

PLANNING & DEVELOPMENT ACTS, 2000 – 2010

NOTIFICATION OF DECISION TO GRANT PERMISSION (SUBJECT TO CONDITIONS)

WATERFORD COUNTY COUNCIL.

REF. NO.PD.11/455

TO Ormonde Organics Limited
C/o Tom Phillips & Associates
2 - 3 Roger's Lane
Lower Baggot Street
Dublin 2

Tom Phillips & Associates Ltd.

Rec'd: 10 APR 2012

Action:

Project:

In pursuance of the powers conferred upon them by the above mentioned Acts, the County Council of Waterford have by Order Dated 5th April, 2012, decided to Grant **PERMISSION FOR THE DEVELOPMENT OF LAND** NAMELY:

for development consisting of the upgrade and extension of an existing Composting Facility (permitted by An Bord Pleanála Ref. No. PL24.215781; Waterford County Council Ref. Ref. PD.04/1831) at a site of 3.2 ha at Killowen, Portlaw, County Waterford. The proposed development will extend the existing site eastwards, increasing the site area to 5.7 ha approximately and will increase the gross floor space of buildings on site by 3,731 sq m from 5,450 sq m to 9,181 sq m. The proposed development comprises activities that require a Waste Licence from the Environmental Protection Agency. An Environmental Impact Statement (EIS) will be submitted to the Planning Authority with this application at Killowen, Portlaw, Co. Waterford.

In accordance with the plans submitted and subject to 11 Condition(s) set out in Column 1 of attached Schedule. The Reasons for the imposition of the said Conditions are set out in Column 2 of the Schedule. If there is no Appeal against the said Decision a **GRANT OF PERMISSION** in accordance with the Decision will be issued after the expiration period within which an Appeal may be made to AN BORD PLEANALA. (See Footnote).

OUTLINE PERMISSION

It should be noted that an **Outline Permission** is a **Permission** subject to the subsequent **Permission Consequent** of the Planning Authority and that until such **Permission Consequent** has been obtained to detailed plans of the development proposed, the development is **NOT AUTHORISED**.

PERMISSION/PERMISSION CONSEQUENT

It should be noted that until a Grant of **PERMISSION** has been issued, the Development in question is **NOT AUTHORISED**.

Signed on behalf of said Council


A/Administrative Officer

Date: 05/04/2012

FOOTNOTE:

In deciding a planning application, the Planning Authority, in accordance with S 34 (3) of the Act, has regard to submissions or observations received in accordance with the Planning & Development Regulations, 2006.

Appeals against a Decision of a Planning Authority may be made to **AN BORD PLEANALA** within four weeks beginning on the date of this notification. The Appeal must state in full the Grounds of Appeal and the Reasons, Considerations and Arguments on which they are based. The appropriate Fee must also be enclosed.
(See attached Schedule of Fees).

Appeals must be received by an Bord Pleanala at the following address :-

An Bord Pleanala
64 Marlborough Street,
Dublin 1

ANY APPEAL NOT ACCOMPANIED BY THE APPROPRIATE FEE WILL BE INVALID.

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CONDITIONS AND REASONS FOR CONDITIONS

1a) The proposed development shall be carried out in accordance with plans and particulars lodged with the Planning Authority on 18th November 2011 and 22nd February 2012 save where amended by a condition herein.

1b) The mitigation measures outlined in the EIS shall be wholly complied with.

Reason: To clarify the documents to which the permission relates in the interests of orderly development.

2a) The wastewater treatment system shall be installed in accordance with the manufacturer's instructions, relevant agreement certification and EPA Code of Practice 2009.

2b) Prior to the extension being occupied, the Planning Authority shall be notified that the wastewater treatment system is constructed and operational. In addition, a Certificate of Compliance, prepared and signed by an Architect, Engineer, Surveyor or Technician to state that the wastewater treatment system and associated works fully comply with condition no. 2(a) above shall be submitted to the Planning Authority for its written approval, prior to the extension being occupied.

