



An
Bord
Pleanála

Inspector's Report ABP-310786-21

1) an increase in the annual waste intake from 45000 tonnes/year to 80,000 tonnes; (2) single storey extensions to the east and west of the existing building (having a combined floor area of 6,083m²), (3) relocation of existing firewater lagoon (324m²), (4) construction of new firewater lagoon (401m²) The existing biological treatment process is carried out in accordance with an Industrial Emissions Licence granted by the Environmental Protection Agency. An Environmental Impact Assessment Report (EIAR) shall be submitted with this planning application.

Location

Ballybeg, Littleton, Co. Tipperary.

Planning Authority

Tipperary County Council

Planning Authority Reg. Ref.

20550

Applicant(s)

Starrus Eco Holdings Ltd.

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Sharon Morris; Catherine Dempsey

Observer(s)

None

Date of Site Inspection

20.02.23

Inspector

Una O'Neill

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1.0 Site Location and Description

- 1.1. The site, which has a stated area of 3.58ha, is located within the townland of Ballybeg, c. 2km southeast of Littleton and c. 10km from Thurles, in County Tipperary. The site is accessed off the southwestern side of the L4101, which is 5.5km from the M8 interchange.
- 1.2. The site comprises an existing waste recovery/composting building and associated bio-filter (odour control unit) and condensate tank, portabkabin/staff facilities, storage containers, two firewater retention lagoons, and a parking area to the front of the building. The site operates under an Industrial Emissions Licence from the EPA. The composting building is c. 250m from the public road, with a weighbridge located at the end of the access road. The site is bounded to the west, north and east by willow plantations and to the south by farmland. There are open drains along the boundaries of the site.
- 1.3. The area is rural in character, with a number of rural dwellings in the vicinity of the site and a closed Bord na Mona factory is located c. 1.5km to the east (now in partial use as a plastic recycling facility).

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - an increase in the annual waste intake from 45000 tonnes/year to 80,000 tonnes/year.
 - single storey extensions to the east and west of the existing building (having a combined floor area of 6,083m²) – this increases the existing red line boundary of the site, increasing the site area from 3.2ha to 3.58ha. The extension of the building to the east and west will result in the loss of 0.8ha of existing willow plantations. The western extension will be used for waste reception and primary processing and the eastern extension will be used for secondary processing. Two new pasteurising bays will be provided.
 - relocation of existing firewater lagoon (324m²).
 - construction of new firewater lagoon (401m²).

The existing biological treatment process is carried out in accordance with an Industrial Emissions Licence granted by the Environmental Protection Agency. An Environmental Impact Assessment Report (EIAR) accompanies the planning application.

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to 8 conditions, including the following:

C2: Surface water to be collected and disposed of within the curtilage of the site by means of soakaways.

C3: Signage.

C4: Waste shall not be accepted on site outside the hours of -7.30-19.30 Monday to Saturday inclusive.

C5: Any materials or wastes associated with the development shall be stored internally.

C6: Construction Management Plan.

C8: Financial contribution.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The application was submitted on 04.06.20 and further information was requested on 28.07.20. Following the agreement by the PA to a time extension in relation to the response, a response was received from the applicant on 23.04.21.

The Planning Officer's report generally reflects the decision of the Planning Authority. The following is of note:

- Unauthorised works on site being addressed by way of a separate application.
- CEMP submitted following FI request.
- List of experts who contributed to the EIAR submitted following FI request.

- Surface water management plan submitted following FI.
- AA requested and was resubmitted separately to EIAR following FI request.
- Issues of noise and odour adequately addressed following FI request.

3.2.2. Other Technical Reports

District Engineer – No issues in relation to sightlines or drainage.

Environment and Waste Management – FI in relation to effluent at the plant.

3.3. Prescribed Bodies

EPA – Acorn Recycling Ltd was issued a Waste Licence (register no. W0249-01) on 09.10.09, which was transferred to Starrus Eco Holding Ltd on 12.06.19.

It is noted that in accordance with the 2013 amendment of the EPA Act and Waste Management Act and to give effect to the Industrial Emissions Directive, the licence was amended on 27.11.15 to incorporate the requirements of the Industrial Emissions Licence.

The licence may need to be reviewed or amended to accommodate the changes proposed in the planning application.

Where the Agency is of the opinion that the activities as proposed cannot be carried on, or cannot be effectively regulated under a licence, then the Agency cannot grant a licence for such an activity. Should a licence be granted, it will incorporate conditions that will ensure that appropriate National and EU standards are applied and that Best Available Techniques (BAT) will be used in the carrying on of the activities.

In accordance with Section 87 (1D)(d) of the EPA Act, the Agency cannot issue a Proposed Determination on a licence application which addresses the development above until a planning application has been made.

3.4. Third Party Observations

Twelve observations were received. The issues raised are largely as set out in the grounds of appeal (see Section 6 hereunder).

4.0 Planning History

PA Reg Ref 07511853 – Permission GRANTED for facility to accommodate biological treatment of organic residues and production of class 1 compost comprising

- (a) Landscaped Fenced c.3.2 Hectare complex;
- (b) Main Building c.3870sqm. Housing Storage, Equipment & treatment activities;
- (c) Marshalling yard;
- (d) Office & staff building;
- (e) Effluent storage tank (Domestic, serving staff facilities only);
- (f) Entrance Road & Weighbridge;
- (g) Bio-filter & associated Plant;
- (h) Tree plantation (Willow & similar species);
- (i) ESB substation and all ancillary works.

An Environmental Impact Statement (EIS) is included with the application documents.

Concurrent Application:

ABP-310787-21 (PA reg ref 21520) – Retention Permission for extensions to the main building on site including all other associated site development works above and below ground - the development relates to a Biological Waste Treatment Facility which is operated under a Waste Licence (W0259-01) granted by the Environmental Protection Agency.

5.0 Policy Context

5.1. National Policy

- Project Ireland 2040 National Planning Framework (2018)
- National Climate Policy

- A Waste Action Plan for a Circular Economy, Ireland’s National Waste Policy 2020-2025 (Sept 2020; updated Sept 2022)
- Regional Spatial and Economic Strategy for the Southern Region 2020-2026 (January 2020)
- Regional Waste Management Plan (Southern Region of Ireland 2015-2021)

5.2. Tipperary County Development Plan 2022-2028

Chapter 8 Enterprise and Rural Development

- Policy 8-3 Facilitate proposals for employment generating developments of a ‘strategic/regional scale’ at locations outside of designated lands in settlements, subject to the demonstration of a need to locate in a particular area. These will be considered on a case by case basis, and must demonstrate that;

(a) They are compatible with relevant environmental protection standards, the protection of residential amenity and the capacity of water and energy supplies in the area, and,

(b) They would not compromise the capacity of strategic road corridors in line with the Spatial Planning and National Roads, Guidelines for Planning Authorities (DHLGH, 2012).

- Policy 8-9 Where commercial/industrial enterprises exist as non-conforming but long-established uses, to support their continued operation and expansion, provided such does not result in loss of amenity to adjoining properties, adverse impact on the environment, visual detriment to the character of the area or creation of a traffic hazard.

