

Ann Kehoe

18 Oct 2013

**Subject:** FW: W0287-01 Ormonde Organics  
**Attachments:** Planning report 455.docx; FI report 455.docx

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**From:** Doyle, Anne [mailto:adoyle@waterfordcoco.ie]  
**Sent:** 18 October 2013 16:48  
**To:** Ewa Babiarczyk  
**Cc:** O'Mahony, Jim  
**Subject:** Ormonde Organics - Planning Ref: 11/455

Ewa,

Further to our telephone conversation, I attach a copy of the planner's report(s). In order to view the conditions pertaining to the final grant of planning permission, please log onto the [www.waterfordcoco.ie](http://www.waterfordcoco.ie) website whereby you will be able to undertake a planning search. (Click on 'Services' and then 'Planning' to access the Planning Enquiry system). You will note that in relation to the appeal lodged to An Bord Pleanala, it was a first party appeal (i.e. Ormonde Organics) and it related solely to the financial contributions levied by Waterford County Council.

Please note that an EIS was mandatory for the application as it involved the 'disposal' (i.e. recovery/treatment) of waste with an annual intake greater than 25,000 tonnes (i.e. permitted at 40,000 tonnes per annum). Therefore an EIS was submitted in accordance with Schedule 5 (Part 2)11(b) of the Planning & Development Regulations 2001-2011. It should also be noted that the development involved a physical increase in the size of the facility greater than 25% of the existing floorspace; therefore an EIS was also required in accordance with Schedule 5 (Part 2) 13(ii) of said Regulations.

If you have any queries or difficulties accessing the information, please do not hesitate to contact me.

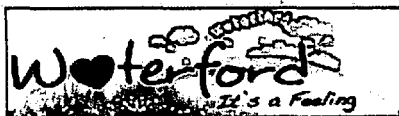
Regards

Anne Doyle  
Executive Planner  
Waterford County Council  
058 22068

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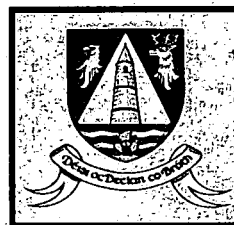
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## Planning Section

### Planners Report and Recommendations



**To:** Aisling Gleeson, A/Senior Executive Engineer Planning Section  
**From:** Anne Doyle, Executive Planner, Planning Section  
**PL. ref:** 11/455  
**Date:** 12/1/2012  
**Applicant:** Ormonde Organics Ltd  
**Application:** For development consisting of the upgrade and extension of an existing Composting Facility (permitted by An Bord Pleanála Ref. No. PL24.215781; Waterford County Council Ref. Ref. PD.04/1831) at a site of 3.2 ha at Killowen, Portlaw, County Waterford. The proposed development will extend the existing site eastwards, increasing the site area to 5.7 ha approximately and will increase the gross floor space of buildings on site by 3,731 sq m from 5,450 sq m to 9,181 sq m. The proposed development comprises activities that require a Waste Licence from the Environmental Protection Agency. An Environmental Impact Statement (EIS) will be submitted to the Planning Authority with this application

### **Summary of Application**

Permission is sought for the upgrade and extension of existing composting facility to include the provision of anaerobic digestion tanks with associated combined heat and power plant, extension to plant buildings and increase of site area eastwards. An EIS accompanies this application.

The site is jointly owned by Pat Moloughney and Philip De Vere Hunt – folio documents attached to file. A letter of consent is attached to file from Pat Moloughney consenting to making of the planning application.

### **Planning History**

Pd 11/392 Applicants sought permission for expansion of waste streams acceptable on the site. FI requested on 16/11/2012.

Pd 04/1831 (ABP Ref PI 24.215781) – Permission granted to AES Irl Ltd for Composting facility on subject site;

Pd 91/663 (ABP Ref PI 24/5/88120) – Permission granted for a tannery on subject site.

### **Zoning**

The site located on lands zoned Agriculture as per the Waterford County Development Plan 2011-2017. The purpose of this zoning is to “to provide for the development of agriculture, to protect and improve rural amenity”.

A waste management facility is open to consideration within this zoning.

## **Policies Context**

The proposed development is governed by a number of policy documents including inter alia the following:

### **County Development Plan**

The site is governed by the policies contained in the Waterford County Development Plan 2011-2017. The Development Plan recognises that the waste management issues in the South East may be attributed to a lack of appropriate licensed facilities, increased levels of waste production and a lack of appropriate waste management behaviour.

It is an objective of the CDP 'to implement the plans, policies and objectives as set out in the Joint Waste Management Plan for the South East Region 2006....'.

It is considered that the proposed diversification and acceptance of new waste streams would be consistent with the objectives of CDP policy.

### **Joint Waste Management Plan for the South east Region 2006**

The Plan promotes the provision of private materials recovery facilities for the organic waste fraction in the South East region. It identifies that between 65,000-68,000 tonnes per annum of organic wastes are produced in the region. The applicants claim that the existing composting facility is eminently suitable for the achievement of objectives contained in this plan. The applicants also contend that the diversification of waste streams will support the recovery of organic wastes in the region.

## **Site Location**

The site is located on the R680, 3kms north of Portlaw and 2kms south of Fiddown, County Kilkenny on the northern side of the River Suir.

