



**PLANNING & DEVELOPMENT ACT, 2000 (as amended)**

**Application for a Section 5 Declaration**  
**Development / Exempted Development**

**1. Applicant's address/contact details:**

<i>Applicant</i>	Phelan Skip Hire & Waste Management Ltd
<i>Address</i>	Mill River Business Park, Carrick on Suir, Co Tipperary
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED] <b>SCANNED</b>

**2. Agent's (if any) address:**

<i>Agent</i>	Heather Loughlin, Fraoch Environmental Consulting
<i>Address</i>	Crohane, Killenaule, Thurles, Co Tipperary
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [ <input type="checkbox"/> ]      Agent [ <input checked="" type="checkbox"/> ]	

**3. Location of Proposed Development:**

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Ballylynch, Carrick on Suir, Co Tipperary  ITM 641816,622354
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**TIPPERARY CO. COUNCIL  
RECEIVED**  
**26 APR 2024**  
PLANNING SECTION  
FILE NO. ....

**4. Development Details:**

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

Phelan Skip Hire & Waste Management Ltd holds a Certificate of Registration
(ref CoR-T-21-0007-01) and planning permission (ref 201185) for the storage of
inert construction and demolition waste at Ballylynch.
The applicant wishes to use a mobile crusher to crush the waste to make an
aggregate than can be sold for re-use.
Proposed floor area of proposed works/uses: 30 sqm

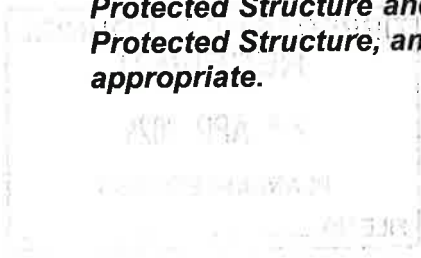
**5. Legal Interest of Applicant in the Land or Structure:**

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	A. Owner	B. Occupier
	C. Other Yes	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	Site is leased	
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: Surehaul Commercials Address: Rathpatrick, Slieverue via Waterford Co Kilkenny X91 D43C	

Signature of Applicant(s) 

Date: 26.04.24

**Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.**



## GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
  - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
  - Floor Plans & Elevations at a scale of not less than 1:200
  - Site layout plan indicating position of proposed development relative to premises and adjoining properties
  - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

**This application form and relevant fee should be submitted to:**

<b>Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary</b>	<b><u>OR</u></b>	<b>Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary</b>
<b>Enquires:</b>		
<b>Telephone 0818 06 5000</b>		
<b>E-Mail <a href="mailto:planning@tipperarycoco.ie">planning@tipperarycoco.ie</a></b>		

<b>FOR OFFICE USE ONLY</b>	
	<b><u>DATE STAMP</u></b>
<b>Fee Recd. €</b> _____	
Receipt No _____	
Date _____	
Received by _____	



## Morgan, William

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**From:** heather.loughlin@fraoch.ie  
**Sent:** 26 April 2024 15:44  
**To:** Planning Group  
**Subject:** [External] Section 5 Application  
**Attachments:** Section 5 Application Form\_JPS260424.pdf; Planning Permission Ballylynch.pdf; CoR Ballylynch.pdf; Site Layout Plan JPSB260424.pdf; Sensitive Receptors JPSB260424.pdf; ROCO-r9-Spec-online-1.pdf

CAUTION FROM TIPPERARY COUNTY COUNCIL IT SECTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

FAO Planning Section

Please find attached an application for Section 5 Declaration.

My client, Phelan Skip Hire and Waste Management Ltd holds a Certificate of Registration (ref CoR-T-21-0007-01, expiry date 18<sup>th</sup> October 2026) and planning permission (ref 201185) for the storage of inert construction and demolition waste at Ballylynch. The applicant wishes to use a mobile crusher to crush the waste to make an aggregate than can be sold for re-use. The activity will be carried out under the Conditions of the Certificate of Registration and Planning Permission, both of which allow for the regulation of noise and dust emissions from the site. The current Planning Permission specifies emission limit values for both noise and dust.

I have attached a brochure of the mobile crusher my client is hoping to purchase. Noise levels are 85dBA at 1m distance and there is built in dust suppression. The crusher would be operated at the location indicated on the attached plans.

The plant is capable of crushing 30-120 tonnes per hour. For efficiency, the crusher would be operated for set periods of time e.g. 1 day a week for 2 hours.

The application fee has been paid over the phone today. Receipt number is 119495.

Yours faithfully,

**Heather Loughlin**  
Principal Consultant

**FRAOCH**

Fraoch Environmental Consulting  
Crohane, Killenaule, Thurles, Co. Tipperary, E41WA06  
T: 0863348141  
[www.fraoch.ie](http://www.fraoch.ie)

**SCANNED**



TIPPERARY COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT 2000, (as amended)

NOTIFICATION OF DECISION TO GRANT PERMISSION  
WITH CONDITIONS

TO: Phelan Skip Hire & Waste Management Ltd Ref No. 201185  
C/o Fraoch Environmental Consulting  
Heather Loughlin  
Crohane  
Killenaule Application Received: 14/10/2020, 26/05/2021 & 28/06/2021  
Thurles,  
Co Tipperary

In pursuance of the powers conferred upon them by the above mentioned Acts, Tipperary County Council has by Order dated 23<sup>rd</sup> July, 2021 decided to grant you PERMISSION for development of land namely:- **change of use from general commercial use to an inert waste transfer facility (i.e. soil, stone, construction/demolition waste) at Ballylynch Carrick-on-Suir, Co. Tipperary.**

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 will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanala. (See Footnote).

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

FOOTNOTE: An appeal against a decision of a Planning Authority under the Planning and Development Acts 2000 - 2010 may be made to An Bord Pleanala, 64 Marlborough Street, Dublin 1 (Tel. (01) 8588100). All Appeals either by the applicant or a third party must be received by An Bord Pleanala within four weeks beginning on the date of the making of the Decision by the Planning Authority. Appeals posted within the permitted period but received after the latest date will be invalid. (Note: Where the latest date for receipt of an Appeal falls on a day when the offices of the Board are closed (Week-Ends, Public Holidays, etc.), the latest date for receipt will be the next day on which the offices are open).

An appeal must be made in writing and be accompanied by (a) the name and address of the applicant, (b) the subject matter of the Appeal, (c) the full grounds of appeal and the reasons, considerations and arguments on which they are based, (d) the appropriate fee as set out on attached schedule, and (e) in the case of a third party appeal, the acknowledgement from this Planning Authority of receipt of submissions/observations made by the third party. Any appeal which does not meet all the legal requirements will be invalid and cannot be considered by the Board. Further details are available on the Board's Website [www.pleanala.ie](http://www.pleanala.ie)

A commercial development means development for the purposes of any professional, commercial or industrial undertaking, development in connection with the provision for reward of services to persons or undertakings, or development consisting of the provision of two or more dwellings, but does not include development for the purposes of agriculture.

N.B. An appellant is not entitled to elaborate upon or make further submissions in writing in relation to the grounds of Appeal unless requested to do so by the Board.

Signed on behalf of the said Council T. Thompson Date: 23<sup>rd</sup> July, 2021  
for Director of Services



Tipperary County Council

**Schedule of Conditions – File Reference Number 201185**

**SCHEDULE ONE**

It is considered that the development complies with the policies and objectives of the Carrick on Suir Town Development Plan 2013, as varied and that the development does not have an adverse impact upon the character of the area or the amenities of adjoining properties.

**SCHEDULE TWO**

1. Save where modified by the following conditions, the proposed development shall be carried out and completed in accordance with the drawings and documentation submitted with the planning application on the 14/10/2020 as amended by the plans and particulars received on 26/5/2021 and 28/6/2021 as significant further information in response to a Further Information Request issued on 4/12/2020.

**REASON: In the interest of proper planning and sustainable development.**

2. The use of the proposed development shall be restricted to that for which permission is sought. The development shall not be used for any other purpose other than a use compliant with the uses permitted save where a grant of planning permission has been obtained from the Planning Authority or An Bord Pleanála.

**REASON: In the interest of proper planning and sustainable development.**

3. The site shall be landscaped in accordance with the details received as further information. The planting and associated works shall be undertaken in the first planting season following commencement of the development.

All planting shall be adequately protected from damage until established. Any plants which die, or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species.

**REASON: In the interest of residential and visual amenity.**

4. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-
  - (i) An Leq, 1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive

(ii) An Leq, 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

**REASON: To protect the [residential] amenities of property in the vicinity of the site.**

5. (a) Dust deposition as a result of site activities shall not exceed the TA luft standard of 350mg/m<sup>2</sup>/d measured as an average over 30 days. The developer shall provide suitable equipment and implement all reasonable measures to ensure that a dust nuisance is not caused on public roads or that property in the locality of the development are not adversely affected by dust.



**Tipperary County Council**

***Schedule of Conditions – File Reference Number 201185***

(b) Monitoring of dust emission shall be carried out by the developer when required by the Planning Authority and the results of the monitoring shall be made available to the Planning Authority on request.

**REASON: In the interest of environmental and residential amenity.**

6. (a) All clean surface water runoff from roofs and clean paved areas within the site shall be collected separately from contaminated/soiled surface waters and shall be disposed of to the existing surface water collection system. Surface water shall not be allowed flow onto the public road or adjoining properties.

