



**Development**

Ready-mixed concrete plant and all other associated site excavation, infrastructural and site development works. Permission is also being sought for occasional out-of-hours operations. The site comprises part of the approved and operational sand and gravel quarry (Tipperary County Council Reg. 2124; An Bord Pleanala Ref. ABP-312864-22).

**Location**

Ballybeg, Toomevara, Co. Tipperary.

**Planning Authority**

Tipperary County Council

**Planning Authority Reg. Ref.**

2560064

**Applicant(s)**

Seamus Ryan Sand & Gravel Limited.

**Type of Application**

Permission

**Planning Authority Decision**

Grant permission

**Type of Appeal**

Third Party

**Appellant(s)**

Thomas Duggan

**Observer(s)**

None

**Date of Site Inspection**

13 November 2025

**Inspector**

Claire McVeigh

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## 1.0 Site Location and Description

- 1.1. The subject site, stated area of 3.310ha, is located within the sand and gravel quarry (Seamus Ryan Sand & Gravel Ltd.), in the townland of Ballybeg, approximately 4km southeast of the village of Toomevara and approximately 5km from the M7. The Ollatrim River passes the site near the quarry entrance, c. 40m to the south of the site, which flows northwards towards Nenagh.
- 1.2. The site is accessed via the existing sand and gravel pit entrance which adjoins a local road (L3240). The existing quarrying process consists of extraction of sand and gravel, grading, washing and stockpiling followed by transportation from the site. Existing structures on the site comprise the existing access laneway from the road, site office/canteen, weighbridge, maintenance shed, settlement lagoons, pumping pond, toilet with associated septic tank and percolation area.
- 1.3. There is a groundwater well on site (GW1) which serves the site canteen and toilet and the applicant's (Owner's house) and farmyard. Water required for the wash plant associated with the sand and gravel quarry is obtained from a pumping pond, located along the southeastern boundary of the quarry pit which is stated as being approximately 5 metres deep. This water is extracted for use in the washing plant and recycled via settlement lagoons back to the pond. The pumping pond is stated to contain surface water and spring water.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a ready-mixed concrete plant which would include:
  - 1 no. feed ramp,
  - 1 no. feed bin,
  - 1 no. feed conveyor,
  - 5 no. aggregate storage bins,
  - a batch conveyor,
  - a mixer house, and

- 2 no. cement silos

Gross floor space of proposed works is stated as 371.28 sq.,

In conjunction with associated hard and soft landscaping and all other associated site excavation, infrastructural and site development works above and below ground.

- 2.2. The proposed development would operate from 07:00hrs to 18:30hrs Monday to Friday inclusive and from 08:00 hrs to 16:00hrs on Saturdays inclusive (no operations on Sundays, Bank or Public Holidays). Permission is also being sought for occasional out-of-hours operations, up to a maximum of 40 no. occasions per year (excluding Sunday, Bank Holidays and Public Holidays) outside of normal operating hours.
- 2.3. The site comprises part of the approved and operational sand and gravel quarry (Tipperary County Council Reg. 21/24; An Bord Pleanala Ref. ABP-312864-22). No changes are proposed to the permitted pit operating hours.
- 2.4. Further information/revised plans were submitted to include the provision of settlement tanks for use at the batching plant to contain water run-off and recycle water back through the plant, statutory notices of significant further information/revised plans were published,

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

On the 17 June 2025 the planning authority granted permission subject to 8 no. conditions. See section 3.2.3 in respect to attached bespoke conditions.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

- Initial report (dated 19.03.2025) considers the principle of development to be acceptable in terms of the policy context. Further information requested in respect to details on proposed traffic volumes which will result from the proposed development to be presented against the existing traffic movements levels associated with the existing site operations; proposals for surface water

management noting the potential for surface run-off directly to the adjacent Ollatrim River; details of existing and proposed water usage as a result of the proposed development; water management measures to ensure no contaminants or pollutants escape to either surface waters or groundwaters and a noise assessment.

- Report following receipt of further information (dated 11.06.2025)

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001 (as amended) and EIA not required. Determines that Appropriate Assessment is not required.

Notes that the overall development of the site is governed by planning reference 14600418 and substitute consent reference ABP 22.SU0032 which governs the overall development of the lands and planning reference (ABP PL. 92.245499) authorises the operations on site for 20 years from the date of grant of permission i.e. 25.01.2016. It is considered appropriate to align the duration of permission of the proposed batching plant with that of the wider quarry development on site, in order to allow the applicant to comply with conditions in relation to site restoration etc. on the original planning permission.

It is noted that the further extension to this original quarry area as granted by ABP 312864-22 shall expire on 27.02.2044., however such are at a remove from the site area of the current application that the permission should be aligned with planning register reference 14600418 (PL.92.245499).

Notes that planning conditions attached to a number of historical planning permissions at the site require noise and dust monitoring with annual reports submitted to the Environment Section. Considers it appropriate to attach similar conditions to this decision and include within monitoring reports for the wider development.

Development contribution at a rate of €23 per sqm.

### 3.2.2. Other Technical Reports

- Thurles District Engineer – Discussions referenced in the initial planner's report stating; "Discussions with the DE on 19<sup>th</sup> March raised no objections to the proposed development on grounds of sightlines. Concerns were raised, however, in relation to surface water run-off at the site, with surface water draining directly to the river. Recommendation that the developer be requested to submit proposals for surface water management e.g. attenuation of surface water at the entrance to the site.

Follow up discussions with the District Engineer on 12<sup>th</sup> June and no issues raised with the proposal.

- Executive Engineer – Recommended conditions:

1. All surface water runoff from roofs, driveways and paved areas shall be collected and disposed of within the curtilage of the site. Surface water runoff shall not be allowed to discharge onto the public road or adjoining properties. All surface water run-off from the public road which flows into the site shall continue to be accommodated within the site unless alternative arrangements acceptable to the Planning Authority are carried out. Full details of any such alternative arrangements shall be subject to the written agreement of the Planning Authority prior to the commencement of development. All necessary surface water infrastructure (i.e. gullies aco-drains/channels etc.) to prevent flows onto the public road must be installed during the construction of the property even if the access driveway has not received its permanent finish.