## **Site assessment**

The existing site occupies a stated area of 3.2ha and as outlined above the site is situated to the north of Portlaw. As part of the current planning application an additional 2.5ha of lands to the immediate east is proposed to be incorporated giving an overall site area of 5.7ha. The site has frontage onto the R680 with land levels falling in a north-easterly fashion away from the public road.

The River Suir flows to the rear of the site at a distance of 300m approximately. Lands in the immediate vicinity of the site are used for agricultural purposes. There is a forestry plantation abutting the site to the immediate east and south. The proposed development will extend into this wooded area. The closest dwelling is situated 250m to the west of the site.

The site is host to an existing large scale building (GFA = 5,450sqm) which comprises a galvanised structure. There is a number of holding/aeration tanks located to the rear of the building, contained within the confines of a concrete retaining wall. There is also a weighbridge located near the entrance to the site.

### **Development Proposal**

Permission is sought for an extension to the existing composting facility to include the provision of anaerobic digester tanks with associated combined heat and power plant, air lock entrances to the existing facility and extension of the existing facility.

The proposed development will extend the existing 3.2ha site eastwards, to incorporate an area of 2.5ha resulting in an overall site area of 5.7ha.

It is also proposed to increase the gfa of the buildings on site by 3,731sqm from 5,450sqm to 9,181sqm.

Details of the proposed development are summarised as follows:

- 3 no. above ground anaerobic digester (AD) tanks each with a diameter of 21.6m and an overall height of 10.3m. These tanks will treat up to 20,000 tonnes of non-hazardous organic waste and biomass;
- Airlocks on the northern and southern entrances of the existing Compost building. It is stated that this measure is for odour abatement purposes;
- Maturation and pasteurisation building (buildings 1&2) to the east of the existing composting building;
- Waste reception/combined Heat and Power Plant (Building no. 3) to the south-east of the new Anaerobic Digester tanks;
- A drier building and adjacent 9m high gas flare stack associated with the AD/CHP plant;
- A new air treatment biofiltration system;
- Silage storage area to the south of building no. 3;
- Removal of existing septic tank and percolation area and its replacement with a new wastewater treatment plant and percolation area to the southwest of the site;
- Roofing the disused wastewater treatment tanks.

The proposed development does not result in any change to the permitted intake of waste on the site, i.e. 40,000 tonnes per annum. It is stated that the proposed development will treat wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing; wastes from organic chemical processes; wastes from waste management facilities, off-site wastewater treatment plants and the preparation of water intended for human consumption and water for industrial use; and municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions.

It is noted that all but four of these waste streams formed part of planning application, Pd 11/392 for which permission was sought to broaden the types of waste acceptable on the site. This application is currently at FI stage.

To this end, the current planning permission (Pd 04/1831) which allows the acceptance of 40,000 tonnes of organic waste per annum, is permitted to accept the following waste streams:

- Municipal wastewater treatment sludge;
- Household Biodegradable Kitchen and canteen waste;
- Other biodegradable waste; and
- Septic tank sludge.

### **Anaerobic Digestion**

As outlined above permission is sought for the provision of 3 no. anaerobic digestion (AD) tanks to complement the existing composting facility. These tanks will treat up to 20,000 tonnes per annum of non-hazardous organic waste and biomass, e.g. silage. The AD system will be fully enclosed and the process will take about 50 days approximately and will produce a biogas, fibre and digestate.

The treated biogas (levels of ammonia and hydrogen sulphide will be reduced following treatment) will be converted to heat and electricity in the Combined Heat and Power Plant and will be used for on-site energy needs or export to the national grid. A gas flare measuring 9m in height with a capacity of 600m<sup>3</sup>/hour will be provided as a back-up for when the gas engines are shut down for routine servicing.

It is stated that the digestate and fibre will be either sent off site for agricultural lands, or stored in the existing overground steel tanks until ground/weather conditions permit land spreading.

A silage storage pit which is to be constructed to agri specifications adjoins the AD facility.

### **Traffic**

It is anticipated that the proposed AD facility will result in a slight increase in traffic movements to and from the site. The end products arising from the AD process, i.e. digestate and fibre will be sent off site for landspreading (as outlined above). Based on a 50:50 split between composting and AD it is anticipated that the extra traffic movements arising from the AD process will be between 5-8 vehicles per week - equating to 1-2 extra each way traffic movements per day (or 3.8% increase per week to the overall vehicular traffic movements on the R680). These vehicles will comprise a combination of tractors, vacuum tankers and articulated trucks.

It is noted that the R680 roadway serving the site is a regional road of good carrying capacity.

### **Odour**

The proposed development will give rise to 3 no. additional sources of air emissions, i.e.

- Odour control unit at the AD plant;
- Two gas engines;

- Gas flare.

The emissions will include oxides of nitrogen, oxides of sulphur, carbon monoxide, particulates, hydrogen chloride, non methane volatile organic compounds and odours.

In terms of mitigating the odour arising from these emissions, new air locks will be installed in the existing composting building. The existing overground steel tanks are to be roofed. A new odour abatement plant will also be provided to treat odours. It is stated that the proposed design and method of operation of this plant will be approved by the EPA before installation.

The EIS concludes that the emissions will comply with the applicable air quality control standards. It is stated that the odour plume will spread in a north westerly to south easterly direction and will not impact on sensitive receptors, e.g. neighbouring dwellings.

