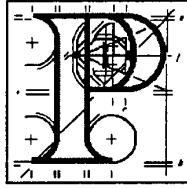


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS, 2000 TO 2002

## Kilkenny County

**Planning Register Reference Number: 02/665**

An Bord Pleanála Reference Number: PL 10.200681

**APPEAL** by Thomas Murphy of Roselea, Newtown, Waterford against the decision made on the 6<sup>th</sup> day of September, 2002 by Kilkenny County Council to grant subject to conditions a permission to Waterford Proteins care of AIBP Development of John Street, Ardee, County Louth in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** The construction of a new building to accommodate additional odour abatement technology for the treatment of process odour in the form of a recuperative thermal oxidiser and associated stack and site works at Christendom, Ferrybank, Waterford.

## DECISION

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## REASONS AND CONSIDERATIONS

Having regard to the industrial zoning objective for the area and the pattern of development in the area, which is predominantly industrial, the relatively low level of the site and the screening afforded by nearby woodland, 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. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

lc

PL 10.200681

An Bord Pleanála

Page 1 of 2

**CONDITIONS**

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the drawings received by the planning authority on the 28<sup>th</sup> day of June, 2002, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

2. Prior to commencement of development, details of the colour scheme for all external finishes shall be submitted for the written agreement of the planning authority. These details shall, in particular, specify the colour of the proposed chimney stack, which shall be in a single muted colour, subject to any requirements in relation to aviation safety.

**Reason:** In the interest of visual amenity.

3. Prior to commencement of development, details of obstacle lights, if any, necessary for the purposes of aviation safety shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development.



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

Dated this *30th* day of *April* 2003.

**KILKENNY COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACT, 2000**

**NOTIFICATION OF DECISION TO GRANT**

4018 5244 110

**TO:** Waterford Proteins  
c/o AIBP Development  
John Street  
Ardee  
Co. Louth.

**Planning Register Number:** 02/665

**Valid Application Received:** 22/05/2002

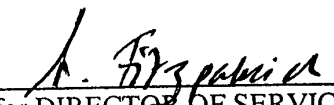
**Further Information Received Date:** 14/08/2002

**In pursuance of the powers conferred upon them by the above-mentioned Act, Kilkenny County Council has by Order dated 06/09/2002 decided to GRANT permission for development as follows:-**

for construction of new building to accommodate additional odour abatement technology for the treatment of process odour in the form of a recuperative thermal oxidiser and associated stack and siteworks AT Christendom Ferrybank Waterford IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION.

**Subject to the 2 conditions set out in the attached schedule.**

Signed on behalf of Kilkenny County Council

  
for DIRECTOR OF SERVICES

**Note: See notes attached for appeal procedures.**

**Reasons and Considerations on Decision P.02/665**

Having regard to the Development Plan, the submissions, the referral responses, the letter of representation and all other material considerations, subject to the following conditions, it is considered that the development will have any significant adverse visual impacts and accordingly be in accordance with the proper planning and sustainable development of the area.

**2 NO. CONDITIONS ATTACHED TO PLANNING REFERENCE P.02/665**

**COND NO. 1** Prior to the commencement of development, details of all external finishes shall be submitted to and approved by the Planning Authority.

**Reason:** In the interests of visual amenity.

**COND NO. 2** The development shall be carried out and completed strictly in accordance with:

- (i) the conditions of this permission
- (ii) (a) the documents lodged with this application
- (b) the submission/further information date stamped  
28/6/2002.

except as otherwise required by the conditions of this permission.

**Reason:** To ensure that the development strictly accords with the permission and to ensure that effective control is maintained.

**FOOTNOTE**

Section 34 (3) of the Planning & Development Act 2000, states:

“A person shall not be entitled solely by reason of a Permission under this Section to carry out any development.”

Developers are obliged to comply with other legislation and to avoid infringement of third party rights.

**KILKENNY COUNTY COUNCIL**  
**PLANNING AND DEVELOPMENT ACT, 2000**  
**NOTIFICATION OF DECISION TO GRANT**

4013 5244 IIE

**TO:** Waterford Proteins  
 c/o AIBP Development  
 John Street  
 Ardee  
 Co. Louth.

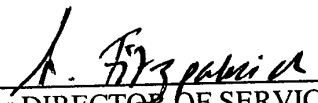
**Planning Register Number:** 02/665  
**Valid Application Received:** 22/05/2002  
**Further Information Received Date:** 14/08/2002

**In pursuance of the powers conferred upon them by the above-mentioned Act, Kilkenny County Council has by Order dated 06/09/2002 decided to GRANT permission for development as follows:-**

for construction of new building to accommodate additional odour abatement technology for the treatment of process odour in the form of a recuperative thermal oxidiser and associated stack and siteworks AT Christendom Ferrybank Waterford IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION.

