

## **ADDITIONAL REPORT FOR PL 17.245132 ON FOOT OF SECTION 132 NOTICE**

### **1.0 Background**

Energybia Limited had lodged a planning application with Meath Co Council for the construction and integration of 2 no. anaerobic digester into an existing biological composting facility on the outskirts of Wilkinstown to the north of Navan. The application was accompanied by an EIS. It is not proposed to outline the development or the processes involved in these operations and these are set out in my original report submitted on October 12<sup>th</sup> 2015.

The planning Authority assessed the application and issued notification to grant permission subject to 30 conditions. The decision was subject to a single 3<sup>rd</sup> Party Appeal, which raised concerns with regard to impacts on personal health and impact on residential amenity, particularly noise.

The assessment carried out by the Inspector assigned to the case generally concluded that the impacts on residential amenity would generally be acceptable, (subject to the mitigation measures set out in the EIS).

The report however did raise some queries in relation to water usage on site, the need for additional hydrogeological investigations on site and further details of any dangerous substances which may be required to be used or stored on site.

At a Board meeting on April 26<sup>th</sup> it was decided to defer the consideration of the case and issue and S132 notice requesting the following:

- (a) The provision of details in respect of the volumes of water required to facilitate the proposed development.
- (b) The carrying out of additional hydrogeological investigations supported by appropriate plan and sectional drawings (including distances from well and drawdown distances) and any other relevant supporting documentation in order to demonstrate that:
  - there is sufficient groundwater availability in order to source all processed water from on-site production wells
  - any wells on site will not undermine or jeopardise the groundwater recharge regime in the vicinity of the site and
  - any wells would not undermine or jeopardise groundwater supply to existing public and private wells in the vicinity of the site.

- (c) The submission of details of the maximum quantity of dangerous substances to be used/ stored on site, together with the relevant hazard numbers and statements in accordance with the Classification Labelling and Packaging of Substance and Mixtures Regulations Regulation EC 1272/2008 in order to determine whether the proposed development comes within the scope of the Seveso Regulations.

## **2.0 Submission of Additional Information by the Applicant.**

In response to this section 132 notice the applicant submitted further information on June 22<sup>nd</sup> 2016. The salient points contained in the submission are summarised below:

### *2.1 Water Demand*

The amount of water required to in the anaerobic digestion process will equate to 9,855 m<sup>3</sup> /year or 27m<sup>3</sup> /d or 1.125 m<sup>3</sup> /hr.

#### *Hydrological Investigations*

Additional Hydrological and Hydrogeological investigations were carried out by Traynor Environmental Limited. It provides details of the underlying aquifer status, bedrock and soils and subsoil's. The site is classified as a poor aquifer which is generally unproductive. In terms of aquifer vulnerability, the site is classed as 'High'.

In terms of well location and distribution there are a total of 8 wells within 3.5km of the site with the closest being 0.5 km to the south east of the site. As can be expected given the underlying class of aquifer, the wells have yields which can be classed as poor. The groundwater body status is defined as 'Good' but is at risk.

Test Pumping was carried out over a 72 hour period at two boreholes within the site. At a combined yield within both boreholes of 280 gallons /hr or 1.27 m<sup>3</sup> /hr, which is excess of the requirement for the digester facility, the level drawdown of the reduction in the static water level of recorded and 1 foot. Based on this assessment it can be reasonably concluded that (a) there is sufficient groundwater yield to cater for the water demand on site (b) groundwater abstraction for the development will in no way pose a threat to the viability of existing wells in the vicinity.

### *2.2 Seveso Issues*

There will be no dangerous substance stored on site. Anaerobic Digestion does not fall under the scope of the Seveso III Regulations. Biogas has no Hazardous Number or Statement and it is not a combustible as a natural gas. Any sludge or feed stocks held on site is also classed as none hazardous.

### **3.0 Submissions from Other Parties on the Additional Information Submitted**

#### *Meath County Council Submission*

Meath Co Council had previously considered the principle of the development to be acceptable on the subject site. The water services section of the Council considers the additional information submitted and represents an adequate response to the issues raised. It is also noted that the detail provided would be compliant with condition no.21 of the Planning Authority's notification to grant permission.