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

2. Plant to continue operation under current operational traffic numbers as per previous planning condition.

**Reason: To prevent damage to the public road with consequent traffic hazard**

### 3.2.3. Conditions

- Condition no. 1 Development to be carried out as per plans and particulars as received with the application 03/02/2025 and as amended by further information received on 5/2/2025, 18/04/2025, 02/05/2025 and 22/05/2025.
- Condition no. 2 The development shall cease operations in line with the quarry development on site as authorised under PL Ref. 14600418 unless prior to that date a further permission has been granted.
- Condition no. 3 (a) The total dust emission shall not exceed 350 milligrams per metre squared per day averaged over a continuous period of 30 days when measures as deposition of insoluble particulate matter at any position along the boundary of the site.
- Condition no. 3 (b) Dust monitoring on a continuous basis and monthly daily mean submitted to the planning authority quarterly.
- Condition no. 3 (c) Vehicles used for the transport of materials from the site shall be equipped so as to prevent spillage of materials and dust blow.
- Condition no. 4 Noise limits.
- Condition no. 5 Annual environmental audit to be carried out by independent and appropriately qualified environmental auditors. Notwithstanding this requirement all incidents where noise or dust exceed required levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents which may result in groundwater pollution shall be notified to the planning authority without delay.
- Condition no. 6 Bunding for all oils, fuels and lubricants with minimum storage capacity of 110% of stored fuel.
- Condition no. 7 Hours of operation limited to 07:00-19:00 Monday to Fridays excluding bank holidays and 07:00 to 13:00 on Saturdays.
- Condition no. 8 financial contribution of €8, 539.44

### 3.3. Prescribed Bodies

Uisce Éireann – UÉ notes the proposed development has the potential to impact UÉ drinking water sources. Protection of the public drinking water supply is a priority and UÉ would ask the following is taken into account when considering planning applications for development such as this.

To ensure adequate provision of water/wastewater facilities these proposals shall not impact any UÉ Drinking Water Source and/or abstraction point, nor shall the proposals result in an impact to waters used for the abstraction of drinking water nor cause any deterioration in quality pre, during and post works.

Advisory Note(s):

Protection of drinking water source(s) from potentially adverse impacts is a priority for Uisce Éireann. It is Uisce Éireann's current policy to maintain safe and secure drinking water supplies and ensure that development will not give rise to any deterioration in water quality. Development proposals shall not impact public drinking water sources and/or abstraction point(s). It is also a requirement of the Water Framework Directive that waters used for the abstraction of drinking water are protected to avoid deterioration in quality.

Uisce Éireann is currently preparing *Drinking Water Safety Plans* for each of our Drinking Water Supplies in line with the requirements of the Water Framework Directive and accordance with the EPA Drinking Water Advice Note No. 8. The development of the plans will be advised by a national steering group and regional working groups (which include Local Authorities). It is expected the plans will include a source risk assessment (incorporating a review of existing source protection plans and zones of contribution defined by the GSI) and source protection measures will be determined and implemented in conjunction with a number of bodies including the EPA and Local Authorities who have the lead role in integrated catchment management.

Until such time as the *Drinking Water Safety Plans* are completed Uisce Éireann requests that Planning Authorities continue to refer development proposals located within the Outer and Inner Source Protection Zone(s) to Uisce Éireann.

### 3.4. **Third Party Observations**

One submission made following notification of receipt of significant further information Thomas Duggan of the adjoining townland Coologue (Cooledge) south of the subject site, in summary the key issues raised are:

- Object due to noise level and increased traffic volume.

## 4.0 **Planning History**

ABP-312864-22 (Planning Register reference 21/24) Permission granted (February 2024) for extension of sand and gravel quarry of 13.818ha in lands to the north-west of the existing quarry. An Environmental Impact Assessment Report was prepared and submitted with the application.

Planning register reference 14/600418 (PL.92.245499) Permission granted (January 2016) for an extension to the existing sand and gravel quarry of 8.19ha in lands north-west of the existing quarry.

Substitute Consent 22.SU0032 granted (March 2014) for a quarry of stated area 10.9ha.

QY5 was registered on 15 April 2005 under which the applicant was requested to apply for planning permission and submit an environmental impact statement within 18 months.

## 5.0 **Policy Context**

### 5.1. **Tipperary County Development Plan 2022-2028**

Section 8.4 Rural Employment Strategy ...Industries have developed to harness the natural resources of the county, including mining, quarrying, forestry, peat extraction and renewable energy.

8-7 Support the extraction of minerals and aggregates, and to have regard to;

- a) Quarries and Ancillary Activities, Guidelines for Planning Authorities, (DEHLG 2004), where such activities do not have a significant impact on the environment, landscape or residential amenities of the area.

- b) In considering new development, to have regard to potential adverse impacts on sites of geological importance or known high quality aggregate reserves as set out in the County Geological Sites record (and any review thereof) as maintained by the GSI.
- c) Where development proposals involve the redevelopment, rehabilitation or reuse of historic mining sites in the county, the Council may seek the preparation of a Master Plan for the entire landholding of the former mine to ensure the appropriate level of co-ordination of the entire landholding and protection of the environment.

## Development Management Standards

### 5.10 Quarries and the Extractive Industry

## 5.2. National Policy and Guidance

### 5.2.1. *Climate Action Plan 2025 (in conjunction with Climate Action Plan 2024)*

The CAP 2025 sets out the roadmap to deliver on Ireland's climate ambition.

The Circular Economy and other emissions - Key messages - the extraction of certain natural resources and the generation of waste is a major contributor to habitat and biodiversity loss and contributed to global warming.

### 5.2.2. *Ireland 4<sup>th</sup> National Biodiversity Action Plan 2023-2030*

The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.

### 5.2.3. *First Revision: National Planning Framework (April 2025)*

#### 9.2 Resource Efficiency and Transition to a Neutral Carbon Economy

##### **Circular Economy (Excerpt of)**

The extent to which we prioritise brownfield over greenfield use, encourage the use and reuse of buildings in urban and rural areas, and reduce sprawl, will all help to

increase the efficiency of land use and the pace of soil sealing i.e. the covering of the ground by an impermeable material which can result in soil degradation. Other examples include co-location and clustering of uses and infrastructure such as schools and sports facilities, renewable technologies and large energy demand users, land intensive industry and enterprise (Page 129).

### **Aggregates and Minerals (Excerpt of)**

Aggregates and minerals extraction will continue to be enabled where this is compatible with the protection of the environment in terms of noise, air and water quality, natural and cultural heritage, the quality of life of residents in the vicinity, and provides for appropriate site rehabilitation particularly with respect to opportunities that may be provided for enhancement or restoration of nature in line with EU policies, such as the Nature Restoration Law, the EU Green Deal and EU Biodiversity Strategy 2020, and legislative instruments.

**National Policy Objective 66** The planning system will be responsive to our national environmental challenges and ensure that development occurs within environmental limits, having regard to the medium and longer-term requirements of all relevant environmental and climate legislation and the sustainable management of our natural capital.

