

An Bord Pleanála



Inspector's Report

PL17.245132

DEVELOPMENT:-

Proposed Anaerobic Digestion Facility and 24 poly-tunnels at existing composting facility at Wilkinstown, Navan, County Meath.

PLANNING APPLICATION

Planning Authority: Meath County Council
Planning Authority Reg. No: KA - 740633
Applicant: Energybia Limited
Application Type: Permission
Planning Authority Decision: Grant

APPEAL

Appellant: Emer Jordan
Types of Appeal: 3rd Party -v- Grant
Observers: None
DATE OF SITE INSPECTION: September 9th 2015

INSPECTOR: Paul Caprani

1.0 INTRODUCTION

PL17.245132 relates to a third party appeal against the decision of Meath County Council to issue notification to grant planning permission for the development of two digester processing system at an existing composting plant and the provision of 24 poly-tunnels for the production of vegetables at a site in the environs of the village of Wilkinstown north of Navan Town, County Meath. The grounds of appeal argue that the proposed development will adversely impact on the applicant's residential amenity and health primarily through excessive odour and noise and will result in a reduction in the value of property in the area. The application is accompanied by an EIS. The existing compost facility on site has been licensed by the EPA (W2019-01) and the applicant intends to apply for an IED Licence in respect of the proposed facility.

2.0 SITE LOCATION AND DESCRIPTION.

The appeal site is located in the village of Wilkinstown approximately 9 kilometres north of Navan in north county Meath. Wilkinstown is a small settlement set out around a crossroads. The R162 National Regional Route runs in a north/south direction through the village, linking Navan with Nobber and Kingscourt to the North. The village accommodates a post office and a primary school together with a cluster of dwellings in an around the crossroads.

The existing compost facility is located to the north of the village on the western side of the R162 approximately 200 metres from the crossroads. The site has a stated area of 4.56 hectares and is surrounded by agricultural land much of which is used for the cultivation of crops, livestock grazing is also apparent in the area. A local access lane – Berryleck Lane, runs along the southern boundary of the site. This access road serves the appellant's dwelling, located approximately 800 metres from the junction of the local road and the R162. There are also a number of dwellings and a garage located at the junction of the local access road to the south of the site and the R162.

The site itself is configured as two separate areas. The south-eastern area is located contiguous to the R162. This portion of the site currently accommodates a number of existing storage units associated with the original grant for the compost facility under PL17.213657 (see details below). These existing covered storage units accommodate a waste

reception building including reception area, quarantine area and storage bays for waste material.

The north-western portion of the site is linked to the south-eastern portion of the site via the local road which runs along the southern boundary of the site and serves the dwelling further west. This portion of the site incorporates a large hard-standing area. Surface water from this area drains to a large underwater attenuation tank located near the entrance to this portion of the site. A large circular slurry tank is located with this portion of the site. Mounds of covered compost are located throughout this part of the site. An open area waste segregation area is located in the northern portion of the site. Concrete post and fencing surrounds this section of the site.

3.0 EXISTING OPERATIONS ON SITE

Under Reg. Ref. 90/45 planning permission was granted for a composting shed and packaging plant together with a new vehicular access in 1990.

In 2005 An Bord Pleanála granted planning permission under PL17.213657 for the retention of various works associated with the existing compost facility on site including the retention of a composting slab/hardstanding area, the construction of a waste reception building to include reception area, quarantine area and storage bays for waste material and the construction of 8 modular in-vessel aerated composter units each of which covering an area of 120 square metres comprising of precast concrete with retractable roofs. The Board also granted planning permission for the increase in compostable material to be handled at the facility from 10,000 tonnes to 25,000 tonnes per annum. The materials used for the composting include wastewater sludge, green waste, woodchip and other commercial organic materials. The various waste types referred to have been accepted at the facility and inspected in the quarantine area before being mixed appropriately and left in order to biologically breakdown within the existing storage areas on site. The compost is then removed off-site and sold as fertiliser.

To date the facility has only been operating at a fraction of its capacity and appears to operate on an infrequent basis. The facility was not operating at the time of my site inspection.

3.0 PROPOSED DEVELOPMENT

Planning permission is sought for the construction of an anaerobic digestion facility which will generate renewable energy in the form of electricity and heat which will be used to provide heat for the 24 poly tunnels also to be constructed on site. The anaerobic digestion facility will be located in the north-western portion of the site. The proposed poly tunnels will be located in the south-eastern portion of the site between the existing storage/composting sheds and the R162. The anaerobic digester system will include the following:

- Two digester tanks (11.5 metres high – reduced from c.20 m in height) located centrally within the site. Between the two digester tanks a smaller potable water supply tank (5 metres high) is to be constructed.
- In the north-eastern corner of the site it is proposed to construct a cake import unit with three storage tanks and a 10 metre high carbon filter high vent stack. The raw material is to be received in this area and stored in silos prior to treatment.
- An automated batching arrangement centred on a hydrolysis tank (10 metres high), two pasteurisation tanks and a heating tank (HpH process) is to be carried out prior to the transfer of waste to the digesters. These tanks are to be located immediately north of the two digester tanks.
- A boiler house and a combined heating power plant together with an inflatable gas bag are to be located adjacent to the HpH tanks. Near the southern access road it is proposed to provide a drying/centrifuge storage area with a digest centrate tank adjacent and a finished product collection area.
- Two bunded fuel storage tanks are also to be located within the site. The area around the two digesters, pasteurisation tanks, hydraulics tanks and heating tanks are likewise to be bunded. Bunding is also to be provided around the 8 metre high storage tanks near the northern boundary of the site.
- In the south-eastern portion of the site it is proposed to construct 24 poly tunnels each covering an area of 270 square metres and rising to a height of 3.25 metres.

4.1 Proposed Operations on Site

A security hut will be located adjacent to the site entrance. Raw material for the digester will arrive either in the form of standard HGVs (for sugarbeet and grass) or bulk tankers (for sludge). The raw materials will then be transferred to the north-eastern portion of the site and off-loaded at the cake important facility. According to the EIS, intake screw conveyors and door control systems using truck positioning and sensing devices will ensure appropriate odour capture as the raw materials are being off-loaded. The raw cake will be transferred to the cake storage silos adjacent. The sludge cake in the silo will be blended with other sludge streams. The sludges are blended and mixed to achieve an overall consistency of 8% dry solids.

The product is then transferred to the pasteurisation tanks where the product is pasteurised and fed forward to the hydraulic tank where the temperature is increased resulting in rapid pathogen kill and preconditioning the product for the digester feedstock. The product is then cooled to less than 38°C before being slowly pumped forward to the digesters. The digesters hold the treated sludge for a period of 14 days. Naturally occurring micro-organisms digest the biomass which releases a methane rich gas. This gas is passed from the digesters to the combined heat power (CHP) engine on site. The biogas will be cleaned before entering the CHP engine in order to increase efficiency. Any surplus electricity produced will then be fed back into the National Grid via an on-site ESB substation located on site. When the combined heat power plant is not in operation a biogas storage bag will be used for storage of any biogas produced.

The residual sludge (referred to at this stage in the process as digestate) will be dried in a centrifuge with digest centrate collected from the drying process. The dewatered material will be stored in a shed to be collected by HGV trucks for removal off-site. The digested liquid (centrate) can also be used for agricultural fertiliser.

The energy produced will be used as a heating system for the production of vegetables used in a hydroponics system (a method of growing plants in a water/nutrient rich solution without soil). It is proposed to grow greenhouse style vegetables (lettuce, tomatoes, peppers, cucumbers, melons etc.) Excess energy will be sold onto the National Grid.

It is proposed to operate the plant from 0800 hours to 1900 hours Monday to Friday and 0800 hours to 1300 hours on Saturday. The facility will remain closed on Sundays and Bank Holidays. It is stated that the proposed development will employ approximately 20 employees when fully operational.

4.0 PLANNING AUTHORITY'S DECISION

The planning application was lodged with Meath County Council on 21st July, 2014.

4.1 Original Documentation Submitted

A covering letter submitted with the application states that there is an extant planning permission which allows the composting of 25,000 tonnes per annum for a mixture of sludge, grass and woodchip material. The applicant is also proposing to alter the mix and ratio of waste material currently accepted at the plant. In particular he wishes to substitute sugarbeet for woodchip in the composing process. There is no intention to increase the volume of waste intake on an annual basis.

Initial reports prepared on foot of the planning application included the following:

- HSE – further information required.
- The Environment Section – no objections to the proposed development subject to conditions.
- Roads Design Office – Further information in relation to traffic.
- Submission from EPA – The EPA notes that an EIS did not accompany the application.