Chapter 10 Renewable Energy and Bioeconomy

Section 10.8 The Circular Economy and Sustainable Waste Management:

The new National Waste Management Plan for a Circular Economy (Government of Ireland, 2022) will replace the Southern Region Waste Management Plan 2015-2021. The National Waste Management Plan for a Circular Economy (Government of Ireland, 2022) will include the new guidance document Waste Management Infrastructure – Guidance for Siting Waste Management Facilities, the scope of

which includes broad siting criteria and facility specific guidance for consideration when siting a waste facility.

It is a key objective of the Council to support the sustainable management of waste in line with the National Waste Management Plan for a Circular Economy (Government of Ireland, 2022) and associated guidance across the delivery of its services and in the management of new development.

- Policy 10-4 Ensure the sustainable management of waste and the application of the ‘Circular Economy’ concept in line with the provisions of the National Waste Management Plan for a Circular Economy and the Waste Management Infrastructure – Guidance for Siting Waste Management Facilities, (Government of Ireland, 2022) in the development and management of new development.
- Objective 10-B Support the National Policy Statement on the Bioeconomy (Government of Ireland, 2018) and any review thereof, having consideration to the strategic importance of the bioeconomy to rural Tipperary and support the preparation of a Bioenergy Implementation Plan for the Southern Region in conjunction with the Local Authorities and the Southern Regional Waste Management office.

Chapter 11 Environment and Natural Assets

Section 11.2 Biodiversity

Section 11.3 Conservation and Protection of Sites

Section 11.4 Water Quality and Protection

Section 11.8 Noise and Light Emissions

5.3. Natural Heritage Designations

The site is not located in or close to any European sites. The closest European sites are the River Barrow and River Nore SAC (002162), which is c.12.5km to the east, and the Lower River Suir SAC (002137), which is c.8.3km to the west.

5.4. EIA Screening

- 5.4.1. The development proposed comprises a class of development for which an EIAR is required to be submitted. The application is accompanied by an EIAR prepared by O'Callaghan, Moran and Associates.

6.0 Grounds of Appeal

The grounds of appeal are submitted by two third parties and the issues raised are summarised below:

- Located in a rural area opposite bog lands that are of high ecological value, owned by Bord na Mona.
- There are 23 houses within a mile of the facility to the east and west.
- There is a plastic recycling plant a mile away in the former Bord na Mona factory. There is capacity for combined plants to recycle 104,000 tonnes of waste per annum. Concerns for health and well being of the community.
- Level of traffic generated by the two recycling plants is significant.
- Road infrastructure insufficient in this rural area.
- Traffic speed on local roads is high.
- Sightlines insufficient.
- Noxious odours from existing plant are negatively affecting the community and there are health implications.
- Potential increase in rodents requiring use of chemicals which could harm birds in the area.
- EIAR is deficient and has not demonstrated that there would not be significant effects on the environment – cumulative impacts limited to a 1km radius therefore cumulative impact of recycling plant at Bord na Mona factory not considered; ecological surveys are out of date having been undertaken in 2007; bat survey has not been undertaken; the extent of impact on biodiversity should be established prior to a decision being made on the application; air quality chapter does not include an assessment of the

proposed extension of the facility or the addition of the new waste treatment process involving the treatment of fines and location of monitoring points is not indicated. It is stated that odour modelling impact may be carried out at a later stage to inform details design of mitigation measure of the biofilter, therefore the impact with regard to air pollution has not been established.

- Proposed development is contrary to policy on non-conforming uses in that it has not been demonstrated that the proposal will not have an adverse impact in terms of air quality, particularly in regard to odour.

6.1. Applicant Response

The applicant's response to the grounds of appeal was submitted on 11th August 2021 and is summarised as follows:

- The Board is referred to the EIAR submitted which addresses a number of the third party concerns.
- Traffic
 - Plastics recycling at one of the buildings at the Bord na Mona plant commenced around October 2019, with capacity to process 24,000 tonnes of waste plastic annually and stopped operating in March 2020 and has not recommenced. It was not possible to survey traffic generated as a result. However, on basis of information known, the plant would generate approx. 8 two way heavy goods vehicles movements a day, with daily two-way private vehicle movements of 40 (assuming 40 staff and each arrive individually).
 - Traffic modelling was using baseline figures and applying growth factors for worst-case scenarios to existing traffic figure and the predicted traffic at the junction, with and without the proposed development. Data was analysed using PICADY. All lane at the junction will operate using less than 5% of available capacity in 2036. Results indicate there is more than adequate capacity at the junction to accommodate the operation of the plastics plant.

- All traffic arrives via the L4101 via the R639 (formerly the N8) to the north and the R689 to the south. All hauliers are instructed not to access the site from Littleton.
- Air Quality –
 - Chapter 13 of the EIAR addresses potential adverse impacts on human health from odours. Section 10.6 and 11.6 sets out prevention and mitigation measures. Section 13.7 states that air quality in the vicinity is good. Existing operational controls and those that will be conditioned in the revised licence will ensure no impacts in terms of odour, dust or noise nuisance.
 - Monitoring result from 2019 show no issues – see Section 10.4.2 of Chapter 10.
 - Included is an Environmental Monitoring Report which deals with odour sampling and analysis for the facility is included.
- Biodiversity –
 - The applicant has engaged a specialist pest and vermin control contractor who visits the site regularly to ensure pests and vermin are properly controlled. There is no evidence that such control measures have negatively impacted the local bird population. All wastes are and will be off-loaded and treated inside the building.

6.2. Planning Authority Response

None.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

7.1. Introduction

7.1.1. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Impact on Residential Amenity
- Roads and Traffic
- Other Matters

7.1.2. EIA is addressed in Section 8.0 of this report and Appropriate assessment issues are addressed in Section 9.0.

7.1.3. Tipperary County Development Plan 2022 – 2028 was made on the 11th July 2022. I note the Planning Authority's assessment of this application was undertaken under the previous development plan, which was also in force at the time of the appeal submission. I assess hereunder the application against the operative development plan, namely Tipperary County Development Plan 2022-2028.

7.2. Principle of Development

7.2.1. The existing biological waste facility was permitted under PA reg ref 07511853 (permitted on 5th November 2008), and intakes commercial and household food waste from commercial waste operators (not from individual households). The main biological treatment processes within the facility are composting and anaerobic digestion, which result in the production of a soil improver, for use on farmland. The process takes on average 6 weeks to complete. The facility currently operates under an EPA Industrial Emissions Licence which limits the annual waste intake to 45,000 tonnes, and also operates under an approval from the Department of Agriculture, Forestry and Marine under the European Union (Animal By-Products) Regulations. It is proposed to extend the existing composting building to provide additional primary,

pasteurising and secondary processing capacity, and increase the annual intake of waste to 80,000 tonnes. The development will involve land take to the east to construct the extension, alterations to the surface water drainage and firewater storage systems, and an augmentation of the odour abatement system. It is proposed to start the treatment of organic fines as well as producing a soil improver. The EIAR in chapter 1 gives a detailed description of the existing activities and processes on site. The works will require a revision of the existing EPA licence governing the site, which is separate to this application.

