



Fax (067) 44654  
E-mail [planning@northtippoco.ie](mailto:planning@northtippoco.ie)

Planning Section,  
Civic Offices Limerick Road,  
Nenagh, Co. Tipperary.

**Our Reference**  
**07511853**

**Your Reference**

**Date**  
**01/10/2008**

**Planning and Development Act 2000**

**NATURE OF**

**DEVELOPMENT:** Facility to accommodate Biological Treatment of organic residues and production of Class 1 compost comprising (a) Landscaped Fenced c.3.2 Hectare complex; (b) Main Building c.3870sqm. Housing Storage, Equipment & treatment activities; (c) Marshalling yard; (d) Office & staff building; (e) Effluent storage tank (Domestic, serving staff facilities only); (f) Entrance Road & Weighbridge; (g) Bio-filter & associated Plant; (h) Tree plantation (Willow & similar species); ESB substation and all ancillary works. An Environmental Impact Statement (EIS) is included with the application documents.

**LOCATION:** Ballybeg Littleton

**APPLICANT:** Acorn Recycling Limited

**DECISION:** CONDITIONAL

Dear Sir/Madam,

I refer to earlier notification addressed to you in connection with the above. A notification of above decision was made on 01/10/2008. A copy of same is attached.

Yours faithfully,

  
\_\_\_\_\_  
for Director of Services

Andrew Gillespie  
Shannon Regional Fisheries Board  
Ashbourne Business Park  
Dock Road  
Limerick

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Comhairle Contae Thiobraid Árann Thuaidh  
North Tipperary County Council



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**APPLICANT:** Acorn Recycling Limited

**DECISION:** CONDITIONAL

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I refer to earlier notification addressed to you in connection with the above. A notification of above decision was made on 01/10/2008. A copy of same is attached.

Yours faithfully,

  
for Director of Services

Environmental Protection Agency  
P.O. Box 3000  
Johnstown Castle Estate  
Co. Wexford

Comhairle Contae Thiobraid Árann Thuaidh  
North Tipperary County Council



Telephone (067) 44653/3/7  
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Planning Section  
Civic Offices, Limerick Road,  
Nenagh, Co. Tipperary.

Our Reference	Your Reference	Date
07511853		01/10/2008

Re: PERMISSION for facility to accommodate Biological Treatment of organic residues and production of Class 1 compost comprising (a) Landscaped Fenced c.3.2 Hectare complex; (b) Main Building c.3870sqm. Housing Storage, Equipment & treatment activities; (c) Marshalling yard; (d) Office & staff building; (e) Effluent storage tank (Domestic, serving staff facilities only); (f) Entrance Road & Weighbridge; (g) Bio-filter & associated Plant; (h) Tree plantation (Willow & similar species); ESB substation and all ancillary works. An Environmental Impact Statement (EIS) is included with the application documents at Ballybeg Littleton

Acorn Recycling Limited

Dear Sir/Madam,


I refer to previous correspondence in connection with the above planning application.

I wish to inform you that North Tipperary County Council by Order dated 01/10/2008 decided to grant CONDITIONAL PERMISSION. I am attaching, for your information, a copy of the Council's Decision.

Please note that you have the right to appeal against the Council's decision on this application. Your appeal should be addressed to An Bord Pleanála, 64 Marlborough Street, Dublin 1 and must be received by An Bord Pleanála within **four weeks** beginning on the date of the Council's decision.

The **full** grounds of appeal and supporting material and arguments must be submitted from the start. The correct **appeal fee** as per attached schedule must be enclosed. If an appeal does not meet **all** the legal requirements, it will be **invalid** and **cannot** be considered by the Board.

Yours faithfully,

  
For Director of Services

**Patrick Blake**  
**Ballyerk**  
**Two-Mile-Borris**  
**Thurles**  
**Co. Tipperary**

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Nenagh, Co. Tipperary.

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Acorn Recycling Limited

Dear Sir/Madam,

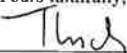
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Yours faithfully,

  
For Director of Services

**Rodger Greene**  
**Bowe Consulting Engineers**  
**Strawhill Business Park**  
**Athy Road**  
**Carlow**

Comhairle Contae Thiobraid Árann Thuaidh  
North Tipperary County Council



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Planning Section  
Civic Offices, Limerick Road,  
Nenagh, Co. Tipperary.

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07511853		01/10/2008

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I refer to previous correspondence in connection with the above planning application.

I wish to inform you that North Tipperary County Council by Order dated 01/10/2008 decided to grant CONDITIONAL PERMISSION. I am attaching, for your information, a copy of the Council's Decision.

Please note that you have the right to appeal against the Council's decision on this application. Your appeal should be addressed to An Bord Pleanála, 64 Marlborough Street, Dublin 1 and must be received by An Bord Pleanála within **four weeks** beginning on the date of the Council's decision.

The **full** grounds of appeal and supporting material and arguments must be submitted from the start. The correct **appeal fee** as per attached schedule must be enclosed. If an appeal does not meet **all** the legal requirements, it will be **invalid** and **cannot** be considered by the Board.

Yours faithfully,

  
For Director of Services

**Harry & Mary Martin**  
c/o. John P Carrigan & Co.  
Solicitors  
Slievenamon Road  
Thurles



Planning Section,  
Civic Offices,  
Limerick Road, Nenagh.

Tel. (067) 44652/3  
Fax (067) 44654

Application No.: 07511853

01/10/08

Levy Under Section 48 of the Planning & Development Act, 2000.

