

An
Coimisiún
Pleanála

Commission Order
PL-500059-TY

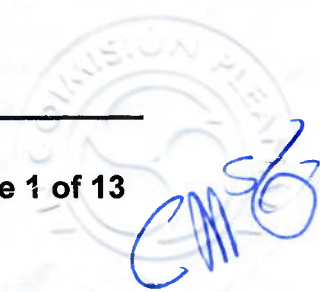
Planning and Development Act 2000, as amended

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2560005

Appeal by Michael Duffy against the decision made on the 17th day of September 2025, by Tipperary County Council to grant, subject to conditions, a permission to Apex Aviation Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of five detached commercial buildings as follows: One number aircraft engine maintenance building with associated office space, one number aircraft engine storage facility with associated office space, three number detached warehouse buildings, detached ESB substation, detached security hut, associated car and bicycle parking, internal road network together with connection to the existing business park roadway, site fencing and boundary treatment, connection to foul and storm sewers, connection to watermain and necessary services together with all associated incidental and site works at Lisboney Business Park, Nenagh, County Tipperary. The proposed development was revised by the further public notices received by the planning authority on the 27th day of July 2025, which included the submission of a Natura Impact Statement.



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 land use zoning of the subject site, the provisions of the Nenagh and Environs Local Area Plan 2024-2030, the provisions of the Tipperary County Development Plan 2022-2028, the design, scale and layout of the proposed development, and the pattern of the existing development in the surrounding area, it is considered that subject to compliance with the conditions set out below, the proposed development would provide for an appropriate form of development at this zoned employment location, would be acceptable in terms of pedestrian and traffic safety, would not adversely affect any Natura sites, would be acceptable in terms of visual impact and design, and would be acceptable in terms of water supply and surface water. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that Lough Derg (Shannon) Special Protection Area (Site Code: 004058) and the Lower River Shannon Special Area of Conservation

(Site Code: 002165) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites 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 Lough Derg (Shannon) Special Protection Area (Site Code: 004058) and the Lower River Shannon Special Area of Conservation (Site Code: 002165) in view of these sites 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 sites' 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 Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) 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 Sites. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the



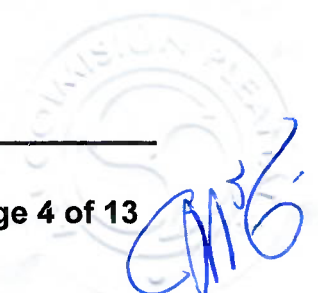
integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment Screening

The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and the Commission does not consider that any characteristics or locational aspects (Schedule 7) apply. The subject application was accompanied by a Schedule 7A Screening Assessment. The Commission noted and agreed with the recommendation of the Inspector including the Screening Determination and concluded that by reason of the nature, scale and location of the project, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Water Framework Directive Screening

On the basis of objective information, it is concluded that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.



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 3rd day of January 2025, and the 27th day of July 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 development shall be carried out and completed in accordance with the agreed particulars.

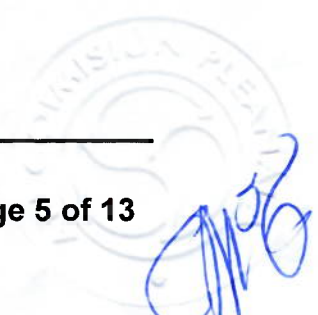
Reason: In the interest of clarity.

2. Mitigation measures outlined in the Natura Impact Statement received by the planning authority on the 27th day of July 2025, shall be carried out in full.

Reason: In the interest of protecting the environment.

3. Mitigation measures as set out in the Ecological Impact Assessment Report received by the planning authority on the 3rd day of January 2025, and updated report on the 27th day of July,2025, shall be carried out in full.

Reason: In the interest of protecting the environment.



4. (a) Buildings 1 and 2 shall be restricted to the use of a “light industrial building” only as defined by Article 5 (1) of Part 2 of the Planning and Development Regulations 2001, as amended. Building 3-5 shall be used for the warehousing as set out in the application documentation.
- (b) Details of the end users for all buildings shall be submitted for the written agreement of the planning authority prior to the units being occupied.

Reason: To clarify the terms of the permission and in the interest of proper planning and sustainable development.

5. (a) Prior to development commencing revised proposals for a surface water collection system incorporating nature based sustainable drainage measures with supporting calculations shall be submitted for the written agreement of the planning authority. The details agreed under this condition shall be implemented as part of the development.
- (b) All surface water discharge from the car parking areas and paved area shall be discharged through a Class 1 full retention petrol interceptor to reduce hydrocarbon levels prior to discharge to the public surface water network.
- (c) Surface water run-off shall not be allowed to discharge onto the public road or to adjoining properties.
- (d) The surface water swale shall be adequately fenced/ secured to ensure water safety risks are mitigated. Details in this regard shall be submitted for the written agreement of the planning authority



prior to development commencing. The details agreed under this condition shall be implemented as part of the development.

Reason: To avoid interference with other properties and to prevent damage to the public road with consequent traffic hazard.

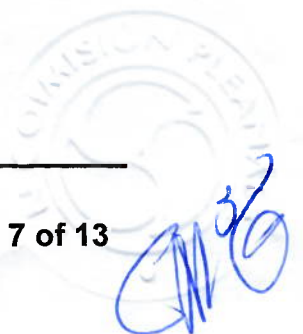
6. The developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann prior to the commencement of this development.

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

7. (a) The site shall be landscaped and planted during the first planting season following the commencement of development in accordance with the landscaping proposals submitted.
- (b) A site layout plan, to a scale of not less than 1:500, that delineates all proposed boundary treatments both within and bounding the site in colour shall be submitted for the written agreement of the planning authority prior to commencement of development indicating the following:

Detailed proposals for new boundary treatments for the entire site
Proposals to retain existing boundary treatments. This shall be accompanied by a complete set of plans, sections and elevations to a scale of not less than 1:50, which delineates the corresponding boundary treatment.

