

Grainne Oglesby

From: Breda Strappe <breda.strappe@kilkennycoco.ie>
Sent: 14 July 2015 15:22
To: Jennifer Cope
Subject: P.94/55 - Smartply
Attachments: Scan 001.pdf

Jenny,

Please see attached copy of final grant & conditions

Regarsd
Breda Strappe
Planning

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LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS 1963 - 1992

NOTIFICATION OF GRANT OF PERMISSION
(SUBJECT TO CONDITIONS)

COUNCIL OF THE COUNTY OF KILKENNY

To: Louisiana Pacific Coillte Ireland Ltd.
C/O Malone O'Regan,
Consulting Engineers,
St. Catherine's House,
Catherine Street,
Waterford.

Application by or on behalf of: Louisiana Pacific Coillte Ireland Ltd.
of C/O Malone O'Regan, Consulting Engineers, St. Catherine's House,
Catherine Street, Waterford.

Received on 28th January, 1994

for: Application for Planning Permission for the development of a factory for the manufacture of O.S.B. on a 60 acre site in the townland of Gorteens adjacent to the New Port of Waterford at Belview on the River Suir. The development will comprise a building covering an area of approx 30,000 sq. m and ancillary buildings including a gate office and pump house; processing plant for the manufacture of O.S.B.; ancillary facilities including process and building services, storage tanks in bunds, transformer stations, pump houses, site development including earth works, landscaping, planting, fencing and gates; paved roads and car parks; log yard; drainage system including effluent treatment plant, settling and holding ponds; water reservoirs and facilities for fire fighting.

Further to order dated 15th April, 1994 A PERMISSION has been granted subject to the conditions set out in the Schedule which accompanied the Notification of the Council's decision dated 15th April, 1994.

contd...

for: Application for Planning Permission for the development of a factory for the manufacture of O.S.B. on a 60 acre site in the townland of Gorteens adjacent to the New Port of Waterford at Belview on the River Suir. The development will comprise a building covering an area of approx 30,000 sq. m and ancillary buildings including a gate office and pump house; processing plant for the manufacture of O.S.B.; ancillary facilities including process and building services, storage tanks in bunds, transformer stations, pump houses, site development including earth works, landscaping, planting, fencing and gates; paved roads and car parks; log yard; drainage system including effluent treatment plant, settling and holding ponds; water reservoirs and facilities for fire fighting.

Signed on behalf of the said Council: _____

T. Boyle

Date: 11/7/94

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LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS, 1963 - 1993

NOTIFICATION OF DECISION TO GRANT PERMISSION
(SUBJECT TO CONDITIONS)

COUNCIL OF THE COUNTY OF KILKENNY.

To: Louisiana Pacific Coillte Ireland Ltd.,
C/O Malone O'Regan,
Consulting Engineers,
St. Catherine's House,
Catherine Street,
Waterford.

Reference Number in Planning Register: P.55/94

Application by or on behalf of: Louisiana Pacific Coillte Ireland Ltd
of C/O Malone O'Regan, Consulting Engineers, St. Catherine's House,
Catherine Street, Waterford.

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for: Application for Planning Permission for the development of a factory for the manufacture of O.S.B. on a 60 acre site in the townland of Gorteens adjacent to the New Port of Waterford at Belview on the River Suir. The development will comprise a building covering an area of approx 30,000 sq. m and ancillary buildings including a gate office and pump house; processing plant for the manufacture of O.S.B.; ancillary facilities including process and building services, storage tanks in bunds transformer stations, pump houses, site development including earth works, landscaping, planting, fencing and gates; paved roads and car parks; log yard; drainage system including effluent treatment plant, settling and holding ponds; water reservoirs and facilities for fire fighting.