7.2.2. The proposed development is supported by national as well as local development plan policy in relation to sustainable management of waste. The national Waste Action Plan for a Circular Economy sets out a range of aims and targets for the State and the measures by which these will be achieved, including increased regulation and measures across various waste areas such as Circular Economy and Municipal Waste. 60% of waste comes from household and commercial sources and at a national level, food waste is identified as a priority waste stream within the National Waste Prevention Programme managed by the EPA. Additional capacity for facilities which segregate wastes and feed into the circular economy, such as that proposed, are supported at a national level and in recent years increased resources have been assigned to the area in recognition of its strategic importance. The Tipperary County Development Plan 2022-2028 under chapter 10 states that it is a key objective of the Council to support the sustainable management of waste in line with the National Waste Management Plan for a Circular Economy (Government of Ireland, 2022) and associated guidance across the delivery of its services and in the management of new development. The proposed development relates to a facility for the treatment of organic waste which would otherwise be treated at a landfill with consequential increased releases of methane gas. The development therefore supports the sustainable management of this waste stream. The development is in my opinion consistent with relevant national, regional, and local waste policy.

7.2.3. The principle of this development on this site has been previously established under parent permission 07511853, which permitted this use at this rural location. Policy 8-9 of the operative development plan supports rural enterprises which may be considered as non-conforming uses, stating: 'Where commercial/industrial enterprises exist as non-conforming but long-established uses, to support their

continued operation and expansion, provided such does not result in loss of amenity to adjoining properties, adverse impact on the environment, visual detriment to the character of the area or creation of a traffic hazard'. The development was previously permitted at this location and is therefore acceptable in principle, subject to detailed assessment of all planning and environmental matters, as considered elsewhere in this report.

7.3. Impact on Residential Amenity

Odour and Noise

- 7.3.1. The surrounding area is rural in nature, characterised by dispersed rural dwellings, willow plantations, and bogland, with a closed Bord na Mona peat factory c. 1.5km to the east of the site (partly now in use as a plastic waste recycling plant). I consider odours and noise to be the most prominent potential sources of disturbance and nuisance to residential dwellings in the vicinity of the site. I note the nearest residential dwellings in this rural area are 300m to the east and 432m to the northeast. Littleton village is c. 2km to the northeast.
- 7.3.2. The current facility operates under an Industrial Waste Licence (ref IEL W0249-01) from the EPA and approval under the European Union (Animal By-Products) Regulations. The Industrial Waste Licence includes control measures in relation to vehicle exhausts, dust, noise, odour, and rainwater run off, and under the EPA licence emission threshold limits are set and monitored. I note that the EPA have not indicated any breach of emission limit levels currently imposed by licence at the site. The proposed development may require an amendment to its existing licence, as identified in a submission from the EPA to the PA. It is therefore the case that the assessment of emissions to the environment would be undertaken under the licencing process and that the Board is precluded from attaching conditions that relate to the control of emissions or mitigate the impact on the environment. The Planning Authority or the Board is, however, authorised to refuse permission on the basis of environmental considerations.
- 7.3.3. In relation to odour as it relates to the existing plant, an existing odour control system is utilised which extracts odorous air from inside the composting building and filters it through a filter that reduces the odours to levels that do not cause an off-site

nuisance. I note all waste is currently unloaded and treated inside the building and outside yard areas are not permitted to be utilised.

- 7.3.4. Concerns have been raised by third parties in relation to odours and non-compliance with EPA licence and impact of odours on health and well being of the community, with odours experienced by residential dwellings in the area considered noxious.
- 7.3.5. The applicant in response to the grounds of appeal states the EIAR has addressed prevention and mitigation measures and that air quality in the vicinity is good. Reference is made to monitoring of odour in 2019 (included in appendix 10 of the EIAR), required by the existing EPA licence, which indicate no issues.
- 7.3.6. The PA requested FI in relation to the level of information contained in the EIAR in relation to Odour and Noise. The applicant responded that the facility is in compliance with the EPA licence and measures in relation to odour. It is noted that the odour facilities will be upgraded as part of the expansion of the facility, including increased ducting and air extraction capacity and increased size of the biofilter. It is stated that the biofilter odour removal efficiency is in excess of 90%. The applicant responded to the issue of noise with results of a survey carried out to comply with EPA requirements (included in Appendix 11 of the EIAR). The PA noted that the report showed no tonal or impulsive noises were audible from the facilities and the facility noise was not a nuisance despite exceeding noise levels as the dominant noise source is from traffic from the local road.
- 7.3.7. Consideration of impacts relating to amenity arising from emissions from the development are considered in more detail in the sections below under the heading of EIA, and particularly under the headings of Population and Human Health and Air, and this assessment should be read in conjunction with this section.
- 7.3.8. I have reviewed all submissions made on the file and I acknowledge that the issue of odour is difficult as it affects people differently, however, the air quality monitoring undertaken regularly at the site shows compliance with the EPA licence limits. I note an issue raised that there is uncertainty with regard to the specification of some of the odour equipment to be used on the site as set out in the EIAR, however, I consider the basic analysis submitted and results of monitoring show that the applicant is applying best available techniques as required by the EPA. Odour emissions for the extended plant will be specified in the licence that will be required

to be obtained from the EPA and, given the licensable nature of the activity I do not consider that there is any clear basis relating to odours on which permission should be refused by the Board. I am satisfied that the proposed development will not give rise to significant noise or odour emissions and as such will not negatively impact current levels of residential amenity at dwellings within the area. Issues raised by third parties in relation to potential non-compliance by the applicant with the EPA licence are a matter for the EPA to enforce. I refer to section 8 hereunder in relation to air.

- 7.3.9. With regard to the impact of noise emissions from the proposed operation on amenity, the site is the subject of existing noise limits on foot of its licence with the EPA and noise monitoring has been undertaken in 2019, the results of which are included in the EIAR. Chapter 11 and Appendix 11 of the submitted EIAR set out the likely noise impact of the proposed development (See section 8 hereunder for more detail). The nature of surrounding uses is such that cumulative noise is not likely to be a significant element in the overall noise impacts, having regard to estimated levels of traffic as set out in the TTA including assumptions in relation to the plastics factory nearby, as submitted in the applicants response to the grounds of appeal.
- 7.3.10. Overall, given the results of noise monitoring to date, and having regard to distances to noise sensitive receptors, impacts are not considered likely to be significantly negative. As with odour, noise emissions will be specified in the Industrial Emissions licence that will be required to be obtained from the EPA and, given the licensable nature of the activity, I do not consider that there is any clear basis relating to noise on which permission should be refused by the Board.

7.4. Roads and Traffic

- 7.4.1. The third parties have raised concerns in relation to the volume of traffic arising from the development and impacts in terms of road safety given the quality of the roads and sightlines at the site entrance. Issues are also raised with lack of consideration of cumulative impacts, specifically to the plastics factory 1.5km to the east of the site.
- 7.4.2. Traffic and transport is addressed in Chapter 6 of the submitted EIAR, and Appendix 5 contains a Traffic and Transport Assessment and a Road Safety Audit (see Section 8 of this report also).