Dear Sir/Madam

Enclosed is Notification of Decision to grant **PERMISSION** for facility to accommodate **Biological Treatment of organic residues and production of Class 1 compost comprising (a) Landscaped Fenced c.3.2 Hectare complex; (b) Main Building c.3870sqm. Housing Storage, Equipment & treatment activities; (c) Marshalling yard; (d) Office & staff building; (e) Effluent storage tank (Domestic, serving staff facilities only); (f) Entrance Road & Weighbridge; (g) Bio-filter & associated Plant; (h) Tree plantation (Willow & similar species); ESB substation and all ancillary works. An Environmental Impact Statement (EIS) is included with the application documents at Ballybeg, Littleton.**

The development charge levied is a financial contribution in respect of the Council's expenditure on public services which may benefit the development.

In respect of that portion of the charge levied for water/sewerage services, it is not intended nor should you interpret the levying of this charge as an indication that any connection(s) will be granted. You are advised (if you have not already done so) to make application to the Water Services Section, Civic Offices, Limerick Road, Nenagh, for connection(s) to the relevant services.

I would point out to you that payment of the development charge merely discharges your obligation under the Planning & Development Acts 2000 - 2002. It does not cover any connection fees, road opening fees, etc., which may be charged by the Sanitary Authority.

Yours faithfully,

  
**For Director of Services,  
Planning and Community & Enterprise**

Acorn Recycling Limited  
c/o. Bluett & O'Donoghue Architects  
No. 2 John Street  
Kilkenny



NORTH TIPPERARY COUNTY COUNCIL



**PLANNING AND DEVELOPMENT ACTS, 2000 - 2002**

**NOTIFICATION OF DECISION TO GRANT PERMISSION  
WITH CONDITIONS**

**TO:** Acorn Recycling Limited  
c/o. Bluett & O'Donoghue Architects  
No. 2 John Street  
Kilkenny  
Co. Tipperary

Ref No. 07511853

Application Received: 14/12/2007, 24/04/2008, 25/04/2008,  
02/05/2008, 20/06/2008, 11/07/2008  
and 08/08/2008

In pursuance of the powers conferred upon them by the above mentioned Acts, North Tipperary County Council has by Order dated 01/10/2008 decided to grant you PERMISSION for development of land namely: **facility to accommodate Biological Treatment of organic residues and production of Class 1 compost comprising (a) Landscaped Fenced c.3.2 Hectare complex; (b) Main Building c.3870sqm. Housing Storage, Equipment & treatment activities; (c) Marshalling yard; (d) Office & staff building; (e) Effluent storage tank (Domestic, serving staff facilities only); (f) Entrance Road & Weighbridge; (g) Bio-filter & associated Plant; (h) Tree plantation (Willow & similar species); ESB substation and all ancillary works. An Environmental Impact Statement (EIS) is included with the application documents at Ballybeg, Littleton,** FOR THE REASON(S) STATED IN SCHEDULE 1 AND SUBJECT TO THE CONDITION(S) STATED ON SCHEDULE 2 (1 TO 17, PAGES 1 TO 4)

If there is no appeal against the said decision, a Grant of PERMISSION in accordance with the Decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanala. (See Footnote).

**It should be noted that until a Grant of a Permission has been issued the development in question is NOT AUTHORISED.**

The applicant is advised that unless the development described above is carried out within five (5) years from the date of Grant of PERMISSION, planning permission will cease to have effect. See Section 40 of the Planning and Development Act, 2000.

**FOOTNOTE:** An appeal against a decision of a Planning Authority under the Planning and Development Acts 2000 - 2002 may be made to An Bord Pleanala, 64, Marlborough Street, Dublin 1 (Tel. (01) 8588100). All Appeals either by the applicant or a third party must be received by An Bord Pleanala within four weeks beginning on the date of the making of the Decision by the Planning Authority. Appeals posted within the permitted period but received after the latest date will be invalid. (Note: Where the latest date for receipt of an Appeal falls on a day when the offices of the Board are closed (Week-Ends, Public Holidays, etc.), the latest date for receipt will be the next day on which the offices are open).

An appeal must be made in writing and be accompanied by (a) the name and address of the applicant, (b) the subject matter of the Appeal, (c) the full grounds of appeal and the reasons, considerations and arguments on which they are based, (d) the appropriate fee as set out on attached schedule, and (e) in the case of a third party appeal, the acknowledgement from this Planning Authority of receipt of submissions/observations made by the third party. Any appeal which does not meet all the legal requirements will be invalid and cannot be considered by the Board. Further details are available on the Board's Website [www.pleanala.ie](http://www.pleanala.ie)

A commercial development means development for the purposes of any professional, commercial or industrial undertaking, development in connection with the provision for reward of services to persons or undertakings, or development consisting of the provision of two or more dwellings, but does not include development for the purposes of agriculture.

N.B. An appellant is not entitled to elaborate upon or make further submissions in writing in relation to the grounds of Appeal unless requested to do so by the Board.

Signed on behalf of the said Council  Date: 01/10/2008  
for Director of Services  
Planning and Community & Enterprise



**North Tipperary County Council**

**Schedule of Conditions – File Reference Number 07511853**

**SCHEDULE ONE**

It is considered that the development complies with the policies and objectives of the County Development Plan 2004 and that the development does not have an adverse impact upon the character of the area or the amenities of adjoining properties.