### **Noise**

A noise survey was undertaken having regard to the proposed extension of waste activities. It has concluded that the noise levels resulting from the proposed development will not exceed 55dB (LAEQ) at the noise monitoring locations. This accords with EPA guidelines and no significant mitigation measures are stated as being required.

### **Landscape Designation**

There are no designated conservation areas within the curtilage of the proposed development site. A list of all the protected sites within 10km of the site is contained in the EIS. The most relevant sites are the Lower River Suir SAC and to a lesser extent the Fiddown Island Nature Reserve.

The site is located 300m approximately from the Lower River Suir SAC – protected under the European Habitats, Birds Directives and the Irish Wildlife Acts. The site has been screened for Appropriate Assessment (Stage 1) and it has been concluded that the proposed AD facility will not adversely affect the integrity of the SAC. To this end, it concludes that a Stage 2 Appropriate Assessment/Natura Impact Assessment is not required.

The site is also located proximate to the Fiddown Island Nature Reserve, which is located upstream of the facility. It is State owned. It is not anticipated that the proposed development would adversely affect this reserve.

### **Visual impact**

The existing site is located on the banks of the River Suir. It is proposed to extend the site eastwards. This will involve the removal of a portion of a forested area.

The site is located in an area designated normal. The landscape to the rear along the banks of the river is designated visually vulnerable. It is an objective of the County Development Plan to ensure that development adjoining visually vulnerable areas does not undermine the integrity of such landscapes.

The proposed site would have the capacity to accommodate the proposed development without unduly mitigating against the visual amenity of the area. This is having regard to the robust nature of the existing facility on site and the remaining forested area which will

provide effecting screening of the development. The gas flare stack at 9m is considered acceptable within the context of the overall development. The ridge height of the remaining structures stands at a maximum height of 10.3m.

### **Groundwater Protection**

The site is underlain by a locally important aquifer with a high vulnerability rating to groundwater pollution.

### **Wastewater treatment**

A site suitability assessment in accordance with the EPA CoP has been undertaken. Percolation tests yielded a t-value of 47 denoting a sluggish percolation rate. Ground conditions which comprise silt and clay would accord with this finding.

A P-test was also undertaken with a p-value of 21 being recorded. This would denote that the top strata of soil is more free draining and has suitable percolation qualities. It is proposed to install a new on-site wastewater treatment system with polishing filter and raised percolation area. The proposed wwts will be designed to accommodate a standard 4-12pe (based on a staff of 22) which is equivalent to the design basis for a domestic dwelling.

It is proposed to remove the existing septic tank and percolation area.

### **Surface water**

The existing surface water drainage system drains through a petrol interceptor before ultimately discharging to an existing outfall to the River Suir. Surface water will be attenuated via a new oil interceptor to a new attenuation tank, located to the north-east of the site. Run-off from the biomass storage area will be directed to an effluent collection tank, which will not be connected to the aforementioned drainage system. This storage tank will be constructed in accordance with agri-specifications.

Bunding will be constructed around the AD tanks and the converted wastewater treatment tanks (steel tanks). This will prevent any spills entering the surface water drainage system. Leachate generated in the composting process will be collected and stored in underground storage tanks located inside the building. The levels in the tanks will be monitored to ensure the liquid does not overflow the tanks.

There will be no change to the location of the outfall to the river. The EIS concludes that the impacts on surface water quality is low.

### **Flood Risk**

The site is not located in an area that is prone to flooding. As per OPW Flood Zone Maps, the site is not located within or adjoining 'benefiting lands', i.e. lands which are subject to either flooding or poor drainage, which would benefit from drainage works.

## **Internal Reports**

**Water Services** No trade effluent discharge proposed to either surface or ground water. Foul water drainage is for domestic sewerage only and is akin to a single house and therefore does not require a licence. Water supply is private. There may be some requirement for bunding or other means of containing accidental spillage to ensure no contaminated material escapes to surface or ground waters. This matter requires clarification. No objection otherwise.

**Environment** A waste licence is required from the EPA in respect of proposed development. Therefore all waste aspects associated with this development will be authorised and enforced by the EPA. Full consent required from the Department of Agriculture, Fisheries and Food prior to commencing acceptance of any waste containing animal by-products. Applicant shall demonstrate that Nutrient Management Plans are in accordance with DoEHLG publication 'Code of Good Practice for the use of Biosolids in Agriculture – Guidelines for Farmers', and any other statutory obligations the applicant is required to meet.

**Fire** Fire Safety Certificate and a Disability Access Certificate required.

## **Objections/submissions**

A number of objections have been received in respect of the proposed development:

James Green, William & Kathleen Power, Francis & Niall Murphy, Shane O'Connell & Others, Francis & Niall Murphy, John J Dwan, Jennifer Green, Adrian & Julie Green, Mary Cummins are objecting to the proposed development on inter alia the following grounds:

- Zoning not compliant with proposed industrial development;
- Odour;
- Unpaid development contributions;
- No archaeological analysis in respect of proposed development;
- No correct public consultation;
- EIS fails to address Nutrient Management;
- Structural integrity of steel tanks has not been assessed;
- Private borewell contamination;
- Traffic;
- Noise;
- Consent of landowners not submitted – invalid application.

Submissions have been received from the following bodies:

### **Development Applications Unit**

Proposed development will involve extensive groundworks and is located within an area where extensive archaeological remains associated with Fulachta Fiadh have been discovered and are identified on the RMP for County Waterford. Archaeological Impact Assessment required by way of Further Information.



