

Planning & Development Context

2.1 Introduction

This chapter describes the main planning policies that relate to the proposed development site and the surrounding area. The issues have been identified with reference to European Union waste policy, The Waste Management Plan for the Midlands Region, adopted by Westmeath County Council, 12th September 2001; the Westmeath County Development Plan 2002-2008; and associated planning and development legislation. In particular the Council's policy and objectives on waste management were reviewed due to the nature of the proposed development.

2.2 European Union Waste Policy

The Waste Framework Directive 75/442, amended 1991, (EC/91/156) which outlines the waste hierarchy has been introduced in Ireland largely through the Waste Management Act, 1996 and associated waste licensing regulations. The Framework Directive notes the importance of:

- ensuring that waste is recovered or disposed without danger to human health and without using processes which could harm the environment and, in particular, without
 - risk to water, air, soil, plants or animals;
 - causing noise, odour or nuisance;
 - adversely affecting the countryside or places of special scientific interest; and
 - establishing an integrated network of adequate waste disposal installations.

The EU has developed a specific waste strategy, "Community Strategy for Waste Management" (1989, updated 1996). This document sets out a hierarchy for waste management with waste minimisation seen as a key objective. The recovery and disposal of waste follow lower down in the hierarchy after waste minimisation, reuse and recycling. The changes that have occurred since the first strategy are considerable and have new bearings on waste control in Europe and include:

- adoption of a number of new legal instruments on waste;
- the European Court of Justice issued a series of judgements on cases that affect wastes;
- report of the UN Conference on Environment and Development (Agenda 21) and conclusion of Basle Convention on control of transboundary movements/disposal of hazardous wastes, stressed the need to prevent/minimise the generation of hazardous waste and manage in such a way as not to cause harm to health and the environment.
- Communication on the Commission 'Towards a Thematic Strategy on the Prevention and Recycling of Waste'.

2.2.1 The 1999 Landfill Directive (99/31/EC)

This Directive represents the largest single change in waste management legislation in the last decade and has far reaching implications for the waste industry through to 2020.

This Directive requires Member States to:

"provide for measures, procedures and guidance to prevent or reduce as far as possible negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment, including the greenhouse effect, as well as any resulting risk to human health, from the landfilling of waste, during the whole life cycle of the landfill."

The Directive has laid down the types of waste that can be accepted at all new landfills and how all sites are to be constructed and managed. Member States are to draw up strategies for the reduction of biodegradable municipal waste sent to landfill as follows:

- 75% of 1995 levels by 2006;
- 50% of 1995 levels by 2009;
- 35% of 1995 levels by 2016.

To achieve these targets the provision of alternative treatments for biodegradable wastes such as, waste to energy, composting, recycling and anaerobic digestion will be required. Focusing on the recycling technologies composting is recognised as the key technology for delivering this series of targets.

The greatest challenge facing member states, and in particular Ireland in the Directive is the issue of biodegradable waste management. Infrastructure for meeting these targets is poorly developed and there is a huge capacity required to meet the 2006 target. This issue is discussed in detail in Chapter 3.

2.3 National Context

The principles of sustainable waste management are adopted by the Government's policies and programmes for waste management. The Government published "Sustainable Development - A Strategy for Ireland" in 1997 which confirms the Government's commitment to the EU hierarchy of waste management to minimise, reduce, recycle and then dispose.

Objectives of the strategy included;

- Stabilisation of the growth of waste production;
- Increase in reuse and recycling activity;
- Use of economic instruments to reduce waste, promote awareness of the hierarchy.
- Higher environmental standards for landfill.
- 80% reduction of methane production.

The Department of the Environment and Local Government, produced a Policy Statement in 1998 entitled Waste Management, Changing Our Ways. This document was produced as a national framework within which local authorities and the waste industry can plan for national infrastructure to meet the needs of modern waste management taking consideration of the following aspects;

- Improvement in level of performance incorporating best practice and resource efficiency;
- Implementation of "polluter pays" principle; and
- Economies of scale.