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In pursuance of the powers conferred upon them by the above-mentioned Acts, the COUNCIL OF THE COUNTY OF KILKENNY have by order dated 15 April, 1994 decided to grant A PERMISSION subject to the 42 number conditions set out in the attached Schedule and the reasons therefor

For: Application for Planning Permission for the development of a factory for the manufacture of O.S.B. on a 60 acre site in the townland of Gorteens adjacent to the New Port of Waterford at Belview on the River Suir. The development will comprise a building covering an area of approx 30,000 sq. m and ancillary buildings including a gate office and pump house; processing plant for the manufacture of O.S.B.; ancillary facilities including process and building services, storage tanks in bunds transformer stations, pump houses, site development including earth works, landscaping, planting, fencing and gates; paved roads and car parks; log yard; drainage system including effluent treatment plant, settling and holding ponds; water reservoirs and facilities for fire fighting.

Signed on behalf of the said Council: _____

Date: 15th April, 1994.

See Notes attached to this form.

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NOTE- An appeal against a decision of a Planning Authority may be made to the Board of Appeals, Floor 3, Block 7, Irish Life Centre, Lower Abbey Street, Dublin 1 (Tel. 01-8723011). Any person may, at any time before the expiration of the appropriate period appeal to the Board against a decision of a Planning Authority. The appropriate period means the period of one month beginning on the day of the giving of the decision of the Planning Authority.

AN APPEAL SHALL

- (a) be in writing,
- (b) state the name and address of the appellant,
- (c) state the subject matter of the appeal,
- (d) state in full the grounds of appeal and the reasons, considerations and arguments on which they are based,
- (e) be accompanied by such fee as may be payable in respect of such appeal in accordance with regulations under Section 10 of the Act of 1982.

FEES FOR APPEAL:

- (a) Third Party Appeals - £100
- (b) Request for oral hearing - £50
- (c) Submissions or observations made to the Board by a person who is not a direct party to the appeal - £30

ORAL HEARING

The Board shall have an absolute discretion to hold an Oral Hearing of any appeal.

1. A request by an appellant for an oral hearing of an Appeal shall be made within the period of one month beginning on the day of the giving of the decision to the Planning Authority.
2. A request by a party to an appeal other than the appellant for an oral hearing of an appeal shall be made within the period of one month beginning on the day on which a copy of the appeal is sent to that party by the Board within which that party may make submissions or observations to the Board in relation to the appeal, and any request received by the Board after the expiration of that period shall not be considered by the Board.

A request for an oral hearing of an appeal shall be made in writing to the Board and shall be accompanied by such fee as may be payable in respect of such request in accordance with the Regulations under Section 10 of the 1982 Act.

A request for an oral hearing of an appeal which is not accompanied by such fee as may be payable in respect of such request will not be considered by the Board.

If there is no appeal against the decision in the time allowed or if an appeal made is subsequently withdrawn a Grant of Permission, Outline Permission or Approval in accordance with the decision will be issued. It should be noted that until a Grant of Permission or Approval has been issued the development in question is NOT AUTHORISED.

Where an application is in respect of Outline Permission it should be noted that the Approval of the Planning Authority to the detailed plans of the development is required. Until such Grant of Approval is obtained the proposed development is NOT AUTHORISED.

FOOTNOTE

In accordance with Section 29 of the Local Government (Planning & Development) Act, 1976 as amended by the Local Government (Planning & Development) Act, 1982 where a permission is granted under Part IV of the Principal Act, it shall, on the expiration of the period of five years beginning on the date of the granting of the permission, cease to have effect as regards:

- (a) in case the development to which the permission relates is not commenced during that period, the entire development, and
- (b) in case such development is so commenced, so much thereof as is not completed within that period.

COND NO. 1 The development shall be carried out in accordance with the application documents, including the accompanying Environmental Impact Statement, lodged with the Planning Authority on the 28th January, 1994, as amended by the later submissions of the 1st February, 1994, the 3rd March, 1994 and the 11th March, 1994 and as further amended by the conditions of this permission.

Reason To clarify the detailed development proposals authorised by this permission.

COND NO. 2 This grant of Permission does NOT include for
(i) the provision of an access road from the Link Port Road to the site.
(ii) the provision of rail sidings to the site, or

Reason To clarify the extent of development authorised by this permission.

