

f/4334/07

COMHAIRLE CHONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND MANAGER'S ORDER

CONTRIBUTION	
Standard Levy	€857,008
Open Space	My
Other	
SECURITY	
Bond	
Other	

Register Reference F07A/0954

Date of Registration. 29 November, 2007

Correspondence O'Callaghan Moran & Associates Granay House, Rutland Street, Cork

Development The extension to the existing Materials Recycling Facility at Cappagh Road, Cappoge Td, Finglas, Dublin 11 comprising A) The following buildings A2) An extension to the existing A1 building for a Municipal Solid Wastes Recycling unit (area c 2030 m², height to eaves c 11m) B1) Dry Recyclables unit (area c 2800 m², height to eaves c 11 m) B2) Cardboard and Plastics recycling unit (area c 4608 m², height to eaves c 11 m²) C) E S B substation and switchrooms (area c 56 m², height to eaves c 5.50m) D) Associated site works

Location Cappagh Road, Cappoge Td, Finglas, Dublin 11

Applicant Nurendale Ltd (t/a Panda Waste Services)

Application Type Permission

Zoning 'ST1' - The objective of which is 'To facilitate opportunities for science and technology based employment and associated and complementary uses in a high quality environment in accordance with an approved local area plan'

Planning Officers Report

MMcA/MJG

Report of the Planning Officer dated 12th September 2007

This is an application for **Permission** consisting of the extension to the existing Materials Recycling Facility at Cappagh Road, Cappoge Td, Finglas, Dublin 11 comprising A) The following buildings A2) An extension to the existing A1 building for a Municipal Solid Wastes Recycling unit (area c 2030 m², height to eaves c 11m) B1) Dry Recyclables unit (area c 2800 m², height to eaves c 11 m) B2) Cardboard and Plastics recycling unit (area c 4608 m², height to eaves c 11 m²) C) E S B substation and switchrooms (area c 56 m², height to eaves c 5.50m) D) Associated site works

Zoning

The application site is zoned Objective 'ST1'- *To facilitate opportunities for science and technology based employment and associated and complementary uses in a high quality environment in accordance with an approved local area plan'* in the Fingal County Development Plan 2005

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The Site

The application site is located on the western side of the Cappagh Road in Dublin 11. It is 2.51ha in area and is irregular in shape. It has a frontage of approx 120 metres to the Cappagh Road while it is immediately north of the established Stadium Business Park. Huntstown Quarry is located on the opposite (eastern) side of the Cappagh Road with the Millennium Business Park also located further to the north east. An existing materials recycling facility is operating from a 2,076sqm building located at the front of the site. The remainder of the site consists of open storage, a small office building and 2 no weigh bridges. The site is enclosed by standard palisade fencing.

Planning History

Reg Ref F04A/1123 Permission **GRANTED** for the erection of an Industrial/Office development of 10,579sq metres consisting of 7 no 2 storey Industrial/Office Units varying from 523sq m to 2273sq m, including ESB substation and switch room, associated parking for 304 cars, boundary fencing, landscaping, berming and site works. The permitted new access to the site was via the existing Stadium Business Park adjoining to the south.

F05A/1156 – Permission granted for Development of a Materials Recycling Facility at Cappagh Road Cappoge Td Finglas, Dublin 11 comprising A) the following buildings A1) Construction and Demolition, Commercial and Industrial Recycling unit with associated offices (area c 2076m², height to eaves 11.2m), A2) Dry Recyclables unit with associated offices (area c 3062m², height to eaves 11.2m), A3) Municipal Solid Wastes Recycling Unit (area c 5870m², height to eaves 11.2m) A4) ESB substation and switchroom (area c 2175m², height to eaves 3m) B) Weighbridge and Office (area 35m² height to eaves 3.8m) C) 2.5kw Wind Turbine (11m high) D) Associated site works including fencing, acoustic barrier, entrance gates, drainage. A Waste Permit application will accompany this application.

PL 06F215851 - Appeal withdrawn S 140(1)(a)

Departmental Reports

The Water Services Department Report requests Additional Information from the applicant in regard to a number of issues with the proposed development.

The Transportation Department Report requests Additional Information from the applicant in regard to a number of issues with the proposed development.

The Environmental Health Officer has no objection to the proposal.

The Waste Enforcement Section states that the proposed development should be subject to a construction and demolition waste management plan.

Third Party Objections

No objections have been lodged with the Planning Authority.

