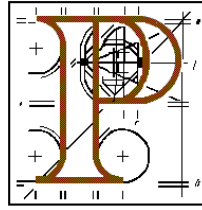


## An Bord Pleanála



## Inspector's Report

**Development:** Permission for the establishment and operation of a construction and demolition waste recovery facility which provides for the importation processing and recovery of construction and demolition waste (principally mixed concrete, bricks, blacktop, tiles and ceramics) on a 1 hectare site within the existing quarry landholding. IT includes provision for a hardstanding area for stockpiling and processing of waste materials and a waste inspection / quarantine shed.

Location: Killough Hill, Gaile, Holycross, Co Tipperary.

### Planning Application:

Planning Authority:	Tipperary County Council
Planning Authority Reg. Ref.:	14/600501
Applicant:	Roadstone Ltd.
Type of Application:	Permission
Planning Authority Decision:	Grant Permission subject to conditions.

### Planning Appeal:

Appellants:	(1) Anthony & Nicola Murphy
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Type of Appeals:	3 <sup>rd</sup> Party v Permission
Observers:	None
Date of inspection:	22 <sup>nd</sup> April 2016
Inspector:	Bríd Maxwell

## **1.0 SITE LOCATION AND DESCRIPTION**

### **1.0 THE SITE**

- 1.1 The appeal site is located within a rural area approximately 4km south east of Holycross Village, 6.5km south of Thurles, 4km west of Horse and Jockey Village and approximately 2.5km west of the Dublin to Cork Motorway M8. The appeal site has a stated area of 1 hectare is triangular in shape and is on the lower slopes of Killough Hill within the site of a large quarry used for the processing and storage of aggregate and concrete / asphalt production. The appeal site is at the southwestern end of the quarry pit and to the north of the quarry office.
- 1.2 The existing quarry encompasses a large part of Killough Hill formed by a limestone escarpment which rises up to a height of 232m and which creates a prominent landscape feature lying in an otherwise flat gently undulating plain predominantly under mixed agricultural use with a number of one off rural dwellings. The north slope of the hill is steep whilst the southern side is a gently slope. The main extraction void of the quarry at Killough Hill covers approximately the southern three quarters of the hill. The height levels along the eastern boundary of the extraction void range from just over 200m AOD in the north to just under 180m AOD in the south. Along the western boundary of the void, levels range from 195 AOD in the north to 182m AOD in the south. At the lowest point, the extractions have taken place to a level of 164m AOD. Reduced levels in the vicinity of the proposed C&D recovery facility are in the region of 140m AOD.
- 1.3 The area of the appeal site is surrounded by established manufacturing and ancillary activities at the quarry. The

existing quarry operations comprise extraction of limestone using blasting techniques, processing (crushing and screening) of the fragmented rock to produce lime and aggregates for concrete production (readimix and blocks) asphalt production, road construction and site development works generally.

- 1.4 The site is accessed from the L1309 local road which runs south of the existing quarry on a broadly east-west alignment. A junction between the L1309 and the R639 Regional Road located to the east of the quarry provides access to the M8 motorway and the wider national road network.
- 1.5 The quarry area is surrounded by agricultural lands (improved grassland and tillage) and a number of one off houses. There are four residential properties within 500m of the appeal site and 13 residences within 500m of the quarry property boundary. The appeal site lies adjacent to (within 50m) of the boundaries of Killough Hill a pNHA [site code 00959].<sup>1</sup> The Lower River Suir SAC [Site code 002137] lies 3.2km north at its closest point. The Cabragh Wetlands pNHA [site code 001934] is located circa 3.2km to the north of the site.<sup>2</sup>

## 2.0 PROPOSED DEVELOPMENT

- 2.1 The application as set out in public notices seeks permission for the establishment and operation of a construction and demolition waste recovery facility which provides for the importation, processing and recovery of construction and

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<sup>1</sup> Site synopsis for Killough Hill pNHA dated November 2009 states : *"The woodland of Killough Hill is of relatively recent origin but is developing well with a very good ground flora. It also houses a bird population and varied mammals. The open area of pavement and limestone grassland are perhaps more important since they are a rare feature in the country."* Killough hill is significant as one of the four exposures of limestone pavement in the country isolated from the main region, the Burren in Counties Clare / Galway.

