



An
Bord
Pleanála

Inspector's Report ABP-301195-18

Development

Alterations and additions to an existing materials Recovery Facility (register references 13/1350 and 16/412 to accept increased tonnage of waste from previously permitted limit of 22,000 tonnes per annum to 50,000 tonnes per annum. The development will also include the introduction of liquid waste treatment onto the site. The development will include the construction of four liquid waste, bunded storage tanks and on-site liquid waste treatment plant. Permission is also sought for all associated works and services. Gross floor space 3033sqm

Location

Deerpark, Oranmore County Galway

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

17/1830

Applicant(s)

Walsh Waste Ltd.

Type of Application

Permission

Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Walsh Waste Ltd.
Observer(s)	None
Date of Site Inspection	11/07/2018
Inspector	Gillian Kane

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1.0 Site Location and Description

- 1.1.1. The subject site refers to the existing Walsh Waste facility, located on the western side of the N18 national primary route in the northern environs of Oranmore. The site is located within an existing industrial estate Deerpark Industrial Estate. The facility is located approximately half a kilometre north of the junction of the N18 and N6. An existing office building / vehicle servicing building is located on the eastern section of the site. The remainder of the site is open, with storage of materials, skips and vehicles. To the rear (north) of the site an open two storey building is used for the sorting of waste.
- 1.1.2. The surrounding land uses comprise of industrial premises and associated lands. The premises to the immediate east and west of the site are currently vacant. The N18 to the east of the site is busily trafficked route and provides a bypass to the east of Galway for traffic travelling from the south, mid-west, to the north-west and vice versa. The N18 also provides access to the new M6 motorway to Dublin. A railway level crossing traverses the N18 to the south of the Deerpark industrial estate.

2.0 Proposed Development

- 2.1. On the 18th of December 2017, planning permission was sought for alterations and additions to an existing Materials Recovery Facility to accept increased tonnage of waste from previously permitted limit of 22,000 tonnes per annum to 50,000 tonnes per annum. The development would also include the construction of four liquid waste banded storage tanks and on-site liquid waste treatment plant to facilitate the introduction of liquid waste treatment onto the site.
- 2.2. The application was accompanied by a cover letter providing details of the planning history, site description, details of the proposed development, traffic, flooding, and details of the suitability of use in response to concerns raised by the Planning Authority under reg.ref. 17/1422.
- 2.3. A second letter from the applicant's agent that states that the facility received permission to increase capacity to 22,000 (reg.ref. 16/412). Permission is now sought to introduce a facility for liquid waste treatment. Non-hazardous liquid waste would be delivered to the site by tanker, treated on site with discharge to the Mutton Island sewage treatment plant via the existing public sewer connection. The letter

states that a sewer discharge licence has already been obtained (ref. IW-DTS-785148-01). Regarding the need for EIA, the cover letter states that the subject development is a 'recovery' facility rather than a waste disposal facility. The liquid waste will not be categorised as 'disposal' and therefore the percentage is likely to be lower than 7,500 tonnes. As this is below the threshold for mandatory EIA and as the subject site is not a sensitive site, it is submitted that there are no grounds for seeking EIA. The cover letter states that the proposed development is in accordance with the Connacht Ulster Regional Waste Management Plan 2015-2021 and the Galway County Development Plan 2015-2021.

2.4. The application was accompanied by the following:

- Letter regarding EIA requirements (summarised in section 2.2 above).
- extract from the Waste Licence for the adjoining City Bins site,
- AA Screening Report,
- Traffic and Transport Assessment,
- copy of Waste Facility Permit,
- copy of Irish Water licence to discharge trade effluent to sewer,
- copy of Industrial Emissions Licence issued to Galway Metal Company Limited by the EPA,
- Waste Licence issued to Dean Waste,
- Flood Risk Assessment
- Copy of Board decision PL07.243099
- Drainage Report
- IPPC Licence issued to Hygeia Chemicals Limited
- Letter dated 20th November 2017 to Walsh Waste from Galway County Council regarding application 17/1422 (invalid application)

