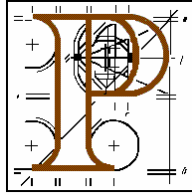


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

North Tipperary County

Planning Register Reference Number: 10/510299

An Bord Pleanála Reference Number: PL 22.238742

APPEAL by Bulrush Horticulture Limited care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 11th day of March, 2011 by North Tipperary County Council to refuse permission.

PROPOSED DEVELOPMENT: Proposed proprietary wastewater treatment system and retention of existing portacabin and storage container at Glenahilty Bog, Glenahilty, Cloughjordan, County Tipperary.

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.

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.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the current North Tipperary Development Plan 2010, the character and nature of the area, to the temporary nature of the structures proposed to be retained, and to the findings of the site suitability assessment report, 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, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 15th day of February, 2011, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development hereby granted is limited to that proposed in the public notice.

Reason: In the interest of clarity.

3.
 - (a) This permission shall apply for a period of five years from the date of this order. The portacabin and storage container and any associated support structures shall then be removed from the site and the wastewater treatment plant shall be decommissioned, unless, prior to the end of that period, planning permission for their retention beyond that date shall have been granted.
 - (b) The site shall be reinstated on removal of the portacabin and storage container and ancillary structures and on decommissioning of the wastewater treatment plant. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the expiry of this permission.

Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

4.
 - (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 15th day of February, 2011, and in accordance with the requirements of the document “Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e<10)”, Environmental Protection Agency (current edition). No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
 - (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

- (c) A maintenance contract for the treatment system shall be entered into and paid for in advance and thereafter shall be kept in place at all times (provided further grants of permission are put in place for the development). Signed and dated copies of the contract shall be submitted to and agreed in writing with the planning authority within four weeks of the installation.
- (d) Immediately following installation of the wastewater treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the Environmental Protection Agency document.

Reason: In the interest of public health.

- 5. (a) Within three months of the date of this order, the applicant shall have removed any existing fuel storage containers and shall have first provided a waterproof bunded area for the storage of any petrochemicals or lubricants required in conjunction with operations on the extended site. The said bunded area shall be of sufficient volume to hold 110 per cent volume of the tanks/containers within the bund. All water contaminated with hydrocarbons, including store water shall be discharged via grit traps and three-way oil interceptor with sump to a water course. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the requirements of the planning authority.
- (b) Within three months of the date of this order, the applicant shall have provided a suitably designed and sized area with an impermeable surface, equipped with appropriate fluid interceptors, to accommodate the refuelling and maintenance of any on-site plant/machinery. The design and details of the said area shall be agreed in writing with the planning authority. All on-site re-fuelling and maintenance of any on-site plant/machinery shall be carried out by appropriately trained personnel and shall take place within the said area.
- (c) Any emergency repairs of immobilised plant may be carried out outside of that area referred to under point (b) of this condition provided that mechanics use appropriate drip trays and oil catcher tanks to drain hydraulic, or oil lubrication, systems.

Reason: To limit the impact of the development on the hydrology and hydrogeology of the area in the interest of the proper planning and sustainable development of the area.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development and to prevent pollution.

7. 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.

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

Dated this day of 2011.