Proposal

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Permission is sought for an extension to the existing waste recycling facility on this 2.51 acre site fronting onto the Cappagh Road

The proposal consists of

- A2) An extension to the existing A1 building for a Municipal Solid Wastes Recycling unit (area c 2030 m², height to eaves c 11m)
- B1) Dry Recyclables unit (area c 2800 m², height to eaves c 11 m)
- B2) Cardboard and Plastics recycling unit (area c 4608 m², height to eaves c 11 m²)
- C) E S B substation and switchrooms (area c 56 m², height to eaves c 5.50m)
- D) Associated site works

Pre-Application Discussions

The applicant states that pre-application discussions were held with the Planning Department on 21st June, 2007

Planning Assessment

The submitted scheme proposes the extension of an existing materials recycling facility. The proposal will see a substantial intensification of the uses on site with the overall floor area of the structures increasing from an existing 2,076sqm of a recycling facility to a total of 11,550sqm. The site is located at the north eastern extent of zoned objective 'ST1' lands - '*To facilitate opportunities for science and technology based employment and associated and complementary uses in a high quality environment in accordance with an approved local area plan*' in the Fingal County Development Plan 2005. The Stadium Business Park is located adjoining to the south, while the Millennium Business Park and North West Business Park is located to the north of the site. Development generally consists of a mixture of manufacturing, light industrial, logistics and office development.

Under the Objective 'ST1' zoning a large number of uses are 'Permitted in Principle' under Table No 4.8 of the 2005 Development Plan. The proposed development whereby dry, construction and demolition (C & D), commercial and industrial (C & I) waste is dismantled, separated, and processed for re-use (e.g. production of aggregates) for distribution is considered to be a '*Recycling Facility*' under this schedule.

However a Municipal Solid Waste (MSW) building is to be accommodated at the front of the site in the A2 extension. This is essentially domestic waste that will be delivered to the site by refuse collection vehicles. A '*Refuse Transfer Station*' is stated to be 'Not Permitted' in Table No 4.8 of the 2005 Development Plan. This type of refuse operation is therefore contrary to the 'ST1' zoning and is unacceptable. It is noted that under the original permission granted under F05A/1156 this use was also considered unacceptable and omitted by condition.

Transportation

The proposed development will involve the significant importation of waste materials into the site for the recycling operations proposed. The proposed overall/potential capacity of the facility is 250,000 tonnes per annum and the average number of vehicles entering/exiting the site was estimated to be 38 per day within Section 4.2.10 of the Traffic Impact Assessment.

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submitted under F05A/1156. A TIA has not been submitted with the current application. The upgrading and re-alignment of the Cappagh Road is currently under construction. The Transportation Department has requested further information in relation to internal layout and circulation issues, car-parking and the boundary along the re-alignment design for the Cappagh Road. It is noted that the concerns raised in the original application F05A/1156 regarding the inadequacy of the road network in the North Blanchardstown Area have not been raised by the Transportation Department in relation to this application.

Noise/Odour Impacts

The recycling operations will be covered in nature being housed in the new buildings proposed for the site. The proposed development will create noise necessarily through the industrial nature of the recycling operations. The Environmental Health Officer has reported that the proposal is acceptable and recommends permission be granted.

Proposed buildings

The submitted development provides for an additional 9,474sq metres between the three new proposed buildings. These structures are also substantial in height terms being 11.0 metres to the parapet/eaves and 13.8 metres to the ridge height. The orientation/layout of the buildings on site primarily run parallel to the boundaries of the 2.51ha site. The compacted layout is further emphasised by the surface car parking and future heavy volume of HGV movements and circulation.

While the proposed layout and MSW recycling element of the proposed development is considered contrary to the Objective 'ST1' zoning - *'To facilitate opportunities for science and technology based employment and associated and complementary uses in a high quality environment in accordance with an approved local area plan'* in the Fingal County Development Plan 2005. The buildings would be unduly imposing on the properties adjacent and result in an overdevelopment of a modest site relative to the scale of development proposed. This combined with the potential 250,000 tonne capacity of facility is considered to be inappropriate for a site of 6.2 acres. It is considered that the applicant should be requested to provide for a facility that is reduced in scale through the omission of the MSW facility. The omission of this facility will also address concerns relating to the proposed layout and over-development of the site and the significant shortfall in car-parking.

Summary

It is considered necessary to clarify the above issues with the proposed development before this application is progressed further.

Additional Information was requested from the applicant on 17th September 2007 with regard to the following:

1. The application site is zoned objective 'ST1' lands - *'To facilitate opportunities for science and technology based employment and associated and complementary uses in a high quality environment in accordance with an approved local area plan'* in the Fingal County Development Plan 2005. The proposed development is considered excessive in

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scale given the size of the subject site, volume of material proposed for recycling and shortfall of 39 car-parking spaces on the site. The proposed development includes a substantial Municipal Solid Waste (MSW) building to receive refuse delivered to the site by refuse collection vehicles. Such a 'Refuse Transfer Station' is stated to be 'Not Permitted' in Table No. 4.8 of the 2005 Development Plan.