<sup>2</sup> Cabragh Wetlands pNHA is an extensive area of marshland and peaty fen that is important to a number of wetland species of flora and birds.

demolition waste (principally mixed concrete, bricks, blacktop, tiles and ceramics) on a 1 hectare site within the existing quarry landholding. It includes provision for a hardstanding area for stockpiling and processing of waste material and a waste inspection / quarantine shed.

- 2.2 Application outlines the proposal for recovery a number of specific construction and demolition wastes. Pre-sorted materials will be transported to the facility by HVC trucks from construction sites across Counties Tipperary, Kilkenny and South Laois. Some waste materials will also be sourced from the adjoining concrete and blacktop facilities. In general imported construction and demolition waste will be added to stockpiles of unprocessed waste to await processing and crushing at a later date. Once processed, the recovered C&D will be stockpiled again pending the eventual sale and dispatch to development sites across the region. Of the construction and demolition waste streams, only concrete, blocks, bricks, blacktops, tiles, ceramics and mixtures thereof identified as Class 17 01 01, 18 01 02, 17 01 03, 17 01 07 (excluding 17 01 06) 17 03 02 and 17 09 054 of the European Waste Catalogue will be accepted for recovery at the proposed facility. Road planings and returns of bituminous products conforming to Class 17 03 02 of the European Waste Catalogue will be stockpiled separately to other construction and demolition waste streams. It is envisaged that these materials will ultimately be managed separately as by products and will be re-used in asphalt production at the adjoining blacktop plant. All materials managed as by products will be notified to the EPA in accordance with the requirements of Article 27 of the European communities (Waste Directive) Regulations of 2011 (SI 126 of 2011) . The total quantity of materials to be recovered is expected to be up to a maximum

of 24,500 tonnes per annum. Of this approximately 5,000 tonnes is likely to originate from the applicant's adjoining concrete production facilities. It is expected that up to 24,500 tonnes of recovered secondary aggregate will be exported off site annually.

2.3 In response to the request for additional information it was outlined that the anticipated breakdown of imports is as follows:

17-01-01 Concrete	Approx 40% intake (max 10,000 tonnes / annum)
17-01-02 Bricks	Approx 3% intake (max 750 tonnes / annum)
17-01-03 Tiles & Ceramics	Approx 2% intake (max 500 tonnes / annum)
17-01-07 Mixture of concrete bricks tiles & ceramics	Approx 40% intake (max 10,000 tonnes / annum)
17-03-02 Bituminous mixtures	Approx 15% intake (max 3,750 tonnes / annum)

2.4 No sorting of waste materials other than separation of reinforcement from concrete will be undertaken on site, as all imported waste is required to be sorted and segregated at source, before being brought to the waste recovery facility. Any imported waste which, it is suspected may not comply with waste acceptance criteria for the waste recovery facility will be transferred to a covered structure constructed over a sealed concrete slab to serve as dedicated waste inspection and quarantine facility. The development classified as Class R5 recovery activity according to the Fourth Schedule of the Waste Management Acts 1966-2013 (as amended) (recycling and reclamation of other inorganic materials) shall be subject to a waste permit. The class of Activity, as specified in Part I

of the Third Schedule of the Waste Management (Facility Permit and Registration) Regulations 2007 (as amended) is **Class 7** Recovery of inert waste arising from construction and demolition activity including concrete, bricks, tiles or other such material, at a facility (excluding and improvement or development) where the annual intake shall not exceed 50,000 tonnes and the maximum quantity of residual waste consigned from the facility for disposal or collection, onward transport and submission to disposal from an authorised facility does not exceed 15% of the annual intake.

- 2.5 Little or no site development works will be required for the proposed recovery facility as much of the area proposed for construction and demolition waste recovery activity at the quarry has already been levelled off. Working hours will be those applying to established quarry operations generally 06:00 to 23:00 on working days Monday to Saturday. The existing facilities present at the quarry site ie site offices and welfare facilities weighbridge car parking fuel storage facilities will be used in the operation of the C & D waste recovery facility.
- 2.6 As regards site restoration it is envisaged that the C& D waste recovery facility will remain in place at least as long as operations continue at the adjoining limestone quarry facility. Restoration proposals for the C&D recovery facility will be developed and implemented concurrently with restoration at the adjoining quarry facility where the site will be restored to wildlife habitat using natural subsoils and topsoils,

