



An
Bord
Pleanála

Inspector's Report ABP-300300-17.

Development	Retention of use of shed for the liming and storage of biosolids for use as an organic fertiliser on surrounding agricultural land.
Location	Misterin, Adamstown, Co. Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20171202.
Applicant	Patsy Moore
Type of Application	Permission.
Planning Authority Decision	Refusal (three reasons).
Type of Appeal	First Party
Appellants	Patsy Moore.
Observers	12 separate observations
Date of Site Inspection	13 th February 2018
Inspector	Philip Davis.

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1.0 Introduction

This appeal is by the applicant against the decision of Wexford County Council to refuse permission for the retention of the use of a shed for the storage of biosolids (sewage solids, mostly from Irish Water treatment facilities) within a large farm complex in Misterin, west of the village of Adamstown, County Wexford. The grounds of refusal relate to public health, traffic impacts and Appropriate Assessment. A dozen local residents have submitted observations, generally supporting the decision of the planning authority.

2.0 Site Location and Description

2.1. Misterin

The townland of Misterin is located on the gentle west facing slope of the valley of the Corock River in the fertile agricultural landscape of central Wexford. It is just over 2 km due west from the village of Adamstown, and 13 km east of the nearest large town, New Ross. The landscape is characterised by large, open agricultural fields, mostly in tillage, with some pasture. The area is served by a minor third class road which runs approximately north to south along the highest point of a scarp slope above the shallow valley of the Corock. The area is moderately well populated with a scattering of dwellings and farms along the main road network.

2.2. Appeal site.

The appeal site is a shed within a large farm complex, on a larger farmholding comprising a network of pasture land arable farmland. The site area is given as 0.24 hectares, the area of the overall farm is not given, but I estimate it to be in excess of 50 hectares.

The farm complex is accessed via a 300 metre long track which runs south-west from the public road. There is a dwelling separate from the main complex (on the eastern side). The complex is over a hectare in extent and consists of one very large agricultural shed on the north side, and a complex of smaller buildings and plant on the southern side. There is also a significant area of parking and storage.

The appeal site is the second largest of the sheds, on the south-western side of the complex. This complex is entirely surrounded by intensively farmed arable land. The closest dwelling not within the land ownership is a house next to the entrance to the access track, some 200 metres north-east. There are a number of other dwellings on the opposite side of the road to the entrance.

3.0 Proposed Development

The proposed development is described as follows:

The retention of use of the shed at Misterin, Adamstown, County Wexford for the liming and storage of biosolids for use as an organic fertiliser on surrounding agricultural land.

4.0 Planning Authority Decision

4.1. Decision

The planning authority refused for three stated reasons, which I'd summarise as follows:

1. The applicant has failed to demonstrate that the storing and liming of biosolids on site does not represent a serious public health concern and risk to the environment.
2. Inadequate information in relation to traffic has been submitted to demonstrate the impacts on the local road network.
3. It is considered that the AA Screening Report supplied is inadequate with regard to potential significant effects on the catchment of the Bannow Bay SAC.

4.2. Planning Authority Reports

4.2.1. Planning Reports

There are two planning reports on file, the original one and a follow on summary report following the submission of further information, in addition to a supplementary report by the Senior Planner. Key points in these reports are:

- It is noted that a previous application for ‘change of use’ was refused and subsequently appealed, but withdrawn by the applicant before the Board made a decision.
- It is noted that the facility has a ‘Certificate of Registration’ (under the Waste Management (Registration of Sewage Sludge Facility) Regulations 2010), issued by the County Council for lime stabilization and storage of municipal waste water sludge up to a maximum of 5,000 tonnes per annum.
- A number of complaints were recorded regarding odour. It is noted that most inspections have been negative in terms of odour issues.
- It is noted that a Board referral determined that a change of use was required when municipal sludge is being stored prior to being used on land. This referral led to enforcement proceedings in the County against a number of such facilities in the County.
- The proposal is considered sub-threshold with regard to EIA.
- It is considered that there are a number of issues which were not covered adequately in the submission, relating to water collection, information on lime deliveries, the sources of the waste and traffic impacts.
- The Appropriate Assessment Screening is considered inadequate due to the proximity of the Corock River which drains to the Bannow Bay SAC.
- A refusal was recommended. The Senior Planner report noted that there were ongoing complaints from residents and inadequate information had been submitted.