Having regard to the unacceptable use of the proposed MSW element and the scale of the proposed development, the applicant is requested to submit a revised scheme whereby the proposed MSW element of the development is omitted.

- 2 The applicant is requested to address the following internal / circulation issues and submit additional drawings / detail on the following:
- (a) The provision of 1 car-parking space per 100 sqm of gross floor area.
 - (b) To submit the written consent of the Road Design Department confirming that the proposed development does not interfere with the Cappagh Road re-alignment design.
 - (c) Possible conflict between cars existing the parking spaces along the front boundary with vehicles entering the site.
 - (d) It is the Transportation Department's policy to segregate employee/visitor parking areas from industrial marshalling/loading areas and to provide safe/convenient pedestrian routes between parking areas and building entrances/places of work. The applicant is referred to the document 'Workplace Transport Safety' published by the Health & Safety Executive, UK for background information. In terms of this policy objective, the submitted layout is considered unsatisfactory and the applicant is requested to submit a revised layout addressing these matters. The revised layout shall also clearly show the following: location of designated disabled parking spaces and linking pedestrian facilities, direct pedestrian/cyclist access from the Cappagh road separate from the HGV/Vehicular entrance linking to the office building with the Road.
 - (e) Provision of designated parking bays for mobility-impaired persons and wheelchair users shall be provided at the rates of provision and to the layout/designs generally as set out in BS 8300 2001 'Design of buildings and their approaches to meet the needs of Disabled People'. The applicant should note in particular the requirements of this standard relating to the provision of appropriate and accessible links between such parking areas and building entrances.
 - (f) The applicant shall provide secure and sheltered bicycle parking (at a rate of 1 stand per 150m² of Office GFA) the locations of which shall be indicated on submitted drawings. Cycle parking shall be located as close as practical to end-destination(s) (e.g. building/unit front-doors/entrances) and in locations with good active or passive surveillance.
 - (g) The entrance area shall be illuminated in order to facilitate users in identifying and accessing the site and to highlight the access point/junction to other road users. The applicant shall submit technical details of lamp installations and illumination levels to the Public Lighting section of Fingal County Council for approval. The lighting scheme shall not cause excessive glare or distraction to road users or nuisance to adjoining property owners.

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- 3 The applicant is advised to consult with the Transportation Department (Planning Section) prior to making a submission
- 4 The application is requested to provide additional information in relation to the following
 - (a) Acceptable details of the proposed drainage including the connection to the public sewer, pipe size and gradient, invert and cover levels and details of the existing connections to the drain
 - (b) Details of the proposed surface water drainage
 - (c) Submit evidence that the existing attenuation system can cater for the proposed development
 - (d) In the interests of water conservation, provide details of water consumption by means of calculation

The applicant is advised to consult with the Water Services Department, Fingal County Council prior to making a submission

- 5 Having regard to zoning objective ST1 'to provide for a high quality environment', the applicant is requested to provide,
 - Full details of trees / hedges to be retained as well as tree protection measures in accordance with BS 5837(2005)
 - A full landscape plan, bill of quantities, works specification, boundary treatment, with details of the long term management and maintenance of proposed landscaped area

NOTE

If any submission resulting from the above request is received by the planning authority and it is considered that the information, evidence, revised plans, and particulars received, as appropriate, contain significant additional information, including information to effects on the environment, you must submit a revised newspaper notice and site notice, the format of which accords with Section 35(1)(a)&(b) of the Planning and Development Regulations 2001 – 2006

MMcA/MM

Subsequent report of the Planning Officer dated 20th December 2007

Additional Information received 29th November 2007

This report should be read in conjunction with the previous planner's report dated 11th September, 2007

ITEM 1

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The applicant has submitted further information stating that the proposed MSW recycling building is not a 'Refuse Transfer Station'. It is stated that it is an integral part of the entire re-cycling facility.

The submission states that the purpose of the proposed building is to recycle pre-treated and residual MSW (wastes that have undergone source segregation to remove the dry recyclables and possibly the wet organic fraction).

Assessment

A breakdown of the types and quantities of materials that will be recovered in the Building and the recycling outlets that are available are presented in Table One of the FI submission. Organics, which consist of 'wet' organic household refuse, makes up to 40% of the total input. It is my understanding that this is essentially transferred from refuse collection vehicles to larger transport vehicles for haulage to a final disposal site, in this case it is stated that it is transferred to a PANDA facility in Navan. In my opinion the scale and nature of this operation represents a 'refuse transfer station' and as such a use is considered to be a material contravention of the land use zoning.