### **3.0 PLANNING POLICY CONTEXT**

#### **3.1 DEVELOPMENT PLAN**

3.1.1 The South Tipperary County Development Plan 2009 as varied is the statutory Development Plan. The site is located within Open Countryside without a specific zoning designation. A number of relevant policies include:

**Policy TI10:** Southern Region Waste Management Plan

*“It is the policy of the Council, to implement the policies outlined in the Southern Region Waste Management Plan 2015-2021 (or any amendment thereof) and to ensure that waste disposal facilities are in compliance with all appropriate waste management legislative requirements.”*

**Policy ED11. Minerals, Mining and Quarrying.** *It is the policy of the Council to have regard to the Quarries and Ancillary Activities Guidelines for Planning Authorities (DEHLG 2004) and to promote the extraction of minerals and aggregates, where such activities do not have a significant impact on the environment, landscape or residential amenities of the area. .*

**Policy ED9 Enterprise in the Open Countryside**

It is the policy of the Council to support and facilitate the provision and/or expansion of appropriate small scale rural enterprise in the open countryside within residential sites and in vacant or derelict buildings. Development proposals will be required to meet the following criteria:

- a) The development shall not have an adverse impact on the residential, environmental and rural amenity of the area;
- b) Any new structure shall be of a scale appropriate to the size of the site, and be sited and designed to ensure it does not detract from the rural setting and landscape character of the area
- c) The development shall comply with the development management standards set out in Chapter 10.



Where the enterprise or activity develops to a scale that is inappropriate by virtue of activity or size in its rural context, the Council will seek to encourage its relocation to a more suitable location on zoned land within towns and villages.

### **Policy ED 10: Non Conforming Uses**

It is the policy of the Council where commercial / industrial enterprises exist as non-conforming but long established uses, to support their continued operation and expansion provided such does not result in; loss of amenity to adjoining properties, adverse impact on the environment, visual detriment to the character of the area or creation of a traffic hazard.

- 3.2 The **Southern Region Waste Management Plan 2015-2021** notes that C& D waste arising has shown a major decline over recent years however recognises that as the construction sector begins to recover in the region it is imperative that appropriate processing facilities are in place to facilitate increased reuse recycling and recovery of this waste stream.

*At 11.2.2 It is noted that “Given the sharp decrease in the number of operational landfills nationally, which have been a significant outlet for C&D waste in the past, alternative recovery options will be required in future years. It needs to be considered whether the placement of inert waste at many types of infill sites used in the past is an appropriate land use strategy or use of a potentially recyclable material. Concrete, stone and other masonry type waste can be crushed and screened and used as a substitute for virgin quarried stone material in a variety of engineering applications, if the appropriate technical criteria have been met, eg road construction and access tracks for agricultural or forestry*

*holdings. Quarries also frequently require large quantities of soil material to fill voids and for other remediation and landscaping applications.”*

#### **4.0 PLANNING HISTORY**

From documentation available I note the following planning history on the site and landholding.

- **SU.23.0050(GEO ID 159)** Substitute consent granted 2<sup>nd</sup> March 2015 subject to 6 conditions pursuant to Section 261A of the Planning and Development Act 2000 as amended for the part of the quarry. The application area was 18.5ha located on the eastern part of the overall quarry area.
- **ENF 46/13** In 2013 enforcement action relating to non compliance with conditions of QY21 particularly with regard to conditions related to dust emissions and monitoring, landscaping and the submission of a restoration plan.
- **PL23.245990 (09/253)** Appeal in relation to the application of the terms of the South Tipperary County Council Development Contribution Scheme in respect of development comprising construction of a concrete batching plant and concrete block manufacturing plant including block storage yard, truck washout facility and associated works including settlement tanks / hydrocarbon interceptors for treatment / recycling of water on circa 6.9 hectares. The Board upheld the appeal and directed the Council to amend the appealed condition.
- **08/1194** Refusal of permission for concrete batching plant and concrete block manufacturing plant including a block storage yard, truck wash out facility and associated works including settlement tanks, hydrocarbon interceptors for treatment recycling of water on a c6.9 ha of land. Refusal reason was based on issues relating to dust and impact on air quality.