4.2.2. Other Technical Reports

A copy of the Certificate of Registration Application Report (Waste Management (Registration of Sewage Sludge Facility) Regulations 2010) was submitted by the Council Environmental Section. This was granted in 2014. Conditions are attached (these are detailed conditions relating to operations on and around the site).

A Habitats Directive Screening Conclusion Statement states that *‘having regard to the precautionary principle it is considered that: Significant impacts can be ruled out and stage 2 AA is not required’*.

4.3. **Prescribed Bodies**

Inland Fisheries Ireland – Notes the proximity of the Corock River, which is an important salmon and sea trout fishery and supports Annex II species such as Lamprey. Additional information is requested.

4.4. **Third Party Observations**

There are 18 letters of objection to the proposed development on file, some of which include copious correspondence, technical submissions and other documentation.

5.0 **Planning History**

None on file, but the planners report outlines a number of permissions, including **950552** for a slatted shed and **20011184** for a grain storage shed (permissions granted). Planning reference **20160916** for '*Change of use of the existing grain storage shed to facilitate the storage of biosolids for use as an organic fertiliser on surrounding agricultural lands*' was granted permission, with an appeal to the Board later withdrawn by the applicant (**PL26.248526**). Previously, the Board had granted leave to appeal to a third party to appeal this decision (**LV3341**)

There are also records of enforcement actions recently taken by the planning authority in respect of the use subject to this appeal.

6.0 **Policy Context**

6.1. **Development Plan**

The site is in open countryside without a specific zoning designation. There are no protected structures or registered ancient monuments in the vicinity. There are no policy objectives in the development plan directly relevant to biosolids facilities.

6.2. **Natural Heritage Designations**

There are no Natura 2000 sites within 10 km of the site. The area is drained by the Corock River, which discharges to Bannock Bay SAC, some 12 km to the south. Bannock Bay SAC is designated for its estuarine and dune habitats, while Bannock

Bay SPA is designated for a variety of birds associated with estuaries and sand dunes.

7.0 The Appeal

7.1. Grounds of Appeal

It is stated that **the applicants wish to alter the nature of the application** – it is for storage of biosolids only, but not for lime stabilisation at the site. It is stated that this would bring the application closer into line with the previous application, 20160916, which was previously granted permission by the local authority. It is stated that the reason the applicant withdrew that appeal was because it was believed this was the best way to address the concerns of the applicant – the new application was intended to address the requirement for treatment on the site.

In response to the grounds of refusal:

Reason 1 (public health)

- It is stated that there is no evidence of odour impacts from the existing facility – it is noted that on 6 no. spot inspections by the County Council no odour was detected.
- It is emphasised that all operations are subject to good practice as outlined in the EPA document 'landspreading of organic waste'.
- An engineering report is attached in the appendix to the appeal regarding the appropriateness of the concrete floor for the operation – it is submitted that the bunding and surface water capture would be certified by a chartered engineer as fit for purpose.

Reason 2 (traffic)

- A Traffic Impact Assessment is submitted – it is argued that traffic movements will not be substantially increased over and above what is typical for a working farm. It is stated that it would be normal for the site to receive approximately 4-5 deliveries per week.

Reason 3 (Appropriate Assessment)

- It is stated that the SAC is over 9 km distant from the site. It is emphasised that all operations are carried out in accordance with best practice and there is no evidence this would result in an impact on the watercourse.

Further comments:

- With regard to comments on the Senior Planner's Report it is stated that the resubmission was the result of advice received that an application for retention was more appropriate than for change of use. It is denied that there was any intention to abuse the planning process.
- It is noted that it is proposed to cease the treatment of sludge at the site and only import treated sludge as fertiliser.
- A number of documents are attached with the appendix including an engineering assessment on the suitability of the structure for the proposed use, a Traffic Impact Assessment, odour test results, sludge sampling records, and a copy of the National Wastewater Sludge Management Plan (Irish Water).