**SCHEDULE TWO**

- (1) Save where modified by the following conditions, the proposed development shall be carried out in accordance with the drawings and documentation submitted with the planning application on 14/12/07 and further information submitted on 24/04/08 and 08/08/08.  
**REASON:** To clarify the permission and in the interest of proper planning and sustainable development.
- (2) Prior to commencement of development details of the external finishes of the proposed composting building shall be submitted to the Planning Authority for written agreement.  
**REASON:** In the interest of visual amenity.
- (3) (a) The entrance, access, roadways, parking, turning areas, yard areas within the site and road markings/road traffic signage on the public road shall be fully completed prior to the bringing into use of the development. Final details of traffic signage and road markings shall be agreed with the Roads Section of the County Council prior to the commencement of development. The roadways and parking and turning areas shall be constructed with a fully bonded surface.  
(b) Surface water arising from the roadways, parking, turning and yard areas shall pass through a Class 1 Bypass Interceptor (EN858 Parts 1 and 2) prior to discharge from the site.  
**REASON:** In the interest of orderly development and environmental amenity.
- (4) The landscaping details submitted as part of the application shall be carried out during the first available planting season following construction of the development and thereafter maintained during the life of the facility. Existing trees and shrubs on the site boundaries shall be maintained as part of the development works.  
**REASON:** In the interest of visual amenity.
- (5) Prior to the commencement of development the location of the site compound including parking, storage and huts shall be submitted to the Planning Authority for written agreement.  
**REASON:** In the interest of orderly development.
- (6) (a) The developer shall take adequate steps to ensure that no material of any sort can fall or be blown onto the public road or adjoining lands, from vehicles exiting or entering the site. The developer shall ensure that a mechanical road sweeper is available on site at all times, while the site is open, so as to effect the removal of any material deposited on the public roadway for a distance of 500m either side of the sites main operational entrance and that all vehicles that leave the site pass through a wheel wash.  
(b) In dry weather periods dust emissions from the site shall be prevented from occurring by the dampening down of access road, public road, stockpiles, waste piles and lorries leaving the site, which process shall be carried out by the utilization of vacuum tanker/splash plate or tractor/spray-bar, hoses of adequate capacity and/or wheel wash located near the site entrance.  
(c) Any damage to the public road outside the site arising from construction of the development shall be made good at the developer's own expense under the supervision of the Roads Section of the County Council  
**REASON:** In the interest of traffic safety and orderly development.

North Tipperary County Council

**Schedule of Conditions – File Reference Number 07511853**

- (7) (i) Any excavated top soil and rubble from the existing road in order to facilitate the proposed development, shall be re-used in the proposed development.
- (ii) As an alternative to part (i) of this condition, the excavated material shall be re-used in an environmentally sustainable manner. No disposal of this material to any landfill site shall be permitted.
- (iii) An Environmental Report shall be drawn up wherein adverse nuisances, emissions and other environmental impacts shall be identified in relation to the proposed operational stage of construction, e.g. pollution of watercourses, noise, fumes, dust, grit, litter/waste on adjoining lands/public roads, wheel wash, designated safe site exit/entry, etc. The report shall also propose mitigation measures so as to offset any adverse impacts so identified.
- (iv) A waste plan in relation to the disposal of generated construction and demolition (C & D) waste shall be proposed and submitted to the Planning Authority for written agreement, prior to any development-taking place on site.
- REASON:** In the interest of sustainable development.
- (8) (a) Site Construction Noise mitigation measures shall be adopted and subsequently applied to all or any construction works associated with the proposed development or any part thereof.
- (b) During the construction phase of the proposed development, the noise level within the site (unless otherwise agreed in writing by the Planning Authority), measured at noise sensitive locations in the vicinity, shall not exceed:  
An Laeq T value of 55 dB(A) during the period 0800 to 1700 hours Monday to Friday (inclusive), and between 0800 to 1300 hours on Saturdays, excluding Public Holidays.  
An Laeq T value of 45 dB(A) at any other time.
- Note: (i) Measurement time intervals typically used are 1 hour by day and 15 minutes by night.  
Noise sensitive locations: Any dwelling house.  
All sound measurements shall be carried out in accordance with ISO recommendations A1996, "Assessment of Noise with Respect to Community Response" as amended by ISO Recommendations R 1996/1, 2 and 3, "Description and Measurement of Environmental Noise", as appropriate.
- REASON:** In the interest of public health.
- (9) Prior to the commencement of development details of any signage proposed to be displayed at the site or on the proposed buildings shall be submitted to the Planning Authority for written agreement and not withstanding the provisions of the Planning and Development Regulations 2001 or any re-enactment thereof no other signage other than agreed by the Planning Authority may be displayed.
- REASON:** In the interest of visual amenity.
- (10) Prior to the commencement of development full details of external lighting to be erected at the site shall be submitted to the Planning Authority for written agreement.
- REASON:** In the interest of visual amenity.
- (11) The developer shall engage an archaeologist licensed under the National Monuments Acts 1930 – 1994 to monitor all ground disturbance associated with this development. If archaeological monitoring of the site reveals archaeological material, preservation in situ or excavation may be required and the archaeologist shall be empowered to halt development works in order to record exposed archaeological material. The Department of Environment, Heritage and Local Government (Heritage and Planning Division) and the Local Authority shall be furnished with a report on the archaeological monitoring when completed.
- REASON:** To ensure the preservation (either in-situ or by record) of places, sites, features or other objects of archaeological interest.
- (12) The haul route for heavy traffic coming to and going from the site from the west shall be via county road L4101 from the N8 national Primary Road (or as renumbered in the future) and such traffic shall not pass along any other county roads between N8 and the site in accordance with the recommendations of the submitted traffic impact assessment.
- REASON:** In the interest of traffic safety and management of heavy traffic.

