

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Tipperary County

**Planning Register Reference Number: 14/600501**

An Bord Pleanála Reference Number: PL 92.245693

**APPEAL** by Anthony and Nicola Murphy of Killough, Thurles, County Tipperary against the decision made on the 2<sup>nd</sup> day of October, 2015 by Tipperary County Council to grant subject to conditions a permission to Roadstone Limited care of SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development comprising establishment and operation of a construction and demolition waste recovery facility which provides for the importation, processing and recovery of construction and demolition waste (principally mixed concrete, bricks, blacktop, tiles, and ceramics) on a 1.0 hectare site within the existing quarry landholding. It includes provision for a hardstanding area for stockpiling and processing of waste materials and a waste inspection/quarantine shed at Killough Hill, Gaile, Holycross, County Tipperary, as amended by the further public notice received by the planning authority on the 11<sup>th</sup> day of August, 2015.

## DECISION

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

Having regard to the existing use of the site and wider landholding for quarrying purposes, and to the planning history of the site, and having regard to the provisions of the current Development Plan for the area, including policies in relation to waste recovery, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience, and would be in accordance with the provisions of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Environmental Impact Assessment**

The Board noted the content of the Environmental Impact Statement submitted as part of the planning application, the report of the planning authority in this regard, and the Inspector's report. It is considered that the Environmental Impact Statement, supported by the other documentation submitted by the applicant, identifies and describes adequately the direct and indirect effects of the proposed development on the environment. The Board completed an Environmental Impact Assessment in relation to the subject development, and concluded that, subject to the mitigation measures proposed, the proposed development would not have unacceptable impacts on the environment. In doing so, the Board concurred with the conclusions reached by the Inspector, and adopted her report.

## Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the screening report submitted with the application, the screening report carried out by the planning authority and the Inspector's report. In completing the screening exercise, the Board adopted the report of the Inspector and concurred with her conclusions. The Board, therefore, concluded that the proposed development, by itself or in combination with other development in the vicinity, would not be likely to have a significant effect on the Lower River Suir candidate Special Area of Conservation (Site Code 002137), in view of the conservation objectives of this site, or on other European sites.

### 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 further plans and particulars received by the planning authority on the 11<sup>th</sup> day of August, 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 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 use of this site as a construction and demolition waste recovery facility is hereby permitted for a temporary period of ten years from the date of commencement, or until the cessation of quarrying on the overall site outlined in blue on the submitted documentation, whichever is the sooner. After this time, the development shall cease, unless a further planning permission has been granted before the expiry of that date.

**Reason:** In order to ensure that the proposed waste recovery facility remains part of the overall quarry, and is not developed as a stand-alone facility in the absence of such quarrying, and in order to review the effect of the development on the area, including the residential amenities of neighbouring property, in the light of the circumstances then obtaining.

3. The proposed construction and demolition waste recovery facility shall only operate in conjunction with the established limestone quarry facility and associated operations within the wider landholding and shall not be subdivided in any way through sale, letting or by any other means. Any change of use shall not take place without a prior grant of planning permission.

**Reason:** In order to ensure that the proposed waste recovery facility remains part of the overall quarry, and is not developed as a stand-alone facility in the absence of such quarrying.

4. The mitigation measures set out in the submitted documentation, including the Environmental Impact statement submitted on the 11<sup>th</sup> day of August 2015, shall be fully implemented as part of the development. In this regard, the developer shall revise and update the Environmental Management System currently in place and as approved under planning authority register reference number QY21 to take account of the impacts of the proposed development. This revision and update shall include the following:-

- (a) proposals for the suppression of on-site noise,
- (b) proposals for the on-going monitoring of sound emissions at dwellings in the vicinity,
- (c) proposals for the suppression of dust on site and on the access road, and
- (d) monitoring of ground and surface water quality, levels and discharges.

The revision and update shall be submitted to, and agreed in writing with, the planning authority before development commences on the waste recovery facility.

**Reason:** In order to ensure management of the environmental aspects of the development on a planned basis.

5. During the operational phase of the proposed development, the noise levels from within the site, measured at all noise sensitive locations in the vicinity, including all neighbouring residential property, 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 measurement shall be in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect of Community Response" as amended by ISO Recommendations R1996 1 and 2 "Description and Measurement of Environmental Noise" as applicable.

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

6. (i) The amount of waste processed on the subject site shall not exceed 24,500 tonnes in any year.
- (ii) No waste shall be brought to this site other than those types indicated in the submissions of the applicant in connection with the planning application and the amounts stated in the application shall not be exceeded without a further planning permission having been obtained. Any imported waste which, it is suspected, may not comply with waste acceptance criteria for the waste recovery facility, will be transferred to the proposed quarantine shed. This structure, shown on the Inspection Shed Details plan drawing number PL07 submitted to the planning authority on the 16<sup>th</sup> day of December, 2014 shall be constructed over a sealed concrete slab and shall serve as a dedicated waste inspection and quarantine facility for the waste recovery operation.

**Reason:** To regulate the extent of the proposed development, in accordance with the details of the application for which permission has been sought.

7. The use of this site as a construction and demolition waste recovery facility shall operate only between the hours of 0700 to 1900, Monday to Friday inclusive and 0800 to 1400 on Saturdays. No operations shall take place outside those times, and none shall take place on Sundays and public holidays.

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

8. A detailed restoration scheme for the site of the proposed construction and demolition waste facility, which will be consistent with the broad principles of the restoration scheme required to be submitted and implemented under condition number 2 of the grant of substitute consent under An Bord Pleanála reference PL23.SU0050, shall be submitted to, and agreed in writing with, the planning authority within six months of commencement of development.

**Reason:** In order to provide for appropriate restoration of the site, following cessation of the proposed use.

9. 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 Bord 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.

10. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory restoration of the site in the interest of visual amenity.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**