7.2. Planning Authority Response

The planning authority requests that the Board take account that the storage and spreading of this biosolid has been ongoing for a number of years at the site, and there have been recorded odour problems since it became operational in 2015. It is considered that insufficient information has been provided on the volumes of limes used and the exact duration and methods of liming. The Board is requested to uphold the decision to refuse permission for the stated reasons.

7.3. Observations

Observer	Address	Key points
Catherine Hanley	Misterin	<ul style="list-style-type: none"> • It is argued that the applicants have disregarded all regulations with regard to the operations on site. • It is questioned as to why they now claim they will not process with lime on the site. • It is submitted that there is insufficient information on the source of biosolids and what processes will have been used. • It is argued that the monitoring of the site has been inadequate. • It is argued that the use of larger loads (as set out in the TIA) has resulted in greater odour problems. • It is submitted that the ongoing operations has caused odour and health issues for local residents. • It is argued that the TIA has underestimated the true impact on local roads and that the stated quantities are excessive for a farm of this size. • It is argued that there have been regular breaches of the Certificate of Registration.
James Galway	Tongarrow, Adamstown	<ul style="list-style-type: none"> • Raises concerns about existing odour problems and potential health and property value issues of the proposed development.
Anna McCarthy	Tongarrow, Adamstown	<ul style="list-style-type: none"> • Raises concerns about ongoing odour issues.
James Kiely	Tongarrow, Adamstown	<ul style="list-style-type: none"> • States that ongoing odour issues are unbearable for local residents. • Argues that it will have a serious impact on health and amenities in the area. • Argues that the road is too narrow for the size and number of vehicles using it.
William Dooley	Tomgarrow, Adamstown	<ul style="list-style-type: none"> • States there is a huge level of mistrust between local residents, the applicant, and WCC due to the history of the site.

		<ul style="list-style-type: none"> • It is argued that the ongoing treatment of sludge was carried out improperly. • It is submitted that the road is too narrow for the level of heavy goods traffic (photo attached).
John & Elizabeth Doyle	Tomgarrow, Adamstown	<ul style="list-style-type: none"> • It is noted that the facility has been subject to enforcement. • It is noted that the planners report on file states that the proposed development is considered prejudicial to public health and the protection of the environment. • Emphasises concerns about the health and safety implications for their family and the enjoyment of their property. • The road is substandard for the level of traffic proposed. • Concerns are expressed at the management quality of the operations on the site – refers to an email on file from a WCC Executive Engineer.
Ellie Walsh	Tomgarrow, Adamstown.	<ul style="list-style-type: none"> • Objects to the importation of biosolids to the area. • Concerns expressed at the potential impact on her private water well and supply. • It is claimed that there are ongoing odour problems. • It is claimed that a trail of effluent has been left along the road by a slurry tanker. • Concerns are expressed at possible future expansion of the facility.
Kathleen Rochford	Tomgarrow, Adamstown	<ul style="list-style-type: none"> • Objects to the proposed development. • Claims that the odour has been unbearable during processing and spreading and the smell lingers for several days. • The roads are not considered suitable for the level of traffic. • Concerns are expressed at impacts on groundwater and local water supplies.
Mr & Mrs P. Murphy	Misterin	<ul style="list-style-type: none"> • Expresses concern at health risks associated with the treatment human waste sludge. • Concerned at the impact of landspreading of this material. • Local road system is inadequate for the traffic loads. • It interferes with the local amenities and beauty. • It will adversely impact on local property values.