**North Tipperary County Council**

**Schedule of Conditions – File Reference Number 07511853**

- (13) (a) Incoming waste streams (as per Table. 1 European Waste Catalogue) shall be processed and stored within the confines of the proposed composting facility building. Areas within the confines of the site and external to the composting facility building shall not be used for the storage of either incoming waste streams or product containing composted material i.e. final product.  
 (b) All [external to facility building] overground oil/fuel tanks shall be imperiously banded (reinforced concrete walls/bases) to a volume not less than 110% of the largest tank in question.  
 (c) The storage/handling of leachate and provision of leachate collection drainage system shall be subject to the written agreement of the Planning Authority and proposals in this regard including drawings/calculations shall be submitted the Planning Authority prior to any development occurring on site.  
 (d) The operation of the proposed composting facility, is not authorised nor shall it continue in operation over any period until such time as the developer is in receipt of a current Waste License as issued by the EPA or, alternatively, is in receipt of a current Waste Permit/Registration as approved by the Local Authority.

**REASON:** In the interest of public health and amenity.

- (14) Notwithstanding the submitted details wastewater treatment facilities shall be provided on site in accordance with the EPA Manuals “Single House Treatment” (<10 P.E.) and “Small Communities ...” (10-500 P.E.) and proposals in this regard shall be submitted to Planning Authority for written agreement prior to any development works occurring on site unless alternatives are applied for and agreed as part of the EPA Waste Licence. Note: Alternative methods of disposal of treated wastewater and wastewater sludges may form part of an application for an EPA Waste License and subject to such license being issued, the developer shall submit proposals to Planning Authority for written agreement, prior to any works occurring onsite.

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

- (15) Prior to the commencement of development the developer shall submit to the Planning Authority for written agreement a bond in relation to the Decommissioning & Site Restoration of the proposed development (in accordance with the proposals set out in the submitted Restoration Plan, Acorn Recycling Report 24<sup>th</sup> April, 2008). In order to determine the adequacy of such bond amount a detailed estimate (plant, material and labour costs) based on an aftercare/restoration programme-of-works, as certified by an indemnified Chartered Quantity Surveyor shall be submitted as part of the submissions.

**REASON:** In the interest of the proper planning and sustainable development.

- (16) Before development commences, the developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the administrative area of North Tipperary County Council that is provided, or intended to be provided, by or on behalf of the Authority in accordance with the terms of the North Tipperary Development Contributions Scheme 2004 made under Section 48 of the Planning and Development Act, 2000.  
 (i) The amount of the development contribution under this condition is €115,327.35 which is calculated as follows:

<b>Industrial</b>	<b>(€ per sq. m.)</b>	<b>Gross Floor Area (sq. m)</b>	<b>Total Cost</b>
<b>(a) Public water supply</b>	€0.00	3,950.92	€0.00
<b>(b) Waste water drainage</b>	€0.00	3,950.92	€0.00
<b>(c) Road infrastructure</b>	€15.79	3,950.92	€62,385.03
<b>(d) Recreation Community Facilities</b>	€13.40	3,950.92	€52,942.33
<b>(e) Car parking € per space</b>	€3,000.00	0	€0.00
<b>Total</b>	<b>€29.19</b>	<b>Total</b>	<b>€115,327.35</b>

**North Tipperary County Council**

***Schedule of Conditions – File Reference Number 07511853***

(ii) The Scheme provides for the adjustment of contributions payable in accordance with the Wholesale Price Index with effect from 1 January, 2005 and at six-monthly intervals thereafter. The amount payable (i.e. at the date of commencement of development) will, therefore, be adjusted as appropriate.

(iii) Where the contribution remains unpaid after the date of commencement of the development, any outstanding amounts due shall be paid together with such interest that may have accrued in respect of the period in question.

(iv) In accordance with Section 48 (10) of the Planning and Development Act 2000 no appeal shall lie to An Bord Pleanála in relation to the contribution required under this condition except where it is considered by the applicant that the terms of the Scheme have not been properly applied by the Planning Authority.

**REASON:** It is considered reasonable that a contribution be made in accordance with the North Tipperary County Council Development Contributions Scheme 2004 made under Section 48 of the Planning and Development Act 2000.

- (17) In the event of connection to a public water supply, the developer shall pay to the Planning Authority a sum of money as a contribution towards expenditure incurred by them or to be incurred within 5 years in respect of the provision of public water supply in the area which will facilitate the proposed development; the amount of such contribution shall be calculated under Class 1 of the Development Contributions Scheme.

**REASON:** It is considered reasonable that the developer should contribute to the cost of services which will facilitate the proposed development.

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File

.....DIRECTOR OF SERVICES ORDER NO. ....

**Subject: PERMISSION for carrying out of development at Ballybeg, Littleton.**

**File No 07511853**

**I, Matt Shortt, Director of Services, North Tipperary County Council, by virtue of the powers conferred on me under Section 154 of the Local Government Act, 2001 hereby order**

that pursuant to the provisions of the Planning & Development Acts 2000 - 2002 and relevant Regulations made thereunder, I hereby decide to grant PERMISSION to Acorn Recycling Limited, Archerstown Industrial Estate, Thurles, Co. Tipperary, for carrying out development at Ballybeg, Littleton, in accordance with application received from Acorn Recycling Limited, c/o. Bluett & O'Donoghue Architects, No. 2, John Street, Kilkenny, on 14/12/2007, 24/04/2008, 25/04/2008, 02/05/2008, 20/06/2008, 11/07/2008 and 08/08/2008 and as recommended by the Senior Executive Planner, Planning and Development Section in her report dated 30/09/2008 which I have considered and to the extent which I have indicated on the said report which I have this day signed and I hereby further order that PERMISSION be granted subject to 17 conditions, on a date being five weeks from the date of this order, unless a valid appeal is brought against this decision within the appropriate period.

