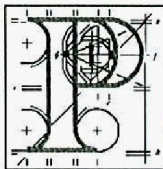


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2004

Waterford County

Planning Register Reference Number: PD.04/1831

An Bord Pleanála Reference Number: PL 24.215781

APPEAL by Advanced Environmental Solutions (Ireland) Limited of Unit 1 Monread Commercial Park, Monread Road, Naas, County Kildare and by Suir Valley Environmental Group care of Frances Power, Secretary of Mount Bolton, Portlaw, County Waterford against the decision made on the 5th day of December, 2005 by Waterford County Council to refuse permission to the said Advanced Environmental Solutions (Ireland) Limited for development comprising the provision of a plant for the treatment of effluents and for composting organic wastes. The facility will require modifications including some demolition and extension to the existing building, relocation of electrical substation, an in-vessel composting system and biofilter, weighbridge and kiosk at Killowen, Portlaw, County Waterford in accordance with the plans and particulars lodged with the said Council:

DECISION

GRANT permission for the proposed composting facility in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the proposed wastewater treatment plant based on the reasons and considerations marked (2) under.

REASONS AND CONSIDERATIONS (1)

Having regard to the provisions of the current Joint Waste Management Plan for the South-East Region and the National Strategy on Biodegradable Waste and the location of the site remote from any residential development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The composting facility shall only accept source segregated organic waste that complies with the following European Waste Catalogue Codes: -

20 01 08 Household biodegradable kitchen and canteen waste,

20 02 01 Other biodegradable waste,

19 08 05 Sludges from the treatment of urban wastewater, and

20 03 04 Septic tank sludges.

No mixed waste shall be accepted at the facility and no sorting of mixed waste shall be conducted within the curtilage of the site.

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

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 Department of the Department of Agriculture and Food in relation to compliance with the above legislation.

Reason: In the interest of public health.

4. The proposed structure shall be used only as a compost making 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.

5. This permission is for the composting 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.

Reason: In the interest of clarity and orderly development.

6. Details of all external finishes, including colours, materials and textures, to the proposed extension and Eweson digester shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. Prior to the commencement of development, the developer shall submit and obtain the written agreement of the planning authority to, a plan containing details for the management of construction waste (and, in particular, recyclable materials) within the development, including the provision of facilities for storage, separation and collection of waste and, in particular, recyclable materials.

Reason: To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

8. A weighbridge shall be constructed at the facility. Details of the design and location of the weighbridge shall be agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure that the amount of waste treated on site is properly recorded in accordance with condition number 5.

9. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement the following details in relation to foul waste:-

- (a) details of the sanitary accommodation for staff in the office building, and
- (b) details of the effluent treatment system to cater for the waste from the office building.

Reason: In the interest of public health.

10. 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.

11. All service cables associated with the proposed development shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

12. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to the planning authority for agreement before development commences. The scheme shall include a timescale for its implementation.

Reason: In the interest of visual amenity.

13. The developer shall pay to the planning authority a financial contribution 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 contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

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.

14. The developer shall pay the sum of €5,000 (five thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to Kilkenny County Council as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000 in respect of upgrading of footpaths in Fiddtown Village. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

REASONS AND CONSIDERATIONS (2)

Having regard to the inadequate information submitted in relation to the application and the appeal with regard to the nature of the wastewater process to be undertaken and the baseline studies in relation to the aquatic environment in the immediate vicinity of the discharge point, the Board is not satisfied that the discharge of treated effluent from the proposed wastewater treatment plant would not constitute an unacceptable risk of pollution of receiving waters in the River Suir. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2006.