



An
Bord
Pleanála

Inspector's Report ABP-311991-21

Development	Replacement of existing biomass-fired boilers, biomass-fired thermal fluid heater and gas-fired thermal fluid heater at Medite's manufacturing plant.
Location	Redmondstown, Clonmel. County Tipperary
Planning Authority	Tipperary County Council
Prospective Applicant	Medite Europe DAC
Type of Application	SID Pre-application – whether project is or is not strategic infrastructure development.
Date of Pre-Application Meeting	8 February 2022
Date of Site Inspection	9 August 2022
Inspector	Una Crosse

1.0 Introduction

- 1.1. This report relates to pre-application consultations held with Medite Europe DAC to determine whether their proposed development to replace the existing biomass-fired boilers, biomass-fired thermal fluid heater and gas-fired thermal fluid heater at their existing facility constitutes strategic infrastructure, as defined by the Planning and Development Act, 2000 (as amended).
- 1.2. This report describes the location and nature of the proposed development, the applicant's submission, the consultations held and the legal provisions which are relevant to the proposed development. It recommends that the proposed development constitutes strategic infrastructure, and it sets out reasons and considerations to support this conclusion.
- 1.3. As outlined by the prospective applicant, the Medite facility, located 4km east of Clonmel town centre in County Tipperary, is a Coillte company, established in 1982 and manufactures MDF. It employs 160/170 full-time staff and the main processes operate on a 24 hour, 7 days a week basis. The subject proposal forms part of the proposed €70m euro investment proposed over the next 10 years in the upgrade of the existing energy systems.
- 1.4. It should be noted that the Medite site currently operates under an IE Licence (IE Licence No. P0027-04) issued by the EPA. It is outlined that the subject proposal may necessitate a review of the current licence.
- 1.5. The prospective applicant sought closure of the pre-application process by correspondence dated 26 July 2022.

2.0 Site Location and Description

- 2.1. The subject site is located at Redmondstown which is c. 4km to the east of Clonmel town centre. The River Anner is located to the east of the site and this River flows into the River Suir to the south of the site which forms the administrative boundary between County Tipperary and County Waterford. There is a mix of uses within the wider area including agricultural, one-off rural housing, a low density residential

development of residential units located to the southeast of the site and the Bulmers facility located to the south. The site is accessed from a local road just north of the N24 and comprises an area of ground which was levelled in the 1980's to facilitate the creation of a working area which has led to formation of steep embankments along the northwest boundary of the site. The site accommodates a range of production plant buildings, storage areas and hardstanding.

3.0 The Proposed Development

3.1. Context

- 3.1.1. The prospective applicant provided a very comprehensive overview of the operations at the Medite site in their covering letter and presentation. It is stated that Medite operates two production lines at the facility producing up to 425,000 m³ of finished MDF project annually which is produced on site using 650,000 tonnes of product feedstock per annum. Two biomass boilers and a gas fired thermal fluid heater provide thermal energy to production line 1 and a biomass fired thermal fluid heater provides thermal energy to production line 2.

3.2. Proposed Development

The proposed development which is located within the boundary of the existing Medite facility comprises the following for which a 10 year permission is sought:

- Replacement of the existing aging biomass boilers, biomass thermal fluid heater and gas fired thermal fluid heater which currently serve both of Medite's two production lines.
- The proposed new renewable energy plants will take the form of biomass fired thermal fluid heaters which would provide energy to the manufacturing process in three forms;
 - Treated flue gas to Fibre Dryers
 - Heated thermal fluid to the press,
 - Steam (generated by heated thermal fluid) to multiple steam users.

- It is proposed that the new renewable energy plants will have rated thermal input capacity of up to 60 MW and 30 MW for Line 1 and Line 2 production lines, respectively.

It is proposed that energy will be generated from the combustion of up to 169,000 tonnes a year of a range of biomass fuels, including by-products from the on-site manufacturing process and wood biomass brought into the site, to achieve maximum MDF production. Of the 169,000 tonnes of fuel required to meet peak production, 69,000 will comprise by-products from the MDF manufacturing process generated onsite and 100,000 tonnes will comprise biomass wood transported to the site.

- The systems will have a Design Capacity of 186,000 tonnes (169,000 + 10%) to provide 10% headroom over the operational capacity.
- The increase from the existing throughput of 111,000 tonnes per annum to 169,000 tonnes per annum is based on current peak production & does not reflect an increase in the production of MDF.
- The increased fuel mass is a result of:
 - replacing the energy currently derived from a gas fired thermal fluid heater,
 - displacing dryer fuels (e.g. recovered wood) with wetter fuels (e.g. bark) - increasing variability in moisture content of biomass wood fuel which is imported to the site.

