Inspector's Report
ABP-312181-21

Development	Construction of a biofuel facility, extension of an existing business park and ancillary site works
Location	Kish Business Park, Clogga Road, Arklow, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	21677
Applicant(s)	Kish Renewables Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First and Third Party
Appellant(s)	Kish Renewable Ltd. John Maguire
Observer(s)	None
Date of Site Inspection	25 April 2023
Inspector	Ian Boyle

Contents

1.0 Site Location and Description

1.1. The subject lands comprise a greenfield site on the northwestern side of Kish Business Park, Clogga, Arklow, Co. Wicklow. The site is vacant and has an irregular layout. It is roughly 3.7km south of Arklow town centre.

1.2. Much of the subject site is given over to agricultural grassland. Some parts are poorly drained and there is evidence of sporadic rushes throughout the property. The northern section of the site contains numerous earthen mounds and remnant soil mounds; possibly deposited during the construction of the adjacent Kish Business Park. The business park accommodates commercial uses and warehouse buildings of varying size and scale, including timber-cutting and engineering, joinery, kitchen designers, industrial manufacturing, safety training providers, amongst others.

1.3. Vehicular access to the park is via Clogga Road to the south, which leads to the gated entrance of the existing business park premises. Clogga Road is approximately 6m in width and has a footpath on one side. It connects to R722 Regional Road approximately 600m to the west. The R722 provides direct access to the M11 Motorway via Junction 21 south of Arklow.

1.4. There is an attenuation pond to the north of the site (which collects surface water runoff from the existing business park) agricultural lands to the south and southwest, and the Dublin to Gorey / Rosslare railway line to the northwest.

1.5. The site, and the surrounding vicinity, is traversed by a series of land drains which discharge to the west of the site into the Moneylane stream. The largest of these drains runs in a general east to west direction across the land. The Moneylane streams joins the Ballyduff stream approximately 2.5km downstream. The Ballyduff stream then joins the Avoca River roughly 2.3 km further north. The Avoca River ultimately discharges to the Irish Sea at Brittas Bay, c. 9km downstream of the site.

1.6. The character of the surrounding area is mainly agricultural, employment and light industrial uses. There are also several one-off dwellings and small clusters of rural housing in the vicinity, with a particular concentration along Clogga Road further east.

1.7. The subject site has stated area of approximately 1.6ha.

2.0 **Proposed Development**

2.1. The proposed development is for the construction of a biofuel facility and associated site works.

2.2. The main components can be summarised as follows:

Main Building

The proposed main building is three storeys in height and contains the office and staff areas. It has an overall floor area of 585sqm and would be connected to the process building / production facility. The combined floor area of the buildings is 1,771sqm.

Covered Loading Area

The purpose of the covered canopy area is for loading / unloading delivery trucks. It would have a similar appearance as a roof canopy for a petrol filling station. It is approximately 14m in height and situated on the northeastern side of the proposed tank farm.

Tank Farm

The tank farm would provide storage for the biofuel facility. The process building is connected to the tank farm by an overhead pipe bridge and gantry. The proposed maximum height of the tanks is 12m. There would be a 2m high bund wall surrounding the tank farm area which is an emergency enclosure to provide containment in the event any of the storage tanks leak or rupture.

Access and Parking

The proposed development includes onsite car, cycle and truck parking for staff and visitors. There are 21 no. spaces for cars, 10 no. spaces for trucks and 10 no. spaces for bicycles.

Landscaping and Drainage

The proposed new foul and surface water drainage network includes an attenuation pond to take surface water from along the northwestern boundary of the site. It is also proposed to carry out landscaping works to improve the appearance of the site.

Process Description

2.3. The purpose of the facility is to produce biodiesel for the Irish market from processing virgin and recycled vegetable oils and fats. The main feedstock would comprise used cooking oils (UCO's) and waste fats.

2.4. The oils and fats are to be delivered to the site by tank containers. They are then passed through a chemical reaction process whereby the end-product (biodiesel) is produced. The finished biofuel product is transported directly by road tankers to various oil companies throughout the country where it is to be blended with standard petroleum diesel. The process equipment, compressors and storage tanks would be physically contained within buildings. No retail sales are to operate from the facility.

2.5. The company production target is 100,000 tonnes per annum, which the Applicant states is in accordance with predicted increased blending rates for biodiesel envisaged by the national Climate Action Plan.

Further Information

2.6. The Planning Authority requested further information on 28th July 2021, including:

- Item 1: A revised drawing regarding the proposed access road and its connection to the existing business park road to address discrepancies in kerb / road edge positions and to show the proposed finish of the internal road network, surfacing of the road, turning areas, parking areas, etc.
- Item 2: Details of the proposed diverted drain and its future maintenance, alternatives examined to minimise culverting / piping of the existing ditch, existing flow direction, construction details showing the diversion has adequate hydraulic capacity, potential ecological impact or loss of biodiversity caused by the diversion and how the division coincides with the proposed landscaping plan.
- Item 3: Confirmation of legal entitlement to construct / discharge to the existing attenuation pond (as the proposed stormwater network is outside of the redline boundary) and clarification as to whether the stormwater exceedance design can absorb rainfall runoff without any adverse effects for the subject site or neighbouring properties.

- Item 4: Design details and sizing calculations of the new onsite attenuation pond, noting that Irish Rail has highlighted that the attenuation pond should be lined to ensure no liquid seeps onto their property.
- Item 5: Design details of the proposed petrol interceptor, clarifying how it would cater for the capacity of the proposed development.
- Item 6: Confirmation that the proposed development would not hinder access required by Irish Rail Staff to culverts and bridges under the adjacent railway during both the construction and operation of the facility.

2.7. The Applicant responded with further information on 11th October 2021. The further information was deemed significant by the Planning Authority and revised public notices were required.

2.8. The new public notices were published / erected on 20th October 2021.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a *Notification of Decision to Grant Permission* on 15th November 2021, subject to 10 no. conditions, which were mainly standard in nature.

3.1.2. Notable conditions included the implementation of mitigation measures and commitments identified in the Environmental Impact Assessment Report and associated documents and plans submitted with the planning application (No. 2), payment of a financial contribution (€210,806) (No. 3), landscaping and fencing to be implemented in accordance with the submitted landscape masterplan (No. 7) and placement of restrictions on noise levels and a requirement for ongoing noise monitoring (No. 9).

3.2. Planning Authority Reports

3.2.1. Planning Report

- The lands are zoned 'E1 Employment' in the Arklow and Environs Local Area Plan 2018 - 2024. It is considered that the principle of the development is acceptable in this location, which is zoned for the proposed development.

- The proposed building has an industrial design and finish which is appropriate for the area. Landscaping is proposed along the boundaries of the site which would improve visual amenity. There are no design/visual concerns.
- The proposed means of vehicular access and circulation was clarified as part of further information and shown on a revised road layout drawing. This is considered appropriate.
- The only works detailed outside the redline boundary would be an overflow pipe to the existing surface water attenuation pond associated with the business park. The owner of the business park has provided consent to discharge to the pond.
- There are no concerns regarding car parking or engineering services.
- The Applicant provided sufficient details with respect to the proposed realignment of the ditch on the site. The Applicant has submitted revised drawings and design details which adequately addresses surface water issue.
- Connection works to the existing attenuation pond are considered appropriate. The proposed attenuation tank within the site has sufficient capacity and any spill-over to the external attenuation would be minor.
- The proposed separator is acceptable and the proposed model is capable of processing runoff from a site of this size.
- The proposed development can incorporate the specific requirements of Irish Rail into the Construction Management Plan and any other health and safety or construction Plans, as required.
- The information contained in the EIAR is complete, up-to-date, high quality and has been undertaken by suitably qualified and competent experts in accordance with European Directive 20L4152/EU.
- An AA screening report has been submitted with this application. As there is no connectivity between the proposed development and any European site, there is no potential for any in-combination effects with any other plans or projects and no connectivity between the proposed development and any European sites. Having regard to the location of the proposed development it

is considered that the proposed development is unlikely to give rise to any adverse impacts on the qualifying interests and conservation objectives of Natura 2000 sites.

- In summary and in having regard to the location of the development on lands zoned for enterprise and employment and the pattern of development in the vicinity, it is considered that, the proposed development would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety.
- Recommends permission be granted.

3.2.2. **Other Technical Reports**

Municipal Drainage Engineer: No objection regarding roads or drainage.

Environment Section: No objection. Noted that:

- The proposed development would require an Industrial Emissions licence from the EPA (Environmental Protection Agency) who would be responsible for the operation of the activity.
- The construction of the proposed development would require the excavation of soils from the site, most of which will be retained onsite for reuse.
- There are no groundwater issues associated with the construction or the operation of the proposed development.
- The proposed storage tanks would be within a bunded area and water from the concrete surfaced parts of the site will pass through an oil interceptor. Therefore, there should be no adverse impacts from the site on surface water streams in the area.

Roads Department: No objection post receipt of further information confirming the proposed means of vehicular access and circulation and details of kerb and road edge positions.

Chief Fire Officer: No objection. Recommended conditions in relation to submission of a Fire Safety Certificate and Disability Access Certificate application.

3.3. Prescribed Bodies

Environmental Protection Agency (EPA):

- *7th July 2021*: No objection. Noted the following:
  - The development proposed may require a licence under Class 5 of the EPA Act.
  - The Agency has not received a licence application relating to the development described above.
  - The Applicant will be required to submit the associated EIAR to the Agency as part of any future licence application.
  - Should the Agency decide to grant a licence for the proposed development it will incorporate conditions to ensure that appropriate National and EU standards are applied and that Best Available Techniques (BAT) must be used in carrying out activities.
  - In accordance with Section 87(1DXd) of the EPA Act, the Agency cannot issue a Proposed Determination on a licence application until a planning decision has been made on the proposed development.

Transport Infrastructure Ireland:

- *25th June 2021*: No objection / observations to make.
- *15th October 2021*: With reference to the further information submitted, no observations to make.

Irish Water (IW):

- *4th June 2021*: No objection.
  - A Planning Observation Report was completed by IW as part of the submission, which notes no water or wastewater concerns due to the proposed development. Recommended standard conditions be applied.

Irish Rail:

- *7th July*: No objection. Made various observations and recommendations in relation to public safety and operation of the railway, which the Applicant sought to address as part of further information.

- The proposed development must have no increase in risk to the railway because of any works on or near the railway line.
- The proposed construction of a 2m high wall along the railway boundary is acceptable. The location of the boundary should be agreed with Irish Rail and its maintenance is the responsibility of the Applicant. The railway ditch is essential for drainage maintenance and should be kept on the railway side of the wall.
- Provision should be made to maintain the security of the railway boundary during construction works. The boundary treatment should be completed before any development works begin onsite.
- Irish Rail staff access to culverts / bridges under the railway should not be hindered.
- No surface water or effluent shall be discharged to, or allowed to seep onto, the railway property or into railway drains / ditches.
- Any proposed services that are required to cross along, over or under the railway property must be the subject of a wayleave agreement with Iarnród Eireann.
- No trees are to be planted along the railway boundary as they can impair the vision of train drivers and cause leaves to affect the operation of trains.
- Lights, either during the construction or operational, should not cause glare or impair the vision of train drivers or personnel operating on the tracks.
- The cutting down of any trees in proximity of the railway line must be arranged with Iarnród Eireann to establish a safe system of work.
- The proposed attenuation pond should be lined to ensure that no liquid seeps onto railway property.

Fire Service:

- *7th July 2021*:
    - Fire Safety Certificate and Disability Access Certificate required.
    - Various requirements in relation to firefighting, including adequate water supply, firefighting supplies, fire hydrants, etc.

3.4. Third Party Observations

Two third party observations were received by the Planning Authority, which raised the following concerns:

- Further details should be provided of the proposal regarding air emissions.
- Traffic concerns.
- Concerns raised regarding the type of oils and related products that would be brought to the site in the production of the envisaged biodiesel end product.
- Concerns raised over the proposed operational works that would take place onsite, including from a health and safety perspective.
- The potential impact of imported materials on the local environment and treatment of effluents arising is not clear.
- Dangerous and hazardous materials stored onsite, including glycerine and methanol, are explosive chemicals and it is not clear if the site comes within the scope of COMAH/SEVESO regulations.
- The applicant should explain clearly what measures are to be taken to prevent potential fire spread in the local environment.

4.0 Planning History

Subject Site

The appeal site has not been subject to any recent planning applications.

Surrounding Area

The lands to the east of the subject site have been subject to several applications over past number years for various types of light industrial and employment uses, including an ICT facility and associated works (Reg. Ref. 20/1088), warehousing (Reg. Ref. 18/711), metal fabrication and trade sales (Reg. Ref. 19/1322), timber engineering and cutting (Reg. Refs. 18/1283 and 17/941), plastics recycling (Reg. Ref. 15/1030), vehicle showroom and workshop (Reg. Ref. 07/1649) and industrial / warehouse / business units.

5.0 Policy Context

5.1. National Planning Policy

Climate Action and Low Carbon Development (Amendment) Act, 2001

5.1.1. The Climate Action and Low Carbon Development Act, 2021 was signed into law in July 2020.

5.1.2. The 2021 Act strengthens the provisions of the 2015 Act by adding a specific decarbonisation target of climate neutrality by 2050 at the latest, with the addition of recognition of the importance of protecting biodiversity. This brings Ireland's approach into line with the EU commitment to climate neutrality by 2050 as enshrined in the European Climate Law of 2021, and into line with many other climate laws.

5.1.3. The Act establishes national climate objectives which the State has undertaken to pursue and achieve by no later than the end of the year 2050, including the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It contains a number of objectives for the purposes of achieving that aim including the preparation of an updated Climate Action Plan.

5.1.4. The preparation of local authority climate action plans is a key element to help guide administrative bodies in addressing the impact of climate change in their communities.

The National Development Plan 2021 – 2030

5.1.5. The National Development Plan 2021-2030 (NDP) was published in October 2021 in tandem with the National Planning Framework (NPF). It seeks to drive Ireland's long term economic, environmental and social progress over the next decade, in accordance with the spatial planning context of the NPF.

5.1.6. The key role of the NDP is to set out public capital investment over the next 10 years in order to achieve various National Strategic Outcomes. It is a revised plan which has an increased emphasis on supporting the transition to a low carbon society. It sets out a major national investment project across all sectors, supporting investment measures that are necessary to meet climate ambitions.

Project Ireland 2040: The National Planning Framework (2018)

5.1.7. ‘Project Ireland 2040: The National Planning Framework (NPF)’ is a planning framework to guide development and investment over the coming years, up to 2040.

