

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

REFERENCE: DEC 18/12

NAME AND ADDRESS OF APPLICANT: Rosderra Irish Meats Group
Edenderry, Co. Offaly

ADDRESS FOR CORRESPONDENCE: Rosderra Irish Meats Group
C/o Malone O'Regan Environmental
Ground Floor, Unit 3, Bracken Business Park
Bracken Road, Sandyford, Dublin 18
D18 V32Y

NATURE OF APPLICATION: Request for Declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether the installation of new odour abatement measures which includes an aeration tank, sludge dewatering building, screening/inlet sump building, bioscrubber to the existing waste water treatment plant at the facility is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: Edenderry, Co. Offaly

WHEREAS a question referred to Offaly County Council on 18/12/2018, has arisen as to whether the installation of new odour abatement measures which includes an aeration tank, sludge dewatering building, screening/inlet sump building, bioscrubber to the existing waste water treatment plant is considered exempted development in 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, 3 and 4 of the Local Government (Planning & Development) Act 2000, and
- (b) Schedule 2, Part 1, Article 6, Class 21(iii) of the Planning and Development Regulations 2001 – 2018 as amended.

AND WHEREAS Offaly County Council has concluded that –

The proposed development **Is Development** and is **Not 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 installation of new odour abatement measures which includes an aeration tank, sludge dewatering building, screening/inlet sump building, bioscrubber to the existing waste water treatment plant at the facility in Edenderry, Co. Offaly **Is Development & Is Not 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

23/1/19

Date

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 18/12

Section 5 Declaration

A question has arisen as to whether the installation of new odour abatement measures which includes aeration tank, sludge dewatering building, screening/inlet sump building, bioscrubber to the existing waste water treatment plant at the facility in Ednederry, is or is not development and is or is not exempted development.

1.0 Background

The Applicants Rosderra Irish Meats Group C/O Malone O Regan, seek to install an Odour Abatement measure which includes an aeration tank, sludge dewatering building, screening/inlet sump building, bioscrubber to the existing waste water treatment plant at the facility in Ednederry. There has been odour related complaints in the vicinity of the plant, and the facility is currently on the EPA's National Priority List.

It is noted from the correspondence submitted with this Declaration Application, the EPA have approved the works from technical perspective.

Photo 1- Approximate location of Proposed Aeration Tank, new sludge dewatering building, Inlet sump building, and bioscrubber.





Photo 2: Location of Aeration Tank adjacent to existing Tank.

2.0 Statutory Provisions

Section 2 of the Planning and Development Act, 2000 (as amended) states as follows:

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 of the Planning and Development Act, 2000 (as amended):

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.

Section 4 (2) of the Planning and Development Act, 2000 (as amended) provides for exempted development namely ‘the Minister may by regulations provide for any class of development to be exempted development’. These regulations are prescribed in the Planning and Development Regulations 2001 – 2018.

2.1 Planning and Development Regulations, 2001 CLASS 21

Class 21 (a) (iii) Development for Industrial Purposes; which is a follows:

Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of, any industrial process, or on land used as a dock, harbour or quay for the purposes of any industrial undertaking—

(iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery.

- 1. Any such development shall not materially alter the external appearance of the premises of the undertaking.*
- 2. The height of any plant or machinery, or any structure in the nature of plant or machinery, shall not exceed 15 metres above ground level or the height of the plant, machinery or structure replaced, whichever is the greater.*

3.0 Submission:

The submission ascertains that the proposal which involves the construction of;

- 1- Aeration Tank - 22 metre diameter x 5 metre in height - (concrete structure)
- 2- New Bioscrubber and Stack 9 metres in height (stack 22m) approx.
- 3- New De-watering Building 12m x 12m x 9m height
- 4- New Inlet Sump Building 14mx 9m approx.

Should be considered Exempted Development under Class 21 (a) (iii) Development for Industrial Purposes; which is as follows:

Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of, any industrial process, or on land used as a dock, harbour or quay for the purposes of any industrial undertaking—

(iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery.

- 1. Any such development shall not materially alter the external appearance of the premises of the undertaking.*
- 2. The height of any plant or machinery, or any structure in the nature of plant or machinery, shall not exceed 15 metres above ground level or the height of the plant, machinery or structure replaced, whichever is the greater.*

Please refer to the detailed drawings and site layout plan details submitted with this application which detail the location and dimensions of the proposed structures/plant.

The proposal involves plant and structures / building to house plant and a significant aeration tank which would in combination, constitute a significant addition to the existing waste treatment facility at this Meat Processing plant.

4.0 Assessment

4.1. Is or is not development

The works constitute 'development' under the meaning set out in Section 3 of the 2000 Act, as amended.

4.2 Is or is not exempted development

The submission from Rosederra Irish Meats group, ascertains that this is exempted development, as per provisions of Class 21 (iii)

I note the provisions of Class 21 (iii) as outlined above and with respect to the proposed works the core questions relating to this case are;

- a) whether the works are *the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery. (There are 2 restrictions on this exemption)*
- b) *Whether they proposals alter materially the external appearance of the premises of the undertaking and*
- c) *whether the any structure exceeds 15metres.*

4.3 The proposals are not simply plant or machinery, but involve significant structures (2 no.) to house plant and machinery, a bio-scrubber with stack of approximately 22m height (as per plans and particulars submitted) and also a significant aeration tank of 24 metre diameter. Therefore, the proposals do not fall within the scope of Schedule 2 Part 1, Class 21 (iii) exemption, as they are not solely plant or machinery or structures of the nature of plant or machinery.

4.4 In any event the 2 restrictions on the exemption are not met.

The proposal would materially alter the external appearance of the premises of the undertaking.

One to the structures proposed exceed 15 metres the stack of the bio-scrubber 22m approx.

5.0 Recommendation

WHEREAS a question has arisen as to whether the installation of new odour abatement measures which includes ~~which include~~ aeration tank, sludge dewatering building, screening/inlet sump building, bio-scrubber to the existing waste water treatment plant at the facility in Edenderry, is considered exempted development *in the Planning & Development Act 2000, as amended* an

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


Sections 2, 3 and 4 of the Local Government (Planning & Development) Act 2000, and Schedule 2 Part 1, Article 6, Class 21 (iii) of the Planning and Development Regulations 2001-2018, as amended.

AND WHEREAS Offaly County Council has concluded that –

The proposed development is development and is not exempted development.

NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5 (2) of the Planning and Development Act ²⁰⁰⁰ as amended, hereby decides that the installation of new odour abatement measures which includes aeration tank, sludge dewatering building, screening/inlet sump building, bio-scrubber to the existing waste water treatment plant at the facility in Edenderry, Co. Offaly, is development and is not exempted development. em


Declan Meehan
Exec Planner 21/01/2019


A/SEP
22/1/2019