(b) Soiled surface waters shall be collected and disposed directly to the wash bay and associated drainage infrastructure.

**REASON: In the interest of protecting water quality.**

7. (a) The facility operator shall ensure that vermin, birds, flies, mud, dust, litter and odours do not give rise to nuisance at the facility or in the immediate area of the facility.

(b) The road network in the vicinity of the facility shall be kept free from any debris caused by vehicles entering or leaving the facility. Any such debris or deposited materials shall be removed without delay.

**REASON: In the interest of protecting the amenities of properties in the vicinity.**

8. Prior to the commencement of development 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 **€5,160** which is calculated as follows:

Class	Rate 2020	Area ha		Total
9	€17,500 per ha	0.8	Permission	€14,000
Less existing use – Class 5	460/0.1ha	0.8		€3,680
Less 50% economic reduction				€5,160
<b>Total</b>				<b>€5,160</b>

Reduction given under Section 11 of the Tipperary County Council Development Contributions Scheme for the contributions applicable to the existing use on the site which are calculated at a rate of €460 per 0.1 ha (Class 5). This gives a reduction of €3680 in contributions payable.

= €10,320

Reduction of 50% (€5,160) also given under Section 10 of the DCS

**= €5,160**

Tipperary County Council

**Schedule of Conditions – File Reference Number 201185**

**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).

Tipperary Planning Authority - Viewing Purposes Only



**Comhairle Contae Thiobraid Árann**  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigi Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann

Tipperary County Council,  
Civic Offices, Clonmel,  
Co. Tipperary

Comhairle Contae  
Thiobraid Árann,  
Oifigi Cathartha,  
An tAonach,  
Co. Thiobraid Árann

Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary

t 0761 06 5000  
e customerservice  
@tipperarycoco.ie

tipperarycoco.ie



**Comhairle Contae Thiobraid Árann**  
Tipperary County Council

**SCANNED**

### **CERTIFICATE of REGISTRATION**

Certificate of Registration Reference Number: **CoR-T-21-0007-01**

**Registration Holder:** Phelan Skip Hire & Waste Management t/a Phelan Skip Hire,  
Unit S1, Mill River Business Park, Carrick on Suir, Co.  
Tipperary

**Location of Facility:** Ballylynch, Carrick on Suir, Co. Tipperary

**Certificate Expires:** 18<sup>th</sup> October 2026

## **DECISION & REASONS FOR THE DECISION**

On the basis of the information before it and having considered the application for the Certificate of Registration CoR-T-21-0007-01 under Article 37 of the Waste Management (Facility Permit and Registration) Regulations 2007, as amended, Tipperary County Council is satisfied that the waste activity, or activities, licensed hereunder:

(a) the activity concerned when carried on within the terms of the certificate of registration will not cause environmental pollution,

(b) any emissions from the activity concerned will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any enactment,

(c) best available techniques will be used to prevent or eliminate or, where that is not practicable, to limit, abate or reduce an emission from the activity concerned,

(d) the applicant is a fit and proper person.


Tipperary County Council hereby grants a Certificate of Registration under Article's 37(2) and 37(14) of the Waste Management (Facility Permit and Registration) Regulations 2007, as amended, to Phelan Skip Hire & Waste Management t/a Phelan Skip Hire Unit S1, Mill River Business Park, Carrick on Suir, Co. Tipperary for the facility at Ballylynch, **Carrick on Suir**, Co. Tipperary for the:

- Storage pending recovery of Inert Construction and Demolition Waste, where the total quantity of organic waste recovered at the facility shall not exceed 7,000 tonnes per annum

Where the total amount of waste that may be recovered at the facility shall not exceed 7,000 tonnes per annum.

In reaching this decision the Council has considered the application and supporting documentation received from the applicant and the report of its engineer.

Signed: \_\_\_\_\_

  
**Orla Kelly**  
**Administrative Officer**  
**Environment and Climate Action**

15<sup>th</sup> October 2021  
**Date of Issue.**

**Part I - Schedule of Activities Permitted**

In pursuance of the powers conferred on it by the Waste Management Act 1996, as amended, and the Waste Management (Facility Permit and Registration) Regulations 2007, as amended, Tipperary County Council hereby grants a Certificate of Registration under Article 37(2) of the said regulations to Phelan Skip Hire & Waste Management t/a Phelan Skip Hire, Unit S1, Mill River Business Park, Carrick on Suir, Co. Tipperary to carry on the:

- Storage pending recovery of Inert Construction and Demolition Waste, where the total quantity of organic waste recovered at the facility shall not exceed 7,000 tonnes per annum

at the facility at Ballylynch, Carrick on Suir, Co. Tipperary, in accordance with the plans and particulars furnished with the application and subject to the terms / general rules and the associated schedules attached thereto set out in the certificate.

*Licensed Waste Recovery Operations, in accordance with the Fourth Schedule of the Waste Management Act, 1996, as amended.*

<p><b>Recovery Operations</b> <b>R 12</b></p>	<p><b>Exchange of wastes for submission to any of the operations numbered R1 – R11 – basic sorting activities; mixing of waste from different generators before it is sent to a recovery facility; transfer and compaction of waste; shredding of wood waste prior to energy recovery.</b></p>
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*Registered Waste Recovery Activities, in accordance with Part II of the Third Schedule of the Waste Management (Facility Permit and Registration) Regulations 2007, as amended.*

	<p><b>Recovery of inert waste arising from construction and demolition activity, including concrete, bricks, tiles, other such similar material, at a facility (excluding the improvement or development of land) where –</b></p>
<p><b>Class 7</b></p>	<p><b>(a) The annual intake shall not exceed 10,000 tonnes, and</b> <b>(b) The maximum quantity of residual waste consigned from the facility for submission to disposal at an authorised facility shall not exceed 15% of the annual intake.</b></p>
<p><b>Limitation:</b></p>	<ul style="list-style-type: none"> <li>• The upper limit on the total amount of waste to be accepted at the facility is limited to a total of 7,000 tonnes, the breakdown of which is attached in Appendix 1</li> </ul>

the Environmental Protection Agency guidelines 'Storage and Transfer of Materials for Scheduled Activities' (2004).

- f. Any waste deemed not Construction and Demolition Waste or Timber at the facility and / or in contravention of this Certificate of Registration shall be immediately separated and stored in the Waste Quarantine area and removed from the facility at the earliest possible time (not more than 24 Hours from arrival). Waste shall be stored under appropriate conditions to avoid: dust or odour generation; the discharge of waste off-site via suspension in surface water run-off (or any other discharge off-site); and, any other nuisance or objectionable condition.
  - g. Following termination, or planned cessation for a period greater than six months, of use or involvement of all or part of the site in the registered activity, the Registration Holder shall, to the satisfaction of Tipperary County Council, decommission, render safe or remove for disposal/recovery, any soil, subsoil, buildings, plant or equipment, or any waste, materials or substances or other matter contained therein or thereon, that may result in environmental pollution.
- (2) Any emissions from the Storage activity concerned (including both storage and temporary storage) shall not result in contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any enactment.
  - (3) The registration holder shall ensure that all waste activities (including both storage and temporary storage) is undertaken in a manner which does not endanger human health.
  - (4) Waste shall only be accepted by the registration holder at the site between 08:00 and 18:00 hours on Monday to Saturday unless otherwise approved in writing by Tipperary County Council.
  - (5) The registration holder shall put in place appropriate procedures relating to the acceptance of waste at the facility, including:
    - (i) waste inspection procedures,
    - (ii) waste acceptance and handling procedures,
    - (iii) waste characterisation and waste quarantine procedures,
    - (iv) other appropriate procedures and arrangements relating to the acceptance of waste, and
    - (v) Measures to ensure compliance with article 6 of these Regulations.
  - (6) The registration holder shall put in place appropriate procedures relating to the supervision of the storage activity.
  - (7) The registration holder shall ensure that all waste accepted at the facility has been collected and transported in accordance with Section 34 of the Act and the Waste Management (Collection Permit) Regulations, 2007, as amended.

- (18) The registration holder shall maintain a register in relation to the activity to which the certificate of registration relates, which shall be available for inspection by Tipperary County Council, which details:
- (a) the dates, time of arrivals and quantities of each waste consignment (by European Waste Catalogue code(s) and description(s) pursuant to Commission Decision 2001/118/EC of 16 January 2001 or subsequent amendments) delivered to the facility,
  - (b) names of the carriers, including details of vehicle registrations and waste collection permits numbers,
  - (c) origin of waste delivered,
  - (d) quantities and composition of wastes rejected at the facility, and
  - (e) Quantities, composition and destination of waste consigned for onward transport from the facility.
- (19) The registration holder shall compile and maintain records in a format agreed with Tipperary County Council in respect of the particulars of the summary information contained in the register established in accordance with Term / General Rule (15), for a period of not less than 7 years.
- (20) The registration holder shall immediately notify Tipperary County Council of any incident arising from the activity, which:
- (a) has the potential for contamination of surface or ground water, or
  - (b) poses an environmental threat to air or land.
- (21) As part of the notification process, the operator shall include, within the 24 hours of any such incident occurring, details as to—
- (a) the date and time of the incident,
  - (b) details of the incident,
  - (c) evaluation of the pollution caused, and
  - (d) Remedial corrective measures undertaken or to be undertaken, including details of preventative measures.
- (22) Not later than the 28th day of February in each year, the registration holder shall furnish to Tipperary County Council or, as the case may be, the National Waste Collection Permit Office in such form as may be agreed, an Annual Environmental Report containing summary information in relation the preceding calendar year or part thereof as the case may be, in respect of the activities to which the Certificate of Registration relates and giving particulars of the manner in which the Terms / General Rules specified in this schedule have been implemented.
- (23) The registration holder shall also comply with any additional rules for the management of particular streams of waste:
- Part II: Waste Electrical and Electronic Equipment Facilities,
  - Part III: Refrigerant Gas, Halon and Fluorinated Greenhouse Gas Facilities,
  - Part IV: Organic Waste Composting Facilities,
  - Part V: Spreading of Organic Waste on Land, and
  - Part VI: Storage of Immobilised Vehicles.
  - Part VII: Pay-to-Use compactor units Accepting Household Waste.



