



Board Direction

Ref: PL92.246296

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15th July 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments shown below.

REASONS AND CONSIDERATIONS

Appropriate Assessment Screening

The Board carried out a screening exercise in relation to potential impacts on nearby European sites, specifically the Lower River Suir cSAC (002137), and having regard to the nature and scale of the proposed development, the nature of the receiving environment, the screening report submitted, the submissions on file and the report of the Inspector, the Board concluded that, on the basis of the information available, the proposed development would not be likely to have a significant effect on any European site, either individually or in combinations with other plans and projects.

Environmental Impact Assessment

The Board considered that the Environmental Impact Statement submitted with the application, supported and amended by the further information submitted to the planning authority, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct, indirect, secondary and cumulative effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in his assessment of the likely significant effects of the proposed development, and generally agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector.

The Board concluded that, subject to the implementation of the mitigation measures proposed, the effects of the proposed development on the environment would be acceptable.

Proper Planning and Sustainable Development

Having regard to the location of the site in a predominantly rural area, the relatively low population density in the immediate vicinity, the organised approach to the management of the site as evidenced in the documentation, to the light industrial zoning of the lands, the planning history and established use of the site and landholding as a permitted waste management facility, it is considered that the proposed increased intake of waste and associated works would be in accordance with the provisions of the Clonmel and Environs Development Plan 2013 and the Southern Regional Waste Management Plan 2015-2021 would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. It is considered that subject to compliance with the conditions set out below, the proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars received by the planning authority on the 16th December 2015 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 the 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. All of the environmental, construction and ecological mitigation measures set out in the EIS and other particulars submitted with the application and as amended in the FI submitted by the developer shall be implemented in full in conjunction with the timelines set out in the foregoing, except as may otherwise be required in order to comply with this order.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the proposed development.

3. There shall be no discharge of process water or treated process water to groundwater or surface water.

Reason: In the interest of the protection of the environment.

4. (a) The quantity of material imported into the site shall not exceed 49,983 tonnes per annum.

(b) The increase in capacity herein permitted shall not be implemented until a revised waste facility permit has been granted by Tipperary County Council in respect of its operation.

Reason: In the interest of clarity and orderly development.

5. Prior to the commencement of development detailed proposals for the widening of the L32101 road carriageway shall be submitted to the planning authority for written agreement. Details shall include:

- (i) Detailed construction specification and finish for the sections of the L32101 to be widened.
- (ii) Roadside drainage management proposals.
- (iii) Proposals for landscaping and replacement roadside boundary treatments.
- (iv) A timescale for the undertaking and completion of works.
- (v) A construction management plan.

Reason: In the interest of amenity and of traffic safety.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than [1:500] showing –
 - (i) Existing trees, hedgerows, shrubs specifying which are proposed for retention as features of the site landscaping
 - (ii) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder [which shall not include *prunus* species]
 - (iii) Details of screen planting
- (b) A timetable for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species.

Reason: In the interest of residential and visual amenity.

7. During the operational phase of the proposed development, the noise level from within the site, measured at noise sensitive locations in the vicinity, shall not exceed -

(a) an L_{AeqT} value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday (inclusive), [The T value shall be one hour.] and

(b) an L_{AeqT} value of 45 dB(A) at any other time. [The T value shall be 15 minutes. The noise at such time shall not contain a tonal component.

All sound measurements shall be carried out in accordance with ISO Recommendations R 1996, "Assessment of Noise with Respect to Community Response" as amended by ISO Recommendations R 1996/1, 2 and 3, "Description and and Measurement of Environmental Noise", as applicable. **[PLEASE UPDATE AS APPROPRIATE]**

Reason: To protect the amenities of properties in the vicinity of the site.

8. The facility shall not be open to receive waste outside the hours of 0600-2000, Monday to Friday (excl. Bank holidays), and 0700-1800 on Sat.

Reason: In the interest of the amenities of the area and of clarifying the scope of this permission.

9. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

10. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Board Member: _____ Date: 15th July 2016
G.J. Dennison