Development Areas

There are 3 proposed 'development areas' described as follows:

- Development Area 1 at the western side of the site is proposed to accommodate fuel reception, storage and conveying/screening equipment for the new Line 1 and Line 2 Energy Plant.
- Development Area 2 to the south of the site is proposed to accommodate the main energy plan with the new Line 1 energy plant which will be located to the south of the Medite site.
- Development Area 3 in the northern part of the site is proposed to accommodate the new Line 2 energy plant adjacent to the existing Line 2 Energy Plant.

4.0 Policy Context

4.1. National Planning Framework

The following National Policy Objectives are considered to be of relevance to the proposal:

National Policy Objective 53:

‘Support the circular and bio economy including in particular through greater efficiency in land management, greater use of renewable resources and by reducing the rate of land use change from urban sprawl and new development.’

National Policy Objective 55:

‘Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.’

National Policy Objective 56:

‘Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society.’

4.2. Regional Spatial Economic Strategy for the Southern Region

4.2.1. The RSES for the Southern Region came into effect in January 2020 and includes County Tipperary. The RSES provides the implementation strategy for the NPF. Clonmel is defined as a key town in the RSES settlement strategy with its attributes including its strategic location, good access to airports and ports and its role as a major employment centre and the benefits likely to arise from the upgrade of the N24 between Waterford and Limerick. RPO17 relates to Clonmel.

4.2.2. The following regional policy objective on the bio-economic is considered to be of relevance to the proposal.

RPO 57 -National Policy Statement on Bio-economy

“The bioeconomy emphasises the importance of using an increasing list of renewable biological resources and in some cases what would have hitherto been

discarded as residues or waste and putting them to more productive uses. (National Policy Statement on the Bioeconomy, 2018)”

4.3. Local Policy

4.3.1. Clonmel & Environs Development Plan 2013

The site is zoned ‘general industry’ in the current Plan the objective of which is to “provide for heavy industry and related uses’.

The Plan includes broad references to supporting industry but there is no specific mention of the subject facility.

4.4. European Sites

The site is located west of the Anner River which is part of Lower River Suir SAC – site code 002137.

4.4.1. Lower River Suir SAC – site code 002137

The qualifying interests for this site are as follows:

- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]
- Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]
- *Taxus baccata* woods of the British Isles [91J0]
- *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 (Twaites Shad) [1103]
- Salmo salar (Salmon) [1106]
- Lutra lutra (Otter) [1355]

Conservation Objectives for the site are dated March 2017.

5.0 Planning History

- 5.1. No detail provided by the prospective applicant. The facility is stated to have commenced operations in 1982. There is a significant planning history on the site as detailed on the Tipperary County Council GIS register.

6.0 The Applicant's Submission

- 6.1. In their correspondence to the Board seeking a determination on whether the proposed development is strategic infrastructure (received 19 November 2021) and their presentation at the pre-application consultation meeting on 8 February 2022, the prospective applicant provided a review of the site and its operation and context as well as the planning policy context all of which is addressed elsewhere in this report. In relation to their position in respect of SID the following is summarised:
- Outlined that existing biomass boilers and the biomass thermal fluid heater are approaching the end of their design life and investment in replacement energy infrastructure is essential for future operation.
 - It is proposed that energy will be generated from the combustion of up to 169,000 tonnes a year of a range of biomass fuels, including by-products from the manufacturing process and wood biomass, to achieve maximum MDF production.
 - Medite is a significant employer in the Tipperary and Waterford County Council Areas, the boiler systems upgrade will deliver considerable benefits to the regional and local economy, help boost the long-term sustainability of the Medite production process and secure the long-term future of the product line.

- Replacement will result in longer term energy efficiencies and reduce the exposure to volatile energy prices with respect to natural gas, thereby contributing to the continued competitiveness of the Medite operation.
- As the proposal has the capacity for an annual intake greater than 100,000 tonnes proposal considered to fall within Class 3 of the Seventh Schedule. Proposal falls under Class 3 of Environmental Infrastructure within the Seventh Schedule comprising an installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.
- Proposal would be of strategic economic or social importance to the State or the region:
 - Established in 1982 and in continuous operation for 40 years.
 - Employs over 170 full time staff and the main processes operate 24 hours per day, 7 days per week.
 - Direct economic contribution of €17m per annum.
 - The production facility involves the processing of up to 650,000 tonnes of Irish sourced wood per annum and as such it also supports further employment through the supply chain across the southern region and beyond.
 - Successful and innovative export-driven business which produces 10 different products within the MEDITE MDF range and exports 85% of its product to the UK and Europe.
 - The delivering of business continuity provides that the proposed development will be of strategic economic importance to the region.
- development would contribute substantially to the fulfilment of any of the objectives in the NPF or in any RSES:
 - The new renewable energy plants will have rated thermal input capacity of up to 60 MW and 30 MW for Line 1 and Line 2 production lines, respectively.
 - The replacement of energy derived from the gas fired thermal fluid heater will also realise carbon savings which comply with National and Regional policy objectives and contribute to legally binding targets set out in the

Climate Act 2021 of net-zero greenhouse gas emissions no later than 2050, and a reduction of 51% by 2030.