COND NO. 3 This grant of permission is conditional on the access road serving the development from the Link Port Road to the site being black-top/surface-dressed prior to the development coming into operation.

Reason In the interests of orderly development.

COND NO. 4 The developer shall, at all times, grant immediate and unhindered access to all areas of the site to authorised personnel of the Planning Authority or its authorised agents to carry out such inspections, monitoring and investigations as deemed necessary.

Reason To facilitate monitoring.

COND NO. 5 Prior to commencement of development, details and particulars required under Condition 6 hereunder shall be submitted to the Planning Authority for Approval. Development shall not be commenced prior to a Grant of Approval by the Planning Authority or by An Bord Pleanála on appeal.

Reason In the interest of the orderly and proper planning and development of the area.

COND NO. 6 Complete details of a lighting scheme of all external areas of the site shall be implemented. This scheme is to address, inter alia:

- * details of masts and of standards,
- * measures to remedy/mitigate light dispersion,
- * expert analysis of effectiveness of such mitigatory measures, and
- * expert analysis of residual impact, if any, on other property in the locality.

Reason In the interests of orderly development and the protection of residential and general amenity.

COND NO. 7 Within two months of commencement of development the developer is required to submit to and agree with the Planning Authority the colour and finish of all major surfaces, high level plant-equipment, stacks and louvres with reference to BS and/or other colour standards. Sample panels shall be erected on site for agreement with the Planning Authority. All other surfaces of the development shall be in colour agreed to by the Planning Authority.

Reason In the interest of visual amenity.

COND NO. 8 The final levels and dimensions of all surfaces and structures shall be in accordance with revised Drawings Nos. 3, 4, 7 and 8 which shall be lodged with and approved by the Planning Authority. These shall indicate the full face dimensions of all major structures. Heights shall refer to ridges and eaves. They shall refer to height above ground level and height above datum.

Reason To ensure the orderly development of the project.

COND NO. 9 Construction shall be in accordance with the plans, sections and elevations lodged.

Note: No additional plant flues, openings, louvres, pipes, plant or machinery may be installed without express permission. Any such development which may materially alter the external appearance of the premises shall not be exempt under Class 17, Part 1 of the Third Schedule of SI 65 of 1977 (Local Government (Planning & Development) Regulations).

Reason To ensure the orderly development of the project.

COND NO. 10 Development shall not commence until the applicant has lodged and the Planning Authority have approved a professionally prepared landscape and grading plan for the entire site. This shall identify the following:

- The existing and proposed contours especially at boundaries;
- All vegetation, boundaries and natural features to be preserved;
- The means to protect and preserve such features;
- The location, species and size of all proposed planting;
- All new tree and shrub planting shall be in accordance with the plans so lodged. Plant material must survive and flourish for three consecutive years to satisfy this condition. The landscape planting plans shall be accompanied by an outline landscape management plan covering both the measures to establish new planting and to sustain established and existing trees and shrubs;
- The plan shall provide for contingency for the replacement of plant material which fail to establish.
- A detailed timescale for the implementation of each element of the plan.

The approved said landscape-grading plan shall be implemented in full with all planting being maintained and renewed as necessary.

Reason To protect the visual amenity of the area.

COND NO. 11 Prior to the commencement of the development the applicant shall lodge for the approval of the Planning Authority a site protection manual demonstrating the following:-

- The measures proposed to protect surrounding lands, vegetation and water from construction impacts including site run-off.
- The feasibility of establishing and maintaining planted and top soiled slopes in excess of 1 to 1 and the procedures for maintaining all existing and proposed vegetation until its sustainable survival/establishment has been demonstrated.

Reason To protect the visual amenities of the area.

COND NO. 12 Prior to the commencement of the development the applicant shall lodge with the Planning Authority for approval, details of the acoustic insulation of the roof, walls, louvres and other openings as specified in the remedial measures section of the Noise topic of the EIS (6.20) Volume 1. Such construction shall be capable of meeting the conditions on noise levels specified elsewhere in these conditions.

