

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/1162E

Appeal by County Crest ULC against the decision made on the 20th day of February, 2025 by Fingal County Council to refuse permission.

Proposed Development: Development of an anaerobic digestion (AD) facility to produce a renewable biomethane gas for direct injection into the national gas grid. The development comprises of AD tanks and processing equipment, feedstock storage facilities and equipment, silage storage clamps, digestate management and storage facilities. Carbon dioxide from the production of this biomethane will be captured for re-use in the Irish food industry. The proposed supporting infrastructure to be developed includes inter alia, one number 45-metre-diameter combined primary and secondary digestion tank (8.5 metres high, 7,947 cubic metres and 3,981 cubic metres respectively) and attached pumping unit, one number reception tank (five metres high, 250 cubic metres) and attached pumping unit, one number 32-metre-diameter power digest tank and attached gas sphere (12 metres high, 4.825 cubic metres and 3,130 cubic metres respectively) and attached pumping unit, one number digestate separator building (119.5 square metres), one number pasteurization unit and hygenization buffer tank, one number gas upgrading unit, one number gas pre-treatment unit, one number gas valve

chamber, one number gas flare (nine metres high), one number GNI gas injection unit (25.1 square metres) with an underground gas pipeline to the gas grid connection adjacent the site to the west, one number combined heat and power unit, two number boiler containers, one number oxygen compound, one number heat distribution container, one number switchboard container, one number carbon dioxide liquefaction unit, two number weighbridges and integrated lever arms and access control and attached bio security units, one number single storey office and administration building (123 square metres), one number ESB sub-station (66 square metres), one number enclosed feedstock reception building (1,527 square metres), one number odour abatement machinery (with 14-metre-high chimney), silage clamps (eight metres high), one number machinery shed (309.4 square metres), one number services building (288.6 square metres), one number solid digestate storage building (484.1 square metres), two number covered digestate lagoons, attached pumping building (30 square metres) and attached digestate loading-unloading areas, roof-mounted solar arrays/photovoltaic panels, all associated car and bicycle parking, internal road layouts, earthen berms, site retaining walls, palisade fencing and boundary treatments, hard surface and bunded areas for housing supporting plant, processing and storage facilities and all associated site works. All accessed by the existing Country Crest internal road network which uses as public roadway access point to the L1155 Man o War Road, all on a site of circa 7.28 hectares in the townland of Collinstown, Lusk, County Dublin.

Decision

GRANT permission for the above-mentioned proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

In coming to its decision, the Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

- (a) Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive,
- (b) the Nitrates Directive (91/676/EEC),
- (c) the Whole of Government Circular Economy Strategy 2026-2028 'Accelerating Action' published by the Government of Ireland (February 2026),
- (d) A Waste Action Plan for a Circular Economy Ireland's National Waste Policy 2020-2025 published by the Government of Ireland (September 2020),
- (e) Ireland's National Biomethane Strategy published by the Government of Ireland in May 2024,
- (f) Ireland's 4th National Biodiversity Action Plan 2023-2030 published by the Government of Ireland (January 2024),
- (g) the provisions of the National Planning Framework First Revision, published by the Government of Ireland April 2025,
- (h) the provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031,

- (i) the policies and objectives of the Fingal Development Plan 2023-2029,
- (j) the documentation submitted as part of the application and appeal, including the Environmental Impact Assessment Report and the Natura Impact Statement,
- (k) the nature, scale and design of the proposed development,
- (l) the pattern of existing and permitted development in the area,
- (m) the reports of the planning authority and the submissions and observations received, and
- (n) the report of the Planning Inspector and appended reports from the Inspectorate Ecologist and Senior Environmental Scientist.

Appropriate Assessment Stage 1

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Rogerstown Estuary Special Protection Area (Site Code 004015) and Rogerstown Estuary Special Area of Conservation (Site Code 000208) are the only European Sites in respect of which the proposed development has the potential to have a significant effect, and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment Stage 2

The Commission considered the Natura Impact Statement and associated documentation submitted with the application and appeal, the mitigation measures contained therein, the reports of the planning authority, the submissions and observations on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely Rogerstown Estuary Special Protection Area (Site Code 004015) and Rogerstown Estuary Special Area of Conservation (Site Code 000208), in view of the sites' conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

Environmental Impact Assessment

The Commission completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location, and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted with the application and appeal,
- (c) the reports of the planning authority and the submissions received from observers and prescribed bodies, and
- (d) the report of the Planning Inspector.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, and cumulative effects of the proposed development on the environment. The Commission is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector.

Reasoned Conclusion on Significant Effects

The Commission considered the potential environmental effects associated with the development, particularly the potential for significant negative effects associated with the construction stage (i.e. risk of spillage of concrete/cement, hydrocarbons to soil and water; water pollution risks to Rogerstown Estuary Special Protection Area and Rogerstown Estuary Special Area of Conservation) and the operational stage (i.e. risk of wastewater emissions to hydrogeological receptors; risk of leakage/spillage of feedstock, digestate, hydrocarbons, other pollutants to soil and water; odour associated with process emissions, feedstocks and digestate).