5.1.8. The NPF contains a number of relevant National Strategic Outcomes (NSOs) and National Policy Objectives (NPOs) which can be summarised as follows:

- **NSO 8** ‘Transition to a low carbon and climate resilient society’ recognises that more diversified and renewables focused energy systems will be necessary, including biomass, and that our gas storage capacity is limited. It includes an aim to deliver 40% of electricity needs from renewable sources by 2020, with further increases through to 2030 and beyond in accordance with EU/National policy.
- **NSO 9** ‘Strategic Management of Water and other Environmental Resources’ highlights the future effects of climate change on the availability of water sources. It also states that waste treatment planning will require biological treatment and an increased uptake in anaerobic digestion, along with waste to energy facilities.
- **NPO 21** ‘Enhance the competitiveness of rural areas by supporting innovation and diversification of the rural economy into new sectors and services, including those addressing climate change and sustainability’.
- **NPO 23** Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with other industries including energy and the bio-economy, while protecting the natural landscape and built heritage which are vital to rural tourism.
- **NPO 53** Support the circular and bio economy including greater use of renewable resources.
- **NPO 55** Promote renewable energy use and generation at appropriate locations.
- **NPO 56** Promotes the sustainable management of waste, investment in different types of waste treatment, and circular economy principles.

- **Section 5.4 'Planning and Investment to Support Rural Job Creation'** includes a section entitled the 'Circular Bioeconomy' which states that while rural and coastal areas have the potential for, and will develop, many types of economic activities, those activities associated with the bio-economy such as development of new bio-refining technologies represent a competitive advantage. The bio-economy comprises 'the production of renewable biological resources - such as crops, forests, fish, animals, and micro-organisms and the conversion of these resources and waste stream residues, byproducts or municipal solid waste into value added products, such as food, feed, bio-based products and bioenergy' (European Commission, 2012).
- **Section 9.2 'Resource Efficiency and Transition to a Low Carbon Economy'** states that in catering for an additional one million people and a move towards alternative energy sources, increased demand for land is likely to include suitable locations for bioenergy supply, waste management, food production, forestry and other land services alongside the need to build more houses, schools and other facilities.

Climate Action Plan 2023

5.1.9. The Climate Action Plan 2023 (CAP23) is the second annual update to Ireland's Climate Action Plan 2019. This plan is the first to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021. The plan was launched on 21st December 2022.

5.1.10. The plan implements targets for carbon budgets and sectoral emissions ceilings and sets out a roadmap for taking decisive action to halve Ireland's emissions by 2030 and to reach net zero no later than 2050. CAP23 also sets out how Ireland can accelerate the actions required to respond to the global climate crisis, putting climate solutions at the centre of Ireland's social and economic development strategy.

Waste Action Plan for a Circular Economy – National Waste Policy 2020-2025

5.1.11. The Waste Action Plan for a Circular Economy – National Waste Policy 2020-2025 was prepared by the Department of Environment, Climate and Communications and comprises a new roadmap for waste planning and management.

5.1.12. The Plan seeks to transition away from waste disposal and looks instead to how resources can be preserved by creating a circular economy and reaching climate change targets. It aims to reduce food waste by 50% by 2030, including pursuing ambitious reductions and other measures that contribute towards a sustainable food chain in the Agri-food sector.

5.1.13. It states that there are a range of areas which can provide a crucial role in solving the challenges we face in addressing waste management and the achievement of a circular economy, including the production of bioenergy and biofuels.

Water Framework Directive

5.1.14. The EU Water Framework Directive (2000/6EC/60) aims to improve water quality and applies to all water bodies. The Directive runs in six-year cycles.

5.1.15. The overall aim of the Directive is to maintain high and good status waters, restore waters that do not currently reach these standards and ensure that status of water bodies do not deteriorate.

5.2. Regional Planning Policy

Eastern and Midland Regional Spatial and Economic Strategy 2019-2031

5.2.1. The Eastern and Midlands Region Area (EMRA) Regional Spatial and Economic Strategy (RSES) 2019-2031 is a strategic plan for investment and growth to better manage regional planning and economic growth.

- **Regional Policy Objective (RPO) 6.7** is to 'support local authorities to develop sustainable and economically efficient rural economies through initiatives to enhance sectors such as agricultural and food, forestry, fishing and aquaculture, energy and extractive industries, the bioeconomy, tourism, and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage'.
- **Section 7.9** of the Strategy identifies climate change as a global challenge which requires a strong and coherent response at national, regional and local level. Climate change will have diverse and wide-ranging impacts on the Eastern and Midland Region's environment, society and economic

development, including managed and natural ecosystems, water resources, agriculture, food security and bioeconomy, human health and coastal zones.

- **Section 7.9** also states that the bioeconomy in Ireland has enormous potential which is yet to be unlocked. Development of the bioeconomy is also consistent with Ireland's low carbon transition objective. Favouring renewable biological resources over fossil fuel based ones through the expansion of the bioeconomy, whilst keeping sustainability concerns to the fore, has the potential to contribute towards meeting Ireland's climate change targets.
- **Case Study** – '**Bioeconomy'** (Page 177) states that 'a sustainable bioeconomy is the renewable segment of the circular economy. It can turn bio-waste, residues and discards into valuable resources and significantly cut food waste. Realising this potential requires investment and implementing systemic changes that cut across different sectors (agriculture, forestry, fisheries, aquaculture, food, biobased industry)'.
- **Decarbonising Transport, Sustainable Settlement Patterns and Compact Growth** (Page 180) states that the modal shift to public transport or non-motorised transport should be supported by increased availability of low carbon fuels/biofuels.
- **RPO 7.37** states that a bioeconomy plan for the Region should be developed that outlines the capacity of the Region to supply the range of bioenergy resources required for the fuel mix as well as the current and projected consumption requirements for growth in this market.

5.3. **Local Planning Policy**

Arklow and Environs Local Area Plan 2018-2024

Zoning

5.3.1. The appeal site is zoned 'E1 Employment' which seeks 'to provide for the development of enterprise and employment'.

5.3.2. The zoning description is 'to facilitate the further development and improvement of existing employment areas and to facilitate opportunities for the development of new

high quality employment and enterprise developments in a good quality physical environment'.

Settlement Boundary

5.3.3. The site is within the Settlement Boundary for Arlow.

Transportation and Movement

5.3.4. Map No. 9.1 of the LAP is in relation to transportation and movement. The map includes Objective IT2 (shown as a solid purple line) along Clogga Road to the south of the site. The objective seeks to improve the principal access routes into the town centre from surrounding tourism locations, in particular the Coast Road (north of the town) the Clogga Road, the Vale Road and access to potential north quay developments.

Flood Zone

5.3.5. Flood Zone C applies to site (areas not shaded on the relevant mapping). This means the probability of flooding from rivers and the sea is low (less than 0.1% or 1 in 100 for both river and coastal flooding). Flood Zone C covers all areas of the Local Area Plan which are not in zones A and B. Therefore, the subject site is not highlighted on the FRA maps.

Economic Development and Employment

- **Objective ED1** seeks to facilitate and support all forms of employment creation on appropriately zoned land in Arklow and to promote the intensification of activities on existing employment sites and to take advantage of the existing economic assets in order to stimulate further employment within the area.

Wicklow County Development Plan 2022 - 2028

Background

5.3.6. The Wicklow County Development Plan 2022-2028 ('County Development Plan') is in effect as of 23rd October 2022. A ministerial direction applies to certain provisions, none of which are relevant to the proposed development.

Settlement Hierarchy

5.3.7. Arklow is identified as a Level 3 Settlement and as part of the Core Region / Self-Sustaining Growth Town under the Wicklow Settlement Hierarchy (Table 3.3).

5.3.8. Towns in Level 3 are targeted for growth rates of 25%-30%, with slight variations based on capacity / past trends.

5.3.9. Self-Sustaining Growth Towns have a moderate level of jobs and services and includes sub-county market towns, and commuter towns, with good transport links and the capacity for continued commensurate growth to become more self-sustaining.

Role and Function of Arklow

5.3.10. Level 3 towns are regionally important local drivers providing a range of functions for their resident population and their surrounding catchments including housing, local employment, services, retail and leisure opportunities. The RSES recognises that towns in the Metropolitan Area and Core Region tend to have experienced strong commuter focused growth but some of these towns offer potential for increased residential densities at high quality public transport hubs and can accommodate average or above average growth to provide for natural increase, service and/or employment growth, where appropriate.

5.3.11. The Development Plan recognises that Arklow is traditionally an economically active town with a high dependence on manufacturing and construction. However, dependence on traditional manufacturing has decreased over the years. The town has a strong commuter-based workforce, travelling principally to Dublin. With completed and planned infrastructure improvements including the new Arklow Wastewater Treatment Plant and an Area Based Transport Plan, the town is poised for development. The town has potential to significantly increase and strengthen its employment base.

5.3.12. Having regard to its strategic location on the M/N11 with ease of access to Dublin and Rosslare, in addition to a good supply of zoned employment land, there is a particular opportunity for expansion of high value ‘product’ based employment facilities in the town. There is also potential for the town to promote economic development associated with the expansion of port and harbour activities.

Economic Development (Chapter 9)

- **CPO 9.1** is to support all forms of employment creation, especially where this can mitigate long distance commuting, subject to the proper planning and sustainable development of the area and compliance with all other objectives of this plan. Strategic employment development will be directed into the towns of Bray, Wicklow-Rathnew, Arklow, Greystones and Blessington.
- **CPO 9.8** is to promote and facilitate the development of employment generating uses that maximise Wicklow's locational strengths along the east coast 'strategic transport corridor' and the potential of the 'Leinster Outer Orbital Route'.
- **CPO 9.14** is to require employment based developments to be of the highest standard of architectural design and layout and comply with the Development & Design Standards set out in this plan.
- **CPO 9.18** is to promote and facilitate the development of large-scale employment generating developments, including industrial, knowledge, high-technology, office and service based and science space developments, at appropriate locations.

Waste & Environmental Emissions (Chapter 15)

- **CPO 15.3** is to facilitate the development of existing and new waste prevention and recovery facilities and in particular, to facilitate the development of 'green waste' recovery sites.
- **CPO 15.4** is to facilitate the development of waste-to-energy facilities, particularly the use of landfill gas and biological waste.

Information Communications & Energy (Chapter 16)

- **CPO 16.13** is to facilitate the development of projects that convert biomass to gas or electricity, subject to demonstration that such projects are resource efficient having regard to carbon emissions resulting from the growth, harvesting and transport of inputs, and do not result in unsustainable climate damaging agricultural intensification.

- **CPO 16.14** states that other than biomass installations that are location specific to the rural area, biomass conversion installations / facilities shall be located on suitable zoned industrial land in settlements.
- **Section 16.2.1.4** is in relation to **Bio-Energy**. It states that *inter alia* bio energy is energy derived from biomass…Biomass can be burned to produce heat that is used to create steam to turn turbines and produce electricity. Therefore, energy from biomass can produce electricity and/or heat. Liquid bio-fuels can also be derived from biomass crops such as oilseed rape. There is large scale potential for biomass in Ireland. The industry is currently modest in scale; however, with Ireland's growth rate, technological advances and the deregulation of the electricity industry and in conjunction with stricter controls on waste management, an increase in the development of biomass installations is likely.

Other Relevant Chapters

- Chapter 12 is in relation to Sustainable Transport
- Chapter 18 is in relation to Green Infrastructure

Wicklow County Council Contribution Scheme 2015 (updated 16th February 2021)

The Wicklow County Council Development Contribution Scheme 2015 ('the Scheme') outlines the public infrastructure and facilities for which contributions are sought. The Adopted 2015 Scheme was updated in February 2021.

The following sections of the Scheme (2023-2029) are considered relevant:

- Table 4.3 sets out a rate of €47 per sqm for development comprising 'industrial (e.g., manufacturing, warehousing, etc.)'.
- The Scheme states that Table 4.3 refers to all industrial and commercial developments, including extensions and that floor areas are based on gross floor area.
- Table 4.4 sets out a rate of €13 per sqm for development comprising 'open hard surfaced commercial'.

5.4. Natural Heritage Designations

There are no European Site in the vicinity of the subject site.

The nearest European Site is Kilpatrick Sands SAC (Site Code: 001742), which is roughly 4km to the south of the appeal site. It is situated on the north County Wexford coast about 8km south of Arklow town.

The Buckroney-Brittas Dunes and Fen SAC (Site Code: 000729) is approximately 8km to the northeast.

The Slaney River Valley SAC (Site Code: 000781) is roughly 10.7km to the west.

The Arklow Rock-Askintinny pNHA (Site Code: 001745) is roughly 1.4km to the east.

The Arklow Town Marsh pNHA (Site Code: 001931) is roughly 2.8km to the north.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal has been submitted by both the first party (the Applicant) and a third party (Mr. John Maguire).

6.1.2. I have summarised each of these appeals as follows:

First Party Grounds of Appeal (Kish Renewables Ltd.)

6.1.3. A First Party Appeal was received by the Board on 13th December 2021. The sole appeal issue raised is in relation to a financial contribution applied by the Planning Authority under Condition 3.

The following main issues were raised:

- The terms of the scheme have been incorrectly applied as the total floor area proposed has been miscalculated by the Planning Authority.
- The development contribution required is €210,806. However, this should be revised downwards to €98,899.75.
- The floor area of the proposed process building is 1,771sqm. A planning application fee of €6,375.60 (€3.60 per sqm) was accepted by the Planning Authority upon making the application.

- The Planning Authority incorrectly based the contribution levy amount on a floor area of 4,485.25sqm (at the rate of €47 per sqm). The rate of €47 per sqm is accepted. The floor areas are set out under Page 56 of the Planner's Report.
- The correct development contribution areas are as follows:
  - Process Building: 1,711sqm
  - Tank 1 - 5: 133.8sqm
  - Tank 6 - 10: 199.45sqm
  - Total Area: **2,104.25sqm**
- The development contribution should, therefore, have been calculated at 2,104.25sqm * €47 per sqm, which gives a total levy amount of €98,899.75.
- The Board is also requested to consider removing the storage tanks for the purposes of calculating the final contribution amount as there does not appear to any justification for this in the Development Contributions Scheme.

Third Party Grounds of Appeal (John Maguire)

A Third Party Appeal was received by the Board on 13th December 2021. The following main issues were raised:

- The proposed biofuel facility could be a significant hazard for the ecology and environment of the area as it fails to comply with the Habitats Directive.
- The application only addresses one species present in the area and fails to comply with the requisite standards for an Environmental Impact Assessment Report.
- The potential hazards associated with the proposed development have not been properly assessed, including fire, explosions / overpressure releases, runaway / uncontrolled reactions, release of toxins, steam flashes, amongst others.
- The EIAR submitted with the application is inadequate. There are several waste products that would be produced by the development proposed,

including glycerine and other chemicals, and it is not clear how these would be treated and disposed of.