4.2 Additional Information Request

The planner's report sets out details of the proposed development and concludes that further information is required in relation to the following:

- The applicant is requested to submit an environmental impact statement.
- The applicant is requested to demonstrate how the proposed development complies with Policy EDPOL18 of the current County Development Plan.

- The Planning Authority has concerns in relation to the visual impact of the proposed development. Further information is required including a set of appropriate photomontages.
- The applicant is requested to submit further details in relation to traffic including hours of operation, type of frequency of vehicle use/origin of the waste and haul route of the material to the site/output of material from the site and details associated with construction traffic.
- The submission of a comprehensive landscaping plan to screen the proposed development.
- Further details of on-site wastewater treatment systems to serve the proposed staff numbers associated with the development.
- Further details in relation to the disposal of surface water on-site.
- Further details in relation to odour control.
- The applicant is requested to address the concerns of a third party observation submitted on file.

4.3 Additional Information Submission

Further information was submitted on 20th April, 2015. The information is briefly summarised below:

An environmental impact statement has been prepared and submitted by way of additional information. A copy of a newspaper notice in respect of same has been submitted.

It is stated that the current application does not deviate greatly from the current use on site and as such it is the applicant's opinion that the proposal will not contravene the original planning permission. Many of the issues raised by the Planning Authority in the request for additional information is addressed in the EIS. Details of photomontages are indicated in Section 5 of the EIS. Drawings indicating the photomontages are also submitted (see drawings nos. 2014 715/716/717). It is stated that the overall height of the digesters has been reduced from 20.96 metres high to 11.5 metres high which it is contended will result in a significant improvement on the visual impact of the area.

In relation to traffic it is stated that there is no increase in the tonnage of waste entering the site and therefore there will be no additional traffic movements other than that associated with staff. In fact there will be a slight reduction in the number of HGV movements due to the change of material from woodchip to sugarbeet. Further details in relation to traffic are set out in Table 4.1 and 4.2 of the additional information.

Details of the operation are also set out (from 0800 to 1900 Monday to Friday and 0800 to 1300 on Saturday).

A comprehensive landscaping plan has been submitted and these are indicated on the drawings attached (Drawing No. 2014701/702/703-B).

Details of the upgrading of the on-site proprietary wastewater treatment system including a site characterisation report etc. has also been submitted.

The stagnant surface water has been removed by the owner of the site and the applicant proposes to complete a new surface water drainage system in relation to the overall site.

With regard to odour issues it is stated that the system is fully sealed and the cake importation unit uses an odour capture system. A full air and odour modelling report is contained in the EIS.

The submission goes on to address issues raised in the various observations submitted to the Planning Authority.

4.4 Planning Authority Assessment on foot of Additional Information Submission

In a report from the Water Services Planning Department concerns are expressed that the site is at the end of the Wilkinstown Water Supply Network where capacity and pressure issues are common. It is considered inappropriate that a high usage connection be permitted in this instance. It is also considered inappropriate that treated potable water should be used for high intensive cultivation of vegetable crops.

In relation to wastewater treatment it is stated that further details are required in relation to the polishing filter associated with the on-site wastewater treatment plant.

Concern is also expressed that inadequate details have been submitted for the final outfall of the attenuated surface water to Demailestown Stream. Details are not provided as to whether or not it is necessary to cross through third party lands.

If Meath County Council is minded to grant planning permission for the proposed development a number of conditions should be attached which are set out in the report in order to address the concerns set out above.

A submission from Irish Water states that there is no objection to the proposal however the proposed connection to use the public water supply of waste digestion and the intensified growing of vegetables and poly-tunnels will not be allowed by Irish Water. This is due to both network capacity issues and the inappropriate use of potable water. The applicant should be conditioned to supply the proposed development with processed water from on-site wells.

A report from Inland Fisheries Ireland states that in the event of a grant of planning permission, all construction and operational activities shall be carried out as per the information contained in the EIS. It is specifically requested that all surface water leaving the site is treated in the most appropriate manner as to not permit any reduction in the water quality of receiving waters.

A further letter of objection was submitted by the current appellant on 12th May, 2015. The contents of this letter has been read and noted.

A further internal planning report from the Environment and Water Services Department states that there is no objection to the proposed development, subject to the incorporation of 13 conditions relating to environmental and engineering issues.

A submission from the EPA states that the planning application appears to relate to waste licence registered no. W0219-01. This licence may need to be reviewed or amended to accommodate the changes proposed in the planning application or the changes may need to be accommodated by way of an Industrial Emissions Licence. The EIS appears to address the key points in relation to the environmental aspects of the proposed activity. It also appears to address the direct and indirect effects of the development on aspects of the environment listed in Section 83(2A)(a) of the Waste Management Acts. All matters to do with emissions to the environment from the activities proposed will

be considered and assessed by the Agency. Where the Agency is of the opinion that the activities as proposed, cannot be carried on or cannot be effectively regulated under the waste or industrial emissions licences, then the Agency cannot grant a licence for such a facility. Where the Agency decides to grant a licence, it will incorporate conditions that will ensure that appropriate nationally used standards are complied with and 'Best Available Techniques' (BAT) will be used in the carrying out of the activities.

A report from the Meath County Road Design Office states that the FI submitted is satisfactory and that there is no objection to the proposed development.

The Planning Report prepared on foot of the additional information request summarises the contents of the EIA and individually assesses each of the additional information points requested by the Planning Authority. The report concludes that the information submitted, by way of additional information, generally addresses the concerns of the Planning Authority. However it is noted that there are a number of issues outstanding from the further information response submitted. It is considered that these issues can be resolved by way of condition. It is noted that the operation of the site will be within the remit of the EPA and is subject to a waste licence. The Planning Report recommended that planning permission be granted subject to 30 conditions. Meath County Council's decision was dated 20th July, 2015.

5.0 PLANNING HISTORY

Partial Details of the applications referred to below are contained in a pouch to the rear of the file.

Under Reg. Ref. **File No. 89:0072** Meath Co County Council granted retention of planning permission for existing farm buildings and ancillary works on the north-western portion of the site.

Reg Ref. 90/45 planning permission was granted for a composting shed, packaging plant and new vehicular access on site. Planning permission was granted subject to 28 conditions.

NA/4098 Planning permission was sought for the retention of ancillary compost facilities. Further information was requested but was not replied to in the appropriate time and was therefore deemed to be withdrawn.

NA50074 Meath Co Council granted Planning Permission for:

- Retention of a composting slab/ hard-standing area
- Construction of a waste reception building (792 sq.m) including reception area, quarantine area, and storage bays for waste material.
- The construction of 8 modular in-vessel aerated composting units (each 120 sq.m in area) made of pre-cast concrete with retractable roofs.
- The increase in compostable material to be handled at the facility from 10,000 tonnes per annum to 25,000 tonnes per annum (materials to be handled include sludge, green waste, wood chip and other commercial organic materials).
- Improvements to entrance, access roads and boundary fences.

This decision was subject of a number of 3rd party appeals under **PL 17 213657**. The 3rd Parties objected on grounds of emissions, failure to comply with good environmental practice, contrary to development plan policy, visual impact and traffic considerations. An Bord Pleanála, in its decision dated 25th April 2006 upheld the decision of the planning authority and granted permission subject to 16 conditions. An EIS accompanied the application. An application for a waste licence was also submitted to the EPA.

NA/801610 Planning permission was granted for minor amendments to previously granted development involving changes to the elevation of the reception building. Permission was on the 17/07/2008.

NA/130510 Planning permission was granted for the extension of the duration of permission relating to the compost facility extending the life of the permission to 20/08/2018.

6.0 GROUNDS OF APPEAL

The decision of Meath County Council to issue notification to grant planning permission was appealed by the resident on Berryleck Lane, the Lane that runs along the southern boundary of the site. The grounds of appeal are outlined below.

The unpolluted environment surrounding the appellant's residence has been critically important in supporting her on-going health issues. Air quality forms a crucial contribution to supporting and addressing health issues experienced by the appellant. It is contended that air pollution

and odour levels generated by the proposal will result in a deterioration of the existing high levels of air quality to the detriment of the appellant. Meath County Council did not seek further information with regard to the appellant's health.

Policy EDPOL18 in the Meath County Development Plan states, inter alia, that the Council must be satisfied that "*that the proposal demonstrates that it is taken into consideration traffic, public health, environmental and amenity considerations*". Thus it is argued that Meath County Council failed to carry out the responsibilities in this regard. Concern is expressed that the applicant will be forced to suffer reduced levels of air quality and increased levels of odour.

