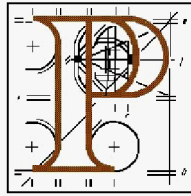


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Waterford County

Planning Register Reference Number: PD 11/455

An Bord Pleanála Reference Number: PL 24.240543

APPEAL by Ormonde Organics Limited care of Tom Phillips and Associates of 2-3 Roger's Lane, Lower Baggot Street, Dublin in relation to the application by Waterford County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 11 of its decision made on the 5th day of April, 2012.

PROPOSED DEVELOPMENT: Upgrade and extension of an existing Composting Facility (permitted by An Bord Pleanála appeal reference number PL 24.215781, planning register reference number PD.04/1831) at this site of 3.2 hectares at Killowen, Portlaw, County Waterford. The proposed development will extend the existing site eastwards, increasing the site area to 5.7 hectares approximately, and will increase the gross floor space of buildings on site by 3,731 square metres from 5,450 square metres to 9,181 square metres. The proposed development will consist primarily of the construction of two number new entrance structures to the existing composting building (Building number 1), three number new buildings (Building numbers 2, 3(A) and 3(B)), anaerobic digestion tanks, a gas flare stack, a new biofilter and silage pit. These are detailed as follows: two number double height airlock entrances to the front elevation of the existing Composting Building (Building number 1) for odour abatement purposes (total 331 square metres); new Building number 2 linking to the southeast side of existing Building number 1, comprising two number pasteurisation areas, five number maturation bays and a workshop (1,974 square metres); three number above ground Anaerobic Digester (AD) tanks each with a diameter of 21.6 metres and an overall height of 10.3 metres to treat up to 20,000 tonnes per annum of non-hazardous organic waste and biomass. The tanks are located in a bunded area to the southeast of the existing (disused) Waste Water Treatment Plant (WWTP); change of use of all but one number of the existing Waste Water Treatment Plant tanks for the storage of incoming liquid/sludge organic waste and/or digestate from the AD process, including the conversion of each tank from open to enclosed tanks through the retrofitting of covers; new Building number 3(A) to the southeast of the proposed AD tanks, comprising an organic waste reception area, AD treatment systems and Combined Heat and Power (CHP) generators, which convert biogas from the AD process to electricity (1,333 square metres); a drier building (Building number 3B) and adjacent nine metres high gas flare stack associated with

the AD/CHP Plant (93 square metres); a new agricultural silage pit/biomass storage area to the southeast of Building number 3(A) with associated underground effluent storage tank and a new air treatment biofiltration system to the southwest of Building number 2. In addition, the proposed development consists of concrete paving surrounding the proposed new structures, a new attenuated surface water drainage system connecting to the outfall of the existing system, removal and relocation of the existing septic tank and percolation area from beside the WWTP to the southwest of proposed Building number 2 and its replacement with a new foul treatment system and percolation area, and all other ancillary works above and below ground. The proposed development does not result in any change to the maximum permitted intake of 40,000 tonnes per annum. The proposed development will treat: wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing; wastes from organic chemical processes; wastes from waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use; and municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions. These wastes fall under the following European Waste Catalogue Code Chapters: 02 00 00, 07 00 00, 19 00 00, and 20 00 00. 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 the application.

DECISION

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 11 and directs the said Council under subsection (10) (b) of section 48 of the 2000 Act, to AMEND condition number 11 so that it shall be as follows for the reason stated.

11. The developer shall pay to the planning authority a financial contribution of €120,007 (one hundred and twenty thousand and seven euro) in respect of public infrastructure and facilities benefitting 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, as amended. The relevant development contribution scheme was adopted by the planning authority on the 14th day January, 2008 and adjusted on the 1st day of January, 2010. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate.

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.

REASONS AND CONSIDERATIONS

Having regard to the terms of the Waterford County Council Development Contribution Scheme, 2008-2012, which seeks a financial contribution for non-residential development in square metres and states that gross floor area is, in general, the sum of floorspace within the external walls of the buildings, excluding plant and tank rooms and car parking area, it is considered that the tank element of the proposed development does not constitute gross floor area and therefore the tank element does not attract a development contribution. The Board, therefore, amended the amount of the financial contribution sought to reflect this.

In deciding not to accept the Inspector's recommendation, the Board had regard to the definition of gross floor area in the development contribution scheme.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

Dated this day of 2013.