Director of Services

DATED

11 October, 2008

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North Tipperary County Council

Planning Report

File Ref: 07/51/1853

Applicant: Acorn Recycling Ltd

Location: Ballybeg, Littleton

**Development description:** Permission for facility to accommodate Biological Treatment of organic residues and production of Class 1 compost comprising (a) Landscaped Fenced c.3.2 Hectare complex; (b) Main Building c.3870sqm. Housing Storage, Equipment & treatment activities; (c) Marshalling yard; (d) Office & staff building; (e) Effluent storage tank (Domestic, serving staff facilities only); (f) Entrance Road & Weighbridge; (g) Bio-filter & associated Plant; (h) Tree plantation (Willow & similar species); ESB substation and all ancillary works. An Environmental Impact Statement (EIS) is included with the application documents

**Site location and characteristics:** The site is located on the south-western side of county road L4101 (road of approximately 5-6metres in width) approximately 2.75km to the south-west of its junction with the N8 national primary road to the south of Littleton. The site is underused grass/bog land which is very wet and part of a wider area of low lying bog lands. The site is partly enclosed by trees and hedgerows and surrounded to the south-east and north-west by lands also in the ownership of the applicant planted as willow plantations. The nearest dwelling on the same side of the road is approximately 300metres to the north-west of the site entrance whilst to the south east on the opposite side of the road there is a dwelling some 200metres from the site entrance. The site due to the proposed provision of a long surface water pipe to the Ballybeg River extends through fields along the northern side of a long hedgerow for a distance of some 500metres to the west.

**Description and extent of the proposed development:** The site has an area of 3.2ha. It is proposed to provide facility for the biological treatment of organic waste within a building of approximately 3901sq.m and maximum height of 11metres in a sealed environment. The amount of waste to be treated and converted to compost is 45,000tonnes per annum. A small office/staff building with waste holding tank is also proposed. A marshalling area for lorries etc, entrance roadway and weighbridge, bio-filter plant and landscaping are also included in the proposal.

An EIS has been submitted with the application.

**Site Notice:**

Inspected on 18/01/08. Site notice in place and legible

**Planning History:**

Of this site: none

Adjacent sites: 03/51/0458 nearest application on opposite side of road to the south-east for dwelling deemed withdrawn due to lack of response to further information letter

**Pre-Planning Discussion:** yes – general discussion took place

**Relevant Development Plan policies and objectives / Local Area Plan policies and objectives:**

**Original analysis**

*The following policies of the County Development Plan 2004 are relevant to the consideration of the application:*

***Policy ENV 18: Waste Management***

*It is the policy of the Council to implement the policy objectives of the Waste Management Plan for the Midlands Region 2000.*

*In respect of the above policy the Waste Management Plan for the Midland Region has been revised and is now for the period 2005 to 2010. The current plan seeks to promote the biological treatment of waste and sets a target of treating a minimum of 30,000 tonnes per annum by 2010 within the Midlands region. Guidance is also set out in the Plan relating to siting and design issues. In particular it is made explicit that composting/biogas plants must not be within 50 metres of where farmed animals are kept. The proposed development is not within 50 metres of where farmed animals are kept.*

*National government policy also backs the establishment of such plant for the treatment of waste as set out in the National Strategy on Biodegradable Waste.*

***Policy ENV 21: Environmental Nuisance***

*It is the policy of the Council to resist developments that give rise to unacceptable levels of noise, smell, dust, fumes, light or noxious emissions affecting areas beyond the site boundary, or to air or water pollution. Such restrictions will particularly apply to uses sensitive to disturbances such as housing, schools and hospitals, etc.*

*The nearest dwellings are within 200 metres and 300 metres of the site and subject to adequate assurances relating to noxious odours etc I consider that the proposed development is unlikely to give rise to adverse impacts to nearby residential properties.*

*The site is not within any designated areas in respect of flora and fauna (NHA, SAC etc) however the EIS has identified that a badger sett is located approximately 50-100 metres west of the site close to the public road. Badgers are protected species.*

*The site is not within or affected by any identified archaeological monuments and the EIS has not picked up any remains. I consider that a monitoring condition should be imposed in the event of permission being issued.*

*In respect of traffic impacts the EIS states that there would be 35% increase in heavy traffic using the county road passing the site. The total amount of materials to be moved on an annual basis is estimated at 45,000 tonnes of waste to the site, 11,000 tonnes of amendment material (woodchip for mixing with the waste) and 20,000 tonnes of compost transported from the site. The traffic impact assessment has not assessed any impacts on the junction of the county road with the N8 and I consider that this should be carried out.*

*Sightlines of 160 metres at the entrance have not been demonstrated – these can be provided within the route corridor of the road due to the large area adjoining the site and to the west taken up by the old road alignment. It is also considered that a right turn lane should be provided which can be provided within the space available outside the site boundary.*

*The EIS has not fully assessed the noise impacts as only current noise is measured and no prediction has been made in respect of noise arising from the activity.*

*The proposal suggests that only surface water will be disposed of to the nearby Ballybeg River however it is not clear how waste water arising from the process (including water from washing vehicles within the building) will be disposed of. This matter should be further addressed.*

*No details have been submitted in respect of the handling of any residual wastes that may arise from the activity given that some of the waste arriving at the site might not be suitable for composting.*

*The applicant has stated that the waste will be from within the Midlands Region and within a 40km radius of the site. I consider that additional information in this regard should be sought.*

*The applicant has not submitted detailed specifications in respect of the plant and these should be sought. In addition no details of how the plant would be decommissioned if it became redundant have been supplied.*

*The applicant should submit details proposed connection to the electricity grid as a 3 phase connection is required. A letter of agreement from the ESB in this regard should be supplied.*

*In respect of the visual impact of the proposal I consider that due to the substantial willow plantations which have recently been established by the applicant on adjoining lands within the same ownership and the proposals submitted with the application the development will not have an adverse impact upon the visual amenities of the locality. In this regard the site is low lying and there are no long distance views to or from the site.*