7.0 Consultations

- 7.1. One pre-application meeting was held with the prospective applicant (8th February 2022). The record is attached to the file. A presentation was provided by the prospective applicant which is on file. The submissions received are summarised in Section 6 above.
- 7.2. The main matters arising at the pre-application meeting following the delivery of the presentation related to:
- The proposal to completely replace the existing energy infrastructure at the plant with the capacity of the new infrastructure facilitating up to 169,000 tonnes with a design capacity for up to 186,000 tonnes (10% headroom) of material.
 - Potential pathways to SAC outlined with need for clear articulation of same and the potential effects on the QI's requested.
 - The requirement to undertake a robust NIS supported by surveys.
 - Biodiversity section of EIAR to provide comprehensive analysis of site and area.
 - Proximity of greenway along River Suir with landscape assessment to consider same.
 - Cumulative impacts in EIAR and in-combination effects in NIS to take account of relevant developments within the area.
 - Consultations with other authorities/bodes discussed.
 - Options for using different technologies within the infrastructure outlined with each option to be robustly addressed in the assessment.

8.0 Legislative Provisions

8.1. Strategic Infrastructure Development

8.1.1. Section 37A

Section 37A(1) of the Planning and Development Act 2000, as amended states that: *“An application for permission for any development specified in the Seventh Schedule (inserted by the Planning and Development (Strategic Infrastructure) Act 2006) shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.*

(2) That condition is that, following consultations under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely—

(a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,

(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate,

(c) the development would have a significant effect on the area of more than one planning authority”.

8.1.2. **Seventh Schedule**

The Seventh Schedule of the Planning and Development Act, 2000, as amended sets out the Infrastructure Developments for the purposes of Sections 37A and 37B. Environmental Infrastructure is included within Class 3 of the Seventh Schedule and includes: Development comprising or for the purposes of: *“An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes”.*

8.2. **Environmental Impact Assessment**

8.2.1. Section 37E(1) of the Planning and Development Act, 2000 as amended states that *“an application for permission for development in respect of which a notice has been served under section 37B(4)(a) shall be made to the Board and shall be accompanied by an environmental impact assessment report in respect of the proposed development”.*

8.2.2. Class 11(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended requires an EIAR is submitted for:

- Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.

8.3. **Appropriate Assessment**

8.3.1. The site adjoins the Lower River Suir SAC – site code 002137.

9.0 **Assessment**

9.1. **Strategic Infrastructure**

9.1.1. There are two matters which require consideration in respect of whether the proposed development comprises Strategic Infrastructure. Firstly, whether the proposal comprises a development specified in the Seventh Schedule and secondly if it does comprise a development specified in same whether it falls within one or more of the criteria set out in Section 37A(2). I will address each in turn.

9.1.2. **Seventh Schedule**

The prospective applicant proposal comprises a development which falls within the following part of Class 3 of the Seventh Schedule: an installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.

The existing facility has a current stated intake/throughput of 111,000 tonnes per annum. The subject development proposes an increase of up to 169,000 tonnes in order to meet peak production. It should also be noted that the design capacity proposed is 186,000 tonnes which allows for 10% headroom over the 169,000 tonnes proposed. As outlined, it is stated that 69,000 tonnes of the intake will comprise by-products from the MDF manufacturing process generated onsite and 100,000 tonnes will comprise biomass wood transported to the site.

While in mathematical terms there is an increase of 58,000 tonnes between the existing (111,000 tonnes) and the proposed intake/throughput (169,000 tonnes)

which would be below the 100,000 tonnes threshold, there is a particular consideration in this proposal which in my opinion is of particular importance. The subject proposal seeks permission to replace the existing system and, in its place, provide entirely new energy infrastructure. Therefore, it is not an extension to the existing facility with a 58,000 tonnes increase but rather it is a replacement facility with an overall intake capacity of 169,000 tonnes (design capacity of 186,000 tonnes). It is new energy infrastructure, and it is my opinion that the proposal would therefore comprise a Seventh Schedule development as the replacement development would exceed the threshold of 100,000 tonnes in Class 3 of the Seventh Schedule.

9.1.3. **Tests in Section 37A(2)**

I will address the tests in turn.