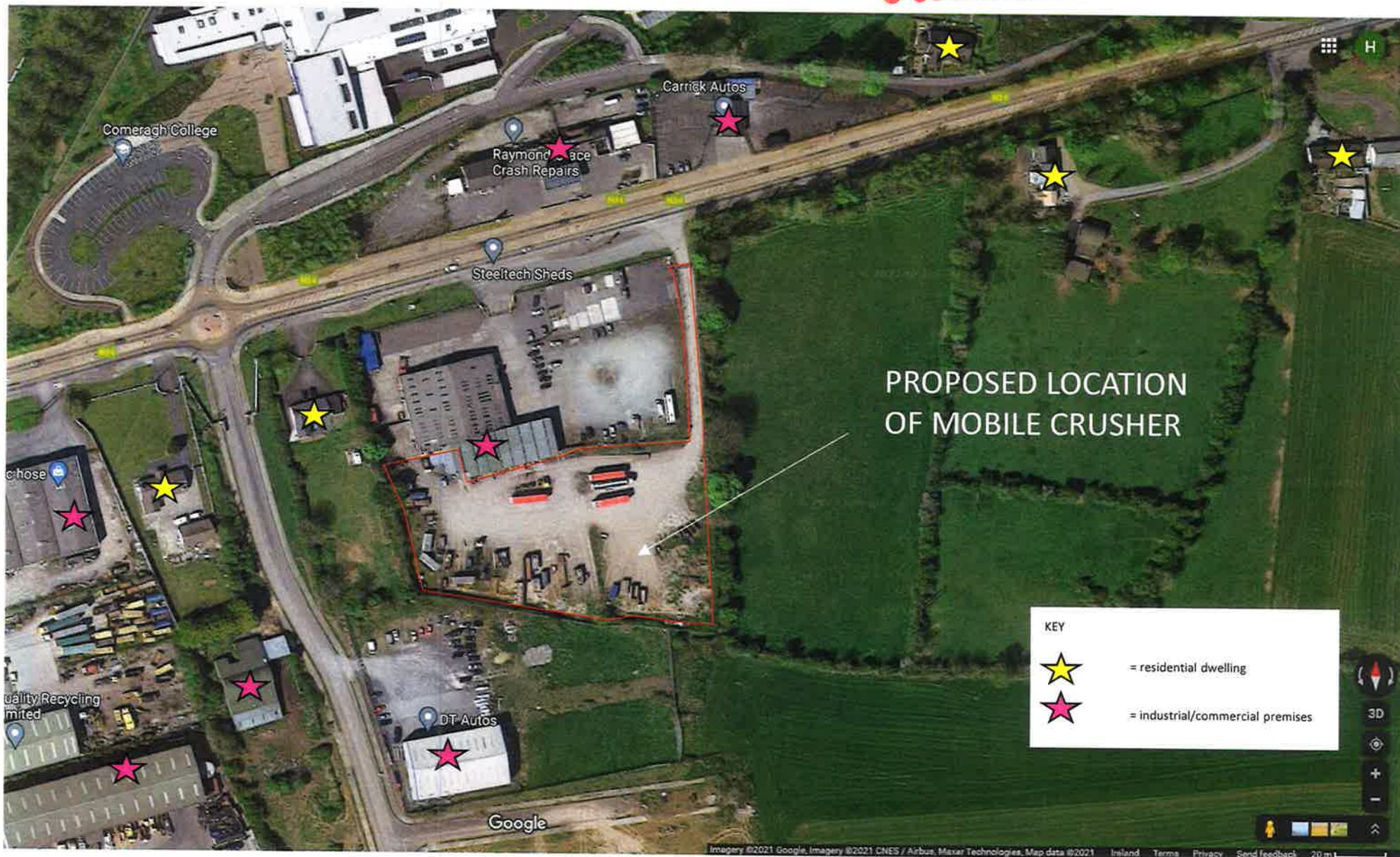
## **APPENDIX 1: WASTE TYPES AND QUANTITIES**

The waste types accepted and to be accepted at **John Phelan Skip Hire's** Ballylynch yard.

Code	Description	Tonnes/Annum
17 01 01	Concrete	1,000
17 01 02	Bricks	1,000
17 01 03	Tiles and Ceramics	500
17 01 07	Mixture of concrete, bricks, tiles and ceramics	500
17 02 01	Wood	500
17 05 04	Soil and Stones	1,000
17 09 04	Mixed C&D	2,500
	<b>Total</b>	<b>7,000</b>

Phelan Skip Hire & Waste Management Ltd @Ballylynch, Carrick on Suir, Co. Tipperary  
Location of nearest sensitive receptors (Not to Scale)

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# ROCO R9

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SPECIFICATION SHEET



## ROCO R9 Jaw Crusher

- ROCO R9 Jaw Crusher is suitable for use in all quarry, mining, demolition & recycling industries.
- The mobile crushing unit ROCO R9 is determined for crushing non-sticky, medium hard or hard building waste, concrete, concrete blocks or natural aggregates such as limestone, sandstone & similar materials upto compressed strength of 200MPA.
- The ROCO R9 Jaw Crusher is equipped with a 800x500mm max Jaw opening with full adjustment & central greasing point. 19%MN Jaws + Liners installed (Crusher box and parts produced in the same foundry as Metso Products).
- With our Low Set Speed Engines (Only 1500RPM) built in silent canopy the R9 complies with strict low working noise levels. Producing only 85dB @1 meter.
- The Dual Powered R9 can also work indoors as it has Plug-In facility meaning it can be powered completely from permanent Electric 3 phase power supply or by existing generator on site, meaning no fumes and silent operation indoors or out! Ideal for working indoors at dusty recycling centres, the Healthy & Eco-friendly option!
- Most Economical 20Ton crusher on the market, with record brekaing low fuel consumption of only 5-7 litres of fuel per hour or no diesel fuel consumption when connected to onsite power supply.
- Caterpillar Turbo Diesel engine operating onboard 100KVA Leroy Somer Generator with extra 63A, 32A & 230V auxiliary plugs installed for driving an extra conveyor, screenbox or carrying out Repairs on site without the use of an extra power source. .
- No operating noise while connected to onsite power supply (Plug In).
- Hydraulic Folding Side conveyor (Optional Extra) complete with pre screen and mesh size of your choice installed, also by pass chute installed if Side Conveyor not required for more tonnes per hour production. Overband magnet installed over discharge Conveyor for separating steel from crushed material and is ideal for feeding into steel skip for metal recycling.
- The ROCO R9R Jaw Crusher is designed to the highest standards with the operator in mind & will guarantee the crushing of materials with ease and most efficiently. Attention to detail on Design & Quality on the R9 is unrivalled in the 20 Ton Crusher Market.



- Average output of 30-120TPH/33-132(US) and fast on site setup time of just a few minutes, CSS setting of 30mm.
- Onboard built in Hydraulic powerpack that operates the Tracking and working of hydraulic Cylinders.
- Dust suppression system with filtration for dust control (Water Jets) ready for hooking up to your water main on site. Spray bars + jets installed to Crusher Feed, Under Crusher Box & on End of Main Discharge Conveyor.
- Compact machine yet all panels for maintenance open fully and floor on catwalk lift up for any maintenance procedures, Extremely easy access to all main components.
- Machine fully Earthed & complete with Earth Rod.
- As the ROCO R9 Jaw Crusher is just under 18.5 Ton and 2.5M wide it is easily transported & not restricted around sites. It can be hauled on a Standard Trailer, Curtainsider, Mega Trailer or Low Loader Without Road Permits.
- CE Certified/Declaration of conformity available.





## Working Dimensions

<b>Length:</b>	11.762m/38.5ft
<b>Width:</b>	2.5m/8.2ft (No Side Conveyor)
<b>Width:</b>	5.3m/17.3ft (With Side Conveyor)
<b>Height:</b>	2.98m/9.7ft

## Transport Dimensions

<b>Length:</b>	11.762m/38.5ft
<b>Width:</b>	2.5m 8.2ft
<b>Height:</b>	2.98m/9.7ft
<b>Weight:</b>	18,500KGS/ 40,785(LBS)

## Crusher Box

This proven and very successful crusher box has been in production since 1993 year, produced in European foundry.