Jack & Mary Galway	Tomgarrow, Adamstown	<ul style="list-style-type: none"> • States that there are ongoing serious odour problems from the site. • It is argued that the operators of the site have not followed requirements. • The local roads are unsuitable for the levels of traffic. • Concerns are expressed at potential impacts on private wells in the vicinity.
James Kelly	Tomgarrow, Adamstown	<ul style="list-style-type: none"> • Strongly objects to the proposed development. • States that ongoing odours have been a series problem and may have caused respiratory problems. • It is argued that the road system nearby is very substandard for the proposed traffic. • Concerns expressed at the loss of property values due to the ongoing operations.
Tom Galway	Tomgarrow, Adamstown	<ul style="list-style-type: none"> • Argues that the proposed alteration by the appellant (not using lime to process) should result in a new application and advertisement. • Notes the Board decision on PL26.LV3341 that condition 6 of the previous permission altered the development in such a way that Mr. James Galway was granted leave to appeal. • Notes a long history of complaints regarding the use of the site and the enforcement notice. • It is argued that the site should have been classified as a Sludge Deposition Site and so should be subject to EIS. • Argues in detail that the site has been poorly regulated. • Restates that local residents have repeatedly complained about odours from the site and the lands. • Argues that the test reports submitted with the appeal were not carried out independently and are flawed. • Argues that the Traffic Management Report significantly understates the number of vehicular movements required. • It is submitted that the planning report completed in relation to 20171202 is accurate and provides the basis for a refusal. • A series of attachments to the observation support the arguments submitted.

8.0 Assessment

Having inspected the site and reviewed the file documentation, I consider that the appeal can be addressed under the following general headings:

- **Preliminary issues**
- **Principle of development**
 - *Waste policy*
 - *Development Plan policy*
 - *Planning history and relevant Board reference cases/decisions*
 - *Conclusions*
- **Amenity and public health**
- **Traffic**
- **Water pollution**
- **Appropriate Assessment**
- **Other issues**

8.1. Preliminary issues

This appeal is somewhat complicated by the past planning history of the site, including a previous withdrawn appeal, in addition to the request by the applicant that the Board grant a decision on what is essentially a different development description. The proposed development is described on the site notice as:

The retention of use of the shed at Misterin, Adamstown, County Wexford for the liming and storage of biosolids for use as an organic fertiliser on surrounding agricultural land.

The applicant has requested that the Board only grant permission for the storage of treated biosolids (i.e. human waste from sewage treatment works) which have already been treated with lime and is therefore considered suitable for use on agricultural land. This would ensure the proposed development is similar to that previously granted by the planning authority and appealed to the Board, but subsequently withdrawn by the applicant when it was appealed by a resident. One

of the observers has objected on the basis that this would be a substantive change which should be subject to a new application.

It is not possible to change the description of a proposed development in an appeal, but I would consider that it is reasonable and appropriate if the Board decides to do so to remove one element (i.e. the lime treatment) by condition or by way of a split decision. I therefore propose to address the proposed development 'as described', but where necessary I will address the impacts of the proposed development if the lime treatment element is not included.

8.2. Principle of development

8.2.1. Waste policy

The **Southern Region Waste Management Plan 2015-2021** does not directly address the issue of waste from wastewater treatment systems in detail. The only direct reference is in policy H.1:

H1: Work with the relevant stakeholders and take measures to ensure systems and facilities are in place for the safe management of sludges (sewage, waterworks, agricultural, industrial and septic tank) generated in the region having due regard to environmental legislation and prevailing national guidance documents, particularly in relation to the EU Habitats and Birds Directives.

Table 7.1 indicates that there was over 144,000 tonnes of sewage sludge produced in the Southern Region in 2012. It is noted (7.1.14) that there are increasing quantities due to increased investment in waste water treatment plants. Table 16.1 lists authorised treatment facilities including 13 facilities associated with organic landspread. It notes a shortage of capacity for the treatment of biowaste which 'would be a concern given the need to divert increasing quantities of biowaste from the residual waste stream' (page 170).

