



An  
Coimisiún  
Pleanála

Commission Order  
ABP-322465-25

---

**Planning and Development Act 2000, as amended**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 24/60829**

**Appeal** by Catherine Fogarty of 6 Boston Villas, Mitchell Street, Tipperary Town, County Tipperary against the decision made on the 9<sup>th</sup> day of April, 2025 by Tipperary County Council to grant subject to conditions a permission to McDonald's Restaurants of Ireland Limited care of Downey Chartered Town Planners of 29 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Single storey drive-thru restaurant, including the ancillary sale of hot food for consumption off the premises with an associated corral area, elevational signage, modifications to existing vehicular access off the Thurles Relief Road, car parking, including accessible parking spaces, grill bays, EV charging spaces, bicycle parking, a height restrictor, customer order points with associated canopies, totem signage, free-standing signage, banner frames and digital menu boards, ESB substation and kiosk, landscaping, including outdoor furniture/seating area with parasols, boundary treatments, lighting, and all associated site and engineering works necessary to facilitate the development, all on land at Slievenamon Road and Thurles Relief Road, Thurles, 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**

The Commission made its decision consistent with:

- the Climate Action and Low Carbon Development Act 2015, as amended, and
- the Climate Action Plan 2024 and Climate Action Plan 2025.

Having regard to the Key Town status of Thurles within the Regional Spatial and Economic Strategy for the Southern Region 2020-2032, the mixed use zoning objective for the site in the Thurles and Environs Local Area Plan, and the location and proximity of the site to the Thurles shopping centre to the north, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of flood risk, traffic and pedestrian safety and visual amenity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

P.C.

### **Appropriate Assessment: Stage 1:**

The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Lower River Suir Special Area of Conservation (Site Code: 002137) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

### **Appropriate Assessment: Stage 2:**

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the Lower River Suir Special Area of Conservation (Site Code: 002137) in view of the site's Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Site,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Site.

In overall conclusion, the Commission was satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

## Conditions

1. The proposed 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 18<sup>th</sup> day of February, 2025 and the further plans and particulars received by An Coimisiún Pleanála on the 29<sup>th</sup> day of May, 2025, 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 proposed 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 in full.

**Reason:** To protect the integrity of European Sites.

3. The opening hours of the proposed development shall be confined to between 0600 to 2200 hours, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential amenity.

4. (a) The proposed lighting shall comply with the Guidance Note GN08/23 Bats and Artificial Lighting at Night, published by Bat Conservation Trust and the Institution of Lighting Professionals (2023). The lighting shall be directional and shall avoid areas of hedgerows and trees that could be used by commuting and foraging bats, and nesting birds.
- (b) All lighting shall be switched off at the site by 2200 hours and no lighting shall be left on overnight or lit during daylight hours when not required. Any security lighting shall be fitted with motion sensors and automatic timers to ensure that lighting is on for brief periods and does not disturb wildlife.
- (c) A bat monitoring survey shall be completed at the appropriate time of year by a suitably qualified ecologist following installation of the lighting on the site. If the lighting is found to be causing an impact to commuting or foraging bats, additional mitigation shall be put in place by the developer. The post monitoring report and mitigation measures shall be submitted to the planning authority for review and written agreement.
- (d) A post monitoring bat survey shall be conducted at the appropriate time of year to see whether the screening mitigation is effective, or if further screening is required. The post monitoring report and mitigation measures shall be submitted to the planning authority for review and written agreement.



- (e) In the event that the planning authority receives complaints from neighbouring properties about light spillage, the planning authority may request the carrying out of a survey by a suitably qualified person of light emanating from the lights permitted by this permission. In the event that it is found that the lighting is resulting in an unacceptable nuisance, the operator of the facility shall take such steps as are required to adequately address this issue.

**Reason:** To conserve bats and to comply with the European Communities (Birds and Natural Habitats Regulations 2011 (S. I. No. 477 of 2011) and the Wildlife Acts (1976-2021) and in the interest of residential amenity.

5. (a) Prior to commencement of development, details of the materials, colours and textures of all the external finishes and all signage and the boundary details along the north and west boundary of the site shall be submitted for the written agreement of the planning authority. No totem sign or banner signs shall be erected.
- (b) No additional signs, symbols, nameplates or advertisements shall be erected on the proposed site without the prior written approval of the planning authority whether or not such development would otherwise constitute exempted development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

6. During the operational phase of the proposed development the noise level shall not exceed:
- (a) 55 dB(A) rated sound level between the hours of 0700 to 2200, and
  - (b) 45 dB(A) 15min and 60 dB LAfmax 15min at all other times  
(corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location or at any point along the boundary of the site.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) A plan to scale of not less than 1:500 showing:
    - (i) An accurate tree, hedge and shrub survey of the lands to the south carried out by an arborist or landscape architect. The survey shall show the location of each tree, together with the species, height, girth, root and crown spread, and condition of each tree. Measures to protect those trees to be retained shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (ii) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following the submission of a qualified arborist's report, shall be replaced with agreed specimens.
- (iii) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed, unless otherwise agreed in writing with the planning authority.
- (iv) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.
- (v) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.

P. C.



- (vi) Details of screen planting which shall not include cupressocyparis x leylandii.
  - (vii) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (b) A timescale for implementation including details of phasing.
- (c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity and to protect any trees and planting during the construction period.

8. All plant, including any generator units, shall be sited in a manner so as not to cause nuisance at sensitive locations due to noise or odour. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

**Reason:** To protect the amenities of property in the vicinity.

9. No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

10. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interest of sustainable drainage.

11. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

12. The proposed parking spaces for cars shall be clearly delineated on the ground reserved solely for the parking of vehicles and shall not be used for the storage of materials, goods or other waste associated with the proposed development. Circulation routes for traffic and pedestrians shall be clearly demarcated on the ground and shall be kept clear at all times.

**Reason:** In the interest of orderly development and of the visual amenities of the area.

13. The proposed development shall include all necessary junction signs, stop sign and road markings and barriers within and at the entrance to the site, details of which shall be agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development and traffic safety.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of visual and residential amenity.

15. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall include, but not be limited to, proposed access arrangements for construction vehicles, swept path analysis for such vehicles, hours of working, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

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

16. Prior to commencement of development, the developer, or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including a demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

18. The developer shall pay to the planning authority a financial contribution in respect of 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 Coimisiún 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.

*Patricia Calleary*

**Patricia Calleary**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate**

**the seal of the Commission.**

**Dated this 26 day of August 2025.**