

TipP  
S. Skelly

**Lita Clarke**

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**From:** Bord  
**Sent:** Monday 29 March 2021 15:08  
**To:** Appeals2  
**Subject:** FW: Reference: ABP-308711-20  
**Attachments:** TCC-MPS\_TCC-NEN-B2GF-C5560\_1\_0991\_001.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Hayes, James <james.hayes@tipperarycoco.ie>  
**Sent:** Monday 29 March 2021 15:04  
**To:** Bord <bord@pleanala.ie>  
**Subject:** Reference: ABP-308711-20

Good Afternoon,

Please find attached the observation of Tipperary County Council with regard to the above case number.

Regards,

James

**James Hayes**  
**Staff Officer, Planning**  
Tipperary County Council, Civic Offices, Nenagh, Co. Tipperary

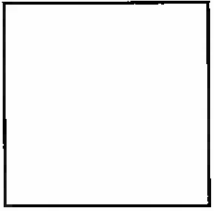
**T: 0761 06 5000**  
**E: [james.hayes@tipperarycoco.ie](mailto:james.hayes@tipperarycoco.ie)**  
**W: [www.tipperarycoco.ie](http://www.tipperarycoco.ie)**



**From:** "Hayes, James" <james.hayes@tipperarycoco.ie>  
**Sent:** 29 March 2021 15:05  
**To:** Hayes, James <james.hayes@tipperarycoco.ie>  
**Subject:** Attached Image

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**Tipperary County Council**  
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**Our Reference**  
**S5/20/78**

**Your Reference**  
**ABP-308711-20**

**Date**  
**29<sup>th</sup> March, 2021**

**The Secretary**  
**An Bord Pleanála**  
**64 Marlborough St.**  
**Dublin 1**

**Appeal Re: Section 5 Declaration re Lands at Ballydine and Butlerstown,  
Kilsheelan, Co. Tipperary.**

Dear Sir/Madam,

The Planning Authority have examined the correspondence dated 2/3/2021 regarding the above case and wish to state as follows:

An Bord Pleanála under SU0009 issued a conditional grant of Substitute Consent on 10/10/2013 for quarry development on the site. Condition no. 1 attached to SU0009 states as follows:

This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application on the 18th day of December, 2012. This grant of substitute consent relates only to development undertaken as described in the application and does not authorise any future development on this site.

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

The Planning Authority note ambiguity under condition no. 1 attached to An Bord Pleanála SU0009 in that same places a clear obligation on the operator/developer to ensure the development accords with the plans and particulars submitted to An Bord Pleanála with the application on the 18th day of December, 2012. It appears that doing this requires further extraction within the limits of the drawings provided to An Bord Pleanála with the substitute consent application namely Fig 2.1 and 2.

On this basis the Planning Authority consider extraction within the parameters permitted under the drawings and details authorised under An Bord Pleanála SU0009 as permitted under this grant of substitute consent.

If you have any queries, please do not hesitate to contact me.



**Comhairle Contae Thiobraid Árann**  
Tipperary County Council

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Yours faithfully,

for Director of Services

**Lita Clarke**

TIPP.  
S. Skell

**From:** Bord  
**Sent:** Monday 29 March 2021 16:48  
**To:** Appeals2  
**Subject:** FW: ABP-308711-20  
**Attachments:** Scan\_from\_fergal\_condon\_on\_TCC-CLON-FF-C5550\_5\_2478\_001.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

-----Original Message-----

**From:** Condon, Fergal <fergal.condon@tipperarycoco.ie>  
**Sent:** Monday 29 March 2021 16:36  
**To:** Bord <bord@pleanala.ie>  
**Subject:** ABP-308711-20

Hi,

Please find attached comments from this Authority regarding ABP-308711-20.  
Our ref 5/50/78.

Regards,

Fergal Condon  
Staff Officer, Planning Section  
Tipperary County Council, Civic Offices, Clonmel, Co. Tipperary

T: 0761 06 5000

E: fergal.condon@tipperarycoco.ie

W:

<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.tipperarycoco.ie%2F&data=04%7C01%7Cappeals%40pleanala.ie%7C39aa367be8e64d2c577508d8f2ca0e4d%7Cda4b02cb99534ab9abd9bcfe6c687ebb%7C0%7C0%7C637526296926638456%7CUnknown%7CTWFpbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C1000&reserved=0>

-----Original Message-----

**From:** "Condon, Fergal" [mailto:fergal.condon@tipperarycoco.ie]  
**Sent:** 29 March 2021 16:31  
**To:** Condon, Fergal  
**Subject:** Attached Image

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<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.tipperarycoco.ie%2F&data=04%7C01%7Cappeals%40pleanala.ie%7C39aa367be8e64d2c577508d8f2ca0e4d%7Cda4b02cb99534ab9abd9bcfe6c687ebb%7C0%7C0%7C637526296926648445%7CUnknown%7CTWFpbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C1000&reserved=0>

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Tipperary County Council

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[Covid19 Email Footer

image]<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.tipperarycoco.ie%2Fcovid19&data=04%7C01%7Cappeals%40pleanala.ie%7C39aa367be8e64d2c577508d8f2ca0e4d%7Cda4b02cb99534ab9abd9bcfe6c687ebb%7C0%7C0%7C637526296926648445%7CUnknown%7CTWfPbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQljoIV2luMzliLCJBTiI6lk1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=2UNUHAD18YMeQ0iv9k0IQ9M9kyvISewidnMYeyczj8w%3D&reserved=0>



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An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1.

29<sup>th</sup> March 2021

Re: ABP-308711-20  
Our Ref: 5/20/78

Dear Sir/Madam,

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*This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application on the 18th day of December, 2012. This grant of substitute consent relates only to development undertaken as described in the application and does not authorise any future development on this site.  
Reason: In the interest of clarity.*

The Planning Authority note ambiguity under condition no. 1 attached to An Bord Pleanála SU0009 in that same places a clear obligation on the operator/developer to ensure the development accords with the plans and particulars submitted to An Bord Pleanála with the application on the 18th day of December, 2012 . It appears that doing this requires further extraction within the limits of the drawings provided to An Bord Pleanála with the substitute consent application namely Fig 2.1 and 2.

On this basis the Planning Authority consider extraction within the parameters permitted under the drawings and details authorised under An Bord Pleanála SU0009 as permitted under this grant of substitute consent.

Regards,

  
For Director of Services