**Subject to the 2 conditions set out in the attached schedule.**

Signed on behalf of Kilkenny County Council

  
 for DIRECTOR OF SERVICES

Date: 6.09.02

**Note: See notes attached for appeal procedures.**

c.c. Waterford Corporation  
 Env. Protection Agency  
 Irish Aviation Auth.  
 S & HB  
 Ann Marie Breen

**Reasons and Considerations on Decision P.02/665**

Having regard to the Development Plan, the submissions, the referral responses, the letter of representation and all other material considerations, subject to the following conditions, it is considered that the development will have any significant adverse visual impacts and accordingly be in accordance with the proper planning and sustainable development of the area.

**2 NO. CONDITIONS ATTACHED TO PLANNING REFERENCE P.02/665****COND NO. 1**

Prior to the commencement of development, details of all external finishes shall be submitted to and approved by the Planning Authority.

**Reason:**

In the interests of visual amenity.

**COND NO. 2**

The development shall be carried out and completed strictly in accordance with:

- (i) the conditions of this permission
- (ii) (a) the documents lodged with this application
- (b) the submission/further information date stamped 28/6/2002.

except as otherwise required by the conditions of this permission.

**Reason:**

To ensure that the development strictly accords with the permission and to ensure that effective control is maintained.

**FOOTNOTE**

Section 34 (3) of the Planning & Development Act 2000, states:

“A person shall not be entitled solely by reason of a Permission under this Section to carry out any development.”

Developers are obliged to comply with other legislation and to avoid infringement of third party rights.

**KILKENNY COUNTY COUNCIL**  
**PLANNING AND DEVELOPMENT ACT, 2000**

**Delegated Officer's Order No:** 956

**Reference Number:** 02/665

**Name of Applicant:** Waterford Proteins  
**Address:** c/o AIBP Development  
John Street  
Ardee  
Co. Louth. ✓

**Nature of Application:** permission for construction of new building to accommodate additional odour abatement technology for the treatment of process odour in the form of a recuperative thermal oxidiser and associated stack and siteworks ✓

**Location of Development:** Christendom Ferrybank Waterford ✓

**ORDER:** That it is hereby decided to **GRANT** permission in the case of application 02/665 under the Planning and Development Act, 2000 subject to the 2 conditions stipulated in the Schedule hereto. ✓

**SIGNED:** *Philip Evans*  
**DIRECTOR OF SERVICES**

**DATED:** 6/9/2002

Kilkenny County Council  
County Hall, John Street, Kilkenny  
Tel: 056-52699 Fax: 056-63384



Comhairle Chontae Chill Chainnigh  
Halla an Chontae, Sraid Eoin, Cill Chainnigh  
Fón: 056-52699 Fax: 056-63384

Our Ref: P.02/665 (LM)  
Date: 4<sup>th</sup> September, 2002

Mr. Joe Wall  
Senior Executive Engineer  
Planning Section

**PLANNING AND DEVELOPMENT ACT 2000  
PLANNING AND DEVELOPMENT REGULATIONS 2001**

**Applicant: Waterford Proteins, c/o AIBP Development, John Street, Ardee,  
Co. Louth.**

**Subject: Permission for construction of new building to accommodate  
additional odour abatement technology for the treatment of process  
odour in the form of a recuperative thermal oxidiser and associated  
stack and siteworks at Christendom, Ferrybank, Waterford.**

Dear Mr. Wall

The proposals follow recommendations from the E.P.A. in accordance with IPC licence  
Reg. No. 586.

In accordance with the terms of Section 34 (2)© of the Planning and Development Act  
2000, as an IPC licence is required, the Planning Authority must take into account that  
the control of emissions from the plant is a function of the EPA. Accordingly the  
Planning Authority are only considering the external appearance of the proposals,  
including it's visual impact.

Referrals were made to the Chief Medical Officer, Roads, Sanitary Services,  
Environment, Environmental Protection Agency, Waterford Corporation, Irish Aviation  
Authority, Waterford County Council and the Veterinary Inspector. Regard has been had  
to all responses received in reaching a recommendation.

