



An  
Bord  
Pleanála

## Inspector's Report PL07.247667

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<b>Development</b>	Change of use of agricultural shed (previously permitted under (06/5507 & 15/1009) to storage shed for organic compost material during the winter.
<b>Location</b>	Carrowreagh, Killconnell, County Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	16/1060
<b>Applicant(s)</b>	Mayfield Engineering Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Patrick Hogan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	28 <sup>th</sup> January 2017
<b>Inspector</b>	Karla Mc Bride

## 1.0 Site Location and Description

1.1. The appeal site is located to the SE of Tuam and NW of Ballinasloe in East County Galway and the surrounding area is rural in character. The site comprises an existing agricultural shed which is used to house cattle and horses. There is an underground tank to the rear of the shed and large hardstanding areas to the front and side. There are several detached houses in the surrounding area including a house on the adjacent site to the S. The lands identified for spreading are located to the N, SW and SE of the site. Callow Lough is located to the S of the site, Crit Island West NHA is located c.2.5km to the E and there are several recorded Monuments (Ringforts and Enclosures) in the surrounding area. The attached photographs & maps describe the site and surroundings in more detail.

## 2.0 Proposed Development

2.1. Planning permission is being sought to change the use of an existing agricultural shed (previously granted permission under Reg. Ref. 06/5507& 15/1009) to a storage shed for organic compost material during winter months.

- The existing c.538sq.m cattle shed occupies a c.1.16ha site and it is c.18m wide, 30m deep and 7m high.
- The organic compost material would comprise dewatered sludge from the Tuam WWTP which would be thickened and blended.
- Some 1453 tonnes of waste will be stored during the winter period and the spreading lands are located to the N, SE and SW.
- The material will be transported by tractor and sealed containers with a carrying capacity of 15ton per load and delivered to the lands for spreading or storage during the winter months.
- Residue from the waste would be collected in internal drainage channels and channelled to the underground storage tank.
- Sludge Management Plans produced by the supplier are subject to the approval of the County Council.

2.2. The application was supported by the following documents:

- Farm Maps
- Nutrient Management Plans
- Competency Certificate for Waste Collection
- Letters from Civil Engineering Consultant

### 3.0 Planning Authority Decision

#### 3.1. Unsolicited Further information

The application was supported by the following documents which were received by way of Unsolicited Additional Information:

- Nutrient Management Plan (Fertilizer Plan) for 2014
- Competency Certificate for Waste Collection
- Letters from Civil Engineering Consultant

#### 3.2. Further Information

Further information was requested in relation to the following items:

Item no. 1:

- Clearly identify the location of the 2 slatted sheds - *two slatted sheds indicated in one building.*
- Submit an up to date Nutrient Management Plan to take account of the proposed development - *submitted.*
- Indicate where the organic compost will be spread on the adjoining lands - *on the farm lands indicated on the submitted maps.*

Item no.2:

- Specify the maximum quantum of compost material that will be transported and stored in the shed between 15/10 and 15/01 - *no more than 1453 (t).*

### **3.3. Decision**

Following the receipt of FI in relation to the aforementioned matters, the planning authority decided to grant planning permission subject to 8 standard conditions.

- Condition no.3 required the submission of a copy of the Certificate of Registration under the Sewage Sludge Regulations, 2010.
- Condition nos.4 to 7 restricted the maximum quantum of material to 1453 tonnes, storage to between 15<sup>th</sup> October and 15<sup>th</sup> January and indicated that spreading should be undertaken in line with good practice guidance.

### **3.4. Planning Authority Reports**

#### **3.4.1. Planning Reports**

The report of the Planning Officer recommended a grant of planning permission. The Planning Officer was satisfied with the FI response and noted that the amount of compost to be transported and stored would equate to no more than 1453 tones.

#### **3.4.2. Other Technical Reports**

The Environment Section requested that the applicant be informed that they must apply for a Certificate of Registration under the Sewage Sludge Facility Regulations, 2010 (S.I. 32 of 2010).

### **3.5. Third Party Observations**

One submission received from a local resident who raised concerns in relation to the vagueness of the application with regard to the type and amount of compost and how it will be stored; no details of wastewater storage; environmental impacts; inaccuracies in the drawings; and adverse impacts on nearby house and farm.

## 4.0 Planning History

**Reg. Ref.06/5507:** Permission granted to construct a 5-bay back to back livestock shed (c.538sq.m.), dung stead, effluent tank and site works beside existing yard.

**Reg. Ref.15/1009:** Permission granted for the construction of an agricultural shed the shed (granted permission under 06/5507 above) on revised site boundaries.