### Inland Fisheries Board:

- No objection in principle. IFI recommends that the Council should be entirely satisfied that there is adequate water supplies with respect to fire fighting activities.

The above submissions/objections are noted and have been taken into consideration in the assessment of this planning application.

### **Conclusion**

The proposed development provides greater diversification in terms of waste management on the site. The site is located on lands zoned Agriculture. A waste management facility is open to consideration within such zoning.

The development will complement existing composting operations and would be deemed compliant with waste management policy for the south-east region which seeks to divert volumes of waste being disposed to landfill. In addition, the proposed Anaerobic Digestion facility can also be utilised to meet on-site energy needs. There is to be no increase in the amounts of waste accepted on site and therefore traffic movements will not be significantly altered. The types of waste to be received are subject to a separate planning application, Pd 11/392 refers (save for 4 no. streams of waste provided under the parent planning permission, Pd 04/1831).

I note the objections raised in respect of odour. The EIS has concluded that the emissions will comply with the applicable air quality control standards. To this end, it is noted that additional odour abatement measures are to be put in place and will be approved by the EPA before installation. Furthermore, the existing overground steel tanks are to be roofed – the structural integrity of these tanks shall be clarified - and airlock entrances are to be provided to the existing composting building, measures which should alleviate odour. It should be noted however, that the matter of odour and all other waste aspects associated with the development will largely be dealt with under the EPA waste licence, which is required for the proposal.

The status of the security siren which would appear to be a source of nuisance to neighbouring residents shall be clarified. The issue of noise would otherwise appear to have been satisfactorily addressed in the EIS. To this end, the EIS concludes that noise emitted from the site will be within acceptable day time limits from nearest noise sensitive location.

All waste processing will be carried out inside fully enclosed buildings. It is noted that concrete bunding is to be provided around the AD tanks and the converted wastewater tanks. Based on the information contained in the EIS I am satisfied that the risk of surface

water/ground water contamination by reason of accidental spillage of contaminated materials/run-off from open yard areas would be addressed by the measures proposed.

I am satisfied that the development has been adequately screened for Appropriate Assessment and to this end it is considered that the development would be acceptable in terms of the integrity of the Lower River Suir SAC. Similarly it is considered that the development would be acceptable in terms of visual impact given its location within an existing waste management facility and the existing screening on site.

Notwithstanding the aforementioned, there are a number of other outstanding issues which need to be addressed in order to progress this application.

### **Recommendation**

In order to progress this application, the following shall be requested by way of additional information:

1. Report from a suitably qualified person certifying the structural integrity of the overground existing steel tanks on site and clarifying as to whether they are fit for purpose;
2. Please clarify the extent of bunding [or other means of containing an accidental spillage] to ensure that no contaminated material escapes to surface or ground waters within the site;
3. Applicant is required to submit a Nutrient Management Plan to include demonstration that sludge has been used which is in accordance with the Department of the Environment and Local Government Publication 'Code of good practice for the use of Biosolids in Agriculture – Guidelines for Farmers. Maps illustrating location of areas for landspreading shall also be submitted;
4. Please clarify the quantity of grain and/or silage to be stored on site at any one time. Period of storage and control measures in respect of rodents/vermin/birds shall also be detailed;
5. Archaeological Impact Assessment prepared by a suitably qualified individual. Please refer to attached submission from Development Applications Unit, Department of Arts, Heritage & the Gaeltacht;
6. Confirmation that the existing water supply on site is adequate in the event of fire and also with respect to containment of effluents that would result from fire fighting activities. Applicant advised to contact the Fire Department and take due regard to the recommendations of said section. All agreements, meetings, recommendations, etc. regarding the above shall be submitted to the Planning Authority;
7. The folio documents submitted indicate that the site is jointly owned. It has been brought to the attention of the Planning Authority that written consent has only been submitted from one of these landowners. Please address this matter;

8. Clarification regarding the status and nature of operation of the security loud speaker system which would appear to be causing nuisance to neighbouring residents.

Signed: \_\_\_\_\_  
Executive Planner

Date: \_\_\_\_\_

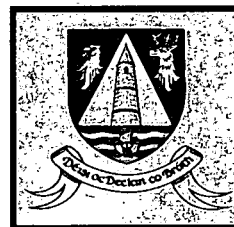
Signed: \_\_\_\_\_  
Senior Executive Engineer

Date: \_\_\_\_\_

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**Planning Section**

**Planners Report and Recommendations**



**To:** Aisling Gleeson, A/Senior Executive Engineer Planning Section  
**From:** Anne Doyle, Executive Planner, Planning Section  
**PL. ref:** 11/455  
**Date:** 27/3/2012  
**Applicant:** Ormonde Organics Ltd  
**Application:** For development consisting of the upgrade and extension of an existing Composting Facility (permitted by An Bord Pleanála Ref. No. PL24.215781; Waterford County Council Ref. Ref. PD.04/1831) at a site of 3.2 ha at Killowen, Portlaw, County Waterford. The proposed development will extend the existing site eastwards, increasing the site area to 5.7 ha approximately and will increase the gross floor space of buildings on site by 3,731 sq m from 5,450 sq m to 9,181 sq m. The proposed development comprises activities that require a Waste Licence from the Environmental Protection Agency. An Environmental Impact Statement (EIS) will be submitted to the Planning Authority with this application

**Planners Report Structure**

**This report provides an inclusive chronology of the planner's reports / recommendations since the receipt of the planning application.**

**Summary of Application**

Permission is sought for the upgrade and extension of existing composting facility to include the provision of anaerobic digestion tanks with associated combined heat and power plant, extension to plant buildings and increase of site area eastwards. An EIS accompanies this application.