**Based on the above the following information was sought from the applicant:**

1. *Please submit a site specific bioaerosol risk assessment report with regard to any sensitive receptors located within a 250m radius of the proposed development.*

**Submitted Environment Section satisfied**

2. *Indicate on a layout drawing all mechanisms including storage tanks, drainage etc. relating to the handling and movement of leachate on site. Include details of predicted leachate and soiled water volumes arising from the proposed facility and submit proposals in relation to the treatment /disposal of generated leachate.*

**Submitted Environment Section satisfied**

3. *Submit comprehensive details e.g. type, quantities, classification in relation to all incoming waste streams, residual wastes and outgoing final product. Submit proposals in relation to the treatment/disposal of residual waste (include 3<sup>rd</sup> party arrangement etc).*

**Insufficient detail in respect of this matter was submitted and the applicant was asked to clarify this matter prior to decision.**

**The applicant has submitted a detailed response in regard to type and quantities of waste that are likely to arrive at the site for processing.**

4. *Submit details of predicted quantity of final compost material including details of the proposed end use.*

**Submitted Environment Section satisfied**

5. Describe how the finished compost produce will be packaged/contained and removed off site.

**Submitted Environment Section satisfied**

6. (a) The environmental sustainability of the proposed composting enterprise is dependent on the economic viability of the venture the applicant shall submit a marketing plan which shall provide evidence of the viability of the proposed development.  
(b) Please submit details showing that Acorn Recycling is in a position to meet any financial commitments or liabilities that may have or will be entered into or incurred in carrying on the proposed activity or in consequence of ceasing to carry out the activity.

**Submitted Environment Section satisfied**

7. (a) Submit proposals for site operations in the event of a power failure.  
(b) Submit a timeframe for the supply of 3 phase electricity to the development including intent-to-supply certification from ESB.

**Letter of agreement submitted**

8. Please submit comprehensive drawings/details in relation to the (impermeability of all proposed concrete structures (bunded slab etc) including the submission of all drainage (FS. & S.W) proposals.

**Submitted Environment Section satisfied**

9. It is considered that the disposal of untreated effluent from the waste water/effluent holding tank serving the office/staff building to the composting facility is not acceptable. Please bring forward proposals for the treatment of this effluent prior to its addition to the composting process to be carried out at the site.

**Submitted Environment Section satisfied**

10. Please extend the noise analysis report to include predictions of the likely noise levels taking into account the proposed development rather than as submitted only assessing existing noise levels.

**Submitted Environment Section satisfied**

11. Please submit detailed specifications of the plant to be installed at the site which will be used in the process.

**Submitted Environment Section satisfied**

12. Please submit a detailed decommissioning and site restoration plan in respect of removal of the plant and infrastructure at the site in the event that the site becomes redundant.

**Submitted Environment Section satisfied**

13. On a 1:500 scale site layout plan it shall be clearly demonstrated that sightlines of 160metres in both directions with a setback distance of 2.4metres can be achieved. In addition proposals shall be brought forward for the provision of a right turning lane within the public roadway and corridor outside the entrance.

**Details submitted**

14. The traffic impact assessment shall be extended to assess the impacts of the traffic generated at the junction of the county road serving the site and the N8 national primary route. As part of this assessment mitigation measures as necessary shall be proposed.

**Details submitted**

15. Please submit details of the proposed haul route for lorries coming to and from the site.

**Details submitted**

16. Will there be any storage of waste at the site within or outside the building prior to the addition of waste to the composting process taking into account of the need to keep the composting process operating satisfactorily?

**Details submitted**

**Designations:** None

**External reports:**

EPA – the proposal will require a waste licence

**Internal reports**

Area Roads Engineer            No formal response (fi road issues as set out below advised by the Area Engineer but no response from Area Engineer on these matters)

Environment Section            No objection subject to conditions

**Objections received:** 3 letters have been received:

- concerned about impact upon residential amenity,
- the site is in the wrong location, EIS is not sufficiently detailed,
- no licence has been obtained from the EPA, potential adverse impacts on farming in the locality ( a soil, water, herbage and animal blood mineral analysis on adjoining farm holdings should be carried out to establish the current mineral status benchmark prior to commencement of development), the site is unsuitable due to the high water table and type of soil,
- the development will have an adverse impact upon the character of the rural area and residential amenity,
- foul smells will arise,
- increase in vermin,
- endanger human health,
- adverse impact upon drinking water,
- the road is unsuitable for additional heavy traffic

1 further letter of objection received disputing many of the points made in the applicant's response to the further information requisition

**Representations received:**

None

**Appraisal:**

Taking account of the above I consider that the proposed plant will allow for the treatment of organic wastes which currently would otherwise be disposed of to landfill and production of compost suitable for the



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horticultural industry. The Environment Section has considered the detailed technical information in respect of the types of waste that will arrive at the site for processing and the processes to be carried out at the site. They consider that subject to conditions the proposal will not result in detrimental impacts upon the environmental amenities of the locality.

I consider that the development will make a significant contribution towards lessening the current reliance upon landfill sites as a route for waste disposal and help further meet the stringent targets being set at European and national levels in respect of waste re-cycling and processing of waste to provide useful product.

**Development contributions:**

The floor area is based on the floor area of the main building – 3901sq.m (indicated on floor plans) and 49.92sq.m for the two port-a-cabin buildings.

Water supply will be from a well and there is no public sewer in the vicinity.