Irish Water has published a **National Wastewater Sludge Management Plan** (undated). This notes national requirements under Directive 86/278/EEC, 91/676/EEC and 2008/98/EC. Section 8.2 specifically addresses its use in agriculture. It is stated that over 98% of wastewater sludge is currently reused in agriculture. It states (page 25) that a Sludge Hub Centre is complete at Wexford. In

Table 7.1 it states that there is a thermal drying facility at Wexford Town. With regard to the use of lime stabilisation, it states (5.3.5):

Alkaline stabilisation is undertaken by mixing an alkaline additive with dewatered sludge. Normally hydrated lime or quicklime are used as alkaline stabilisers. In order to achieve the required level of pasteurisation, the pH must be >12 with a minimum temperature of 70°C for 30 minutes or, maintain a pH > 12 for 72 hours and a minimum temperature of 52°C for at least 12 hours. A higher dose of lime or external heating is required to reach the higher temperatures. The main advantage of this process is relatively low capital and operating costs. In addition, a large proportion of land in Ireland is lime deficient and the use of lime stabilised sludge can provide an additional benefit in agriculture. The main disadvantages are the higher volume of sludge for reuse, potential for inadequate treatment if not properly controlled and monitored, low nitrogen content and odours due to ammonia release.

There are a large number of lime stabilisation facilities currently being used for treatment of wastewater sludge. Four of these are located at wastewater treatment plants with the remainder being operated at off-site private facilities taking wastewater sludge on a contract basis.

In Table 5.2 it notes that about 27% of sludge is lime stabilised as of 2014. In total, over 95% of all sludge in Ireland is used on agricultural land – this includes sludge that has been lime stabilised, thermally treated, or similar type of treatment such as anaerobic digestion. In this regard, in section 8.2 it is stated:

The use of wastewater sludge as a fertiliser is considered a favourable environmental option. The use of properly treated wastewater sludge, in accordance with a nutrient management plan can avoid any adverse environmental impact on receiving waters as the quantity of phosphorus is monitored and controlled to match the quantity required by the crop being grown. The use of digested sludge in particular has been shown to improve nitrogen uptake in plants. The organic content and slow release nature of wastewater sludge compared to artificial fertiliser has added benefits in improving the condition of soil and reducing the potential for run-off of nutrients. This underlies the benefits of using such sludge under controlled conditions.

Figure 8.4 in the Plan gives an overview of agricultural areas deemed potentially suitable for the use of sludge – this includes most of lowland County Wexford.

In its assessment of alternatives, the Plan states:

The most commonly used method of sludge treatment, after thermal drying, is lime stabilisation. While this is an accepted method of sludge treatment, the audit of sludge management activities has identified a significant variation in the adequacy of the treatment being provided, particularly at off-site installations. The main issues identified were inadequate dosing of lime and inadequate monitoring of temperature and pH during treatment. Due to the difficulties in controlling off-site activities, it is proposed that off-site treatment of sludge by lime stabilisation is phased out as soon as alternatives can be developed.

8.2.2. *Development Plan policy*

The site is in an area of open countryside without a specific policy objective relevant to the proposed development. There are no policies in the Development Plan directly relevant to biosolids treatment and storage.

8.2.3. *Planning history*

The site was previously granted permission for the storage of treated biosolids, although the applicant withdrew this following an appeal. I do not consider this to be directly relevant to the current considerations.

I would note in this regard a number of relevant Reference cases with regard to the storage and treatment of biosolids – these include **RL2818**, **RL2834**, **RL2835** and **RL.2889**. In all these cases the Board decided that the storage and treatment (or storage alone) of biosolids is development, and is not exempted development.

8.2.4. *Conclusions*

I note the specific grounds of objection on the file, and I will address these in more detail below. But in terms of general principle I note that it is national policy to promote the sustainable use of municipal sludge on suitable agricultural lands. I further note the technical issues involved in the use of lime stabilisation of such solids and the problems that have been encountered. I would consider that the processing of such materials is a specialist process and should only take place at the 'hubs' identified in the National Sludge Plan or on sites specifically zoned for

these purposes. As such there would be a **general presumption against such a sludge treatment process** within this farm complex. However, **there is a clear policy assumption in favour of facilitating the use of such biosolids when pre-treated appropriately on suitable agricultural lands.** I would consider the storage of the solids prior to their use to be an inherent part of such a process, so **I conclude that there would be a general presumption in favour of facilitating such storage in suitable agricultural complexes.**

