

Planning SectionPlanners Report and Recommendations

To: Aisling Gleeson, A/Senior Executive Engineer Planning Section
From: Anne Doyle, Executive Planner, Planning Section
PL. ref: 11/392

Date: 6/3/2011

Applicant: Ormonde Organics Ltd

Application: For development consisting of the acceptance of new waste streams to the existing Composting Facility (as permitted by An Bord Pleanála Ref. No. PL24.215781 (Waterford County Council Ref. Ref. PD 04/1831) and for retention permission for alterations to the elevations at a site of 3,2 ha at Killowen, Portlaw, County Waterford. The proposed development will consist of the acceptance of a number of new source-segregated non-hazardous organic wastes to the Composting Facility, which fall under the following European Waste Catalogue Code Chapters: (02 00 00) Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing; (07 00 00) Wastes from organic chemical processes; (19 00 00) Wastes from waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use; and (20 00 00) Municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions. The waste types previously permitted under PL24.215781 fall under the latter 2 No. categories (19 00 00 and 20 00 00). No increase in the maximum permitted intake is proposed. The development for retention permission consists of constructed alterations to the elevations.

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 acceptance of new waste streams at the existing composting facility, Killowen, Portlaw. The applicant is proposing the introduction of 13 new catalogues of waste in addition to the existing 4 no. which are currently permitted on site. The permitted maximum intake of 40,000 tonnes of source segregated organic waste per annum is proposed to remain unchanged.

In addition, retention permission is sought for alterations to the building on site.

The site notice was evident on the day of inspection, 9/11/11.

Planning History

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 interalia 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 site occupies a stated area of 3.2ha and as outlined above is situated to the north of Portlaw. 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 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 the acceptance of new waste streams at the existing composting facility on site. There is no proposal to increase volumes of waste at the facility. To this end, the permitted maximum intake of 40,000 tonnes per annum of segregated organic waste is to remain. However, the applicant is proposing to expand the streams of waste which are currently being accepted.

Under the current planning permission, the specific European Waste Catalogue codes (EWC Codes) listed in Condition No. 2 of the permission are as follows:

- | | |
|----------|---|
| 20 01 08 | <i>Household biodegradable Kitchen and Canteen Waste;</i> |
| 20 02 01 | <i>Other biodegradable waste;</i> |
| 19 08 05 | <i>Sludge from the treatment of urban wastewater, and;-</i> |
| 20 03 04 | <i>Septic tank sludges.</i> |

It is now proposed to broaden these waste streams to incorporate the addition of 13 no. EWC codes to the 4 no. existing. The proposed waste streams fall under the same classification of source segregated organic wastes for composting, as per permitted planning permission.

The proposed waste streams are classified under the following categories in the EPA's European Waste Catalogue and Hazardous Waste List:

- | | |
|----------|---|
| 02 00 00 | Wastes from Agriculture, Horticulture, Aquaculture, Forestry, Hunting and Fishing, Food preparation and processing; |
| 07 00 00 | Wastes from Organic Chemical Processes |
| 19 00 00 | Wastes from Waste Management Facilities, Off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use |

20 00 00 Municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions.

Elevational changes

Permission is also sought for retention of elevational changes to the existing buildings on site from that permitted under Pd 04/1831. These changes are minor and do not substantially deviate from the permitted design.

- To this end, the height of the structure at the south-eastern end of the front elevation has been reduced by 1m approximately.
- 1 no. pedestrian entrance has been omitted from the front elevation and a canopy has been constructed in lieu at the entrance provided.
- The permitted aerobic digester to the rear has been omitted.
- Retention permission is also sought for the lean-to canopy to the rear of the building.

Traffic movements

It is stated that the proposed development will not result in any increase in traffic movements from that permitted under the governing planning permission. As outlined above, the permitted maximum intake at the facility of 40,000 tonnes per annum is to remain unchanged.

