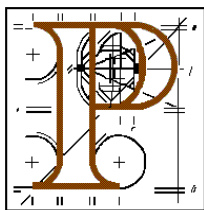


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Wexford County**

**Planning Register Reference Number: 20160285**

An Bord Pleanála Reference Number: PL 26.246705

**APPEAL** by Thomas and Edel English of Coonogue, Adamstown, County Wexford against the decision made on the 13<sup>th</sup> day of May, 2016 by Wexford County Council to grant subject to conditions a permission to Biogreen Energy Products Limited of The Leap, Adamstown, County Wexford in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Retention of a storage shed for grain imports and finished products at Adamstown, E.D Adamstown, County Wexford.

## **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 established agri-business facility on site, the nature of the development, the availability of adequate vehicular accessibility to the site, the nature and scale of the development relative to the site area, the existing pattern of development in the area and the site landscaping, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of property in the vicinity of the site or the amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be retained and completed 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. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority within three months of the date of this Order.

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

2. This permission relates only to the retention of a shed for the storage of grains and finished products.

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

3. The following shall apply to the development: -
  - (a) The primary use of the facility shall remain the production of oil from rapeseed and the exporting from the site of expeller cake.
  - (b) The output from the oil press shall not exceed 3,000 tonnes per annum.

- (c) No more than 10% of the expeller cake shall be processed for the manufacture of animal feed on site. The remaining 90% shall be exported from the site for processing elsewhere.

**Reason:** In the interest of protecting the residential amenities of the area and the protection of the environment and to ensure the development complies with the permitted development as revised by the development subject of this application.

4. Storage of raw materials, finished goods and waste, including refuse, shall be confined within the buildings. There shall be no open storage on site.

**Reason:** In the interest of orderly development and visual amenity.

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

**Reason:** In the interest of public health and to ensure a proper standard of development.

6. Unless otherwise agreed in writing with the planning authority, the grain dryer shall not be used:

(a) outside 0800 hours and 2000 hours, Monday to Friday (excluding Bank Holidays) on a daily basis, and

(b) outside the dates of the 10<sup>th</sup> day of July to the 20<sup>th</sup> day of October on a yearly basis.

**Reason:** In the interest of the residential amenity of the area and to comply with the permission governing the overall facility.

7. Unless otherwise agreed in writing with the planning authority, commercial vehicles shall not bring materials to or from the site outside 0800 hours and 2000 hours, Monday to Friday (excluding Bank Holidays).

**Reason:** In the interest of the residential amenity of the area and to comply with the permission governing the overall facility.

8. Measures shall be implemented on site to control dust arising. Details of these measures shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this Order. Total dust deposition values shall not exceed 350 milligrams per square metre per day averaged over a 30 day period.

**Reason:** In the interest of public health.

9. Noise emissions from the site when measured at site boundaries shall not exceed 55 dB ( $L_{Aeq}$  30 min) between 0800 hours and 2000 hours, Monday to Friday and 45 dB ( $L_{Aeq}$  15 min) at any other time. Daytime level shall be rated by the inclusion of a 5dB penalty where emissions from the site include total or impulsive characteristics. No tones or impulses (for example, warning signals from reversing vehicles) shall be permitted between 2000 hours and 0800 hours.

**Reason:** In the interest of the residential amenity of the area and to comply with the permission governing the overall facility.

10. A comprehensive noise survey shall be undertaken by the developer during each grain drying season, or at other times as may be required by the planning authority. Survey results shall be made available to the planning authority when requested.

**Reason:** In the interest of the residential amenity of the area and to comply with the permission governing the overall facility.

11. 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, as amended. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, 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.

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

**Dated this            day of            2016.**