#### 9.4 Creating a Clean Environment for a Health Society

Noise Environmental noise is defined as unwanted or harmful outdoor sound created by human activity, such as noise emitted by means of transport, road traffic, rail traffic, air traffic, and industrial activity. It becomes a problem when it occurs at a level, frequency and duration that can give rise to annoyance, and sleep disturbance.

### **5.3. Natural Heritage Designations**

Kilduff-Devilsbit Mountain SAC (Site Code: 000934) and proposed Natural Heritage Areas: Kilduff, Devilsbit Mountain is approximately 3.5km southeast of the subject site. Lower River Suir SAC (Site Code: 002137) is approximately 12km south of the subject site. Slievefelim to Silvermines Mountains SPA (Site Code: 004165) is approximately 12km southwest of the subject site.

## 6.0 Environmental Impact Assessment (EIA) Screening

6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

One third party appeal has been made by Thomas Duggan objecting on environmental, archaeological, traffic, noise and policy grounds; the key issues of concern are as follows:

- The proposed ready-mix concrete plant represents a material change of use and an expansion in on-site processing activities at the existing sand and gravel quarry.

Unlike the permitted quarry extension, a ready-mix plant would involve a demand for large-scale cement, water and admixtures, heavy vehicular deliveries, additional infrastructure and operational hours and shifts devoted to continuous mixing and deliveries.

The proposed industrial processing would mark a shift from extraction focused operations to processing therefore altering the character and intensity of activity on-site and in the surrounding areas.

- Archaeology - Concerns relating to impact of the proposed development on undisturbed archaeological remains unless a full archaeological survey and mitigation plan are put forward.
- Air quality and water quality impacts - The introduction of a ready-mix concrete plant brings additional dust and particulate risks from cement, aggregates and mixers beyond the extraction related emission. Concerns about impact on air quality and water quality (via Ollatrim river) for both human health and aquatic life.

- Demand on water and impact on water sources- Increased water demand for mixing and washing coupled with heightened run-off and silt lagoon volumes resulting in risks of overflow, contamination and infrastructure strain.

Highlights the submission from Uisce Eireann (UE) which states that the proposed development has the potential to impact UE drinking water sources. UE ask that the following is taken into account when considering planning applications for development such as this: “To ensure adequate provision of water/wastewater facilities these proposals shall not impact any UE Drinking Water Source and/or abstraction of drinking water nor cause any deterioration in quality pre, during and post works”

There is a large pool of water inside the entrance on the left-hand side of the gateway (blue/green quarry colour) close to a drain into Ollatrim river and close to a covered shore/drain within feet of the Ollatrim river. There does not appear to be any water collection point at or around the gate entrance.

- Increased heavy goods traffic - Disagrees with the applicant's statement that there will be no additional increase in traffic volumes or staff. The proposed development would result in an intensification of heavy goods vehicle (HGV) activities well beyond current quarry traffic.

Concerns about impact on residents and road users along the narrow rural lanes.

- Noise, hours of operation and community disruption - The proposed hours of operation plus occasional out of hours operations up to a maximum of 40 occasions in the year will impact negatively on the rural countryside with loud batching operations, honking horns, reversing alarms, diesel engines and HGVs.

The appellant can hear the crushers, screeners and machinery working at the quarry currently at approximately 1,500 yards as the crow flies from the quarry. Questions the accuracy of results of the submitted noise report with planning register reference 2560064. Any noise assessment report should include the noise sensitively reports for all days from March 1<sup>st</sup> to November 1<sup>st</sup> to give an accurate reading.

- Public policy concerns – Planning policy discourages industrial intensification on rural sites with narrow road access. Alternatives should be considered to co-locate a ready-mix plant to a nearby industrial estate.

## 7.2. Applicant Response

Q.E.D Engineering Limited on behalf of the applicant have responded to the appeal made and includes the following supporting documents:

- Further information Items 1-3 (Tipperary County Council Planning Ref.2560064)
- Further information Item 4 (Tipperary County Council Planning Ref: 2560064)
- Further information Item Noise Assessment Report (Tipperary County Council)
- Compendium of all mitigation & monitoring commitments (Tipperary County Council Planning ref. 21/24/An Bord Pleanala Ref: ABP-321864-22)

In summary the key points made in response are as follows:

- Change of use – Approximately 1 lorry of cement will be delivered per week to supply the batching plant, and the admixtures of gravel and sand are already available on-site. Predicted water usage of the batching plant in 12,600 litres per day. The pumping pond and closed loop recycling water system on site would have sufficient capacity to accommodate this level of water usage along with existing water usage. Refers to Item no. 3 water usage on site as submitted by further information.

There would be additional infrastructure in relation to the ready-mix concrete plant which represent similar infrastructure to what is already present on site at the existing sand and gravel quarry. The site of the proposed ready-mix concrete plant is situated at the base on the sand and gravel quarry pit at approx. 155m with surrounding lands increasing to an average level of 175m-185m.

- Archaeological concerns – The proposed ready-mix concrete plant would be located in the existing sand & gravel pit that has already undergone extraction to c30m below the original ground level, therefore no potential for archaeological features. Excavation took place 15 to 20 years ago.

- Air Quality - C&QEMS are concrete and quarry engineers and they provided the following information in relation to the proposed ready-mix concrete batching plant:
  - Cement offloading: process is completely contained. The cement lorry will blow the cement into the cement silos on-site which are completely contained and have filters to prevent cement dust escaping.
  - Aggregates (Sand & Gravel): Loaded into a Tip in Bin and transferred by a feed conveyor to the storage bins which are completely contained. The weighed aggregates are then transferred from the storage bins to the mixer house using the batch conveyor.
  - Mixer House: The cement from the silos is transferred to the weighing vessel in the mixer house using screw conveyors (Completely contained). The weighing vessel has a filter which prevent any cement dust escaping. The weighed aggregates, cement and water are then added to the mixer in the mixing house. The mixing house is completely contained and also contains a filter which prevents any dust escaping. After the mixing is completed, the mixed concrete is transferred to the concrete mixer truck below and is then ready for delivery off-site.
  - All filters would undergo maintenance checks and cleaning 4 times per year.

The detailed Ambient Dust Assessment (August 2021) as part of planning application 21/24 (ABP-312864-22) found that the dust levels reduce quickly from the emission source. It is put forward that the existing quarry has never received any complaints from the residents in proximity to the site regarding dust generated at the quarry. Condition no. 9 of 312864-22 required the installation of wheel wash facilities and tarmacading on the access lane from the public road back to the weighbridge within the site, including associated swale and attenuation pond have all been complied with. These improvements along with the installation of water sprinklers on the access lane in early 2025 will improve dust suppression at the quarry site and the proposed ready-mix concrete batching plant.