Concerns are also expressed that the heavy industrial machinery engaged on site through the movement and processing of material will give rise to excessive and continuous noise throughout the working day. It is suggested that the applicant has only taken into consideration the noise generated from the digestion process to be undertaken on site, and has not taken into consideration the traffic resulting from the HGV's travelling to and from the site. It is suggested that noise limits of 55 dB during daytime will most certainly be exceeded as a result of the development. The proposal will escalate vehicle movements to and from the development and will add immeasurably to the cumulative sum of noise emitted from the proposed development. The proposal leaves the door open for potential and significant alteration to the control and management of noise in any subsequent licenced alteration issued by the EPA.

Concerns are also expressed that Meath County Council under Condition No. 28 has actually extended the hours of operation associated with the plant from Monday to Friday without any evidence of a request to do so. Should the development precede the daily operational hours must be prescribed to help contain, manage and control emissions from the development. It is suggested that daily operational hours should be restricted to the hours between 0900 hours to 1700 hours Monday to Friday with no operational activity over the weekend period.

The proposed development and the emissions associated with it, will adversely impact on the property value of the appellant's home As a result of the proposed development the value of the appellant's property is rendered valueless. Meath County Council has paid scant regard to this issue in its assessment of the application.

It is also suggested that Meath County Council will become a beneficial commercial customer and thus will have an unquestionable vested interest in granting planning permission for the proposed development. This can only have a negative influence on the decision making process. Meath County Council in determining the application has had little engagement with the appellant but have had significant engagement with the applicant throughout the course of the application.

7.0 APPEAL RESPONSES

7.1 Applicant's Response to Grounds of Appeal

In relation to health issues arising from air/odour quality levels, it is the applicant's contention that Meath County Council was not obliged to seek further information from the appellant as she was not the applicant. The appellant did not submit supporting medical documentation.

With regard to the issue of air quality and odour, it is noted that the site has been used as a composting facility since 1990. Furthermore given the sealed, enclosed nature of the proposed operations, it is considered that the risk to public health will be significantly lessened than that associated with the open yard element of the composting facility that currently exists. It is also noted that the composting facility existed prior to the appellant becoming resident to Berryleck Lane. The EIS clearly indicates that the proposed development will have no adverse impact on public health. It is also stated that 20 of the 30 conditions issued by Meath County Council address public health, residential amenity and environmental matters. It cannot be argued therefore that the Planning Authority has been negligent and have failed to fully prosecute their responsibilities.

Further in respect of air quality it is suggested that the proposed development will represent a significant improvement to the air quality around the subject site and it is noted that the site is located north-east of the appellant's property whereas the prevailing winds are south-westerly further minimising the potential to impact on the appellant's residential amenity. A letter attached from Dr. Edward Porter of AWN Consulting states that odour levels will be well below the odour nuisance levels and will not be detectable.

In relation to noise, reference is again made to the EIS where a comprehensive noise analysis was undertaken. With regard to HGV movements associated with noise, it is stated that the movements in and out of the site is actually lower than that for which planning permission was previously granted. Enclosed is a cross-section of the site indicating the appellant's dwelling and it is noted that there is c.220 metres between the dwelling and the application site. The finished floor level of the dwelling is c.6.5 metres below the level of the application site. The fact that the prevailing wind is predominantly from a south-west direction will further lessen any potential noise impact on the appellant's property. The development will also be subject to a new waste licence from the Environmental Protection Agency. The issue of a licence by the EPA would set out strict requirements in relation to permitted noise emissions.

With regard to daily operational hours it is stated that any impact on amenity in terms of noise and odour etc. have been addressed above and therefore daily operational hours should not pose an inconvenience or adversely impact on the appellant's amenity. However it is stated that no deliveries will take place outside the permitted hours. The applicants sought a full day's operation on Saturday however Meath County Council through consideration of a residential amenity of the area have restricted operations to the first half of the day only.

With regard to property devaluation it is stated that there has been composting activity on the site since before the appellant became a resident of the area. The proposed development will have no greater negative impact on residential amenity in the vicinity than the current permitted composting operations. In fact it is likely that the sealed nature of the proposed operation together with the lesser trip generation in and out of the site will see an improvement in the circumstances currently experienced and thus may result in increased property values in the area.

With regard to any impartiality, reference is made to the fact that Irish Water, a national organisation and not Meath County Council will be responsible for the disposal of sludge. Any acquisition of material by the applicants will be subject to a strict competitive and open public procurement procedure and will not be in any way influenced by Meath County Council or any other local authority.

The Board are therefore requested to uphold the decision of the Planning Authority in this instance. The Board are also requested to

note that should the development proceed, it will be the first of its kind in Ireland as a fully sealed system with an automatic odour capture on the cake import unit. The grounds of appeal finally set out the anticipated positive attributes that will arise from the proposed development.

7.2 Planning Authority's Response to Grounds of Appeal

The response to the grounds of appeal state that, having regard to the planning history associated with the site, it is considered that the principle of the proposed development has already been established with the grant of planning permission for a MBT facility and a waste reception area. The proposal is therefore acceptable in principle.

A baseline noise survey was already undertaken. It is considered that a key noise source associated with the operational phase will be from the installation of an anaerobic digestion system. A series of noise and vibration mitigation measures have been put in place to ensure that the proposed development will not have a significant impact on the surrounding environment. Conditions in relation to noise have been included in the grant of permission.

In terms of visual impact, the overall height of the digesters has been reduced to 11.5m, thus reducing their visual impact on the environment. Furthermore the appellant's dwelling is located approximately 230 m from the site and there are three sets of hedgerows between the site and the appellant's house.

The site contains fully sealed systems for the handling of waste material. Furthermore an odour capture system has been included in the proposal and this will address any issues concerning odours from the proposed development

The hours of operation have been restricted which will reduce the potential amenity impact.

The Board are requested to take the above submission together with the information contained in the original planning officer's report in determining the appeal.

8.0 FURTHER SUBMISSION BY THE APPELLANT

Reference is made to Policy ED18 of the county development plan and the need to, when assessing a proposal take into account 'traffic, public health environmental and amenity considerations'. There is therefore an onus on the Council to ascertain the facts brought to its attention. As the medical matter is personal the appellant does not want this information to become available to the public. Nevertheless there is a requirement for Meath Co. Council to seek further information to garner all the facts prior to making a full assessment.

The applicant omits to mention that this facility has for the previous 5 years operated at a minimum level and therefore to suggest that the new facility will lessen the level of activity on the site grossly misrepresents the facts.

Concerns are reiterated with regard to air quality. The applicant's acknowledgment that the proposal will 'lessen the risk of damage to air quality' is a tacit acknowledgment that air quality has deteriorated. With regard to the prevailing wind, it is stated that the winds at this latitude are in a constant state of flux and the applicant will therefore be exposed to the effects of windborne pollutants.

With regard to noise, it is reiterated that the facility has been mostly inactive for the previous 5 years, it is inappropriate to use potential traffic levels which could have been operating on site as a baseline on which to evaluate predicted future traffic levels. Furthermore noise will be generated by 'heavy industrialised motorised, moving equipment' on site. This equipment will present a constant and continuous noise source.

In terms of operating hours it is essential that, if the development is to proceed, no operations are permitted at the weekends (none at all on Saturday or Sunday). Meath Co Council in granted planning permission has actually extended the operating hours on weekdays. If the development is to proceed the operating hours should be confined to 09.00 to 17.30 Monday to Friday and not at all on Saturday or Sunday.

Finally with regard to property values, the Bord should have regard to the fact that the facility has to date, never been fully operational. The proposed escalation in activity will undoubtedly adversely impact on property values in the area.

9.0 OTHER OBSERVATIONS

9.1 Submission from EPA

The planning application appears to relate to Waste Licence Register W0219-01 for a composting facility at this location. The licence may need to be reviewed and amended in light of the proposed development, possibly by way of an IED Licence. The EIS which accompanies the application appears to address the key points in relation to the environmental aspects of the proposed activity which come within the functions of the Agency. It also appears to address the direct and indirect effects of aspects on the environment listed in S.42(2A)(a) of the Waste Management Acts as per SI No. 283 of 2012.

In assessing any new licence application, all matters to do with emissions to the environment from the activities proposed, will be will be considered and assessed by the Agency. Where an opinion is formed that the activities as proposed cannot be carried out or effectively regulated, then the Agency cannot grant a licence. Should the Agency decide to grant a licence, it will incorporate conditions that will ensure that appropriate National and EU standards are applied and that BAT will be used in the carrying on of activities.