- **07/412** Ten Year Permission to Glenstone Quarries Ltd. to erect and operate semi-mobile asphalt macadam mixing plant and associated covered aggregate storage bays on c 6.6ha of land.
- **ENF 94/074** Enforcement action 2007/2008 regarding non compliance with conditions of QY21 regarding surface water discharge to public road.
- **06/978** 10 year permission for erection and operation of semi-mobile asphalt macadam mixing plant and wheel wash on 0.4ha of land. (PL219549 Appeal withdrawn)
- **QY 21** In 2007 a quarry area of 107.452 hectares and an extraction area of 81.03 was registered under Section 261. Arising from the registration process South Tipperary County Council imposed 32 operating conditions on the quarry.
- **3.153247** Permission granted 1994 for retention of asphalt plant.
- **P3.11360** Permission granted 1987 for asphalt plant and ancillary services.
- **P.3.10477** Permission granted 1986 for single storey offices and septic tank.

## **5.0 DELIBERATIONS AND DECISION OF THE PLANNING AUTHORITY**

### **5.1 Third Party Submissions including Prescribed Bodies.**

- Department of Arts Heritage and the Gaeltacht submission. With regard to decommissioning / site restoration it is the Department's view that a whole quarry closure plan, into which decommissioning of the proposed development will be integrated should be submitted for consideration to the Department.

- Anthony and Nicola Murphy, Killough outline concerns in relation to traffic, air pollution dust, noise pollution, environmental issues contamination. Devaluation of property. Second submission following further information submission including EIS maintains objection to the proposed development. Comments on specific issues in EIS Section 3 omits mention of Gaile NS and notes there are no noise or dust receptors on their property.

## **5.2 Internal Reports**

- Initial report of environment section notes previous refusal for concrete batching plant on grounds of dust impact. Whilst noting certain issues regarding impact on Killough Hill pNHA, past issues regarding compliance with permitted dust levels, notes that in general colocation of a C&D recovery operation within an active quarry has a number of positive environmental impacts provided the applicant can demonstrate that the impact on the receiving environment is appropriately mitigated. An ecological management plan for the pNHA should set out the ecological current status of the habitat and measures to protect the integrity of the site for the future. Proposals to mitigate dust should be addressed
- Planner's initial report with EIA screening and Habitats Directive Assessment Screening Report concludes that the proposal should be subject to sub threshold EIA.
- A request for information issued seeking an Environmental Impact Statement noting particularly issue of dust impact on Killough Hill pNHA, and dust impact on residential amenity. Baseline information and management proposals in respect of Killough Hill pNHA. Clarification of waste streams to be accepted at this facility and details of maximum quantities of wastes to be accepted.

- Following submission of additional information report of Environment Section recommends permission subject to conditions.
- Final Planner's report recommends permission subject to conditions.

### **5.3 Decision**

**5.3.1** Tipperary County Councils decided to grant permission subject to 11 conditions which included the following of particular note:

- Condition 2. Development in accordance with conditions of permission QY21 and substitute consent PL23.SU0050.
- Condition 3. Developer to revise and update Environmental Management System within 3 months to include Environmental Monitoring Programme. Scope and format to be agreed with the Planning Authority.
- Condition 4. Noise limits
- Condition 5. Dust limits.
- Condition 6. No waste to be brought on site save in accordance with a waste facility permit.
- Condition 7. No waste other than those type indicated. Dedicated waste inspection and quarantine facility.
- Condition 8. Developer to implement full mitigation measures outlined in EIS.
- Condition 9. Site restoration plan under substitute consent application PL23.SU0050 to be reviewed and updated to include development works and submitted for agreement.
- Condition 10. Development Contribution €18,305.
- Condition 11. Bond to secure the provision and satisfactory restoration of the site.

## **6.0 GROUNDS OF APPEAL**

### **6.1 Third Party Appeal**

6.1.1 The Third Party Appeal is submitted by Anthony and Nicola Murphy, Killough, Thurles whose dwellinghouse is located adjacent to the entrance to the quarry site. The grounds of appeal are summarised as follows:

- Appellant's dwelling is within 500m of the appeal site and concerns relate to impact on residential amenity as outlined in submissions to the Council particularly regarding traffic, air noise and dust.
- Concern regarding potential for hazardous materials.
- Pollution and contamination.
- Self-policing in terms of noise and dust monitoring is unacceptable.
- Devaluation of property is an ongoing concern.

