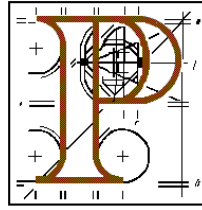


## An Bord Pleanála



## Inspector's Report

**Development:** Permission for an increase in the permitted annual intake of wastes and associated development at existing Materials Recovery Facility. Clonmel Waste Disposal Ltd. Propose to increase the intake of wastes from the current permitted level of 24,000 tonnes per annum to 49,983 tonnes per annum and carry out upgrade and road improvement works to the existing access road ref L32101 including hedgerow removal, hedgerow realignment and surface widening.

An application to revise Clonmel Waste Disposal Ltd.'s Waste Facility Permit under the waste management (Facility permit and Registration Regulations) as amended is also being made to Tipperary County Council. An Environmental Impact Statement (EIS) is required and is being submitted to the Planning Authority with this application and the waste facility permit application (Current permit is WFP TS-11-0001-01).

Location: Lawlesstown, Clonmel, Co Tipperary.

### Planning Application:

Planning Authority:	Tipperary County Council
Planning Authority Reg. Ref.:	15/600034
Applicant:	Clonmel Waste Disposal Ltd.
Type of Application:	Permission

Planning Authority Decision: Grant Permission subject to conditions.

**Planning Appeal:**

Appellants: Philip and Mary Buckley

Type of Appeals: 3<sup>rd</sup> Party v Permission

Observers: None

Date of inspection: 17<sup>th</sup> June 2016

Inspector: Bríd Maxwell

## 1.0 SITE LOCATION AND DESCRIPTION

### 1.0 THE SITE

- 1.1 The appeal site which has a stated area of 2.07 hectares is located off the R688 Cashel to Clonmel Road within the townland of Lawlesstown approximately 3km to the north west of Clonmel Town Centre. The appeal site comprises the existing Clonmel Waste Disposal civic amenity and waste processing site.
- 1.2 Access to the appeal site is from the L32101 a cul de sac of narrow width varying between 3m to 6m along the section between the site access and the junction with the R688, which is approximately 320m east of the site. At the eastern end of the appeal site is the civic amenity site which is open to the public with has a separate in/out entrance/exit system. The civic amenity site is laid out with a numbered system of skips for dry recyclables, plastic, glass, aluminium cans, general waste, WEEE etc. A portacabin office is provided adjacent to the entrance for administration functions in relation to the Civic amenity site.
- 1.3 Separated by way of gates the western end of the site comprises the waste processing and handling area which has its own dedicated vehicular entrance and which includes a number of buildings and yard areas including a baling shed, materials recovery and processing, waste out storage, covered waste storage and wood processing area and uncovered storage areas. Staff facilities including office and portacabin sanitary facilities are located adjacent to the entrance to the materials recovery and processing area. An office and weighbridge are located adjacent to the roadside boundary between the civic amenity site and recovery processing site. Truck parking and staff car parking areas are located adjacent to the public road towards the north-western end of the site whilst a surface water attenuation pond of recent construction is located at the western extremity of the site.
- 1.4 The site is bounded on all sides by agricultural lands, with two residential properties located to the east of the site, the closest being at a distance of approximately 100m from the site boundary. A bus storage depot is located adjacent to this residential property. The dwellinghouse which lies approximately 250m to the east of the site includes prefabricated buildings which provide the offices and administrative functions for *Clonmel Waste Disposal*.<sup>1</sup> The surrounding area is rural and predominantly agricultural in use with low density residential housing and a number of industrial

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<sup>1</sup> I note no recent planning history on this site.

uses. The *Ard Gaoithe* Business Park is located a short distance (c300m) to the southeast of the appeal site. A short distance to the west of the site I noted on the date of my site visit an area of ground used for the storage of skips for Clonmel Waste Disposal Ltd.<sup>2</sup>

- 1.5 The appeal site is drained by a narrow drainage ditch which is a tributary of the Garryroe Stream which in turn is a tributary of the River Suir (located circa 3km south of the site) The ditch passes along the northern and western boundaries of the appeal site.
- 1.6 Waste Facility Permit (WFP-TS011-0001-01) applies to the site. Under the existing waste permit the Clonmel Waste Disposal facility is permitted to operate a civic amenity site and waste processing facility for the mechanical sorting of up to 24,000 tonnes of waste per annum. The primary waste types handled are mixed municipal waste, commercial and industrial waste, construction and demolition waste and waste collected from the mechanical treatment of waste. Application details indicate that all processing of wastes with the exception of wood shredding is carried out within the enclosed building at the facility. All wastes are received processed and dispatched within 48 hours. The civic amenity site is open to the public from 8am to 5pm Monday to Friday and 8am to 4pm Saturday. Materials recovery operations are from 6am to 6pm Monday to Friday and 8am - 6pm on Saturday. I noted on the date of my site visit, that operations were well organised and ordered and the site and all operations appeared well managed and tidy.
- 1.7 Photographs of the appeal site taken on the date of my site visit are included in the appendices to this report.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 The application as set out in public notices seeks permission for an increase in the permitted annual intake of wastes and associated development at the existing Materials Recovery Facility of Clonmel Waste Disposal Ltd. The proposal is to increase the intake of wastes from the current permitted level of 24,000 tonnes per annum to 49,983 tonnes per annum. It is proposed to carry out upgrade and road improvement works to the existing access road ref L32101 including hedgerow removal, hedgerow realignment and surface widening. Application outlines that an application to revise Clonmel Waste Disposal Ltd.'s Waste Facility Permit under the Waste Management (Facility permit and Registration Regulations) as

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<sup>2</sup> I could not identify any planning history in relation to this site.

amended is also being made to Tipperary County Council. (Current permit is WFP TS-11-0001-01).