9.2 Request for Advice from the Health and Safety Authority

The Board issued a letter sent to HSA requesting technical advice on the following. Whether or not:

- (a) The proposed Anaerobic Digester constitutes “an Establishment” under the CoMAH Regs. 2015
- (b) Whether or not the (i) Biogas generated at the facility or (ii) residual digestate to shipped off site and used as fertiliser come within the provisions of the above Regulations.

9.3 Response from the Health and Safety Authority

A response was received from the HAS in a letter dated 2nd October 2015. It states that the documentation was examined and it is noted that S.1.7.6 of the EIS stated that the development will not constitute a SEVESO establishment. However there is insufficient information in the documentation on the quantity and nature of the dangerous substances anticipated. If the Board intends to progress this matter, the applicant should be requested to furnish more details regarding the nature and

maximum quantity of dangerous substances to be used/ stored on site, together with the relevant hazard numbers and statements in accordance with the Classification Labelling and Packaging of Substance and Mixtures Regulations Regulation EC 1272/2008. In the Board is minded to seek any such information the HSA would offer further advice accordingly.

10.0 PLANNING POLICY

10.1 Waste Management Plans

The original Waste Management Plan for the north-east region was adopted in 2001. It is a subsequently replaced by the 2005 to 2010 Plan. This plan covered the waste region of Meath, Louth, Cavan and Monaghan. The Board will be aware that the original waste regions have now been consolidated into three separate regions with Meath being located in the eastern and midlands region. The consultation phases associated with the Draft Plan are on-going.

10.2 Development Plan Provision

The Meath County Council Development Plan incorporates the following waste management policies:

WMPOL1 – To adopt the provisions of the waste management hierarchy and implement policy in relation to the county's requirements under the current and any subsequent waste management plan. All waste related developments in the county will be expected to take account of the provisions of the Regional Waste Management Plan and adhere to the requirements of the Plan. Account shall also be taken of the proximity principle and the inter-regional movement of waste as provided for under appropriate administrative directives from time to time.

WMPOL3 – To seek the provision of quality cost effective waste infrastructure and services which reflect and meet the needs of the community.

WMPOL4 – All waste shall be undertaken in compliance with the requirements of the EPA and relevant waste management legislation and policy.

WMPOL6 – To encourage the development of waste infrastructure in associated developments in appropriate locations, as deemed

necessary in accordance with the requirements of the Regional Waste Management Plan.

The objectives in relation to waste management as set out in the County Development Plan which are relevant to the current proposal are as follows:

WMOBJ1 – To facilitate the provision of appropriate waste recovery and disposal facilities in accordance with the principles set out in the appropriate Waste Management Plan applicable from time to time and made in accordance with the Waste Management Act 1996.

WMOBJ4 – To update the Sludge Management Plan for County Meath and to seek to implement the recommendations of that Plan.

WMOBJ7 – To promote the implementation of waste management activities in accordance with best practice and national policy.

WMOBJ14 – To support developments necessary to manage food waste in accordance with the requirements of the Waste Management (Food Waste) Regulations and the Regional Waste Management Plan.

WMOBJ16 – To support the development of infrastructural requirements necessary to meet the objectives and targets of Meath's Sludge Management Plan having regard to relevant siting guidelines.

Section 8.1.3 of the Development Plan relates to renewable energy. It states that Meath County Council is committed to developing a more diverse range and a combination of energy sources including, inter alia, anaerobic digestion and combined heat and power in order to deliver on the targets set out in the National Renewable Energy Action Plan. The potential feasible renewable energy options for the county including but are not limited to a balanced mix of:

- Bioenergy – crops and forestry.
- Biomass anaerobic digestion combined heat and power and
- Various other forms of renewable energy listed in the Plan.

Section 8.1.9 of the Development Plan relates to energy from waste. It states proposals for waste to energy development including anaerobic digestion and dry digestion for farm and other wastes and bi-products will be considered by Meath County Council. Anaerobic digestion is a means of combating greenhouse gas concerns and increasing

renewable energy production in line with national and international targets and commitments. It is noted that anaerobic digestion could potentially provide a valuable revenue stream.

Policy ECPOL1 seeks to facilitate energy infrastructure provision, including the development of renewable sources at suitable locations so as to provide for the further physical and economic development of Meath.

ECPOL2 seeks to support international, national and county initiatives for limiting emissions of greenhouse gases through energy efficiency and the development of renewable energy sources which makes use of natural resources of the county in an environmentally acceptable manner where it is consistent with the proper planning and sustainable development of the area.

ECPOL3 seeks to encourage the production of energy from renewable sources such as from biomass waste material, solar, wave, hydrogeothermal and wind energy subject to normal planning considerations including in particular the potential impact on areas of environmental or landscape sensitivity and Natura 2000 sites.

Policy ECPOL4 seeks to support the national climate change strategy and in general facilitate measures which will seek to reduce emissions from greenhouse gases.

ECPOL6 seeks to encourage that development proposals maximise energy efficiency through the siting, layout, design or which incorporate best practice in energy technologies, conservation and implementation of smart technology.

ECPOL8 – To support and encourage pilot schemes which promote innovative ways to incorporate energy efficiency.

ECPOL9 – To support the development of innovative energy efficient technology such as district heating and combined heat and power.

ECPOL22 – To facilitate the development of projects that convert biomass to energy subject to proper planning considerations.

11.0 PLANNING ASSESSMENT

I have read the entire contents of the file including the EIS, visited the site in question and have had particular regard to the issues raised in the grounds of appeal and I consider the critical issues in determining the application and appeal before the Board are as follows:

- Principle of Development
- Odour and Air Pollution
- Noise
- Property Devaluation
- Operational Hours
- Impartiality of Planning Authority
- Other Issues

I also consider that a new issue arises in relation to water supply and this is dealt with in the final section of my planning assessment.

11.1 Principle of Development

The proposed development seeks to develop an anaerobic digestion facility in order to treat agricultural and sludge waste and to produce biogas for the CHP plant to heat the 24 proposed poly-tunnels and digestate which can be used as a fertiliser for landspreading. The fundamental principles of the processes involved comply with a number of EU Directives and national policies relating to waste treatment and disposal and also renewable energy generation. Firstly the proposed development is fully in accordance with the overarching objectives of the Landfill Directive (1999/31/EEC) which seeks to prevent or reduce as far as possible any negative effects on the environment or human health associated with the landfilling of wastes. The proposal fully accords with the National Strategy on Biodegradable Waste which seeks to recover and recycle biodegradable waste generation within the country. The National Strategy on Biodegradable Waste which was introduced in 2006 identifies measures to progressively divert biodegradable waste from landfill in accordance with the agreed target set out in the Landfill Directive. The diversion of biodegradable waste away from landfill is particularly important as it is a major contributor to leachate production the treatment and disposal of which is problematic in environmental terms. Therefore the diversion of both agricultural waste and perhaps more importantly sludge away from landfill is fully in accordance with the overall objectives set out in European and national policy in relation to biodegradable waste.

The proposal is also fully in accordance with the national climate change strategy and seeks to reduce reliance on fossil fuels and expand the use of renewable energies including biomass specifically in relation to biomass from agriculture, the feasibility of utilising anaerobic digestion as a means of reducing reliance on fossil fuels is referred to in the strategy.

The proposal is generally in accordance with the Nitrates Directive (91/676/EEC) (as amended) which is implemented in Ireland through the European Communities (European Union Good Agricultural Practice for the Protection of Waters) Regulations 2014 (S.I. 31 of 2014). The provision of an alternative organic waste treatment facility will reduce the need for the storage of such wastes and the application of wastes on agricultural lands which is undoubtedly contributing to groundwater and surface water pollution. In reducing pollution levels to groundwater and surface water on foot of a reduction of land-spreading, anaerobic digestion could contribute towards achieving the overarching objectives set out in the Water Framework Directive.

It is clear therefore that the development of anaerobic digestion facilities provides a viable and environmentally sustainable alternative in terms of providing renewable energy but also in terms of fulfilling the goals of the national strategy on biodegradable waste and could also contribute towards fulfilling the goals set out in both the Water Framework Directive and Nitrates Directive as they apply to Ireland.