9.1.3.1. **Section 37A(2)(a)**

(a) the development would be of strategic economic or social importance to the State or the region in which it would be situate

As outlined in the applicant's submission and presentation, the facility employs a significant number of persons (160-170 depending on documents) within the Tipperary/Waterford area and operates on a continuous 24 hour basis. It is a stated direct economic contribution of €17m per annum and in this regard makes an important contribution to the south-east area of the State. Furthermore, the facility is a significant producer of MDF with the production facility processing up to 650,000 tonnes of Irish sourced wood per annum. This also supports further employment through the extensive supply chain across the southern region and beyond. The business is described as a successful and innovative export-driven business which produces 10 different products within the MEDITE MDF range and exports 85% of its product to the UK and Europe. In this regard I consider that the development proposed which is key to the continued delivery of the business would be of strategic economic importance, in particular to the region in which it would be situate and therefore I consider that it meets the test set out in Section 37A(2)(a).

9.1.3.2. **Section 37A(2)(b)**

(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate.

The subject proposal seeks to utilise residues from the medite production process as fuel thereby sustainably managing waste generation as promoted by National Policy Objective 56 in the NPF. The bio economy and advancing same is outlined in detail in the applicants submission to the Board with reference to NPO53 which seeks to support the circular economy. In relation to climate action, the replacement of energy derived from the gas fired thermal fluid heater will also realise carbon savings which comply with National and Regional policy objectives and contribute to legally binding targets set out in the Climate Act 2021 of net-zero greenhouse gas emissions no later than 2050, and a reduction of 51% by 2030. One such National Policy Objective is NPO54 which seeks to reduce out carbon footprint by integrating climate action into the planning system to support national targets with the proposal resulting in the greater use of renewable resources. These objectives are mirrored with similar objectives in the RSES for the Southern Regional which related to the bio-economy and climate action. In this regard, I consider that the proposal would meet the test set out in Section 37A(2)(b).

9.1.3.3. **Section 37A(2)(c)**

(c) the development would have a significant effect on the area of more than one planning authority

The applicant does not address this matter although I do note that they state that the operation is a significant employer in both the County Tipperary and County Waterford administrative areas. Notwithstanding, given that the proposal meets the two criteria above, I do not consider that this criteria is of any critical importance in this regard.

9.1.3.4. **Conclusion**

The proposed development, therefore, meets two of the three tests in **Section 37A(2)** and would therefore comprise strategic infrastructure.

9.2. Environmental Impact Assessment

- 9.2.1. As I outlined in Section 8.2.1 above, Section 37E(1) of the Planning and Development Act, 2000 as amended states that “*an application for permission for development in respect of which a notice has been served under section 37B(4)(a) shall be made to the Board and shall be accompanied by an environmental impact assessment report in respect of the proposed development*”.
- 9.2.2. An EIAR is mandatory for the following classes of development as outlined in Class 11(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended:
- Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.
- The proposed replacement energy infrastructure seeks the disposal of c.169,000 million tonnes per annum which would exceed this threshold.
- 9.2.3. Therefore, an Environmental Impact Assessment Report is required to accompany any application which may be submitted to the Board.

9.3. Appropriate Assessment

- 9.3.1. The proposed development site adjoins the Lower River Suir SAC – site code 002137. The applicant has indicated that it is their intention to include an NIS with the application which I consider is appropriate.

9.4. Prescribed Bodies

- 9.4.1. In view of the scale, nature and location of the proposed development, as described in this report, it is recommended that the prospective applicant should consult with the prescribed bodies listed in the attached Appendix in respect of any future application for approval. Given the proximity of the site to the administrative area of County Waterford I would recommend that Waterford City and County Council is included.

9.5. Conclusion

- 9.5.1. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant under section 37B(4)(a) of the Planning and Development Act, 2000, as amended, stating that it is of the opinion that the proposed development constitutes strategic infrastructure development.

10.0 Recommendation

Having regard to the provisions of the Planning and Development Act, 2000, as amended, and the nature of the development as set out in the plans and particulars submitted, which comprises the replacement of existing biomass-fired boilers, biomass-fired thermal fluid heater and gas fired thermal fluid heater with new energy infrastructure at the Mediate facility in Clonmel, County Tipperary, it is considered that the proposed development falls within the scope of Section 37A(2)(a) and (b) of the Planning and Development Act, 2000 (as amended). Accordingly, the proposed development would be strategic infrastructure within the meaning of the Act and any application for approval must therefore be made directly to the Board under Section 37E and should be accompanied by an Environmental Impact Assessment Report and a Natura Impact Statement.

Una Crosse

Senior Planning Inspector

12 August 2022

Appendix

Prescribed Bodies

Minister for Housing, Local Government and Heritage (Development Applications Unit)

Minister for Environment, Climate and Communications

Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media

Minister for Agriculture, Food and the Marine

Tipperary County Council

Waterford City and County Council

The Southern Regional Assembly

Environmental Protection Agency

Transport Infrastructure Ireland

Fáilte Ireland

An Taisce

The Heritage Council

Inland Fisheries Ireland

Irish Water