The policy statement requires that modern waste management practices are adopted with the following targets over a 15 year period;

- Diversion of 50% of household waste from landfill;
- Minimum reduction of 65% in biodegradable wastes to landfill;
- Development of waste recovery facilities;
- Recycling of 35% of municipal waste;
- Recycling of 85% C&D waste
- Reduction in the number of landfills with the development of an integrated network of 20 state-of-the-art facilities, incorporating energy recovery and high standards of environmental protection.

In March 2002 the policy statement 'Preventing and Recycling Waste: Delivering Change' was published by the Government. The purpose of this policy statement was to provide for sustained and dramatic improvement in our waste management performance in the coming years. The document provides for a National Strategy on Biodegradable Waste Policy, to encourage the biological treatment of organic waste.

2.4 Regional Context

2.4.1 County Development Plan

The adopted Development Plan for the County is the County Development Plan for Westmeath 2002-2008.

The plan was prepared in accordance with the procedures and requirements contained in the Local Government (Planning and Development) Acts 1963-1998 and the Local Government (Planning and Development) Regulations 1994-2003. The remainder of this section considers the strategies and policies contained in the development plan relating to the site environs and activities.

The proposed facility is located in land that is currently zoned for agricultural use. Development of a composting facility is not specifically catered for in the County Development Plan. A manufacturing process will be employed at the site to produce an agricultural/horticultural product. Therefore, the nature of the development is both industrial and agricultural.

As compost manufacturing is a relatively new concept to Ireland, there is no national guidance on site selection for these facilities. Concerns over health effects from emissions of bioaerosols has recently become an issue in the vicinity of composting facilities. The Environment Agency in England and Wales has considered this issue and released a position statement regarding composting facilities and health effects on 13th August 2001 (see www.environment-agency.gov.uk). The statement begins:

"The Agency's position is:

There will be a presumption against permitting [and to object to any planning application] of any new composting process [or any modification to an existing process] where the boundary of the facility is within 250 metres of a workplace or the boundary of a dwelling, unless the application is accompanied by a site-specific risk assessment, based on clear, independent scientific evidence which shows that the bioaerosol levels are and can be maintained at appropriate levels at the dwelling or workplace."

In line with the EU 'Precautionary Principle' (EC Treaty, Article 130r) it is preferable that new composting facilities are sited in locations where there are no workplaces or dwellings within 250 metres of the facility. In this way the risk can be avoided completely. A 4.8 hectare development such as the Kilbride proposal would require a buffer of over 50 hectares of surrounding land to completely avoid the risk. It would not be practical to site such a facility in, or close to, an urban area or an industrial zone. The only feasible way to avoid the potential risk is to site this type of facility in a reasonably remote agricultural area. The Kilbride development will have no dwellings or workplaces within 600 metres of site activities.

It is important that the facility has access to a good road network to facilitate the haulage of raw materials and compost to and from the site. Section 5.3.2.6 of the County Development Plan addresses development along National Routes and states:

"The County Council accept the need to severely restrict development along single carriageway National Routes in order to protect safety levels and operational efficiency and to safeguard the national investment in these roads."

The policy statement goes on to state that no new accesses will be permitted on to dual carriageway National Routes and in general new developments requiring access to National Routes will be prohibited.

Given these restrictions, the best possible location for this facility in terms of the road network is a site that can be accessed from the National road network via a short distance of non-National, but suitable road. The Kilbride site is ideal in these terms.

Section 5.3.7.4 of the County Development Plan addresses policy on Agricultural Related Industry and states:

- "Agricultural-related industrial development may be permitted within the agricultural zone where it does not conflict with the amenity or viable use of farm holdings.*
- Other considerations include traffic safety, pollution and waste control, and the satisfactory treatment of effluents, smells and noise, the size and form of building and the extent to which they can be integrated into the landscape."*

Subsequent chapters of this EIS addresses each of the issues mentioned in the second point above.