National policies as they relate to renewable energy waste and water pollution are also incorporated in the Meath County Development Plan and there are a number of policy statements and objectives which suggest that anaerobic digestion would be actively supported in the County Development Strategy. Specifically Section 8.1.9 of the Development Plan states that proposals for waste to energy development including anaerobic digestion for farm and other waste and bi-products will be considered by Meath County Council. It is also the policy of Meath County Council to facilitate energy infrastructure provision, including the development of renewable energy sources at suitable locations so as to provide for the further physical and economic development of Meath (EC Policy 1). The development plan also seeks to support national and county initiatives for limiting emissions of greenhouse gases to energy efficiency and the development of renewable energy sources which makes use of natural resources in the county in an environmentally acceptable manner (EC Policy 2).

The county strategy also seeks to encourage the production of energy from renewable sources including biomass subject to normal proper planning considerations (Policy ECPOL3). The county strategy also supports the national climate change strategy (EC Policy 4) and seeks to facilitate the development of projects that convert biomass to energy subject to proper planning considerations (EC Policy 22).

It is clear therefore that both national and county strategy would endorse and support the development of anaerobic digestion as a means to treat and utilise waste stream in a more environmentally and sustainable manner and also as a method to reduce reliance on fossil fuels in accordance with the national climate change strategy. I am therefore satisfied that national and county policy supports the principle of the development.

11.2 Odour and Air Pollution Problems

Dealing with the specific issues raised in the grounds of appeal a major concern of the appellant related to potential increases in odour and air pollution arising from the development. The applicant states in the grounds of appeal that she suffers from a health condition which could be exacerbated as a result of the proposed development. The appellant is reluctant to specify the health condition for personal reasons. This assessment cannot comment specifically on this matter in the absence of information regarding the condition. However the Board and the EPA, in assessing the application/activity will obviously take into consideration any matter of an environmental nature which may be prejudicial to public health. The Board will be aware that the existing operations on site are subject to a waste licence (W0219-01). The EPA letter to the local authority dated 4th September, 2014 and the EPA's observation to the Board indicates that the licence may need to be reviewed or amended to accommodate the expansion of the proposed development. The Board will be aware under the provisions of Section 54(3) of the Waste Management Act 1996 that where a waste licence has been granted or will be required in relation to an activity, An Bord Pleanála shall not where it decides to grant planning permission under Section 34 of the Act subject to the permission to conditions which are for the purposes of controlling emissions from the operation of the activity. Notwithstanding this provision, the Board where it considers appropriate, may refuse planning permission on environmental grounds where it deems the environmental impact is unacceptable. Furthermore the Board is obliged to assess the environmental impact and can attach conditions of an environmental nature in relation to the construction (as

opposed to operation) impacts arising from the development. The assessment of the environmental impacts in this report is evaluated in the context of the above constraints.

With regard to odour I do not consider that odour issues will arise during the construction phase of the proposed development. It is clear from the grounds of appeal that the appellant in this instance is concerned in relation to odour generation during the operational phase as a result of the anaerobic digestion processes which will be undertaken on site. It is clear from the information contained in the EIS, that odour abatement measures are to be incorporated on site. The major potential impact for odour arises from the delivery of material to the site. Municipal waste sludges have the greatest potential to give rise to odour generation in terms of the products being delivered to the facility. It is clear however that the sludge will be delivered by a standard HGV bull tanker which is sealed prior to offloading the material at the cake import facility. The cake import facility incorporates automatic door control systems using truck positioning and sensing devices in order to control the sequences involved. Furthermore odour capture units will be provided on site and an odour abatement stack is to be provided to treat any malodours generated at the cake importation area and the mixing silos. All air from the processing areas will travel through this abatement odour system prior to discharge to atmosphere.

The EIS has modelled the potential odour impacts arising from the activities to be undertaken on site. This is set out in Chapter 11 of the EIS. It is clear from the modelling (see Figure 11.11 of the EIS) that concentrations of 3 will be detected in the agricultural field to the immediate north and east of the facility. Odour levels in the range of $30 \text{ou}_E/\text{m}^3$ are barely detectable. (The recognition threshold for odour is generally about $50 \text{ou}_E/\text{m}^3$). I am satisfied therefore based on the modelling undertaken in the EIS, together with the abatement measures proposed, that the proposed development will not give rise to any significant amenity issues in terms of odour. It should be further noted that the prevailing winds would ensure that any odour issues would occur to the north and east of the facility whereas the appellant's dwelling is located to the west. While the appellant disputes the prevailing wind scenarios presented, it is clear from the Met-Eireann website that the wind blows most frequently from the south and west of the country. The appellant's house will most frequently be up-wind of the facility, thereby reducing any potential odour impact on the appellant's house.

The only likely odour to be generated will be from the offloading of the facility. No odour emissions will be generated by the digestion tanks. Anaerobic digestion by its very nature requires an absence of oxygen and therefore the tanks in question will be sealed. With regard to the residual digestate this treated residual material will be contained within a building over 200 metres away from the appellant's dwelling. The residual digestate which has been subject to treatment does not give rise to significant odour generation and therefore will not pose a significant threat to the appellant's amenity.

I am therefore satisfied that the proposed development will not give rise to significant odour generation which would impact on the appellant's amenity that would warrant or justify a refusal of planning permission in this instance. As already stated, during the operational phase, conditions relating to odour limits are a matter for the EPA in determining a waste licence for the facility and therefore are not a matter for the Board in the event of a permission and licence being granted for the development.

With regard to other air quality parameters, I would again refer the Board to the information contained in Chapter 11 of the EIS. It notes that Wilkinstown is located in Air Quality Zone D (rural area) as defined under EPA Air Quality Criteria. There are no air monitoring zones in the vicinity of the site. However it is noted that typical air pollutant concentrations for nitrogen dioxide (NO₂), sulphur dioxide (SO₂), particular matter (both PM₁₀ and PM_{2.5}), carbon monoxide and volatile organic compounds (VOC's) are significantly below the thresholds set out in the Air Quality Standards Regulations 2011 (SI 180 of 2011). In most cases the background concentrations in Zone D are in the order of 10% of the threshold values set out in the above Regulations. The major potential impacts on air quality arising from the construction phase relates to construction dust. While there are no statutory limits for the deposition of dust nationally, the TA Luft Guidelines require a limit of 350mg/m²/day for the deposition of non-hazardous dusts. The construction activities to be undertaken on site could give rise to fugitive dust emissions in and around the vicinity of the site. The EIS estimates that soiling could occur within 50 metres of the source of fugitive dust. However having regard to the prevailing wind directions it is highly unlikely that the dust generated during the construction activity would impact on air pollution at surrounding sensitive receptors and in particular the appellant's site which is located upwind from the prevailing winds. The nearest residential receptors are located over 200 metres to the north-west and over 300 metres to the north-east. Local receptors

therefore are very unlikely to be affected by fugitive dust emissions arising from the construction phase. With regard to other air pollutants generated from construction traffic plant or machinery (i.e. SO₂, NO₂ or volatile organic compounds), concentrations of these pollutants are expected to increase during the construction phase. However they are very unlikely to alter the ambient baseline air quality standards in the Wilkinstown area. It should also be borne in mind that any air pollution arising from construction activity on site will be temporary. It is also proposed to incorporate a number of mitigation measures during the construction phase and these are set out in Section 11.6.1 of the EIS.

Potential impacts on ambient air quality during the operational phase are detailed and assessed in Section 11.7 of the EIS. It is concluded that even under a worst case scenario the impacts will be acceptable. I reiterate that as the site in question is subject to a waste licence conditions setting the limits of emissions during the operation of the facility are a matter for the EPA and not for An Bord Pleanála in the event of planning permission and a licence being granted. However I am satisfied based on my assessment above, and the information contained in the EIS, that the impacts of the proposal in terms of odour and more general air quality are deemed to be acceptable and would not warrant a refusal of planning permission for the facility. Furthermore I also consider that the potential impacts of the proposal during the construction phase cannot be regarded as significant in terms of adversely affecting the environmental or residential amenity of the area.

11.3 Noise

The grounds of appeal express concerns in relation to the noise impact potentially arising from the proposed development, particularly in respect of traffic exiting and entering the facility. As a preliminary matter the Board should note the following in respect of traffic and noise generation associated with vehicles entering and exiting the proposed development. Firstly it should be noted that no traffic entering or exiting the facility will do so from Berryleck Lane, (the lane which serves the appellant's dwelling). All traffic, as the drawing submitted indicate, will be directed to the facility via the R612 to the east of the appellant's house. Secondly I refer the Board to Table 4.1 and 4.2 of the applicant's response to the additional information request submitted on 2nd April, 2015. It is clear from this table that in respect of HGV traffic the existing facility gives rise to 32 two-way HGV movements on a daily basis. Under the proposed application the number of two-way daily movements is to be reduced from 32 to 18. A commensurate reduction in noise

generation can be expected as a result of the lesser number of HGV movements. While the applicant argues that the figures presented in the EIS are somewhat disingenuous as the existing composting plant has not operated at or near capacity in recent years. While this may be the case, the fact remains that the original application was assessed based on the facility operating at capacity and this traffic impact was deemed to be acceptable. The applicant has secured an extant permission for which involves HGV traffic generated over and above that that associated proposed facility. This in my view is a pertinent and material consideration in assessing the potential traffic and noise impacts associated with the current proposal.