One letter of representation has been received, the details of which have also been taken  
into account.

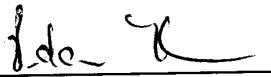


With regard to the Further Information response which sought clarification on the need for a 40 metres stack, I am satisfied from the advice of the Environment Section that this height is necessary. I have also viewed the proposals from the locations in Waterford and South Kilkenny as indicated by the applicants in their further information response and from other strategic locations and am satisfied that, while the visual impacts suggested by the applicants may not be completely accurate, the stack will generally only have localised impact and any intrusion on the skyline will be minimal. I consider the visual impact, while minimal, will be greater from the north of the river, in particular from Ferrybank and land to be developed around Abbeylands.

Having regard to the Development Plan, the submissions, the referral responses, the letter of representation and all other material considerations, subject to the following conditions, I do not consider the development will have any significant adverse visual impacts and accordingly be in accordance with the proper planning and sustainable development of the area.

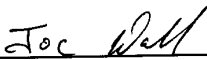
I recommend **that Permission be Granted** subject to the attached conditions.

Yours sincerely



**P. Thomson**  
Executive Planner

I agree with the above report and recommend **that Permission be Granted** subject to the attached conditions.



**J. Wall**  
Senior Executive Engineer

I agree with the above recommendation



**P. Foley**  
Senior Engineer

**Reasons and Considerations on Decision P.02/665**

Having regard to the Development Plan, the submissions, the referral responses, the letter of representation and all other material considerations, subject to the following conditions, it is considered that the development will have any significant adverse visual impacts and accordingly be in accordance with the proper planning and sustainable development of the area.

**2 NO. CONDITIONS ATTACHED TO PLANNING REFERENCE P.02/665****COND NO. 1**

Prior to the commencement of development, details of all external finishes shall be submitted to and approved by the Planning Authority.

**Reason:**

In the interests of visual amenity.

**COND NO. 2**

The development shall be carried out and completed strictly in accordance with:

- (i) the conditions of this permission
- (ii) (a) the documents lodged with this application
- (b) the submission/further information date stamped 28/6/2002.

except as otherwise required by the conditions of this permission.

**Reason:**

To ensure that the development strictly accords with the permission and to ensure that effective control is maintained.

**FOOTNOTE**

Section 34 (3) of the Planning & Development Act 2000, states:

“A person shall not be entitled solely by reason of a Permission under this Section to carry out any development.”

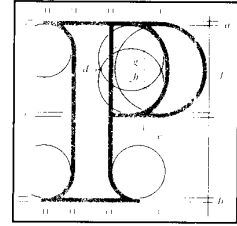
Developers are obliged to comply with other legislation and to avoid infringement of third party rights.

Our Ref: PL 10.200681  
P.A.Reg.Ref: 02/665

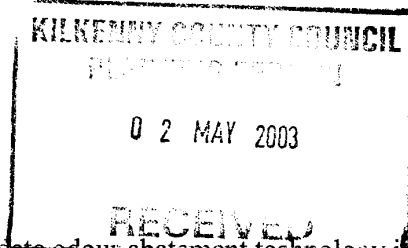
*First  
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ordered  
2/5/03  
OL.*

The Secretary,  
Planning Section,  
Kilkenny County Council,  
County Hall,  
John Street,  
Kilkenny.

An Bord Pleanála



01 MAY 2003



Appeal Re: Construct building to accommodate odour abatement technology in the form of a recuperative thermal oxidiser and associated stack. Christendom, Ferrybank, Waterford.

*J Hall  
P Munnis  
M Red  
P Brady  
P O'Neill  
P Chen  
C Walsh  
A Kelly  
L O'Sullivan  
C O'Sullivan  
D O'Sullivan  
C O'Sullivan  
Box  
Trevor.*

Dear Sir/Madam,

An order has been made by An Bord Pleanála determining the above-mentioned appeal under the Planning and Development Acts, 2000 to 2002. A copy of the order is enclosed.

In accordance with section 146(3) of the Planning and Development Act, 2000, the Board will make available for inspection and purchase at its offices the documents relating to the appeal within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the appeal on its website ([www.pleanala.ie](http://www.pleanala.ie)). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

Yours faithfully,

*PP Craig*  
Maeve Shaw  
Administrative Assistant  
Direct Line:

Encl:  
BP 100n.ltr



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Baile Átha Cliath 1.

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