Reason: In the interest of visual amenity.



8. (a) Details of proposed lighting types for the site and buildings, fitting detail and mounting details and height shall be submitted for the written agreement of the planning authority prior to development commencing. Lighting types and design shall be bat friendly.
- (b) Any site lighting shall be directed inwards towards the proposed development site. Direction and intensity shall be adjusted as required by the planning authority. The developer shall provide directional hoods or other cut-off devices to ensure that the lights do not shine onto adjoining property, nor shine so as to provide a hazard to users of the roads.
- (c) In the event that the planning authority receives complaints from neighbouring properties about light spillage, the planning authority may request the carrying out 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: In the interest of traffic safety and in the interest of proper planning and visual amenity.

9. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

10. Complete details of the materials, colours and textures of all external finishes to the proposed buildings and structures within the site shall be submitted for written agreement of the planning authority prior to commencement of development. This shall include samples of the proposed external finishes or a manufacturers catalogue indicating same.

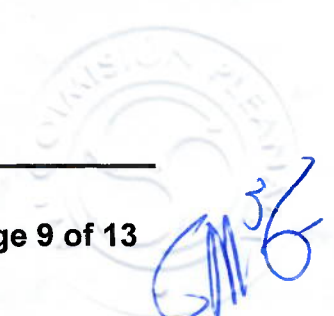
Reason: In the interests of orderly development and the visual amenities of the area.

11. All service cables associated with the proposed development (such as electrical, television and telephone cables) shall be run in underground ducts.

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

12. The proposed parking spaces shall be clearly delineated in thermoplastic markings on the ground prior to occupation and reserved solely for the parking of vehicles and shall not be used for the storage of materials, goods or other matter associated with the proposed development. Circulation aisles shall be kept clear at all times.

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



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

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

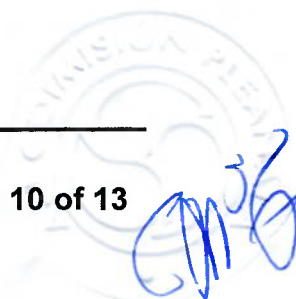
14. Certified "As-Constructed" drawings (scale: 1/500) showing the "constructed" development including, but not limited to, the actual location of services, cables, ancillary equipment, watermains, manhole positions and sewer lines shall be lodged with the planning authority within six months of the completion of the development but no later than the expiry of this permission.

Reason: In the interest of orderly development.

15. Free field noise levels attributable to the activity (when assessed at all noise sensitive locations) shall not exceed the following limits:

- Daytime dB LAr T 0700 – 1900 hours (30 minutes) – 55
- Evening dB LAr T 1900 – 2300 hours (30 minutes) – 50
- Night-time dB LAeq T 2300-0700 hours (30 minutes) – 45

A penalty of 5 dB for tonal and/or impulsive elements should be applied to the day-time and evening measured LAeq to determine the appropriate rating level. During the nighttime period no tonal or impulsive noise from the facility should be clearly audible or measurable at any Noise Sensitive Location.

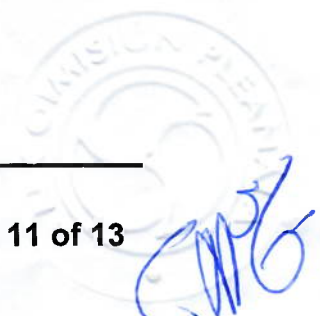


Reason: In the interests of proper development and to prevent noise nuisance.

16. A plan containing details for management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.

17. Prior to development commencing on the site, a Construction Management Plan for the proposed development shall be submitted for the written agreement of the planning authority. Same shall include:
- (a) Measures to manage and dispose of Construction and Demolition Wastes arising from the development;
 - (b) Contact details of a Community Liaison Person to be appointed during construction works to deal with complaints associated with the development works;
 - (c) Dust control strategy; and;
 - (d) Noise control measures.

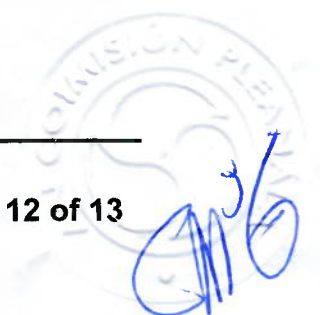


Reason: In the interest of orderly development.

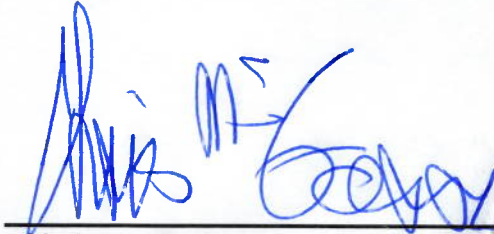
18. (a) The site shall be surveyed for bat roosting, prior to any site clearance works, in accordance with the mitigation measures contained in the Ecological Impact Assessment Report (Issue 2).
- (b) Bird and bat boxes shall be erected on the site in accordance with the Ecological Impact Assessment Report (Issue 2).

Reason: To protect the natural heritage of the area.

19. 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.

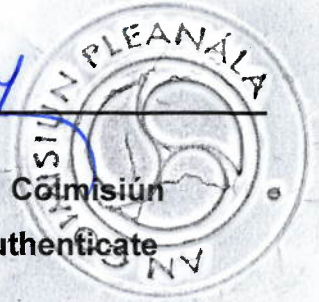


Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Chris McGarry

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



Dated this

2nd day of *June*

2026