It is acknowledged however that car/LGV movements, principally as a result of more staff being employed at the facility, will increase as a result of the proposed development and this will offset the reduction in noise anticipated as a result of lower HGV movements to and from the facility. However the Board should bear in mind that overall the proposed development will not give rise to significant increases in traffic movements to and from the facility and as such material increases in traffic noise generation are very unlikely to result from the proposal.

Chapter 9 of the EIS carries out a detailed and robust noise impact assessment. Baseline studies were undertaken in order to ascertain the existing noise environment. Of particular importance in the context of the grounds of appeal is the location of noise sensitive location (NSL) no. 1 which is located on the north-western boundary of the site between the appellant's property and the proposed development.

NSL1 is located approximately 220 metres east of the appellant's house. It can logically be deduced therefore that noise levels experienced at NSL1 are likely to be significantly greater than that experienced at the appellant's dwelling over 200 metres away. Existing L_{Aeq} levels of 51.7dB(A) were recorded as part of the baseline studies undertaken at the EIS. Noise levels are attributed to distant road noise, wildlife and agricultural activities.

The EIS indicates that during the operational phase additional noise levels are likely to be negligible. I note however that the EIS does not carry out any predictive noise generation modelling in relation to the operational phase of the development. However having regard to the separation distances between the facility and the nearest noise sensitive receptors and the nature of activities to take place on site, including traffic to and from the facility, I would generally agree with the

conclusions set out in the EIS that the predicted noise impact from the proposed new digester processing systems are expected to be insignificant. Furthermore based on my site inspection, and having regard to the existing ambient background noise levels, I do not consider that anticipated noise generation from the proposed development would constitute reasonable grounds for refusal in this instance. As in the case of odour and air pollution; noise emissions during the operational phase is a matter for the EPA in issuing a waste licence for the activities to be undertaken on site. I note that the previous licence issued by the EPA (see section 4B of the licence requires daytime dB(A) L_{Aeq} levels (30 minutes) to be limited to 55 dB(A) and 45 dB(A) night time. Such a level is deemed to be acceptable by the EPA and is generally in accordance with EPA guidelines.

With regard to construction noise, the EIS in Table 9.16 sets out the sound power levels (L_w) associated with the machinery that will be involved in the site clearance and preparation works. The combined sound power output from all plant and machinery is estimated to be 62dB(A) 150 metres from the site. If noise dissipation levels were extrapolated to the appellant's house, noise levels during the construction phase can be expected to be in the order of 56dB(A)¹.

Such levels are considerably below the NRA guidelines which suggest a construction limit of 70dB(A) L_{Aeq} for construction activities. The EIA also points out that actual levels experienced at noise sensitive receptors are likely to be lower due to ground attenuation and screening in the area surrounding the site. Prevailing wind direction is also likely to attenuate noise levels at the appellant's dwelling. Finally the Board will note that construction activities relating to the site are temporary and therefore not long term. In conclusion therefore I do not consider that noise impacts either during the construction or operational phase will have a significant adverse impact on the appellant's amenity or the amenity of other noise sensitive receptors in the area. Noise levels generated during the operational and construction phase are therefore deemed to be acceptable. Any noise emissions associated with the operational activity on site are a matter for the EPA and not for An Bord Pleanála.

11.4 Property Devaluation

The grounds of appeal argue that the proposed development would result in property devaluation. The Board should have regard to the fact

¹ Based on a reduction in 6dB(A) with a doubling of distance from the sound power source.

that there is an extant permission for a compost facility on the site in question. It is clear from the information contained on file that traffic generated by the proposed development, particularly HGV traffic would be less than that associated with the existing composting facility and all traffic associated with the new facility will be restricted to a designated access off the R162 and therefore will not enter or travel along Berryleck Lane. Furthermore I have argued above that the proposed development will not give rise to any significant or material impacts in terms of air pollution, odour or noise generation. I therefore consider that the appellant's amenity will not in any way be adversely affected by the proposed development. As such I do not consider that the proposed development will result in devaluation of property in the area.

11.5 Impartiality of the Planning Authority

I would agree with the contention set out in the applicant's response to the grounds of appeal that Meath County Council has objectively assessed the application before it and in accordance with the proper planning and sustainable development of the area. It is clear from the planning authority's submission that the planning history associated with the site was important in prompting it to grant notification to grant planning permission in this instance. The applicant also points out that the competent authority for wastewater treatment and sludge management is not, as of the 1st January 2014, Meath County Council but is in fact Irish Water. As such Meath County Council would not benefit in granting planning permission for the proposed development. Furthermore as the case is currently under appeal, An Bord Pleanála is the competent authority in dealing with the application. As such the Board has no conflict of interest or vested interests when considering the current application and appeal before it but will restrict its deliberations to the proper planning and sustainable development of the area.

11.6 Other Issues

While the following issues are not specifically raised in the grounds of appeal, I consider it appropriate and pertinent that the Board consider a wider ambit of issues relating to the development as the Board is required to assess the application de novo. Therefore it is proposed to comment briefly on other potential impacts in the context of the proper planning and sustainable development of the area.

11.6.1 Archaeology

The EIS carried out a desktop study and a site walk over survey in respect of archaeology. It concludes that the proposed development at Wilkinstown will have no impact on known sites of archaeological or architectural heritage significance. There will be no negative physical or visual impacts on any known archaeological or architectural heritage sites identified within the study area of the proposed development. A single site of cultural heritage significance is the remains of a previously demolished farm complex which is situated within the area of the proposed development. This site has recently been demolished and is no longer upstanding. Some structural elements comprising of wall foundations and cobble surface are now visible at ground level within the proposed development site. As no development is proposed in the immediate vicinity of these remains there will be no further negative impacts. It is acknowledged that the site is located in an area with a high density for archaeological remains. Archaeological monitoring of the earth removal/ground works will militate against any potential impacts on the archaeological heritage.

11.6.2 Traffic and Transport

The EIS indicates that during the construction phase, approximately 90 construction workers will be employed on the site with typically 15-20 construction workers being on site at any one time. The EIS states that the construction traffic movements will be below the level of trip generation associated with the operational phase of the development.

With regard to the operational phase it is stated that the change in input material from woodchip to sugarbeet will reduce the overall number of HGV movements. The loading of the HGV's delivering raw materials to the site will increase from the previously stated 12 tonnes to an average slightly in excess of 25 tonnes.

The proposal is also likely to result in an increased work force of 20 employees. Trip generation associated with employees combined with the intake of material, the dispatch of residual digestate material and agricultural traffic from the poly-tunnels results in a total of 262 traffic movements per day. Traffic modelling was undertaken using the PICADY model to assess the impact of the proposed development on the R162/site access junction. With the incorporation of an improved site access junction the ratio of flow to capacity (RFC) at the junction onto the R162 is forecast to operate well under capacity during the operational phase of the proposed development with queuing of less

than a single vehicle predicted through to the year 2030. The maximum ratio of flow to capacity is forecast to take place in the afternoon peak hour where an RFC of just 0.226 is predicted. This is well below the capacity of the junction. The improved access junction will also increase visibility splays with Y-distances in excess of 200 metres in both directions. Based on my site inspection and the information contained in the traffic section of the EIS, I am satisfied that the proposed development is acceptable in terms of traffic safety and convenience.

11.6.3 Visual Impact

Section 5 of the EIS assesses the visual impact resulting from the proposal. The Board would be aware from the photographs attached that there is an existing large storage unit on site. This unit is located in the south-eastern portion of the site in close proximity to the access road. The main visual elements associated with the proposed anaerobic digester include the two large digester tanks (11.5 metres in height) with three storage tanks (8 metres in height), a heating tank (10 metres in height), two pasteurisation tanks (10 metres in height) and a hydrolysis tank 10 metres in height. A 10 metre high vent stack is also proposed along with a combined heat and power plant (CHP), gas bag and drying house. When viewed from public vantage points, these clusters of structures introduce a new visual element on the landscape. However the separation distance between public vantage points on the R162 and the location of these clusters of structures help reduce the visual impact. A series of photomontages are contained in the EIS which depict the proposed development from various vantage points along Berryleck Lane and the R162. The impacts are described as being slight to moderate. There are no designated views or prospects listed in the Development Plan which relate to the site or its surroundings.