#### *Submission from Emer Jordan*

A further submission from the 3<sup>rd</sup> Party appellant states that she has no further observations to make.

#### *Other Submissions*

Despite being notified, The HSA, EPA, The Heritage Council and An Chomhairle Ealaion, did not submit a response to the S132 Notice.

### **4.0 Further Assessment**

#### *4.1 Hydrogeological Issues*

It is apparent that the amount of water usage associated with the aerobic digestion system is relatively modest, just over 1,000 litres a day or similar to that associated with a large family household (ie a 7 person household based on 160 litres per capita per day). It is also apparent based on the pumping tests carried out that there is sufficient yields available to cater for the water demand associated with the development. The pumping tests also indicated that the levels of drawdown are sustainable and that the water demand created by the anaerobic digesters will in no way adversely affect wells in the vicinity of the site. I am therefore satisfied that the development is acceptable from a hydrogeological point of view and therefore will pose no threat to the groundwater regime or groundwater resources in the vicinity.

#### *4.2 Seveso Issues*

I note the applicant's response which states that the development does not fall under the scope of Seveso III and that there are no dangerous substances stored on site. It is further noted that the bio-gas produced has no Hazardous Number/Statement and is not combustible as a natural gas. It appears therefore

that the anaerobic digester process, falls under the provisions of the ATEX Regulations and not the Seveso Directive. Finally in respect of this issue, I note that HSA, despite being notified of the applicant's comments, did not submit a response regarding same.

In relation to the issue as to whether or not an anaerobic digestion facility would constitute an 'Establishment' under the provisions of the Seveso Directive, I would refer the Board the consultant's report prepared in respect of another AD facility at Gillstown Co. Meath (Reg. Ref. PL17 244154). This report prepared by Byrne O Cleirigh, specifically addressed the issue of whether or not any of the outputs arising from the facility, namely digestate and biogas falls with the categories of substances which would be classified as a substance for the purposes of the Seveso Directive. With regard to digestate, the report notes that while the digestate fertilisers produced are classed as dangerous substances, they do not present any of the hazardous properties that qualify as Seveso substances.

With regard to biogas, the report notes that this substance qualifies as a Seveso substance, where production and storage of biogas exceeds 10 tonnes (qualification as a lower tier establishment). In the case of the proposed operating facility at Gillstown, the total capacity total capacity of the digesters amounted to 12,780 m<sup>3</sup>. The report notes that such a digester capacity is likely to result in storage levels of biogas below 10 tonnes. However the total capacity of these vessels under normal atmospheric pressure could accommodate up to 21.57 tonnes, or even higher if the vessels were pressurized.

In the case current application before the Board there are no details in the EIS regarding the potential capacity of the biogas storage unit on site. However the amount of amount of biogas generated would be proportionate to the capacity of the digesters. In the case of the facility in Wilkinstown the total capacity of the both digester tanks is 5088 m<sup>3</sup> – less than 50% of the capacity of the facility at Gillstown. Therefore a commensurate level of biogas production could be expected. Thus the facility at Wilkinstown is even less likely to exceed the limit of 10 tonnes required to constitute a lower tier establishment under the Directive. Notwithstanding this point, it may be possible that biogas storage under pressurized conditions could exceed the 10 limit. For this reason the Board should in my view attach a condition as follows:

*The Maximum quantity of Biogas storage on site at any one time shall not exceed 10 tonnes.*

**Reason:** To ensure that the facility remains below the threshold which may require compliance with the Seveso III Regulations (SI 209 of 2015).

Or more simply

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

## **5.0 Conclusions and Recommendations**

I am satisfied on the basis of the further information submitted, that the proposed development does not give rise to any issues under the Seveso Directive, subject to the incorporation of the above condition. I further consider that the proposed facility would have an acceptable impact on the existing groundwater regime. I therefore recommend that the Board grant planning permission for the proposed development in accordance with the reasons and considerations and conditions set out in the original report. I also recommended that the following additional condition be attached:

*The Maximum quantity of Biogas storage on site at any one time shall not exceed 10 tonnes.*

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

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**Paul Caprani**  
**Senior Planning Inspector**  
**29<sup>th</sup> August 2016**