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.1.1. On the 21st of March 2018 Galway County Council issued notification of their intention to REFUSE permission for the following reason:

“Having regard to a) the nature of the development which is a material deviation to the permitted use for the recovery of dry waste b) the proposed intensification of the facility to accept 50,000 tonnes from 22,000 tonnes annually, c)(i) the location of the site in industrial zoned lands and the associated objective LU4 and land use matrix in the Oranmore LAP 2012-2022 which does not refer to the proposed development as a suitable use on such lands, c)(ii) and taking into consideration the effect on and compatibility with existing and potential future land uses on this zoned land and adjacent zoned lands it is considered that the proposed development is not compatible and acceptable at this location and to permit would be in conflict with established uses in the industrial estate and would compromise the future development of this industrial zoned lands at the edge of Oranmore Town boundary. GCC considers therefore that the proposed use if permitted would materially contravene objective LU4, LU6, ED2 and ED3 in the Oranmore LAP 2012-2022, would depreciate the value of property in the vicinity, would establish an undesirable precedent for similar future developments in the area, and would therefore be contrary to the proper planning and sustainable development of the area”.

3.2. **Planning Authority Reports**

- 3.2.1. **Planning Report:** The proposed development would constitute a considerable intensification of and a material deviation from the approved use. It is considered that the proposed development would materially contravene objective LU4 in the Oranmore LAP. Lands proximate to the site have been zoned for future growth and employment. The proposed development is not compatible, would conflict with established uses and would compromise the future development of industrially zoned lands. Refusal recommended.

3.3. **Prescribed Bodies**

- 3.3.1. **Transport Infrastructure Ireland:** The authority requests that the Council has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National

Roads Guidelines in the assessment and determination of the subject planning application.

4.0 Planning History

- 4.1.1. **PL07.128912**: Planning permission was granted for an indoor concrete manufacturing plant together with new boundary walls and a concrete yard and ancillary works on the site in question. Permission was granted on 4th October 2002.
- 4.1.2. **PL07.239366**: (Planning Authority reg. ref. 11/470) Planning permission was granted for the change of use from truck servicing and storage, to waste management facility for separation and storage of construction and demolition waste and dry commercial/municipal waste. Condition no. 2 restricted the permission to a period of 5 no. years from the date of the Board order (08/12/2011). A note appended to the Board's Direction states that the Board decided to limit the change of use for a temporary period of five years unless a further grant of permission was obtained. The reason for this temporary grant arose from concerns of the Inspector regarding the capacity of the building to accommodate 8,000 tonnes of throughput of waste within the confines of the building. The Board was of the view that with good management this throughput could be achieved, without affecting the amenities of properties in the vicinity. Condition no. 3 restricted the volume of materials to be handled at the facility to 8,000 tonnes per annum.
- 4.1.3. **PL.07.243099**: (Planning Authority reg. ref. 13/1350): Planning permission was granted by the Board for the retention of alterations and amendments to previous indoor concrete manufacturing facility and change of use from the above use to a material recovery facility, subject to 12 no. conditions. Condition no. 2 states that the proposed development shall not operate in the event that the development permitted under PL07.239366 is in operation. Condition no. 3 states that the volume of materials to be handled at the facility shall be restricted to a maximum of 11,000 tonnes pa of C&D waste and dry commercial / municipal waste only.
- 4.1.4. Planning Authority reg. ref. **16/412**: Planning permission was granted for the the retention of the amalgamation of an existing warehousing building from two separate units as permitted (planning permission register reference 03/122) into one, the retention of various minor changes to elevations and the retention of the change of use of part of the structure from previously permitted warehouse use (planning

permission register reference 03/122) to vehicle maintenance facility; and permission for proposed extended offices and storage space and associated alterations to elevations, for alterations and additions to an existing Materials Recovery Facility (register reference 13/1350) to accept increased tonnage of waste from previously permitted limit of 11,000 tonnes per annum to 22,000 tonnes per annum; alterations and extensions to existing building and erection of new building to cover existing facilities (vehicle wash down area etc), and retention of relocation of weighbridge.