The County Development Plan contains several statements that require consideration during the EIS process:

- Section 2.5.10 (i) of the Plan regarding disposal of waste states that *"Waste Handling facilities will only be permitted if they are sensitively sited in relation to local communities and businesses."*
- With regard to design objectives, section 2.2.6 of the Plan regarding general design objectives for the countryside states *"It is the Council's intention to enable and enhance new development in the countryside to be absorbed in a sustainable way. Development should reflect the vernacular aspects in design and treatment to ensure:*
 - *Respect for the local and traditional context, with minimal intrusion on the landscape;*
 - *An appropriate use of design, scale and materials;*
 - *An appropriate use of planting and landscaping;*
 - *A minimal threat to the environment and ecology; and*
 - *A minimal threat to the cohesive and coherent development of the Country's settlements."*
- Section 5.3.5 (ii) Natural Heritage Areas states that *"Where a proposed development is located within or adjoining [a Natural Heritage Area], the County Council will seek the advice of a relevant statutory authority and shall generally be guided by their comments."*

These policies have been taken into account during the EIS process.

2.5 Local Context

2.5.1 Milltownpass Village Plan

Part 4 of the County Development Plan provides for the compilation of village plans, including a plan for Milltownpass. A draft plan for Milltownpass was published for consultation in March 2004. Whilst the proposed site is approximately 2km from Milltownpass and is not zoned within the Village Plan, it may have an indirect impact on the village and as such a review of the planning policy for the village is considered necessary.

Policy 1 of the Draft Plan states that "outside the designated development area development will normally be restricted to that required for the purposes of agriculture or that required to meet the social and economic needs of the village community". Composting is essentially an agricultural type of activity, best suited to a rural environment. The creation of approximately 20 jobs at the facility would provide employment opportunities for local people without creating undue pressure for additional development in the village.

It is not considered that the development of a composting facility at Kilbride will have any significant negative impact on the planning policies for Milltownpass.

2.5.2 Previous Planning Decisions

No previous planning permission is associated with the proposed developmental area. On 6th June 2003, Padraic Thornton Waste Disposal Ltd. made a 'Declaration on Exempted Development' to Westmeath County Council in relation to the subject site and the adjacent forestry site to the west. The company proposed to undertake the following forestry management works on the 135 hectare landholding and sought confirmation from the Council that these works were exempted development under Section 4(1)(i) of the Planning and Development Act 2000. The proposed works consisted of :

1. Improvement of the surface of the eastern track by importing and laying stone. This track provides a right of way to neighbouring land and the works will be carried out with the agreement of relevant landowners.
2. Extension of the eastern track to the peat bank and into the existing forest.
3. Thinning of existing plantations.
4. Creation of fire-breaks by felling rows of trees.
5. Constructing internal tracks/roads to provide better access to all parts of the site.
6. The trees that are felled to facilitate thinning, fire-breaks and roads will be sold if possible or alternatively will be shredded and composted in open windrows on site. The compost is likely to be used to prepare the agricultural land for new plantation (subject to findings of the management plan).
7. The existing concrete pad and shed may need to be repaired to facilitate the open windrow composting.
8. removal of the bank of peat.
9. planting of 26 hectares of new trees.

The Council's decision (S5-02/03) determined that the peat extraction and tree felling were exempted development, whereas the other proposed elements were not.

Recent planting on-site, covered by a Department of Agriculture & Food Approval for Grant Aid to Establish a Forest (Contract No: CN35932) is a mitigation measure, with the function of screening the proposed development and providing enhanced ecological conditions on the site. There is more detail on mitigation planting provided in the Ecology section, Chapter 14.

The full design details associated for the proposed development, including further mitigation measures are described in Chapter 4.

2.5.3 Land ownership

The proposed site is owned by Padraig Thornton (Managing Director of Padraic Thornton Waste Disposal Ltd) and is part of a total landholding of 135 hectares (333 acres). No other land-owner uses or has access rights to the site, or requires the land as access to other land parcels. Only other areas of land owned by the developer have access through the site, namely the commercial forest located to the northwest of the site. There are alternative access routes to the commercial forest.



View over existing site

2.5.4 Local Planning Issues

Planning issues relating to the locality of the site must be taken into consideration.

The current land use is 'agricultural'. The proposed development will alter the land use of the site to agricultural-related industrial use. The proposed development will result in the increased use of the national roads in the area and the creation of private roads on the site. Further details concerning roads and traffic volumes are provided in Chapter 9, Traffic. Additionally other services will be required on the site, such as the requirement for electricity and phone services to the site, on-site waste water treatment (both for process water and domestic foul water). Further details pertaining to proposed services on-site are provided in Chapter 4, Design.

