



CLARE COUNTY COUNCIL
Comhairle Chontae an Chláir

4 January 2006.

Environmental Protection Agency
PO Box 3000
Johnstown Castle Estate
Co. Wexford

Environmental
Protection Agency
06 JAN 2006

Ref. No: P 05/2074

A Chara

Reg. No. 771

I refer to letter of representation received from you in connection with an application by Clogrennane Lime Ltd for PERMISSION to erect a solid fuel storage and handling facility at Ryan Bros. (Ennis) Ltd. Toonagh Quarry Works, Ballybrody, Ennis. An application for an Integrated Pollution Prevention and Control licence has been made to the Environmental Protection Agency for the associated activity at Ryan Bros(Ennis) Toonagh Quarry Works Ballybrody, Ennis, Co. Clare.

I wish to inform you that the Council has decided to grant planning permission in this case.

A copy of the Notification is attached for your information. The Notification also includes information regarding the process of lodging an appeal with An Bord Pleanála against the decision of the Planning Authority.

You will be notified in the event of an appeal being lodged with An Bord Pleanála and the decision on same in due course.

Mise, le meas

MARIE O'NEILL,
SNR. STAFF OFFICER,
PLANNING SECTION.

EPA

Main File ☒

Public File ☒

Evaluation File ☒

Date

6/1/06 *WCH*

Planning Section
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Ennis
Co. Clare

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CLARE COUNTY COUNCIL

**PLANNING AND DEVELOPMENT ACTS 2000 TO 2004 – NOTIFICATION
OF DECISION TO GRANT PERMISSION (SUBJECT TO CONDITIONS)
UNDER SECTION 34 OF THE PLANNING AND DEVELOPMENT ACT 2000.**

TO: Clogrennane Lime Ltd
Clogrennane
Carlow
Co. Carlow

Planning Register Number: P05/2074

Application Received: 02/11/2005

In pursuance of the powers conferred upon it by the above mentioned Acts the Clare County Council has by order dated 4th January 2006 decided to grant permission for the development of land, namely:

to erect a solid fuel storage and handling facility at Ryan Bros. (Ennis) Ltd. Toonagh Quarry Works, Ballybrody, Ennis. An application for an Integrated Pollution Prevention and Control licence has been made to the Environmental Protection Agency for the associated activity at Ryan Bros(Ennis), Toonagh Quarry Works, Ballybrody, Ennis, Co. Clare,

The reason for the decision is set out in the First Schedule hereto and is SUBJECT to the conditions set out in the Second Schedule hereto. The reason for the imposition of the said conditions are set out in the Second Schedule hereto (5 conditions)

FIRST SCHEDULE-REASON

Having regard to the nature and pattern of development in the area, policies of the Ennis and Environs Development Plan, 2003 and the development proposed, it is considered that, subject to the conditions of the second schedule, the proposed development would not seriously injure the amenities of the area or properties in the area and would not be contrary to the proper planning and development of the area.

SECOND SCHEDULE - CONDITIONS

1. The proposed development shall be carried out in accordance with the plans and particulars submitted to the Planning Authority on 2/11/05, except where otherwise required by the conditions in this Schedule.

Reason: In the interest of proper planning and development

2. Prior to the commencement of development the developer shall pay a contribution of €2,617.00 to Clare County Council (Planning Authority) in respect of public infrastructure and facilities benefiting the development.

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st next and annually thereafter (unless previously discharged) in line with the Wholesale Price Index – Building and Construction (published by the Central Statistics Office) unless the scheme is superseded by a further Development Contribution Scheme adopted by the Council.

Reason: It is considered appropriate that the developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act 2000, and that the level of contribution payable should increase at a rate in the manner specified in that scheme.

3. The development shall be so constructed and operated that there will be no emission of malodorous, fumes, gas, dust or other deleterious materials, no industrial effluent and no noise vibration or electrical interference generated on the site such as would give reasonable cause for annoyance to any person in any residence or public place in the vicinity.

Reason: In the interest of surrounding amenity and of the proper planning and development of the area.

4. All surface water generated within the site must be disposed of through the surface water disposal systems to be provided on site. All surface water shall be piped to the surface water drainage system.


Reason: In the interests of orderly development.

5. All soiled surface water run-off shall be directed through hydrocarbon inceptors prior to discharge into the main surface water drainage network.

Reason: In the interests of orderly development.

If there is no appeal to An Bord Pleanála Lodged against the said decision, a **grant of permission** with the decision will be issued (after the expiration of the period within which an appeal may be made to An Bord Pleanála (see footnote). It should be noted that, until a grant of permission has been issued and no work shall be commenced on the site, the development in question is **NOT AUTHORISED** and no work shall be carried out on the site.

Signed on behalf of the said Council **this 4th January, 2006.**

 SENIOR STAFF OFFICER, PLANNING SECTION, UNIT 1,
WESTGATE BUSINESS PARK, KILRUSH ROAD, ENNIS, CO. CLARE

IMPORTANT NOTE: REGARDING APPEALS

An appeal against the decision of a Planning Authority on an application may be made to An Bord Pleanála. Appeals must be received by An Bord within four weeks beginning on the date of the making of the decision by the Planning Authority. (N.B. not the date on which the decision is sent or received).