- 7.4.3. Access to the site is from the L4101, which is 5.5km from the M8 interchange. It is stated that at the operational stage, daily traffic generation will be 20 trips per day, which is 224% of the current traffic movements. While this is a significant increase, modelling indicates that the access T-junction from the site onto the L4104 will operate using less than 5% of available capacity in 2036, therefore there is capacity within the existing road network. The EIAR predicts a slight negative impact on the local road network. In terms of construction traffic there will be 10-12 daily heavy goods vehicles trips. However, construction impacts are temporary and short term in nature and therefore will not have any long term or permanent amenity impacts.
- 7.4.4. I am satisfied that the required sightlines from the site entrance are in accordance with standards and the county council's road engineer has raised no issue in this regard. Littleton village (2km from the site) is not permitted to be used by lorries accessing the waste facility, as per the submission of the applicant in the response to the grounds of appeal. This is a matter of enforcement by the PA where such breaches are verified, as the haul routes were addressed by way of condition in the parent permission. While concerns are raised in relation to the quality of the road surface, especially during winter and concerns in relation to speed, I noted upon site inspection the roads were in good condition and the speed limit is 80km/hr at this location. Enforcement of speed limits and maintenance of the road network is the responsibility of the county council/An Garda Siochana and is outside the remit of this application.
- 7.4.5. The existing road network has capacity, is of good condition, and the nature and volume of the traffic predicted to be generated by the proposed development is such that I do not consider that there would be any likely significant negative effects on the wider road network surrounding the site. I consider that the proposed development would not give rise to an increased traffic hazard or impact traffic flows to such a degree as to warrant a refusal.

7.5. Other Matters

- 7.5.1. I note concerns raised in relation to vermin. As per EPA requirements, a pest control programme is in place whereby a specialist pest company puts out bait and monitors

activity on the site. There is no evidence that pest control programme is affecting other local wildlife.

8.0 Environmental Impact Assessment

8.1. Statutory Provisions

- 8.1.1. The proposed development is for the expansion of a waste/biological treatment facility with an increase in the current annual waste intake from 45000 tonnes/year to 80,000 tonnes. The current facility operates under an Industrial Emissions Licence granted by the Environmental Protection Agency.
- 8.1.2. Part 2, Class 11(b) of Schedule 5 of the Planning and Development Regulations 2001 (as amended) relates to 'Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule'. As the waste facility is permitted to take in 45,000 tonnes, this application expand the facility and requirement for an EIAR derives from Class 13(a): 'Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:
- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and
 - (ii) result in an increase in size greater than –
 - 25 per cent, or
 - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.
- 8.1.3. The application is accompanied by an EIAR prepared by O'Callaghan Moran & Associates. The document is laid out in one volume, with additional sections submitted by way of Further Information following a request from the PA.
- 8.1.4. The contributors to the EIAR were submitted to the PA on 23.04.21 further to a FI request from the PA. I am satisfied that the EIAR has been prepared by competent experts.
- 8.1.5. The opening section of the EIAR document comprises a non-technical summary. Chapter 1 provides a description of the site and proposed development, Chapter 2

addresses the regulatory environment and Chapter 3 addresses alternatives. Interactions and cumulative impacts are addressed within Chapter 16. Mitigation measures are addressed within each chapter. Appendix 1 contains the EPA licence applicable to the site; appendix 2 contains the Department of Agricultural Forestry and the Marine Approval; appendix 3 a closure plan, environmental liabilities risk assessment and financial provision report; appendix 4 an accident impact assessment; appendix 5 TTA and RSA; appendix 6 and 7 relates to Geology, Hydrogeology, and Hydrology Assessments/tables; appendix 8 comprises an AA Screening Report; appendix 9 Biodiversity Survey List; appendix 10 Odour Monitoring Reports 2019; appendix 11 noise monitoring survey 2019; and appendix 12 archaeology field survey 2006.

8.1.6. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the results of the submissions made by the planning authority, appellant, and applicant has been set out at Sections 3.0 and Section 6.0 of this report. The main issues raised specific to the EIA can be summarised as follows:

- Cumulative impacts in terms of neighbouring factory not considered.
- Ecological surveys out of date and no bat survey undertaken.
- Odour and air quality
- Traffic and Road Safety

These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation.

8.2. Likely Significant Direct and Indirect Effects

8.2.1. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected

effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

- 8.2.2. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality. I am satisfied that the information contained in the EIAR complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.
- 8.2.3. This EIA has had regard to the application documentation, including the EIAR, and the observations received. A number of the environmental issues relevant to this EIA have already been addressed in the Planning Assessment at Section 7.0 of this report. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.

8.3. Major Accidents/Disasters

- 8.3.1. With respect to Article 3(2), chapter 1 addresses Risk of Major Accidents and/or Disaster. The site is not within the consultation distance for any Seveso sites. I note the site is not in an area prone to natural disasters. The site is not in an area liable to flooding. The EIAR contains an Accident Prevention Policy and a Safety Statement relating to the existing development (required by the EPA), which identifies the major on site potential hazards and describes mitigation measures to control the hazards and an Emergency Response Procedure is also included.
- 8.3.2. Having regard to these factors, it is considered that the risk of major accident hazards or potential implications arising from natural disasters and climate change are negligible.

8.4. Alternatives

- 8.4.1. Consideration of alternatives is addressed in Section 3 of the submitted EIAR.
- 8.4.2. Consideration of an alternative location would require additional land and infrastructure as well as an EPA licence which the applicant contends would not offer environmental or economic benefits compared to the continued operation of the existing facility. I am satisfied that alternative locations are not relevant to the proposal, as set out in the EIAR. The applicant states that in terms of layout and

design of the site this is in accordance with Best Available Techniques specified at EU level. A do nothing scenario will mean the plant continues to operation in its current form.

8.4.3. I am satisfied that the information contained in the EIAR with regard to the main alternatives provides a justification in environmental terms for the chosen scheme and phasing and is in accordance with the requirements of the 2014 EIA Directive (2014/52/EU).

8.5. **Assessment of the Likely Significant Direct and Indirect Effects**

8.5.1. The likely significant direct and indirect effects of the proposed development on the environment are considered under the headings below which follow the order of the factors as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and human health
- Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC
- Land, soil, water, air and climate
- Material assets, cultural heritage and the landscape
- The interaction between the factors referred to in points (a) to (d).

8.5.2. With respect to cumulative impacts these are addressed within chapter 12 and have been adequately considered.

8.5.3. My assessment is based on the information provided by the applicant, including the EIAR, in addition to the submissions made in the course of the application, as well as my site visit.

8.6. **Population and Human Health**

8.6.1. Chapter 13 of the EIAR addresses population and human health. The methodology for assessment is described as well as the receiving environment.

8.6.2. The closest residential dwellings in this rural area are 300m to the east and 432m to the northeast. Littleton village is c. 2km to the northeast.

