



Planning and Development Acts 2000 to 2018

Planning Authority: Tipperary County Council

Planning Register Reference Number: 17601282

Appeal by Elaine and Mary Heffernan of Corregemore, Tipperary, County Tipperary against the decision made on the 18th day of April, 2018 by Tipperary County Council to grant subject to conditions a permission to Gleeson Concrete care of Michael Keating of “Ard Mhuire”, Clonmel Road, Cahir, County Tipperary in accordance with plans and particulars lodged with the said Council:

Proposed Development: The continuance of use of the existing concrete batching plant (this concrete batching plant was previously granted permission for a 5 year period under planning register reference number 02/40 and extended for a further 10 year period under planning register reference number 07/1704), all at Corrogemore, Tipperary, County Tipperary

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 nature of the development and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the development would not detract from the character of the area, would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be permitted and carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 23rd of March 2018, 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 within three months of the date of this order and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity

2. This permission is for a period of ten years from the date of this order. The concrete batching plant and related ancillary structures shall then be removed unless, prior to the end of the period of ten years, planning permission shall have been granted for a further period.

Reason: To allow for quarry restoration and reinstatement works to take place

3. All soiled surface water and water used in the plant shall be directed to settlement lagoons. All lagoons shall be suitably sized and of secure construction and maintained so as to ensure that no soiled water is discharged to the nearby watercourse or groundwater. The system shall be such that all waters in the lagoons shall be recycled for further use in the process.

Reason: To prevent water pollution and to safeguard the amenities of the area

4. Noise levels emanating from the proposed development when measured at the site boundaries shall not exceed 55 dB(A) (15 minute Leq) between 0700 hours and 1800 hours, Monday to Friday inclusive, and 0700 hours to 1400 hours on Saturday, and shall not exceed 45 dB(A) (15 minute Leq) at any other time. Measurements shall be made in accordance with I.S.O. Recommendations 1996/2007 Acoustics – Description and Measurement of Environmental Noise. At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background level at the boundaries of adjoining premises. Background noise level shall be interpreted as the mean minimum sound level at the relevant place and time in the absence of noise from the premises the subject of the application. If the noise contains a discrete, continuous note (whine, hiss, screech or hum), or if there are distinct impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of +5 dB(A) shall be applied to the measured level used in assessing compliance with the specified levels.

Reason: To safeguard the amenities of the area.

5. Dust deposition levels arising out of activities on site shall not exceed 350 milligrams per square metre per day, averaged over a continuous period of 30 days, when measured as deposition of insoluble particulate matter at any position along the boundary of the site. The location of monitoring stations shall be agreed in writing with the planning authority and the monitoring stations shall be installed and operational within three months of the date of this order.

Reason: To safeguard the amenities of the area.

6. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority. This 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 and boundary of the site.
 - (c) proposals for the suppression of dust on site and on the access road.
 - (d) proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
 - (e) monitoring of ground and surface water quality, levels and discharges.
 - (f) details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: To safeguard the amenities of the area

7. Operating hours for all operations on site, including the transportation of vehicles on site and truck loading, shall be restricted to between 0700 hours and 1800 hours Mondays to Fridays and between 0700 hours and 1400 hours on Saturdays. No operations shall take place on site on Sundays and public holidays. The term operations shall be interpreted by the planning authority as all activity relating to site operations and the working of any operation outside of the above stated period shall only be undertaken with the prior written consent of the planning authority.

Reason: To safeguard the amenities of the area.

8. The site shall be reinstated on removal of the concrete batching plant structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this order.

Reason: In the interest of orderly development.

9. Within six months of the date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or other security to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of the reinstatement, including all necessary demolition and removal of the batching plant and associated infrastructure. The form and amount of the security shall be agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the site in the interest of the amenities of the area.

Eugene Nixon

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.