

OFFALY COUNTY COUNCIL
DECLARATION UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

REFERENCE: DEC 17/10

NAME AND ADDRESS OF APPLICANT: Glenisk Ltd., Newtown, Killeigh, Co. Offaly.

ADDRESS FOR CORRESPONDENCE: C/O Mr. Vincent Cleary, Managing Director, Glenisk Ltd.,
Newtown, Killeigh, Co. Offaly.

NATURE OF APPLICATION: Request for Declaration under Section 5 of the Planning & Development Acts 2000, as amended as to whether the construction of a balance tank and installation of a DAF sludge holding tank as shown on the location plan submitted is or is not development and is or is not exempted development under the Planning and Development Act 2000 as amended

LOCATION OF DEVELOPMENT: Newtown, Tullamore, Co. Offaly.

WHEREAS a question referred to Offaly County Council on 03rd October 2017 has arisen as to whether the construction of a balance tank and installation of a DAF sludge holding tank as shown on the location plan submitted is or is not development and is or is not exempted development under the Planning and Development Act 2000 as amended.

AND WHEREAS the Planning Authority, in considering this declaration request, had regard particularly to-

- (a) Section 2 of the Planning & Development Act 2000 as amended and
- (b) Section 3 of the Planning & Development Act 2000 as amended and
- (c) Section 4(H) of the Planning & Development Act 2000 as amended

AND WHEREAS Offaly County Council has concluded that –

The proposed development **IS Development and IS Exempted Development.**

NOW THEREFORE Offaly County Council, in exercise of powers conferred on it by Section 5 (2) of the Planning and Development Act 2000, as amended, hereby decides that the construction of a balance tank and installation of a DAF sludge holding tank as shown on the location plan submitted at Newtown, Tullamore, Co. Offaly **Is Development and Is Exempted Development.**

MATTERS CONSIDERED In making its decision, the Planning Authority 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.



Administrative Officer

Date 26/10/17

Note: Any person issued with a Declaration may on payment to An Bord Pleanála, 64 Marlborough Street Dublin 2 of such fees as may be described refer a declaration for review by the board within four weeks of the issuing of the Declaration.

Planning Report Dec 17/10

Re: Section 5 Declaration

A question has arisen as to :

“is the construction of a balance tank and installation of a DAF sludge holding tank as shown in the attached location plan considered development and if so is it exempted development”

and associated works at Newtown, Tullamore Co Offaly is/is not development and is or is not exempted development.

Assessment

I refer to the above. I have inspected the site and noted and considered the submissions on file. I would consider the proposed changes to be development having considered Sections 3 of the Planning & Development Act 2000 as amended.

Section 2

2.— (1) In this Act, except where the context otherwise requires—
“development” has the meaning assigned to it by section 3, and “develop” shall be construed accordingly;

Section 3:

3.—(1) In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Furthermore I would consider that the development is exempt due to the following

I note correspondence from Ms Marian Healy Executive Scientist with Offaly County Council which states “, I can confirm that the proposed amendment under DEC 17/10 will have no additional environmental impacts over and above the existing system and will improve the Emission Limit Values (ELV’s) of the waste water discharge from the activity – as licenced under Discharge Licence No. WP/W39/2010.”

I note the following exemption in the planning acts:

4(H) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures”

Having regard to the proposed works which are mostly under ground or located within existing buildings and the fact that the balance tank is not open to public view and the memo from OCC Exec Scientist Marian Healy I consider that the development is exempt in accordance with section 4(H) of the planning acts as amended.

I would therefore recommend that the following Managers Order issue

WHEREAS a question has arisen as to whether the:

The construction of a balance tank and installation of a DAF sludge holding tank as shown in the attached location plan considered development and if so is it exempted development.

At Newtown, Tullamore Co Offaly and associated works is development and is or is not exempted development.

AND WHEREAS Offaly County Council, in considering this declaration request, had regard particularly to-

- (a) Sections 2 of the Planning & Development Act 2000 as amended and
- (b) Section 3 of the Planning & Development Act 2000 as amended and
- (c) Section 4(H) of the Planning & Development Act 2000 as amended

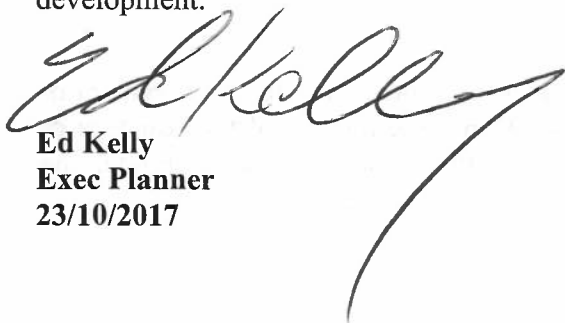
AND WHEREAS Offaly County Council has concluded that –

The proposed works is development and is exempted development.

NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5 (2) hereby decides that the

The construction of a balance tank and installation of a DAF sludge holding tank as shown in the attached location plan considered development and is it exempted development.

at Newtown, Tullamore Co Offaly and associated works is development and is exempted development.



Ed Kelly
Exec Planner
23/10/2017

Letter of 25/10/17