- The proposed development is not in accordance with the Wicklow County Development Plan or Arklow and Environs Local Area Plan.

6.2. Applicant Response (to Third Party Appeal)

On the 21st January 2022, the Applicant lodged an Appeal Response against the Third Party Appeal. It includes the following main points:

- The Appellant has plagiarised and misrepresented large sections of a published academic paper.
- Requests that the third party appeal be dismissed on vexatious grounds.
- The Applicant has vast industry experience of producing renewable fuels from waste products.
- The proposed facility must be fully licenced by the EPA. It will provide waste food and cooking oils (feedstock) with an outlet for recovery rather than disposal of waste materials.
- All of the materials used in the production process are identified in the Material Safety Data Sheets and EIAR.
- The proposed facility is not subject to the Chemical Act (Control of Major Accident Hazards involving Dangerous Substances) Regulations 2015 ('COMAH') for which there are potentially significant consequences for human health and the environment in the case of a major accident. The subject site is not within the consultation distance for any existing COMAH facility either.
- All waste will be appropriately stored in a designated bunded area and disposed of by professional waste contractors.
- The proposed development is subject to detailed design and must comply with the relevant building regulations and requirements for fire safety and disability access.

- A thorough assessment has been completed in relation to the treatment, disposal and recycling of non-hazardous and hazardous waste. The EIAR sets out appropriate mitigation measures in this regard.
- The proposal would not produce excessive wastewater. No water is required for the production process. The utilities will use minimal amounts of water and water will be reused as part of the overall system. Byproducts will be reintroduced back into the circular bioeconomy as a feedstock for the anaerobic digestion sector and for making fertiliser.
- The EIAR, AA Screening Report and Bat Survey assess the potential impact on ecology. It was determined that no significant impacts would be incurred by any species or Natura 2000 sites.

6.3. Planning Authority Response

On the 14th February 2022, the Planning Authority lodged a response against the First Party Appeal. It includes the following main points:

- The Applicant did not provide any obvious breakdown of the proposed development floor area as part of their application.
- It is accepted that the first and second floors of the proposed building were incorrectly included by the Planning Authority in the calculating the development contribution amount.
- Having regard to this, the development contribution areas are considered to be as follows:
  - Process Building: 1,774sqm (€47 per sqm rate applies)
  - Tanks 1 - 10: 430sqm (€47 per sqm rate applies)
  - Commercial HS (Loading Area) 229.5sqm (€13 per sqm rate applies)
  - **Total Area:** **2,433.5sqm**
- The total contribution amount required to be paid is therefore €106,573.38.
- As the loading station is covered, and has access to the roof area, it could be argued that its floor area should also be subject to €47 per sqm (instead of €13 per sqm as used above). This would result in an additional €7,803 being

applied to the overall amount. However, it is considered in this case that a contribution amount of €106,573 is reasonable.

6.4. Further Responses

- The Third Party lodged a further submission on 22nd February 2022. It includes the following main points:
  - The Applicant's response (made on 21st January 2022) has glossed over deficits in the EIAR.
  - It is not clear how the new facility is ISCC certified and it appears that for the Applicant to state that it is would be a misrepresentation as the product is not yet being produced.
  - It also appears to be a misrepresentation to state that the facility is required for Ireland to meet its new Biofuels Obligation scheme.
  - Biofuel production in general requires importation of feedstock from abroad which in turn has a negative impact on green energy targets.
  - The Applicant states that no emissions would be produced. However, the application includes external boilers. Furthermore, the storage of chemicals, such as glycerine, and treatment wastewater is not explained in detail.
  - The application relies heavily on the need to obtain an EPA licence, which can only be obtained after the granting of planning permission. However, this should not mean that the Applicant can avoid giving a full description of the proposed development.
  - The proposed development is incorrectly described as 'light general industry' within the planning application. However, given it is a complex, high-capacity heavy industrial project, it is in effect an oil refinery, and is not in accordance with the relevant statutory plans.
- The Applicant lodged a further submission on 28th March 2022. It includes the following main points:

- The Applicant has followed both the EPA consultation procedures and EPA guidelines throughout the planning process, including in relation to EIA.
- The operation of the proposed facility would be regulated under the EPA Industrial Emissions Licence, subject to conditions and strict controls would be in place for any future site operations.
- The facility would be subject to an EPA licence and regular inspections.
- The EPA cannot consider an application until after planning permission has been granted.

- The Applicant lodged a further response on 29th March 2022, which was in relation to the Planning Authority's submission regarding financial contributions. It includes the following main points:
  - The floor area of the proposed process building is confirmed at 1,711sqm. This is a marginal difference of 3sqm.
  - The floors area of the proposed tanks is 333sqm (total). This is a difference of 96sqm.
  - The commercial hard standing area is 229.5sqm, which is the same as the Planning Authority measurements.
  - The Planning Authority has scaled off the drawings.
  - The proposed covered loading station has no floors and is simply a canopy type structure.
- The EPA lodged a submission to the Board on 1st March 2022. The submission raised no objection and is the equivalent to that received by the Planning Authority on 7th July 2021 (see Section 3.3 above).

7.0 **Assessment**

7.1.1. The main planning considerations are as follows:

- Principal of Development and Land Use
- Hazard Identification and Risk Management

- Biodiversity and Ecology
- Waste and Wastewater
- Feedstock

and

- Development Contributions (Condition No. 3)

7.2. Principal of Development and Land Use

7.2.1. The proposed development is for the construction of a biofuel facility to the northwest of Kish Business Park at Clogga, Arklow, Co. Wicklow. The main components of the facility would comprise a process building, covered loading/unloading area, a bunded tank farm, new access road and parking, landscaping, drainage infrastructure and associated site works.

7.2.2. The purpose of the facility is to produce biodiesel from virgin and recycled vegetable oils and fats. The main feedstock would comprise used cooking oils (UCO's) and waste fats. The biodiesel, once produced, would be distributed nationally to various oil companies where it would be blended with standard petroleum diesel and be a sustainable alternative to traditional fossil fuels.

7.2.3. Section 5.0 of my report above provides an overview of national, regional and local policies and objectives which seek to address climate change and support the transition to a low carbon and more climate resilient society. The policies generally aim to reduce greenhouse gas (GHG) emissions, develop better ways of managing waste, improve water quality and decarbonise transport and travel.

7.2.4. CAP23 includes targets for carbon budgets and sectoral emission ceilings. It also sets out a roadmap to halve Ireland's emissions by 2030 and to reach net zero no later than 2050. It states that the circular economy and climate action are inherently interlinked and highlights that the implementation of the 'Waste Action Plan for a Circular Economy' is an important means by which to increase recycling and minimise waste generation. The report acknowledges the Government's vision for the bioeconomy, which is to grow Ireland's ambition to be a global leader for the bioeconomy through a co-ordinated approach that harnesses Ireland's natural resources and competitive advantage in this sector. Regarding transport, CAP23

states that fleet electrification and the use of biofuels will provide the greatest share of emissions abatement in the medium term.

7.2.5. In relation to national planning policy, I note that NSO8 of the NPF recognises that more diversified and renewable focused energy systems is necessary, including biomass. NSO9 promotes the sustainable management of waste and states that this will require biological treatment and an increased uptake in anaerobic digestion, along with developing waste to energy facilities. NPOs 21 and 23 aim to support rural economies through increased diversity and sustainability, including investment in sectors/industries that address climate change, energy efficiency and the bioeconomy.

7.2.6. At a regional level, the RSES for the EMRA states that the bioeconomy in Ireland has enormous potential, but that this is yet to be unlocked. The development of the bioeconomy is consistent with Ireland's low carbon transition objectives. Favouring renewable biological resources over fossil fuel-based ones through the expansion of the bioeconomy, whilst keeping sustainability concerns to the fore, has the potential to contribute towards meeting Ireland's climate change targets. The Case Study on Page 177 of the RSES states that a sustainable bioeconomy is a renewable segment of the circular economy which can turn bio-waste, residues and discards into valuable resources and significantly cut food waste.

7.2.7. In terms of local policy, I note that the Wicklow County Development Plan 2022 – 2028 ('Development Plan') is supportive of waste-to-energy facilities being developed in the county (CPO15.4 refers). There are several objectives which support biomass installations with a view to creating more sustainable ways of producing energy. In this regard, I note that CPO 16.13 is to facilitate the development of projects which convert biomass to gas or electricity, subject to being resource efficient, and that CPO 16.14 promotes biomass conversion installations / facilities to be located on suitably zoned industrial land in existing settlements. I note the appeal site is zoned for employment purposes and that it lies within the settlement boundary Arklow.

7.2.8. As outlined above, the proposed development involves the use of used and discarded oils and fats in its production of biodiesel. I note that the EIAR identifies that the main feedstock for the plant would comprise used cooking oils (UCO's) and

expended waste fats. The biodiesel would then be combined with standard petroleum diesel where it would be substituted in place of traditional fossil fuels. This aligns closely with the pivotal objective of decarbonising transport, as envisaged by CAP23, and the other policy documents I have cited in Sections 5.1 – 5.3.

7.2.9. Having regard to the policy context outlined above, it is my view that the proposed biofuel production facility is clearly recognised within national, regional and local policy as a type of development which is deemed acceptable and compatible with Ireland's national energy and waste policy position. The proposed facility would assist in contributing towards meeting national targets for reducing GHG emissions through replacing standard diesel fuels with biodiesel. It would also be consistent with the various economic development and employment policies in relation to supporting job creation on appropriately zoned land in the county and, on a more local level, within Arklow.

7.2.10. I note that the Appellant raises a concern that the proposed development is not in accordance with the County Development Plan or the Arklow and Environs Local Area Plan 2018-2024 (Local Area Plan / LAP). They submit that the proposal is akin to an oil refinery as it is a complex and high-capacity industrial project. In my opinion and, in having regard to the type of processes that would be carried out by the proposed facility, I do not consider that significant amenity impacts would be likely to arise by reason of noise, vibration, smell, fumes, smoke, soot, ash or dust, grit or other. I am satisfied that the proposed use, which involves an innovative and modern way of producing biofuel, is of an industrial nature, but that it would not resemble an oil refinery, or another type of heavy industry, as it does not comprise a largescale undertaking in terms of expansive land take, capital expenditure, or high-volume transportation movements and costs.

7.2.11. The subject site is zoned 'E1 Employment' under the Local Area Plan which seeks to provide for the development of enterprise and employment. The purpose of the zoning is to facilitate the further development and improvement of existing employment areas and to facilitate opportunities for the development of new high-quality employment and enterprise developments in a good quality physical environment.

7.2.12. I note also that the subject site is within the settlement boundary for Arklow and that the proposed facility would operate next to an existing commercial business park, which is also zoned for employment use. There is an history of established commercial and light industrial activities operating on the adjacent business park lands and that there is a general absence of sensitive land uses in the immediate surrounding vicinity.

7.2.13. Having regard to the above, I consider that the proposed development is generally in accordance with the land use zoning objective for the site and that the suitability of the proposed development warrants consideration on its individual merits, which are further assessed below.

7.3. Hazard Identification and Risk Management

7.3.1. The proposed development involves a complex production process to produce the required end-product, which is biodiesel. I understand that the chemical process requires a reaction promoting catalyst, which is typically sodium hydroxide or potassium hydroxide, and requires an industrial emissions licence (IEL) from the EPA. Therefore, while the proposed facility has the potential to promote sustainable management waste practices through the conversion of redundant oils and fats to bioenergy, it could also have a negative impact on the environment if the various operating requirements, codes and checks are not strictly adhered to.

7.3.2. In this regard, I note that one of primary concerns raised by the Appellant is in relation to hazard identification and the storage and handling of dangerous and potentially toxic materials by the proposed facility. The Appellant submits that the application does not include adequate information in relation to the storage of glycerine, methanol, or other potentially hazardous chemicals, and that the facility could be a significant hazard for the ecology of the area and surrounding environment. It is submitted that the proposed development relies on its need to obtain an EPA licence and that a full description of the various processes to be carried out on the site has not been provided in the application. The Appellant also indicates that some hazards can potentially be very significant when an existing building (e.g., an old barn, garage, or storage depot) is modified and converted to function as a biofuel processing facility and that a common issue is failure to

recognise additional requirements, such as adherence to building regulation codes, electrical installation requirements, etc.

7.3.3. I consider that the EIAR, Planning Report and various other plans and particulars accompanying the application clearly describe the proposed infrastructure to be constructed on the site for the purposes of planning. The application states that the facility has been designed to a high-spec and that it would utilise the most up-to-date technology available to ensure the plant would operate efficiently and with minimal waste produced. All equipment for the facility, compressors and process tanks are to be stationed within buildings, which would minimise potential impacts on the local area, including in relation to visual impact, emissions and nuisance.

7.3.4. The application confirms that the proposed facility would be constructed in line with the relevant guidance documentation and regulations, including those issued by the Environmental Protection Agency. This will influence the detailed construction requirements and maintenance regime for the facility. I note that the facility would require an Industrial Emissions licence from the EPA under Class 5 of the EPA Act and be subject to regular EPA inspections. The facility would also likely require a Fire Safety Certificate and I note that provision has been made for a firewater ring-main to be installed onsite. This would provide a dedicated supply of firefighting water to hydrants around the facility in the event of a fire. Hydrants would be fed from a header network of pipes.

7.3.5. I note that the various chemical products and materials to be used in the production process are outlined in the Material Safety Data Sheets (MSDS) appended to the EIAR NTS under Appendix 7. The MSDS identify the potential health hazards associated with biodiesel, methanol and sodium methylate. The sheets also describe the recommended treatment and first-aid measures required as part of an emergency situation; fire fighting procedures in case of a high pressure release, fire, flashback or ignition; measures to be employed for any accidental release or spill and subsequent clean-up operation; a protocol for general handling and storage; amongst other considerations (such as disposal, transportation, etc.).

7.3.6. The Engineering Services Report outlines how the surface drainage, surface water attenuation, foul water drainage and water supply systems would operate on the site. I consider that the likelihood of groundwater issues occurring during the construction

or operation of the proposed development would be unlikely due to the mitigation measures proposed, which are set out in Chapter 7 of the EIAR (Hydrology) and summarised in Section 8.7 of my report below. I further note that Irish Water stated in their submission to the Planning Authority that they have no concerns in relation to the disposal and treatment of wastewater, or water, and that the inclusion of standard conditions would be adequate in the event the Board decides to grant permission. The Council's Environment Section also does not raise any objection and it is confirmed within their interdepartmental report that the proposed development would require an Industrial Emissions Licence from the EPA who would monitor the safe operation of the plant.