5.0 Policy Context

5.1. Connacht Ulster Waste Management Plan 2015-2021

- 5.1.1. The strategic approach of the plan places a stronger emphasis on preventing wastes and material reuse activities. The plan will also focus on enhancing the collection of quality materials from discarded waste to build on the positive progress made in recycling. The plan will strive to improve the recovery and generation of energy by maximising the resource value of the materials and energy embodied in residual wastes. The plan will seek to further reduce the role of landfilling in favour of higher value recovery options.

5.2. Galway County Development Plan 2015 2021

- 5.2.1. **Strategic Aim 6** of the development plan is to ensure a more sustainable and integrated concept of development with regard to land use, transportation, water services, energy supply and waste management over the lifetime of the plan. **Section 6.2** of the plan outlines further strategic aims: To minimise the amount of waste creation within the County and promote a practice of reduce, reuse and recycle where possible; To safeguard the environment of the County by seeking to ensure that residual waste is disposed of in an appropriate and environmentally friendly fashion; and To ensure that aggregate material is appropriately managed and sustainably developed in the County.
- 5.2.2. **Section 6.18** of the development plan refers to Waste management. Policies of relevance include:
- Policy WM 1** – Waste Prevention and Reduction: Promote campaigns to meet the long-term challenge of waste prevention and minimisation at household and business level.

Policy WM 2 – Polluter Pays Principle: Implement the application of the polluter pays principle to the provision of all waste management services.

5.3. **Oranmore LAP 2012-2022**

5.3.1. The subject site is zone 'Industrial' on map 1A. **Objective LU 4 –Industrial (I)** which is to promote the development of industrial and industrial related uses, including manufacturing, processing of materials, warehousing and distribution on suitable lands, with adequate services and facilities and a high level of access to the major road/rail networks and public transport facilities. Adequate edge treatment and/or screening will be required to ensure high quality interfaces with public spaces and any adjoining residential areas or other sensitive land uses, as appropriate

5.3.2. **Section 3.6** of the LAP referring to Waste Management states that the Connaught Waste Management Plan provides policy guidance on waste management in County Galway. Best practice in terms of waste management recommends that as much waste as possible is dealt with through reduction, reuse and recycling, with as little as possible remaining to be disposed of. The Council promotes environmental awareness measures, initiatives and campaigns in the local communities through involvement with various groups and organisations and through the implementation of the Green Schools programme - an international programme designed to encourage and acknowledge whole school action for the environment.

Policy UI5 – Waste Management states that It is the policy of the Council to support waste reduction and sustainable waste management through prevention, reduction and recycling.

5.4. **Natural Heritage Designations**

5.4.1. The Galway Bay Complex SAC is 900m to the south-east of the subject site at the closest point.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. An agent acting for the applicant has submitted a first party appeal against the decision of the Planning Authority to refuse permission. The appeal submission states that the subject site is an ideal location for the proposed development as the

applicants are the current operators of the long-established Materials Recovery Facility (MRF) which has excellent transport links, that the proposed development will remove the need to transport liquid waste to Dublin and is proximate to other waste facilities. The site is fully serviced and a trade effluent discharge licence has been received from Irish Water. The appeal provides details and photos of the surrounding industrial uses. On the opposite side of the road, the appellant notes the Business & Technology zoned lands within which are two further waste operations. The appeal notes that the subject site accommodates the existing MRF business (Walsh Waste) and an office building that includes a vehicle maintenance facility.