Condition 13 & 14 require dust monitoring under ABP -312864-22 and Seamus Ryan Sand & Gravel Ltd are in compliance with this condition and will continue to apply this condition. Highlights Condition no. 3 of 2560064 relating to dust monitoring.

- Water quality – Water sources on site, water usage on site and water management measures proposed are detailed in the response to further information (Item 3 & 4) to ensure that no contaminants or pollutants escape to either surface water or ground water.

Surface water management proposal at the entrance to the site and measures in place to attenuate surface water run-off at the entrance is detailed in further information response Item 2. The continuous large pool of water which the appellant refers to is the site attenuation pond which discharges to a drainage channel located to the south of the site as per design outlined in surface water management assessment submitted under ABP-312864-22.

- Increased heavy goods traffic – Traffic volumes submitted as further information Item 1 outlines that there will not be any increase in traffic volumes as a result of the proposed development on that they will be transferring lorry drivers that currently operate on lorries for transporting sand and gravel at the quarry to lorries that will be transporting concrete from the batching plant. Refers to the Traffic Impact Assessment (TIA) that was carried out in October 2021 as part of application register reference 21/24 (ABP-321864-22)

Refers to section 4.3 of the TIA which states that the routes for HGV traffic are suitable to accommodate the 1-2 HGV trips per hour envisaged by the proposed site operations. Section 4.4 of the TIA outlines the mitigation measures to ensure that the impact of the proposed development does not impact the adjoining road network.

- Impact on residents and road users - The hours of operation as proposed has taken into account section 4.7 of the Quarries and Ancillary Activities, Guidelines for Planning Authorities, 2004. Considers the operating hours as reasonable. The noise assessment of the proposed batching plant provides an assessment of noise from the quarry site boundary and/or noise sensitive

locations closest to the site from the surveys conducted in 2021, 2022, 2023 and 2025. All noise surveys were conducted when the quarry was operating as normal on each occasion. On some noise monitoring occasions, noise from the moving conveyor within the quarry was audible at the noise sensitive location and also noise from a digger particularly when at the digger was working at the quarry boundary and not within the pit.

Table 2 of the noise assessment report provides a noise level of 52dB @10m from a ready mixed concrete batching plant similar to the one proposed for Seamus Ryan Sand and Gravel, which is under the daytime limit value of 55dBA. Therefore, noise at the complainant's property located >1000m away will not be greater than the limit value of 55dBA due to the proposed batching plant and quarry operations. Mitigation measures in section 4 of the noise assessment report provides a means to manage noise within the quarry and the requirement for an annual noise assessment will ensure that potential noise issues from quarry operations area identified and corrected where necessary.

Public policy concerns – A ready mix concrete plant is a common ancillary activity in or adjacent to a quarry development due to the availability of raw materials. This proximity reduces transportation and allows for efficient production of construction materials. The brownfield nature and established use of the site for quarrying make the site a suitable location for a ready mixed concrete plant.

### **7.3. Planning Authority Response**

- None

### **7.4. Observations**

- None

## 8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of development (including planning policy considerations)
- Archaeological impacts
- Air Quality Impacts
- Water (Quality and Usage)
- Traffic Impacts
- Residential Amenity/Community Disruption (Noise and hours of operation)

### 8.2. Principle of development (Including public policy concerns)

8.2.1. The proposed development comprises the construction of a ready-mix concrete plant within the existing sand and gravel quarry pit. The sand and gravel quarry has been subject to two permissions for extension, as already outlined in section 4.0 of this report, and currently serves companies in the wider local area of approximately 10-20km radius (as noted in the inspectors report in the appeal against the proposed second extension to the original quarry under ABP-312864-22 please refer to section 4.0 of my report), as a result of the low value to weight ratio.

8.2.2. The subject site is on unzoned lands and, as such, I shall assess the principle of development against the relevant policies and objectives contained within the Tipperary County Development Plan 2022-2028. I note that the development plan recognises industries have developed in Tipperary to harness the natural resources of the county and that these offer the potential to ensure that the rural area remains and strengthens as a living and working community (Section 8.4). Furthermore, at a national level the National Planning Framework (First Revision) includes co-location and clustering of uses such as land intensive industry and enterprise as a positive example of reducing sprawl to help increase the efficiency of lands use and to

reduce the pace of soil sealing in applying the circular economy approach in land use management (see section 5.0 Policy Context).

8.2.3. The proposed development would in my opinion be consistent with local and national policy objectives as the co-location of the quarry with the proposed ready-mix concrete plant would be synergistic, in that the quarry would supply the plant with aggregates i.e. sand and gravel and make efficient use of brownfield land. As such I do not agree with the appellant that co-location of the proposed ready mix concrete plant in a nearby industrial estate would be a preferable alternative, given the significant benefit of access to the aggregate on site for the proposed plant. I do acknowledge the appellant's concerns that the proposed new use would result in on-site processing activities and potential impacts from such an activity may result in a significant demand for water, an increase in HGV movements, additional infrastructure and a change to operational hours and shifts devoted to continuous mixing and deliveries and these will be addressed in sections (8.4, 8.5, 8.6 and 8.7 below).

### **8.3. Archaeological impacts**

8.3.1. The appellant is concerned that the proposed ready-mix plant would significantly enlarge the operational footprint and likely necessitate further ground disturbance placing undisturbed archaeological remains at risk. The applicant in their response confirm that the proposed ready-mix concrete plant would be located in the existing sand and gravel quarry pit, an area that has already undergone extraction to c30m below the original ground level. On this basis, I am of the view given that the proposed footprint of the plant would be on ground excavated c30m below the original level that the potential impact on archaeological features would be circumscribed. I note that archaeological concerns were not identified as an issue in the assessment of the application by the planning authority.

### **8.4. Air Quality Impacts**

8.4.1. The appellant has raised concern that the ready-mix concrete plant would result in additional dust and particulate risks beyond the extraction related dust emissions. In response to the appeal and the appellants concerns the applicant has submitted

information from engineering company C&QEMS, who specialise in concrete and quarries responsible for supplying and installing the proposed batching plant, in respect to the composition of the ready-mix batching plant. This summary has been included as a series of bullet points within the overall response document submitted by the applicant and, I highlight to the Commission not a separate note on company headed paper. Nevertheless, accepting the bona fides of this information I note that at each of the stages involved i.e. cement offloading, addition of aggregates (sand & gravel) and the mixing house there is containment of each of these relevant processes. It is outlined that the cement from the silos, which have filters to prevent any cement dust escaping, is transferred to the weighing vessel in the mixer house using screw conveyors which are completely contained. The weighing vessel is stated to have a filter also to prevent dust escaping and the mixer house is completely contained and also has filters. After mixing the concrete is transferred to the concrete mixer truck below and is then ready for delivery off-site. Furthermore, maintenance checks of filters within the plant are undertaken and cleaning of the filters is programmed four times per year.

