



An
Coimisiún
Pleanála

Commission Order

ACP-323016-25

Planning and Development Act 2000, as amended

Planning Authority: Tipperary County Council

Planning Register Reference Number: 25/60064

Appeal by Thomas Duggan of Coologue, Toomevara, Nenagh, County Tipperary against the decision made on the 17th day of June, 2025 by Tipperary County Council to grant subject to conditions a permission to Seamus Ryan Sand and Gravel Limited care of Adamson McGerr Architects of 9 Church Street, Athlone, County Westmeath in accordance with plans and particulars lodged with the said Council.

Proposed Development: Ready-mix concrete plant (comprising a feed ramp, one number feed bin, one number feed conveyor, five number aggregate storage bins, a batch conveyor, a mixer house and two number cement silos) with associated hard and soft landscaping and all other associated site excavation, infrastructural and site development works above and below ground. The proposed development will operate from 0700 hours to 1830 hours Monday to Friday, inclusive, and from 0800 hours to 1600 hours on Saturdays, inclusive (no operations on Sundays, bank and public holidays). Permission is also being sought for occasional out-of-hours operations up to a maximum of 40 number occasions per year (excluding Sunday, bank and public holidays) outside of normal operating hours. There are no changes to

the proposed permitted pit operating hours. The site comprises part of the existing approved and operational sand and gravel quarry (planning register reference number 21/24, An Coimisiún Pleanála reference number ABP-312864-22), all at Ballybeg, Toomevara, County Tipperary, as revised by the further public notices received by the planning authority on the 22nd day of May, 2025.

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, scale and location of the proposed development within an existing operating quarry, the planning history on site, the mitigation and monitoring commitments applicable to the quarry, and the National Planning Framework's (April 2025) encouragement for clustering and co-location of uses as a way to increase the efficiency of land use in land intensive industries such as this existing quarry, it is considered that, subject to compliance with the conditions set out below, the proposed development would not negatively impact on the hydrogeology of the area, the air quality or result in a significant increase in traffic in the area such that would be detrimental to the established residential amenities of the area with respect to noise and public safety, and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 18th day of April, 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 ready-mix concrete plant development authorised by this grant of planning permission shall cease operations in line with the wider quarry development on site, as authorised under An Coimisiún Pleanála reference number ABP-312864-22 (planning register reference number 21/24). All operations shall cease, and site restoration shall be fully completed in line with a revised restoration plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, unless prior to that date a further permission has been granted.

Reason: To ensure effective planning control for the development and to ensure the appropriate restoration of the site.

3. Prior to commencement of development, a revised and updated compendium of mitigation, monitoring and maintenance measures, including those contained in the Noise Assessment Report, shall be submitted in the form of an Environmental Management System (EMS) and agreed in writing with the planning authority. The EMS, in addition to the mitigation, monitoring and maintenance measures, shall include the following:
 - (a) The developer shall monitor and record groundwater, noise, ground vibration and dust deposition levels at monitoring and recording stations, the location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) The developer shall submit to the planning authority quarterly reports with full records of dust monitoring, noise monitoring and groundwater monitoring. Details of such information shall be agreed in writing with the planning authority. Notwithstanding this requirement, all incidents where levels of noise or dust exceed specified levels shall be notified to the planning authority within two working days. Incidents of groundwater pollution or incidents that may result in groundwater pollution shall be notified to the planning authority without delay.
 - (c) Following submission of the audit, or of such reports or where such incidents occur, the development shall comply with any requirements that the planning authority may impose in writing in order to ensure compliance with the conditions of this permission.

Reason: To protect the residential amenities of the area and the environment.

4. The proposed development shall remain integral to the existing quarry business on site and shall not be let or sold separate to it.

Reason: To ensure effective planning control of the development.

5. The ready-mix concrete plant development authorised by this grant of planning permission shall only operate between 0700 and 1830 hours Mondays to Fridays, inclusive, and between 0800 and 1600 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

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

6. (a) The noise levels generated during the operation of the proposed concrete batching plant shall not exceed 55 dB(A) Leq,1 hour when measured at the nearest sensitive receptor during permitted operating hours and shall not exceed 45 dB (A) leq 15 mins at any other time. When measuring the specific noise, the time shall be any one-hour period during which the sound emission from the quarry and the proposed batching plant are both at their maximum level.
(b) An annual noise survey shall be conducted during normal operation of the quarry and batching plant and the results of same shall be submitted to the planning authority for their records. An assessment of tonal and impulsive noise shall also be carried out during the survey.

Reason: To ensure effective planning control of the development and in order to protect the residential amenities of property in the vicinity.

7. The total dust emission arising from the development shall not exceed 350 milligrams per metre squared 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. 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 location, commencement date, the frequency of monitoring results and details of all dust suppression measures.

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

8. The developer shall implement measures to reduce environmental risks associated with re-fuelling, greasing, and other activities within the site. Such measures may include, but are not restricted to, the use of spillage mats and catch trays. Such measures shall be subject to the written agreement of the planning authority prior to commencement of works.

Reason: To prevent water pollution.

9. All over ground tanks containing liquids (other than water) shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110% 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: To prevent water pollution.

10. 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 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.


Declan Moore

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 12th day of JANUARY 2026.