- 2.2 The application is accompanied by an Environmental Impact Statement (EIS) compiled by AWN Consulting.
- 2.3 The proposed increased tonnage will be accommodated within the existing facility buildings and with the existing infrastructure. Other than widening of the approach road to the facility and some on-site drainage improvement works, limited construction will be required to implement the proposed development.
- 2.4 The proposal is to increase the overall tonnage to just under 50,000 tonnes per annum. Waste types are mixed municipal waste, commercial and industrial waste, construction and demolition waste and wastes collected from the mechanical treatment of waste. A breakdown of the anticipated tonnage is set out at Table 2.1 of EIS.

### **3.0 PLANNING POLICY CONTEXT**

- 3.1 **Directive 2008/98/EC on Waste, the Waste Framework Directive** WFD sets out the basic concepts and definitions related to waste management, such as definitions of waste, recycling and recovery.
- 3.2 The Directive introduces the "polluter pays principle" and the "extended producer responsibility". It incorporates provisions on hazardous waste and waste oils, and includes two new recycling and recovery targets to be achieved by 2020: 50% preparing for re-use and recycling of certain waste materials from households and other origins similar to households, and 70% preparing for re-use, recycling and other recovery of construction and demolition waste. The Directive requires that Member States adopt waste management plans and waste prevention programmes.

### **3.3 National Waste Management Policy**

- 3.3.1 Waste management policy is set by the Government and is detailed in a set of four policy documents produced since 1998
  - Changing Our Ways
  - Delivering Change
  - Taking Stock & Moving Forward
  - A Resource Opportunity

### 3.4 Southern Regional Waste Management Plan 2015-2021

- 3.4.1 In terms of waste Regions, Tipperary is located within the Southern Waste Management Region. The Southern Regional Waste Management Plan 2015-2021 is the relevant regional waste management plan for the area. The Plan notes that pre-treatment capacity is prevalent in the region and accounts for over 2.4 million tonnes of the 4.57million tonnes of authorised capacity. Pre-treatment facilities represents 53% of the authorised treatment capacity, with rates of utilisations at existing facilities appearing to indicate an adequate supply (or potential supply) remaining at existing sites.
- 3.4.2 Available treatment capacity at pre-treatment facilities may be less than the treatment capacity authorised by the local authorities and the EPA. The local authorities, mindful of the quantity of authorised pre-treatment capacity in the region, recognise the need for better co-ordination between the lead authority, local authorities in the region, and the EPA.
- 3.4.3 Policy E1 is that *“Future authorisations by the local authorities, the EPA and An Bord Pleanála of pre-treatment capacity in the region must take account of the authorised and available capacity in the market while being satisfied the type of processing activity being proposed meets the requirements of policy E2.”*
- 3.4.4 Policy E2 is *“The future authorisation of pre-treatment activities by local authorities over the plan period will be contingent on the operator demonstrating that the treatment is necessary and the proposed activities will improve the quality and add value to the output materials generated at the site.”*

### 3.5 DEVELOPMENT PLAN

- 3.5.1 The **South Tipperary County Development Plan 2009** as varied and **Clonmel and Environs Development Plan 2013** refer. The site is located on lands zoned 06 Light Industry and Employment Use LI. The objective is to provide for light industry and technology, incubation units, general employment and related uses. Notably the zoning matrix provides that Recycling Facility is Open for Consideration whilst Refuse Transfer Station is not permitted within this land use zoning objective.
- 3.5.2 A number of relevant policies within the Clonmel and Environs Development Plan 2013 include:  
***INF 13 Waste Management***  
*It is the policy of the Council to promote the increased re-use of recycling of materials from all waste sources and to support*

*the policy objectives of the Joint Waste Management Plan for the South East Region 2005 and any review thereof.*

**Policy ECON 3: Non Conforming uses.**

*Where commercial / employment / industrial enterprises exist as non-conforming but long established use, it is the policy of the Council to facilitate their continued operation where appropriate. Where such uses have ceased, the Council will generally only consider redevelopment for new uses that conform with the land use zoning for the area.*

#### **4.0 PLANNING HISTORY**

From documentation available I note the following planning history on the site and landholding.

