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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 20816**

**Appeal** by Derryville Environmental Solutions Limited care of Miltcon Services Limited of Schalks House, Bridge Street, Headford, County Galway in relation to the application by Tipperary County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 9 of its decision made on the 13<sup>th</sup> day of April, 2021.

**Proposed Development:** The acceptance and processing of organic waste materials at the existing anaerobic digestion facility of up to 30,000 tonnes per annum, glass lined steel digestate storage tank of 46.1 metres in diameter and 5.67 metres in height, an office building of 5.83 metres in height, 7.6 metres in width and 15 metres in length and all associated site development works, ancillary works and equipment. The planning application is accompanied by an Environmental Impact Assessment Report (EIAR) Derryville, Moyne, Thurles, County Tipperary.

## Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, 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 9 and directs the said Council to AMEND condition number 9 so that it shall be as follows for the reason stated.

9. The developer shall pay to the planning authority a financial contribution of €15,345.86 (fifteen thousand, three hundred and forty-five euro and eighty-six cent) which is calculated as follows:

<b>Class 8</b>	<b>(€ per sq.m)</b>	<b>Floor area (Sq.m)</b>	<b>Total Cost</b>
Industrial (Office Building)	€23.00	96.70	€2,224.10
		<b>Total</b>	<b>€2,224.10</b>

<b>Class 10</b>	<b>(€ per sq.m)</b>	<b>Floor area (Sq.m)</b>	<b>Total Cost</b>
Industrial (Digestate Storage Tank)	€8.00	1,640.22	€13,121.76
		<b>Total</b>	<b>€13,121.76</b>

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. The application of any indexation required by this condition 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.

**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.

## **Reasons and Considerations**

A development contribution is payable, as per the Tipperary County Council Development Contribution Scheme 2020, on foot of a grant of planning permission for an increase in the acceptance and processing of organic waste materials with digestate storage tank and office. Class 8 of the scheme relates to industrial or light industrial buildings with Class 10 relating to the provision of plant, machinery or tanks. Having regard to the use of the proposed digestate storage tank as a tank, this element of the development should be subject of the Class 10 contribution and not Class 8 as applied. The planning authority has, therefore, erred in its application of the scheme and condition number 9 should be amended accordingly.

## Matters Considered

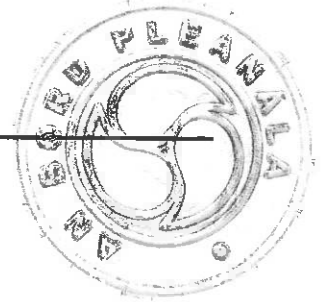
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



**Terry Prendergast**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**



Dated this *19<sup>th</sup>* day of *July* 2021.