Details are not provided in the current application regarding the sourcing of the waste. It is noted that under Pd 04/1831 the waste was primarily to be sourced in the south-east region. However, it was also stated that the applicants may at times source waste from outside the region, depending on the availability of waste streams and other market forces. In any event, given that there is to be no increase in overall tonnage accepted at the site it is considered that traffic movements will not be significantly altered.

Wastewater Treatment

It is stated that foul water treatment on site is unchanged from the planning permission issued under Pd 04/1831 and drains to a conventional septic tank and percolation area, located to the rear of the factory facility. The proposed acceptance of new waste streams will not result in an increase in the overall capacity of the facility and it is stated will not result in any change in staff numbers, therefore there will be no change in foul loading on site.

I note Condition no.9 of said permission required details in respect of foul waste arrangements to be submitted for the written agreement of the Planning Authority prior to the commencement of development. This information does not appear to have been submitted as there is no record on file.

Environmental emissions

It is stated that no new emissions will arise as a result of the proposed changes. It is unclear how this statement has been validated as the introduction of new waste streams will surely create additional emissions, for example with respect to odour. It is further stated that the primary emissions from the facility as existing relate to odour. The management of such emissions is a critical factor to ensure that the facility operates in a sound manner.

From the objections lodged on file (see below) and discussions with Mr Gabriel Hynes, SE Environment Department, it is confirmed that there have been problems in the past with odour at the facility. I did not experience odour at the facility on the day of inspection 9/11/11. However, that is not to say that the issue does not exist.

In any event, the Planning Authority requires more comprehensive details with respect to emissions, details of odour abatement measures and timescale for implementation of such measures.

Landscape Designation

The site is located 300m approximately from the Lower River Suir SAC. The site has been screened for Appropriate Assessment and it has been concluded that the additional waste streams will not adversely affect the integrity of the SAC. The Heritage Officer is satisfied with these findings [see report below].

Submissions/observations

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

Suir Valley Environment Group, William & Kathleen Power, Mount Bolton, Portlaw, Cllr Brendan Coffey are objecting to the proposed development on inter alia the following grounds:

- Origins of waste is unclear;
- Lack of information regarding intended use – land spreading or mining use;
- Mal odours emanating from existing facility;
- Transport vehicles operating outside business hours;
- Have conditions of original planning permission being complied with?

Cllr Coffey is recommending that a financial contribution be levied towards the provision of a right hand turning lane at Fiddown Bridge.

Submissions have been received from the following bodies:

Kilkenny County Council:

- Confirmation required whether any additional traffic movements will be generated by the proposed development;
- Screening for Appropriate Assessment to be undertaken in respect of Lower River Suir SAC;
- No objection from an environmental point of view subject to proposal being in compliance with all relevant Waste Management Plans & Planning Guidelines.

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.

Internal Reports

Heritage Officer Satisfied that no potential significant impacts will result from proposed development – Report attached to file.

Environment Waste Facility permit has been issued by Waterford County Council to applicants in respect of the proposed additional waste streams. Report attached to file.

Contributions

Given that there is no increase in floor space or intensification of use with respect to increased tonnage it is held that contributions are not applicable on the existing building.

It would also appear that no contributions were paid under Pd 04/1831 despite the fact that figures of €118,712 and €5,000 were levied under Condition No.'s 13 & 14 respectively as per An Bord Pleanála decision PL 24.215781. These monies were to be paid prior to the commencement of any development.

Conclusion

In principle the proposed development of the acceptance of new waste streams is deemed compliant with waste management policy for the South-east region and I would have no major objection to same.

However, there are a number of outstanding issues which need to be addressed in order to progress this application. Firstly payment of the contributions as per Condition no's 13 & 14 of ABP decision shall be made good. It would be undesirable to progress the file from a development control perspective, until such time as these conditions have been complied with.

Subject to the aforementioned, the Planning Authority would have some concern regarding the issue of odour and would require a greater level of detail with respect to the issue of odour and proposals for odour abatement. It is acknowledged that the issue of odour has already been examined under the Waste Facility Permit; however, in terms of the proper planning of the area it is considered prudent that this matter be assessed in the interests of the preservation of the amenities of the area.