- 6.1.2. It is submitted that the proposed development is in accordance with the Regional Planning Guidelines for the West, section 5.4, the Connacht-Ulster Waste Management Plan 2015-2021 and the Galway County Development Plan 2015-2021. Regarding the Oranmore LAP 2012-2018, the appellant notes that the site is zoned Industrial. As the land use matrix does not refer to Material Recovery Facility or liquid waste processing, the appellant considers the closest land use to be 'scrap yard' and notes that such a use is permitted in principle in Industrial zones.
- 6.1.3. Regarding the request to increase capacity arises from the intention to expand the existing operation to include liquid waste which is covered by the Company's permit. The non-hazardous aqueous liquid waste would be accepted on-site, transferred to storage tanks that are to be bunded with a bund wall of 1m high and 200mm thick. It would then be directed to the proposed on-site effluent liquid waste treatment system. The treated waste will then be discharged to the existing sewer. Currently such waste is transferred by tanker to Limerick or Dublin. Total liquid waste will be in the region of 20,000 tonnes. No hazardous or organic waste will be accepted and all solid waste processing will occur indoors. Solid waste in the region of 30,000 tonnes will be transferred for recovery, recycling or disposal at fully licenced facilities.
- 6.1.4. The grounds of the appeal can be summarised as follows:
- The proposed development is a more environmentally friendly option than transferring waste around the country. Bringing non-hazardous waste to hazardous waste facilities uses up valuable resources.
 - The site is ideally located in an industrial area with immediate access to the national road network.

- The current Walsh Waste operations moved to subject site after permission was refused by the Board (PL07.238380) who noted that the Oranmore industrial lands were more suitable for such a facility.
- The company has contracts to manage over 30,000 tonnes of non-hazardous liquid waste. 18,000 tonnes from the Corrib Gas Terminal in Mayo is currently managed on site before being transported to Limerick and Dublin. The contract to manage 20,000 tonnes of leachate from the East Galway Residual Landfill is currently sent to Dublin, Limerick and Shannon. These trips and the use of hazardous waste facilities for non-hazardous waste could be avoided by the proposed development. It would provide an essential service to councils and business in the wets of Ireland.
- The environmental benefits of the proposed development: fuel saving of 77,720litres p/a and CO2 emissions reduction of 205,181kg per annum is the equivalent of taking 78 no. cars off the road.
- The Planning Authority's planning report stated that the proposed development would double the annual intake. This is not correct. The intake of dry waste is to increase and the acceptance of liquid waste is a new process.
- The Planning Authority's assertion that the proposed land use is akin to 'refuse landfill' is rejected. It is submitted that that a landfill concerns the permanent disposal of waste whereas the proposed development involves no disposal, only processing. The EPA have confirmed that the proposal requires a Waste Permit not a waste Licence. The EPA have determined that it is a recycling / recovery operation.
- The Planning Authority's report refers to adjoining businesses that relate to dry goods but does not mention the nearby pesticide (Hygiea Chemicals), bitumen (Cold Chon) and filling station (Top). It is submitted that there is no significant planning difference between solid and liquid land uses and this distinction is not supported by the LAP.
- Contrary to the Planning Authority's assertion, it is submitted that given the surrounding land uses the subject site is entirely appropriate for the proposed development. It is submitted that an application for the proposed development on any of the surrounding land zones of Residential, Town Centre / Commercial,

Commercial / Mixed Use, Business & Enterprise, Community Facilities, Open Space / Recreation & Amenity, Environmental Management and Agriculture would be instantly refused.