The site is jointly owned by Pat Moloughney and Philip De Vere Hunt – folio documents attached to file. A letter of consent is attached to file from Pat Moloughney consenting to making of the planning application.

**Planning History**

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It is considered that the proposed diversification and acceptance of new waste streams would be consistent with the objectives of CDP policy.

#### **Joint Waste Management Plan for the South east Region 2006**

The Plan promotes the provision of private materials recovery facilities for the organic waste fraction in the South East region. It identifies that between 65,000-68,000 tonnes per annum of organic wastes are produced in the region. The applicants claim that the existing composting facility is eminently suitable for the achievement of objectives contained in this plan. The applicants also contend that the diversification of waste streams will support the recovery of organic wastes in the region.

### **Site Location**

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### **Site assessment**

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- A new air treatment biofiltration system;
- Silage storage area to the south of building no. 3;
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preparation and processing; wastes from organic chemical processes; wastes from waste management facilities, off-site wastewater treatment plants and the preparation of water intended for human consumption and water for industrial use; and municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions.

It is noted that all but four of these waste streams formed part of planning application, Pd 11/392 for which permission was sought to broaden the types of waste acceptable on the site. This application is currently at FI stage.

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It is noted that the R680 roadway serving the site is a regional road of good carrying capacity.

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- Odour control unit at the AD plant;
- Two gas engines;
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The emissions will include oxides of nitrogen, oxides of sulphur, carbon monoxide, particulates, hydrogen chloride, non methane volatile organic compounds and odours.

In terms of mitigating the odour arising from these emissions, new air locks will be installed in the existing composting building. The existing overground steel tanks are to be roofed. A new odour abatement plant will also be provided to treat odours. It is stated that the proposed design and method of operation of this plant will be approved by the EPA before installation.

The EIS concludes that the emissions will comply with the applicable air quality control standards. It is stated that the odour plume will spread in a north westerly to south easterly direction and will not impact on sensitive receptors, e.g. neighbouring dwellings.

## **Noise**

A noise survey was undertaken having regard to the proposed extension of waste activities. It has concluded that the noise levels resulting from the proposed development will not exceed 55dB (LAEQ) at the noise monitoring locations. This accords with EPA guidelines and no significant mitigation measures are stated as being required.

## **Landscape Designation**

There are no designated conservation areas within the curtilage of the proposed development site. A list of all the protected sites within 10km of the site is contained in the EIS. The most relevant sites are the Lower River Suir SAC and to a lesser extent the Fiddown Island Nature Reserve.

The site is located 300m approximately from the Lower River Suir SAC – protected under the European Habitats, Birds Directives and the Irish Wildlife Acts. The site has been screened for Appropriate Assessment (Stage 1) and it has been concluded that the proposed AD facility will not adversely affect the integrity of the SAC. To this end, it concludes that a Stage 2 Appropriate Assessment/Natura Impact Assessment is not required.

The site is also located proximate to the Fiddown Island Nature Reserve, which is located upstream of the facility. It is State owned. It is not anticipated that the proposed development would adversely affect this reserve.

## **Visual impact**

The existing site is located on the banks of the River Suir. It is proposed to extend the site eastwards. This will involve the removal of a portion of a forested area.

The site is located in an area designated normal. The landscape to the rear along the banks of the river is designated visually vulnerable. It is an objective of the County Development Plan



to ensure that development adjoining visually vulnerable areas does not undermine the integrity of such landscapes.

The proposed site would have the capacity to accommodate the proposed development without unduly mitigating against the visual amenity of the area. This is having regard to the robust nature of the existing facility on site and the remaining forested area which will provide effective screening of the development. The gas flare stack at 9m is considered acceptable within the context of the overall development. The ridge height of the remaining structures stands at a maximum height of 10.3m.

### **Groundwater Protection**

The site is underlain by a locally important aquifer with a high vulnerability rating to groundwater pollution.

### **Wastewater treatment**

A site suitability assessment in accordance with the EPA CoP has been undertaken. Percolation tests yielded a t-value of 47 denoting a sluggish percolation rate. Ground conditions which comprise silt and clay would accord with this finding.

A P-test was also undertaken with a p-value of 21 being recorded. This would denote that the top strata of soil is more free draining and has suitable percolation qualities. It is proposed to install a new on-site wastewater treatment system with polishing filter and raised percolation area. The proposed wwts will be designed to accommodate a standard 4-12pe (based on a staff of 22) which is equivalent to the design basis for a domestic dwelling.

It is proposed to remove the existing septic tank and percolation area.

### **Surface water**

The existing surface water drainage system drains through a petrol interceptor before ultimately discharging to an existing outfall to the River Suir. Surface water will be attenuated via a new oil interceptor to a new attenuation tank, located to the north-east of the site. Run-off from the biomass storage area will be directed to an effluent collection tank, which will not be connected to the aforementioned drainage system. This storage tank will be constructed in accordance with agri-specifications.