In addition, the Planning Authority requires demonstration of compliance with Condition no. 9 of PL 24.215781 with respect to wastewater treatment, in the interests of public health and development control.

There are a number of other conditions pertaining to the governing permission which do not appear to have been complied with, namely condition no's 8 & 12.

Request for Further Information (16th November)
(Response to further information)

The following further information was requested on the 16th November 2011 and was received on the 15th February 2012. The request for further information related to the following:-

1. *Demonstration of compliance with condition no. 8 of PL 24.215781 with respect to the weighbridge design & Condition no. 12 with respect to landscaping.*

Regarding condition no. 8, it is stated that the weighbridge is located to the front of the composting building and a one-way system currently operates at the site. Incoming wastes are weighed and unsuitable waste returned to the producer. Detailed drawings have been submitted in respect of the weighbridge.

Regarding condition no. 12, a review of the landscaping on site has been undertaken by a Landscape consultant. The landscaping report confirms that the landscaping is generally appropriate and has matured satisfactorily. It is recommended that certain inappropriate planting be removed and replaced by native species. To this end, the Leyland cypress trees are to be removed along the road frontage and north-western site boundary. A new native hedgerow is to be planted in lieu.

It is also recommended that stock proof fencing be erected. This fencing is to be provided along the boundaries of the site and will comprise timber post and wire fencing with barbed wire along the top. The maximum height of this fencing is 1.2m. In addition to the stock proof fence it is also proposed to erect a security fence within the perimeter of the site, in the interests of public safety and as a means of securing the site proper. This fencing comprises chain link fencing, stated maximum height of 1.8m - 2.4m.

2. *With respect to the wastewater arrangements on site, the following shall be submitted for the written agreement of the Planning Authority:-*

- i) *Details of sanitary accommodation for staff in the office building;*
- ii) *Details of the effluent treatment system to cater for the waste from the office building.*

Certificate of Compliance, prepared and signed to state that the Septic Tank, Percolation Area and associated works fully comply with Condition No.3a) has been submitted to the Planning Authority for its written approval.

In addition, a certificate of compliance prepared and signed by an Architect, Engineer, Surveyor or Technician to state that the septic tank and percolation area is in accordance with EPA Guidelines shall accompany the submitted details.

A site inspection was undertaken by Bowe Consulting Engineers. It is confirmed that the septic tank and percolation area [which was installed in 2007] is in accordance with the EPA 2000 Guidelines. The septic tank and percolation area is designed to accommodate a pe of 10.

The fact is also highlighted that under Pd 11/455 whereby planning permission is being sought concurrently for the upgrade and extension to the existing composting facility, a new wastewater treatment system is proposed which will replace the existing septic tank.

3. *Details on the origins of the proposed new waste streams to be accepted at the facility;*

An inventory of the origins of the waste streams has been submitted. The waste will primarily be sourced from the south/south-east region.

4. *Detailed proposal in respect of odour abatement measures to be undertaken at the facility as concerns have been raised in respect of odour. Timeframe within which these measures will be implemented;*

In consultation with the Environmental Department, a number of measures to minimise odour has been implemented, including the installation of PVC covers at the doorways, the provision of a door lock mechanism and the commissioning of odour assessments by Odour Monitoring Ireland. It is also stated that improvements to the ducting of the bio-filter have also been made. Composting tunnels have also been installed within the building which it is contended will significantly reduce odours.

The aforementioned planning application, Pd 11/455 includes the provision of air-lock building entrances to the existing compost facility and upgrades to the bio-filter, which it is alleged will greatly reduce odour.

It is stated that odour monitoring is undertaken by the operators in accordance with the Odour Impact Assessment Guidance for EPA Licensed Sites. This assessment concludes that the facility is operating in compliance with the relevant licensing conditions – extract from the odour assessment has been submitted by way of further information.