**Reg. Ref.11/1446:** Permission granted to construct an agricultural shed for machinery and feed storage.

## 5.0 Policy Context

### 5.1. Development Plan

The site is located within a rural area which is covered by the Galway County Development Plan, 2015 to 2021 and within:

- The Ballinasloe planning area
- Landscape sensitivity 1 (least sensitive)
- Regionally Important, conduit karst aquifer, development potential limited

**Objective EDT 11 (Rural Enterprise)** relates to the establishment of small scale rural orientated enterprises in un-serviced rural areas in existing farm buildings.

**Section 6.15 (Sludge Management Plan)** states that the “Operational Sludge Management Plan” was adopted in 2011 and that the objectives of the plan are to:

- Identify sources of sludge
- Estimate rates for sludge production and final destinations for sludge
- Recommend sustainable options for the management of non-hazardous sludge.

## 5.2. Natural Heritage Designations

The following sites are located within 10km to 15km of the appeal site:

- Lough Corrib SAC
- Glenloughaun Esker SAC
- Carrownagppul Bog SAC
- River Suck Callows SPA
- Crit Island West NHA

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The Appellant owns the adjoining farm lands and has serious concerns about the content of the material and its effects on his livestock and land.

- The use of the agricultural shed will change to commercial.
- The application does not refer to the source of the material, its chemical or bacteriological makeup, where it will be processed, or further used.
- The FI response indicated that material will be spread on lands which were not described in the application and are remote from the site.
- One of the land parcels is currently for sale and is not part of the Beckett farm.
- The wording is misleading as per Part 4, Section 8(iv) of the P&D Regulations.
- Misleading description as the compost would be dewatered sludge from the Tuam WWTP and not farm waste as per the Nutrient Management Plan.
- The content of this sludge is not clear and there is no evidence of sample results to indicate its suitability for land spreading as the only criteria outlined relates to nitrate and phosphate content.
- Non-compliance with the Council's "Operational Sludge Management Plan".

- No evidence as to the nature of the waste, effect on groundwater, odours, and impacts on adjacent agricultural land, dairy herd and residential amenity.
- Storage will create a nuisance with regard to smell and further deterioration.
- Condition no.2 states that the development permitted relates to the works scheduled in the public notice therefore no land spreading will be allowed.
- Queries if the County Council should be the applicant (Condition no.3).
- Condition nos.4-7 dealt with issues beyond the remit of the application.
- The application is flawed in that it expands into further applications for the disposal of municipal waste without any proper screening or appropriate assessment in relation to the effects on ecology and the general environment.
- The environmental issues are not properly addressed and the Nutrient Management Plan is for ordinary agricultural effluent.
- Non-compliance with Objective EDT11 in relation to rural enterprise.
- Adverse impact on residential amenity and property devaluation.

## 6.2. Applicant Response

### **Context:**

- The compost comprises waste from the Tuam WWTP which is de-watered and treated to make it suitable for land spreading in accordance with the Sewage Sludge in Agriculture Regulations 2001 and EC (Good Agricultural Practice for Protection of Waters) Regulations 2010.
- Copies attached of Waste Collection Permit & Training Certificate granted to the applicant, required by the Council for taking sludge from a WWTP.
- The storage of sludge is also governed by The Sludge Storage Facility Regulations 2010.
- This is a tightly controlled and regulated operation.

### **Source and nature of the sludge:**

- Material is from Tuam WWTP, it provides details of the nature of the material and confirms that it will be disposed of by land spreading on identified farms.
- A letter from the Council's Water Services section confirms the nature of the material and states that the sludge will be made suitable for agriculture.
- The waste is still organic and a valuable fertiliser if properly applied to lands.

### **Disposal of material:**

- This is a regulated process under the relevant Irish and EC regulations.
- The operation will be carried out in accordance with these regulations and by a trained and licenced operator.
- Sludge is spread by ploughing it into the land, and not by surface spreading.
- The main farm is beside the site (Carrowreagh); the second plot is a few metres to the SW; the third plot (Loughaunbreen) is 3km by road) to the S.
- Some of the lands are indeed for sale as there was an error in the FI maps, and a revised Nutrient Management Plan and associated maps are now attached which exclude the lands queried by the Appellant.
- No problem with the planning application which is for the change of use of the shed and not for land spreading, which is exempted development and will take place anyway with or without the shed.
- The process will be conducted in accordance with regulations with no adverse impacts on ecology, the environment, land, livestock or residential amenity.
- The contractor is required to hold a permit and to have received appropriate training all of which is vetted by the Council prior to issuing any material.
- The source of the material is the Council who will insist on compliance with the Sludge Management Plan in accordance with s.6.15 of the Dev Plan.