7.3.7. The proposal comprises a new, purpose-built facility, which does not involve or require the modification of any existing structure or building. The project comprises the construction of a new biofuel facility and its associated site works which are required to support the proposed chemical process of producing biodiesel from virgin and recycled vegetable oils and fats. I further note that the application of the building regulations is not central to the planning and environmental matters under consideration as part of this appeal and are the subject of a separate protocol. The issue of compliance with building regulations is, therefore, evaluated under a separate legal code and thus need not concern the Board in their assessment of this appeal case.

7.3.8. In relation to the risk of serious accident, such as fire, explosion, overpressure releases, uncontrolled reactions, toxic releases, or steam flashes, I note that the application states that the proposed facility does not meet the criteria for a COMAH facility[1]. A COMAH facility is a type of site or development which holds various dangerous and hazardous substances, which could result in a major accident and therefore cause harm to people and / or the environment. I note that there are also no Notified COMAH Establishments within the vicinity of the site.

1.1.1. [1] The Chemical Act (Control of Major Accident Hazards involving Dangerous Substances) Regulations 2015 ('COMAH') sets consultation distances for a site for which there are potentially significant consequences in terms of impact on human health and the environment. The COMAH set out procedures for the prevention of major accidents involving dangerous substances and seek to limit the possible the consequences of such accidents.

7.3.9. However, the facility would still handle and temporarily store large quantities of potentially hazardous hydrocarbons and fuels on the site. Therefore, notwithstanding the various mitigation measures and safety protocols to be implemented, I consider it appropriate to attach a condition to any grant of permission issuing which would require that the maximum quantity of biofuel / biodiesel present on the site at any one time should not exceed the relevant lower tier thresholds as set out under the Seveso Directive. The purpose of this would be to prevent the facility from becoming a Seveso establishment over time, should production levels gradually increase to match a potential growth in demand for the product.

7.3.10. In relation to the issue of whether the proposed facility is ISCC certified, or not, I acknowledge that such certification would likely only be attainable if the facility becomes operational. However, this is also not a relevant planning consideration, in my opinion, and further assessment of this matter is not warranted.

7.3.11. In summary, I conclude that adequate consideration has been given to the identification, management, control and assessment of potential hazards associated with the proposed development. I would also note that a critical requirement in this regard is for the facility to comply with the regulatory requirements in terms of EPA licence compliance. In this regard, I note that the EPA has not objected to the proposed development and that the facility would be subject to strict emissions controls, ongoing monitoring and safety checks.

7.4. Biodiversity and Ecology

7.4.1. The Appellant raises concerns that the proposed development would be a potential hazard for the ecology and environment of the area as it fails to comply with the Habitats Directive.

7.4.2. The Applicant's assessment of biodiversity and ecology includes various baseline ecological data, an AA Screening Report, a Bat Survey and Report and an Arboricultural Assessment. The application is also accompanied by an EIAR, and I note that Chapter 8 of the document, together with its technical appendices, describes the receiving environment and potential for impacts on biodiversity and the ecological environment of the area.

7.4.3. The issues to be considered in relation to Appropriate Assessment are further addressed in Section 9.0 of my report below. The requirements of Article 6(3) of the Habitats Directive with regards to screening the need for appropriate assessment are therefore examined in more detail under Section 9.0 and this should be read, as appropriate, in conjunction with this report section.

7.4.4. The AA Screening Report assesses the potential for significant effects by the proposed facility on European Sites in the context of their qualifying features and conservation objectives. It also assesses the potential for in-combination effects with other plans and projects.

7.4.5. I note that there are no European Sites directly affecting, or in the vicinity, of the subject lands. The nearest European Site is Kilpatrick Sands SAC, which is roughly 4km to the south of the site. The Buckroney-Brittas Dunes and Fen SAC is approximately 8km to the northeast. The Slaney River Valley SAC is approximately 10.7km to the west. Other EU designated sites are more than 10km from the subject site and not considered within the zone of influence for the site.

7.4.6. The AA Screening Report notes that no European sites are hydrologically connected to the appeal site. There is no possibility of effects arising due to the separation distance from the subject lands and absence of any ecological connections to any EU designated site. Therefore, I consider that there is no potential for likely significant effects on any European sites arising from ecological pathways or functional links.

7.4.7. In relation to bats, I note that the bat survey forming part of the application was completed in September 2020. The document is included as Appendix 8.2 of the EIAR. [I note for the Board's attention that there are two documents in Volume 2 of the EIAR entitled 'Appendix 8.2' – the bat survey report is the first of these.] This is an acceptable time of year for the survey to be completed, in my opinion, and when bats are generally active during the ecological season. There are no buildings on the site and the property is devoid of any significant or mature tree stands which could otherwise be suitable for bat roosting. A single Ash tree and mixed species of vegetation, with understorey gorse and bramble, is present behind the block wall on the neighbouring railway embankment to the north. These features are identified as low quality Category C trees by the Arboricultural Impact Assessment (tree report).

7.4.8. Therefore, trees in the vicinity of the site are considered poor quality, and I note that the bat survey found that no potential roost features were observed on the site. The overall level of bat activity was recorded as low by the survey and the site considered to be relatively low value for bat commuting or feeding purposes.

7.4.9. In terms of species identified, the bat survey recorded 7 no. individual observations during the survey, 12 no. bat passes and 3 no. different types of bat species. The species recorded were the Common Pipistrelle, Soprano Pipistrelle and Leisler's Bat. There were no recordings of the Lesser Horseshoe Bat. In summary, I do not consider that the proposed development would be likely to have any significant impacts on the local bat population.

7.4.10. I have reviewed the Arboricultural Assessment carried out for the site. I note that some low-quality vegetation would be required to be removed to facilitate the proposed development. The report states that new trees and vegetation would be planted across the site to function in harmony with the new facility. I consider that the new planting would likely increase species diversity and improve future tree canopy cover in the local landscape. As noted above, there is a small group of low-quality shrubs and trees growing on the neighbouring railway embankment outside the application site. Some of this vegetation may need to be removed to facilitate the proposed development. However, in my opinion, the post-development scenario for tree cover and planting would be an improvement compared with its original baseline.

7.4.11. The EIAR includes a summary of habitats on the subject lands under Section 8.5 (Habitats). This is based on site visits completed in 2020 and 2021. I note that several distinct habitats were observed and recorded, but that none of these are considered to have a high ecological value. The site comprises agricultural grassland (GA1a), small sections of scrub (WS1), areas of localised bare ground (ED3), rank grassland (GS2), and a hedgerow (WL1), which is along the northwestern boundary.

7.4.12. I note that no flora species or habitats of national / international conservation importance were recorded as part of the survey work. I further note that no flora species or habitats of conservation importance were noted on the site by the National Parks and Wildlife Service or National Biodiversity Data Centre. The EIAR concludes that the site has a low local ecological value. I acknowledge that the

EIAR states species such as fox and Irish hare may potentially be affected by disturbance and the removal of terrestrial habitats. However, I consider that the loss of any such habitat would be mitigated through the planting of new terrestrial biodiversity features, including native plant species, as described by the proposed landscape masterplan.

7.4.13. In summary, I conclude that potential effects of the development on existing habitats, biodiversity and ecology on the site would be imperceptible in the long term, having regard to the low ecological value of the site and proposed mitigation measures set out in the EIAR. The proposed planting of new trees and vegetation would increase species diversity over time and provide enhanced canopy cover for the area.

7.5. Waste and Wastewater

Waste

7.5.1. The issue of waste management is addressed under Chapter 15 of the EIAR submitted as part of the application.

7.5.2. The construction phase for the project will be controlled and managed to ensure that the waste generated is minimised in accordance with 'Best Practice Guidelines on the preparation of Waste Management Plans for Construction and Demolition projects (2006)'. The application confirms that during site works, typical construction waste materials would be source segregated during construction into appropriate containers and then collected by approved waste contractors who would deposit waste to authorised facilities, which is in accordance with good practice. However, I would also recommend that the Board apply a condition to any potential grant of permission which requires the preparation of a Resource Management Plan (Construction and Demolition Waste Management Plan), prior to the commencement of development and subject to the agreement of the Planning Authority.

7.5.3. I note that the proposed development would generate several different waste streams during its operational stage. The waste produced would mainly be non-hazardous. The waste materials would be segregated in the typical manner and stored onsite in appropriate receptacles whereby an appointed contractor would make regular collections and dispose of the waste at compliant waste management centres. The anticipated amount of waste generated for the development is

approximately 200kg/month (or 2400kg annually), which is not excessive for such a facility, in my opinion. Specific waste management procedures are to be established post-planning and shortly prior to the facility becoming operational, which I consider acceptable.

7.5.4. Low amounts of hazardous waste would be generated by the facility. Waste items would likely include contaminated drums and certain types of packaging and containers. I consider that the proposed method of storage for such items in a designated bunded area is appropriate. The waste would be removed from the site by a licensed waste contractor. The cleaning of the oil and hydrocarbon inceptors will also be undertaken by a professional service provider and this would further assist in reducing the potential of harmful effluents leaving the site untreated.

Wastewater

7.5.5. The proposed development would generate low volumes of wastewater. I note that the chemical process is set out under Section 2.2.1 of the EIAR and that various byproducts would be produced and stored onsite. The application confirms that the main process building does not require water to produce the biodiesel. Therefore, a limited amount of wastewater only would be derived from the facility. I note also that a certain amount of wastewater, and residual chemicals, are to be reused as part of a looped system.

7.5.6. I acknowledge that the Appellant raises a concern that when biodiesel is made, it is often 'washed' with water to remove contaminants from it, which can result in up to a gallon of wastewater for each gallon of biodiesel produced. However, no evidence has been provided to substantiate this or that this would be the case for the proposed development.

7.5.7. I note that the one of the byproducts produced by the facility is glycerine. This would be used as a feedstock for anaerobic digestion offsite. A further byproduct (potassium sulphate) would be for the agricultural sector and used as a fertiliser. The production of these derivatives would therefore be reintroduced back into the bioeconomy as valuable input materials, which I consider is in accordance with national and regional policy in terms of supporting the circular economy. As noted previously, the operation of the facility would likely require a licence from the EPA, which would include strict requirements on how the activity can operate and assist in

protecting the environment from potential pollutants and harmful emissions from being inadvertently released.

7.5.8. I note that Irish Water (IW) raised no objection to the proposed development in their submission to Wicklow County Council. IW confirmed that the proposed development would not likely cause overloading of the receiving wastewater treatment plant and that matters relating to water and wastewater could be addressed readily under condition.

7.6. Feedstock

7.6.1. I note that the Appellant raises a concern that biofuel production generally requires importation of feedstock from abroad, which in turn has a negative impact on green energy targets. The proposed plant is designed to produce up to 100,000 tonnes of biodiesel per annum.

7.6.2. The application does not include any detailed information in relation to feedstock supply and where the various streams of raw materials would be sourced. However, I note that the EIAR submitted as part of the application states that all feedstock received at the facility would be under an acceptance procedure developed as part of an Environmental Management System (EMS) for the site. A standard operating procedure for feedstock acceptance would be also implemented.

7.6.3. Having regard to this, I consider that:

- the feasibility of identifying each specific source of feedstock for the purpose of input to the biofuel production process would be unnecessary and not feasible,
- it would be unreasonable to expect specific feedstock suppliers and raw material streams to stay constant over time, and
- the plant operator would have no legal remit to control or oversee the operations of feedstock suppliers, such that the availability of the various raw materials could fluctuate over time and change.

7.6.4. Accordingly, I consider that it would not be practical, or reasonable, to carry out an in-depth assessment or review of the impacts of feedstock supply from what is likely a large and varied range of sources. None of the feedstock materials are being

produced with the sole intention of supplying the proposed biofuel facility process. I note also that it is confirmed within the application that the main feedstock comprises used cooking oils (UCO's) and waste fats. Therefore, the various raw materials required by the facility are predominantly those which would otherwise be spent and in the event of a do-nothing scenario would need to be disposed of by other means.

7.6.5. The potential alternative of discarding the various oils and fats as waste items, rather than recycling them through a biofuel production process, would be far less favourable, in my view, and not in accordance with the national policy aspiration to support the bioeconomy and promote the sustainable management of waste, which includes the conversion of waste streams and byproducts into value added products, such as bioenergy.

7.7. Development Contributions (Condition No. 3)

7.7.1. This section of my report is in relation to the development contributions levy applied under Condition No 3 of the Council's Notification of Decision to Grant Permission.

7.7.2. The condition has been applied by the Planning Authority under the provisions of Section 48(1) of the Planning and Development Act 2000 (as amended). The condition requires payment in the sum of €210,806. The stated reason for the condition is that the Planning Authority consider it reasonable for the developer to contribute towards the cost of public infrastructure and facilities facilitating the development.

7.7.3. The Wicklow County Council Development Contribution Scheme 2015 ('the Scheme') sets out the classes of public infrastructure and facilities for which contributions can be sought, contribution rates and potential levy exemptions / reductions. The adopted 2015 Scheme was updated in February 2021.

7.7.4. The Applicant contests the contribution amount specified in the condition. They submit that the floor area sought by the development proposed has been miscalculated by the Planning Authority. This has resulted in a higher, and incorrect, development contribution amount being applied. There are three components associated with the proposed facility for which development contributions should be levied, in my opinion. They include the process building, tank farm and commercial hard stand area. I set out my assessment as follows:

Process Building

7.7.5. The Planning Authority responded to the Applicant's Appeal by way of making a submission to the Board on 14th February 2021. They acknowledged that the first and second floors of the proposed process building, which are void areas, were incorrectly included in their calculations for determining the contribution amount. As a result, these areas have now been omitted by the Planning Authority from their original calculation, which is appropriate, in my opinion, and a new contribution amount is now specified (€106.573.38).

Storage Tanks

7.7.6. The main issue is in relation to the measurements of the proposed storage tanks and the resultant corresponding levy amount arising from this component of the proposed development. I note that there is limited detailed information on the plans and particulars accompanying the application in terms of describing the size and dimensions of each proposed tank structure. However, I have physically scaled the measurements for each tank from some of the submitted drawings to assist in my assessment. I consider the more useful drawing sheets in this regard are the Proposed Site Layout Plan (drwg no. 20112-AKM-XX-XX-DR-A-1004) and Proposed Elevations (drwg. no. 20112-AKM-XX-XX-DR-A-1009). These drawings have allowed me to calculate the overall floorspace for each proposed tank.