2c) The installation of the proposed wastewater treatment system shall include maintenance and repair contract, a copy of which shall be submitted to the Planning Authority prior to the commencement of development. This contract shall be renewed on an annual basis and shall be taken out initially with the supplier/manufacturer of the system. Thereafter any change of contractor shall be notified to the Planning Authority.

2d) Surface water shall be discharged to soakaways or watercourses.

2e) Upon installation of the new wastewater treatment system, the existing septic tank shall be decommissioned and removed from the site to an authorized location.

Reason: In the interests of public health.

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- 3) The developer shall comply with all relevant requirements of the Animal By-Product Regulations (S.I. No. 248 of 2003 and S.I. 707 of 2005). The developer shall obtain approval from the Veterinary Section of the Department of Agriculture, Food and the Marine in relation to compliance with the above legislation. A copy of this approval shall be furnished to the Planning Authority for its consideration and written agreement prior to the acceptance of any such waste containing animal by-products.

Reason: In the interest of public health.

- 4) The proposed structure shall be used only as a compost making and anaerobic digester facility and shall not be used for any other waste processing activity or any other purpose.

Reason: To limit the proposed development to the terms of the application having regard to the location of the site in a rural area.

- 5a) This permission is for the management of waste with a maximum intake of 40,000 tonnes per annum. The developer shall record the amount of waste received at the facility and records shall be made available to the planning authority on request.
- 5b) Only waste governed by planning permissions Pd 04/1831 [PL24.215781] and Pd 11/392 shall be permitted to be accepted on site.

Reason: To comply with the objectives of the Joint Waste Management Plan for the South-East region.

- 6) No advertisement or advertising structures (apart from exempted development) shall be erected or displayed on the building or within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of visual amenity.

- 7a) Boundary treatment along the new eastern site boundary shall comprise a 1.2m high stock-proof timber post and rail fence.
- 7b) Screen planting shall be provided along the eastern site boundary and shall comprise a mixture of indigenous trees to be planted at 5m. centres. The planting shall be carried out in the first planting season following commencement of development. When planted the trees shall be adequately protected from damage by animals or wind. Any failures within 5 years

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shall be replaced and the trees allowed to grow to maturity. A certificate of compliance with this condition shall be forwarded to the Planning Authority upon completion of planting. The certificate shall be signed by a horticulturalist or other approved professional.

- 7c) Security and stock-proof fencing, other than that provided for under Class 11 of Schedule 2, Part 1 of the Planning & Development Regulations 2001 (as amended), shall be the subject of a separate application for planning permission.

Reason: In the interests of orderly development of the site and proper planning.

- 8) Prior to the commencement of any development, proposals demonstrating that the water supply on site is adequate in the event of fire shall be submitted for the written agreement of the Planning Authority. Such proposals shall comply with the requirements of the Chief Fire Officer.

Reason: In the interests of public safety.

- 9a) The applicant is required to employ a qualified archaeologist to monitor all groundwork's associated with the development as recommended in the archaeological assessment report submitted with the planning application. The Archaeologist shall agree a methodology and schedule of site inspection with the developer/contactor and this schedule shall be submitted to the Department for approval in advance of works commencing on site. The monitoring/site inspection shall be licensed under the National Monument Acts 1930-1994.

- 9b) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Heritage Division of the Department of Arts, Heritage and the Gaeltacht with regard to any necessary mitigating action (e.g. preservation *in situ*, or excavation) and should facilitate the archaeologist in recording any material found.

- 9c) The Planning Authority and the Department shall be furnished with a report describing the results of the monitoring following the completion of all archaeological work on site.

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

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- 10) Prior to the commencement of any development on site pursuant to this planning permission, the applicant shall apply for and obtain a waste licence from the EPA.

Reason: In the interests of public health and environmental protection.

- 11) The developer shall pay to the planning authority a financial contribution of €165,151.33 (one hundred and sixty five thousand one hundred and fifty one euro and thirty three cent) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000. The relevant Development Contribution Scheme was adopted by Waterford County Council on **14th January 2008 & adjusted on 1st January 2010**. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate.

Roads	€ 82,575.67
Community	€ 82,575.67
Total Contributions	€165,151.33

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

Signed: 
A/Administrative Officer

Dated: 5th April, 2012