<b>Industrial</b>	<b>(€ per sq. m.)</b>	<b>Gross Floor Area (sq. m)</b>	<b>Total Cost</b>
<b>(a) Public water supply</b>	€0.00	3,950.92	€0.00
<b>(b) Waste water drainage</b>	€0.00	3,950.92	€0.00
<b>(c) Road infrastructure</b>	€15.79	3,950.92	€62,385.03
<b>(d) Recreation Community Facilities</b>	€13.40	3,950.92	€52,942.33
<b>(e) Car parking € per space</b>	€3,000.00	0	€0.00
<b>Total</b>	<b>€29.19</b>	<b>Total</b>	<b>€115,327.35</b>

**Recommendation:** Grant planning permission subject to conditions

**Executive Planner:**

*[Handwritten Signature]*

**Date:** 2/09/08

**Senior Executive Planner:**

*[Handwritten Signature]*

**Date:** 27/9/08

**Director of Service:**

*[Handwritten Signature]*

**Date:** 1/10/08

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Planning Reference Number 07/51/1853

Schedule of Conditions:

SCHEDULE A

It is considered that the development complies with the policies and objectives of the County Development Plan 2004 and that the development does not have an adverse impact upon the character of the area or the amenities of adjoining properties.

SCHEDULE B

- (1) Save where modified by the following conditions, the proposed development shall be carried out in accordance with the drawings and documentation submitted with the planning application on 14/12/07 and further information submitted on 24/04/08 and 08/08/08.  
**REASON:** To clarify the permission in the interest of proper planning and sustainable development.
- (2) Prior to commencement of development details of the external finishes of the proposed composting building shall be submitted to the Planning Authority for written agreement.  
**REASON:** In the interest of visual amenity.
- (3) (a) The entrance, access, roadways, parking, turning areas, yard areas within the site and road markings/road traffic signage on the public road shall be fully completed prior to the bringing into use of the development. Final details of traffic signage and road markings shall be agreed with the Roads Section of the County Council prior to the commencement of development. The roadways and parking and turning areas shall be constructed with a fully bonded surface.  
(b) Surface water arising from the roadways, parking, turning and yard areas shall pass through a Class 1 Bypass Interceptor (EN858 Parts 1 and 2) prior to discharge from the site.  
**REASON:** In the interest of orderly development and environmental amenity.
- (4) The landscaping details submitted as part of the application shall be carried out during the first available planting season following construction of the development and thereafter maintained during the life of the facility. Existing trees and shrubs on the site boundaries shall be maintained as part of the development works.  
**REASON:** In the interest of visual amenity.
- (5) Prior to the commencement of development the location of the site compound including parking, storage and huts shall be submitted to the Planning Authority for written agreement.  
**REASON:** In the interest of orderly development.
- (6) (a) The developer shall take adequate steps to ensure that no material of any sort can fall or be blown onto the public road or adjoining lands, from vehicles exiting or entering the site. The developer shall ensure that a mechanical road sweeper is available on site at all times, while the site is open, so as to effect the removal of any material deposited on the public roadway for a distance of 500m either side of the sites main operational entrance and that all vehicles that leave the site pass through a wheel wash.  
(b) In dry weather periods dust emissions from the site shall be prevented from occurring by the dampening down of access road, public road, stockpiles, waste piles and lorries leaving the site, which process shall be carried out by the utilization of vacuum tanker/splash plate or tractor/spray-bar, hoses of adequate capacity and/or wheel wash located near the site entrance.  
(c) Any damage to the public road outside the site arising from construction of the development shall be made good at the developer's own expense under the supervision of the Roads Section of the County Council  
**REASON:** In the interest of traffic safety and orderly development..
- (7) (i) Any excavated top soil and rubble from the existing road in order to facilitate the proposed development, shall be re-used in the proposed development.

- (ii) As an alternative to part (i) of this condition, the excavated material shall be re-used in an environmentally sustainable manner. No disposal of this material to any landfill site shall be permitted.
- (iii) An Environmental Report shall be drawn up wherein adverse nuisances, emissions and other environmental impacts shall be identified in relation to the proposed operational stage of construction, e.g. pollution of watercourses, noise, fumes, dust, grit, litter/waste on adjoining lands/public roads, wheel wash, designated safe site exit/entry, etc. The report shall also propose mitigation measures so as to offset any adverse impacts so identified.
- (iv) A waste plan in relation to the disposal of generated construction and demolition (C & D) waste shall be proposed and submitted to the Planning Authority for written agreement, prior to any development-taking place on site.
- REASON:** In the interest of sustainable development.
- (8) (a) Site Construction Noise mitigation measures shall be adopted and subsequently applied to all or any construction works associated with the proposed development or any part thereof.
- (b) During the construction phase of the proposed development, the noise level within the site (unless otherwise agreed in writing by the Planning Authority), measured at noise sensitive locations in the vicinity, shall not exceed:
- An Laeq T value of 55 dB(A) during the period 0800 to 1700 hours Monday to Friday (inclusive), and between 0800 to 1300 hours on Saturdays, excluding Public Holidays.
- An Laeq T value of 45 dB(A) at any other time.
- Note: (i) Measurement time intervals typically used are 1 hour by day and 15 minutes by night.
- Noise sensitive locations: Any dwelling house.
- All sound measurements shall be carried out in accordance with ISO recommendations A1996, "Assessment of Noise with Respect to Community Response" as amended by ISO Recommendations R 1996/1, 2 and 3, "Description and Measurement of Environmental Noise", as appropriate.
- REASON:** In the interest of public health.
- (9) Prior to the commencement of development details of any signage proposed to be displayed at the site or on the proposed buildings shall be submitted to the Planning Authority for written agreement and not withstanding the provisions of the Planning and Development Regulations 2001 or any re-enactment thereof no other signage other than agreed by the Planning Authority may be displayed.
- REASON:** In the interest of visual amenity.
- (10) Prior to the commencement of development full details of external lighting to be erected at the site shall be submitted to the Planning Authority for written agreement.
- REASON:** In the interest of visual amenity.
- (11) The developer shall engage an archaeologist licensed under the National Monuments Acts 1930 – 1994 to monitor all ground disturbance associated with this development. If archaeological monitoring of the site reveals archaeological material, preservation in situ or excavation may be required and the archaeologist shall be empowered to halt development works in order to record exposed archaeological material. The Department of Environment, Heritage and Local Government (Heritage and Planning Division) and the Local Authority shall be furnished with a report on the archaeological monitoring when completed.
- REASON:** To ensure the preservation (either in situ or by record) of places, sites, features or other objects of archaeological interest.
- (12) The haul route for heavy traffic coming to and going from the site from the west shall be via county road L4101 from the N8 national Primary Road (or as renumbered in the future) and such traffic shall not pass along any other county roads between N8 and the site in accordance with the recommendations of the submitted traffic impact assessment.
- REASON:** In the interest of traffic safety and management of heavy traffic.
- (13) (a) Incoming waste streams (as per Table. 1 European Waste Catalogue) shall be processed and stored within the confines of the proposed composting facility building. Areas within the confines of the site and external to the composting facility building shall not be used for the storage of either incoming waste streams or product containing composted material i.e. final product.