7.7.7. I have scaled the radius for tank nos. 1 - 5 at 2.1m, which gives a floorspace area of 13.9sqm for each tank. I have also scaled the radius for tank nos. 6 - 10 at 4.75m, which gives a floorspace area of 71sqm for each tank. The total floorspace for all of the proposed tanks, inclusive, is therefore approximately 424.5sqm. Using the rate of €47 per sqm for 'industrial / commercial development' this would equate to a development contribution amount of €19,951.50 for the proposed tanks.

7.7.8. I consider that it is appropriate to include the proposed tanks in calculating the overall development contribution. This is despite the request by the Applicant for the Board to consider removing them for the purposes of calculating the final contribution amount. The tank farm is an integral part of the proposed commercial development. It would be used to provide storage for the biofuel facility and therefore actively contribute to the commercial production of biodiesel. I have used the 1,711sqm figure for the proposed process building.

Commercial Hard Stand Area

7.7.9. I note that there is no disagreement between the parties in relation to the inclusion, or calculations, for the proposed commercial hardstand area.

Summary

7.7.10. In conclusion, and for the Board's convenience, I set out my calculation as follows:

-	Process Building:	1,771sqm	(at €47 per sqm)	€83,237
-	Tanks 1 - 10:	424.5sqm	(at €47 per sqm)	€19,951.50
-	Commercial HS	229.5sqm	(at €13 per sqm)	€2,983.50
-	Total:	2,433.5sqm		**€106,172**

7.8. In summary, and in having regard to the provisions of the Wicklow County Council Development Contribution Scheme 2015, it is my opinion that the inclusion of a development contribution amount in the order of €106,172 is appropriate. This is reflected under condition (no.18) below.

8.0 Environmental Impact Assessment

8.1. Introduction

Requirement for Environmental Impact Assessment (EIA)

8.1.1. The proposed development is for a new biodiesel production plant at Kish Business Park, Clogga, Arklow, Co. Wicklow.

8.1.2. Directive 2014/52/EU sets out the requirements for EIA in terms of potential effects on the environment for certain types of projects. Annex 1 of the Directive lists projects for which an EIA is mandatory. Schedule 5 of the Planning and Development Regulations, 2001 sets out the project types and development thresholds that are subject to EIA. The proposed development is for 'biofuel production' which is a chemical industry / process listed under Schedule 5, Part 1, 6(a) (integrated chemical installation) of the Regulations. The storage of biofuels (chemicals) is subject to a threshold of storage per annum. However, this would not be exceeded by the development proposed. The application therefore includes an Environmental Impact Assessment Report (EIAR) for the proposed chemical process of producing biofuel only.

8.1.3. Several issues to be considered have already been addressed in the Planning Assessment above (Section 7.0). Section 8.0 of my report should therefore be read, where necessary, in conjunction with relevant parts of Section 7.0.

8.1.4. The proposed development is described in more detail under Section 2.0 of this report above.

Contents of EIAR

8.1.5. The EIAR submitted to the Board comprises three volumes as follows:

1) Non-Technical Summary
2) EIAR (full version)
3) Appendices

8.1.6. This section of my report assesses the information contained in the EIAR, which is prepared by AKM Design (dated May 2021). It includes an independent and objective environmental impact assessment (EIA) of the proposed project in accordance with the requirements of the relevant legislation. It also addresses the potential environmental impacts of the proposed development during the construction and operational phases of the development.

8.1.7. The EIAR contains a Non-Technical Summary (NTS) which describes the proposed project and provides a summary in non-technical language of the key findings of the EIAR. Sections 1-3 inclusive set out an introduction, project description and planning and development context. Section 4 of the NTS sets out the alternatives considered with regards to its environmental effects and the design and siting of the proposed facility at subject site, which is greenfield. It also provides an overview of alternative layouts and designs of the factors considered in relation to this. Sections 5-15 are in relation to aspects of the environment assessed. They also set out the selected remedial and mitigation measures, including monitoring measures, for the proposed development. Section 16 addresses the potential interactions and inter-relationships between the various environmental factors discussed in previous chapters. Section 17 is the conclusion. Both the EIAR and NTS include a series of appended maps, drawings, noise monitoring results, material safety data sheets, amongst other information and technical data. I am satisfied with the contents of the EIAR and its accompanying NTS.

8.1.8. In carrying out an independent assessment, I have examined the information submitted by the Applicant as part of their EIAR, as well as the written submissions made to the Board including from the Planning Authority, prescribed bodies and a member of the public. [This section should be read in conjunction with the planning assessment above and the Appropriate Assessment in Section 9.0, below.]

8.1.9. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, noting Table 1.13 of the NTS which sets out the various EIAR contributors; that the information contained in the EIAR and supplementary information adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment; and that it complies with article 94 of the Planning and Development Regulations 2001 (as amended).

8.1.10. A Stage 1 (Appropriate Assessment Screening) Report accompanies the application. I note that the conclusion of the AA screening and potential impacts on biodiversity are also referenced and addressed in Chapter 8 of the EIAR.

8.2. Project Description

8.2.1. The proposed development is for construction of a biofuel facility to produce biodiesel from processing virgin and recycled vegetable oils and fats. The main components comprise the main process building, covered loading area, tank farm, new access and parking, landscaping, drainage infrastructure and associated site works. The facility would operate within a commercial business park that is situated on lands that are currently zoned for employment use. There is an history of established commercial and light industrial activity present on the adjoining business park lands. There is a general absence of proximate sensitive land uses, such as dwellings, and the site has ready access to the M11 Motorway.

8.2.2. A full description is set out under Section 2.0 of this report above and Chapter 1.2 of the EIAR.

8.2.3. The main issues raised specific to EIA in the context of the proposed development comprise potential impacts in terms of spills/leaks, air emissions, noise, visual impact and traffic. These issues are addressed below under the relevant chapters and as appropriate in the reasoned conclusions and recommendations.

8.3. Examination of Alternatives

8.3.1. Section 4 of the NTS includes a review of the alternatives and states that the proposed development.

8.3.2. The following alternatives were considered:

- The 'Do Nothing' Alternative: The NTS notes that the lands are zoned and the appeal site is undeveloped greenfield lands. The 'do nothing' alternative would result in the project not proceeding. However, given the commercial zoning of the site, it is likely that a form of commercial development on these lands would proceed at some point in the future.
- Alternative project locations: The Applicant has considered other similar commercial sites elsewhere in the county which are similarly zoned. However, the subject site was considered optimal as it is appropriately located within an existing business park and on zoned lands. I note that no specific examples of other candidate sites considered are identified in the EIAR. However, I am satisfied that adequate information has been provided demonstrating that the subject lands are optimum in terms of the locational requirements for the proposed facility.
- Alternative Design / Layouts: Alternative designs and configurations for the buildings, roadways and parking arrangements were considered. Site layout considerations were primarily based on minimising potential impacts on environmental and visual impact sensitivities associated with the surrounding vicinity, the layout of buildings onsite such that they could optimise the efficient use of the land and the provision of an efficient internal road layout and provision of parking and turning areas for larger vehicles.
- Alternative Processes: This includes use of alternative process technologies, which would be on an ongoing basis and based on several factors, including technical feasibility, environmental impact, efficiency, reliability and cost.
- Alternative Mitigation: The established strategies for mitigation of effects have been considered, including avoidance, prevention, reduction and offsetting (the latter is not required for the development proposed). The various

mitigation measures proposed are set out in each of the EIAR Chapters, as appropriate.

8.3.3. The EIAR states that the Applicant also considered other factors during the site selection process relating to environmental considerations (such as capacity to minimise potential impacts on sensitive receptors), development considerations (i.e., availability of the necessary land area and an absence of restrictive site constraints), various infrastructure considerations (such as access to an adequate power supply, high quality telecommunications, potable water supply, adequate drainage and access to a major motorway and port.)

8.3.4. The EIAR surmises that the design and siting of the proposed facility on the subject lands, which constitute a greenfield site, as well as the overall layout, have been carefully selected based on a comprehensive assessment of alternative site locations, design and processes. I am satisfied that the EIAR has satisfactorily addressed the issue of alternatives.

8.3.5. The likely significant effects of the project in terms of aspects of the environment are addressed under Sections 8.5 - 8.15 of my report below. This generally follows the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU.

8.4. Examination of risks associated with major accidents and/or disasters

8.4.1. Article 3(2) of the EIA Directive sets out the expected effects that would be derived from the vulnerability of a project to risks of major accidents and/or disaster occurring.

8.4.2. The Chemical Act (Control of Major Accident Hazards involving Dangerous Substances) Regulations 2015 ('COMAH') defines the consultation distance for a site for which there are potentially significant consequences for human health and the environment. The purpose of the COMAH regulations is to set out procedures for the prevention of major accidents involving dangerous substances, and to seek to limit as far as possible the consequences for human health and the environment of such accidents. The overall objective is to provide a high level of protection in a consistent and effective manner.

8.4.3. The COMAH regulations apply both lower and upper tier thresholds for which the provisions of the COMAH regulations apply. The proposed development does not

meet or exceed either of these threshold limits. Section 3.6 of the EIAR also states that there are no Notified Seveso Establishments / Sites within the vicinity of the site.

8.4.4. I further note that each section of the EIAR addresses the potential impacts arising from the proposed development, including those relating to population and human health, soils and geology, hydrology, biodiversity, air quality and climate, and material assets, and which are discussed in the subsequent sections of this report. In this regard, the EIAR sets out the existing baseline, and proposed mitigation measures, and does not identify any significant residual risks.

8.5. Human Health and Population

8.5.1. Chapter 5 of the EIAR addresses 'Population and Human Health'. The likely effects of the proposed development on human health are also addressed under several other headings of the EIAR, as would be expected, and as such they should be considered concurrently upon reviewing this chapter.

Table 8.1: Human Health and Population

Overview	
The EIAR under Chapter 5 (Human Health), together with Chapters 6 (Soils and Geology); 7 (Hydrology); 9 (Air Quality and Climate), 10 (Noise and Vibration); 11 (Landscape and Visual); and 13 (Traffic), and the accompanying technical appendices, describes the receiving environment and identifies potential impacts on human health, local amenities and health and safety. The main potential impacts on population and human health from the proposed development are accidental spills/leaks, air emissions, noise, visual and traffic impacts. The EIAR did not predict any significant adverse impacts on human beings, population or human health as a result of dust emissions, noise and vibration, visual intrusion, or traffic movements during the construction and operational phases, subject to implementation of mitigation measures, which include control of dust during the construction phase and management of traffic and construction works.	
Submissions	**Concerns Raised**

John Maguire	Potential health and safety issues, including hazards such as fire, overpressure release (explosions), runaway / uncontrolled reaction, release of toxins, steam flashes, etc.
Potential Impacts	**Assessment and Mitigation Measures**
The potential for impacts on human health and population during the construction and operational phases of the proposed development include: Employment: Moderate positive impact in terms of increased job creation and improved accessibility to jobs during the construction and operation phases. Residential amenity**:** Potential minor localised impacts on residential amenity during construction and operational phases. Noise and vibration**:** Potential for localised short-term noise impacts on businesses and minor disturbances during the construction phase. The process elements of the proposed facility would also potentially create long-term noise during the operational phase.	The EIAR (Chapter 5.5) sets out the proposed mitigation measures to ensure the operation of the proposed development would not have any negative impacts on human health and population. There are a small number of dwellings (sensitive receptors) in proximity to the subject site, particularly to the east along Clogga Road. There are also existing employment uses within Kish Business Park to the east and southeast. Employment: The proposal would have a positive benefit on the economic development for the area. It is in accordance with the zoning objective for the subject site ('E1 Employment'). Residential amenity: There would be no significant adverse effects on amenity by way overshadowing, overlooking, loss of privacy, visual intrusion or general disturbance (including through noise and emissions). Noise and vibration The production plant area is within an enclosed and sound insulated structure. All plant and machinery would be situated within this building. The process and utilities carried out would therefore not create excessive noise levels. The biofuel facility would also be subject to strict emission controls and require an Industrial

Silt Water Runoff: Potential for silt water runoff to open land drains and accidental leakages from construction vehicles or temporary oil storage compounds during the construction and operational stages. Spillages to ground: The proposed development is in an area where groundwater wells are used for water supply. There are also domestic/agricultural wells in the surrounding area. There is potential for accidental spills and leaks during the construction and operational phases. Visual**:** Potential minor localised visual impacts on nearby dwellings and adjacent businesses during the construction and operational phases. [Similar effects would result from any form of employment development of the subject site.] Traffic: Construction and operational traffic volumes have potential for localised air quality impacts, traffic disruption and road / public safety issues.	Emissions licence and ongoing monitoring by the EPA. Silt Water Runoff: No products will be stored outside the enclosed facility which would reduce the potential of risk of environmental contamination in the form of leaks or spills. Storage tanks would be situated within a bunded area to eliminate the risk of contamination of water if there were an accidental breach in any tank or piping. It is proposed to fit and install an oil interceptor and undertake regular monitoring of surface water. Spillages to ground: During construction, the contractor will be required to operate in compliance with a CEMP which includes measures for management of any accidental leaks from construction vehicles or temporary oil storage (see Appendix 6.5 of the EIAR). All storage areas are to be bunded so that the likelihood of any spillages to ground is very low. During operation, any accidental leaks would be contained within the bund or, if outside of storage compounds, diverted into the stormwater infrastructure and treated within oil interceptors. The presence of hardstand would minimise any potential for discharge to ground such that there is a very low risk to the underlying aquifer. The biodiesel and vegetable oils and fats are biodegradable and pose no long-term risk to soil conditions. Visual: The proposed landscaping and planting would help shelter the visual impact of the

	proposal. Planting is to be carried out around the perimeter of the site to aid the aesthetics of the development and to create additional habitat for indigenous wildlife. Traffic: I note that the proposed facility is not expected to generate significant volumes of traffic. During the construction stage, the facility would generate a maximum of 7 no. two-way trips per hour in the AM peak and PM peaks. For the operational stage there is an estimated maximum of 4 no. two-way trips to and from the site for the AM peak and PM peaks, which reflects the anticipated change of shift times at 7am and 7pm. All traffic to the site would use the existing internal business park road and travel onwards to the R772, via Clogga Road, and then the M11. I consider that the additional traffic generated by the proposed development along this route would not be significant. I also note that the Council's Transportation Section had no objection post receipt of further information which confirmed the proposed means of vehicular access and circulation within the subject site. The site is zoned for employment use and other commercial activities could lead to higher volumes than that proposed under the project.
Residual Effects: The proposed development would lead to an increase in noise and dust emissions and traffic movement during both the construction and operational phases. However, the predicted levels are in accordance with the relevant standards and guidance and applicable limits. I consider that the potential residual impacts arising in relation to human health and population would not be significant, subject to the implementation of mitigation measures and recommended conditions.	