The performance of the bio-filters is monitored on a biannual basis and spot checks are undertaken by Odour Monitoring Ireland. A complaints management system is also in place whereby complaints are recorded and odour monitoring reports are carried out on the day a complaint is received. It is stated that odour assessments are received weekly and any days where complaints are received.

5. *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;*

The applicant is currently in discussions with the Fire Department of Waterford County Council. Proposals under discussion include on-site storage for 600,000 litres of water.

6. Demonstration of compliance with condition no's 13 & 14 of PL 24.215781.

The applicant has entered into an agreed payment schedule with the council.

Conclusion

As outlined previously, the proposed development of the acceptance of new waste streams is deemed compliant with waste management policy for the South-east region and I would have no major objection to same. It is considered that the FI request has been dealt with in a comprehensive manner.

The odour abatement measures proposed including those contained under Pd 11/455 should help alleviate any problems of odour at the site. Given the nature of the operation there will always be an element of odour associated with this waste management activity; however, it is considered that the applicant has endeavoured to address concerns raised at FI. It is also noted that the applicant is working within the limits of EPA standards. The issue of odour has also been examined as part of the Waste Facility Permit.

The proposal for stock-proof and security fencing is considered to be outside the remit of the landscaping scheme. In this regard, any fencing other than that provided under the exempted development regulations would require a separate application for planning permission. I have no objection to the proposal to replace the existing cypress Leyland species with native hedgerow.

The existing wastewater arrangements on site have been certified. It is also noted that an upgraded wastewater treatment proposal forms part of the planning application, Pd 11/455 which is largely running concurrent with this application.

The remaining items of the FI request have been addressed satisfactorily.

Recommendation

Grant of permission for development consisting of the acceptance of new waste streams to the existing Composting Facility (as permitted by An Bord Pleanála Ref. No. PL24.215781 (Waterford County Council Ref. Ref. PD 04/1831) and for retention permission for alterations to the elevations at a site of 3.2 ha at Killowen, Portlaw, County Waterford. The proposed development will consist of the acceptance of a number of new source-segregated non-hazardous organic wastes to the Composting Facility, which fall under the following European Waste Catalogue Code Chapters: (02 00 00) Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing; (07 00 00) Wastes from organic chemical processes; (19 00 00) Wastes from waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use; and (20 00 00) Municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions. The waste types previously permitted under PL24.215781 fall under the latter 2 No. categories (19 00 00 and 20 00 00). No increase in the maximum permitted intake is proposed. The development for retention permission consists of constructed alterations to the elevations.

1)

The proposed development shall be carried out in accordance with plans and particulars lodged with the Planning Authority on 23rd September 2011 as revised by details submitted on 15th February 2012 save where amended by the conditions herein.

Reason: To clarify the scope of the permission in the interests of development control

2)

In addition to waste streams already permitted under Pd 04/1831 (PL 24.215781), the composting facility shall only also accept source segregated organic waste that complies with the following European Waste Catalogue Codes:-

02 00 00 Wastes from Agriculture, Horticulture, Aquaculture, Forestry, Hunting and Fishing, Food preparation and processing;

07 00 00 Wastes from Organic Chemical Processes

19 00 00 Wastes from Waste Management Facilities, Off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use

20 00 00 Municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions.

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

3)

The permitted maximum intake of 40,000 tonnes per annum for the composting of waste on the site shall not be exceeded. The developer shall record the amount of waste received at the facility and records shall be made available to the planning authority.

Reason: In the interests of clarity and orderly development

4a)

Landscaping shall be undertaken in accordance with landscaping details submitted on 15th February 2012.

4b)

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

5)

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

6)

Save to comply with an above stated condition, the conditions pertaining to Pd 04/1831 (PL 24.215781) shall otherwise apply.

Reason: In the interests of orderly development and development control

Signed: _____

Date: _____

Executive Planner

Signed: _____

Date: _____

Senior Executive Planner

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