- 8.6.3. Potential risk on population and human health are identified as arising from the process (particulates and bioaerosols), noise, odours, dust, pest, exhaust gases from vehicles, emissions to surface water and groundwater, traffic movement, and major incident such as a fire.
- 8.6.4. I note proposed activity on the site will be the subject of a licence from the EPA which will contain emission limits in relation to noise, dust and odours which must be complied with in the development. The EPA licence will be reviewed post planning stage, as per standard practice. The EIAR examines in more detail potential impacts and mitigation in other chapters. No likely significant negative impacts are identified. Further consideration is detailed and referenced within other chapters of the EIAR and hereunder in this report.
- 8.6.5. With respect to Residual Impacts, none are anticipated. The proposed development is rated as having an imperceptible, negative impact on population and human health.
- 8.6.6. I have considered all of the written submissions made in relation to population and human health. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

8.7. **Biodiversity**

- 8.7.1. Chapter 9 of the EIAR addresses biodiversity and the methodology is set out.
- 8.7.2. The EIAR states that as a result of the design and operation of the facility and surrounding land use, the biodiversity value of the site was deemed low and therefore an ecological survey was not considered necessary. The biodiversity value was based on desktop review of inter alia the EIS accompanying the parent application in 2008, NPWS databases and National Biodiversity Plan in addition to current site survey and habitat mapping in accordance with best practice (see Table 9.1 Habitats in Chapter 9 of EIAR).
- 8.7.3. I note the operational area of the site is covered by building, hard paving/yard areas, biofilter, with some landscaped grass areas. The extension of the building will result

in the loss of a section of tree line to the east of the building and a mixed wet grassland and section of willow plantation. I note the willow around the site is harvested in rotation for biomass fuel. The treelines along the southern and eastern site boundaries are stated to comprise a mix of ash, sycamore, alder and whitehorn, with the lower parts of the trees hosting ivy, with scrub at the bases. There is stated to be no evidence of invasive species on the site. The site is not located within or adjacent to a European site, with the closest being the Lower River Suir SAC (002137), c. 8.3km to the west and the River Barrow and River Nore SAC (002162), c. 12.5km to the east.

- 8.7.4. In terms of the receiving environment, habitats and flora are identified and a review of the 2008 field surveys are undertaken. The justification for not undertaking new surveys is stated as follows: ‘...given the size and type of operations and the heavily modified nature of the majority of the majority of the habitats that will be affected by the development, it was considered that the surveys were still generally representative of the fauna likely to be present within the development footprint’.
- 8.7.5. The loss of habitat is quantified as an 80m section of mature tree line to the east and a drainage ditch to the east (to be culverted), 920sqm of grassed area east of the composting building, a section of planted hedgerow along the western boundary, and 8000sqm of willow plantation to the east and west of the composting building. The EIAR states that it is considered that due to the relatively small size of the site it is not envisaged that any movements of migratory birds or mammals will be significantly affected by the development.
- 8.7.6. Mitigation measures are set out in section 9.6 of chapter 9 of the EIAR, including implementation of a CEMP including dust prevention and control, maintenance of a 2m buffer from the southern tree lined boundary of the site during construction, and prior to the start of construction a bat survey will be completed on the mature tree line on the eastern side of the site by an appropriately qualified and experienced ecologist to identify and address potential bat roosts.
- 8.7.7. I note a third party concern that the EIAR is inadequate due to the lack of a bat survey and concern in relation to the age of the surveys utilised as part of the assessment. While I acknowledge there is a lack of up to date specific surveys, the site has been reviewed and previous surveys used to form a view of the context. The

existing habitats have been mapped as part of this application and no habitats of significance were noted with the site rated as being of low ecological value. I do not consider a full set of ecological surveys would be warranted in this instance and I accept the rationale as set out in the EIAR. I note, however, that there is one tree line proposed for removal which is outside the boundary of the existing operations. It is stated that this treeline may have bat roosts. I consider a condition would be warranted, should the Board be minded to grant permission, to ensure the protection of bats. It is recommended that a bat survey and tree inspection survey be undertaken prior to the removal of the trees. If a bat roost is identified in a tree to be removed on site, a licence will be required to be obtained from the National Parks and Wildlife Service (NPWS) to derogate from the Habitats Directive to destroy these bat roosts. All trees should be felled under the supervision of an ecologist and left intact on the ground for a period of at least 24 hours.

- 8.7.8. There have been no significant developments in relation to the site since the existing composting facility was constructed and it is recognised that the habitat is highly modified. I am satisfied that the mitigation measure proposed in terms of bats is appropriate in this instance when balanced against the quality of the existing environment and having regard to the wider landscape in this rural area.
- 8.7.9. Residual impacts are considered to be permanent, imperceptible, and negative in terms of biodiversity.
- 8.7.10. I have considered all of the written submissions made in relation to biodiversity. I am satisfied that the identified impacts on biodiversity would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity.

Land, Soil, Water, Air and Climate

8.8. Land and Geology

- 8.8.1. Chapter 7 of the EIAR addresses land and geology and sets out the methodology adopted.

- 8.8.2. The subsoils underlying the majority of the site are identified as comprising cut peat, c. 1m thick, underlain by boulder clay, sandy gravel and gravel. The western part of the site is underlain by limestone till. The bedrock is a locally important aquifer, moderately productive, with a moderate vulnerability to pollution. It is noted that there are no discharges to ground as part of the existing or the proposed development.
- 8.8.3. The impact identified is the removal of soil and subsoils for the extension of the building which equates to an area of 6083sqm and the loss of c.0.8ha of willow plantation. It is stated the willow is a source for biomass, are not a food crop and have no impact on water supplies and are not critical to nutrient cycles. The excavated soils will be retained on site for landscaping.
- 8.8.4. Risks identified include accidental spills/leaks when refuelling vehicles and mobile plants or for contaminated firewater run off to infiltrate to ground in the event of a fire.
- 8.8.5. The implementation of a CEMP to mitigate potential construction impacts, including inter alia elements relating to storage of topsoil, no refuelling of plant on site, availability of spill kits and training of staff. EPA licence requirements will also apply and it is noted such existing requirements include provision of impermeable paving in all operational areas, inspection and repair of paved areas, emergency response procedure and staff training on appropriate incidents and emergency response actions, spill containment and clean up equipment and provision of accidental spill and firewater retention capacity. Such mitigation measures are standard practice and known to be effective and will continue to be in place as per EPA licencing review as part of the extended development, if granted.
- 8.8.6. The proposed development will have a permanent, slight, negative impact on lands and soils but no impact on bedrock.
- 8.8.7. I have considered all of the written submissions and information submitted in relation to land and geology. I am satisfied that the potential for impacts on Land and Geology would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable long term direct or indirect impacts in terms of land and geology.