8.4.2. I am of the opinion that the information as provided by C&QEMS provides a reasonable level of systems, checks and controls to prevent significant levels of dust escaping such that would adversely impact air quality. In addition, I note the mitigation and monitoring commitments (as part of planning register reference 21/24 ABP-312864-22) relating to dust management and monitoring and would agree with the applicant that such measures along with the installed wheel washing facilities, installation of water sprinklers and tarmacading of the access lane from the public road to the weighbridge within the site (as per condition no 9 of ABP-312864-22) would improve dust suppression of the quarry site generally and of the proposed ready-mix concrete batching plant within same. In conclusion on this point, I do not consider that a refusal for the proposed development would be warranted on the basis of potential adverse impact to air quality. If the Commission is minded to grant permission a condition similar to the condition no. 3 of the planning authority recommendation to grant permission in respect to the subject application and Conditions 13 and 14 of An Bord Pleanála's decision ABP-312864-22 for the extension of the existing sand and gravel quarry is recommended.

## 8.5. Water (Quality and Usage)

### *Water quality*

8.5.1. By way of context the subject site is within the Nenagh Groundwater Body (GWB) (IE\_SH\_G-178) with a good status and identified as not at risk (Please also refer to Appendix 3). The bedrock aquifer is qualified as 'poor aquifer' – bedrock which is generally unproductive except for local zones and high vulnerability rating for groundwater on review of the GSI Groundwater data. As already noted, the Ollatrim River runs in close proximity to the southern boundary of the site. Upstream of the site the Ollatrim River is of poor quality while downstream of the quarry site the river is of moderate quality but is showing a deterioration from good status in the period between 2010-2015 to that of the latest status 2016-2021.

8.5.2. The appellant highlights Uisce Éireann's (UÉ) report (dated 6 March 2025) which identifies that the proposed development has the potential to impact UÉ drinking water sources. The initial planner's report acknowledges that the UÉ report references impact on drinking water sources but states that, in their opinion, it is not clear what specifically is being referred to as the proposal is outside the zone of protection of any nearby public water supply. The nearest, is noted in the planner's report, as being at Gurtagarry which is 1km south of the site. Having reviewed the GSI's Groundwater data viewer I would concur with the planning authority that the subject site is not proximate to a group scheme or public supply source protection areas.

8.5.3. In respect to the existing quarry and the permitted extensions to same a revised *Surface Water Management Assessment* (August 2023 prepared by IE Consulting) submitted to the Board (now Commission) as part of application ABP-312864-22 details that extraction is currently to 30m below ground level (bgl) which is above the water table. It is stated that there is no discharge of water to the ground or to any external surface water management system from within the quarry. There is surface water runoff from the existing entrance laneway between the road and the quarry pit. The applicant in the most recent application to extend the quarry, please refer to section 4.0, committed to provide additional measures along the access road to address potential of surface water run-off from the laneway with a surface water conveyance swale to collect any runoff which shall be attenuated to a greenfield run

off rate into a new attenuation pond system with an attenuation volume of 180m3. From there the water would discharge to an existing surface water channel along the roadside. The applicant in their response to the appeal acknowledges that there is a continuous large pool of water referred to by the appellant and clarifies that this is an attenuation pond which discharges to the channel to the south of site as per the design outlined in the Surface Water Management Assessment submitted under ABP-312864-22. The applicant reconfirms in their response to the appeal that these measures were completed and approved by Tipperary County Council (letter dated 30/07/24) as included in the further information response (April 2025) for the subject application. The closed loop water recycling system is described in section 6.1.5 of the Environmental Impact Assessment Report (EIAR) in planning register reference 2124 (ABP-312864-22) and excerpt of same included in the applicant's appeal response.

8.5.4. Having regard to the proposals within the subject application I highlight to the commission that in response to further information sought by the planning authority the applicant amended same to include settlement tanks for use at the batching plant to contain water runoff and recycle the water back through the plant. In letter prepared by MMA Architects (dated 18 April 2025) it is stated that:

*"The water will overflow from tank to tank allowing the particles to settle, leaving the clean water flowing into the last tank. This will be the location for the pumps and the water will be pumped back to the batch house to be used in the next batch of concrete".*

Photographs of the proposed settlement tanks are included with the letter prepared by MMA Architects and revised drawings (Dwg. No. 20103, Rev. A) Proposed Site Layout Plan & Site Section refer.

8.5.5. I consider the surface water management system with the inclusion of the series of settlement tanks to recycle water run-off from the batching plant would adequately address surface water on the site, including taking into account the mitigation, monitoring and maintenance measures included as part of the overall quarry development and surface water run-off from the laneway taking into account the compliance with condition 9(b) of ABP-312864-22, and I am of the opinion that it is

unlikely that the development will affect the quality of water in the Ollatrim River on the basis of existing and proposed measures.

#### *Water usage*

8.5.6. In respect to water usage in the subject application the applicant has submitted a copy of the further information response (dated April 2025) which presents the following figures in terms of water usage for the proposed batching plant as per details supplied by C&QEMS:

**Table 8.5.1: Water usage**

130 to 150 litres per cubic meter
A full cement lorry holds 9 cubic metres x 140litres =1, 260 litres per load.
Predicted output from the batching plant per day is 10 loads therefore: 1,260 litres per load x 10 per day =12,600 litres per day.

8.5.7. The response to further information by the applicant (April 2025) details that the subject site utilises groundwater from an existing well on site for the site canteen and toilet. This groundwater well also serves the owner's house and farmyard. Water is also required on site for the wash plant and water is obtained from a 'pumping pond' located along the southeastern boundary of the quarry pit (approximately 5 metres deep). It is stated that the pumping pond contains surface water and spring water (i.e. groundwater). This water is currently extracted for use in the washing plant and recycles via settlement lagoons back to the pond. This closed loop water recycling system is described in section 6.1.5 of the submitted Environmental Impact Assessment Report (EIAR) submitted with the planning application 21/24 (ABP-312864-22).

8.5.8. The submitted further information report referred to above states that "*the pumping pond and closed loop recycling water system on site will have sufficient capacity to accommodate this level of water usage*" (as per table 8.5.1 above water usage estimated at 12M<sup>3</sup> per day). Given the proposed water will be used in the mixing and making on concrete a percentage of the water extracted from the pumping pond would, therefore, be permanently 'lost' from the closed loop water recycling system and bound into the concrete product itself. As such extraction of spring water (groundwater) will result in dewatering of the subject site.