<b>Reverse Crush Option:</b>	Yes Installed as Standard (Ideal for crushing Asphalt)
<b>Single Toggle:</b>	Yes
<b>Max Opening:</b>	800x500mm
<b>Min Setting (CSS):</b>	30mm
<b>Max Setting (CSS):</b>	150mm
<b>Crusher Strength:</b>	200MPa
<b>Crusher Drive:</b>	Electric Motor/V-Belts

- Jaw Plates are Top Quality 19%MN Reversible Plates, 1 x Toothed + 1 x Smooth Installed as standard (Best Suited for Recycling). Variable Choice of Jaw Plates on Request.
- Crusher Liners are Top Quality 19%MN (6 No) All Replaceable Wear parts.







## Grizzly Feeder/Hopper

<b>Length:</b>	3,150mm
<b>Width:</b>	710mm (Table Base)
<b>Max Size of Feed Material:</b>	500 x 400mm
<b>Grizzly Gap:</b>	27-50mm (Replaceable)
<b>Length of Grate Area:</b>	1,270mm
<b>Weight:</b>	1,350kg (Table)
<b>Drive:</b>	2 PC's, MVE2100 Electric Variable Speed Motors
<b>Remote Control:</b>	150m Range
<b>Material:</b>	Top Quality Hardox Lined Hopper & Replaceable Hardox Wear plates installed to Feeder Floor and bottomsides.

## Main Conveyor

<b>Length:</b>	8,300mm
<b>Width:</b>	800mm
<b>Drive:</b>	Electric Drum Interroll 4kW 0 240mm 1.25m/s

## Side /Pre Screen Conveyor

<b>Length:</b>	2,800mm
<b>Width</b>	500mm
<b>Hydraulic Folding:</b>	Yes
<b>Drive:</b>	Electric Drum Interroll 1.5kW 0 220mm 1.25m/s

## Engine

<b>Manufacture:</b>	Caterpillar C4.4 Turbo T3B
<b>Engine Power:</b>	103KW / 138HP – 1500RPM (Set Speec)
<b>Engine Cooling:</b>	Large Radiator & Oil Cooler



## Generator

<b>Manufacture:</b>	Leroy Somer LSA 44.3 S4 C6/4
<b>Generator Power:</b>	100KVA (Standby) —90KA Continuous
<b>Volts:</b>	400, 50HZ
<b>KW:</b>	79/72 Continuous

## Hydraulics

- Electric Driven Power pack built on board—Only activated when required.
- No Hydraulics in use when machine is crushing/working meaning no chance of hose bursting, oil contamination or pollution on site when crushing.

## Undercarriage

<b>Manufacture:</b>	Strickland
<b>Sprocket/Idler Centre:</b>	3,500mm
<b>Overall Width:</b>	2,250mm
<b>Shoe Width:</b>	400mm
<b>Drive:</b>	Hydraulic Motor
<b>Maximum Travel Speed:</b>	1.2km/hr
<b>Weight:</b>	2,900kg



## Tracking

<b>Wireless Remote:</b>	Yes (150m Range)
<b>Emergency Stop:</b>	Yes
<b>Travel Alarm:</b>	Yes





## Electrics

<b>Emergency stops:</b>	5 installed
<b>Start Siren:</b>	Yes—10 Second Delay
<b>Flashing Beacon:</b>	Yes Beacon & Siren Alarm for Track Manoeuvring and fault alerting.
<b>Safety Switches:</b>	Yes Installed for Oil Temperature, Coolant Level, Hydraulic Oil Level and Engine Speed.
<b>Earthing:</b>	Machine fully Earthed & Complete with Earth Rod preventing shorting out.

- Secured Waterproof & Dust proof Electric Cabinet complete with heater to prevent Dampness/ Condensation in Electric Compartment.
- All Trip Switches & Cables labelled.
- Safety sensors installed to Electric Cabinet Doors.
- Any fault onboard will be displayed on PLC for easy diagnosing.

## Safety Features

- Protector Guard over Jaw to prevent loose stones jumping out or persons falling in.
- Emergency Stops— 5 in Total
- Work Lamps (Optional Extra).
- Chevron Stickers + Safety Decals.
- Safety Guards on Return Rollers.
- Cat Walks & Fixed access Ladder/Step. All access doors lockable.
- Full Diagnostics, Fault Findings on Monitor, including Greasing Intervals.
- GPS (Optional Extra) Remote messages Notifying any Faults or issues on board.
- Machines fully Earthed & Complete with Earth Rod Preventing Electrocution in the Event of Electric Fault. All functions Fused & Trip Switches installed.
- Isolator/Dead man switch installed preventing Starting or Powering up when not required or carrying out Maintenance.
- Complete with full User & Part Manuals (USB Drive).
- Sensors on Electric Cabinet indicating when doors not closed.



## Remote Control

- Wireless Remote Control.
- Handheld, Lightweight and Easily stored in Excavator or Wheel Loader and complete with Waist Band when Operator is Tracking machine while walking.
- 2 Speed Tracking and automatic high torque low speed for steep incline tracking.
- Full Control of Feeder Speed.
- Activation button for Hydraulic Power pack.
- 150 Range with Emergency Stop Installed.

## All Extras Installed as Standard

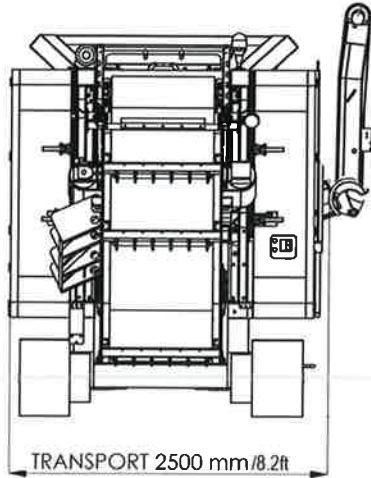
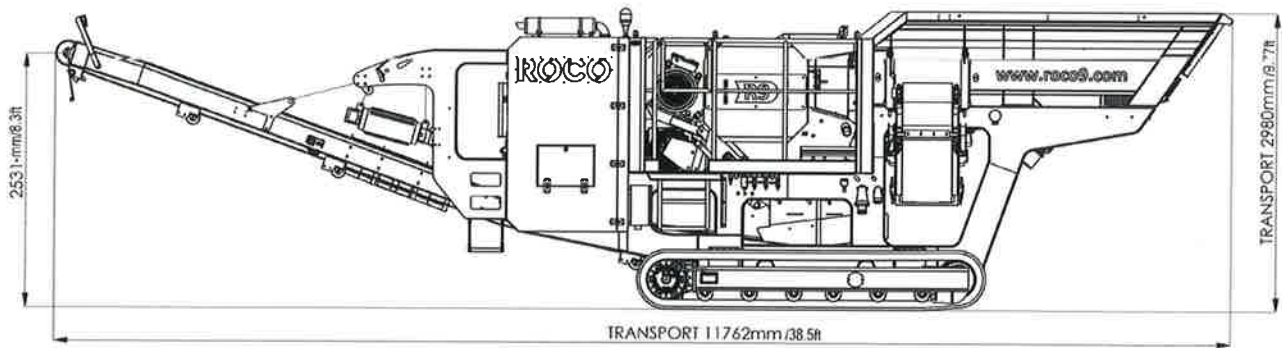
- Automatic feeder (Magic Eye) for regulating Feed to Jaw.
- Steel Iron Bender/Apron on base of the Jaw to Bend Re-Bar in Concrete & Not Damage the Discharge Belt. (Installed as standard).
- Overband Steel Magnet.
- Dust suppression system with filtration for dust control (Water Jets) ready for hooking up to your water main on site. Spray bars + jets can be installed to Crusher Feed, Under Crusher Box & on End of Main Conveyor.
- Central Greasing Point.
- Reverse Crusher option on demand.
- Lockable Tool Box comes complete with required Spanners, Extra Shims for Crusher Box (6 No) & Grease Gun.

## Optional Extras at additional cost

- Folding Side/Dirt Conveyor for Pre Screening & Producing another Product.
- Stage 5 / T4F Engine options with USA EPA Compliance available.
- Fully Automatic Greasing Station.
- Work lamps.
- GPS Complete with Smartphone Capability to Locate Machine + Reporting of any issues, Service Intervals or problems onBoard via Message System.
- Weigh loader (Scales) for Calculating/Weighing Crushed Material + Printer—Which is also Smartphone Friendly.
- Personalised Company Decals Fitted.