Reason To protect the amenities of the area.

COND NO. 13 CONSTRUCTION PERIOD : NOISE

- (a) During the construction period (i.e a period not exceeding 18 months from the date of commencement of development) BATNEC (best available technology not entailing excessive cost) shall be employed by the developer to minimise noise from construction operations, and shall have regard to British Standard BS 5228: 1984 ("Noise Control on Construction and Open Sites").
- (b) Without prejudice to the generality of the foregoing the site noise as defined in BS 5228:1984 shall not exceed the following criteria:

L(Past)Max LAeq(1hr)	Time Period
70	60 dBA : Daytime i.e. 07.00 - 19.00 Weekdays and Saturdays incl.
50	40 dBA : Night-time i.e. 19.00 - 07.00 Sundays

at any noise sensitive premises in the locality where measured in accordance with Appendix A of BS 5228 : 1984.

- (c) In the event of pile driving operations being required then such operations shall be limited between the hours of 08.00 and 19.00, Monday to Saturday incl.
- (d) Nothing in these Clauses shall be taken as preventing or prohibiting the execution of works which are absolutely necessary for the saving of life or property or for the safety of the works.
- (e) Construction equipment shall comply with SI 320 of 1988 "European Communities (Construction Plant and Equipment) (Permissible Noise Levels) Regulations, 1988".

Reason In the interests of residential and general amenity.

COND NO. 14 OPERATIONAL PERIOD : NOISE

During the operational period of the development, noise emanating from the development shall comply with each of the following:

- (a) noise levels at the facade of any residential unit in the locality shall not exceed
 - (i) 50 dBA Leq during the hours 08.00 - 22.00
 - 60 dBA(Fast) Max
 - (ii) 40 dBA Leq during the hours 22.00 - 08.00
 - 50 dBA(Fast) Max
- (b) Noise levels shall be analysed on an hourly basis between 08.00 and 22.00; and every 15 minutes between 22.00 and 08.00,
- (c) There shall be no clearly tonal component, or impulsive component, in the noise emission at any residence.

Reason

In the interests of residential and general amenity.

COND NO. 15 Notwithstanding the foregoing, there shall be:
(i) no use of an external public address system
(ii) no testing of alarms or sirens outdoor
between 22.00 and 08.00.

Reason

In the interests of residential and general amenity.

COND NO. 16 NOISE MONITORING

- (a) The Developer shall from time to time monitor the noise emissions arising from the operations referred to at Conditions 14 and 15 above.
- (b) During the construction period noise emissions shall be monitored and recorded at the 3 no. potentially most noise sensitive residences, (these properties being agreed with the Planning Authority prior to each survey) at regular two monthly intervals with each survey being continuous over a period of not less than one week.
- (c) Prior to the development coming into operation a noise monitoring and recording programme shall be submitted to and agreed with the Planning Authority. This programme shall address, inter alia, the following:

- * the number and locations of monitoring and recording stations, and
- * the frequency and duration of monitoring and recording surveys.

The noise monitoring and recording programme shall be subject to review by the Planning Authority and the Developer at intervals of not less than two years from the date of the last review.

- (d) The following parameters: L_{max}; L₁; L₁₀ and L₉₀ shall be recorded:
hourly between 08.00 and 22.00, and
every 15 minutes between 22.00 and 08.00
- (e) Noise-level data and recordings shall be stored on-site for three months to allow for retroanalysis of any period.
- (f) Windspeed and direction, and rainfall, shall be monitored to facilitate analysis of noise levels, and these parameters shall be analysed and recordings kept for the same periods as for noise.
- (g) The noise level data and recordings referred to above shall be readily available on site for inspection by Planning Authority officials during normal working hours.
- (h) Exceedances of the limits and/or criteria, specified in Condition No. 14 and Condition No. 15 above, shall be notified to the Planning Authority by telephone to an office specified by the Planning Authority as soon as practicable after the exceedance has occurred. The developer shall record the exceedance and the notification of the Planning Authority in the environmental log. (c.f. Cond.24)
- (i) The Planning Authority shall from time to time be afforded the opportunity to inspect, examine and check or to have inspected, examined or checked all apparatus and equipment used or required to carry out the monitoring and recording operations required.

