



Comhairle Contae Thiobraid Árann
Tipperary County Council

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Ref. No. 2260121

TO: Miltown Composting Systems Ltd
Milltownmore
Fethard
Co. Tipperary
E91X8E8

Application Received: 14/03/2022, 04/07/2022 & 27/07/2022

Re: Notification of decision to grant PERMISSION with conditions under
Planning & Development Act 2000 (as amended)

A Chara,

In pursuance of the powers conferred upon them by the above mentioned Acts, Tipperary County Council has by Order dated 20/09/2022 decided to grant you PERMISSION for development of land namely:-reconstruction and extension of existing agricultural storage structure including use as organic material maturation and extension to existing storage facility, increase in allowed intake of organic material from 50,000 to 75,000 tonnes per annum to the processing facility, air handling bio-filter installation and associated extract and input fans, all necessary site works, an Environmental Impact Assessment (EIAR) will be submitted with the application to Tipperary Co. Co. with the planning application and the proposed development will require a review of the site's EPA Industrial Emissions Licence (W0270-02) at Milltownmore, Fethard, Co. Tipperary, E91X8E8.

For the reason(s) stated in schedule 1 and subject to the condition(s) stated on schedule 2 (1 to 8, pages 1 to 3).

If there is no appeal against the said decision, a Grant of PERMISSION in accordance with the Decision shall be issued as soon as maybe, but not earlier than 3 working days after the expiration of the period within which an appeal may be made to An Bord Pleanala. (See Footnote at end of document). It should be noted that until a Grant of a Permission has been issued the development in question is not authorised. The applicant is advised that unless the development described above is carried out within five (5) years from the date of Grant of PERMISSION, planning

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permission will cease to have effect. See Section 40 of the Planning and Development Act, 2000.

Signed on behalf of  **Date: 20/09/2022**
Director of Services

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Schedule One

It is considered that the proposed development complies with the policies and objectives of the **Tipperary County Development Plan 2022-2028**, and the proposed development does not have an adverse impact upon the character of the area or the amenities of adjoining properties in the vicinity of the site and would therefore be in accordance with proper planning and sustainable development of the area.

SCHEDULE TWO

1.

- a) Save where modified by the following conditions, the proposed development shall be carried out and completed in accordance with the plans and particulars submitted with the planning application on 14/03/2022 as amended by the plans and particulars and notices received on 04/07/2022 and on 27/07/2022 as significant further information.
- b) The mitigation measures as set out in the submitted Environmental Impact Assessment report and addendum to same received on 4/7/2022 as further information shall be implemented in full. The development shall not become operational until the road widening works at the junction of the L1409 and L14028-0 have been carried out and completed.
- c) The annual throughput of organic waste material on the site shall not exceed 75,000 tonnes per annum.

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

2.

- a) The developer is required to employ a suitably qualified archaeologist, licensed under the National Monuments (Amendment) Acts 1930—2004, to monitor all ground disturbance associated with the development. No groundworks/construction works are to take place in the absence of the archaeologist.
- b) Should archaeological material be found during the course of the archaeological monitoring, the archaeologist shall stop work on the site pending further advice from the Department of Housing, Local Government and Heritage with regard to further archaeological mitigation and revisions to the archaeological method statement.
- c) The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action e.g. redesign to allow for preservation in situ, and/or excavation. The applicant/developer shall facilitate the archaeologist in recording any material found.
- d) The Department of Housing, Local Government and Heritage and the Planning Authority shall be furnished with a report describing the results of the monitoring within 3 months of completion of ground works.

REASON: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

3. The materials, colours and textures of all the external finishes to the buildings shall be as per submitted.

REASON: In the interest of visual amenity.

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4. All surface waters shall be collected and disposed of in accordance with details proposed and contained within the EIAR. Surface water shall not discharge onto the public road or to adjoining properties.

REASON: In the interest of efficient drainage and public health and traffic safety.

5.

- a) The developer shall ensure that all demolition/construction works on site are carried out in a manner such that noise and dust emissions do not result in significant impairment of, or significant interference with, amenities or the environment beyond the site boundary.
- b) Where a phase of work is likely to generate high noise levels the applicant shall notify the Planning Authority and the residents likely to be affected in writing in advance. This notification shall include details of the nature and reason for works, likely duration and times of work and contact details of the company carrying out the works.
- c) The developer shall ensure that material from the site is not spread or deposited on the public roadway and shall maintain the roadway in a clean, tidy and safe condition. Any damage to or interference with the roadside drainage shall be made good without delay at the developer's expense, to the satisfaction of the Local Authority.
- d) No construction or demolition activity giving rise to noise audible from the nearest habitable dwelling shall be carried out on Sundays, Bank Holidays or Public Holidays.
- e) From Monday to Friday, all construction and demolition activity giving rise to noise audible from the nearest habitable dwelling shall be restricted to the hours between 8.00a.m. and 7.00p.m. (inclusive) and to the hours between 8.00 a.m. and 1.00pm (inclusive) on Saturdays (excluding Bank/Public Holidays).

REASON: To prevent a noise nuisance or traffic hazard arising from the implementation of the permission.

6. The demolition and construction phases of the development shall be managed in accordance with a Construction and Demolition and Environmental Management Plan that shall be submitted to and agreed with the Planning Authority prior to development commencing. The plan shall comply with Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects.

REASON: In the interest of traffic safety.

7. Prior to the commencement of development, a payment of a financial contribution shall be paid to the Planning Authority in respect of public infrastructure and facilities benefiting development in the administrative area of Tipperary County Council that is provided, or intended to be provided, by or on behalf of the Authority in accordance with the terms of the Tipperary County Council Development Contributions Scheme 2020 made under Section 48 of the Planning and Development Act, 2000 (as amended). The amount of the development contribution under this condition is **€68,513.90** which is calculated as follows:

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Class	Rate 2020 per sq.m	Area sq.m		Total
8	€23	3566.16	Permission	€82,021.68
Less contribution associated with former agri sheds that are being re-developed - €13,507.78				€68,513.90

REASON: It is considered reasonable that a contribution be made in accordance with the Tipperary County Council Development Contributions Scheme 2020 made under Section 48 of the Planning and Development Act 2000 (as amended).

8. Prior to the commencement of development, the developer shall pay to the Planning Authority a financial contribution as a special contribution in accordance with Section 48(2) (c) of the Planning and Development Act 2000 towards the cost of road widening works at junction of the L1409 and L14028-0. The amount of contribution payable in respect is €23,275. The contribution shall be index linked and shall reflect the developer equitable share of the capital costs.

REASON: It is considered reasonable that the developer should make a special contribution towards the expenditure proposed to be incurred for exceptional (specify type) infrastructure costs associated with and necessitated by the development.

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Footnote:

An appeal against a decision of a Planning Authority under the Planning and Development Act 2000 (as amended) may be made to An Bord Pleanala, 64 Marlborough Street, Dublin 1, D01 V902. (Tel. (01) 8588100) during office hours.

1. You have four weeks beginning on the date the planning authority makes its decision which was (20/09/2022). This is a strict time limit.
2. You must put your appeal in writing (either typed or handwritten).
3. You must clearly state your own name and address. If someone is acting for you, like a planning agent they must clearly state their own name and address as well as your name and address.
4. You must give enough details to allow An Bord Pleanala to identify the application you wish to appeal.
5. You must provide your planning grounds of appeal (reasons and arguments) for your appeal and any items you wish to support your grounds of appeal.
6. If you are a third party, you must include the written acknowledgement given to you by the planning authority to confirm it received your submission at planning application stage.
7. You must pay the correct fee.

For more information on how to make an appeal see www.pleanala.ie