Cumulative Impacts: None predicted.
Conclusion: I have considered this chapter and other submissions 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 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 human health population.

8.6. Soils and Geology

8.6.1. Chapter 6 of the EIAR addresses soils and geology. The likely effects of the proposed development on soils and geology are addressed under Table 8.2 as follows.

Table 8.2: Soils and Geology

Overview
The EIAR under Chapter 6 (Soils and Geology), and the accompanying technical appendices, describes the receiving environment and identifies potential impacts on the land, geological or hydrogeological environment. I note that there would be no effluent emissions to ground from the facility. The EIAR states that there is no evidence of any soil or groundwater contamination based on the previous use of the site and completion of a site investigation study and soil quality assessment. The main potential impacts on soil and geology from the proposed development are those related to accidental spillages to the ground. However, all storage areas would be bunded meaning the likelihood of any such leaks to ground is low. Both the biodiesel and the vegetable oils and fats used in the production process are biodegradable. The EIAR (Chapter 6) states that following the implementation of mitigation measures, the predicted impacts caused by the proposed development would be short term, imperceptible and neutral during the construction phase; and long term, imperceptible and neutral during the operational phase.

Submissions	Concerns Raised
John Maguire	Adverse impacts and hazards from potentially toxic and harmful chemicals / materials.
Potential Impacts	**Assessment and Mitigation Measures**
The potential for impacts on soils and geology during the construction and operational phases of the proposed development include: <u>Spillages to ground:</u> The surrounding vicinity has several groundwater wells which are used for private water supply. There are also domestic/agricultural wells in the surrounding lands. There is potential for accidental spills and leaks during the construction and operational phases. However, there are no areas of geological heritage or groundwater dependent terrestrial ecosystems, which potentially could be impacted by the proposed development. The proposed development would be connected directly to the existing foul treatment system.	The EIAR (Chapter 6.5) sets out the proposed mitigation measures to ensure the operation of the proposed development would not have any negative impacts on the soil or geological environment. <u>Spillages to ground:</u> All storage areas and tanks would be bunded so the likelihood of spillages to ground is low. There will be spill kits onsite in case of any minor oil spillages from trucks onsite. All bunded areas will be tested periodically to ensure structural integrity and pipes and loading equipment will be inspected prior to use. All contractors would be required to implement the measures outlined in the Construction and Environmental Management Plan. I note that a copy of this is at Appendix 6.5 where detailed pollution incident responses and control measures are set out. I further note that no dewatering or groundwater abstraction is required. The proposed development does not require significant excavation to construct its foundations and all processing equipment and

	loading / unloading activities will be within the process building. There will be no emissions to the soil or ground.
Residual Effects: No anticipated residual impacts subject to mitigation measures.	
Cumulative Impacts: None predicted.	
Conclusion: I have considered this chapter and other submissions in relation to soils and geology. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the 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 soils and geology.	

8.7. Hydrology

8.7.1. Chapter 7 of the EIAR addresses hydrology. The likely effects of the proposed development on hydrology are addressed under Table 8.3 as follows.

Table 8.3: Hydrology

Overview	
The EIAR under Chapter 7 (Hydrology), and the accompanying technical appendices, describes the receiving environment and identifies potential impacts on the surface water and wastewater environment. I note that the proposed facility would be connected to Kish Business Park foul sewer system sewer and surface water drainage network. The Flood Risk Assessment undertaken by the Applicant shows that the appeal site is not within a potential flood risk area. I further note that Flood Zone C applies to subject lands. This means the probability of flooding from rivers and the sea is low (less than 0.1% or 1 in 100 for both river and coastal flooding).	
Submissions	**Concerns Raised**
John Maguire	Adverse impacts on hydrology and waterbodies from hazardous materials

Potential Impacts	Assessment and Mitigation Measures
Surface Water: The potential impacts during the construction phase include a risk of water runoff from the site if site excavation works are not carried out in accordance with best practice. There would likely be a negligible impact on surrounding surface water bodies. Groundwater: The EIAR notes that the bedrock aquifer under the subject site is classified as a locally important aquifer, which has low vulnerability (source: Geological Survey of Ireland – online groundwater date viewer). The potential impacts during the construction phase include a risk of water runoff from the site if site excavation works are not carried out in accordance with best practice.	Surface Water: The proposed storage tanks would be situated within a concrete bunded area to eliminate the risk of contamination of water in case any breach in the storage tanks or pipework were to occur. An oil interceptor and regular monitoring of surface water will also be installed. Runoff water containing silt would be contained onsite via settlement tanks and treated by silt traps, silt sacks and settlement ponds to ensure adequate removal of silt, sediment and other unwanted materials prior to discharge. I note that stockpiles are intended to be compacted to reduce runoff and graded to aid in runoff collection and that a buffer distance with no storage of soils will be maintained alongside field ditches and streams. This is in accordance with the relevant guidelines. The EIAR sets out the full list of mitigation measures in relation to hydrology under Section 7.6.
Residual Effects: No anticipated residual impacts subject to mitigation measures.	
Cumulative Impacts: None predicted.	
Conclusion: I have considered this chapter and other submissions in relation to hydrology. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the 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 hydrology.	

8.8. Biodiversity

8.8.1. Chapter 8 of the EIAR addresses biodiversity. The likely effects of the proposed development on biodiversity are addressed under Table 8.4 as follows.

Table 8.4 Biodiversity

Overview	
The EIAR under Chapter 8 (Biodiversity), and the accompanying technical appendices, describes the receiving environment and identifies potential impacts on biodiversity and the ecological environment. I note that the subject lands mainly comprise undulating grassland, scrub and areas of localised bare ground. There is a mature hedgerow along the northwestern boundary of the site and overland land drains cross the land. No invasive plant or animal species were recorded. The NTS notes under Section 8.2 that there are no rare or protected habitats recorded in the study area. The site is considered as 'Low Local Ecological Value'. I note that an Arboricultural Assessment was carried out by the Applicant which recommends that some low-quality vegetation is required to be removed. A bat survey was carried out on the site and forms part of the application. The site is identified as having a relatively low value for commuting or feeding bats. Measures to promote biodiversity for feeding bats and avoidance of light pollution have been considered. The site is linked via overland drains to the Moneylane Stream, which is a tributary of the Avoca River, and which ultimately discharges to the Irish sea at Brittas Bay approx. 9km downstream. The site itself does not form part of an SAC or SPA. The application is accompanied by an AA Screening Report, which concludes that the possibility of the proposed development having a significant effect on any European sites can be excluded.	
Submissions	**Concerns Raised**
John Maguire	The application does not adequately assess the potential impacts on biodiversity and the ecological environment. It only assesses a single species. The proposed development fails to comply with the

	requisite standards for an Environmental Impact Assessment Report.
Potential Impacts	**Assessment and Mitigation Measures**
Ecology: The main potential impacts include those arising due to site clearance and the building phase of the project which could result in a loss of habitats and species in the vicinity. Bat species may be affected by both the construction phase and subsequence presence of new structures, lighting, etc. on the site. Loss of foraging sites and commuting bat habitats could be temporarily displaced. Species such as fox and Irish hare are those which may potentially be affected by disturbance and the removal of terrestrial habitats. Water Contamination: Potential risk of water contamination should there be a breach in one of the storage tanks and then subsequently a breach in the bund wall during the operational stage.	Ecology: The offloading and loading of vehicles would be carried out within a designated area capable of containing material should there be an accidental spill. The process equipment and tank storage areas are bunded for safety to ensure any spillages would be contained should they happen. An oil interceptor would treat water prior to going to the attenuation area. Water Contamination: The risk of water contamination occurring can be addressed / eliminated by regular testing of the bund wall and inspection of tanks. Section 8.3 of the NTS notes that the vegetable oil and fats and the biodiesel produced are not hazardous materials. They would not have a catastrophic effect on the environment even in the event of a spill, which is unlikely due to the various mitigation measures proposed. Several non-designated habitats (including hedgerows and ditches) would be permanently removed or altered. However, these features are not particularly sensitive. The site and its surrounding lands are not covered by any sensitive heritage designations. The loss of terrestrial biodiversity features would be mitigated by the creation of additional terrestrial biodiversity features, including sensitive native plant species, as set out under the proposed landscape masterplan.

	The proposed development would not have any significant long-term effects on aquatic species during the construction or operational phase. It would be subject to compliance with the implementation of surface water management arrangements, compliance with EIAR mitigation measures and adherence to best construction practices through an agreed CEMP (see Appendix 6.5 of the EIAR). I acknowledge that the proposed development would result in a direct loss of onsite habitat, mainly consisting of grassland and scrub of local ecological importance. However, in light of the setting and location of the subject site in an area zoned for employment uses and next to an existing business park, and the relative abundance of similar habitat in the surrounding area, I consider that the potential loss of habitat would be acceptable in this case. Refer to Section 9.0 of this report (AA Screening) which further addresses issues in relation to biodiversity and potential impacts on European Sites. The AA Screening Report submitted by the Applicant concluded that the proposed works would not result in the loss, disturbance or damage to any designated sites, habitats or species during either the construction or operational phases.

Residual Effects: The nature, location and scale of the proposed development taken in conjunction with the separation distance from the nearest European Site (Kilpatrick Sands SAC, which is roughly 4km to the south of the appeal site) and lack of any hydrological connection would not give rise to any residual impacts.

The successful implementation of a CEMP and the proposed landscape plan (Appendix 8.4 of the EIAR) would assist in mitigating and offsetting any potential loss of

biodiversity. A copy of the CEMP is at Appendix 6.5 of the EIAR. This document sets out a strategy, procedures, management responsibilities and the key environmental obligations applicable to contractors and employees of the proposed facility in order to address and prevent potential environmental effects arising during the construction phase.
Cumulative Impacts: None predicted.
Conclusion: I have considered this chapter and other submissions in relation to biodiversity. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the 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 biodiversity.

8.9. Air Quality and Climate

8.9.1. Chapter 9 of the EIAR addresses air quality and climate. The likely effects of the proposed development on air quality and climate are addressed under Table 8.5 as follows.

Table 8.5 Air Quality and Climate

Overview
The EIAR under Chapter 9 (Air Quality and Climate), and the accompanying technical appendices, describes the receiving environment and identifies potential impacts on air quality and climate. The EIAR notes that there are no anticipated emissions to the atmosphere of environmental significance from the proposed facility. The only emissions created would be from the boiler which is to be used for heating. The boiler would run on natural gas. The biofuel facility is subject to strict emission controls, subject to a licence and require ongoing monitoring from the EPA. I note also that the main chemical process would not use any water during the operational stage. The utilities would consume small amounts of water only and this water is intended to be reused within the overall system. The system would recycle

surplus methanol created during the process, thereby, ensuring very limited amounts of methanol would leave the facility.	
Submissions	**Concerns Raised**
John Maguire	Emissions to air could potentially be hazardous.
Potential Impacts	**Assessment and Mitigation Measures**
Air quality and dust: During the construction phase there is the potential for short-term dust emissions and dust deposition to impact nearby sensitive receptors resulting in dust soiling and implications for human health impacts. Traffic: The estimated increase in traffic and operation of machines during the site construction and operational phase would result in an increase in baseline air contaminants and greenhouse gas emissions. However, these are expected to have a negligible impact due to low volumes of traffic created during the site works phase and when the facility is operational.	Air quality and dust: The main objective is to prevent dust from becoming airborne during site development works. The main mitigation measures are set out under Sections 9.10.1 and 9.10.2 of the EIAR and include positioning stockpiles downwind of sensitive receptors, monitoring weather conditions and employing water sprinklers and/or mobile browsers to dampen site surfaces to control dust emissions during times of high wind, setting up a complaints register to address local concerns, limiting site traffic to 20kph, enclosing trailers and using tarpaulin covers to contain loads, regular sweeping of hard road surfaces and operating a wheel cleaning system for trucks leaving the site to avoid bringing mud or soil onto the public road network. Further mitigation measures include the site boiler using only natural or bottled gas and low NOx burner to provide a clean burn to reduce potential air emissions, having the boiler stack at 15m to allow for appropriate dissipation of emissions and monitoring emissions from the boiler stack to ensure the boiler is operating efficiently as possible.

	I note that the facility would utilise economiser heat exchangers and insulation to reduce the need for heating in the facility. Traffic: Trucks would be discouraged from idling onsite during loading / unloading and site employee traffic would be mainly limited to start and end of shift times.
Residual Effects: No anticipated residual impacts, subject to mitigation measures.	
Cumulative Impacts: None predicted.	
Conclusion: I have considered this chapter and other submissions in relation to air quality and climate. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the 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 air quality and climate.	

8.10. Noise and Vibration

8.10.1. Chapter 10 of the EIAR addresses noise and vibration. The likely effects of the proposed development on noise and vibration are addressed under Table 8.6 as follows.

Table 8.6 Noise and Vibration

Overview
The EIAR under Chapter 10 (Noise and Vibration), and the accompanying technical appendices, describes the receiving environment and identifies potential impacts on noise and vibration. The site has been surveyed for noise over the course of typical day and night-time periods. Road traffic, noise from trains and birdsong were noted as the most significant sources of noise. The main considerations are in relation to the short-term impact of the construction phase and the longer-term impact of the operational phase.

Overall, there would be an increase in the ambient noise levels on the site as result of changing the use of the site from an agricultural field to a biodiesel production facility. However, such increases are not likely to be significant. No significant sources of vibration will be present during the operational phase. Therefore, there would be no predicted vibration impacts for houses, or other receptors, in the surrounding area during the operational phase.	
Submissions	**Concerns Raised**
/	/
Potential Impacts	**Assessment and Mitigation Measures**
Site Construction Works and Traffic: The proposed development is unlikely to cause significant noise or vibration impacts on the site or its surrounding area. The overall impacts include an increase in the noise and vibration levels during the construction phase caused by machinery onsite and additional traffic using the surrounding road network. There would also be a small increase in traffic resulting from the operational stage.	The main mitigation measures are set out under Sections 10.7.1 the EIAR. It is anticipated that no specific mitigation measures would be required during the operational stage and that the facility would be subject to annual EPA licencing and inspections. Site Construction Works and Traffic: The facility would be equipped with its own loading and offloading pumps situated within the building. This will allow the delivery trucks to shut off their engines while material is being loaded / unloaded. The plant would be highly automated thus reducing the required number of staff to operate the plant. This would reduce the number of vehicles entering the site. During the construction stage, the Applicant states that noise monitoring stations can be installed to ensure site works noise limited are not exceeded, which would be appropriate, in my view. However, I consider that continuous vibration monitoring would not be necessary

	give the physical context of the site and its receiving environment. All plant and machinery will be situated within the enclosed and sound-insulated building, which would significantly reduce the potential for noise from the facility.
Residual Effects: No anticipated residual impacts, subject to mitigation measures.	
Cumulative Impacts: None predicted.	
Conclusion: I have considered this chapter and other submissions in relation to noise and vibration. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the 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 noise and vibration.	