**Other matters:**

- The land spreading is not part of the planning application as permission is not required for this exempted agricultural activity under S.4(1)(a)
- Condition no.3 is not superfluous as the applicant is already legally obliged to obtain a certificate under the 2010 regulations.
- The proposal is not a Rural Enterprise (Objective ED11) as it and inextricable part of a normal agricultural process.

**6.3. Third Party Response**

No new issues raised

**6.4. Further responses**

No response from the Planning Authority.

Appeal not circulated to Prescribed Bodies.

No Observations received.

## 7.0 Further Information

Further Information was requested in relation to the following matters:

- a. Details of the internal layout to show where sludge will be stored.
- b. Details of how the sludge will be stored (loosely or in containers).
- c. Details of an area for the reception of sludge along with dedicated entry and exit points to and from the shed.
- d. Details of the capacity of the two underground slatted tanks.
- e. Details of the measures proposed to contain odours within the shed.
- f. Details of a vehicle wash facility within the site and associated drainage arrangements.

The Applicant's response to the FI request is summarised below:

- Material will be stored loosely in an "L" shaped area to the rear of the shed.
- The front of the shed section will be split between pens, a passage and a storage area for bio solid trailers.
- The front sliding doors will be retained.
- There will be new entrance/exit doors on the E elevation.
- The reception area is located to the E of the new doors.
- The existing tank capacity is 200m<sup>3</sup>, located to the rear N of the shed.
- Ventilation will be located to the sides and top of the shed as per Dept. of Agriculture requirements at the time of construction.
- Odours will be low, and similar to farm dung/manure:
  - The material will be stabilised by lime addition at source (Tuam WWTP).

- The most recent sludge test certificate will show acceptable pathogen kill (0 cfu/100ml E. Coli and 0 cfu/100ml Salmonella).
- Lime stabilisation raises the temperature and pH which stabilises the bio-solid, and over time and storage the material becomes more inert.
- This reduces odour significantly in comparison to unestablished sludge where long term storage has no positive impact on odour.
- The vehicle wash area will be located to the rear of the shed.
- Wastewater will be collected in the existing underground tank.
- When the tank is near capacity, waste will be disposed of at Tuam WWTP.
- Compost will be stored during the winter months (15 October to 15 January) when compost cannot be spread on lands.

The Third Party's response to the FI submission is summarised below:

- The shed does not show an area for the storage of compost (no volume is given) and this is to drain to an external underground tank which will also take effluent from a truck wash which is now proposed.
- The issue of odour is dealt with by a covering letter from Galway County Council, and effluent produced is brought back to Tuam WWTP.
- The appellant also relies in the Council to ensure compliance with conditions.
- The original application for the storage of organic compost over winter months has expanded into a multi layered application involving re-cycling waste back to where it came from as well as land spreading.
- The application is still unclear as to how much storage is available in the shed, the necessity of a lorry wash, the necessity to return effluent to the original source, the length of time effluent is stored and volumes produced.

## 8.0 Assessment

The main issues arising in this case are:

- Principle of development
- Design, layout & visual amenity
- Environmental & residential amenity
- Other issues

### 8.1. Principle of development

The proposed development would be located in an un-zoned rural area that is covered by the Galway County Development Plan, 2015 to 2021. The proposed development, which would comprise the change of use of an existing agricultural shed to use for the winter storage of treated organic compost material from the Tuam WWTP, prior to spreading on neighbouring farm land during the appropriate period, would be compatible with the agricultural character of the surrounding area.

### 8.2. Design, layout and visual amenity

The proposed development would be located within a relatively flat rural landscape of low sensitivity and the site boundaries are defined by fences and hedges. It is proposed to reuse an existing c.538sq.m. agricultural shed, that was granted planning permission under Reg. Ref.06/5507 and 15/1009, for the seasonal storage of organic compost material. The existing shed is c.18m wide, 30m deep and 7m high with an underground effluent storage tank to the rear and two hard-standing areas to the S and E. It is proposed to install a new side entrance/exit to the shed along the side/E elevation which would be c.6m wide and c.5m high, and to provide for a vehicle wash area and reception area to the rear and side of the shed. The proposed alterations are considered acceptable in terms of visual amenity.

### 8.3. Environmental and residential amenity

The proposed development would be located within a rural area which is characterised by agricultural land uses, and there are several houses in the vicinity.

The organic compost material would comprise dewatered and stabilised sludge from the Tuam WWTP which would be thickened, blended and de-odoured. The applicant states that the maximum quantum of compost material that would be transported and stored in the shed between 15<sup>th</sup> October and 15<sup>th</sup> January each year would be no more than 1453 tonnes. The material would be transported by tractor from Tuam WWTP to the storage shed in sealed containers with a carrying capacity of 15 tons per load. The material would be stored loosely in the rear section of the shed. Any residue from the stored waste would be collected in internal drainage channels and channelled to the existing underground storage tank to the rear/E of the shed. An area to the rear of the shed in the vicinity of the underground tank has been identified for the washing of delivery vehicles, as the need arises.