## **7.0 APPEAL RESPONSES**

### **7.1 Planning Authority**

7.1.1 The Planning Authority response asserts that having regard to the grounds of appeal as well as the observations, submissions, reports and plans and particulars on file it is considered that the decision to grant permission was appropriate and in the interest of the proper planning and sustainable development of the area. The planning authority considered all observations. No new issues have been raised in the appeal. The Planning Authority is satisfied that the issues raised were fully considered and responded to in the planner's report. It is further considered that the development was permitted having regard to the issues raised and the assessment of the proposal against all applicable guidance

including the South Tipperary County Development Plan 2010-2016. Tipperary County Council respectively submit that An Bord Pleanála uphold the decision to grant permission.

## **7.2 First Party Response to Third Party Appeals.**

7.2.1 The submission by SLR Consulting Ireland Ltd on behalf of the First Party is summarised as follows:

- Reject the questioning of the credibility of environmental monitoring. The only environmental monitoring undertaken by in-house staff is of air quality (dust emissions). All other environmental monitoring (water quality and noise emissions) is undertaken by BHP Laboratories of Thomondgate in Limerick, an independent, externally accredited testing laboratory.
- Dust monitoring results reported by the company identify some dust emissions close to the working quarry faces (as opposed to the property boundary), in excess of the emission limited indicated in the quarry planning permission. The fact that the company is open and transparent with the local authority in identifying and reporting such emissions demonstrates the bona fides of the company and integrity with regard to environmental reporting obligations.
- The appellants have furnished no evidence to undermine the credibility of the environmental data furnished in support of the application.
- Concerns about the veracity of data are misplaced and unfounded.
- As regards property valuation there has been a working quarry at Killough since 1953 and many related developments at the site over the intervening 60+ years. 32 operating conditions

were imposed on continued operation of the quarry in April 2007.

- An Bord Pleanála issued substitute consent in March 2015 and concluded in its order that the quarry would not be likely to have had or have significant effects on the environment and is not contrary to the proper planning and sustainable development of the area.
- C&D waste recovery facility is complimentary to established site activities and facilitates greater reuse and recycling of construction materials, in line with national waste policy for the construction sector and the principles of sustainable development.
- In volume emissions and traffic impact terms the proposed incremental impact of the waste recycling facility is small relative to the level of established site activity at the adjoining quarry and smaller again relative to the activity levels which arose at the quarry previously during peak construction boom 2006/2007.
- EIS concludes that subject to the ongoing implementation of environmental mitigation measures, the proposed development will not give rise to (or require change in) existing noise and dust emission threshold limits and that it will have no adverse impact on water quality.
- As set out in para 13.86 of EIS the development will lead to on average 1 additional vehicle movement in each direction in and out of the quarry every hour, less than 5% of the average hourly traffic movements over the period 1996-2012 and less than 2% of the traffic movements at peak output in 2007. No significant adverse impact on road capacity or driver safety.
- No additional adverse significant impact on the surrounding natural or human environment and it is reasonable to conclude that it will have no adverse incremental impact on residential amenity or on any associated property valuation.



- Environmental management measures currently implemented on the site will be extended to the proposed recovery facility to ensure that dust emissions at sensitive receptors (residential properties) around the quarry property do not exceed existing limits.
- As regards noise impact at the appellant's property, even in the absence of environmental management measures the noise impact in a worst case scenario will be +1dB, significantly below the 3dB threshold for change perceptible to the human ear.
- As regards hazardous waste existing environmental management protocols will be extended to the waste recovery facility. Specific waste acceptance procedures will be put in place to ensure only inert wastes from known sources are imported to the facility.

## **8.0 ASSESSMENT**

8.0 From my review of the file, all relevant documents and inspection of the site and its environs, I consider that the main issues for consideration may be considered under the following broad headings:

- Principle of Development and Policy Considerations
- Impact on Residential and Rural Amenity
- Environmental Impact Assessment
- Appropriate Assessment

### **8.1 Principle of Development and Policy Considerations**

8.1.1 In consideration of the current proposal in the context of the policies and objectives of the South Tipperary County

Development Plan Development plan 2009 as varied, I note specifically Policy TI10: Southern Region Waste Management Plan. It is the policy of the Council, to implement the policies outlined in the Southern Region Waste Management Plan 2015-2021 (or any amendment thereof) and to ensure that waste disposal facilities are in compliance with all appropriate waste management legislative requirements.