8.9. Water

- 8.9.1. Water is addressed within Chapter 8 of the EIAR and Appendix 6 and 7 contains a Geology, Hydrogeology and Hydrology Assessment from 2007 and Hydrology and Hydrogeology Assessment Tables (originally submitted as part of the parent application EIS). The information remains valid.
- 8.9.2. There are a number drainage ditches around the site that discharge to the Ballyley River. The Ballyley River is c. 120m to the south of the site and flows from east to west, becoming the Breegagh River, which flows northeast, discharging into the Drish River, c 7.1km to the northwest. The Drish River then joins the River Suir, c.680m to the west of this point. The site is located within the Suir catchment and is part of the Breagagh Waterbody. The groundwater body here is identified as being good, with the risk assessment under review. The Ballyley/Breegagh River is identified being of poor quality and at risk. The site is not identified as being in an area prone to flooding and there have been no recorded past flood events. The closest well to the site is 1.1km to the north.
- 8.9.3. I note that there are three on-site ground water wells which are monitored in accordance with the EPA licence requirements. In addition the EPA carries out its own monitoring. It is of note that there is no discharge arising from waste waters at the proposed development site. Wastewater from staff facilities is collected from an underground holding tank and transferred to a waste intake area and mixed with incoming waste and then composted. This is acceptable under the EPA licence.
- 8.9.4. The potential impacts are identified, specifically in relation to potential for accidental spills/leaks from vehicles and mobile plant. It is noted that there will be slight increase in the volume of run off and a slight decrease in groundwater recharge due to the increase in the impermeable areas.
- 8.9.5. Following a Further Information (FI) request from the PA, the applicant submitted a Surface Water Management Plan. Run-off from the northern section of the main compost building and the northern yard drains to a field drain at the northern site boundary via a silt trap and oil interceptor. This drain flows to the west and joins an unnamed tributary of the Ballyley River, which joins the river itself 750m west of the site. There is a shut off valve upstream of the discharge point which can be closed in the event of incident on the site and run off is in such an instance diverted to the

existing firewater retention point in the north-west corner of the site. Roof water from the southern section of the compost building discharges to a drain on the western boundary which flows to the south to join the Ballyley River.

- 8.9.6. Mitigation measures are described including the preparation of a Construction Environmental Management Plan (CEMP) and specific measures are as per section 8.8.5 above. The EPA licence also requires additional prevention and mitigation measures in relation to water.
- 8.9.7. Residual impacts are rated as having a slight, permanent impact on water flows in the Ballyley/Breagagh River, but no impact on water quality. It will have an imperceptible negative impact on the quantitative status of the bedrock aquifer but no impact on the qualitative status.
- 8.9.8. I have considered all of the written submissions made in relation to water. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on water.

8.10. Air and Climate

Air

- 8.10.1. Air is addressed in Chapter 10 of the EIAR. The methodology and receiving environment are addressed. The assessment was based on information derived from ambient air quality databases maintained by the EPA and the dust, microbiological and particulate (PM10) monitoring carried out in compliance with their EPA licence conditions. Results are contained in Appendix 10 of the EIAR.
- 8.10.2. Potential impacts to air quality as a result of the construction phase of development arise from dust and vehicle exhausts. During the operational phase, emissions may arise in terms of odours, particulates, dust, bioaerosols and vehicle exhaust gases.
- 8.10.3. Mitigation measures are described in section 10.6 in terms of CEMP for construction management issues. In terms of mitigation measures to prevent nuisance from odours, dust and particulates, I note that the operator implements control measures

specified within the EPA licence that are designed to ensure waste activities do not give rise to negative impacts on air quality. Recent results of the existing operation show no breach of limits. The odour control system will be upgraded to increase the air extraction capacity, there will be additional ducting installed and the size of the biofilter will be increased. It is stated that the specifics of the detailed design will be subject to specifications of the EPA licence. A third party submission contends that there is uncertainty with regard to the specification of some of the equipment to be used on the site and the EIAR is therefore adequate, however, I consider the basic analysis submitted and results of monitoring show that the applicant is applying best available techniques as required by the EPA. Odour emissions for the extended plant will be specified in the licence that will be required to be obtained from the EPA and, given the licensable nature of the activity I do not consider that there is any clear basis relating to odours on which permission should be refused by the Board.

8.10.4. With regard to vehicle emissions, I note it is stated that HGVs are typically fitted with a selective catalytic reduction systems to reduce nitrous oxide levels in the exhaust and as mentioned previously engines are not permitted to idle at the site.

8.10.5. Residual impacts are rated as having an ongoing imperceptible negative impact on air quality but will have no permanent impact. Given the nature and scale of the development proposed, and distance from other properties including the plastic recycling plant 1km to the east, I am satisfied that no cumulative impacts would arise in respect of air and climate.

8.10.6. I have considered all of the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

Noise

8.10.7. Noise is addressed in Chapter 11 of the EIAR and Appendix 11. The assessment is based on the findings of the annual noise monitoring surveys required as part of the EPA licence applicable to the site. The licence specifies noise limits of 55dBA at noise sensitive locations during daytime hours.

- 8.10.8. The closest residential property is 300m to the east and 432m to the northwest. The daytime limits are measures at the residential properties and the daytime limit is to be regularly exceeded, however, this is stated to be as a result of road traffic noise. Noise from the facility was not recorded as being audible in the 2019 results submitted, with the exception of faint intermittent noise from fans and a diesel engine. No tonal or impulsive noise audible. Noise from the facility was not audible at night time.
- 8.10.9. Potential noise impacts during construction are described, including noise arising from construction plant and equipment, vehicles and the on-going waste activities at the site. During the operational phase, consideration is given to noise arising from delivery vehicles, mobile plant and aeration and extraction fans. The delivery vehicles and plant are stated to be active normally between 8am and 7pm Monday to Friday and 8am to 2pm on Saturday. The fans are operational 24/7 as the composting is a continuous process.
- 8.10.10. Mitigation measures are detailed in section 11.6 for both the construction stage, which involves best practice measures, and for the operational stage. Operational mitigation relates to design elements, including the location of fans to the rear of the composting building, which is the furthest away from the nearest noise sensitive locations; selection at procurement stage of fans not exceeding 55dB daytime and 45dB night time criteria and will be subject to EPA specifications in the licence. I note that it is stated that operations are unlikely to give rise to tonal or impulsive emissions at the noise sensitive locations, as per the existing situation.
- 8.10.11. In terms of residual impacts, the proposed development will have an on-going, imperceptible neutral impact.
- 8.10.12. It is of note that noise mitigation measures are a condition of the applicant's EPA licence and are controlled by same. All processing of waste occurs inside buildings and noise emissions from this activity are appropriately controlled. The current permission and licence pertaining to the site require noise monitoring to be carried out on a regular basis and no issues arising from the waste facility were recorded.
- 8.10.13. As mentioned above, vehicles will not be permitted to run engines when idle.

8.10.14. There are no expected cumulative impacts due to the separation distances involved.

8.10.15. I have considered all of the written submissions made in relation to noise. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise.

Climate

8.10.16. Chapter 5 of the EIAR addresses Climate.

8.10.17. Direct emissions from waste management facilities are associated with onsite processing and off-site electricity power generation whilst indirect emissions relate to transferring of waste to and from the site and staff transport. Composting is recognised as an aerobic process which reduces or prevents the release of methane during the breakdown of organic matter. Willow can sequester c. 0.12t of carbon/ha/yr, therefore the loss of 0.8ha of coppice inside the site boundary will have an impact.