- **15/600032** Permission granted on 19<sup>th</sup> January 2016 for retention at Existing Materials Recovery Facility of :
  - A) Concrete loading ramp with netted screen and galvanised sheeted fence.
  - B) The enlargement of 2 no waste handling buildings comprising of an increase in floor area and increase in building height
  - C) A new external steel maintenance staircase to southern end of waste intake / store building.
  - D) Installation of 12,000 litre effluent storage tank
  - E) An on-site sanitary facility for staff use
  - F) Site works including alterations to underground foul, storm and effluent sewers, extension to stoned yard areas and construction of stoned yard for staff car parking.

Permission was granted subject to 7 conditions which included. Condition 2 within 8 weeks the bottle crusher shall be relocated within the exiting processing building. Acoustic barrier to be installed within 8 weeks of permission.

- **1460005** Permission for retention of
  - A) Change of use from a waste handling unit to a slatted cattle wintering shed.
  - B) A concrete loading ramp with netted screen and galvanised sheeted fence
  - C) The enlargement of 2 no existing waste handling buildings comprising of an increase in floor area and an increase in building height
  - D) A 12,000 Litre effluent storage tank, andPermission for
  - E) Alterations to existing on site drainage system including new attenuation tank and associated works.

Withdrawn prior to decision.

- **11/342** Permission granted to Clonmel Waste Disposal Ltd on 21 December 2011 subject to 8 conditions to modify existing building and relocate existing oil storage tank. Modifications to include raising roof to allow for ridge height of approximately 9m with extensions to east and south elevation, modifications to north and west elevation, relocation of existing oil storage tank to north elevation and the provision of concrete hardstand to south side with all associated site works.
- **11/295** Permission granted 1/12/2011 for retention of concrete hard stand of approximately 1,600m sq.m and associated receptacle for the purposes of providing a civic amenity recycling and collection facility. The provision of concrete storage bays or use associated with the storage, handling of waste material and recyclables. Material widening of two means of access onto a public roadway. Retention of portacabin of approximately 12m sq. for the use as office. Retention of container of approximately 20m sq for the use as office. Retention of oil storage tank. Retention of building for the use as electrical control building. Retention of single storey building approximately 25m sq. Retention of signage. Retention of building permitted under 03/96 change of use of workshop into building for the carrying out of processes associated with the storage, handling and processes of waste materials and recyclable material. Change of use of agricultural building into building for the carrying out of processes associated with the storage handling and processes of waste materials and recyclables material. Change of use of agricultural buildings for the bulk storage of processes material. Development consisting of the material change of use of lands for the purposes of storage handling and processing waste materials and recyclables. Development consisting of the extension of a concrete yard / processing area onto lands for use associated with the storage, handling and processing waste materials and recyclables. Permission was subject to 11 conditions including Condition 1d which stated that the maximum volume of waste taken in within the facility shall not exceed 24,000 tonnes per annum. Condition 4 required the installation of a surface water attenuation system. Condition 9 Hours of operation between 08:00 and 18:00 hours.
- **09/121** Permission granted for septic tank and percolation area.
- **09/122** Permission granted 17/4/2009 to retain weighbridge, single storey prefabricated building consisting of canteen, toilet and security office. Permission subject to 5 conditions



including condition 3. Permission for the prefabricated building shall be for a period of 3 years only.

- **07/957** Refusal of permission for the construction of a two bay carwash and freshwater storage tank, underground fuel retention separator and a wastewater storage tank, new entrance and associated site works. Refusal on grounds of contravention of zoning objectives regarding commercial uses in open countryside.
- **03/96** Permission to Clonmel Fats Ltd. for a workshop and associated site works.
- **02/950** Permission granted for construction of storage shed approximately 300 sq.m and associated site works.
- **99/995** Permission for retention of change of use of agricultural buildings to waste disposal facility.
- **99/996** Permission for demolition of existing single storey building and construction of new shed with new concrete yard and access road.
- **T UD 14-0630** Warning Letter issued to Clonmel Waste Disposal regarding non-compliance with conditions 1-6 and 11 of PL Ref 11/295 and regarding unauthorised development onsite.
- **ENF 115/07** Relates to unauthorised development consisting of septic tank leakage.
- **ENF 31/11** unauthorised development.

## **5.0 DELIBERATIONS AND DECISION OF THE PLANNING AUTHORITY**

### **5.1 Third Party Submissions including Prescribed Bodies.**

- Health and Safety Authority – No observations.
- Irish Water – No objection.
- Inland Fisheries Ireland. Recommends that the Council should be entirely satisfied with the access to and adequacy of water supply in the event of a fire and the adequacy of facilities for containment of chemicals / effluents that would result from a chemical spillage of fire fighting activities.
- James and Dymphna O Dea, Beechlawn object to the development on grounds of contravention of agricultural zoning, noise impact and other impacts on residential amenity,