Reason

To ensure satisfactory monitoring of the development.

COND NO. 17 The Developer shall submit to the Planning Authority, within 14 days of the end of each month a summary report of all noise monitoring relating to the previous monthly period. This summary report shall, inter alia, incorporate:

- * minimum, maximum and average values for each of the parameters tested.
- * each non-compliance with levels and criteria specified above shall be identified.
- * explanation for each non-compliance.
- * measures to prevent recurrence of non-compliance.

Reason To ensure satisfactory monitoring of the development.

COND NO. 18 Prior to the commencement of development the applicant shall identify the location at which all wastes from the development shall be disposed of. This shall refer to, inter alia, surplus product waste; waste paper; waste metal; ash; grit, silt and other wastes from settling tanks and wheel wash. The quantity and characteristics of all such wastes shall be clearly identified.

Reason In the interest of orderly development and the protection of the environment.

COND NO. 19 (a) The developers shall control all operations on the site which produce waste material. All waste streams generated on site shall be reduced, both in absolute terms and in terms of tonnes of waste per tonne of product.

(b) The developers shall introduce a waste minimisation programme and shall provide annually a waste reduction progress report to the Planning Authority.

(c) The developers shall comply with European Community Directives on waste handling and disposal as implemented in Ireland and with Irish legislation covering waste disposal and transportation.

Reason To reduce the quantity of waste generated and in the interest of public health.

COND NO. 20 Prior to commencement of development a Management Plan and Programme for the stripping, handling and storage of all topsoil-overburden material during the construction period shall be submitted to and agreed with the Planning Authority. This plan shall address, inter alia, the following:

- * sequence of stripping operations
- * stockpiles of materials, including locations for same
- * grading and seeding of stockpile slopes
- * dust suppression measures as to prevent dust emissions creating a nuisance beyond the site boundary:
 - during the stripping operation,
 - from stockpiles and
 - during the landscaping operation
- * a detailed timescale for the implementation of each element of the plan.

Reason To minimise nuisance to the public and to minimise the risk of pollution of the environment.

COND NO. 21 Haulage roads and working areas during the construction period of the development shall be constructed and managed to minimise dust emissions from the surface. A wheel wash shall be installed and maintained at the entrance to the site to cater for all vehicles leaving the site during both the construction period and the operational life of the project. Details of said wheel wash shall be submitted and agreed with the Planning Authority.

Reason To minimise nuisance to the public and to minimise the risk of pollution of the environment.

COND NO. 22 GENERAL MONITORING

- (a) The monitoring of air and water emissions, noise emissions, and solid waste disposal shall be undertaken in accordance with the most up-to-date international scientific methods and to the satisfaction of the Planning Authority.
- (b) The developers shall keep records of all monitoring carried out on foot of this permission (excluding noise-see Cond No. 17) and of the Air Pollution Licence and Water Pollution Act Licence and all relevant permits under other statutory instruments, for a minimum period of 12 years. These records shall be available at an Office (see Cond No. 24) for inspection by the Planning Authority and any authorised personnel representing statutory bodies involved with pollution control at all reasonable times.
- (c) Upon request, the Developer shall immediately submit copies of detailed monitoring results to the Planning Authority.
- (d) Formal identification shall be submitted to the Planning Authority of the person within the company with responsibility for environmental control.
- (e) A contribution shall be paid by the developers to the Planning Authority towards the cost of monitoring equipment incurred by the Planning Authority. The amount of the contribution shall be as agreed between the developers and the Planning Authority or, in default of agreement, shall be as determined by An Bord Pleanála.
- (f) Additionally, the Developer shall reimburse the Planning Authority all costs incurred in connection with compliance monitoring with the conditions of this permission. The amount, method and frequency of payment to the Planning Authority shall be as agreed each year between the developer and the Planning Authority, or in default of agreement, shall be as determined by An Bord Pleanála.