8.11. Landscape and Visual Impact

8.11.1. Chapter 11 of the EIAR addresses landscape and visual impact. The likely effects of the proposed development on landscape and visual impact are addressed under Table 8.7 as follows.

Table 8.7 Landscape and Visual Impact

Overview
The EIAR under Chapter 11 (Landscape and Visual Impact), and the accompanying technical appendices, describes the receiving environment and identifies potential impacts on landscape and visual impact. I note that the EIAR identifies the various are elements of landscape sensitivity in the area which including nearby residential properties, Coastal Areas of Outstanding Natural Beauty (Clogga Beach) and any nature features which are a potential biodiversity asset. Overall, the EIAR assesses the surrounding landscape sensitivity to the proposed development as low to medium.

The proposed development comprises an industrial process building with a maximum height of 15m (boiler stack) with associated process, storage and parking areas. I consider the size, scale and general appearance of the proposal to be in keeping with a typical commercial / light industrial business park. I note that the application is accompanied by a proposed landscape masterplan, including new trees and perimeter planting, which would help the proposed new buildings and structures to visually assimilate with the surrounding area.

The application is accompanied by a series of verified photomontages which are included under Appendix 11 of the EIAR. There are seven visual reference points provided, including two viewpoints along Clogga Road to the south, two from the northwest from / near the R772, two from the east and southeast on Clogga Road and near an existing dwelling (Springfield Cottage) and one from the northeast which is Moneyland farm. Having physically visited the site, and completed a visual inspection up close, and from the surrounding vicinity, I consider that the photomontages are an accurate depiction of how the proposed development would appear as if constructed. Section 11.8 of the EIAR describes each viewpoint in terms of its sensitivity, visual effects (for construction and operational stages), the magnitude for change and resultant significance of effect.

The EIAR, under Table 11.6, summarises the predicted visual effects from the 8 no. viewpoints of the receiving environment. Each location is considered to have 'low sensitivity' and the significance of visual change is generally negligible, minor to moderate or neutral. The greatest magnitude of change – where the new facility would be most visible – would be from along Clogga Road to the southeast and southwest, which is to be expected, in my opinion, given the absence of intervening topography, vegetation and other local features associated with the built environment.

I note that no assessment has been carried out from within the existing business park to the east. However, I do not consider this a sensitive receptor and that the proposed development would have similar physical appearance as the other existing industrial and warehouse units. I am also satisfied that the potential visual impacts arising would not be more significant than those present in viewpoint 2.

Clogga Beach is not assessed from a visual impact perspective – despite being acknowledged as an element of landscape sensitivity in the NTS. Whilst this could

be perceived as a shortcoming in the application, I consider that the inclusion of the two viewpoints east and southeast of the subject lands (nos. 3 and 4) are sufficient to gauge the likely visual impacts arising on this area. Clogga Beach is also roughly 3km to the east and sits significantly lower in the landscape due to its coastal location. There are no protected structures in proximity to the site.	
Submissions	**Concerns Raised**
/	/
Potential Impacts	**Assessment and Mitigation Measures**
Visual Impacts on Surrounding Landscape: There is potential for visual impacts on the immediate, local area and locations from further afield.	Visual Impacts on Surrounding Landscape: The proposed development will not have any significant or adverse visual impact on the local area or surrounding landscape. The magnitude of landscape change resulting from the proposed development is classified as low to medium. The site itself would be fundamentally physically changed with the removal of existing grassland fields to accommodate the proposed facility and its ancillary infrastructure. However, at the wider scale (the 'landscape scale'), the development would be in keeping with the envisaged local policy of creating an employment use on the site. The proposed mitigation measures include new areas of landscaping to help shelter the visual impact of the proposal, particularly at ground level. Planting will also be carried out around the perimeter of the site to improve aesthetics and to create new and additional habitat for indigenous wildlife.

Residual Effects: No anticipated residual impacts, subject to mitigation measures.
Cumulative Impacts: The lands to the north and east of the subject site are zoned for employment purposes. Therefore, these lands could be developed in the future in accordance with the applicable land use zoning objective. This would result in visual and landscape change for the area as it transforms from its per-urban / transitional condition to a more urban character with a prevailing light industrial and commercial employment use. There would be an unavoidable change in the character of the landscape and reduction in visual amenity. However, any impacts arising are not likely to be significant given the setback distance, low prevalence of sensitive receptors and the type of Landscape Character Areas which apply and have a low sensitivity to change (industrial / employment, extractive, agriculture and residential).
Conclusion: I have considered this chapter and other submissions in relation to landscape and visual impact. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the 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 landscape and visual impact.

8.12. Archaeological, Architectural and Cultural Heritage

8.12.1. Chapter 12 of the EIAR addresses archaeological, Architectural and Cultural Heritage. The likely effects of the proposed development on traffic are addressed under Table 8.8 as follows.

Table 8.8 Archaeological, Architectural and Cultural Heritage

Overview
The EIAR under Chapter 11 (Landscape and Visual Impact), and the accompanying technical appendices, describes the receiving environment and identifies potential impacts on archaeological, architectural and cultural heritage. It assesses the predicted impacts of the proposed development in this regard using several sources including the Record of Monuments and Places, National Inventory of Architectural

Heritage, archaeological finds databases, Excavations Database, and other cartographic and documentary resources.

I note that the subject site comprises an industrial area that is zoned for employment / commercial development purposes. However, as the site has not been subject to significant development in the past there is potential for sub-surface archaeological features to be present.

I note that the NTS states under Section 12.2 that there are no sites of architectural or archaeological significance on or near the appeal site. The nearest known archaeological feature is approximately 300m to the northeast. This is a church graveyard. It is shown on a map in Appendix 6 of NTS.

Submissions	**Concerns Raised**
/	/
Potential Impacts	**Assessment and Mitigation Measures**
Ground disturbance during construction works: This could potentially uncover sub-surface archaeological features. Should archaeological features exist the below the surface then this would have a profound effect on sub-surface features.	A suitably qualified archaeological consultant will be appointed to oversee the project from design through to planning and construction phase. Pre-development archaeological testing and the potential excavation of features, deposits or structures identified will be undertaken under license to the National Monuments Service of the Department of Culture, Heritage, and the Gaeltacht.

Residual Effects: No anticipated residual impacts, subject to mitigation measures.

Cumulative Impacts: None predicted.

Conclusion: I have considered this chapter and other submissions in relation to on archaeological, architectural and cultural heritage. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the 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 archaeological, architectural and cultural heritage.

8.13. Traffic and Transportation

8.13.1. Chapter 13 of the EIAR addresses traffic and transportation. The likely effects of the proposed development on traffic and transportation are addressed under Table 8.9 as follows.

Table 8.9 Traffic and Transportation

Overview	
The EIAR under Chapter 13 (Traffic and Transportation), and the accompanying technical appendices, assesses the likely impact that the proposed development would have on the surrounding road network during its construction and operational phases. I note that the existing adjoining business park is currently accessible from Clogga Road, which intersects with the R772 near Junction 21 of the M11 south of Arklow. The road is roughly 6m wide and has a footpath on one side. The road has street lighting in place. In terms of traffic generation and distribution across the existing road network, I note that the facility is not expected to generate significant volumes of traffic (Section 13.2 of the NTS). At the construction stage, the development would generate a maximum of 7 no. two-way trips per hour in the AM peak and PM peaks. For the operational stage there is an estimated maximum of 4 no. two-way trips to and from the site for the AM peak and PM peaks – this reflects the anticipated change of shift times at 7am and 7pm. All traffic exiting the site would be via the existing internal business park road network before travelling onwards to the R772 via Clogga Road.	
Submissions	**Concerns Raised**
/	/
Potential Impacts	**Assessment and Mitigation Measures**
Increase in traffic volumes during construction phase:	Mitigation measures include:

Construction materials will need to be brought to the site as will plant. It is anticipated that deliveries would occur throughout the day and be relatively infrequent and small. The estimated increase in traffic associated with the construction phase of the proposed development will be short term insignificant and of neutral effect. <u>Increase in traffic volumes during the operational phase:</u> The projected trip generations are based on the anticipated staffing requirements for the facility. A total shift of 5 no. people is expected to be employed during a shift. Therefore, the generated trips to and from the site throughout the operational phase of the development would not have a material impact upon the surrounding road network or junctions in terms of capacity.	- Road sweeping and use of wheel washing to reduce dispersal of debris onto the local access road, R722 and M11. - A temporary car park will be provided for construction workers to ensure no impact on the local road network. - Works to be carried out within the site compound. - Road layout to be compliant with DMURS and pedestrian and cyclist infrastructure provided (changing rooms, showers, secure bicycle parking, etc.) - New street lighting will be provided. I note that a Construction Traffic Management Plan has been prepared which indicates further measures to minimise the impact on the surrounding road network, which is subject to agreement with the Wicklow County Council.
Residual Effects: No anticipated residual impacts, subject to mitigation measures.	
Cumulative Impacts: None predicted.	
Conclusion: I have considered this chapter and other submissions in relation to traffic and transportation. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the 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 traffic and transportation.

8.14. Material Assets

8.14.1. Chapter 14 of the EIAR addresses material assets. The likely effects of the proposed development on material assets are addressed under Table 8.10 as follows.

Table 8.10 Material Assets

Overview	
The EIAR under Chapter 14 (Material Assets), and the accompanying technical appendices, assesses the likely impact that the proposed development would have on services, infrastructure and roads. I note that the EPA Guidelines, in relation to material assets, refers to roads and traffic, built services and waste management. Typical infrastructure types referenced include electricity, telecommunications, gas, water supply and sewerage. The subject site is privately owned. It is currently accessed from Clogga Road which is located to the south via an existing entrance through the business park. A new road providing access to the site will be adjacent an existing timber engineering company. The Applicant states that the road would be made available to use for future development on the Special Employment zoned lands directly north of the site.	
Submissions	**Concerns Raised**
John Maguire	There are several waste products that would be produced by the development proposed, including glycerine and other chemicals, and it is not clear how these would be treated and disposed of.
Potential Impacts	**Assessment and Mitigation Measures**
Traffic: Construction and operational traffic have potential for	Traffic: Refer to Section 8.4.12 of this report above. The national, regional and local road network has sufficient capacity to absorb the

localised impacts on the road network and traffic safety. Water supply and drainage: Potential impacts on environmental services related to the provision of clean water and disposal of wastewater from the site (including foul water and storm water), and potential resultant impacts on water quality due to uncontained and unmanaged discharges. Power supply and telecommunications***:*** Potential impacts on existing services.	additional traffic volumes associated with the construction and operational phases. Water supply and drainage: There is no existing foul network at the subject site as it is greenfield. The adjacent business park treats wastewater onsite. Temporary welfare facilities would be provided for the contractors onsite during the construction works. The proposed development would directly connect to local foul drainage infrastructure. It is planned that domestic effluent arising from occupation of the buildings would be collected in a newly constructed foul drainage network and directed to the existing wastewater treatment system and percolation system to ground. In terms of water supply, it is proposed to serve the proposed development via a new underground pipe from the existing 150mm watermain which is situated under the business park access road. Power supply and telecommunications: No adverse impacts are anticipated. The proposed development entails low power consumption. The proposed facility would be connected to existing telecommunication services which would ensure a continuity of supply. A new substation would power the development during the operational stage.
Residual Effects: The proposed development would have a low / normal power demand and consume low volumes of water. It would be connected to the existing drainage infrastructure that is already available at Kish Business Park. No anticipated residual impacts, subject to mitigation measures.	

Cumulative Impacts: None predicted.
Conclusion: I have considered this chapter and other submissions in relation to material assets. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the 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 material assets.

8.15. Waste Management

8.15.1. Chapter 15 of the EIAR addresses waste management. The likely effects of the proposed development on waste management are addressed under Table 8.11 as follows.

Table 8.11 Waste Management

Overview	
The EIAR under Chapter 15 (Waste Management), and the accompanying technical appendices, addresses issues associated with waste management during the construction and operational phases of the proposed development. The NTS confirms that the Applicant undertook an assessment of the potential impacts associated with resource consumption and waste management. I note that the application is accompanied by a Construction and Demolition Waste Management Plan (CDWMP) to deal with waste generation during the construction phase of the proposed development (see Appendix 15 of the EIAR).	
Submissions	**Concerns Raised**
John Maguire	The proposed development would generate several waste products, including glycerine and other chemicals, and it is not clear how these would be treated and disposed of.
Potential Impacts	**Assessment and Mitigation Measures**
Generation of non-hazardous and hazardous waste during the	The EIAR sets out an approach to waste management under Sections 15.6.1 and

construction and operational stages which could have a determinantal impact on human health, ecology and the environment.	15.6.2. I further note that a detailed list of remedial and mitigation measures for the construction and operational stages of the project are included under Sections 15.7.1 and 15.7.2, respectively. The Applicant would adhere to the CDWMP during the construction and demolition phases. I note that during the construction phase, typical construction waste material is intended to be source segregated onsite into appropriate skips and containers and removed from the site by suitable waste contractors who would transfer waste to authorised facilities. Recycling and reuse of material will take place where possible onsite to minimise the consumption of raw materials. Source segregation of waste materials will improve the re-use opportunities of recyclable materials offsite. The operational stage intends to include dedicated areas for storage of waste materials generated. These are shown on the plans and drawings accompanying the application. The waste would comprise of typical commercial waste types. All waste materials shall be segregated into appropriate categories and temporarily stored in bins or other suitable receptacles in a designated, easily accessible part of the site. Waste would be collected weekly from the storage areas by permitted waste contractors and removed offsite for re-use, recycling, recovery or disposal.

Residual Effects: No anticipated residual impacts, subject to mitigation measures.
Cumulative Impacts: None predicted. There are a large number of waste contractors in Wicklow region meaning there is sufficient capacity to handle waste generated from a large number of construction sites.
Conclusion: I have considered this chapter and other submissions in relation to waste management. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the 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 waste management.

8.16. Cumulative and Interactive Effects (Interaction of the Foregoing)

8.16.1. Chapter 16 of the EIAR addresses cumulative and interactive effects which could potentially arise between significant environmental impacts for both the construction and operational phases of the development. Table 15.1 of the EIAR provides a summary of the possible interactions between the various environmental factors.