8.1.2 The circumstances of the proposed development are unique having regard to the location of the subject site within a larger well established quarry operation with an array of buildings and plant and extensive infrastructure present. I would concur with the conclusions of the technical reports of the Council regarding the positive environmental impacts of co-location of a C&D recovery operation within an active quarry with established manufacturing operations. I accept the first parties assertion that the C&D recovery operation as set out within the submitted documentation is entirely complimentary to established on site activities. In the context of sustainable development the benefits of C&D recovery in terms of the reduction of consumption of virgin materials are well discussed in the waste policy context.

8.1.3 On the basis of my review of the policy context I consider that the principle of the proposed development is supported by planning and waste policy. I consider therefore that there is no objection in principle to the development as proposed subject to consideration of detailed matters.

## **8.2 Impact on Residential and Rural Amenity**

- 8.2.1 The Grounds of the Third Party Appeal relate primarily to impact on residential amenity in terms of traffic, dust, noise and other disturbance and nuisance. It is further asserted that the proposal will result in devaluation of the appellant's residential property. The first party further questions the legitimacy of self-monitoring in terms of emissions.
- 8.2.2 Section 13 of the EIS addresses traffic and transportation. It is outlined that the quarry is well located in terms of the strategic level road network with ready access to the R650 Regional Road and M8 Motorway via Junction 6 and 7. It is predicted that when fully operational the proposed waste recovery facility will potentially generate up to 5 additional lorry movements in and out of the site per day. In addition the facility will produce up to 24,500 tonnes of secondary aggregate per year, potentially generating an additional 5 HGV movements in and out of the site each day. It may be possible to reduce the number of traffic movements generated by the facility by encouraging backloading.
- 8.2.3 It is asserted that the local road network will operate well within capacity when the planned recovery facility is operational and there are unlikely to be any additional road safety concerns associated with the future operation of the facility. Junction visibility at the site access is fit for purpose with no existing issues. On this basis it is asserted that the existing quarry traffic and traffic associated with the proposed C&D waste recovery facility would have minimal impact in terms of traffic and transport. I consider that based on the details submitted the proposed development is acceptable from a traffic safety perspective and in the context of the established quarrying and manufacturing operations on the landholding, I consider that the additional traffic generated by the proposed development

is not significant in terms of its potential impact on residential amenity.

8.2.4 On the issue of visual impact as noted within the EIS the small size of the application site, location within an existing quarry, and having regard to the topography of the site and surrounding area as well as the existing screening vegetation and berms the landscape and visual impact of the proposed development is minimal.

8.2.5 Issues of Air Quality is addressed in Section 8 of the EIS. The potential impacts in terms of dust emissions of the development and cumulative its impact with the existing quarry are assessed. Dust emissions associated with the proposed waste recovery facility (without any mitigation measures in place) have been assessed to be insignificant at residential receptors within 500m of the dust generating activities. Killough Hill pNHA lands, due to proximity to the appeal site are classified as requiring mitigation measures to reduce potential dust impact. Overall subject to existing and proposed mitigation measures it is considered that the development will appropriately mitigate dust impact. Dust deposition monitoring will continue to operate at the site in accordance with the conditions of existing planning consents.

8.2.6 As regards noise, this is addressed in section 9 of the EIS. Assessment of predicted noise levels arising from plant and traffic demonstrate that noise levels are unlikely to be exceeded at nearby noise sensitive receptors and the cumulative noise impact is negligible.

8.2.7 Material Assets are addressed in Section 12 of the EIS. Impacts assessed relate to residential buildings, historical

monuments, amenity areas, surrounding land use, road infrastructure and local services.

8.2.8 Based on the submitted details in terms of its impacts on the amenities of the area I consider that subject to the implementation of good practice measures in the context of the overall operation on the larger landholding, the proposed development is appropriately mitigated and will not have a significant impact on residential and rural amenity. As regards allegations of devaluation of the appellant's property, I consider that having regard to the context of the proposed development site within the greater quarry site there is no evidence of any such devaluation effect. On the issue of self monitoring I consider that the matter of environmental reporting obligations is a matter beyond the remit of the appeal and relates to the wider quarry development. I further note that as outlined in the first party response to the appeal the appellants have not provided any evidence to undermine the credibility of reporting arrangements or environmental data provided in support of the application.

8.2.9 I note that as regards timeframe it is outlined that the recovery of imported construction and demolition wastes will continue at least as long as operations continue at the adjoining limestone quarry facility. Restoration proposals for the C&D recovery facility will be developed and implemented concurrently with restoration works at the adjoining quarry facility.

