

An
Bord
Pleanála

Board Order
ABP-320209-24

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2460337

Appeal by Kate Hogan of Knockballynoe, Kilfeacle, County Tipperary against the decision made on the 25th day of June 2024 by Tipperary County Council to grant, subject to conditions, a permission to Kilsaran Concrete Unlimited Company care of Jim O'Callaghan of Unit 15 Melbourne Business Park, Model Farm Road, Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: (1) the provision of a 2,416 square metre defined recycling area in the pit floor; (2) the processing of up to 19,500 tonnes of waste concrete annually using a mobile crushing and screening plant; (3) stockpiling of waste concrete prior to processing and (4) stockpiling of recycled aggregates prior to transport off-site for use in construction works, all at Deerpark, Kilfeacle, 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.

Reasons and Considerations

Having regard to the location of the proposed development within an existing and permitted quarry, the planning history associated with the site, the relevant provisions in the current development plan for the area and the Environmental Protection Agency's 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (2021) and the National End-of-Waste Decision EoW-N001/2023 of 12th September 2023 establishing criteria determining when recycled aggregate ceases to be waste under Regulation 28 of the European Union (Waste Directive) Regulations 2011-2020, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would be acceptable in terms of traffic safety and convenience given no material change to traffic volume, would not have an adverse impact on the environment and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report and other documentation submitted with the application to Tipperary County Council, the Planning Inspector's report, and submissions on file received at application and appeal stage. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites.

Environmental Impact Assessment (EIA):

The Board completed an Environmental Impact Screening assessment of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning and Development Regulations, 2001 (as amended), and identifies and describes adequately the effects of the proposed development on the environment, having regard to:

- (a) the criteria set out in Schedule 7, in particular
 - (i) the limited nature and scale of the proposed development, in an established quarry,
 - (ii) the absence of any significant environmental sensitivity in the vicinity, and
 - (iii) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

- (b) the results of other relevant assessments of the effects on the environment submitted by the applicant
- (c) the planning history of the site.

The Board, therefore, considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the additional information and particulars received by the planning authority on the 3rd day of May 2024, 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. This grant of permission shall be for a period of five (5) years from the date of this order. All development associated with this permission shall cease unless prior to that date a further permission for continuing of the related activities has been granted by the planning authority or by An Bord Pleanála.

Reason: To allow for further monitoring of the impact arising from the development.

3. This permission is for a maximum intake of 19,500 tonnes of inert waste concrete, only per annum. Details of each consignment of waste, shall be kept as records, which shall identify the following:

- (a) Waste origin, source and area in which it was produced/generated.
- (b) Weight of each consignment.
- (c) Composition and nature of waste.

The developer shall submit to the planning authority, on a quarterly basis, records of all waste delivered to the site.

Reason: In the interest of development control and to ensure a record is kept of the delivery / acceptance of the waste, in the interest of proper planning and sustainable development of the area.

4. All operations and stockpiling of inert waste and recycled aggregates shall be confined to within the site boundaries only. There shall be no stockpiling of materials associated with the process carried out elsewhere within the quarry footprint.

Reason: In the interest of clarity and to ensure compliance with the submitted documentation.

5. The operating hours of the hereby permitted waste transfer facility shall be from 0800 to 1830 hours Monday to Friday and 0830 to 1400 hours on Saturdays. No operations shall take place outside these times.

Reason: In the interest of protecting adjoining residential amenities.

6. (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 crushing. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results. Dust suppression measures shall be as per details proposed and the measures shall be in place and operational prior to commencement of crushing.
- (b) The planning authority shall be notified of any instances where dust levels exceed the above limit together with details of remedial measures that have been taken (short term immediate action) along with proposed measures to prevent such exceedance, going forward into the future.

Reason: To control dust emissions arising from the development, in the interest of the amenity of the area.

7. On an annual basis, for the lifetime of the development, the developer shall submit to the planning authority an environmental audit of the preceding 12 months. Independent and appropriately qualified environmental auditors shall carry out this audit and the report shall contain:-
- (a) A written record of the quantity of material entering leaving the site associated with this development.
- (b) A full record of monitoring for the previous year of noise, dust and air quality.

- (c) A written record of any complaints, including actions taken on each complaint.

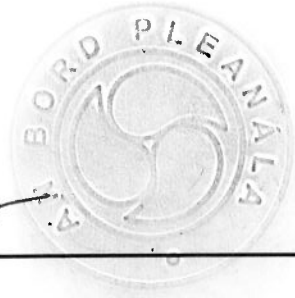
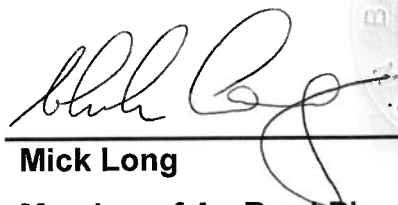
Reason: In the interest of environmental amenity.

- 8. (a) During the operation phase of the development, the developer shall ensure that material from the site is not spread or deposited on the public roadway and shall maintain the roadway in a clean, tidy and safe condition. In addition, appropriate advance warning signs shall be erected, in accordance with proposals, which shall have the prior written consent of the planning authority.
- (b) Vehicles and machinery associated with the operating of the development shall use the wheel washer facilities prior to entering the public road.

Reason: To prevent any traffic hazard or nuisance from such material.

- 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 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 upon 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.



Mick Long

Member of An Bord Pleanála

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

Dated this 12th day of May 2025.