Reason

To ensure satisfactory monitoring of the development and to reimburse the Planning Authority for the reasonable costs so incurred.

COND NO. 23 The developer shall provide an on-site, or alternatively in the proximate vicinity thereof, an office to which Planning Authority officials shall have ready access during normal office hours. This office shall be appropriately staffed as to

- (i) facilitate inspection of all monitoring data and recordings referred to elsewhere in the conditions of this permission,
- (ii) record all complaints received and of the subsequent remedial actions taken, with such records being available for inspection by Planning Authority officials, and
- (iii) facilitate maintenance by the developer of an environmental log in which the following will be recorded
 - * a summary of each complaint received and the "follow-up" action,
 - * exceedances of permitted levels - criteria - parameters identified by monitoring referred to in this permission and of the subsequent notification to the Planning Authority,
 - * "incidents" within the site deemed to have potential to affect the environment.

The environmental log shall be readily available for inspection by Planning Authority officials.

Reason To facilitate monitoring of the project.

COND NO. 24 (a) During the construction period, the commissioning period and the initial 12 month full-production period measures shall be initiated by the Developer to prevent nuisance to existing residential units.

(b) In order to effectively execute the measures described in (a) above, the Developer shall actively canvas all properties potentially affected by nuisance i.e. the developer shall not rely solely on information-complaints formally submitted.

(c) The requirements arising from (a) and (b) above shall, in particular, address potential voltage disturbance problems to other parties.

Reason To minimise the inconvenience to other parties caused by the project.

COND NO. 25 The starting and finishing time of all shifts shall be agreed with the Planning Authority. Such times shall not be changed without the express agreement of the Planning Authority.

Reason To prevent nuisance due to traffic and noise which may affect the residential amenity of the area.

COND NO. 26 Delivery of materials to the site, during both the construction and operational life of the project, shall be confined between the hours of 08.00 and 21.00.

Reason In the interests of residential and general amenity.

COND NO. 27 The development shall be connected to the public water-main in a technically satisfactory manner to accord with the requirements of Kilkenny County Council.

Reason In the interests of public health and for the well-being of the occupants of this development.

COND NO. 28 Prior to the development coming into operation the developer shall provide:
(i) an on-site water storage facility of capacity not less than 2 days supply (i.e. 300c.m.), and
(ii) metering equipment in the immediate vicinity of the site entrance
with complete details of the storage facility and the metering equipment being submitted to and agreed with the Planning Authority.

Reason In the interests of the well-being of the staff, and to facilitate metering of water usage.

COND NO. 29 Prior to commencement of development a base line survey of the existing quality and quantity of private water supplies, within the zone of influence of any groundwater abstraction operation associated with the development, shall be carried out with complete details being submitted to and agreed with the Planning Authority.

Reason In the interests of residential amenity and public health.

COND NO. 30 An on-going monitoring regime of groundwater quality and quantity, to determine the impact, if any, arising from water abstraction during the operational life of the development shall be implemented with the complete details of said monitoring regime being submitted to and agreed with the Planning Authority prior to commissioning of the plant.

Reason In the interests of residential amenity and public health.

COND NO. 31 The developer shall make provision as is necessary as to ensure immediate mitigation and/or alleviation and/or off-setting of adverse impacts, if any, to water supply sources which are adversely impacted by the development during all stages of the development with the full cost of such measures being borne by the developer. In the event of disruptions of water supply then the operation(s) causing such disruption shall be immediately reduced or ceased, as appropriate, until the affected water supply has been restored or replaced.

Reason To ensure the maintenance of continuous adequate potable water supply.

COND NO. 32 Before development commences the applicant shall submit evidence that the site has been inspected for archaeological potential by a competent person.

Reason To protect the archaeological heritage of the area.