- Philip and Mary Buckley object to the development noting history of unauthorised development. Negative impact on residential and rural amenity. Adverse impact on farming practices, noise, dust, odour, air quality, traffic, litter and landscape and visual impact. Fire risk noting previous incidents. Significant negative impact on material assets.
- Submission following additional information reiterates objection to the proposal. Notes that area on the northwestern fringes of Clonmel has to shoulder the burden of this waste facility as well as a large reservoir. Impact on property rights. Development is contrary to the southern waste management plan. Intensification of operations on site without regard for residential amenity. EIS is inadequate.
- James & Dymphna O Dea object to the development. Noise assessment is inadequate. Location of the site within a valley exacerbates the noise impact on residential properties. Screening of the development with trees will take years to mature. Proposal to house the timber shredder within an acoustic chamber will funnel noise to residential properties

## **5.2 Internal Reports**

- Acting Senior Engineer Roads – no objection to proposed widening of cul de sac subject to details being agreed in advance to take account of roadside drainage and other issues. Due to the large number of turning movements at the R688 junction the applicant should be conditioned to pay for an overlay / strengthening works to preserve the road surface.
- Environment Section Report asserts that the applicant needs to justify the proposed increase in capacity in terms of available capacity within pre-treatment and recovery facilities within the region. EIS does not address the wider waste policy issues. Development needs to be justified in the context of the existing waste management legislative and policy framework. Concerns regarding potential surface water impacts due to lack of information provided about soiled and surface water pathways, storage and connectivity. Noise nuisance and odour nuisance, Greater clarity in terms of mitigation. Information gaps in EIS and greater consideration of environmental impact is required.
- Planner's report notes that the existing facility is not operating in compliance with the terms of the existing permission 11/295 in relation to waste volumes. There is also evidence of unauthorised development on the site. Notes that certain activities and structures on site have not been represented in submitted plans. EIS is inadequate. Further information was requested. Habitats Directive Assessment Screening Report considers three Natura 2000 sites within 15km namely the

Lower River Suir SAC, Nier Valley Woodlands SAC and Comeragh Mountains SAC and concludes that there is no potential for significant effects therefore Appropriate Assessment is not required

- Environment report following additional information asserts that sufficient information has been provided to demonstrate that environmental impacts associated with the development have been identified considered and appropriately mitigated. Conditions recommended in respect of surface water discharge under licence and noise limit.
- Final Planning report asserts that under 15600032 all issues regarding non-compliance with 11/295 have been addressed and all unauthorised development on site has been regularised. Permission was recommended subject to conditions.

### **5.3 Decision**

**5.3.1** Tipperary County Councils decided to grant permission subject to 8 conditions which included the following of particular note:

- Condition 2. Prior to commencement of development more detailed proposals for the widening of L32101 road carriageway to be submitted for written agreement.
- Condition 3. Landscaping scheme.
- Condition 4. Prior to commencement of development bottle crusher plant to be relocated within the main processing building. Acoustic barrier to be installed prior to commencement of development. Noise survey within 3 weeks of installation.
- Condition 5. Noise limits.
- Condition 6. Facility shall not operate outside the hours of 08:00 am to 6.00pm Monday to Saturday .
- Condition 7. Clean surface water to be collected and disposed to water attenuation system prior to discharge. Soiled surface water collected and disposed directly to storage facilities. No discharge to surface waters save under Licence under Section 4 of the Water Pollution Acts.
- Condition 8. Operator to ensure vermin, bird flies mud dust litter and odour do not give rise to nuisance. Road network to be kept free from debris.

## **6.0 GROUNDS OF APPEAL**

### **6.1 Third Party Appeal**

6.1.1 The Third Party Appeal is submitted by Philip and Mary Buckley, Lawlesstown Clonmel owners and farmers of

agricultural land adjacent to the west of the appeal site. The grounds of appeal are summarised as follows:

- Road safety on the L32101 which is the only access to appellant's land is compromised as HGVs regularly block access. On numerous occasions emergency services have blocked the road in order to deal with fires taking place within the facility.
- Lack of consultation with local road users and lack of clarity in relation to proposed upgrading works. Issues addressed in condition 2 should be addressed within the application.
- Existing crushing, sorting, stockpiling, unloading and loading of waste materials takes place on a relatively elevated and exposed site and will have further significant adverse impact on nearby residents in terms of noise, dust and odour pollution. Intensification of activity on the site from 24,000 tonnes per annum to 49,983 tonnes per annum is a doubling of capacity and could not have been achieved without a number of unauthorised developments taking place which subsequently were granted retention by Tipperary County Council under 15600032.
- Conditions are vague. Condition 8a. Planning Authority adopted an ad hoc approach in relation to development on the site.
- Impact on material assets and devaluation of property is an ongoing concern.
- Increase in noise levels, vibration dust emissions odours / air quality, movements in heavy goods vehicles. Litter along with the landscape and visual impact will have significant adverse impact on land use and amenity value of lands and constitutional property rights.

