works on, in or under land or the making of any material change in the use of any structures or

other land. As per the Act, “works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

The works associated with the proposed use of the site (as listed in Section 1 of this report) come within the definition of works as set out under the Planning and Development Act 2000, as amended and therefore constitute “development”.

The next matter is to consider if the proposal use for materials recycling and transfer would result in the material change in the use of the land.

I have examined the planning history for the site and note its previous use. I consider the parent use of the site is Industrial.

I consider that the proposed use of the site area to which the Declaration application relates raises materially different planning considerations to that which would pertain to its established industrial use and I consider the proposed use differs materially from its established industrial use.. I am satisfied that the proposal would result in the material change in the use of the land and therefore constitutes “development”.

B) “Is or is not Exempted Development”

I refer to the consideration of the Planning Authority under S5/25/40 and I do not see how the proposals presented in the subject Declaration differ materially from that under S5/25/40. The subject proposals show the enterprise involves acceptance, granulation and agglomeration of plastics. The previous Declaration included for a similar use but with wider waste streams to be accepted.

An Bord Pleanála Reference Number: 16.RL.2537 is relevant. Under this case An Bord Pleanala made the decision that a process involving the storage of segregated waste is not an industrial process as defined by the Planning and Development Regulations, 2001 and the introduction of this waste storage constitutes a material change of use and is not exempted development. An Bord Pleanala came to the same decision under RL09.311087 and Tipperary County Council came to a similar determination in considering S5/16/88. Noting these cases and the material change of use proposed I do not consider same meets any planning exemption contained in the Planning and Development Act 2000, as amended or the Planning and Development Regulations 2001, as amended.

Regarding the works proposed, I consider that same are works associated with the reception, bailing and storage of waste. As this is not considered an industrial process the exemption under Class 21 of the Planning and Development Regulations 2001, as amended cannot be availed of.

C) Is the exemption restricted under Article 9

I see no exemptions listed under Article 9 which apply in this case.

D) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

Section 4 (4) of the Planning and Development act 2000, as amended states:

Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

The proposal has been screened as to the requirements for Appropriate Assessment and the screening assessment (attached) considers that the proposal does not impact on any Natura 2000 site.

The proposal which is not to accept more than 6,000 tonnes of wastes per annum, is below the threshold for which mandatory EIA is required and therefore does not require EIA.

Class 11 b), Part 2, Schedule 5, Planning and Development Regulations 2001, as amended required mandatory EIA for

Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.

4. RECOMMENDATION

A question has arisen as to whether the following proposals at the former Roscrea Bacon Factory, Castleholdings, Roscrea, Co. Tipperary. constitutes “development” and “exempted development”

Use of site for a plastic reprocessing operation and undertaking of minor works.

Tipperary County Council, in considering this referral, had regard particularly to -

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) the definition of “industrial process” in Article 5 of the Planning and Development Regulations, 2001 as amended.
- (c) The planning history of the site
- (d) The exemptions relating to development for industrial purposes as set down under Article 6 of the Planning and Development Regulations, 2001 as amended, specifically the exemptions under Class 21.

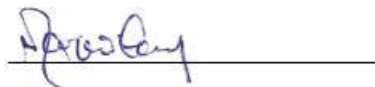
Tipperary County Council has concluded that –

The proposals constitute “development” within the meaning of the Planning and Development Act 2000, as amended and is not “exempted development”.

It is considered the proposed use constitutes a material change of use of the lands from the established Industrial use. The proposed use does not come within the definition of “industrial process” as set out in the Planning and Development Regulations, 2001 as amended and does not meet any exemption set down under said Regulations or the Planning and Development Act 2000, as amended.

As the proposed use not considered an industrial process the exemptions under Class 21 of the Planning and Development Regulations 2001, as amended cannot be availed of.

District Planner:



Date: 30.03.2026

Senior Executive Planner:



Date: 2/4/2026

Appendix 1 EIA SCREENING

Establishing a development is a 'sub-threshold development'

File Reference:	S5/26/24	
Development Summary:	As per planners report	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A	
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
<input type="checkbox"/> Yes, specify class	EIA is mandatory No Screening required	
<input checked="" type="checkbox"/> No	Proceed to Part B	
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)		
<input type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required	
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold):	EIA is mandatory No Screening required	
<input checked="" type="checkbox"/> Yes the project is of a type listed but is sub-threshold: <u>Class 11 b</u> <u>Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule</u>	Proceed to Part C	
C. If Yes, has Schedule 7A information/screening report been submitted?		
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening required	Determination required
<input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required	

EIA PRELIMINARY EXAMINATION:

The Planning Authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

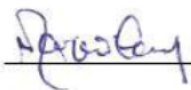
	Comment:	Yes/No/ Uncertain:
<p>Nature of the development: <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i></p> <p><i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i></p>	No	No.
<p>Size of the development: <i>Is the size of the proposed development exceptional in the context of the existing environment?</i></p> <p><i>Are there cumulative considerations having regard to other existing and/or permitted projects?</i></p>	No	No
<p>Location: <i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?</i></p> <p><i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i></p>	No	No.