8.10.18. Section 5.6 of the EIAR refers to prevention and mitigation measures. Under the EPA licence relating to the development site, the applicant is required to carry out an energy audit to identify all practicable ways for energy use to be reduced and for greater efficiencies. It is stated that diesel fuel plant engines are only turned on during processing and are not permitted to idle, the same principle applies to waste vehicles at the site. While the development will result carbon sequestering by the loss of willow, this is stated to be somewhat offset by the reduction in generating methane in landfills.

8.10.19. The overall principle of the development is to reduce wastes and recycle where possible. The increase in traffic movements and the associated emissions are not considered to be of such a significance that would impact climate change to any perceptible level. Following the implementation of mitigation measures such as preventing the running of engines and plant when not in use, it is outlined within the EIAR that residual impacts will be imperceptible and negative on climate.

8.10.20. I have considered the relevant contents of the file including the EIAR. I am satisfied that the potential for direct or indirect impacts on climate can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts on climate can be ruled out I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

8.11. **Material Assets, Cultural Heritage and the Landscape**

Material Assets - Traffic and Transport

8.11.1. Chapter 6 of the EIAR relates to Roads and Traffic and Appendix 5 comprises a Traffic and Transport Assessment (TTA) and a Road Safety Audit (RSA). The Board is referred to section 7 of my report above also in respect of impacts on traffic and transport.

8.11.2. The TTA sets out the methodology and context of the existing road network. Baseline traffic data was gathered assessing number of vehicles entering/exiting the site over a 12 hour period and identifying the direction of traffic travelling from the site. Traffic modelling was undertaken utilising the TRICS database and the data analysed using PICADY.

8.11.3. The submitted Road Safety Audit identified two issues with the site which require improvement, including more defined road markings at the entrance gate and L4101 which have faded; and provision for a safe route from the parking area to the compost building to avoid pedestrian/vehicle collisions. The Designer Response Form within the Audit has not been filled out/proposals were not confirmed as being accepted by the applicant as part of the Audit. The two improvements recommended should be addressed by way of condition should the Board be minded to grant permission.

8.11.4. Potential impacts are described both during construction and operational stages are identified. Impacts at construction stage are temporary in nature and will be minimised through implementation of a CEMP. At the operational stage, daily traffic generation will increase to 20 trips per day, which is an increase upon existing

numbers. While I acknowledge concerns raised in submissions in relation to additional road traffic, I consider the increase of traffic within reason and the road network has the capacity to accommodate the projected increase in traffic. Based on baseline figures and projections, the T-junction access from the site onto the main road will remain well below capacity with the expanded development in place. Sightlines were assessed and considered adequate. I note the PA also accepts the sightlines in place are acceptable and raises no concerns in relation to the local road network.

8.11.5. No mitigation measures are proposed as no significant adverse impact is anticipated.

8.11.6. In terms of residual impact, the development is considered to have an on-going, slight, negative impact on the local road network.

8.11.7. Cumulative impacts are considered in the response to the grounds of appeal in relation to traffic from the plastics factory to the east, which closed for a time and therefore the actual traffic surveys did not capture that traffic, however assumptions have been made based on the reported volume of plastics to be recycled at the plant. I considered a reasoned approach to assumptions in relation to the volume of traffic likely has been taken and no significant cumulative impacts are identified having regard to the capacity of the existing road network.

8.11.8. I have considered all of the written submissions made in relation to traffic and transport. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect or cumulative impacts in terms of traffic and transport.

Material Assets – Natural Resources

8.11.9. Chapter 15 of the EIAR evaluates the impacts on natural resources. The examination of natural assets is based on information from the then operative North Tipperary Development Plan, CSO databases and SEHL records of resource consumption. Road infrastructure has been discussed above.

8.11.10. In terms of impacts, the existing facility is stated to benefit the local economy by maintaining local employment levels. In terms of operations at the development

site, the proposal will result in an increase in traffic movements, resulting in an increase in diesel consumption and use of electricity.

8.11.11. Mitigation measures are set out in section 15.6. Nuisance control measures as specified in the EPA licence will prevent impacts on local amenities.

8.11.12. It is stated within section 15.7 that the current operations are not a source of adverse environmental nuisance or impairment outside of the site boundaries. The proposed development will not impact negatively on amenity values and socio-economic activities in the location, with impacts being imperceptible and negative in relation to the consumption of fossil fuels/increase in traffic and electricity usage.

8.11.13. I have considered the relevant contents of the file including the EIAR. I am satisfied that the potential for significant impacts on material assets can be avoided. I am therefore satisfied that the potential for significant direct or indirect impacts on material assets can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise

Archaeology, Architectural and Cultural Heritage

8.11.14. Chapter 14 of the EIAR addresses archaeology, architectural and cultural heritage and Appendix 12 includes an archaeological field survey undertaken in 2006, where a monitoring condition was recommended.

8.11.15. It is stated that there are no recorded monuments, protected structures or other cultural heritage designations on the site,

8.11.16. I have considered all of the written submissions made in relation to archaeology, architectural and cultural heritage. I am satisfied that the proposed development would not have any unacceptable direct or indirect or cumulative impacts on archaeology, architectural or cultural heritage.

8.12. Landscape and Visual Impact Assessment

8.12.1. Chapter 12 of the EIAR addresses Landscape and Visual Impact and sets out the methodology.

8.12.2. The site is located within the Littleton Farmland Mosaic and Marginal Peatlands Landscape Character Area, which is a class one area in terms of landscape

sensitivity, ie low sensitivity to change. There are no preserved views or prospects in the vicinity of the site.

- 8.12.3. The willow plantations to the north, east and west of the site effectively screen the development. The building resembles an agricultural building with mass concrete walls and grey/green wall and roof cladding. I note the extensions to the building will be in keeping with the existing design.
- 8.12.4. While a portion of the willow planting will be affected by the development, the wider plantations will continue to effectively screen the development from public view. No mitigation is considered necessary. The proposed development is considered to have a neutral impact on the existing landscape character and visual amenity.
- 8.12.5. On the basis of the information submitted with the application including that in the EIAR, the submissions on file and observations at the time of inspection of the site, I do not consider that the proposed development would have any significant adverse direct or indirect effects on material assets, cultural heritage and the landscape. Given the limited impacts predicted under this factor of the environment I do not consider that significant cumulative impacts are likely to arise when the proposed development is considered together with other permitted plans and projects in the vicinity.

8.13. Significant Interactions

- 8.13.1. Chapter 16 of the EIAR considers interactions and cumulative impacts. I have addressed the consideration of the plastics factory to the east of the site elsewhere in this report and I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis.
- 8.13.2. I consider that there is potential for population and human health to interact with a number of other factors (climate, noise, air and material assets – traffic). The details of interrelationships are set out in Chapter 16 of the EIAR which I have considered.
- 8.13.3. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified.