## **7.0 APPEAL RESPONSES**

### **7.1 Planning Authority**

- 7.1.1 The Planning Authority response asserts that in relation to road safety along the L32101 it is reasonable to deal with the issues of construction specification and associated works timescales by planning condition. As regards impact of development, visual, odour noise and amenity the planning authority does not consider the site as elevated or open to wide view. The Planning Authority note that unauthorised development on the site was addressed through the Enforcement process under file Reference TUD-14-030 and under planning application PL Ref 15/600032. Statement that the approach was an ad hoc approach to development control is unclear. The issues of impacts arising from dust odour and noise were fully examined the course of the planning assessment. Grant of permission includes for precise and

enforceable conditions to control noise. The planning authority does not consider that the development impacts on the adjoining farm enterprise. No evidence based argument has been provided showing how the development impairs or negatively impacts on the viability of the appellant's farm.

## **7.2 First Party Response to Third Party Appeals.**

7.2.1 The First Party did not respond to the appeal.

## **8.0 ASSESSMENT**

8.0 From my review of the file, all relevant documents and inspection of the site and its environs, I consider that the main issues for consideration may be considered under the following broad headings:

- Principle of Development and Policy Considerations
- Impact on Residential and Rural Amenity
- Environmental Impact Assessment
- Appropriate Assessment

### **8.1 Principle of Development and Policy Considerations**

8.1.1 In consideration of the current proposal in the context of the policies and objectives of the Clonmel and Environs Development Plan 2013, I note that the site is within a large area of land zoned Light Industry and Employment to which the objective is "*to provide for light industry and technology, incubation units, general employment and related uses*" applies. The Land Use Zoning Matrix indicates that a recycling facility is open to consideration within this zoning however a refuse transfer station is not permitted. Policy ECON 3: Non conforming uses "Where commercial / employment industrial enterprises exist as non-conforming hut long established use, it is the policy of the Council to facilitate their continued operation where appropriate. Where such uses have ceased, the Council will generally only consider redevelopment for new uses that conform with the land use zoning for the area." Having regard to the established nature of the use on the site (established since 1990) I consider that the proposal which relates to an increased intake does not represent a material contravention of the zoning objective for the site.

8.1.2 In terms of waste policy I Policy INF 13 Waste Management which it the policy of the council to promote the increased re-use of recycling of materials from all waste sources and to

support the policy objectives of Waste Management Plan for the Region. I note Policy E1 and Policy E2 of the Southern Regional Waste Management Plan 2015-2021 which require that *“Future authorisations by the local authorities, the EPA and An Bord Pleanála of pre-treatment capacity in the region must take account of the authorised and available capacity in the market while being satisfied the type of processing activity being proposed meets the requirements of policy E2.”* Policy E2 is *“The future authorisation of pre-treatment activities by local authorities over the plan period will be contingent on the operator demonstrating that the treatment is necessary and the proposed activities will improve the quality and add value to the output materials generated at the site.”*

The revised EIS submitted in response to the Council’s request for additional information application outlines that in relation to need that the facility on site provides a number of niche waste services to Clonmel and surrounding areas. It provides a convenient location for the local smaller waste operators to bring material for sorting and bulking. Sorting ensures that the tonnage to landfill is reduced and bulking material prior to shipment to other outlets improves the efficiency of collection operations and reduces the environmental impact of the activities. The civic amenity site provides local people with an outlet for both recyclable and non-recyclable material. The facility also provides services to several larger companies in the Clonmel area (including Medite, Bulmers) to assist them in managing their specific waste streams. On this basis it is asserted that the proposed increased tonnage sought refers to a local need rather than a regional need.

- 8.1.3 In the context of sustainable development the benefits of sorting and bulking waste in terms of the reduction of consumption of virgin materials are well discussed in the waste policy context. On the basis of my review of the policy context I consider that the principle of the proposed development is supported by planning and waste policy. I consider therefore that there is no objection in principle to the development as proposed subject to consideration of detailed matters.

## **8.2 Impact on Residential and Rural Amenity**

- 8.2.1 The Grounds of the Third Party Appeal relate primarily to impact on residential and rural amenity in terms of traffic, dust, noise and other disturbance and nuisance. It is further asserted that the proposal will result in devaluation of the appellant’s agricultural property.

- 8.2.2 Access to the facilities on site is controlled via two access gates one solely for the civic amenity yard and one for the materials processing yard. There is a defined circular route for all vehicles around the processing area. Parking is provided for all staff within the yard at the facility and collection there is parking provision for collection vehicles. On the basis of the level of provision there is no reason to believe that increased operations on site would give rise to off-site traffic nuisance. Sightline visibility at the access / egress points is considered to be adequate.
- 8.2.3 It is proposed to provide for road widening along the L32101 to the junction with the R668 to ensure a minimum carriageway width of 6m and thus safely provide for two way traffic flow along this section of roadway. I consider that this is appropriate and will improve traffic safety and should address the third party appellant's concerns regarding delays on the local road network.
- 8.2.4 A traffic impact assessment completed by Roadplan Ltd as provided within Section 13 of the EIS addresses traffic and transportation outlines the assessment of three junctions in the vicinity of the site. It concluded that the L32101/R668 priority junction is operating well within capacity and will continue to do so with the proposed development in place with minimal queues and delays for the design year assessments 2015, 2020 and 2040. Analysis of the Ard Gaoithe roundabout demonstrated that the existing junction will be able to operate within capacity with minimal delays for design year assessments 2015, 2020 and 2040. The Cashel Road Roundabout shows that the junction will be able to operate within capacity with small queues and delays for design years 2015, 2020 and 2040.
- 8.2.5 I consider based on the details submitted the proposed development is acceptable from a traffic safety perspective and in the context of the established operations on the site, I consider that the additional traffic generated by the proposed increased intake is not significant in terms of its potential impact on the amenities of the area.
- 8.2.6 On the issue of visual impact the site is relatively inconspicuous in the area as a result of site topography and established vegetative screening. The proposed increased intake will not have any material impact on visual character and whilst the proposed road widening works will have a visual impact it can be appropriately mitigated by way of landscaping.
- 8.2.7 Issues of Air Quality are addressed in Section 8 of the EIS. The potential impacts in terms of odour are assessed. Air