8.2.10 Having considered the nature of the development proposed and the site context, I consider that the development as outlined subject to mitigation measures as outlined within the application and supporting documentation will not have significant negative impacts on residential or rural amenity and

is otherwise in accordance with the proper planning and sustainable development of the area.

### **8.3 Environment Impact Assessment**

8.3.1 Category 11(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 provides that an EIS shall be prepared in respect of a planning application for the following development:

*“Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this schedule.”*

8.3.2 I note that the development relates to a waste recovery facility involving the importation crushing and recovery of up to 24,500 tonnes of construction and demolition waste per annum. On this basis I note that the proposed development would fall below the threshold therefore does not require a mandatory EIS.

8.3.3 Schedule 7 of the Planning and Development Regulations refers to the criteria for determining whether a development would or would not be likely to have significant effects on the environment as set out in Annex III of the Directive that is the characteristics of the proposed development, location of the proposed development and characteristics of potential impact. It is necessary for there to be a finding that there will not be any significant effects on the environment, having considered all of the above for a decision to be taken that sub threshold development does not require EIA.

8.3.4 The Planning Authority following EIA screening determined that the development should be subject to EIA on the basis of the potential for dust emissions, proximity to an environmentally sensitive site Killough Hill pNHA and potential for impact arising through dust deposition in itself and in combination with the quarry development. The Planning Authority also noted that the level of intake comes close to the relevant threshold and noted the concurrent application for substitute consent SU 0050. On this basis an Environmental Impact Statement was requested,

**8.3.5 Compliance with Requirements of Articles 94 & 111 of the Planning and Development Regulations 2001 (as amended)**

I consider that the submitted EIS in overall terms, is in compliance with Articles 94 and 111 of the Planning and Development Regulations, 2001, as amended. To this extent I would observe that-

The EIS contains the information specified in paragraph 1 of Schedule 6 of the Regulations. The EIS-

- Describes the proposal, including the site and the development's design and size;
- Describes the measures envisaged to avoid, reduce and, if possible, remedy significant adverse effects;
- Provides the data necessary to identify and assess the main effects the project is likely to have on the environment;
- The EIS contains the relevant information specified in paragraph 2 of Schedule 6 of the Regulations. This includes-
- A description of the physical characteristics of the project and its land use requirements;
- The main characteristics of the waste recovery process to be pursued;

- The emissions arising;
- A description of the aspects of the environment likely to be significantly affected by the proposal;
- A description of the likely significant effects on the environment resulting from the development's existence, the development's use of natural resources, the emission of pollutants and creation of nuisances, and
- a description of the forecasting methods used; and
- There is an adequate summary of the EIS in non-technical language.
- There is an indication of any difficulties (technical deficiencies or lack of know-how) encountered by the developer in compiling the required information.
- I note that the issue of alternatives is poorly explored.

8.3.6 The submitted EIS focuses on the significant direct and indirect effects arising from the proposed development. The main likely effects can be identified under the range of headings as follows:

**Human Beings**

- Employment and economic impact
- Dust and air quality
- Noise Vibration
- Landscape and Visual impact
- Traffic

**Ecology - Flora & Fauna**

- Effects on pNHA – Historical exposure of woodland habitat to dust
- Dust deposition Air Quality
- Disturbance from human activity noise and vibration
- Groundwater quality



### **Soils and Geology**

- Previous removal of soil and subsoil

### **Surface and Groundwater.**

- Sediment release
- Surface water runoff
- Water quality

### **Noise**

- Traffic and plant

### **Landscape and Visual Impact**

- Small scale, limited extent of visibility.

### **Cultural Heritage**

- No direct or indirect impacts on known items of cultural heritage

### **Air Quality and Climate,**

- Dust
- Climate Change.

### **Material Assets**

- Residential buildings
- Historical Monuments
- Tourism and amenity.
- Road Infrastructure.
- Impact on land use.
- Local Services.

### **Traffic and Transportation**

- Road Network
- Junction capacity

#### **8.3.7 Interactions of various aspects of the environment.**

Section 14 refers to individual sections of EIS for the interaction of the foregoing.

8.3.8 As noted above as regards **alternatives**, this issue is not explored in any great detail.

### **8.3.9 Assessment of the Likely Significant Effects Identified having Regard to the Mitigation Measures Proposed**

The level of detail provided enables assessment of the range of relevant likely significant effects with due regard given to the mitigation measures proposed to address the range of potential significant impacts arising from the proposed development.