Bunding will be constructed around the AD tanks and the converted wastewater treatment tanks (steel tanks). This will prevent any spills entering the surface water drainage system. Leachate generated in the composting process will be collected and stored in underground storage tanks located inside the building. The levels in the tanks will be monitored to ensure the liquid does not overflow the tanks.

There will be no change to the location of the outfall to the river. The EIS concludes that the impacts on surface water quality is low.

### **Flood Risk**

The site is not located in an area that is prone to flooding. As per OPW Flood Zone Maps, the site is not located within or adjoining 'benefiting lands', i.e. lands which are subject to either flooding or poor drainage, which would benefit from drainage works.

### **Internal Reports**

Water Services No trade effluent discharge proposed to either surface or ground water. Foul water drainage is for domestic sewerage only and is akin to a single house and therefore does not require a licence. Water supply is private. There may be some requirement for bunding or other means of containing accidental spillage to ensure no contaminated material escapes to surface or ground waters. This matter requires clarification. No objection otherwise.

Environment A waste licence is required from the EPA in respect of proposed development. Therefore all waste aspects associated with this development will be authorised and enforced by the EPA. Full consent required from the Department of Agriculture, Fisheries and Food prior to commencing acceptance of any waste containing animal by-products. Applicant shall demonstrate that Nutrient Management Plans are in accordance with DoEHLG publication 'Code of Good Practice for the use of Biosolids in Agriculture – Guidelines for Farmers', and any other statutory obligations the applicant is required to meet.

Fire Fire Safety Certificate and a Disability Access Certificate required.

### **Objections/submissions**

A number of objections have been received in respect of the proposed development:

James Green, William & Kathleen Power, Francis & Niall Murphy, Shane O'Connell & Others, Francis & Niall Murphy, John J Dwan, Jennifer Green, Adrian & Julie Green, Mary Cummins are objecting to the proposed development on inter alia the following grounds:

- Zoning not compliant with proposed industrial development;
- Odour;
- Unpaid development contributions;
- No archaeological analysis in respect of proposed development;
- No correct public consultation;
- EIS fails to address Nutrient Management;
- Structural integrity of steel tanks has not been assessed;
- Private borewell contamination;
- Traffic;
- Noise;
- Consent of landowners not submitted – invalid application.

Submissions have been received from the following bodies:

### Development Applications Unit

Proposed development will involve extensive groundworks and is located within an area where extensive archaeological remains associated with Fulachta Fiadh have been discovered and are identified on the RMP for County Waterford. Archaeological Impact Assessment required by way of Further Information.

### Inland Fisheries Board:

- No objection in principle. IFI recommends that the Council should be entirely satisfied that there is adequate water supplies with respect to fire fighting activities.

The above submissions/objections are noted and have been taken into consideration in the assessment of this planning application.

### **Conclusion**

The proposed development provides greater diversification in terms of waste management on the site. The site is located on lands zoned Agriculture. A waste management facility is open to consideration within such zoning.

The development will complement existing composting operations and would be deemed compliant with waste management policy for the south-east region which seeks to divert volumes of waste being disposed to landfill. In addition, the proposed Anaerobic Digestion facility can also be utilised to meet on-site energy needs. There is to be no increase in the amounts of waste accepted on site and therefore traffic movements will not be significantly altered. The types of waste to be received are subject to a separate planning application, Pd 11/392 refers (save for 4 no. streams of waste provided under the parent planning permission, Pd 04/1831).

I note the objections raised in respect of odour. The EIS has concluded that the emissions will comply with the applicable air quality control standards. To this end, it is noted that additional odour abatement measures are to be put in place and will be approved by the EPA before installation. Furthermore, the existing overground steel tanks are to be roofed – the structural integrity of these tanks shall be clarified - and airlock entrances are to be provided to the existing composting building, measures which should alleviate odour. It should be noted however, that the matter of odour and all other waste aspects associated with the development will largely be dealt with under the EPA waste licence, which is required for the proposal.

The status of the security siren which would appear to be a source of nuisance to neighbouring residents shall be clarified. The issue of noise would otherwise appear to have been satisfactorily addressed in the EIS. To this end, the EIS concludes that noise emitted from the site will be within acceptable day time limits from nearest noise sensitive location.

All waste processing will be carried out inside fully enclosed buildings. It is noted that concrete bunding is to be provided around the AD tanks and the converted wastewater tanks. Based on the information contained in the EIS I am satisfied that the risk of surface

water/ground water contamination by reason of accidental spillage of contaminated materials/run-off from open yard areas would be addressed by the measures proposed.

I am satisfied that the development has been adequately screened for Appropriate Assessment and to this end it is considered that the development would be acceptable in terms of the integrity of the Lower River Suir SAC. Similarly it is considered that the development would be acceptable in terms of visual impact given its location within an existing waste management facility and the existing screening on site.

Notwithstanding the aforementioned, there are a number of other outstanding issues which need to be addressed in order to progress this application.

### **Recommendation**

The following was requested by way of additional information:

1. *Report from a suitably qualified person certifying the structural integrity of the overground existing steel tanks on site and clarifying as to whether they are fit for purpose;*

Report attached to file. Consulting engineers have inspected the existing steel tanks and have certified that they are fit for purpose with no evidence of corrosion or damage. An external and internal visual inspection was undertaken as part of the assessment process.