Detailed landscaping proposals are also set out in the drawings submitted with the application. A thick band of ash, beech, birch and oak are proposed around the perimeter of the north-western portion of the site. Landscaping is also proposed along the road boundary and access road around the proposed poly-tunnels. This will help screen and mitigate the visual impact (see drawing no. 2014-702 and 2014-703). It is also apparent from my site inspection that existing roadside hedgerows along the R162 will assist in screen the proposal from vantage points particularly along that section of road to the east and north-east of the site. I refer the Board to photo no.10 attached. It

depicts views westwards across the site from the petrol station on the east side of the R162 to the east of the site.

Having regard to the nature of the receiving environment together with the separation distance between the R162 and the subject site and the existing and proposed landscaping measures, I consider that the proposed development is acceptable from a visual amenity point of view.

11.6.4 Ecology

Chapter 8 of the EIS deals with flora and fauna. The north-western portion of the site and the western portion of the south-eastern part of the site comprise of buildings and artificial surfaces. The area where the proposed poly-tunnels are to be located comprises of improved agricultural grassland. Hedgerows also surround most of the site perimeter. The EIS sets out in detail the baseline environment prior to construction and it is stated that wildlife in the immediate vicinity of the proposed construction site is likely to be disturbed as a result of construction activity.

In terms of impact on water quality it is noted that the minimum distance between the proposed application site and any water body is 44 metres (Demailestown Stream). A tributary of the Yellow River to the north of the site is located approximately 130 metres from the site. It is suggested that the watercourses in question are a sufficient distance away to ensure that no potential pollution events will occur during the construction phase. The overall ecological impact is predicted to be minor. Having regard to the baseline receiving environment which indicates that the existing environment is of low ecological importance, I consider that the proposed development will not have a significant ecological impact and that mitigation measures set out, particularly for construction phase, will ensure that the ecological impact arising from the development will remain low. Mitigation measures during the operational phase which will include extensive planting, will enhance the natural habitat for fauna. The proposed ecological impact in my view therefore will be acceptable.

11.7 New Issue – Condition no. 21

Having read the contents of the file, and in particular the information contained in the EIS, I consider that a new issue may arise on foot of

Condition No. 21 attached to the Planning Authority's notification to grant planning permission.

Condition No. 21 requires that the applicant shall source all processed water from on-site production wells. Potable water from the public supply shall only be used for non-process operations (i.e. office, toilets, canteen etc.). Details of the source of the processed water shall be submitted for the written agreement of the Planning Authority prior to the commencement of any work on this development.

Reason: In the interest of the conservation of water.

There is no information on the EIS as to how much water would be required during processing activities. The reason for this being that the applicant assumed that all water would be derived from the public water supply. Deriving water from on-site production wells could have a number of significant implications for the proposed development and on the groundwater regime in the area. I consider that it would be appropriate for the Board to request further details with regard to water supply.

In the first instance it is not clear what volumes of water are required to be used in the processes undertaken in relation to the anaerobic digestion activity and what volumes of water will be required in respect of cleaning, maintenance and washdown associated with the site. The EIS indicates that the site is located over a poorly productive aquifer. It is possible therefore that required volumes of water may not be available within the underlying aquifer to facilitate the proposed development.

Furthermore or perhaps more likely, the provision of on-site production wells could have implications for groundwater levels in the area through excessive drawdown with the resultant lowering of the water table. On-site production wells may result in a significant cone of depression in the groundwater regime in the vicinity of the site. Table 7.4 of the EIS sets out the well data together with the location of wells in the vicinity of the site. It is noted that two of the wells (wells nos. 1 and 2) which are located between 1 and 1.3 kilometres to the north of the site are used for Meath County Council's public water supply.

Other domestic wells located in closer proximity to the site have very modest depths c.3 metres below ground level. Any drawdown in the

water table as a result of on-site wells to serve the facility could have a significant impact on the viability of other wells in the vicinity.

Finally I note that the site is located in an important agricultural area. I noted that a number of fields in the vicinity were used for tillage crops and on-site water supply is particularly important in the production of such crops. The importance of the agricultural activity in the vicinity of the site would further necessitate more detailed groundwater investigations to ensure that any groundwater supply associated with agricultural activity in the area is not jeopardised or undermined as a result of water supply arrangements to facilitate the proposed anaerobic digestion process.

On the other hand the Board may come to the conclusion that, despite both Meath County Council's and Irish Water's concerns in respect of utilising the public potable water supply neither Meath County Council nor Irish Water recommended that planning permission be refused on foot of water supply arrangements. This may imply that both the Council's Water Services Department and Irish Water are satisfied that there is sufficient groundwater reserves to cater for the proposed development and that the proposed development in proceeding would not jeopardise or undermine the existing groundwater regime in the area as a source of water supply. I further note that the applicant has not expressed any concerns either by way of a first party appeal or in correspondence received by the Board subsequent to the lodgement of a third party appeal, in respect of water supply arrangements on foot of the grant of planning permission.

However it remains my view that the Board should request the applicant to:

- (a) provide details of the water supply requirements associated with the proposed development, and
- (b) carry out hydrogeological investigations to ensure that any groundwater supply associated with the processing activity is available to be supplied by way of an on-site production well or wells and that any production well would not undermine or jeopardise existing groundwater supplies in the vicinity of the site.

11.7.1 New Issue – SEVESO

I note the comments of the HSA in respect of the matter as to whether or the anaerobic digestion facility would come within the scope of 'An Establishment' under the provisions of the CoMAH Regulations. In the absence of such specific information on file, including information in the EIS, the Board may wish to request further information from the applicant in respect of the maximum quantity (if any) of dangerous substances to be used/ stored on site, together with the relevant hazard numbers and statements in accordance with the Classification Labelling and Packaging of Substance and Mixtures Regulations Regulation EC 1272/2008. Any information submitted by the applicant could then be circulated to the HSA for comment.

12.0 ENVIRONMENTAL IMPACT ASSESSMENT

Having read the entire contents of the EIS document I consider the information contained therein is of sufficient detail and complies with the statutory requirements as set out in planning legislation (i.e. Article 94 and Schedule 6 of the Planning and Development Regulations 2001) (as amended) and the published EPA guidelines as they relate to environmental impact assessment. I have in my assessment above identified, described and assessed the key likely potential significant effects in relation to both the construction and operational phases with regard to:

- Amenity issues and in particular potential noise and odour and air pollution issues arising from the proposed development.
- Visual impact.
- Ecology.
- Archaeology.
- Traffic

I consider that the EIS adequately assess the potential impact of the proposal in terms of hydrology and hydrogeology having regard to the initial proposal to use public water supply for the proposed development. However having regard to the Planning Authority's requirement that all water associated with the anaerobic digestion process be sourced from an on-site production wells, I consider that further information is required with regard to the potential impacts on groundwater. In my view this information should be sought by way of additional information. The Planning Authority's requirement to source all water used in the

anaerobic digestion process would in my view necessitate additional hydrological investigations in order to fully ascertain the potential environmental impact.

Notwithstanding this requirement, I am satisfied that the proposed development has assessed the proposed development in the context of the construction phase, operational phase and decommissioning phase. With the exception of additional hydrogeological investigations, I am satisfied that the EIS has demonstrated that the proposed development, subject to the employment of appropriate mitigation measures as set out in the various chapters of the EIS, and referred to where relevant in my report, will not result in the proposed development having a significant environmental impact on the receiving environment. I am satisfied that the proposed development will have a modest positive impact in respect of human beings in creating additional employment opportunities during both the construction and operational phases. Inevitably slight negative impacts are likely to arise during the construction phase however having regard to the separation distances between the site and the surrounding residential development in the area, together with the temporary nature of construction activity, I consider adverse impacts will be minimal and temporary and I further note that these impacts will be reduced by the proposed mitigation measures to be employed during the construction phase.

The EIS has also in my view adequately considered and addressed the issue of alternatives (see Chapter 3 of the EIS). The applicant has examined alternative sites, alternative designs and alternative processes and has reached a reasonable conclusion regarding same. The EIS has adequately assessed cumulative impacts and indirect impacts arising from the proposed development (see Section 15.3 and 15.4 of the EIS) and has assessed the potential interaction between the various impacts (see Section 15.5. of the EIS). Cumulative impacts, indirect impacts and interaction of impacts have been assessed in accordance with the legislation and also in accordance with best practice guidelines. The EIS has presented an accurate and reasonable assessment of these impacts in my view.