## Transport Position

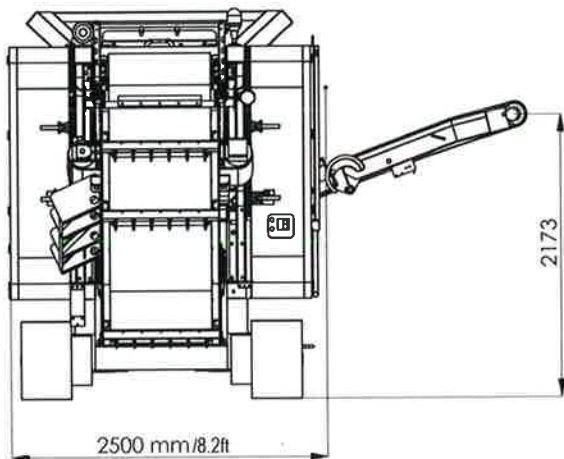
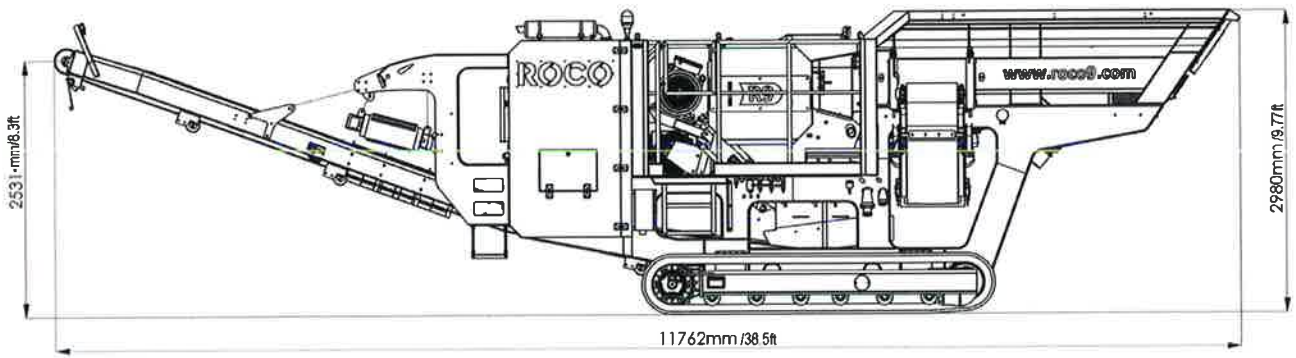


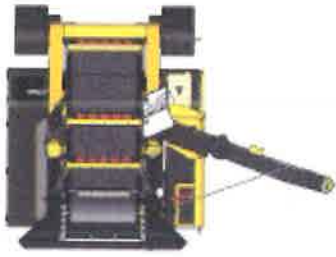
**Suitable for Transporting & Shipping Worldwide by Standard Trailer, Curtainsider, Mega Trailer, Low Loader or Ro-Ro. No Road Permit Required (Only 2.5m/8ft wide)**





## Working Position









205A Concession Road  
Crossmaglen, Newry  
Co. Armagh, Northern Ireland  
BT35 9JD

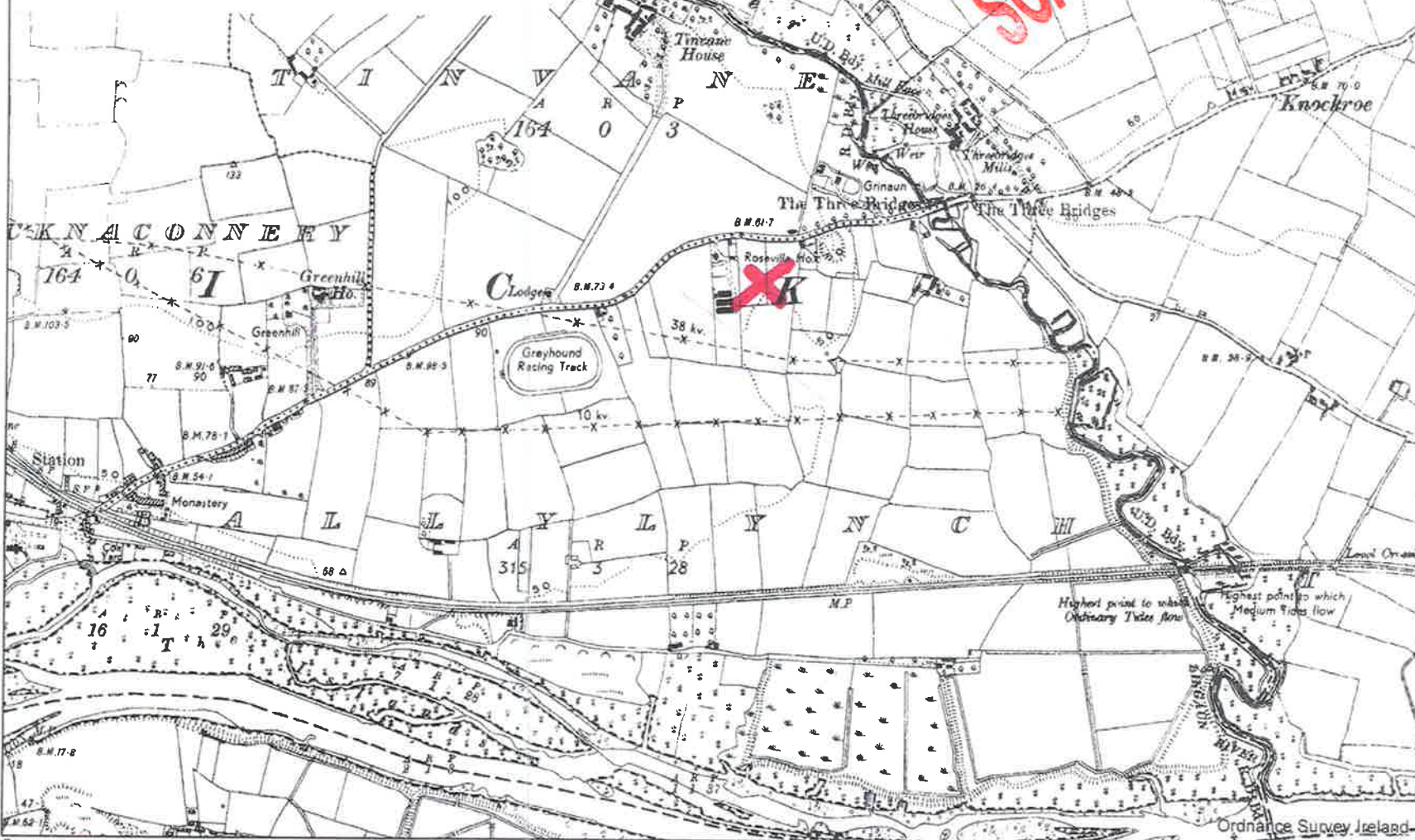
**T** +44 28 30868833  
**E** [sales@roco9.com](mailto:sales@roco9.com)



# Site Location Map

**SITE LOCATION MAP 6 inch**  
**PHELAN SKIPHIRE & WASTE MANAGEMENT LTD**  
**@ Waterford Road, Carrick on Suir, Co Tipperary**  
 Drawn by: Heather Loughlin, Fraoch Environmental Consulting,  
 Crohane, Killenaule, Thurles, Co Tipperary  
 02.09.20 JPS/002/01  
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 ITM 641816,622354

**PUBLISHED:** 10/06/2020     **ORDER NO.:** 50123409\_1

**MAP SERIES:** 6 Inch Raster  
 6 Inch Raster  
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**MAP SHEETS:** KK038  
 TY085  
 WD003  
 WD004

X = site location  
*H.M. Loughlin 9/19/20*  
**COMPILED AND PUBLISHED BY:**  
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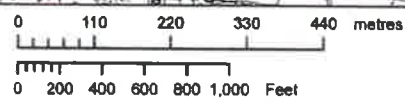
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 search 'Large Scale Legend'



# Planning Pack Map



National Mapping Agency

## SITE LOCATION MAP 1:2,500

### PHELAN SKIPHIRE & WASTE MANAGEMENT LTD

@ Waterford Road, Carrick on Suir, Co Tipperary

Drawn by: Heather Loughlin, Fraoch Environmental Consulting,  
Crohane, Killenaule, Thurles, Co Tipperary  
02.09.20 JPS/002/02

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#### CENTRE

#### COORDINATES:

ITM 641816,622354

#### PUBLISHED:

10/06/2020

#### ORDER NO.:

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#### MAP SERIES:

