



## Comhairle Cathrach & Contae Phort Láirge Waterford City & County Council

Planning	Report
<b>File Ref</b>	19296
<b>To</b>	Liam McGree, Senior Planner
<b>From</b>	Padraig O'Shea, Executive Planner
<b>Date</b>	23 October 2019
<b>Applicant</b>	Ormonde Organics Limited,
<b>Address</b>	Killowen, Portlaw, Co. Waterford
<b>Application</b>	Permission for development at its existing Composting and Anaerobic Digestion Facility consisting of installation of a biogas scrubbing and compression unit, biogas grid entry unit and compressor unit and associated pipes to facilitate the export of biogas produced on site to the national grid. Permission is also sought for the extension of the bunded concrete area to the rear of the Anaerobic Digestion Plant to accommodate an additional digestate storage tank (c. 12.65m in height and c.25m in diameter) and relocation of the existing gas flare on site. The application relates to development which comprises or is for the purpose of an activity requiring an Industrial Pollution Prevention and Control Licence (now replaced by an Industrial Emissions Licence). A Natura Impact Statement (NIS) is included.

### Site Description

The application site is located approximately 1.41km north of Portlaw and consists of the existing Ormonde Organics Composting Plant and Anaerobic Digester facility in the townland of Killowen, Portlaw. The site has an existing entrance from the R680 regional road connect Waterford to Carrick-on-Suir. The site is well screened from the public road by mature tree screening, with only limited views of the existing facility. The River Suir is located approximately 230 metres to the east of the site, with the Lower River Suir SAC boundary circa 75m from the rear boundary of this site. Adjoining lands surrounding the site are in agricultural use, with dense woodland plantation to north, south and east of the site. A Gas Networks Ireland above ground installation unit is located inside the southern boundary of the site.

### Further Information

Please note that this proposed development was the subject of previous planning report which should be read in conjunction with this report. The following **Further Information** was previously requested to be submitted with the applicant responding on 2<sup>nd</sup> October 2019.

**Item 1:** a) Whilst the conclusion of the submitted EIA screening report is noted, you are advised that the Planning Authority requires further information on the nature of your proposed development in relation to the thresholds listed in Schedule 5, Part 2, Class 3 (Energy Industry) of the Planning & Development Regulations 2001 (as amended).

b) In the event that a subject threshold as they relate to this proposed development are exceeded, then the applicant shall submit an Environmental Impact Assessment Report (EIAR) which provides an assessment of the potential impact of the proposed development on the environment taking into account the cumulative impact of this proposal with the overall composting plant and anaerobic digester facility development associated with same. The content of the EIA report shall be in accordance with the requirements of Schedule 6 of the Planning & Development Regulations 2001 (as amended).

**Applicant's Response:**

The applicant has provided the necessary details on the how the proposed development relates to the EIA Screening thresholds listed in Schedule 5, Part 2, Class 3 (Energy Industry) of the Planning & Development Regulations 2001 (as amended).

**Assessment**

From the details provided in the both the initial application documents and the further information response, the Planning Authority considers the proposed development does not require the preparation of a Environmental Impact Assessment report based on the thresholds and criteria listed in Schedule 5 of the Planning and Development Regulations 2001 (as amended). The applicant has also carried out a screening assessment for sub threshold EIA as per the criteria listed in Schedule 7 and 7A of the Regulations. The screening report concludes that the works individually and cumulatively would not give rise to any significant effects on the environment would require the preparation of an EIA.

**Item 2:** In relation to the findings of the Natura Impact Statement submitted, you are requested to submit a detailed Construction and Environmental Management Plan (CEMP) which shall address the following;

- Identify location and nature of habitats that are in close proximity to proposed works and which are earmarked for retention;
- Confirmation that no otter holts occur within 150m of proposed works.
- Mapped location within site of oil interceptor and storm water retention pond.

**Applicants Response:**

The applicant has submitted a Construction and Environmental Management Plan prepared by Dixon Brosnan Environmental Consultants and Work Safe Solutions. It is clarified that there are no locations or habitats in the vicinity of the site which would be adversely impacted by the proposed development and no otter holts within 150m of the works. A copy of the site layout plan issued under Planning Ref. 19/120 has been submitted

illustrating the drainage infrastructure onsite. Oil interceptors are located an manhole MSH9 and MSH12 and the attenuation pontoon is located to the north-west of the site.

**Assessment:**

The details of the applicants response were referred to the Heritage Officer for comment. The response received on 23/10/2019 indicates that the CEMP submitted with the further information response is satisfactory. It is recommend that the mitigation measures outlined in the CEMP and NIS be conditioned in any grant of permission.

**Item 3:** *The applicant is advised that the Health and Safety Authority has requested the following information to be submitted for assessment;*

- *A written report providing a detailed overview of the proposed activities as they relate to dangerous substances, including parameters such as storage temperature and pressure as well as the total volume of digestate gases and other dangerous substances that could be present.*

**Applicants Response:**

The applicant has been in consultation with the Health and Safety Authority following the further information request that issued. It is stated that there is no impact on the site with regard to the Control of Major Accident Hazards (COMAH) from the proposed works and that the total quantum of dangerous present on site (raw methane gas) are significantly below the threshold for the application of COMAH. The FI response includes correspondence from the HSA.

**Assessment:**

The details of the FI response were referred to the Health and Safety Authority following receipt of same but no response has been received to date.

I note that following the further information request that issued on 20<sup>th</sup> June 2019, the Health and Safety Authority did forward to the Planning Authority a new correspondence letter on 3<sup>rd</sup> July 2019 indicating that on the basis of the additional information provided by the applicant on 13<sup>th</sup> June 2019, the HSA does not advise against the granting of planning permission in the context of Major Accident Hazards.