The EIS has also set out appropriate mitigation measures in relation to the potential environmental impacts and, with the exception of the necessity to carry out additional hydrogeological investigations in light of the Planning Authority's decision, I would agree with the conclusions reached within the document that the residual effects arising from mitigation measures employed are acceptable and that the proposed

anaerobic digestion facility would not have a significant impact on the receiving environment.

In summary therefore with the caveat in relation to hydrogeological issues, I am satisfied that the contents of the EIS together with the various appendices attached (Appendices A to J), that sufficient information is contained on file to carry out a full environmental impact assessment in respect of the proposed development and would agree with the conclusions that the proposed development would not adversely impact on the receiving environment subject to the implementation of the mitigation measures proposed and compliance with the conditions set out at the end of this report.

13.0 APPROPRIATE ASSESSMENT

The applicant has submitted a statement of screening for appropriate assessment in respect of the proposed anaerobic digestion facility at Wilkinstown. The screening report identifies two Natura 2000 sites within 10 kilometres of the proposed development. These are the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and Blackwater Special Protection Area (Site Code: 004232). At their closest points these two sites are located approximately 5.7 kilometres south of the proposed development site. The qualifying interests associated with the SAC include:

- River Lamprey
- Salmon
- Otter
- Alkaline Fens
- Alluvial Forests with Alder

The conservation objectives of the site are as follows:

- To maintain the favourable conservation status of the qualifying interests of the SAC.
- To maintain the extent, species richness and biodiversity of the entire site.
- To establish effective liaison and co-operation with landowners, legal users and relevant authorities.

The River Boyne and Blackwater SPA has a single qualifying interest.

- The common Kingfisher.

The main objective of the SPA is to maintain and restore the favourable conservation status of this species.

The only adverse potential impact which could arise as a result of the proposed development relates to potential adverse impacts on water quality due to contaminated water discharge off the site finding its way into the River Boyne and River Blackwater SAC. Many of the qualifying interests associated with this Natura 2000 site are sensitive to alterations in water quality (River Lamprey, Salmon and to a lesser extent Otter). According to the information contained in the EIS, the only surface water discharge from the site will be surface water run-off associated with rain. All surface water will pass through an oil/water separator before it is discharged into an adjoining ditch at a controlled rate of 26 litres per second via an attenuation tank. The surface water drainage for the site will be designed in accordance with the sustainable urban drainage system (SUDS). This should reduce surface water run-off from the site to a rate associated with a green field site. The EIS outlines best practice to address any potential accidental spillages in during the construction phase. All surface water will be treated prior to being discharged to a local drain.

As the site is almost 6 kilometres north of the River Boyne and River Blackwater SAC/SPA and there is no direct link between the site and the designated Natura 2000 sites in the vicinity, I am satisfied that the conclusions reached in the statement of screening for appropriate assessment submitted with the application is reasonable and that the proposed development does pose any threat or is likely to have a significant effect on the Natura 2000 sites identified. It is therefore reasonable to conclude on the basis of the information contained on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans and projects would not be likely to have a significant effect on the River Boyne or River Blackwater SAC (Site Code: 002299) or the River Boyne and Blackwater SPA (Site Code: 004232) or any other European site, in view of the site's conservation objectives, and a Stage 2 Appropriate Assessment (and the submission of an NIS) is not therefore required.

14.0 CONCLUSIONS AND RECOMMENDATIONS

Arising from my assessment above I consider the Board should request additional information in respect of the following:

- (a) Details of the volumes of water required to facilitate the proposed development.
- (b) The applicant is requested to undertake additional hydrogeological investigations in order to demonstrate that there is sufficient groundwater availability in order to source all processed water from on-site production wells and that any wells on site will not undermine or jeopardise the groundwater recharge regime in the vicinity of the site and would not undermine or jeopardise groundwater supply to existing public and private wells in the vicinity of the site.
- (c) The applicant is requested to submit details of the maximum quantity of dangerous substances to be used/ stored on site, together with the relevant hazard numbers and statements in accordance with the Classification Labelling and Packaging of Substance and Mixtures Regulations Regulation EC 1272/2008.

If the Board do not consider the above information necessary in order to determine the current application and appeal before it I recommend that planning permission be granted for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

In making its decision the Board has regard to:

- National and regional policy in relation to waste management.
- The provisions of the County Development Plan in relation to waste management.
- The fact that the development will be subject to control by licence issued by the Environmental Protection Agency.
- The location of the site in a rural area and its current use as a composting facility.

- The quality of road network in the area.
- The pattern of development in the area.
- The submissions on file.
- The information contained in the Environmental Impact Statement and the appropriate assessment screening report submitted with the application.
- The report of the reporting inspector in respect of the proposed development.

The Board considers that subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience and would therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the plans and particulars received by the planning authority on 20th day of April 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The operator of the proposed facility shall not commence works until it has been ascertained whether or not a waste licence review by the Environmental Protection Agency is required. If it is determined that a waste licence review or an industrial emissions licence is required, the proposed facility shall not commence operations until such a licence has been obtained from the Environmental Protection Agency.

Reason: In the interest of orderly development.

3. Water supply and drainage arrangements, including the provision of any on-site production well/wells and the disposal of surface water shall comply with the requirements of the planning authority for such works and services. Potable water from the public supply shall only be used for non-processing operations (i.e. toilets, offices, canteens etc.).

Reason: In the interest of public health and to ensure a proper standard of development.

4. All water from potentially contaminated areas shall be collected separately and shall be discharged into the anaerobic digestion tanks.

Reason: In the interest of public health.

5. Residual digestate and centrate arising from the anaerobic digestion process shall be disposed of by the spreading on land or any other means agreed in writing by the planning authority. The location, rate and timing of spreading together with any buffer zones required shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Water) Regulations 2014.

Reason: To ensure the satisfactory disposal of waste material in the interest of amenity, public health and prevent pollution of watercourses.

6. The landscaping scheme shown on drawings nos. 214-701, 214-702E and 214-703B shall be carried out within the first planting season following substantial completion of the external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

7. Prior to the commencement of development details of all materials, colours and textures of all external finishes to the proposed structures and buildings and other plant associated with the development shall be submitted to and agreed in writing with the planning authority.

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

8. The construction of the development shall be managed in accordance with a construction management plan which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. This plan shall provide details of the intended construction practice for the development, including hours of working and measures for any off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

9. Details of all car parking arrangements including the layout of car parking spaces shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure that adequate off-road parking provision is available to serve the proposed development.

10. Details of all loading and unloading of waste on-site shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of residential amenity.

11. No muck, dirt, debris or other materials shall be deposited on the public road or verge by machinery or vehicles travelling to and from the site during the construction phase. The applicant shall arrange for vehicles leaving the site to be kept clean.

Reason: In the interest of orderly development.

12. The developer shall be responsible for the full cost of repair in respect of any damage caused to any adjoining public roadway arising from the construction work and shall make good any such damage to the satisfaction of the planning authority.

Reason: In the interest of road safety and traffic management.

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

14. (a) The proposed on-site wastewater treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted as Appendix C of the EIS and in accordance with the EPA Code of Practice for On-Site Wastewater Treatment Systems. Arrangements in relation to the on-going maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- (b) Within three months of the operation of the on-site wastewater treatment system the applicant shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

15. Oil and fuel storage tanks required for the construction stage shall be bunded to a volume not less than greater of the following:
 - 110% of the capacity of the largest tank within the bunded area, or

- 25% of the total volume of substance which could be stored within the bunded area.

Reason: In the interest of public health.

16. During the construction phase, noise levels at all noise sensitive locations in the vicinity of the site shall not exceed 70dB(A). Construction shall only take place between the hours of 08.00 hours to 19.00 hours Monday to Friday and 08.00 hours to 14.00 hours on Saturday.

Reason: In the interest of residential amenity

17. The developer shall pay to the planning authority a financial contribution of €62,999 (sixty two thousand nine hundred and ninety nine euro) in respect of the provision, refurbishment, upgrading, enlargement or replacement of public roads and public transport infrastructure 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 contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

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.

18. The developer shall pay to the planning authority a financial contribution of €5,607 (five thousand six hundred and seven euro) in respect of the provision and extension of social infrastructure (open spaces, recreational and community facilities, amenities and landscaping works) 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 contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

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.

**Paul Caprani,
Senior Planning Inspector.**

12th October, 2015.

sg/ymc