2. *Please clarify the extent of bunding [or other means of containing an accidental spillage] to ensure that no contaminated material escapes to surface or ground waters within the site;*

The extent of bunding provided has been clarified and is summarised in table format with photos, attached to file. The assessment concludes that the bunding provided is 'adequate and in good condition'. It is further clarified that discharge from the existing general purpose storage tank is controlled by an electronic valve, which it is stated ensures that no potentially contaminated material can escape to surface or ground water within the site.

3. *Applicant is required to submit a Nutrient Management Plan to include demonstration that sludge has been used which is in accordance with the Department of the Environment and Local Government Publication 'Code of good practice for the use of Biosolids in Agriculture – Guidelines for Farmers. Maps illustrating location of areas for landspreading shall also be submitted;*

It is stated that Nutrient Management Plans are submitted to the Environment section of Waterford County Council. A copy of a recent NMP submitted to WCC is attached to file. This was approved by the Environment Section by way of email dated 18<sup>th</sup> January 2012 (copy attached to file). The plan includes maps showing land banks which are used for land spreading.

In terms of the proposed development, it is stated that it is not possible to prepare an NMP at this stage since the AD plant is not operational and there is no digestate to analyse for the

preparation of an NMP. Any future NMP will be prepared in accordance with above publication.

4. *Please clarify the quantity of grain and/or silage to be stored on site at any one time. Period of storage and control measures in respect of rodents/vermin/birds shall also be detailed;*

The proposed silage pit has a capacity of approximately 5,000 tonnes which is the maximum amount of silage that will be stored on site at any one time. Silage (grass/maize) will be stored in the pit year-round.

In terms of pest control, it is stated that a company is already retained by the Ormonde Organics for the management of the existing facility. This will be expanded to reflect the proposed development and will ensure adequate control of vermin/rodents/birds.

5. *Archaeological Impact Assessment prepared by a suitably qualified individual. Please refer to attached submission from Development Applications Unit, Department of Arts, Heritage & the Gaeltacht;*

An archaeological impact assessment has been prepared by Irish Archaeological Consultancy Ltd. The assessment makes the following conclusions:

- A detailed field inspection carried out within the woodland to the southeast (location of site extension) found no features of archaeological significance above ground.
- It recommends that all ground disturbance associated with the proposed development be monitored by a suitably qualified archaeologist. This matter shall be dealt with by condition.

6. *Confirmation that the existing water supply on site is adequate in the event of fire and also with respect to containment of effluents that would result from fire fighting activities. Applicant advised to contact the Fire Department and take due regard to the recommendations of said section. All agreements, meetings, recommendations, etc. regarding the above shall be submitted to the Planning Authority;*

Applicant is in on-going discussions with the Fire Officer regarding water supply for fire fighting purposes.

In the event of an incident or accident at the facility, including a fire, the shut-off valve on the outlet sump will be closed to contain the contaminated surface water within the drainage system.

7. *The folio documents submitted indicate that the site is jointly owned. It has been brought to the attention of the Planning Authority that written consent has only been submitted from one of these landowners. Please address this matter;*

A letter of consent from the other landowner is attached to file.

8. *Clarification regarding the status and nature of operation of the security loud speaker system which would appear to be causing nuisance to neighbouring residents.*

It is stated that the security loud speaker is activated remotely and only when the security cordon is breached. It is contended that such a system is essential to maintain site security.

Details in respect of proposed security fencing have also been submitted. This information was also submitted under Pd 11/392. The Planning Authority formed the opinion that this fencing was outside the remit of the planning permission being sought and would necessitate a separate planning application.

**Contributions**

Applicable in respect of extension to buildings (i.e. 3,731sqm) and also in respect of anaerobic digestion tanks (i.e. 3 x 452.16sqm). Dwg no's 10P536 02, 15, 20, 25 & 10P521 have reference. Contributions applicable in respect of roads and community based on a total building area of 5,087.48sqm.

**Conclusion**

Having regard to the foregoing, it is considered that the RFI has been dealt with in a largely comprehensive manner.

The contention that a nutrient management plan cannot be completed until such time as the AD plant is operational would appear reasonable. It is also noted that the applicant would appear compliant heretofore with respect to the submission of such plans. In this regard, a suitable condition shall be attached requiring the submission of a NMP.

Whilst the security siren was raised by objectors as being a source of nuisance, its necessity from a site security perspective is understandable. It is stated that this siren is activated only when the security cordon is breached. Security fencing around the perimeter of the site would also assist in this manner, although it will require a separate application.

With respect to water supply, an appropriate condition shall be attached requiring the applicant to liaise with Fire Services.

The structural integrity of the steel tanks on the site has been certified. In addition the extent of bunding has been clarified and should ensure that contaminated waters do not escape to ground or surface waters.

It is held that the issue of odour has been addressed from a planning perspective. However, notwithstanding, the matter of odour management and all other waste aspects associated with the development will largely be dealt with under the EPA waste licence, which is required for the proposal.

As outlined in the previous planner's report, the development will complement existing composting operations and would be deemed compliant with waste management policy for the south-east region which seeks to divert volumes of waste being disposed to landfill. In addition, the proposed Anaerobic Digestion facility can also be utilised to meet on-site energy needs. There is to be no increase in the amounts of waste accepted on site and therefore traffic movements will not be significantly altered. The types of waste to be received have

been dealt with under a separate planning application, Pd 11/392 for which a notification of a grant of permission was issued by Waterford County Council.