8.5.9. The Water Environment (Abstractions and Associated Impoundments) Act 2022 applies a graduated approach to the regulation of abstractions. Three abstraction bands are provided for in the Act which are determined by the volume of water being abstracted in any 24-hour period. Namely: -

- Band 1 less than 25m<sup>3</sup> /day,
- Band 2 between 25 -1,999m<sup>3</sup>/day, and
- Band 3 more than 2, 000m<sup>3</sup>/day.

The estimated extent of water usage would be less than 25m<sup>3</sup> (25,000litres) and, therefore, falls in Band 1 and under the threshold for registration or applying for a licence in terms of abstraction regulations and the new licencing processes which give effect to the EU Water Framework Directive. Notwithstanding, there are obligations for the applicant/developer under Part 2 of the Water Environment (Abstraction and Associated Impoundments) Regulations 2024 (referred to herein as the Water Environment Regulations) and the extraction of water is therefore the subject of a separate legal code. The issue of compliance with the Water Environment Regulations will be evaluated under a separate legal code and thus need not concern the Commission for the purposes of this appeal.

8.5.10. In conclusion on this point, the bedrock aquifer at the subject site is categorised as Poor Aquifer (PI) in which the bedrock is generally unproductive except for local zones. Taking into account the nature of the aquifer and the proposed levels of extraction which, even allowing for some variation, would still be below the EPA registration thresholds I am of the opinion that the impact of extraction would be localised and not of significance in terms of impact to groundwater. Please also refer to section 10.0 WFD screening and Appendix 3.

## 8.6. **Traffic Impacts**

8.6.1. The existing quarry entrance is onto a local road the L-3240 approximately 4km southeast of Toomevara, Co. Tipperary. Approximately 300m south of the site entrance the L-3240 forms a priority junction with the wider local road network. To the north of the entrance the main junction is approximately 2km to the north where the L-3240 local road connects to the wider road network via a priority junction and

forms the main road towards Toomevara village. The predominant land use is agricultural with rural residential dwellings throughout the area. The submitted Traffic Impact Assessment (TIA) as part of the second quarry extension application (ABP-312864-22) confirms that the local road has a carriageway width of around 4.0m-5.0m and can accommodate two-way traffic flows. The road has no footpaths and is subject to an 80kph speed limit.

- 8.6.2. As outlined in the TIA the existing quarry process includes the transportation (via 2 arctic lorries and 2 rigid lorries) of sand and gravel from site to various locations within 10-20km radius of the site with some irregular deliveries to Clare and Limerick. Customers also collect sand and gravel from the site in rigid lorries. The above referred to TIA states that it is generally not feasible to transport sand and gravel over long distances as a result of its low value-to-weight ratio.
- 8.6.3. The subject application, as stated in the further information response document (April 2025), would not result in any increase in traffic volumes as there is an intention to transfer drivers that currently operate on lorries for transporting sand and gravel to lorries that will be transporting concrete from the batching plant. The current proposals to create a ready-mix concrete plant within the quarry with an estimated output of 10no. cement lorry loads per day.
- 8.6.4. Under ABP 312864-22, the most recent permission for the second quarry extension, a worst case scenario of 25% increase in the existing average trip generations was assumed in line with the average and maximum quarry production rates recorded between 2016 and 2020 whilst no cars /LGVs volumes were expected these were increased to provide for a robust assessment. Envisaged traffic generation set out in Table 4.1 of the TIA has an all-vehicle total of 144 movements per day - comprising 22 cars/LGVs and 50 HGVs inbound with the same outbound movements. The level of traffic generation was determined would result in little or no impact on the adjoining road network as it is not proposed to increase the level of operations at the site.
- 8.6.5. Given the synergies between the existing quarry and the batching plant, and taking into account the applicant's intention to transfer driver roles, I would not anticipate a significant increase in traffic levels on the local road network such that would exceed the current quarry traffic levels to an unacceptable level. I note that the application

does seek different operating hours to the permitted quarry with additional occasional out-of-hours operations up to a max. of 40 occasions per year (excluding Sunday, Bank and Public Holidays). I shall assess the impacts of these different operational hours and out-of-hours operations in section 8.7 of my report.

## **8.7. Residential amenity /community disruption (Noise and hours of operation)**

- 8.7.1. The appellant raises concerns that the impact of traffic movements (in particular HGVs) would be amplified when experienced over the extended working hours (early morning through evening). They raise concerns about the additional noise, vibration, exhaust fumes and risk of structural damage to private dwellings and farms that increased level of HGV movements would result in. It is highlighted by the appellant that a fully developed traffic impact analysis or safety mitigation plan is absent from the application.
- 8.7.2. In response to the appellant concerns about increased HGV movements the applicant highlights the further information response (April 2025) in which they confirm that there will not be any increase in traffic volumes as a result of the proposed development and cross refer to the detailed Traffic Impact Assessment (TIA) that was carried out in respect to planning register reference 21/24 (ABP-312864-22) (the second quarry extension permission). I highlight to the Commission that the Compendium of all Mitigating & Monitoring Commitments prepared as part of planning register reference 21/24 (ABP-312864-22) includes the requirement to maintain the current road safety policy in which delivery lorry driving speeds are reduced on the minor roads that service the site. In the event the Commission is minded to grant permission this matter could be addressed by condition and an updated compendium of mitigation and monitoring measures incorporating the ready-mix batching plant proposals be submitted to and agreed in writing with the planning authority. Please also refer to section 8.6 Traffic impacts of my report.
- 8.7.3. A Noise Assessment Report (NAR) prepared by Q.E.D Engineering Ltd utilises another quarry in County Tipperary with a similar ready-mix concrete batching plant already in place as a baseline for predicted noise levels for the subject application. The batching plant in this case is not located in a pit. The noise measurement included some lorries and dumpers in operation at the batching plant in addition a

crusher, loader and conveyor were audible from the quarry. The results of this measurement show that the noise level at 10m from the batching plant is under the limit value of 55dBA daytime limit value. Tonal or impulsive noise was not recorded from the batching plant. The NAR sets out that if the batching plant were located at the subject site it would benefit from further attenuation provided by the location within the pit and greater distance to noise sensitive locations. Having regard to the results of the NAR and taking into account the recommended measures contained within to further mitigate noise nuisance I do not consider that the proposed concrete batching plant and associated works would negatively impact upon established residential amenities or adverse community disruption.

8.7.4. Table 8.7.1 below sets out for comparison purposes the different operational hours relevant to the quarry and the subject application.