8.13.4. In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative effects.

8.14. Reasoned Conclusion on the Significant Effects

8.14.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, and submissions received, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- The proposed development would have potential negative impacts on **human health and population** with regard to traffic, air quality, odour and noise. Such impacts are adequately mitigated for within the EIAR submitted and can therefore be ruled out.
- Negative **odour** impacts could arise during the operation phase of the development. These impacts will be mitigated through the design of the building and operation of a biofilter system. Appropriate mitigation has been considered as part of the development.
- Negative **noise** impacts could arise during the operational phase of the development. These impacts will be mitigated through adherence to best practice, prevention of vehicle and plant engines running whilst idle and the processing of waste inside of buildings within existing buildings. Noise disturbance is not likely to arise given mitigation and the separation distances between the development site and residential properties. Impacts arising from noise disturbance during the operational stage can therefore be ruled out.
- Slight negative **traffic** impacts arise during the operational phase of the development, these impacts are not significant in terms of magnitude and can therefore be ruled out.
- Negative impacts on **water** could arise as a result of accidental spillages of chemicals, hydrocarbons or other contaminants entering the drainage system. These impacts will be mitigated by measures outlined within the application and EIAR and can therefore be ruled out.

- **Biodiversity** - potential ecological impacts with the removal of mature trees. Appropriate mitigation has been considered as part of the development.

8.14.2. The proposed development is not likely to have significant adverse effects on human health, biodiversity, land and soil, climate, material assets and archaeological, architectural and cultural heritage. Further it is not likely to increase the risk of natural disaster.

8.14.3. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed and I consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

9.0 **Appropriate Assessment**

9.1. Permission is sought for an extension to an existing permitted biological treatment plant to allow for an increase in the annual waste intake from 45,000 tonnes/year to 80,000 tonnes/year, relocation of an existing firewater lagoon, construction of a new firewater lagoon and all associated site services.

9.2. An Appropriate Assessment Screening document has been prepared by O'Callaghan Moran & Associates on behalf of the applicant. The Screening document describes the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development.

9.3. The site is not located within or adjacent to any European site. There is a drainage ditch along the northern and western boundaries of the site where surface water is discharged to, and from here it enters the Ballyley Stream/Breegagh River (c. 120m south of the site). From here the river travels c. 7.1km northwest to meet the Drish River, which flows into the River Suir a further c. 680m to the west. The Lower River Suir SAC is a further 2.8km to the east.

9.4. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated

Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

9.4.1. There are two European sites in the wider area, namely the River Barrow and River Nore SAC (002162), which is c.12.5km to the east, and the Lower River Suir SAC (002137), which is c.8.3km to the west. The qualifying interests/features of interest associated with the European site closest to the site and indirectly connected hydrologically via the Breeagh stream to the southern boundary of the site is the Lower River Suir SAC (002137). The River Barrow and River Nore SAC is not hydrologically connected to the site and is not therefore considered further.

9.5. Site specific conservation objectives and qualifying interests have been set for the River Barrow and River Nore SAC as follows:

European Site	Conservation Objective	QIs/SCIs
Lower River Suir SAC (002137)	The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. Further detailed conservation objectives for each qualifying interest are provided by the NPWS.	<p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Taxus baccata woods of the British Isles [91J0]</p>

		Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]
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- 9.6. It is noted that whilst mitigation measures are proposed within the EIAR, such measures are not for the purposes of avoiding or reducing any potential harmful effects to any European sites and relate to the overall maintenance of the site which is controlled by an EPA licence. The current EPA licence specifies the control measures that must be implemented to ensure the emissions do not cause pollution and it requires the monitoring of emissions to air and surface water, a noise survey and groundwater monitoring, with all results reported to the EPA. The only change to emissions as a result of the proposed development will be an increase in the volume of rain water run-off due to the additional impermeable areas.
- 9.7. Given the scale of works involved, the nature of the existing intervening environment, the distance from the stream to the Lower River Suir SAC and discharge from the site of clean water only into the Breegagh Stream, I am satisfied that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the Lower River Suir SAC. Furthermore, given the significant distance separating the proposed works and the SAC, in the event of pollution or sediment entering an adjacent watercourse, such pollution would be diluted and dispersed to an imperceptible level at the point of

contact with the Lower River Suir SAC and as such significant effects to this designated site is not likely to arise and can be ruled out.

9.8. No cumulative impact issues arise.

Screening Determination

9.9. Having regard to the nature and scale of the proposed development, to the intervening land use, and distance from European sites, it is reasonable to conclude that on the basis of the information on 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. 002137 (Lower River Suir) or any other European site, in view of the said sites' conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

9.10. This determination has been based on the significant distance of the proposed development from any designated sites and the lack of any meaningful pathway between the development site and such designated sites. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects on the projects on any European Sites.

10.0 Recommendation

I recommend that permission is GRANTED, subject to conditions.

11.0 Reasons and Considerations

Having regard to European, national, regional and local planning policy, including the provisions of the Tipperary County Development Plan 2022-2028, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the amenities of the area or of property in the vicinity and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>All mitigation and monitoring measures identified in the Environmental Impact Assessment Report shall be implemented in full as part of the proposed development.</p> <p>Reason: In the interest of protecting the environment and in the interest of public health.</p>
3.	<p>Trees to be felled will be surveyed for bats before their removal. All trees should be felled under the supervision of an ecologist and left intact on the ground for a period of at least 24 hours. The destruction or interference of any tree identified as a bat roost shall only be carried out on receipt from the NPWS of a licence to derogate from the Habitats Directive and destroy the roost.</p> <p>Reason: To conserve bat species afforded a regime of strict protection under the Habitats (92/43/EEC).</p>
4.	<p>The clearance of any vegetation including trees, hedgerows and scrub, shall only be carried out in the period between the 1st of September and the end of February i.e. outside the main bird breeding season.</p> <p>Reason: To provide for the conservation of species of fauna protected under the Habitats Directive (92/43/EEC) and the Wildlife Acts (1976 to 2018) and to provide for the conservation of bat species afforded a regime of strict protection under the Habitats Directive (92/43/EEC).</p>

5.	<p>All measures recommended by the Auditor in the submitted Stage 1/2 Road Safety Audit (dated 04.11.2019) shall be undertaken unless the Planning Authority approves a departure in writing.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
6.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services as appropriate.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
7.	<p>(a) No storage, either permanent or temporary of any materials shall occur within the site which is outside of any structure shown on the Site Layout Plan (Drawing no. 18-173-300) submitted with the application.</p> <p>(b) Any waste vehicles parked on the apron of the facility shall not contain waste. All organic materials shall be transported to and from the site in sealed containers. No materials that would attract birds shall be present on the open areas of the site at any time.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Waste shall not be accepted on site outside the hours of 07.30-19.30 Monday to Saturday inclusive.</p> <p>Reason: In the interest of proper planning and sustainable development of the area.</p>
9.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best practice guidelines for the preparation of resource & waste management plans for construction & demolition projects 2021”, published by the EPA (2021).</p> <p>Reason: In the interest of sustainable waste management.</p>
10.	<p>The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted</p>

	<p>to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
11.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
12.	<p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.</p>
13.	<p>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</p>

<p>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.</p> <p>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</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Una O'Neill
Senior Planning Inspector

31st March 2023