dispersion modelling was carried out using the United States Environmental Protection Agency's regulated model AERMOD. Modelling assessed concentrations of odour at the worst case off site sensitive receptors and considered the cumulative impact of odour emanating from the various activities on site. Odour emissions will mainly occur from the main processing building on site with some minor contributions from the baling shed and civic amenity area. One of the assumptions was that the doors of the main building would be open 10% of the time and this represents the worst case scenario in terms of odour impact.

- 8.2.8 Best practice mitigation measures in place on the site will continue including removal of all biodegradable waste as soon as practicable and in any case within 48 hours of arrival or within 72 hours at public holidays /weekends. Use of enclosed or covered vehicles, handling of malodorous waste within an enclosed area, regular inspections monitoring and maintenance of waste handling areas. Doors to waste reception areas to be closed as quickly as possible with an opening or closing time of 30 seconds or less where possible, covered storage for malodourous waste and good housekeeping practices. In light of the proposed increase throughput, a series of additional odour abatement measures are being implemented on a phased basis. It is asserted that the implementation of odour abatement measures on a phased basis allows each phase to be assessed for effectiveness in terms of odour nuisance.
- 8.2.9 Dispersion modelling results demonstrate that residential receptors to the north east and east of the boundary will experience odour from the facility on occasion but due to the 98<sup>th</sup> %ile of mean hourly odour concentrations being less than 1.5 OU<sub>E</sub>/m<sup>3</sup>ut the dwellings will not experience an odour nuisance.
- 8.2.10 It is asserted that ongoing odour monitoring will be carried out and should odour nuisance be deemed to be occurring, consideration will be given to operating the main odour generating facility building under negative pressure to ensure that no fugitive odour is released from this facility. This will be achieved through the installation of an odour extraction system with the extracted air released to atmosphere via a suitably sized emission stack ensuring adequate dispersion. Overall subject to existing and proposed mitigation measures it is considered that the development will appropriately mitigate odour impact.
- 8.2.11 As regards dust impact based on dust monitoring of the existing facility no significant impacts on air quality arise in



relation to dust. Remedial dust mitigation measures are set out including provision for yard areas to be regularly cleaned and maintained, material handling and stockpiling systems designed to minimise exposure to wind, water misting or sprays as required and dampening of timber stockpiles.

8.2.12 As regards noise, this is addressed in Section 9 of the EIS. The main sources of noise within the facility are the bottle crusher and the timber shredder, whilst traffic is also a main noise contributor. It is outlined within the application that in terms of operational plant on site the location and number of plant items will remain unchanged with an increased waste capacity. For the increased throughput of waste, the operational on-time of certain items which currently operate on an intermittent basis will increase. Reference to the recent noise monitoring survey and monitoring data compiled over a four year period confirms that noise levels at the closest noise sensitive property to the property are below the emission limits set out in the waste permit of 55dB  $L_{Aeq,30mins}$ . Assessment outlines that predicted noise levels arising from plant and traffic demonstrate that noise level limits are unlikely to be exceeded at nearby noise sensitive receptors. Mitigation measures to address potential noise from the timber shredder and bottle crusher include provision for a 4m high absorptive acoustic barrier which is predicted to reduce noise from the shredder off site to an imperceptible level above background noise including passing traffic. Location of the bottle crusher unit within the main processing building further results in significant noise reduction.

8.2.13 Material Assets are addressed in Section 13 of the EIS. Impacts assessed relate to ownership and access, local settlement, electricity supply, water supply and usage waste management, agriculture, tourism and natural resources. It is asserted that the facility is not having a significant impact on the material resources on the locality.

8.2.14 As regards waste water arising on site all processing of waste occurs within the process building so there is no significant leachate generation from the process other than from occasional wet loads of waste. Run off from waste is captured by drains along the perimeter of the building which overflows to a 12000L effluent holding tank located at the rear of the building. Effluent is removed from the holding tank to a suitable recovery disposal facility by a suitably licensed contractor. A small quantity of liquid wastes in the form of waste beverages in steel / aluminium cans is accepted at the facility for crushing. The liquid fraction is drained to a 6000L tank located beneath the crusher which is then pumped out and the liquid contents returned to the manufacturer for

disposal. The crushed cans are bulked with the aluminium steel cans from the general waste stream and dispatched for recycling. Sanitary facilities are provided at a portacabin provided for staff on site. Waste from the portacabin toilet system collects to an overground tank and is removed from site by a contractor as required.