8.3. Amenity and public health

It is clear from the submissions on file that the prior use of the site for lime stabilisation and storage has been problematic, with odours and other problems. While Council records do not confirm major odour issues, I have no reason to disbelieve the many claims of the observers to the appeal. I note in this regard that odour problems associated with ammonia are a known issue with this form of treatment, as stated in the **National Wastewater Sludge Management Plan.** On this basis, and the absence of a clear justification for processing on this site, I would consider this grounds for refusal for the processing element of the appeal.

It is difficult, however, to know retrospectively whether the problems on the site are entirely due to inadequate controls during processing, or are also inherent to the spreading of the treated sludge on the fields. Properly treated sludge should be stable and largely odour free, or certainly less odorous than untreated animal wastes which are commonly used in nearly all agricultural areas.

On balance, I consider that the known problems associated with the past use of the site were due to poor controls on processing, and as such can be addressed by not permitting any such processing on the site. Appropriately treated materials, whether lime treated, heat treated, or pre-digested or composted, should not represent a problem within this rural agricultural context if stored and spread in line with statutory requirements. I therefore would recommend that the existing shed is suitable in principle for such storage.

8.4. **Traffic**

The site is accessed via a narrow third class road. It is just under 2 km from the nearest main road, the R753 just south-west of Adamstown. The adjoining road is quite narrow and twisty, but is 600 metres from a wider local road.

The applicants Traffic Impact Assessment indicates that the maximum annual volume would be around 4580 tonnes per annum, which would equate to around 4 trips per week of a 22 tonne loaded truck. The observers question this low figure, and note problems in the past with large vehicles using the lane.

While I would concur that permitting very large vehicles on such a lane is not ideal, I would consider the traffic loads associated with the storage of this material to be entirely consistent with normal traffic for a modern intensive farming operation. The roads, while not of the highest standards, are typical of an agricultural/rural area, and the entrance to the facility is well designed. I therefore would not concur with the conclusion of the planning authority in this regard and would consider the proposal acceptable in terms of traffic loading and safety.

8.5. **Water pollution**

The site, as with the overall landholding, is on a gently sloping valley side leading to the Corock River. The underlying geology is of felsic (i.e. mineral rich) volcanics and grey and brown slates (Campile Formation). The Teagasc soil survey indicates that the topsoil is till derived chiefly from shale and is described as deep, well drained mineral soils (mainly acidic). The lands appeared on visual inspection to be well drained and fertile and in mostly arable use. The nearest identified main water well is at Adamstown, although a number of the observers state that they have private wells in the vicinity – those in Tomgarrow are mostly up-gradient from the farm complex.

The planning authority and observers have raised strong concerns about the suitability of the building and complex, with questions raised about the sealing of the base and the quality of bunding and drainage controls. The applicants have submitted an engineering report stating that with some alterations the building will be suitable for storage of biosolids. I note that since it is now confirmed that only treated materials will be imported to the site – and this can be confirmed by

condition, the potential for pollution of ground or surface water is significantly reduced.

As the operations are subject to the requirements of the *Waste Management (Registration of Sewage Sludge Facility) Regulations 2010* I would consider that the details of protecting ground and surface waters can be dealt with by way of a condition ensuring that storage is not permitted to commence without an engineer's report confirming that all details are as required under the Certification.

8.6. Appropriate Assessment

The planning authority refused for the reason that they did not consider the screening to be adequate with regard to the proximity to a river that discharges to an SAC.