(b) All [external to facility building] overground oil/fuel tanks shall be imperiously banded (reinforced concrete walls/bases) to a volume not less than 110% of the largest tank in question.  
 (c) The storage/handling of leachate and provision of leachate collection drainage system shall be subject to the written agreement of the Planning Authority and proposals in this regard including drawings/calculations shall be submitted the Planning Authority prior to any development occurring on site.  
 (d) The operation of the proposed composting facility, is not authorised nor shall it continue in operation over any period until such time as the developer is in receipt of a current Waste Licence as issued by the EPA or, alternatively, is in receipt of a current Waste Permit/Registration as approved by the Local Authority.  
**REASON:** In the interest of public health and amenity.

(14) Notwithstanding the submitted details wastewater treatment facilities shall be provided on site in accordance with the EPA Manuals "Single House Treatment" (<10 P.E.) and "Small Communities ..." (10-500 P.E.) and proposals in this regard shall be submitted to Planning Authority for written agreement prior to any development works occurring on site unless alternatives are applied for and agreed as part of the EPA Waste Licence. Note: Alternative methods of disposal of treated wastewater and wastewater sludges may form part of an application for an EPA Waste Licence and subject to such license being issued, the developer shall submit proposals to Planning Authority for written agreement, prior to any works occurring onsite.  
**REASON:** In the interest of public health.

(15) Prior to the commencement of development the developer shall submit to the Planning Authority for written agreement a bond in relation to the Decommissioning & Site Restoration of the proposed development (in accordance with the proposals set out in the submitted Restoration Plan, Acorn Recycling Report 24<sup>th</sup> April, 2008). In order to determine the adequacy of such bond amount a detailed estimate (plant, material and labour costs) based on an aftercare/restoration programme-of-works, as certified by an indemnified Chartered Quantity Surveyor shall be submitted as part of the submissions.  
**REASON:** In the interest of the proper planning and sustainable development.

(16) Before development commences, the developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the administrative area of North Tipperary County Council that is provided, or intended to be provided, by or on behalf of the Authority in accordance with the terms of the North Tipperary Development Contributions Scheme 2004 made under Section 48 of the Planning and Development Act, 2000.

(i) The amount of the development contribution under this condition is **€115,327.35** which is calculated as follows:

Industrial	(€ per sq. m.)	Gross Floor Area (sq. m.)	Total Cost
(a) Public water supply	€0.00	3,950.92	€0.00
(b) Waste water drainage	€0.00	3,950.92	€0.00
(c) Road infrastructure	€15.79	3,950.92	€62,385.03
(d) Recreation Community Facilities	€13.40	3,950.92	€52,942.33
(e) Car parking € per space	€3,000.00	0	€0.00
<b>Total</b>	<b>€29.19</b>	<b>Total</b>	<b>€115,327.35</b>

(ii) The Scheme provides for the adjustment of contributions payable in accordance with the Wholesale Price Index with effect from 1 January, 2005 and at six-monthly intervals thereafter. The amount payable (i.e. at the date of commencement of development) will, therefore, be adjusted as appropriate.

(iii) Where the contribution remains unpaid after the date of commencement of the development, any outstanding amounts due shall be paid together with such interest that may have accrued in respect of the period in question.

(iv) In accordance with Section 48 (10) of the Planning and Development Act 2000 no appeal shall lie to An Bord Pleanála in relation to the contribution required under this condition except where it is considered by the applicant that the terms of the Scheme have not been properly applied by the Planning Authority.

**REASON:** It is considered reasonable that a contribution be made in accordance with the North Tipperary County Council Development Contributions Scheme 2004 made under Section 48 of the Planning and Development Act 2000.

- (17) In the event of connection to a public water supply, the developer shall pay to the Planning Authority a sum of money as a contribution towards expenditure incurred by them or to be incurred within 5 years in respect of the provision of public water supply in the area which will facilitate the proposed development; the amount of such contribution shall be calculated under Class 1 of the Development Contributions Scheme.

**REASON:** It is considered reasonable that the developer should contribute to the cost of services, which will facilitate the proposed development.

**Executive Planner:**

H. P. L. J. J.

**Date:** 30/09/08

**Senior Executive Planner:**

M. O. Carroll

**Date:** 30/9/08

**Director of Service:**

[Signature]

**Date:** 1/10/08

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