8.2.15 As regards surface water drainage / treatment, clean surface water drainage from the site is directed to a small neighbouring land drain connecting into a tributary of the Garryroe stream. The drain flows along the edge of the local road on the northern site boundary before joining the tributary of the Garryroe Stream and flowing towards the river Suir. A recently constructed 650m<sup>3</sup> surface water attenuation pond controls surface water discharge to natural runoff rates using a hydrobrake system. Based on the information provided within the application, I consider that it has been demonstrated that the development is acceptable in terms of the potential impacts on the water and hydrological environment.

8.2.16 I noted on the date of my site visit the temporary nature of accommodation facilities on site in terms of canteen / office space and staff welfare facilities. I note that this is a matter of compliance with the Safety Health and Welfare and Work Act 2005 and 2010. I consider that this issue can be addressed by way of condition.

8.2.18 Based on the submitted details and having regard to the established use on the site, the nature of the development proposed and the site context in a rural and predominantly agricultural area, I consider that the proposed increased intake as set out subject to mitigation measures as outlined within the application and supporting documentation will not have significant negative impacts on residential or rural amenity and is otherwise in accordance with the proper planning and sustainable development of the area.

### **8.3 Environment Impact Assessment**

8.3.1 Category 11(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 provides that an EIS shall be prepared in respect of a planning application for the following development:

*“Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this schedule.”*

8.3.2 I note that the development relates to a waste recovery facility involving the importation crushing and recovery of up to 49,983

tonnes of waste per annum. On this basis I note that the proposed development exceeds the relevant threshold therefore requires a mandatory EIS.

### **8.3.5 Compliance with Requirements of Articles 94 & 111 of the Planning and Development Regulations 2001 (as amended)**

I consider that the submitted EIS in overall terms, is in compliance with Articles 94 and 111 of the Planning and Development Regulations, 2001, as amended. To this extent I would observe that-

The EIS contains the information specified in paragraph 1 of Schedule 6 of the Regulations. The EIS-

- Describes the proposal, including the site and the development's design and size;
  - Describes the measures envisaged to avoid, reduce and, if possible, remedy significant adverse effects;
  - Provides the data necessary to identify and assess the main effects the project is likely to have on the environment;
  - The EIS contains the relevant information specified in paragraph 2 of Schedule 6 of the Regulations. This includes-
  - A description of the physical characteristics of the project and its land use requirements;
  - The main characteristics of the waste recovery process to be pursued;
  - The emissions arising;
  - A description of the aspects of the environment likely to be significantly affected by the proposal;
  - A description of the likely significant effects on the environment resulting from the development's existence, the development's use of natural resources, the emission of pollutants and creation of nuisances, and
  - a description of the forecasting methods used; and
  - There is an adequate summary of the EIS in non-technical language.
  - There is an indication of any difficulties (technical deficiencies or lack of know-how) encountered by the developer in compiling the required information.
- 
- I note that the issue of alternatives is poorly explored. I also note that there is limited consideration of the question of cumulative impacts.

8.3.6 The submitted EIS focuses on the significant direct and indirect effects arising from the proposed development. The main likely

effects can be identified under the range of headings as follows:

**Human Beings**

- Employment and economic impact
- Dust and air quality
- Noise & Vibration
- Landscape and visual impact
- Traffic
- Health and Safety

**Soils Geology & Hydrogeology**

- Impacts on soil and geology
- Groundwater quality.

**Water and Hydrology**

- Surface water runoff
- Accidental spills and leaks
- Water quality

**Flora and Fauna**

- Hedgerow realignment / removal
- Surface water impacts

**Air Quality and Climate,**

- Odour
- Dust
- Climate Change.

**Noise & Vibration**

- Traffic and plant

**Landscape and Visual Impact**

- Limited extent of visibility.

**Cultural Heritage**

- No direct or indirect impacts on known items of cultural heritage

**Traffic and Transportation**

- Road Network
- Junction capacity
- Parking provision

**Material Assets**

- Residential buildings
- Road Infrastructure.
- Impact on land use. Agriculture.
- Tourism
- Local Services.

**8.3.7 Interactions of various aspects of the environment.**

Section 14 and Figure 14.1 provides a summary of significant interactions of the foregoing. The interactions between environmental factors are mainly long term and neutral.

8.3.8 As noted above as regards **alternatives** is not explored in any great detail with limited consideration of alternative locations,

alternative processes and alternative design/layout and alternative processes.

### **8.3.9 Assessment of the Likely Significant Effects Identified having Regard to the Mitigation Measures Proposed**

The level of detail provided enables assessment of the range of relevant likely significant effects with due regard given to the mitigation measures proposed to address the range of potential significant impacts arising from the proposed development.