- The Planning Authority's claim that the site should be on serviced land is agreed with given that the processed waste must be discharged to a sewer.
- The objective for the Industrial zone refers to the processing of materials and industrially related uses. It is submitted that dealing with the waste of industry is an industrially related use.
- The Boards decision under PL07.243099 which was extended by Planning Authority reg. ref. 16/412 establish the suitability of the area for the proposed development. The Board granted permission to Rilta in Greenogue Business Park (PL06S.201534) for the treatment of liquid waste in an industrial zone (zone E). The Board granted permission for the AVR waste recovery / transfer facility in Youghal (PL04.211117) in an industrially zoned area. Other examples include Enva hazardous liquid waste treatment facility in Shannon, Portlaoise and Naas.
- It is submitted that the existing facility has had no adverse impact on adjoining land uses. The clean and well managed facility has received no complaints.
- The Planning Authority planning report and subsequent reason for refusal expresses concern about the impact of the proposed development on the adjoining Business and Technology land use zone. It is submitted that this is not correct as the site is not adjacent to the BT zone, it is 130m from the boundary and is separated by a vacant site (has permission for a car sales), a main road and the Titan Containers site. The subject site is not at the edge of the Industrial or the Business & Technology zones and the BT zone is an employment zone with no particular sensitivity.
- It is submitted that there will be no visual impact on the BT zone as the treatment plant and tanks will be hidden behind the sites boundary wall, surrounding buildings are of a much greater height and the vacant site will be developed. There will be no noise or odour impact on the BT zone. The existing operation is in accordance with a Waste Permit and an odour suppression system. No complaints have arisen from the operation. The proposed liquid waste will be

delivered by sealed tanker and transferred to sealed tanks via the truck hose. The risk of spillage or odour leakage will be very low.

- The appellant notes that the Planning Authority has granted permission for major waste facilities within the BT zone: Galway Metal granted permission under the Oranmore LAP for facility to recycle end-of-life vehicles and increased tonnage to 60,000 tonnes pa. The impacts on the BT zone are far greater than the subject proposal. Galway Metals also granted permission to expand to 80,000 tonnes in 2016. Deane Waste in the BT zone were granted permission for outdoor storage of baled waste in 2014.
- The Board is requested to grant permission for the proposed development.
- The appeal is accompanied by the following:
 - Copy of Planning Authority decision
 - Copy of decisions under PL07.243099 and reg.ref. 16/412
 - Copy of waste permit for Walsh Waste
 - Copy of Trade Effluent Discharge Licence
 - Article 11 Declaration from EPA
 - Planning Authority Planning report on subject application
 - Copy of PL06S.201534 and PL04.211117
 - Copy of Planning Authority reg.ref 14/1055, 15/1240, 16/878 and planning report for 15/1240

6.2. Planning Authority Response

6.2.1. None on file.

6.3. Observations

6.3.1. **Department of Culture, Heritage and the Gaeltacht:** The site is not within an NHA. The Galway Bay Complex SAC is 900m to the south-east at the closest point. The key concerns appear to be potential effects of the development, alone and in combination with other plans and projects, on groundwater quality and associated negative implications for nearby areas of alkaline fen, habitats which are groundwater dependent in the SAC.

7.0 Assessment

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Proposed Increase in Dry Waste
- Proposed Introduction of Liquid Waste Treatment
- Appropriate Assessment
- Environmental Impact Assessment

7.2. Principle of Development

7.2.1. The proposed development has two components: to increase the tonnage of dry (construction and demolition waste) from 22,000 to 50,000 and to introduce the processing of liquid waste. The liquid waste element would also involve the construction of 4 no. bunded storage tanks and on-site liquid waste treatment plant.

7.2.2. The Planning Authority's reason for refusal referred to the lack of a policy in the Oranmore LAP specifically permitting a material recovery facility on site and stating that the proposed development is not compatible or acceptable on the subject site. The Board will be aware of their previous decision to grant planning permission (albeit temporary) for a material recovery facility at this location (PL07.239366 and PL07.243099 refer). It appears therefore that the Board have already accepted that a facility of this nature is appropriate for this area. While the Board only granted a temporary permission under PL07.239366, the Board direction makes it clear that the temporary nature of the decision was predicated on the size of the facility to accommodate the throughput proposed as opposed to any issues relating to the land use. Condition no. 2 of the Boards decision under PL07.243099 restricted the volume of materials to be handled at the facility to 11,000. Galway County Council increased that permitted amount to 20,000 tonnes under reg. ref. 16/412. I fail to see therefore how the proposed development could now be considered an incompatible or inappropriate land use when the same policy framework applies: the same development plan and the LAP apply to the 2016 and the current application.

