



An
Bord
Pleanála

Board Order
ABP-317634-23

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2360072

Appeal by Michael and Denise Barry of Cloughleigh, Golden, Cashel, County Tipperary and by other and by Lagan Tarmac Limited care of Armstrong Planning of 12 Clarinda Park North, Dun Laoghaire, Dublin against the decision made on the 11th day of July, 2023 by Tipperary County Council to grant permission subject to conditions to the said Lagan Tarmac Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: The erection and operation of an asphalt plant (stack height 30 metres), together with an ancillary office unit (133.6 square metres GIA), a weighbridge, hardstanding, the erection of associated aggregate storage bays and all associated site development works, all at Cloughleigh, Golden, Cashel, County Tipperary, as amended by the further public notices received by the planning authority on the 18th day of May, 2023.

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 nature and extent of the proposed development, the brownfield nature and established use of the site for quarrying and associated manufacturing activities, the planning history of the site, the proximity of the national primary road network, and the existing rural character and pattern of development in the vicinity, and to the provisions of the Tipperary County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of roads and traffic safety and there would be no significant effect on the environment. 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 further plans and particulars received by the planning authority on the 16th and 18th days of May 2023, 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 mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The mitigation measures contained in the submitted Environmental Assessment Report (EAR), shall be implemented.

Reason: To protect the environment.

4. The development shall operate only between 0700 hours and 1800 hours Monday to Friday and 0700 hours to 1400 hours on Saturdays. No activity shall take place outside of these hours or on Sundays or Public Holidays. The working of exceptional hours outside of these stated times shall only take place with the prior written agreement of the planning authority.

Reason: In order to protect the residential amenities of property in the vicinity and to allow for additional working hours in exceptional circumstances as determined by the planning authority.

5. During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed:
- (a) A rating of L_{Ar}, 1 hour value of 55 dB(A) during the period 0800 hours to 1800 hours Monday to Friday (inclusive) and 0800 to 1400 hours on Saturdays.
 - (b) An L_{Ar}, 15 minutes value of 45 dB(A) at any other time.

Nighttime emissions shall have no tonal or impulsive component.

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

6. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement, proposals for the quarterly monitoring of noise levels at nearby existing sensitive receptors. The results shall be submitted to the planning authority on a quarterly basis within one month of the end of the quarter being reported upon. On the basis of the results submitted over time, the planning authority may review the frequency of the monitoring and whether to engage a third party to carry out environmental monitoring on its behalf. Any recommendations arising from such monitoring shall be fully implemented and made available for public inspection at the offices of the planning authority and the costs of the monitoring shall be at the expense of the developer.

Reason: In the interests of environmental protection and public health.

7. The proposed development shall be constructed and operated in a manner that ensures water quality in the surface water drain adjacent to the site is not adversely affected, therefore the following shall be adhered to:
- (a) Existing berm on the bank of the surface water drain shall be extended to full length of the proposed site before construction commences.
 - (b) ACO drains shall be maintained in accordance with the Maintenance Method Statement provided by its suppliers.
 - (c) ACO drains and berm extension shall be maintained in such a manner that they are visible and open to inspection by the planning authority.

Reason: In the interest of the protection of water quality.

8. (a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.
- (b) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the site, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

Reason: In the interests of public health and residential amenity

9. All overground tanks containing liquids (other than water) shall be contained in a waterproof bunded areas, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including stormwater, shall be discharged via a grit trap and three-way oil interceptor with sump to a watercourse. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the written requirements of the planning authority.

Reason: In order to protect ground water.

10. The stack shall be painted grey in colour.

Reason: In the interest of visual amenity.

11. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interests of environmental protection of residential amenities, public health and safety and environmental protection.

12. 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 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 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.



Tom Rabbette

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

Dated this 15th day of Jan. 2025.