### **8.3.10 Conclusions Regarding the Acceptability or Otherwise of the Likely Residual Effects Identified**

The conclusions regarding the acceptability of the likely main residual effects of this proposal are addressed. The principal areas of concern focus on dust deposition, noise and traffic emissions. Having regard to the location of the proposed activity within an active quarry, it is considered that the impact of the development is not significant in the context of baseline conditions.

It is considered that the direct and indirect effects of the proposed development on the environment have been identified and described and the potential impact of the proposed development can be adequately mitigated and is acceptable in terms of residual effects.

**8.3.11** I consider that the EIS is adequate and of an acceptable standard that the document is generally in compliance with the provisions of Article 94 and Schedule 6 of the Planning and Development Regulations 2001.

## **8.4 Appropriate Assessment.**

8.4.1 The application is accompanied by a Natura Impact Statement Stage 1 Screening Report dated December 2014 compiled by SLR global environmental solutions.

8.4.2 The screening assessment notes that there is only one Natura 2000 site within 15km of the appeal site namely the Lower River Suir cSAC (Site Code 002137) which at its closest is 3.5km to the west of the site. It is noted that the quarry at Killough Hill does not have any surface water discharge and no such discharge is proposed through the proposed development. All surface water runoff and site drainage will be allowed to percolate naturally to the ground. There are therefore no hydrological source pathway links between the project site and the Lower River Suir SAC. On this basis it is assessed that the development and operation of a C&D waste recovery facility at Killough Hill will not have any significant stand-alone effects on any Natura 2000 site or sites. It is therefore considered that no further assessment is required for the proposed development of a standalone project.

8.4.3 I consider that the conclusions that there will be no significant impacts on the qualifying interests or species of the Lower River Suir cSAC either as a result of the project or in combination with other projects are reasonable. Therefore it can be concluded that the project is unlikely to have significant impact on the designated site or the habitats or species for which it has been designated.

## **9.0 RECOMMENDATION**

9.1 Having read the submissions on file, visited the site and had due regard to the provisions of the Development Plan and all

other matters arising, I consider the proposed development, subject to compliance with the conditions set out below, would not, seriously injure the residential and rural amenities of the area. The proposed development would otherwise, not be contrary to the proper planning and sustainable development of the area.

## **REASONS AND CONSIDERATIONS**

Having regard to the established use of the site and landholding, it is considered that the proposed development, would not seriously injure the amenities of the area or of property in the vicinity and would, would be in accordance with the provisions of the South Tipperary County Development Plan 2009 (as varied) and would therefore, be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. The development including detailed mitigation measures shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars received by the planning authority on the 11<sup>th</sup> August 2015 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 the 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 proposed C&D waste recovery facility shall be operated in conjunction with the established limestone quarry facility and associated operations within the wider landholding and shall not be subdivided in any way through sale, letting or by any other means. Any change of use shall not take place without a prior grant of planning permission. Restoration proposals for the C&D recovery facility shall be developed and implemented concurrently with restoration works at the adjoining quarry facility.

**Reason:** In the interest of the amenities of the area.

3. The developer shall revise and update the Environmental Management System currently in place and as approved under QY21 to take account of the likely impacts of the development. This shall include the following
  - (a) Proposals for the suppression of on-site noise,
  - (b) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity,
  - (c) Proposals for the suppression of dust on site and on the access road,
  - (d) Monitoring of ground and surface water quality, levels and discharges

**Reason:** In the interest of orderly development and safeguarding local amenities.

4. During the operational phase of the proposed development, the noise level from within the site, measured at noise sensitive locations in the vicinity, shall not exceed -

(a) an  $L_{AeqT}$  value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday (inclusive), [The T value shall be one hour. ] and

(b) an  $L_{AeqT}$  value of 45 dB(A) at any other time. [The T value shall be 15 minutes. The noise at such time shall not contain a tonal component.

All sound measurements shall be carried out in accordance with ISO Recommendations R 1996, “Assessment of Noise with Respect to Community Response” as amended by ISO Recommendations R 1996/1, 2 and 3, “Description and Measurement of Environmental Noise”, as applicable.

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

5. 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. 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

6. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

**Reason:** To ensure the satisfactory restoration of the site in the interest of visual amenity.

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Brid Maxwell  
29<sup>th</sup> April 2016