The site is some 500 metres east of the main course of the Corock River, and about half that distance from the nearest drains that discharge to the river. The only Natura 2000 site in the vicinity is Bannock Bay SAC and Bannock Bay SPA, which are approximately 12 km due south. The Corock River discharges into this SAC and SPA. The SAC and SPA encompasses the tidal areas of the entire estuary. The qualifying interests are related to estuarine mudflats, vegetation of stony banks, salt meadows and dune systems:

000697 Bannow Bay SAC

1130 Estuaries

1140 Mudflats and sandflats not covered by seawater at low tide

1210 Annual vegetation of drift lines

1220 Perennial vegetation of stony banks

1310 *Salicornia* and other annuals colonizing mud and sand

1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

1410 Mediterranean salt meadows (*Juncetalia maritimi*)

1420 Mediterranean and thermo-Atlantic halophilous scrubs (*Sarcocornetea fruticosi*)

2110 Embryonic shifting dunes

2120 Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes')

2130 *Fixed coastal dunes with herbaceous vegetation ('grey dunes')

The Bannock Bay SPA, which also incorporates the entire estuary, lists birds associated with wetlands and estuaries in its qualifying interests.

I note in this regard that none of the qualifying interests of the SAC or SPA relate specifically to fresh water quality.

The use of treated biosolid on farmland is a normal agricultural activity and there is no evidence that it would increase run-off of contaminants or nutrients over and above any other form of soil treatment if it is carried out in accordance with the Regulations. I note that there is no evidence of contamination outside the bounds of the farm complex from existing operations, and with appropriate controls and limitations to operations on the site, the possibility of localised spills and contamination is minimal. In the event of any such unforeseen contamination, I am satisfied that the attenuation from the distance of the facility to the nearest watercourse, and the distance of this watercourse from the designated sites, in addition to the nature of the qualifying interests ensures that it would not be likely to have a significant effect on the conservation interests of Bannock Bay SAC or SPA. I therefore consider that it is reasonable to conclude that on the basis of information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European site no. 00697, or any other European site, in view of the sites conservation objectives, and a Stage 2 Appropriate Assessment and submission of an NIS is not therefore required.

8.7. Other issues

The site is not within an area identified as subject to flooding. There are no records of protected structures or recorded ancient monuments in the vicinity of the site.

I do not consider that there are any other substantive planning issues in this appeal.

9.0 Recommendation

I recommend a split decision such that:

1. Permission be refused for the retention of the use of the shed for lime treatment of biosolids for the reasons and considerations set out in the first schedule below, and,
2. Permission, subject to conditions, be granted for the retention of the use of the shed for storage of pre-treated biosolids for the reasons and considerations set out in the second schedule.

10.0 Reasons and Considerations

FIRST SCHEDULE

Having regard to the agricultural zoning of the area and the proximity of residential properties, it is considered that the building is unsuitable for the treatment by lime of municipal waste sludge. The proposed lime treatment would therefore be contrary to the objectives of the Wexford County Development Plan 2013-2019 and would seriously injure the amenities of the area. The proposed lime treatment would, therefore, be contrary to the proper planning and sustainable development of the area.

SECOND SCHEDULE

Having regard to the long established agricultural use of the lands and the objectives set out in the Irish Water document 'The National Wastewater Sludge Management Plan', it is considered that, subject to the conditions set out below, the use of buildings within an agricultural complex for the storage of pre-treated biosolids for use on the lands is appropriate, and the existing structure is suitable for such a use. The proposed storage of biosolids would, therefore, subject to the conditions set out below, 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, 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. This permission is for the storage of pre-treated biosolids only to a maximum of 5,000 tonnes per annum, and only for biosolids to be used for agricultural purposes on the overall landholding. For the avoidance of doubt, no processing of biosolids is permitted anywhere on this site.

Reason: In the interest of clarity.

3. Within 3 months of the date of this order, the applicant shall provide for the agreement of the planning authority an independent engineers report identifying all works required to ensure the buildings are suitable for treated biosolid storage, with particular reference to the drainage system and the integrity of the floor surface. Any identified works shall be completed within 6 months of this order.

Reason: In the interest of preventing pollution.

4. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-
 - (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and
 - (b) all soiled waters shall be directed to a storage tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

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

5. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry 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.

6. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains,

streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

7. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

. Philip Davis

. Planning Inspector

4th July 2018