COND NO. 33 The developer shall facilitate both the Planning Authority and the Commissioners of Public Works in the safeguarding, preserving and recording of any items of archaeological significance which the site may possess. to this end, the Developer shall notify the Planning Authority and the Commissioners of Public Works in advance of commencement of work on the site in sufficient time (not less than 4 weeks) to facilitate the archaeological appraisal of the site, including any necessary excavations of the site by the authorities referred to. The Developer shall also facilitate these authorities in the monitoring of the stripping of topsoil, the laying of pipelines and other buried utilities and the digging of foundations.

Reason To facilitate the recording and protection of any items of archaeological significance which may be on lands to be developed.

COND NO. 34 Prior to commencement of development complete details (including drawings as appropriate) of the remedial measures to be adopted during both the construction and operation of the development to ensure the effective protection of the mill race shall be submitted to and agreed with the Planning Authority.

Reason To ensure effective protection of the mill race.

COND NO. 35 Red fixed low intensity obstacle lighting shall be fitted to exhaust stacks. Details of the actual light fixtures and fittings, of the precise fixing locations and of the operation of these lights shall be submitted to and agreed with the Planning Authority.

Reason In the interests of safety.

(NOTE: You are strongly advised to consult with the Irish Aviation Authority in the preparation of the detail to be submitted for the agreement of the Planning Authority.)

COND NO. 36 The settling tank and the emergency holding tank shall be of reinforced concrete construction.

Reason In the interests of protection of the environment.

COND NO. 37 Prior to commencement of development complete details (including drawings as appropriate) of the outfall, associated with surface run-off from the embankment to the north and north west of the site discharging to the Mill Race, shall be submitted to and agreed with the Planning Authority.

Reason In the interests of protection of the Mill Race and adjoining property.

COND NO. 38 Within 3 months of commencement of development, complete details of cranes and mobile plant associated with the Log Yard shall be submitted to and agreed with the Planning Authority. The detail to be agreed shall additionally address colours of said cranes.

Reason In the interests of visual amenity.

COND NO. 39 In the event of a temporary access, for construction purposes, from the public road system to the site being provided then complete details (including drawings as appropriate) of same shall be submitted to and agreed with the Planning Authority prior to commencement of development.

Reason In the interests of orderly development.

COND NO. 40 Prior to commencement of development complete details (including drawings, as appropriate) of on-site storage facilities for both
ash, and
bark,
shall be submitted to and agreed with the Planning Authority.

Reason To ensure orderly development of the project.

COND NO. 41 Within 3 months of commencement of development complete details (including drawings, as appropriate) of the access - entrance to the site shall be submitted to and agreed with the Planning Authority.

Reason In the interests of orderly development.

COND NO. 42 Prior to commencement of development, the developer shall pay £138,000 (One Hundred & Thirty Eight Thousand Pounds) to Kilkenny County Council as a contribution towards the expenditure to be incurred by the said Council in respect of the provision and/or improvement of public services which will facilitate the development. This contribution is comprised of

£50,000 : towards the provision of street lighting at the junction of the Link Port Road with the N.25.

£40,000 : towards the provision of a public water supply.

£48,000 : towards the provision of in-depth woodland planting of adjacent buffer planting areas to the site as defined in the "Belview Port and Industrial Zone : Draft Action Plan"

The requirement to pay this contribution is subject to the stipulations set out in sub-paragraphs (i), (ii) and (iii) of Section 26 (2) (h) of the Local Government (Planning and Development) Act, 1963 and for the purposes of the said sub-paragraphs (i) and (ii) the specified period shall be the period of 7 years from the date of payment of said contribution.

Reason It is considered reasonable that the developer should contribute towards the expenditure proposed to be incurred by the Council in respect of the provision of public services facilitating the proposed development.

Footnote:

Section 26 (11) of the Local Government (Planning & Development) Act, reads

"A person shall not be entitled solely by reason of a Permission or Approval under this Section to carry out any development"

This is referred to in the context of the need to avoid infringing in any way the rights of the adjoining property owners.

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