



An  
Bord  
Pleanála

**Board Order**  
**ABP-310786-21**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 20550**

**Appeal** by Sharon Morris of 3 Derrynaflan Drive, Littleton, Thurles, County Tipperary and by Catherine Dempsey of Ballybeg, Littleton, Thurles, County Tipperary against the decision made on the 14<sup>th</sup> day of June 2021 by Tipperary County Council to grant subject to conditions a permission to Starrus Eco Holdings Limited care of O'Callaghan Moran and Associates of Unit 15 Melbourne Business Park, Model Farm Road, Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (1) An increase in the annual waste intake from 45,000 tonnes/year to 80,000 tonnes, (2) single storey extensions to the east and west of the existing building (having a combined floor area of 6,083 square metres), (3) relocation of existing firewater lagoon (324 square metres), (4) construction of new firewater lagoon (401 square metres) and all associated site works and services to accommodate the biological treatment of the additional organic residues and production of compost at Ballybeg, Littleton, County Tipperary. The existing biological treatment process is carried out in accordance with an Industrial Emissions Licence granted by the Environmental Protection Agency.

## 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.**

## Reasons and Considerations

Having regard to the provisions of the Tipperary County Development Plan 2022-2028, the existing pattern of development in the area, and the nature and scale of the proposed development, and European, national, regional and local planning policies, 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 and would be acceptable in respect of its likely effects on the environment and 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 further plans and particulars received by the planning authority on the 23<sup>rd</sup> day of April, 2021, 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. All mitigation and monitoring measures identified in the Environmental Impact Assessment Report shall be implemented in full as part of the proposed development.

**Reason:** In the interest of protection of the environment and in the interest of public health.

3. Trees to be felled shall be surveyed for bats before their removal. All trees shall be felled under the supervision of an ecologist and left intact on the ground for a period of at least 24 hours. The destruction or interference of any tree identified as a bat roost shall only be carried out on receipt from the National Parks and Wildlife Service of a licence to derogate from the Habitats Directive and destroy the roost.

**Reason:** To conserve bat species afforded a regime of strict protection under the Habitats (92/43/EEC).

4. The clearance of any vegetation including trees, hedgerows and scrub, shall only be carried out in the period between the 1<sup>st</sup> of September and the end of February, that is, outside the main bird breeding season.

**Reason:** To provide for the conservation of species of fauna protected under the Habitats Directive (92/43/EEC) and the Wildlife Acts (1976 to 2018) and to provide for the conservation of bat species afforded a regime of strict protection under the Habitats Directive (92/43/EEC).

5. All measures recommended by the Auditor in the submitted Stage 1/2 Road Safety Audit (dated 04.11.2019) shall be undertaken unless otherwise agreed in writing in advance with the planning authority.

**Reason:** In the interest of the proper planning and sustainable development of the area.

6. The haul route for heavy traffic coming to and going from the site from the west shall be via county road L4101 from the N8 national Primary Road (or as renumbered in the future) and such traffic shall not pass along any other county roads between N8 and the site in accordance with the recommendations of the submitted traffic impact assessment.

**Reason:** In the interests of traffic safety and management of heavy traffic.

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

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

8. (a) No storage, either permanent or temporary, of any materials shall occur within the site which is outside of any structure shown on the Site Layout Plan (drawing number 18-173-300) submitted with the application.
- (b) Any waste vehicles parked on the apron of the facility shall not contain waste. All organic materials shall be transported to and from the site in sealed containers. No materials which would attract birds shall be present on the open areas of the site at any time.

**Reason:** In the interest of public health.

9. Waste shall not be accepted on site outside the hours of 0730 to 1930, Monday to Saturday inclusive.

**Reason:** In the interest of proper planning and sustainable development of the area.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best practice guidelines for the preparation of resource and waste management plans for construction and demolition projects 2021", published by the EPA (2021).

**Reason:** In the interest of sustainable waste management.

11. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

12. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

13. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

14. 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

*Eamonn James Kelly*

**Eamonn James Kelly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *6<sup>th</sup>* day of *October*, 2023.