Preliminary Examination Conclusion:

Based on a preliminary examination of the **nature, size or location** of the development. (Tick as appropriate)

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>	<p>There is real likelihood of significant effects on the environment.</p> <p>An EIAR is required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Request the applicant to submit the Information specified in Schedule 7A for the purposes of a screening determination.</p> <p>Proceed to Screening Determination.</p>

Signature and Date of Recommending Officer:



Date:

30.03.2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	S5/26/24
(b) Brief description of the project or plan:	As per Planners report
(c) Brief description of site characteristics:	As per Planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	No
(e) Response to consultation:	N/a

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
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Kilduff, Devlis Bit SAC	https://www.npws.ie/protected-sites/sac/000934	Within 15km	None	No
The Loughans SAC	https://www.npws.ie/protected-sites/sac/000407	Within 15km	None	No
Spahill And Clomantagh Hill SAC	https://www.npws.ie/protected-sites/sac/000849	Within 15km	None	No
Galmoy Fen SAC	https://www.npws.ie/protected-sites/sac/001858	Within 15km	None	No
Cullahill Mountain SAC	https://www.npws.ie/protected-sites/sac/000831	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of
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	Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	No potential impacts
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	No potential impacts
In-combination/Other	No potential impacts

(b) Describe any likely changes to the European site:

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	No potential impacts
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(c) Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

STEP 4. Screening Determination Statement

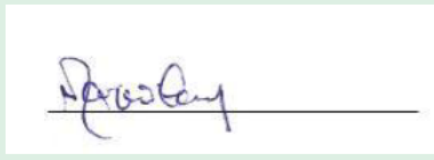
The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the proposed land use and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, The proposed development is not likely to have significant effects on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:		Date: 30.03.2026

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/24** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Brian Beck, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 44188 dated 3rd October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from ROC Recycling Solutions Ltd, C/O David Mulcahy Planning Consultants Ltd , 67 Old Mill Race, Athgarvan, Newbridge, Co. Kildare, RE: Use of site for a plastic reprocessing operation and undertaking of minor works at Former Roscrea Bacon Factory, Castleholdings, Roscrea, Co. Tipperary is development and is exempted development.

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) the definition of "industrial process" in Article 5 of the Planning and Development Regulations, 2001 as amended.
- (c) The planning history of the site
- (d) The exemptions relating to development for industrial purposes as set down under Article 6 of the Planning and Development Regulations, 2001 as amended, specifically the exemptions under Class 21.

Tipperary County Council has concluded that the proposals constitute "development" within the meaning of the Planning and Development Act 2000, as amended and is **not "exempted development"**.

It is considered the proposed use constitutes a material change of use of the lands from the established Industrial use. The proposed use does not come within the definition of "industrial process" as set out in the Planning and Development Regulations, 2001 as amended and does not meet any exemption set down under said Regulations or the Planning and Development Act 2000, as amended.

As the proposed use not considered an industrial process the exemptions under Class 21 of the Planning and Development Regulations 2001, as amended cannot be availed of.

Signed: 
Brian Beck
Director of Services

Date: 02/04/2026



Date: 2nd April 2026 Our Ref: S5/26/24 Civic Offices, Nenagh

ROC Recycling Solutions Ltd
C/O David Mulcahy Planning Consultants Ltd
67 Old Mill Race
Athgarvan
Newbridge
Co. Kildare

Re: Declaration under Section 5 of the Planning and Development Act 2000, as amended.

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 9th March 2026 in relation to the following proposed works:

Use of site for a plastic reprocessing operation and undertaking of minor works at Former Roscrea Bacon Factory, Castleholdings, Roscrea, Co. Tipperary.

WHEREAS a question has arisen as to whether the proposed development is or is not exempted development:

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) the definition of “industrial process” in Article 5 of the Planning and Development Regulations, 2001 as amended.
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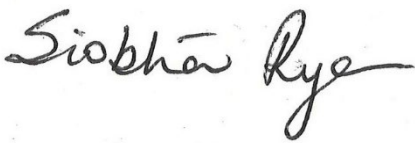
Tipperary County Council has concluded that the proposals constitute "development" within the meaning of the Planning and Development Act 2000, as amended and is **not "exempted development"**.

It is considered the proposed use constitutes a material change of use of the lands from the established Industrial use. The proposed use does not come within the definition of "industrial process" as set out in the Planning and Development Regulations, 2001 as amended and does not meet any exemption set down under said Regulations or the Planning and Development Act 2000, as amended.

As the proposed use not considered an industrial process the exemptions under Class 21 of the Planning and Development Regulations 2001, as amended cannot be availed of.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely



for **Director of Services**

cc: Martin Phelan, Sheehane, Roscrea, Co. Tipperary