1:2,500

#### MAP SHEETS:

5435-C

*H.M. Loughlin 9/9/20*

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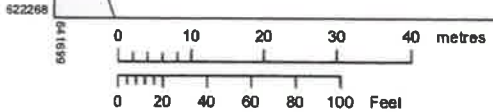
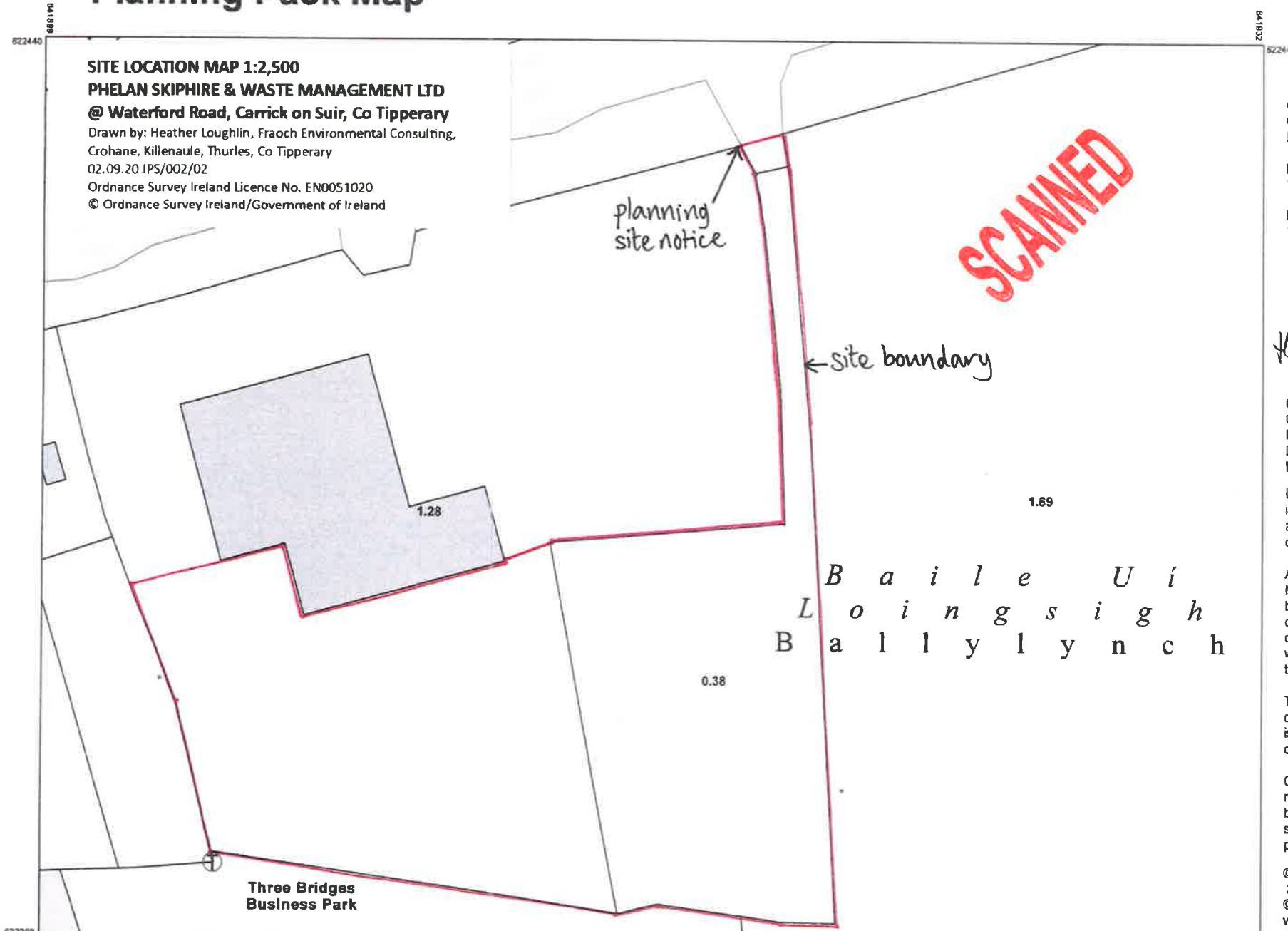
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SITE LAYOUT PLAN

PHELAN SKIP HIRE & WASTE MANAGEMENT LTD  
Ballylynch, Carrick on Suir, Co Tipperary

Fraoch Environmental Consulting,  
Crohane, Killenaule, Thurles, Co  
Tipperary TEL: 052 9155978  
info@fraoch.ie www.fraoch.ie

SIZE	DRAWN BY	DWG NO	REV
A3	H. Loughlin	JPS/002/4	0
SCALE	1:500	26/04/2024	SHEET 1 of 1

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Existing entrance/exit

WATERFORD ROAD

Area occupied by Steeltch Sheds

Existing Industrial Unit

Existing fencing and mature trees

Existing corrugated sheeting

Existing chain-link fence

Wash area

Interceptor

SW1

Wash area with associated interceptor (see drawing JPS002/3 for detail).  
No waste to be stored in wash area.

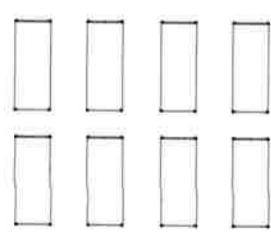
Proposed location of Mobile Crusher

N1

18.98

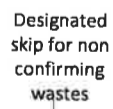
D2

11.54 Existing fencing and mature trees



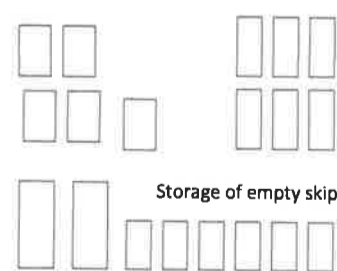
Storage of empty trailers

18.83



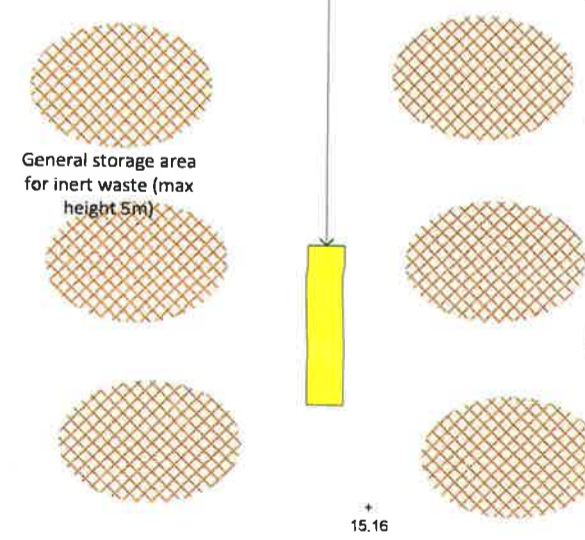
Designated skip for non confirming wastes

17.71



Storage of empty skips

16.74



General storage area for inert waste (max height 5m)

15.16

D3

119.3m

Existing metal security fence/scrub

INDUSTRIAL SITE

KEY:

D1

Dust Monitoring points (if monitoring requested by Local Authority)

N1

Noise Monitoring Point (if monitoring requested by Local Authority)

SW1

Surface Water Monitoring Point (if monitoring requested by Local Authority)

SCANNED







Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigi Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Clonmel,  
Co. Tipperary  
E91 N512

Comhairle Contae  
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Oifigi Cathartha,  
An tAonach,  
Co. Thiobraid Árann  
Tipperary County Council,  
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Co. Tipperary  
E45 A099

t 0818 06 5000  
e customerservice  
@tipperarycoco.ie

[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 30<sup>th</sup> April 2024

Our Ref: S5/24/52

Civic Offices, Clonmel

**Phelan Skip Hire & Waste Management Ltd  
C/o Heather Loughlin  
Fraoch Environmental Consulting  
Crohane  
Killenuale  
Thurles  
Co. Tipperary**

**SCANNED**

**Re: Application for a Section 5 Declaration – the use of a mobile crusher to crush the waste to make an aggregate that can be sold for re-use at Ballylnch, Carrick on Suir, Co. Tipperary.**

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 26<sup>th</sup> April, 2024, in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours faithfully

  
for **Director of Services**



TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

Planning & Development Act 2000, as amended

Planning & Development Regulations 2001, as amended

SCANNED

---

**Planning Ref.:** S5/24/52

**Applicant:** Phelan Skip Hire and Waste Management Ltd.

**Development Address:** Mill River Business park, Carrick on Suir, Co. Tipperary

**Query:** whether the use of a mobile crusher to crush inert construction and demolition waste, so as to produce aggregates for sale to the public, is development and if so does it constitute exempted development.

---

**1. GENERAL**

On the 26<sup>th</sup> of April, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 (as amended) by Fraoch Environmental Consulting, agent, on behalf of Phelan Skip Hire and Waste Management limited, as to whether or not the installation of a new mobile crusher to crush inert construction and demolition waste at Phelans Skip Hire and Waste Management Ltd facility in Carrick on Suir, Co. Tipperary, is development and, if so, is it exempted development.

**2. STATUTORY PROVISIONS**

**Planning and Development Act, 2000 as amended**

According to Section 2(1) of the Planning and Development Act (as amended), the definition of "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

According to Section 3(1) of the Planning and Development Act (as amended), "development" means, save where the context otherwise requires, the carrying out of works on, in or under land or the making of any material change in the use of any structures or other land.

Section 4 of the same Act lists works that would be considered exempted development. Section 4 also conveys power on the Minister to make regulations to provide for any class of development to be exempted development for the purposes of the Act

**Planning and Development Regulations, 2001, as amended:**

Article 6(1) states that subject to Article 9, development of a class specified in Column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act provided that such development complies with conditions and limitations specified in Column 2 of said Part 1 opposite the mention of that class in said Column 1.

Article 9 of said Regulations lists a series of restrictions on exemptions. Of particular note are the provisions of Article 9(1)(a)(i) which de-exempts development which would contravene a condition

attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act, and, (viiiB) which de exempts developments that require an appropriate assessment because it would likely have an effect on the integrity of a European designated site

### 3. ASSESSMENT

#### a. Site Location

The site is located at Ballylynch, Carrick-on-Suir, Co. Tipperary and is accessed from the N24.