Based on the HSA correspondence forwarded to the Planning authority on 3<sup>rd</sup> July 2019, the applicants response to this further information request item is acceptable.

**Submissions**

No third party submissions were received during the initial application period.

**Development Contributions**

The terms of the Waterford Development Contribution Scheme 2015-2021 applies:

### Commercial Development

Biogas Scrubbing and Compression Unit = 59.48 sq.m

Proposed Compressor Unit = 14.77 sq.m

(Note under the financial appeal decision under Planning Ref. 11/455 & PL 24. 24050543, the Board decided to omit development contributions applicable to anaerobic digester tanks. Levies are therefore not considered applicable to the proposed new digestate storage tank).

Total floor area subject to levies = 74.25 sq.m

Total Levies Applicable = €1,336.50

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 1<sup>st</sup> May 2019, as amended by the further information response received on 2<sup>nd</sup> October 2019, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity

2. Prior to the commencement of any further development onsite pursuant to this planning permission, the applicant shall apply for and obtain an Industrial Emissions Licence from the EPA in relation to all proposed development covered under this permission.

**Reason:** In the interest of public health and environmental protection.

3. The developer shall comply with all relevant requirements of the Animal By-Product Regulations (S.I. No. 248 of 2003 and SI 707 of 2005, or any relevant updates to same). The developer shall obtain the approval from the Veterinary Section of the Department of Agriculture, Food and the Marine in relation to compliance with the above legislation. A copy of this approval shall be furnished to the Planning Authority within 2 months of the date of grant of this permission.

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

4. a) This permission is for the management of waste with a maximum intake of 40,000 tonnes per annum onsite. The developer shall record the amount of waste received at the facility and records shall be made available to the Planning Authority upon request.

b) Only classes of waste governed by parent planning permission references 04/1831 (PL24.215781) and 11/392 shall be permitted to be accepted onsite under the terms of this permission.

**Reason:** In the interest of clarity and to comply with the objectives of the Southern Region Waste Management Plan

5. The mitigation measures outlined in the Natura Impact Statement submitted with the application on 1<sup>st</sup> May 2019 and the Construction and Environmental Management Plan (CEMP) submitted with the further information response on 2<sup>nd</sup> October 2019 shall be implemented in full by the developer.

**Reason:** In the interest of environmental protection

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001 (as amended), signs, symbols, emblems, nameplates or other advertising devices other than those agreed in writing with the Planning Authority shall not be erected or displayed externally on the structures or site boundaries, save with a prior grant of planning permission.

**Reason:** In the interests of visual amenity and the proper planning and sustainable development of the area.

7. The developer shall pay to the Planning Authority a financial contribution of €1,336.50 (one thousand, three hundred and thirty six euro and fifty 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 City & County Council on 22<sup>nd</sup> February 2015. The contribution shall be paid prior to the commencement of development.

Surface Water	€ 200.48
Recreation & Amenity	€ 66.83
Community Facilities	€ 534.60
Transport	€ 534.60
<b>Total Contributions</b>	<b>€ 1,336.50</b>

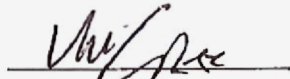
**Reason:**

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.



Padraig O'Shea  
Executive Planner

Date: 23/10/2019



Liam McGree  
Senior Planner

Date: 24/10/19

2015 DEVELOPMENT CONTRIBUTIONS

PLEASE TYPE FIGURES IN YELLOW BOXES FOR EACH INDIVIDUAL UNIT

UNIT DETAILS SHEET

NON-RESIDENTIAL BUILT DEVELOPMENT

PLANNING FILE REF.NO. 19/296

LOCATION :

SPECIAL CONTRIBUTIONS- SHOULD ANY BE APPLIED E.G. OVERHEAD LINES ETC. YES / NO

Unit No. (As indicated on attached numbers and site map)	Unit Description* AND FLOOR AREA e.g restaurant 170 sq.m - new - or -café 120 sq. cou (change of use)	FLOOR AREA PER UNIT/BLOCK sq.m	Omitted/alter ed at F.I (To be completed by Planner)	Floor area of Commercial Units at Decision to Grant stage - (to be completed by Planner)	Floor area of Commercial Units at Appeal Decision Stage - (to be completed by Planner)	NO CAR PARKING SPACES PER UNIT	SURFACE WATER (PDC SUR)	REC & AMENITY (PDCREC)	COMMUNITY FACILITIES (PDC COM)	TRANSPORT (PDCRDS)	TOTAL	CAR. PARK (PDCCPK)
1				74.25		0	200.48	66.83	534.60	534.60	1,336.50	0.00
2		0		0		0	0.00	0.00	0.00	0.00	0.00	0.00
3		0		0		0	0.00	0.00	0.00	0.00	0.00	0.00
4				0			0.00	0.00	0.00	0.00	0.00	0.00
5				0			0.00	0.00	0.00	0.00	0.00	0.00
6				0			0.00	0.00	0.00	0.00	0.00	0.00
7				0			0.00	0.00	0.00	0.00	0.00	0.00
8				0			0.00	0.00	0.00	0.00	0.00	0.00
9				0			0.00	0.00	0.00	0.00	0.00	0.00
<b>GRAND TOTALS</b>		<b>0</b>		<b>74.25</b>		<b>0</b>	<b>200.48</b>	<b>66.83</b>	<b>534.60</b>	<b>534.60</b>	<b>1,336.50</b>	<b>0.00</b>