### **Recommendation**

Grant of permission for upgrade and extension of existing composting facility at Killowen, Portlaw subject to attached conditions:

1a)

The proposed development shall be carried out in accordance with plans and particulars lodged with the Planning Authority on 18<sup>th</sup> November 2011 and 22<sup>nd</sup> February 2012 save where amended by a condition herein.

1b)

The mitigation measures outlined in the EIS shall be wholly complied with.

**Reason:** To clarify the documents to which the permission relates in the interests of orderly development

2a)

The wastewater treatment system shall be installed in accordance with the manufacturer's instructions, relevant agreement certification and EPA Code of Practice 2009.

2b)

Prior to the extension being occupied, the Planning Authority shall be notified that the wastewater treatment system is constructed and operational. In addition, a Certificate of Compliance, prepared and signed by an Architect, Engineer, Surveyor or Technician to state that the wastewater treatment system and associated works fully comply with condition no. 2(a) above shall be submitted to the Planning Authority for its written approval, prior to the extension being occupied.

2c)

The installation of the proposed wastewater treatment system shall include maintenance and repair contract, a copy of which shall be submitted to the Planning Authority prior to the commencement of development. This contract shall be renewed on an annual basis and shall be taken out initially with the supplier/manufacturer of the system. Thereafter any change of contractor shall be notified to the Planning Authority.

2d)

Surface water shall be discharged to soakaways or watercourses.

2e)

Upon installation of the new wastewater treatment system, the existing septic tank shall be decommissioned and removed from the site to an authorized location.

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

3)

The developer shall comply with all relevant requirements of the animal by-product Regulations (S.I. No. 248 of 2003 and S.I. 707 of 2005). The developer shall obtain approval from the Veterinary Department of the Department of Agriculture and Food in relation to compliance with the above legislation. A copy of this approval shall be furnished to the Planning Authority for its consideration and written agreement prior to the acceptance of any such waste containing animal by-products.

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

4)

The proposed structure shall be used only as a compost making and anaerobic digester facility and shall not be used for any other waste processing activity or any other purpose.

**Reason:** To limit the proposed development to the terms of the application having regard to the location of the site in a rural area.

5a)

This permission is for the management of waste with a maximum intake of 40,000 tonnes per annum. The developer shall record the amount of waste received at the facility and records shall be made available to the planning authority on request.

5b)

Only waste governed by planning permissions Pd 04/1831 [PL24.215781] and Pd 11/392 shall be permitted to be accepted on site.

**Reason:** To comply with the objectives of the Joint Waste Management Plan for the South-East region.

6)

No advertisement or advertising structures (apart from exempted development) shall be erected or displayed on the building or within the curtilage of the site without a prior grant of planning permission.

**Reason:** In the interest of visual amenity.



7a)

Boundary treatment along the new eastern site boundary shall comprise a 1.2m high stock-proof timber post and rail fence.

7b)

Screen planting shall be provided along the eastern site boundary and shall comprise a mixture of indigenous trees to be planted at 5m. centres. The planting shall be carried out in the first planting season following commencement of development. When planted the trees shall be adequately protected from damage by animals or wind. Any failures within 5 years shall be replaced and the trees allowed to grow to maturity. A certificate of compliance with this condition shall be forwarded to the Planning Authority upon completion of planting. The certificate shall be signed by a horticulturalist or other approved professional.

7c)

Security and stock-proof fencing, other than that provided for under Class 11 of Schedule 2, Part 1 of the Planning & Development Regulations 2001 (as amended), shall be the subject of a separate application for planning permission.

**Reason:** In the interests of orderly development of the site and proper planning

8)

Prior to the commencement of any development, proposals demonstrating that the water supply on site is adequate in the event of fire shall be submitted for the written agreement of the Planning Authority. Such proposals shall comply with the requirements of the Chief Fire Officer.

**Reason:** In the interests of public safety

9a)

The applicant is required to employ a qualified archaeologist to monitor all groundwork's associated with the development as recommended in the archaeological assessment report submitted with the planning application. The Archaeologist shall agree a methodology and schedule of site inspection with the developer/contactor and this schedule shall be submitted to the Department for approval in advance of works commencing on site. The monitoring/site inspection shall be licensed under the National Monument Acts: 1930-1994

9b)

Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Heritage and Planning Division of the Department of Environment, Community and Local Government with regard to any necessary mitigating action (e.g. preservation *in situ*, or excavation) and should facilitate the archaeologist in recording any material found.

9c)

The Planning Authority and the Department shall be furnished with a report describing the results of the monitoring following the completion of all archaeological work on site

**Reason:** To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

10)

Prior to the commencement of any development on site pursuant to this planning permission, the applicant shall apply for and obtain a waste licence from the EPA.

**Reason:** In the interests of public health and environmental protection

11)

The developer shall pay to the planning authority a financial contribution of €165,151.33 (one hundred and sixty five thousand one hundred and fifty one euro thirty three cent) 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 relevant Development Contribution Scheme was adopted by Waterford County Council on **14<sup>th</sup> January 2008, & adjusted on 1<sup>st</sup> January 2010**. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate.

Roads	82,575.67
Community	82,575.67
Total Contributions	165151.33

**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.

**Signed:** \_\_\_\_\_  
**Executive Planner**

**Date:** \_\_\_\_\_

**Signed:** \_\_\_\_\_  
**Senior Executive Engineer**

**Date:** \_\_\_\_\_

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