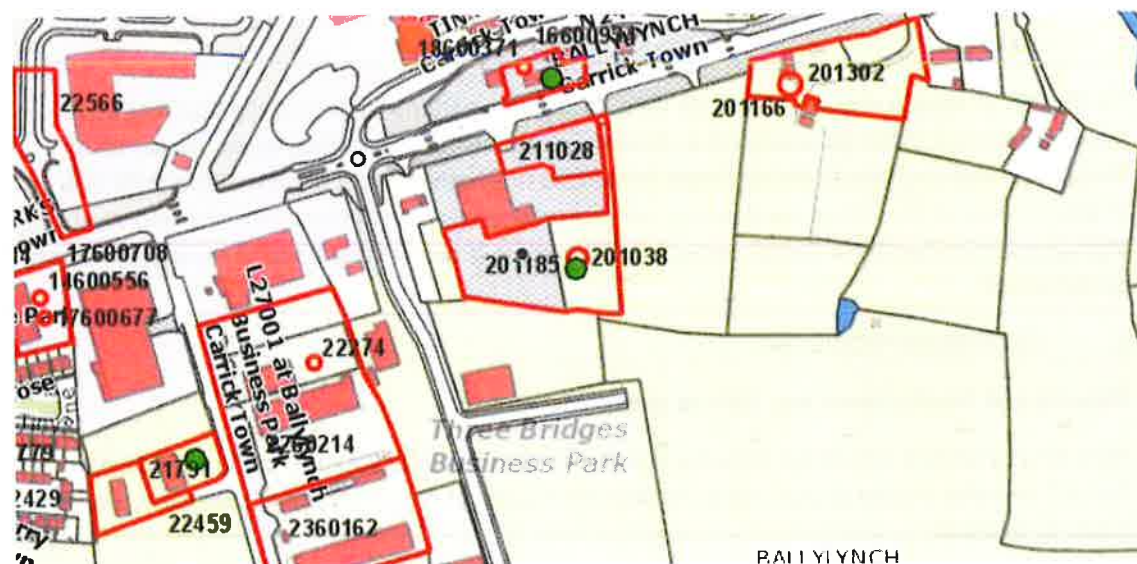
#### b. Relevant Planning History

**PI Ref 98/560013** Grant of permission to construct entrance boundary fence and display area.

**PL Ref 20/1185** Grant of permission for the change of use from general commercial use to an inert waste transfer facility (i.e. soil, stone, construction/demolition waste)

**TUD 22-047** Alleged unauthorised Compliance with Planning Conditions –file closed

Figure 1 Planning History



#### c. Assessment

The query relates to the use of a mobile crusher the site of a permitted waste transfer station to crush construction demolition and waste so as to produce an aggregate that can be sold to the public. The site is in an industrial area to the east of the town of Carrick on Suir.

##### A) "Is or is not Development"

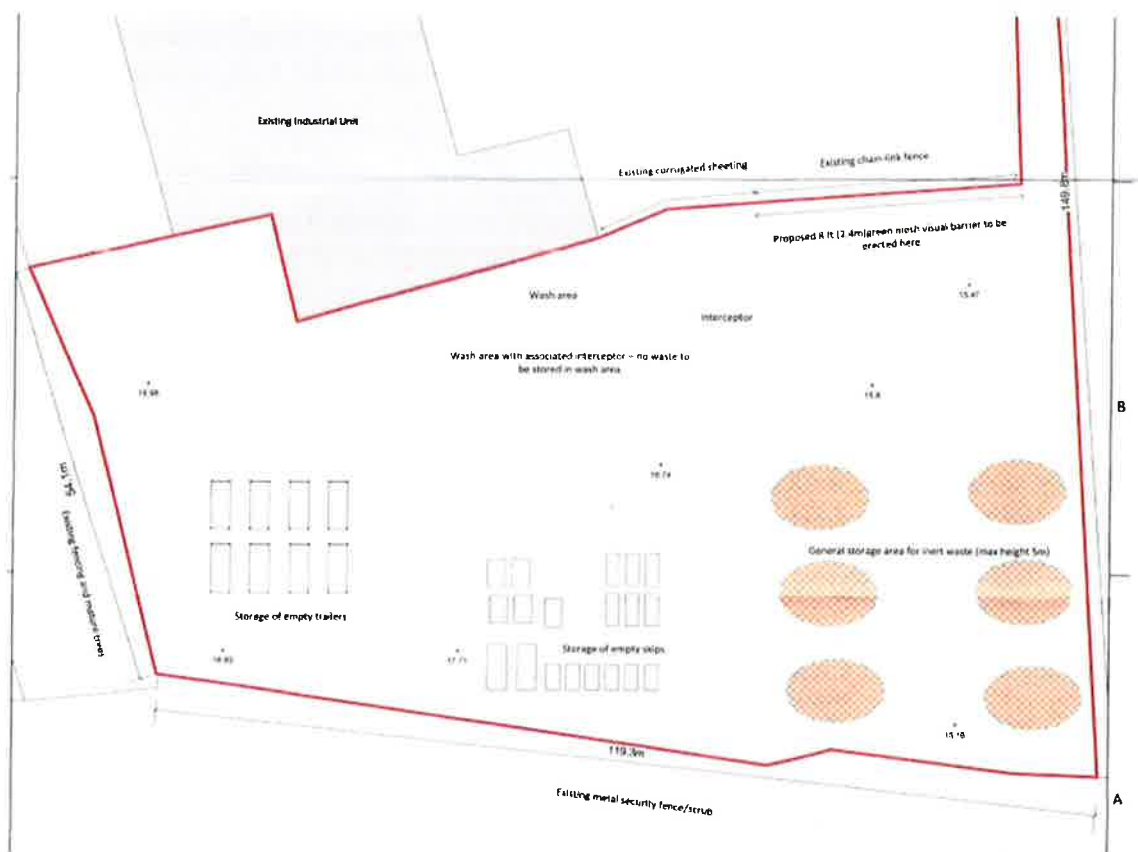
The first question to be considered is, does what is proposed constitute development? As set out above, development is defined in the Planning and Development Act as the carrying out of works on, in or under land or the making of any material change in the use of any structures or other land. As per the Act, "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

The installation of a mobile crusher and the crushing of demolition waste does not fall neatly into the definition of works set out above.

The next test is to consider if the proposal would result in the **material change in the use of the land**.

With respect to this question, the planning history on site should be noted. Under Plan reg No 20/1185, permission was granted for the change of use from general commercial use to an inert waste transfer facility.

Figure 2 Permitted site layout



Of relevance to this declaration is the stockpiled waste material in the south east corner of the site, which the applicant is proposing to break down to a finer aggregate. A mobile crusher is to be placed in this area to facilitate the crushing.

Under the parent application (20/1185), permission was granted to change the use of the site from a commercial facility to inert waste transfer facility. A review of the documentation submitted with this application indicates that material would be stored on site before being transferred to a third party for further recovery.

It is clear from the development description on the public notices associated with PI Reg no 20/1185 and from a review of the associated documentation that the subject facility was intended to function as a transfer facility, where waste material would be sorted before being sent to a third party for further recovery. A review of the Planning report associated with the application notes that noise was not considered an issue on site as no processing was proposed.



It is now proposed to install a mobile crusher and further refine the construction and demolition waste received on site. The processing of waste receiving on site was not provided for under the parent application. The applicant received permission for a waste transfer facility. This permission allows for the receiving of waste, the sorting of waste and for the transfer of sorted waste to a third party for further refinement. This was reflected in condition 2 of the permission which reads as follows;

*2. The use of the proposed development shall be restricted to that for which permission is sought. The development shall not be used for any other purpose other than a use compliant with the uses permitted save where a grant of planning permission has been obtained from the Planning Authority or An Bord Pleanala.*

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

I consider that the introduction of a processing element on the site raises materially different considerations to that which would have arisen under the assessment of the site for use as a waste transfer facility. I am satisfied that the proposal would result in the material change in the use of the land from a waste transfer facility to a waste processing facility. The proposal therefore constitutes development.

**B) "Is or is not Exempted Development"**

There is no exemption that allows for the change of use of a waste transfer facility to a waste processing facility. I am satisfied that the proposal is beyond the scope of the current permission.

**C) Is the exemption restricted under Article 9**

As the proposal does not constitute exempted development, the restrictions on exemption development as set out under Article 9 are not relevant.

**D) Requirement for Appropriate Assessment (AA)**

There are three European sites within 15kms of the site, Lower River Suir, Nier Valley Woodlands SAC and Comeragh Mountains SAC. There is no direct pathway between the subject site and the above referenced SAC's.

It is reasonable therefore to determine that, having regard to

- a) the nature of the works proposed within the context of the wider receiving industrial environment, and
- b) the absence of any direct pathway between the existing site and the SAC's,

the proposal would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

**E) Requirement for EIA**

Schedule 5, Part 2, Class 11(b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.

There is no indication as to whether the volume of waste received on site is likely to increase. If the proposal were being considered further, the querist would be required to submit a comprehensive EIA screening report.

#### 4. RECOMMENDATION

A question has arisen as to whether the following;

- the use of a mobile crusher to crush inert construction and demolition waste, so as to produce aggregates for sale to the public at an existing waste transfer facility in Carrick on Suir, Co. Tipperary,

constitutes development and if so does it constitute exempted development.

Part 5 of the Planning and Development Act 2000 (as amended) requires a Planning Authority to make a declaration on any question that arises as to what is or is not development. In determining this query, the Planning Authority had regard to;

- Sections 3 and 4 of the Planning and Development Act 2000 (as amended),
- Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- The planning history on site, and,
- The details pertaining to the development as set out by the querist.

Based on the assessment set out above, the Planning Authority has concluded that proposal constitutes development as it would result in the material change in the use of the land from a waste transfer facility to a waste processing facility.

There is no exemption that allows for the change of use of a waste transfer facility to a waste processing facility.

#### Determination


Accordingly, having considered the information received, the Planning Authority has determined that

the provision of a mobile crusher and the use of same to crush inert construction and demolition waste, so as to produce aggregates for sale to the public at an existing waste transfer facility in Carrick on Suir operated by Phelan Skip Hire and Waste Management Ltd., constitutes development and is **NOT "exempted development"**.

The development would not be likely to have significant effects on the environment and would not require a Stage 2 Appropriate Assessment.

Further information would be required in order to make a determination with respect to the requirement for an EIA.