- 7.2.3. I am satisfied that the principle of a material recovery facility on the subject site has been established by previous Board decisions and has been accepted by the Planning Authority in subsequent decisions. The proposed development of an increase in dry waste is acceptable in principle. It is considered that the proposed development is in accordance with Objective LU 4 of the Oranmore LAP which seeks to promote the development of industrial and industrial related uses on suitable lands.
- 7.2.4. Noting that the Planning Authority have determined that the proposed development materially contravenes the objectives of the Oranmore LAP, I am satisfied that the Board may grant permission for the proposed development in accordance with section 37(2)(b)(ii) as objectives regarding material recovery facilities are not clearly stated and also under section 37(2)(b)(iv) having regard to the pattern of development in the area and permissions granted since the making of the development plan.

7.3. Proposed Increase in Dry Waste Processing

- 7.3.1. The applicant seeks to increase the currently accepted C&D waste from the permitted 20,000 tonnes to 30,000 tonnes. The applicant states that no hazardous waste will be accepted and that all sorting and processing of solid waste will take place indoors. The applicant states that they are fully compliant with all regulatory requirements and that no complaints about the existing facility have been raised with the EPA or with the Planning Authority.
- 7.3.2. Given the industrial nature of the wider environment and the relatively minimal increase in C&D waste, I am satisfied that the proposed increase within an established facility that has adequate services and facilities and a high level of access to the road network is acceptable and in keeping with Objective LU4 of the Oranmore LAP.

7.4. Proposed Introduction of Liquid Waste Processing

- 7.4.1. I note the nature of the industrial area of the subject site and the nature of businesses and industries operating within the Deerpark estate and surrounding area.

- 7.4.2. The applicant has provided details of the operation within which it is proposed to process the non-hazardous liquid waste. The non-hazardous aqueous liquid waste will be brought on site by tanker trucks and transferred to 2 no. cylindrical glass-lined steel tanks surrounded by a bund wall of 1m high and 200mm thick. From the tanks the waste will be transferred to the proposed on-site effluent liquid waste treatment system. The modular system will reduce the concentrations of BOD, COD, ammonia to below the emission limits set by the Irish Water licence. The treated effluent will then be discharged into the existing sewer on site which is connected to the public sewer.
- 7.4.3. In their appeal the applicant provides details of two contracts they have to manage the safe collection and treatment of over 30,000 tons of liquid waste. It is not clear what is meant by “manage” given that the facility has no permission to store, treat or process liquid waste on the subject site. My reading of the appeal is that the applicant is referring to the transfer of this waste from source to a facility in Dublin and Shannon. The case is made that with treatment facilities at the subject site the transfer of the waste onwards to Shannon and Dublin could be avoided thereby making an environmental saving and managing waste close to source.
- 7.4.4. I am satisfied that the proposed development in an existing facility within an industrial estate that comprises a number of similar and complementary uses is acceptable. I consider the proposed development to be acceptable in principle at this location and further that the proposed development would not be contrary to the zoning provisions set out in the Oranmore Local Area Plan as suggested in the grounds of appeal.

7.5. **Appropriate Assessment**

- 7.5.1. An AA screening report was submitted with the application. The report notes that the subject site is within 5km of three designated sites: Galway Bay Complex SAC (000268), Inner Galway Bay SPA (004031) and Creganna March SPA (004142). The screening report concludes that there will be no significant impacts on the European Sites and that a Statement for AA is not required.
- 7.5.2. I note the determination of the Board under PL07.243099 that the proposed development either individual or in combination with other plans or projects would

not be likely to have a significant effect on the integrity of any European site in view of the conservation objectives of those sites.