However, the Commission considered that, subject to the implementation of the proposed mitigation measures and the conditions of any permission, the proposed development would not result in any significant direct, indirect, or cumulative/in-combination effects on the environment.

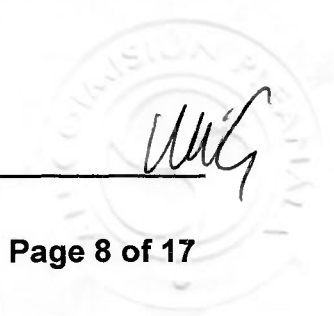
Proper Planning and Sustainable Development

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Fingal Development Plan 2023-2029, including the 'RU – Rural' zoning objective/vision and Objective ZO4 – 'Ancillary Uses', would be in accordance with local, regional, and national policy in relation to the promotion of the circular economy, the bioeconomy, and renewable energy, would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area, would be acceptable in terms of traffic safety and convenience, would not be at risk of flooding or increase the risk of flooding to other lands, would not result in any unacceptable ecological or biodiversity impacts, and would be capable of being adequately served by the proposed wastewater, surface water, and water supply arrangements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Coimisiún Pleanála on the 19th day of March 2025, 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 mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR) shall be implemented.

Reason: To protect the environment.

3. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

4.
 - (a) The total volume of feedstock accepted by the facility shall not exceed 70,110 tonnes per annum.
 - (b) The breakdown of the feedstock sources shall be in accordance with details submitted with the application.
 - (c) The 'wastewater treatment plant sludge' element of the feedstock shall comprise of wastewater from the existing on-site food-processing activities and shall not include wastewater associated with foul sewage.

Reason: In the interest of clarity.

5. An annual report on the operation of the facility shall be submitted to the planning authority. The content of the report shall include *inter alia* the following:
 - (a) Details of the source of feedstocks and the final disposal areas of digestate.

- (b) The volume of feedstock and its nature/classification treated in the previous 12 months.
- (c) The volume of digestate produced and stored in the previous 12 months.
- (d) The volume and weight of Biomethane and Carbon Dioxide produced and stored in the previous 12 months.

Reason: In the interest of orderly development.

- 6. (a) The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.
- (b) Land spreading of digestate shall be carried out in accordance with the specific Nutrient Management Plan for the receiving farm and in accordance with S.I. No. 588/2025 European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2025.

Reason: In the interest of environmental protection.

- 7. Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

8. Collections and deliveries to and from the site during the operational phase shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0700 to 1600 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.

Reason: In the interests of orderly development and residential amenity.

9. Prior to the commencement of development, details of the proposed entrance and circulation arrangements, including compliance with the recommendations of the Road Safety Audit, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic safety.

10. An additional (second) Electric Vehicle charging point shall be provided for the proposed accessible car parking space.

Reason: In the interest of encouraging the use of sustainable modes of transport.

11. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) Full details of surface water drainage proposals, including a management and maintenance plan, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

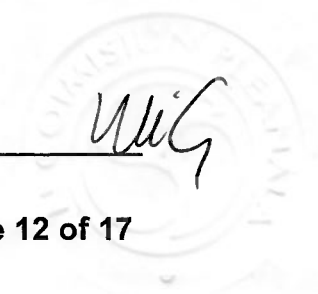
Reason: In the interest of public health and surface water management.

12. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply.

Reason: In the interest of public health and to ensure adequate water facilities.

13. The landscaping scheme shown on drawing numbers DWG.01A, DWG.01B, DWG.21, and DWG.31, as submitted to the planning authority on the 18th day of December, 2024, shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.



14. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at site offices at all times.

Reason: In the interest of sustainable waste management.

15. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted 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 with measures to reflect mitigation described in the submitted Environmental Impact Assessment Report for the application, in addition to the following:
- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
 - (b) location of access points to the site for any construction related activity,
 - (c) location of areas for construction site offices and staff facilities,

- (d) details of site security fencing and hoardings,
- (e) details of on-site car parking facilities for site workers during the course of construction,
- (f) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (g) measures to obviate queuing of construction traffic on the adjoining road network,
- (h) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same,
- (i) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (k) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains, and

- (n) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of residential amenities, public health and safety, and environmental protection.

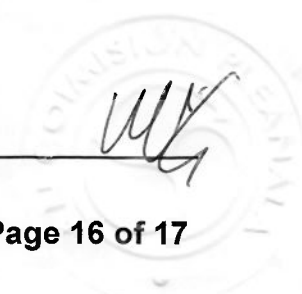
16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

17. (a) The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development.
- (b) Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monuments Services as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

- (c) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation [preservation in-situ/excavation].
- (d) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.
- (e) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.



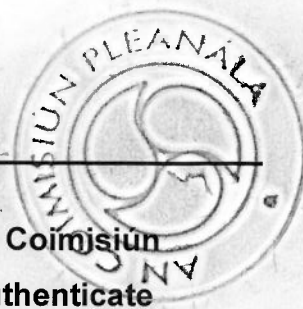
18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Liam McGree

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 13th day of MAY 2026.