I feel that it is also important to point out that there are significant tracts of undeveloped lands with a similar ST1 land use zoning in the North Blanchardstown Area. I would have major concern that to permit such a use on this land use zoning would set a very undesirable precedent for similar facilities of this nature where it is the primary objective to develop these lands for *science and technology based employment and associated and complementary uses in a high quality environment*. In my opinion the proposed use not only represents a material contravention of the development plan zoning but would create a conflicting land use within any existing or future science and technology park. I recommend that the MSW unit be omitted by way of condition.

ITEM 2

The applicant has submitted further information in relation to the outstanding internal / circulation issues. The Transportation Department have, in a report dated 11th December, 2007, stated that the applicant has satisfactorily responded to the FI request. As such they have no objection to the proposed development subject to a number of conditions being attached to any subsequent grant of planning permission.

ITEM 3

The applicant has submitted revised details in relation to Further Information sought by the Water and Drainage Department of Fingal County Council. The applicant also states that he has liaised with the Department before submitting the additional information. A report from Water and Drainage Department on the additional information is outstanding.

ITEM 4

In their response to item 4 of the FI request the applicant has stated that a full landscape plan shall be submitted prior to the commencement of development. I recommend that this be sought by way of condition.

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RECOMMENDATION

I recommend that a decision to **GRANT PERMISSION** be made under the Planning and Development Acts 2000-2006, subject to the following (17) condition(s) -

Conditions and Reasons

- 1 The development to be carried out in its entirety in accordance with the plans, particulars, specifications, and information lodged with the application, as amended by additional information received on 29th November 2007, save as may be required by the other conditions attached hereto

REASON To ensure that the development shall be in accordance with the permission and that effective control be maintained

- 2 That the proposed development shall be amended as follows
 - (a) That the extension to the existing A1 building for a Municipal Solid Waste Unit (Building A2) shall be omitted from the development

REASON In the interests of the proper planning and development of the area

- 3 The facility shall not commence operations of this extension phase of the development until the Cappagh Road Realignment is completed and fully operational and the applicant has received the written consent of the Planning Authority and the Transportation Department of Fingal County Council

REASON In the interest of traffic safety

- 4 That waste material shall be off-loaded from delivery vehicles and stored/processed internally within the proposed building Waste material shall not be stored externally within the site

REASON In the interests of the proper planning and development of the area

- 5 That the following requirements of the Transportation Department, Fingal County Council shall be strictly adhered to in the development

(a) Road junction visibility requirements shall comply with TD 42/95 and/or TD 41/95, as appropriate, of the 'Design Manual for Roads and Bridges' as amended by the NRA No objects, structures or landscaping shall be placed or installed within the visibility triangle which interfere with or obstruct (or could obstruct over time) the required visibility envelopes Plans of verge/boundary planting/landscaping proposals (on which all required visibility spays are clearly superimposed) shall be submitted for written approval and compliance purposes

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- (b) The Location of the proposed Island will be agreed with FCC Road Design and will not impede the turning movements of trucks into the facility
- (c) No vehicles shall park, nor shall any goods or objects be stored or located, within the entrance area at any time. For the purposes of this condition the entrance area is defined as that area between the sliding security gate and the public road. Double yellow lines (in accordance with the Traffic Signs Manual) shall be provided within the entrance area. The security gates shall remain in the fully open position during all periods that the development is operating or in use.
- (d) The lighting scheme shall not cause excessive glare or distraction to road users or nuisance to adjoining property owners. In this regard, the level and/or nature of illumination may be reviewed at any time by the Transportation Department and adjustments shall be made by the applicant upon request at his/her own expense.
- (e) No vehicles shall park, nor shall any goods or objects be stored or placed, in or about the site in such a manner or location that the weighbridge becomes obstructed or non-utilisable or causes queuing of traffic out on to the Cappagh road.
- (f) Parking spaces shall be lined/marked in accordance with the "Traffic Signs Manual", 1996 and the "Guidelines on Tender Documentation for Road Marking Materials", 2000, published by the Dept of Environment, Heritage and Local Government. Delineation lines shall be white thermoplastic (to EN 1436, 1997), with a minimum thickness of 3mm and a minimum width of 100mm. Disabled Parking Bays shall be 4.8m long and 3.6m in width and shall be marked and signed (if necessary using contrasting marking colours or materials) so that their location, allocation and use is clearly apparent.
- (g) A permanent written record shall be maintained of all goods vehicles entering the site which record shall contain the following details: vehicle description/registration, time and date of weighing, gross/tare/net weights, and nature of the load. This record shall be made available to the Planning Authority for inspection/review upon demand.
- (h) All stormwater falling within the site (including the entrance driveway/paved areas etc) shall be intercepted/collected and disposed of to ensure that no surface water from the development discharges onto the public road.