District Planner:



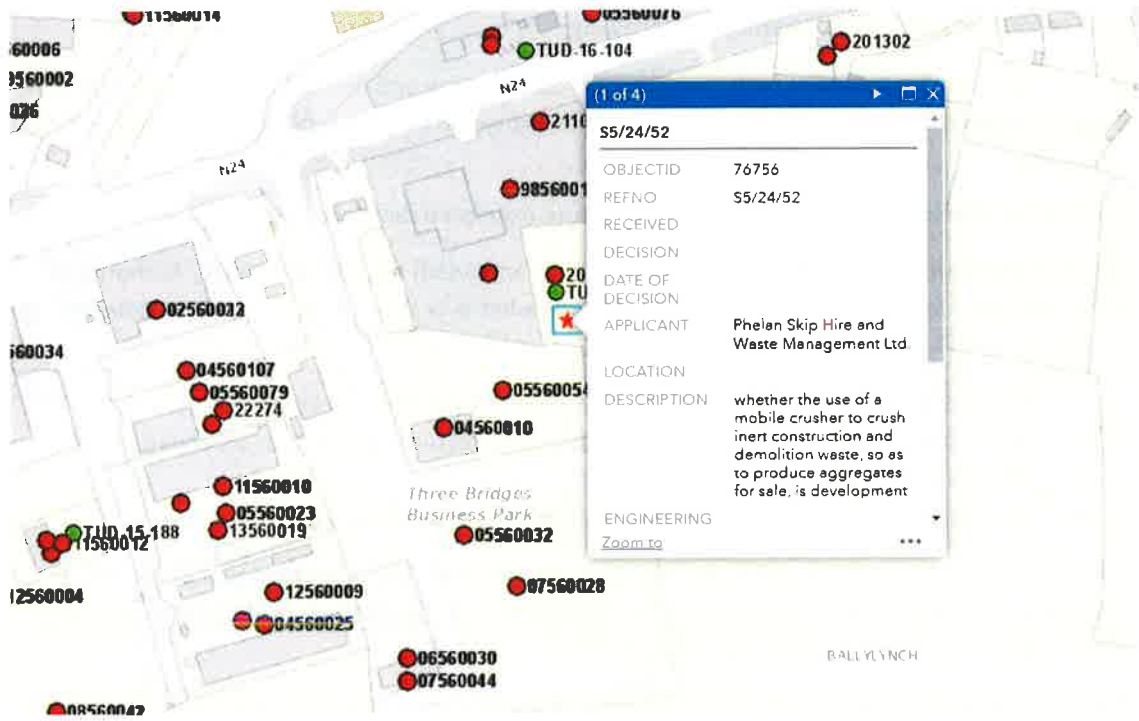
Date: 13/05/24

Senior Executive Planner:



Date: 20.05.2024

Figure 3 Site entered on Planning Register



## Appendix 1 EIA SCREENING

### Establishing a development is a 'sub-threshold development'

<b>File Reference:</b>	S5/24/52
<b>Development Summary:</b>	whether the use of a mobile crusher to crush inert construction and demolition waste, so as to produce aggregates for sale to the public, is development and if so does it constitute exempted development.
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>

**A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)**

Yes, specify class

**EIA is mandatory**

No Screening required

No

Proceed to **Part B**

**B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds?**

(Tick as appropriate)

No, the development is not a project listed in Schedule 5, Part 2

**No Screening required**

Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold):

**EIA is mandatory**

No Screening required

Yes the project is of a type listed **but** is *sub-threshold*:

Proceed to **Part C**

Class 11 b

Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule

**C. If Yes, has Schedule 7A information/screening report been submitted?**

Yes, Schedule 7A information/screening report has been submitted by the applicant

**Screening required**

**Determination**

No, Schedule 7A information/screening report has not been submitted by the applicant

**Preliminary Examination required**

**EIA PRELIMINARY EXAMINATION:**  
**The Planning Authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.**

	<b>Comment:</b>	<b>Yes/No/Uncertain:</b>
<p><b>Nature of the development:</b>  <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i></p> <p><i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i></p>	No	No.
<p><b>Size of the development:</b>  <i>Is the size of the proposed development exceptional in the context of the existing environment?</i></p> <p><i>Are there cumulative considerations having regard to other existing and/or permitted projects?</i></p>	The applicant has not provided details on the volume of waste material received on site	Uncertain
<p><b>Location:</b>  <i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?</i></p> <p><i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i></p>	No	No.

**Preliminary Examination Conclusion:**

Based on a preliminary examination of the **nature, size or location** of the development. (Tick as appropriate)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
There is <b>no real likelihood</b> of significant effects on the environment.	There is <b>real likelihood</b> of significant effects on the environment.	There is <b>significant and realistic doubt</b> regarding the likelihood of significant effects on the environment.
EIA is not required.	An <b>EIAR is required.</b>	Request the applicant to submit the <b>Information specified in Schedule 7A</b> for the purposes of a screening determination.  Proceed to Screening Determination.





Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigi Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann

Tipperary County Council,  
Civic Offices, Clonmel,  
Co. Tipperary

E91 N512

Comhairle Contae  
Thiobraid Árann,  
Oifigi Cathartha,  
An tAonach,  
Co. Thiobraid Árann

Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary

E45 A099

t 0818 06 5000  
e customerservice  
@tipperarycoco.ie  
[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 21<sup>st</sup> May, 2024

Our Ref: S5/24/52

Civic Offices, Nenagh

**Phelan Skip Hire & Waste Mangement Ltd**  
**C/O Heather Loughlin**  
**Fraoch Environmental Consulting**  
**Crohane**  
**Killenaule**  
**Thurles**  
**Co. Tipperary**

**SCANNED**

**Re: Declaration under Section 5 of the Planning and Development Act 2000**

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 26<sup>th</sup> April, 2024, in relation to the following proposed works:

**whether the use of a mobile crusher to crush inert construction and demolition waste, so as to produce aggregates for sale to the public, is development and if so does it constitute exempted development**

**WHEREAS** a question has arisen as to whether the proposed development is or is not exempted development:

the use of a mobile crusher to crush inert construction and demolition waste, so as to produce aggregates for sale to the public at an existing waste transfer facility in Carrick on Suir, Co. Tipperary, constitutes development and if so does it constitute exempted development.

Part 5 of the Planning and Development Act 2000 (as amended) requires a Planning Authority to make a declaration on any question that arises as to what is or is not development. In determining this query, the Planning Authority had regard to;

- Sections 3 and 4 of the Planning and Development Act 2000 (as amended),

- Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- The planning history on site, and,
- The details pertaining to the development as set out by the querist.

Based on the assessment set out above, the Planning Authority has concluded that proposal constitutes development as it would result in the material change in the use of the land from a waste transfer facility to a waste processing facility.

There is no exemption that allows for the change of use of a waste transfer facility to a waste processing facility.

### **Determination**

Accordingly, having considered the information received, the Planning Authority has determined that the provision of a mobile crusher and the use of same to crush inert construction and demolition waste, so as to produce aggregates for sale to the public at an existing waste transfer facility in Carrick on Suir operated by Phelan Skip Hire and Waste Management Ltd., constitutes development and is **NOT "exempted development"**.

The development would not be likely to have significant effects on the environment and would not require a Stage 2 Appropriate Assessment. Further information would be required in order to make a determination with respect to the requirement for an EIA.

**NOTE:** Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely



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for **Director of Services**

SCANNED

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/52**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

I, Sharon Kennedy, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 37256 dated 4<sup>th</sup> March, 2024, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Phelan Skip Hire & Waste Management Ltd, C/O Heather Loughlin, Fraoch Environmental Consulting, Crohane, Killenaule, Thurles, Co. Tipperary, re: whether the use of a mobile crusher to crush inert construction and demolition waste, so as to produce aggregates for sale to the public, is development and if so does it constitute exempted development at Mill River Business Park, Carrick on Suir, Co. Tipperary.

**AND WHEREAS** Tipperary County Council, in considering this referral, had regard particularly to –

Part 5 of the Planning and Development Act 2000 (as amended) requires a Planning Authority to make a declaration on any question that arises as to what is or is not development. In determining this query, the Planning Authority had regard to;

- Sections 3 and 4 of the Planning and Development Act 2000 (as amended),
- Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- The planning history on site, and,
- The details pertaining to the development as set out by the querist.

Based on the assessment set out above, the Planning Authority has concluded that proposal constitutes development as it would result in the material change in the use of the land from a waste transfer facility to a waste processing facility.

There is no exemption that allows for the change of use of a waste transfer facility to a waste processing facility.

## **Determination**

Accordingly, having considered the information received, the Planning Authority has determined that the provision of a mobile crusher and the use of same to crush inert construction and demolition waste, so as to produce aggregates for sale to the public at an existing waste transfer facility in Carrick on Suir operated by Phelan Skip Hire and Waste Management Ltd., constitutes development and is **NOT "exempted development"**.

The development would not be likely to have significant effects on the environment and would not require a Stage 2 Appropriate Assessment. Further information would be required in order to make a determination with respect to the requirement for an EIA.



**Signed:**

\_\_\_\_\_

**Sharon Kennedy**

**Director of Services**

**Planning and Development (including Town Centre First),**

**Emergency Services and Emergency Planning and**

**Tipperary/Cahir/Cashel Municipal District**

**Date: 20/05/2024**