<b>Table 8.7.1</b>	<b>Operational Hours</b>
Quarry permitted operating hours (Condition no. 5 ABP-312864-22)	0800 and 1800 from Monday to Friday and between 08:00 and 14:00 on Saturdays with no activities taking place outside these hours or on Sunday or a public holiday. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.
Subject application operational hours sought.	07:00 hrs to 18:30 hrs Monday to Friday and from 08:00 to 16:00 hrs on Saturdays. No operations on Sundays, Bank and Public Holidays. Permission sought for occasional out-of-hours operations up to a max of 40 occasions per year.

Planning authority decision to grant conditioned operating hours as per condition no. 7 of 25/60064.	07:00 to 19:00 hrs Mondays to Fridays excluding bank holidays and between 07:00 to 13:00 hrs on Saturdays
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8.7.5. I would agree with the appellant that the new use and additional hours sought would represent a change in vehicular movements, most likely considered to be more of significant impact in terms of the additional hour sought in the morning operations. I note that the planning authority in the initial planner's report considered that the operational hours should be controlled by condition, including the requirement for written agreement for operation outside of such hours. Condition no. 7 of the planning authority's notification of decision to grant permission reduced the operating hours on a Saturday, allowing for a 1hr earlier commencement of operation at 7am but they did not include for flexibility, by way of written agreement with the planning authority, in respect to occasionally operating out-of-hours.

8.7.6. On balance, taking into account section 4.7 of the Quarries and Ancillary Activities, Guidelines for Planning Authorities (2004) I consider that the proposed operational hours of between 07:00 and 18:00 Monday to Friday inclusive (including public holidays) and between 08:00 and 14:00 on Saturdays would be reasonable as it mirrors the operational hours of the permitted quarry with exception allowing an additional hour in the mornings during the week to facilitate deliveries to site. In my opinion it would also be reasonable to allow for occasional out-of-hours operations where prior written approval has been received from the planning authority.

8.7.7. Separately, I note that the planning authority, in condition no. 2 of their recommendation to grant permission, limits the period of operation of the ready-mix batching plant to that of the first quarry extension permission planning register reference 14/600418 (PL.92.245499) notwithstanding that a second extension was granted under planning register refer 21/24 (ABP-312864-22) with an expiration of 20 years from the date of the order which was made on the 28 February 2024. The planner's report sets out that the reason for this is that the second extension to the original quarry area is at a remove from the site area of the current application. In this respect Condition no. 2 requires that all development shall cease and the site restoration shall be fully completed in line with that authorised under planning

register reference 14/600418 i.e. 20 years from the date of the grant of permission (the 25 January 2016). I do not agree with this approach given the subject application is for a ready-mix concrete batching plant as an ancillary activity to the quarry and relies and expands on the mitigation and monitoring commitments of planning register reference 21/24 (ABP-312864-22). In the event the Commission is minded to grant permission this matter could be addressed by condition and, furthermore, a revised programme of works for the site restoration taking into account the proposals in respect to the ready-mix concrete batching plant to be submitted and agreed in writing with the planning authority.

## 9.0 AA Screening

- 9.1. Please see Appendix 2. Screening Determination: Finding of no likely significant effects.
- 9.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site(s) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works within an existing and operational quarry pit.
- Distance from and weak indirect connections to the European sites.

## 10.0 Water Framework Directive (WFD) Screening

- 10.1. The subject site is located in the rural townland of Ballybeg, approximately 4km southeast of Toomevara, Co. Tipperary. The river body Ollatrim\_020 (IE\_SH\_25O010080) is approximately 40 metres south of the subject site and is assessed as moderate status and identified as being at risk. The groundwater body is Neenagh (IE\_SH\_G\_178), and its status is good and not at risk. Having reviewed

GSI's ground water data I note that the subject site falls both within the high vulnerability and moderate vulnerability category.

- 10.2. The proposed development comprises the installation and operation of a ready-mix concrete batching plant, with settlement tanks for water retention and recycling. The appellant raised concerns about impact on water usage on site and water quality.
- 10.3. The applicant has responded and stated that the required water will be sourced from the onsite pumping pond (which contains spring water and surface water) and the estimated water usage in the batching plant would be 12, 600 litres per day. Please refer to section 8.5 of my report in relation to the thresholds for EPA's registration and licencing requirements under the Water Environment (Abstractions and Associated Impoundments) Regulations 2024.
- 10.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Scale and size of the proposed development within an existing operating quarry;
- Permitted pumping pond on site;
- The reuse of the surplus quarry surface water;
- Proposed settlement tanks to be used at the batching plants to contain water run-off and recycle the water back through the plant; and
- Mitigation, monitoring and maintenance commitments included within previous planning permissions (i.e. Planning register reference 21/24 (ABP-312864-22), planning register reference 14/600418 (PL.92.245499) and Substitute Consent 22.SU0032).

Taking into account WFD screening report (refer to Appendix 3), I conclude that on the basis of objective information, 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.

## 11.0 Recommendation

I recommend that permission be granted, subject to conditions, for the following reasons and considerations:

## 12.0 Reasons and Considerations

Clustering and co-location of uses is encouraged in the First revision: National Planning Framework (April 2025) as a way to increase the efficiency of land use in land intensive industries such as this existing quarry. Having regard to the nature, scale and location of the proposed development within an existing operating quarry, the planning history on site and the mitigation and monitoring commitments applicable to the 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 this area with respect to noise and public safety. Therefore, the proposed development would constitute an acceptable form of development at this location and is not contrary to the proper planning and sustainable development of the area.

## 13.0 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 18 April 2025, and as per statutory notices received on the 22 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 development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. This 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 ABP-312864-22 (Planning Register Reference 21/24). All operations shall cease, and site restoration shall be fully completed in line with a revised restoration plan, to be submitted and agreed in writing with the planning authority prior to the commencement of development, unless prior to that date a further permission has been granted by the planning authority or by An Coimisiún Pleanála.