REASON In the interest of the proper planning and development of the area

- 6 That the proposed facility shall be not available for use directly by members of the general public

REASON In the interests of the proper planning and development of the area

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- 7 Prior to the commencement of development the requirements of the Principal Environmental Health Officer shall be ascertained and thereafter strictly adhered to in the development

REASON In the interests of the proper planning and development of the area

- 8 The water supply and drainage infrastructure including the disposal of surface water shall comply with the technical requirements of the Planning Authority In particular the following requirements of the Water Services Department shall be complied with in this development

FOUL SEWER

- 1 No foul drainage shall discharge into the surface water system under any circumstances
- 2 The foul drainage shall be in compliance with the 'Regional Code of Practice for Drainage Works Version 6.0' FCC April 2006
- 3 The proposed structure foundation must be brought to the same level as the invert level of the public foul sewer

SURFACE WATER

- 1 No surface water/ rainwater shall discharge into the foul sewer system under any circumstances
- 2 The surface water drainage shall be in compliance with the 'Regional Code of Practice for Drainage Works Version 6.0' FCC April 2006
- 3 The proposed structure foundation must be brought to the same level as the invert level of the public foul sewer

WATER SUPPLY

- 1 All water fittings and installations must incorporate best current practices in water conservation
- 2 The water supply for the development must comply with the 'Guidelines for Laying of Distribution Watermains' Water Services Department, FCC, Dec 2004

REASON In the interest of the proper planning and development of the area

- 9 That a comprehensive landscape plan with full specifications and bill of quantities including screen planting and management company proposals for the upkeep of these areas to be submitted and agreed in writing with the Planning Authority prior to the commencement of development on site Landscaping and boundary treatment works shall be completed prior to the operation of the proposed development

REASON In the interests of the proper planning and development of the area

- 10 That the proposed development shall comply with the Noise Guidelines of Fingal County Council In this regard
- (a) The premises shall only be used for any purpose including collection and return of

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vehicles and waste receptacles between the hours of 08 00 to 20 00 Monday to Friday and 08 00 to 16 00 on Saturdays A monitoring system to ensure compliance with this condition shall be agree with the Council before development commences

(b) An odour control programme shall be agree with the Council and installed before operation commences in order to minimise odours

REASON In the interests of the amenities of the area

- 11 No advertising sign or structures shall be erected on the site without prior approval of the Planning Authority

REASON In the interests of visual amenity

- 12 That all public services to the proposed development, including electrical, telephone cables and equipment be located underground throughout the entire site

REASON In the interest of amenity

- 13 No materials to which the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2000, S.I. No 476 of 2000 (Seveso II) applies shall be stored in the proposed premises without the prior grant of planning permission by the Planning Authority or An Bord Pleanála This shall form a clause in any leasing or sale agreement for the development

REASON In the interests of the proper planning and development of the area

- 14 Prior to the commencement of development a comprehensive and specific plan for the treatment of all boundaries of the site shall be agreed in writing with the Planning Authority

REASON In the interest of the visual and landscape amenities of the area

- 15 That all necessary measures including the provision of wheel wash facilities be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works

REASON To protect the amenities of the area

- 16 Prior to commencement of development, a construction management plan shall be submitted to the planning authority for written agreement This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, off-site disposal of construction/demolition waste and a scheme for dust and dirt control

REASON In the interest of amenities and public safety

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- 17 The developer shall pay the sum of € 857,008 (updated at date of commencement of development, in accordance with changes in the Tender Price Index) to the planning authority as a contribution towards expenditure that was/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the council. The phasing of payments and the giving of security to ensure payment shall be agreed in writing with the planning authority prior to the commencement of development

My

REASON It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority

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Matthew McAleese 20th Dec '07
Senior Executive Planner

Endorsed

Colette Byrne
Administrative Officer 20/12/07
MB

Order A decision pursuant to Section 34 of the Planning and Development Act 2000 to **GRANT PERMISSION** for the above proposal subject to the(17) condition(s) set out above is hereby made

Dated 20th December, 2007

[Signature]
Senior Planner/Senior Executive Officer
Director of Services

To whom the appropriate powers have been delegated by Order of the County Manager, dated

9th Nov 2007.