An appeal shall:-

- (a) Be made in writing and state the name and address of the appellant or person making the referral and of the person, if any, acting on his or her behalf.
- (b) State the subject matter of the appeal with details of the nature and site of the proposed development, the name of the Planning Authority, the planning register number and the applicant's name and address (if you are a third party).
- (c) State the **full** grounds of appeal with supporting material and arguments. An Bord cannot take into consideration any grounds of appeal or information submitted after the appeal is lodged and it cannot consider non-planning issues; grounds of appeal should not, therefore, include such issues.
- (d) be accompanied by the acknowledgement by the Planning Authority of receipt of the submission or observations
- (e) be accompanied by the appropriate fee (see attached sheet for details)

The appeal must be fully complete from the start - you are not permitted to submit any part of it later on, even within the time limit.

Submissions or observations made to An Bord by or on behalf of a person (other than the applicant or the appellant) as regards an appeal, shall be accompanied by the appropriate fee and shall be made within four weeks from the receipt of the appeal by An Bord Pleanála

A request An Bord Pleanála for an Oral Hearing shall be accompanied by the appropriate fee and such request must be made within the period for lodging the appeal, but where the developer is sent a copy of a third party appeal, he/she is allowed four weeks from this date.

An Appeal, submission or observation to An Bord will be invalid unless it is accompanied by the appropriate fee.

Note: Under Section 251 of the Planning & Development Act, 2000, where calculating any period referred above, the period between the 24th December, 2005 & 1st January, 2006, both days inclusive shall be disregarded.

All appeals, submissions, observations and other documents should be addressed to **The Secretary, An Bord Pleanála 64, Marlborough Street, Dublin 1** or delivered by hand to an employee of An Bord Pleanála at their offices during office hours (9.15 a.m. to 5.30 p.m. on Monday to Friday, except public holidays and Good Friday): The telephone number of An Bord Pleanála is (01-8588100). Web: <http://www.pleanala.ie>. email: bord@pleanala.ie.

- A development of 2 or more dwellinghouses is considered as commercial development.
- Under Section 34 (13) of the Planning and Development Act, 2000, a person shall not be entitled solely by reason of a permission or approval to carry out any development

FEES PAYABLE TO THE BOARD

Appeals under Planning Acts

Fees Payable

Planning Acts

- | | |
|---|--------|
| a. Appeal against a decision of a Planning Authority on a planning application relating to <u>commercial development</u> , made by the person by whom the planning application was made, where the application relates to <u>unauthorised development</u> . | €1,900 |
| b. Appeal against a decision of a Planning Authority on a planning application relating to <u>commercial development</u> , made by the person by whom the planning application was made, other than an appeal mentioned at (a). | €630 |
| c. Appeal made by the person by whom the planning application was made, where the application relates to <u>unauthorised development</u> , other than an appeal mentioned at (a) or (b). | €630 |
| <hr/> | |
| d. Appeal other than an appeal mentioned at (a) (b) (c) or (f) ² . | €210 |
| e. Application for leave to appeal | €105 |
| f. Appeal following a grant of leave to appeal. | €105 |
| g. Referral. | €210 |
| h. Reduced fee (payable by specified bodies) ³ | €105 |
| i. Submissions or observations (by observer). | €50 |
| j. Request from a party for an oral hearing | €95 |
1. Fees under the Planning and Development Acts, 2000 and 2002 above only apply to appeals and referrals where the application was made to the Planning Authority on or after 11th March, 2002 and the appeal or referral is received in the Board on or after 3rd June, 2003. Otherwise, fees under the Local Government (Planning and Development) Regulations 2001 (SI 25 of 2001), apply.
 2. Applies to:- All third party appeals except where the appeal follows a grant of leave to appeal; First party (section 37 appeals) planning appeals not involving commercial or unauthorised development; All other (non section 37) first party appeals.
 3. These bodies are specified in the Board's order which determined fees. They include Planning Authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority. Before 3rd June, 2003, the reduced fee is payable by bodies prescribed in the Local Government (Planning and Development) Regulations 1994, as amended.

N.B. This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fees under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and also available from the Board. Please also note the appeal provisions of Section 48 (10) (b) of the Planning Authority and Development Act 2000 in relation to the Development Contribution Scheme as follow;

"An appeal may be brought to the Board where an applicant for permission under section 34 considers that the terms of the scheme have not been properly applied in respect of any conditions laid down by the Planning Authority"

Building Regulations

The Building Regulations 1997-2000 set out the requirements to be observed in the design and construction of buildings and apply to new buildings and to extensions, material, alterations and certain changes of use of existing buildings subject to the exemptions as set out in the Regulations. The Regulations places an obligation to provide facilities for people with disabilities in all new buildings including dwelling houses. This does not refer to dwellings where planning application has been made on or before 31st December, 2000 or any other building where a Fire Safety Certificate has been granted before 1st January, 2001. Please refer to of Technical Guidances Document M of Building Regulations 2000.

The Building Control Regulations 1997-2000 provide for

- a) Submission of a "Commencement Notice"
Not less than 14 days or more than 28 days before works commence on buildings (to include dwelling houses), or a material change of use takes place to any building and a fee of €30 per building must be lodged with the "Commencement Notice" form 1st July, 1998.
- b) (b) An obligation to apply for and obtain a "Fire Safety Certificate" before works commence on buildings (including flats be excluding dwelling houses) or a material change of use takes place to any building.