7.5.3. I am satisfied that the proposed increase in C&D solid waste, the nature of the receiving environment and the qualifying interests associated with the nearest Natura 2000 sites, and the separation distances between the site and the nearest Natura 2000 sites, that a full Appropriate Assessment or NIS would not be required in this instance.

7.5.4. In relation to the introduction of non-hazardous liquid waste, the potential risk is the generation of wastewater or leakages during the processing or transfer of the liquid. I am satisfied that such a risk is not likely nor is it significant given the nature of the receiving industrial environment, the distance between the subject site and the European sites and the lack of a direct source-pathway-receptor route between the subject site and the designated sites. It is considered that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on the integrity of any European site in view of the conservation objectives of those sites.

7.6. **Environmental Impact Assessment**

7.6.1. Class 11(b) of Schedule 5 of the Planning and Development Regulations 2001 sets the threshold for installations for the disposal of waste at “an annual intake greater than 25,000 tonnes”. The applicant submits that the subject development is a materials recovery facility rather than a waste disposal facility and that there is no provision for EIA in the case of waste recovery. Regarding the designation under class 11(b), The applicant refers to the Waste Management Act 1996 which defines “disposal” as including any of the activities specified in the Third Schedule and that a waste disposal activity shall be construed accordingly. The applicant states that the Walsh Waste Facility allows for the separation and sorting of construction and demolition waste and dry commercial and municipal waste under a waste facility permit issued by Galway County Council. The Waste Management (Facility Permit and Registration) permits 15% waste disposal under such a licence. With a 50,000 tonne annual intake under the proposed development, the 15% limit allows for an intake of 7,500 tonnes of waste to be transferred to an authorised facility.

7.6.1. I note that the Board did not require an EIA of the subject development under the planning history. Having regard to nature of the development which seeks to increase the volume of material and introduce liquid waste to be processed at the existing facility, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

8.1. I recommend permission be GRANTED subject to the following conditions:

9.0 Reasons and Considerations

9.1.1. Having regard to the nature and scale of the proposal and to the industrial zoning objectives for the area as set out in the Galway County Development Plan 2009-2015, the pattern of development in the area, to the proximity of the site to the regional and local road network and to the Galway metropolitan area, 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 of property in the vicinity 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.

10.0 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. The volume of materials to be handled at the facility shall be restricted to a maximum of 30,000 tonnes per annum of construction and demolition (C&D)

waste and dry commercial/municipal waste and 20,000 non-hazardous liquid waste only and shall not be used for any other purposes save with a prior grant of planning permission.

Reason: To regulate and control the development and to safeguard the amenities of the area.

3. Specific materials under the European Waste Codes (EWCs) as set out under Council Decision 2003/33/EC to be accepted at the facility shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of clarity and in order to safeguard the amenities of the area.

4. All storage, inspection and processing of dry waste material shall take place indoors. Outdoor storage or processing of dry waste materials including temporary and/or occasional storage is prohibited.

Reason: In the interest of clarity and in order to safeguard the amenities of the area.

5. (a) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

(b) Wastewater shall be connected to the public foul sewer.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

6. Leachate generated by the development within the confines of the building shall be stored in a separation retention tank underneath the building and shall be disposed of off-site by a suitably licensed waste contractor and shall be disposed of in a licensed waste facility.

Reason: In the interest of public health.

7. The site and building works required to implement the development shall be carried out only between the hours of 08.00 to 18.00 Monday to Friday and between 09.00 to 17.00 on Saturdays unless otherwise agreed in writing with

the planning authority. No construction activity shall take place on site on Sundays or Bank Holidays without the prior agreement of the planning authority.

Reason: In the interest of residential amenity.

8. No signage, advertising structures/advertisements, security shutters or other projecting elements including flagpoles shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area

9. 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 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, 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

Gillian Kane
Senior Planning Inspector
29th November 2018