Details of the treatment processes undertaken at the Tuam WWTP to stabilise and dewater the sludge prior to transport, compliance with Department of Agriculture and County Council requirements (including relevant licences, certificates and permits), and the applicant's updated Nutrient Management Plan (including spreading maps), and have been submitted by the applicant. The existing shed was constructed in accordance with Department of Agriculture requirements (including those related to ventilation). It is noted that the Council's Environment Section required that the applicant apply for a Certificate of Registration under the Sewage Sludge Facility Regulations, 2010, and this could be addressed by way of a planning condition.

In relation to environmental impacts, it is noted that the shed is not located within a flood risk area and that it does not have a direct connection to any watercourses. Delivery and collection operations would take place inside the existing shed. Wastewater from the previously thickened sludge, along with any accidental spills during delivery and collection, would be channelled via the shed's internal drainage system to the existing external underground tank. This tank has a 200 cubic

meter capacity and the contents would be ultimately destined for disposal/treatment at the Tuam WWTP. Therefore, there is no potential for surface or groundwater pollution in the vicinity of the proposed development.

In relation to residential impacts, it is noted that the shed is located within a rural area and that there is a long established practice of farming (including slurry spreading) in the vicinity. The documentary evidence submitted by the applicant confirms that the organic material will be stabilised by lime addition at the Tuam WWTP prior to transit. This lime stabilisation process allows the organic material to become more inert over time and during storage, and it reduces odour significantly to a level akin to farm manure. The applicant's submission also refers to recent sludge test certificate results which indicate that the pathogen content of the treated organic material is low and within acceptable parameters. Therefore, the proposed development would not give rise to a significant increase in farm yard type odours in the vicinity with no adverse impacts on residential amenity anticipated.

#### 8.4. Other issues

***Appropriate assessment:*** There are no European sites within a 10km radius of the proposed development and there are no direct aquatic links between the appeal site and any European sites in the wider area, with no adverse effects anticipated.

***Environmental services:*** The proposed drainage arrangements, including the use of the existing underground storage tank, are considered acceptable subject to the continued operation of the existing drainage arrangements and compliance with any requirements of Irish Water and the planning authority.

***Flood risk:*** The proposed development would not be located within or proximate to a flood risk area, with no adverse impacts anticipated.

**Transport:** The 1453 tonnes of organic compost material would be transported in 15 ton loads between 15<sup>th</sup> October and 15<sup>th</sup> January each winter period. This equates to c.97 loads over 13 weeks with an average of 7.5 trips per week to the storage facility (or 15 round trips). The transport of the organic compost material would be via an existing network of rural road which have sufficient space capacity to accommodate the additional traffic movements. Access to the storage facility would be via the existing entrance to the farmyard and the amended entrance/exit to the shed. This is considered acceptable with no adverse traffic impacts anticipated.

## 9.0 Recommendation

Arising from my assessment of the appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below and subject to compliance with the attached conditions.

## 10.0 Reasons and Considerations

Having regard to the provisions of the current Development Plan and to the nature and scale of the proposed development and to the pattern of development in the area, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application including the Further Information received by the Board on the 27<sup>th</sup> day of March 2017, 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 maximum quantum of organic compost material that may be stored in the shed between 15<sup>th</sup> October and 15<sup>th</sup> January shall be limited to 1453 tonnes as indicated in the Nutrient Management Plan submitted to the planning authority on the 7<sup>th</sup> day of October 2016.

**Reason:** In the interest of public health and to ensure the proper planning and sustainable development of the area.

3. The use of the agricultural shed for the winter storage of organic compost material shall be in strict accordance with a management schedule which shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The management schedule shall be in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2014, as amended.

**Reason:** In order to avoid pollution and to protect residential amenity.



4. The organic compost material shall be disposed of by spreading on land. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2014, as amended.

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

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

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

6. All foul effluent generated by the proposed development shall be conveyed through properly constructed channels to the existing storage facilities and no effluent or sludge shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

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

7. A minimum of 18 weeks storage shall be provided in the underground storage tank. Prior to commencement of development, details showing how it is intended to comply with this requirement shall be submitted to and agreed in writing with the planning authority.

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

8. The developer shall obtain a Certificate of Registration under the Sewage Sludge Facility Regulations, 2010 (S.I.32 of 2010) from the Environment Section of Galway County Council, prior to the commencement of development for submission to the Planning Authority.

**Reason:** In the interest of public health and to ensure the proper planning and sustainable development of the area.

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Karla Mc Bride  
Planning Inspector  
08<sup>th</sup> May 2017