**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 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 population 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 bring the development in 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 quarry, and all activities occurring therein, shall only operate between 0700 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 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,1hr 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. (a) 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 per cent 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Claire McVeigh  
Planning Inspector

17 December 2025

## Appendix 1: Form 1 - EIA Pre-Screening

<b>Case Reference</b>	323016-25
<b>Proposed Development Summary</b>	Ready-mixed concrete plant and all other associated site excavation, infrastructural and site development works. Permission is also being sought for occasional out-of-hours operations. The site comprises part of the approved and operational sand and gravel quarry (Tipperary County Council Reg. 2124; An Bord Pleanala Ref. ABP-312864-22).
<b>Development Address</b>	Ballybeg, Toomevara, Co. Tipperary.
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, no further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	N/A
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	N/A
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	N/A

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p><b>Yes</b> <input type="checkbox"/></p>	
<p><b>No</b> <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 2: Screening for Appropriate Assessment

### Test for likely significant effects

#### Step 1: Description of the project and local site characteristics

<b>Brief description of project</b>	The proposed development comprises the construction and operation of a ready-mixed concrete plant.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	The site is not located within or directly adjacent to any European Site.
<b>Screening report</b>	N
<b>Natura Impact Statement</b>	N
<b>Relevant submissions</b>	None relating to AA

#### Step 2. Identification of relevant European sites using the Source-pathway-receptor model

<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development (km)</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup> Y/N</b>
Kilduff- Devilsbit Mountain SAC (Site Code: 000934)	<a href="https://www.npws.ie/protected-sites/sac/000934">https://www.npws.ie/protected-sites/sac/000934</a>	4km to the southeast	No source-pathway-receptor	N

Lower River Suir SAC (Site Code: 002137)	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	12km to the south	No source-pathway-receptor	N
Slievefelim to Silvermines Mountains SPA (Site Code: 004165)	<a href="https://www.npws.ie/protected-sites/spa/004165">https://www.npws.ie/protected-sites/spa/004165</a>	12km to the southwest	No source-pathway-receptor	N
Lough Derg North-East Shore SAC (Site Code: 002241)	<a href="#">Lough Derg, North-east Shore SAC   National Parks &amp; Wildlife Service</a>	23km to the northwest	Potential indirect link via Ollatrim River which flows 15km northwest a distance of 15km until its confluence with the Nenagh River. From here the river flows 8km northwest to Lough Derg North-east Shore SAC, which forms part of the Lower River Shannon SAC.	Y
Lower River Shannon SAC (Site Code: 002165)	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	31km to the southwest	Potential indirect link - As above.	Y

<sup>1</sup> Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

<sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

<sup>3</sup>if no connections: N

### **Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

#### **AA Screening matrix**

<b>Site name</b> <b>Qualifying interests</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	
	<b>Impacts</b>	<b>Effects</b>
Lough Derg North-East Shore SAC (Site Code: 002241)  Juniperus communis formations on heaths or calcareous grasslands [5130]  Calcareous fens with Cladonia mariscus and species of the Caricion davallianae [7210]  Alkaline fens [7230]  Limestone pavements [8240]  Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]  Taxus baccata woods of the British Isles [91J0]	Emissions to surface water run-off during construction and operation.	The risk of contamination of the Ollatrim River or the groundwater is highly unlikely. It is not likely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC in respect to the QI.  Conservation objectives would not be undermined.
Lower River Shannon SAC (Site Code: 002165)  Sandbanks which are slightly covered by sea water all the time [1110]  Estuaries [1130]	Emissions to surface water run-off during construction and operation.	The risk of contamination of the Ollatrim River or the groundwater is highly unlikely. It is not likely that the proposed development could generate impacts of a magnitude that could

<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</p>		<p>affect habitat quality within the SAC in respect to the QI.</p> <p>Conservation objectives would not be undermined.</p>
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Lutra lutra (Otter) [1355]		
	<b>Likelihood of significant effects from proposed development (alone): N</b>	
	<b>If no, is there likelihood of significant effects occurring in combination with other plans or projects? N</b>	
	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site* N</b>	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on a European Site. No further assessment is required for the project.		
No mitigation measures are required to come to these conclusions.		
<p><b>Screening Determination</b></p> <p><b>Finding of no likely significant effects</b></p> <p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site(s) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.</p> <p>This determination is based on:</p> <ul style="list-style-type: none"> <li>• Nature of works within an existing and operational quarry pit.</li> <li>• Distance from and weak indirect connections to the European sites.</li> </ul>		

Appendix 3: WFD IMPACT ASSESSMENT STAGE 1- SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>An Bord Pleanála ref. no.</b>	323016-25	<b>Townland, address</b>	Ballybeg, Toomevara, Co. Tipperary
<b>Description of project</b>		Ready-mixed concrete plant and all other associated site excavation, infrastructural and site development works. Permission is also being sought for occasional out-of-hours operations. The site comprises part of the approved and operational sand and gravel quarry (Tipperary County Council Reg. 2124; An Bord Pleanala Ref. ABP-312864-22).	
<b>Brief site description, relevant to WFD Screening,</b>		Site is located within an existing and operational sand and gravel quarry.	
<b>Proposed surface water details</b>		Settlement tanks are proposed to be used at the batching plant to contain water runoff and recycle the water back through the plant.	
<b>Proposed water supply source &amp; available capacity</b>		The site utilises groundwater from an existing well for the office/canteen and toilet. Water is obtained from a pumping pond, located along the southeastern boundary of the quarry pit which is approximately 5 metres deep. The water is extracted for use in the washing plant of the quarry and recycled via settlement lagoons back to the pond. The existing 'pumping pond' contains surface water and 'spring water' i.e. groundwater. The water from the pumping pond is proposed to be used in the batching plant approximately 12, 600litres pre day.	

Proposed wastewater treatment system & available capacity, other issues	There is an existing toilet and septic tank/percolation on site.					
Others?	N/A					
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g. at risk, review, not at risk	Identified pressures on that water body.	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	40m	Ollatrim_020 (IE_SH_25O01 0080)	Moderate	At Risk	Forestry	Surface run-off
Groundwater Waterbody	Underlying site	Neenagh (IE_SH_G_178)	Good	Not at risk.	None identified.	Potential surface run-off.

<p><b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b></p>							
<p><b>CONSTRUCTION PHASE</b></p>							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Surface	Ollatrim_020 (IE_SH_250010080)	Located approximately 40m south of the subject site.	Spillages	A stormwater conveyance swale collects runoff from the access road and discharges to attenuation pond.	No due to regular monitoring	Screened out

2.	Ground	Neenagh (IE_SH_G_178)		Spillages	Standard construction practice and site operating procedures.	No	Screened out
<b>OPERATIONAL PHASE</b>							
3.	Surface	Ollatrim_020 (IE_SH_250010080)	As above	Spillages from settlement tanks.  Wheel wash run off.	The tanks would have sufficient volumetric capacity to accommodate water.  Visual monitoring.  All water would be recycled through the settlement tanks for reuse in the	No, due to mitigation and monitoring measures.	

					batching plant.		
4.	Ground	Neenagh (IE_SH_G_178)	As above	Spillages from settlement tanks.  Wheel wash run off.	As above.	As above.	Screened out
<b>DECOMMISSIONING PHASE</b>							
5.	N/A						