### **8.3.10 Conclusions Regarding the Acceptability or Otherwise of the Likely Residual Effects Identified**

The conclusions regarding the acceptability of the likely main residual effects of this proposal are addressed. The principal areas of concern focus on odour, dust, noise and traffic emissions. Having regard to the established nature of the activity, it is considered that the impact of the increased intake proposed is not significant in the context of baseline conditions.

It is considered that the direct and indirect effects of the proposed development on the environment have been identified and described and the potential impact of the proposed development can be adequately mitigated and is acceptable in terms of residual effects.

**8.3.11** I consider that the EIS is adequate and of an acceptable standard that the document is generally in compliance with the provisions of Article 94 and Schedule 6 of the Planning and Development Regulations 2001.

## **8.4 Appropriate Assessment.**

8.4.1 The application is accompanied by a Natura Impact Statement Stage 1 Screening Report dated 20<sup>th</sup> July 2014 compiled by Moore Group Environmental Services.

8.4.2 The screening assessment notes that there is only one Natura 2000 site within 5km of the appeal site namely the Lower River Suir cSAC (Site Code 002137) which is located circa 3km due south of the site. It is outlined that there is limited hydrological connectivity and limited biological connectivity between the site and the Lower River Suir SAC. The conclusion of the screening report is that there would be no significant impacts on the qualifying interest or conservation objectives of the Natura 2000 site.

- 8.4.3 I consider that the conclusions that there will be no significant impacts on the qualifying interests or species of the Lower River Suir cSAC either as a result of the project or in combination with other projects are reasonable. Therefore it can be concluded that the project is unlikely to have significant impact on the designated site or the habitats or species for which it has been designated.

## **9.0 RECOMMENDATION**

- 9.1 The proposal is in accordance with the national policy of reducing reliance on landfill and promoting the recycling and reuse of waste and, therefore, should be seen as being acceptable in principle. Having read the submissions on file, visited the site and had due regard to the provisions of the Clonmel and Environs Development Plan 2013 the Southern Regional Waste Management Plan 2015-2021 and all other matters arising, I consider the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential and rural amenities of the area, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. The proposed development would otherwise, not be contrary to the proper planning and sustainable development of the area.

## **REASONS AND CONSIDERATIONS**

1. Having regard to the location of the site in a predominantly agricultural area and the absence of residential dwellings in the immediate vicinity, the established use of the site and landholding, it is considered that the proposed increased intake of waste, would not seriously injure the amenities of the area or of property in the vicinity and would, would be in accordance with the provisions of the Clonmel and Environs Development Plan 2013 and the Southern Regional Waste Management Plan 2015-2021 it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. The development including detailed mitigation measures 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 the 16<sup>th</sup> December 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 the 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 development herein permitted shall not be implemented until a waste facility permit has been granted by Tipperary County Council in respect of its operation.

**Reason:** In the interest of orderly development.

3. Prior to the commencement of development detailed proposals for the widening of the L32101 road carriageway shall be submitted to the planning authority for written agreement. Details shall include:
  - (i) Detailed construction specification and finish for the sections of the L32101 to be widened.
  - (ii) Roadside drainage management proposals.
  - (iii) Proposals for landscaping and replacement roadside boundary treatments.
  - (iv) A timescale for the undertaking and completion of works.

**Reason:** In the interest of amenity and of traffic safety.

4. The development shall comply with the requirements of Safety Health and Welfare at Work Acts 2005-2010.

**Reason:** In the interest of amenity.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
  - (a) A plan to scale of not less than [1:500] showing –
    - (i) Existing trees, hedgerows, shrubs specifying which are proposed for retention as features of the site landscaping

- (ii) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder [which shall not include *prunus* species]
- (iii) Details of screen planting
- (b) A timetable for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, 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.

**Reason:** In the interest of residential and visual amenity.

- 6. During the operational phase of the proposed development, the noise level from within the site, measured at noise sensitive locations in the vicinity, shall not exceed -

(a) an  $L_{AeqT}$  value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday (inclusive), [The T value shall be one hour. ] and

(b) an  $L_{AeqT}$  value of 45 dB(A) at any other time. [The T value shall be 15 minutes. The noise at such time shall not contain a tonal component.

All sound measurements shall be carried out in accordance with ISO Recommendations R 1996, "Assessment of Noise with Respect to Community Response" as amended by ISO Recommendations R 1996/1, 2 and 3, "Description and Measurement of Environmental Noise", as applicable.

**Reason:** To protect the amenities of properties in the vicinity of the site.

- 7. The quantity of material imported into the site shall not exceed 49,983 tonnes per annum.

**Reason:** To control the scale of development.

- 8. The facility shall not be open to receive waste outside the hours of 06:00 and 20:00, Monday to Saturday inclusive.

**Reason:** In the interest of clarifying the scope of this permission.



9. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

10. Lighting arrangements for the overall site shall be provided in accordance with a scheme details of which shall be submitted to the Planning Authority for agreement prior to the commencement of development.

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

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development

Act 2000. The 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

**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.

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Brid Maxwell  
27<sup>th</sup> June 2016