8.16.2. The various environmental components which might be impacted are identified as follows:

Neutral Impacts

- **Population and Human Health** on:
  - Land, Soils, Geology and Hydrogeology
  - Hydrology
  - Noise and Vibration
  - Landscape and Visual Impact
  - Archaeological and Cultural Heritage
  - Material Assets, including Transport and Waste
  - Air
- **Land, Soils, Geology and Hydrogeology** on:
  - Hydrology

- Biodiversity
- Archaeological and Cultural Heritage
- Material Assets, including Transport and Waste

- **Hydrology** on:
  - Biodiversity
  - Air Quality and Climate
  - Material Assets, including Transport and Waste
- **Biodiversity** on:
  - Air Quality and Climate
  - Landscape and Visual Impact

Negative Impacts

- **Population and Human Health** on:
  - Air Quality and Climate
  - Noise and Vibration
- **Biodiversity** on:
  - Noise and Vibration

8.16.3. Section 16.2, 16.3 and 16.4 of the EIAR provides a summary of the possible positive, neutral and negative impacts, respectively, arising between the various environmental factors from the development proposed. I note that interactions have also been assessed under each individual chapter of the EIAR. While there are potential impacts arising between elements discussed in previous chapters of the EIAR I am satisfied, having regard to the assessment carried out, and the mitigation measures set out previously, that there are no residual or cumulative significant impacts arising from the interactions of the elements assessed. The proposed development would have a minimal impact overall, in my opinion.

8.16.4. I have considered the likelihood of significant effects arising as a consequence of the interrelationship between factors. I am satisfied that effects arising due to

interactions can be avoided, managed and/or mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

8.16.5. I note that the subject site is within an existing industrial business park which is zoned for commercial employment uses. I am satisfied that the cumulative assessment assesses the impacts of the current proposal in the context of other developments and projects.

8.17. Reasoned Conclusions

8.17.1. Having regard to the examination of environmental information contained above, including the EIAR and NTS, and submissions from the Planning Authority, prescribed bodies and observers in the course of the application, I consider that the main significant direct and indirect effects of the proposed development on the environment have been identified in Sections 7.0 and 8.0 of this report.

8.17.2. It is my opinion that the proposed development would not give rise to any significant direct or indirect impacts of the environment. However, the project could potentially give rise to minor localised impacts, including on:

- **Biodiversity;** due to the removal of existing agricultural grassland, hedgerows and overland land drains which traverse parts of the site. This would result in result in a loss of species breeding habitats. Species such as fox and Irish hare as those which may potentially be affected by disturbance and the removal of terrestrial habitats. It is considered that there would be no long term significant negative impacts on any habitats or species on the site, or within its the vicinity, as sufficient breeding habitats will be retained through existing suitable habitats adjacent the subject lands.
- **Groundwater and / or surface water;** as part of the construction phase through ineffective control measures during site enabling and construction works, the mobilisation of sediments and other materials and the requirement to undertake construction activities in the vicinity of groundwater sources. The construction of the proposed project could also potentially impact negatively on ground and surface waters by way of contamination through accidental leakages and spills. These impacts would be mitigated by measures outlined in a Construction and Environmental Management Plan and the implementation of mitigation measures related to the control and management

of sediments, spills, contamination, drainage management and maintenance of plant, machinery and equipment. There are several mitigation measures proposed as part of the project, including the following:

- all storage areas to be bunded so the likelihood of any spillages to ground is low.
- During the operational stage any accidental leaks would be contained within the bunded area, or if outside of storage compounds, diverted into the stormwater infrastructure and treated within oil interceptors.
- The concrete hardstand would minimise the potential for discharge to ground. Therefore, the underlying aquifer which is locally important and has a low vulnerability would be unlikely to be affected. I note also that the virgin oils and fats and biodiesel end-product are biodegradable.
- The operational stage impacts would be mitigated by installing suitable lighting fixtures.

- **Residential amenity**; during the construction phase in terms of noise, air-borne emissions / dust, traffic safety and general disturbance may potentially be affected. However, these impacts would be mitigated through the protection of air quality, control of noise and dust, regular monitoring, traffic management and landscape planting around the east and south boundaries of the site to help ameliorate visual impacts.
- **Landscape;** as the proposed development would be visible from several locations in the surrounding area, including from far afield. The subject site is not within a sensitive landscape character area and it is considered that given the scale, nature and physical distance of the development proposed from sensitive receptors in the area, such as dwellings, that it would not result in unacceptable negative visual impacts.
- **Vehicular traffic movements;** on the adjoining local road network due to construction and operational phases. The predicted number of HGV trips over a working day is expected to be relatively low during the construction phase. The operational phase is not expected to generate large volumes of

trip movements. The mitigation of impacts on the existing road network and the adjoining land uses (including residential uses) would include implementing various dust and suppression measures and ensuring that construction vehicles and delivery and servicing traffic accessing the site would be via the existing business park road.

- **Air and Climate**; due to a positive reduction in carbon dioxide emissions through the production of biogas as a replacement for fossil energy sources.

9.0 Appropriate Assessment

Compliance with Article 6(3) of the Habitats Directive

9.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered in this section.

Background on the Application

9.1.2. The application is accompanied by an Appropriate Assessment ('AA') Screening Report (dated March 2021). It provides a description of the proposed development, the project site and its surrounding area. It outlines the methodology used for assessing potential impacts on the habitats and species within the European Sites identified and which have the potential to be affected by the proposed development (Section 2.0). The project description is as per Section 3.0 of the report and the relevant European Sites are referenced in Section 4.0. Table 1 lists the European Sites, their distance from the subject site and examines the potential for source-pathway-receptor connectivity.

9.1.3. The report assesses the potential for significant effects by the proposed development on Natura 2000 sites in the context of the qualifying features and conservation objectives of such sites. It assesses the potential for in-combination effects with other plans and projects. The AA Screening Report is accompanied by an Environmental Impact Assessment Report (EIAR) and Planning Report.

9.1.4. Having reviewed the AA Screening Report and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and

knowledge. I am also satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.

Brief Description of the Proposal

9.1.5. The Applicant provides a description of the project on Pages 8 to 10 of their AA Screening Report (and on Pages 24 to 33 of the EIAR).

9.1.6. In summary, the development proposed comprises the construction of a biofuel process facility and associated site works. Its purpose is to produce biodiesel from processing virgin and recycled vegetable oils and fats. The main buildings and structural components proposed comprise the process building, covered loading area, tank farm, access road and parking, landscaping, drainage infrastructure and other ancillary works.

9.1.7. The appeal site is adjacent an established business park which is also zoned for employment use.

Subject Site

9.1.8. The site described in the AA Screening Report as a greenfield site on the northwestern side of Kish Business Park at Clogga, Arklow, Co. Wicklow. It comprises agricultural land and disturbed uneven ground. It is bordered to the northwest by a hedgerow and railway line, the south and east by further agricultural grasslands and the north by an existing attenuation pond and access track.

9.1.9. The AA Screening Report notes that the hedgerow running along the northwestern boundary of the site comprises mainly willows, hawthorn and ash. There are also some parcels of scrub within the site comprising bramble, gorse and self-seeded willows. There are areas of recolonising bare ground within the site, namely some tracks and areas of disturbed ground.

9.1.10. There is a ditch present within the centre of the site (see Figure 4 of AA Screening Report). The ditch is vegetated and densely overgrown in parts. It flows from east to west through the site, and then northwards parallel to the railway track upon leaving the subject lands. The ditch flows under the culverted railway track approximately 350m further north, where it links in with the Moneylane Stream.

9.1.11. The Moneylane streams connects with the Ballyduff stream approximately 2.5km downstream. The Ballyduff stream then joins the Avoca River roughly 2.3 km further

north. The Avoca River ultimately discharges to the Irish sea at Brittas Bay c. 9km downstream of the site.

9.1.12. There are no European Sites in the vicinity of the subject site. The nearest European Site is Kilpatrick Sands SAC (Site Code: 001742), which is roughly 4km to the south of the appeal site. The Buckroney-Brittas Dunes and Fen SAC (Site Code: 000729) is approximately 8km to the northeast. Other European sites are more than 10km from the subject site and, having regard to the source-pathway-receptor model, are considered outside the zone of influence for the project.

9.1.13. There are no European sites associated with any of the above watercourses and no European sites are hydrologically connected to the subject site. Therefore, there is no potential for likely significant effects on any European sites arising from ecological pathways or functional links.

European Sites

9.1.14. The relevant European sites proximate to the subject site, and in the wider area, are referenced in Section 9.1.12 above and Table 8.12 below.

9.1.15. The construction phase for the proposed development would typically generate fine sediments and there is potential for accidental spills of oil or other chemicals, which can be harmful to aquatic / marine habitats and species. However, as noted above, the appeal site is not directly connected to, or necessary to the management of any European site, and the proposed development would not result in the direct loss of habitats within any EU designated sites.

9.1.16. The risk of pollutants from the construction or operational phases would also likely be contained and controlled by standard site-management practices. Such measures include the proposed storage tanks being placed within a concrete bunded area to eliminate the risk of contamination of water if an accidental breach in any tank or piping did occur, the installation of an oil interceptor to treat water prior to going to the attenuation area and regular monitoring of surface water quality. The tank farm and bunded area would be regularly checked for structural integrity. I consider such measures are best practice construction methods and they are not required to avoid or reduce any effects on any European site.

9.1.17. Having regard to the information and submissions available, the nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source-pathway-receptor principle and the sensitivities of the ecological receptors, the following European Sites in Table 8.12 below were considered relevant for the purposes of Stage 1 screening.

9.1.18. All other European sites can also be discounted due to the distance and absence of an ecological pathway to the appeal site.

Table 8.12 AA Screening Summary Matrix

European Site	Approx. Distance / Source-Pathway Receptor	Possible effect alone	In-combination effects	Screening Conclusion
Kilpatrick Sands SAC (001742)	4km to the south No hydrological connection	No possibility of effects due to the separation distance from the development and absence of any ecological connections.	No possibility of in-combination effects.	Screened out for need for appropriate assessment.
Buckroney-Brittas Dunes and Fen SAC (000729)	8km to the northeast No hydrological connection	No possibility of effects due to the separation distance from the development and absence of any ecological connections.	No possibility of in-combination effects.	Screened out for need for appropriate assessment.
The Slaney River Valley SAC (000781)	10.7km to the west No hydrological connection	No possibility of effects due to the separation distance from the development and absence of any ecological connections.	No possibility of in-combination effects	Screened out for need for appropriate assessment.

Potential In-Combination Effects

9.1.19. Section 5 of the AA Screening Report addresses the potential for 'in combination effects'. It states that as there is no connectivity between the proposed development and any European site, there is no potential for any in-combination effects with any other plans or projects.

9.1.20. I also do not consider that there are any specific in-combination effects that would likely arise from the proposed development in conjunction with other plans or projects.

Stage 1 Conclusion

9.1.21. Taking into account the nature and scale of the proposed development; which comprises a biofuel production facility and ancillary works, the nature of its receiving environment, the distance to the nearest European Sites and hydrological pathway considerations, and the information submitted as part of the Applicant's AA screening documentation; it can be concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of its conservation objectives, and that a Stage 2 Appropriate Assessment is therefore not required.

10.0 **Recommendation**

I recommend that planning permission be granted for the reasons and considerations set out below.

11.0 **Reasons and Considerations**

Having regard to the:

- zoning objective for the subject site (E1 – Employment), which is to provide for the development of enterprise and employment, and the other relevant provisions of the Arklow and Environs Local Area Plan 2018 - 2024,
- provisions of the Wicklow County Development Plan 2022 - 2028,
- relevant national, regional and local policy relating to energy, waste and the circular economy,
- planning history of the site and the surrounding area, and
- location, nature, size and scale of the proposed facility and established character and pattern of development in its vicinity, which includes industrial uses in an existing business park,

it is considered that, subject to compliance with the conditions set out below, the proposed development:

- would not seriously injure the visual or residential amenities of the area,
- would be acceptable in terms of traffic safety and convenience,
- would be in accordance with the planned industrial expansion of Arklow, and
- would therefore be in accordance with the provisions of the Arklow and Environs Local Area Plan 2018 - 2024 and Wicklow County Development Plan 2022 – 2028,

the proposed development would therefore be in accordance and with the proper planning and sustainable development of the area.

12.0 **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 submitted on the 11th October 2021, 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 proposals, mitigation measures and commitments set out in the Environmental Impact Assessment Report lodged with the application shall be implemented in full as part of the proposed development. **Reason**: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.
3.	The total volume of biofuel produced by the facility shall not exceed 100,000 tonnes per annum. **Reason:** In the interest of clarity.
4.	All over ground tanks containing liquids other than water shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including stormwater, shall be discharged via a grit trap and three-way oil interceptor with sump. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the written requirements of the planning authority. **Reason**: In order to protect groundwater.
5.	Permission is hereby granted on the basis that the maximum quantity of biofuel or biodiesel present on the site at any one time shall not exceed any relevant lower tier threshold under the Seveso Directive.

	Reason: In the interests of clarity and to prevent the facility from becoming an establishment for the purposes of the Seveso III Regulations.
6.	The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following: a) Proposals for the suppression of onsite noise. b) Proposals for the ongoing monitoring of sound emissions at dwellings in the vicinity. c) Proposals for the suppression of dust on site and on the access road. d) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage. e) Management of all landscaping with particular reference to enhancing the ecological value of the hedgerow along the northwestern boundary of the site. f) Monitoring of ground and surface water quality, levels and discharges. g) Details of site manager, contact numbers, including out of hours, and public information signs at the entrance to the facility. **Reason**: In order to safeguard local amenities.
7.	The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all the construction stage mitigation measures outlined in the Environmental Impact Assessment Report, and shall provide details of intended construction practice for the development, including and not limited to: a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

	b) Location of areas for construction site offices and staff facilities; Details of site security fencing and hoardings; c) Details of onsite car parking facilities for site workers during the course of construction; d) 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; e) Measures to obviate queuing of construction traffic on the adjoining road network; f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; g) 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; h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; i) 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; j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. 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 interest of amenities, public health and safety.
8.	A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior

	to commencement of development. This scheme shall include the following: a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development; b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings; c) details of proposed street furniture, including bollards, lighting fixtures and seating; d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. e) 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 three 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. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme. **Reason**: In the interest of visual amenity.
9.	Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the developer and details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

	Reason: In the interest of encouraging the use of sustainable modes of transport.
10.	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 the site office at all times. **Reason**: In the interest of sustainable waste management.
11.	Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation. **Reason**: In the interest of public safety and visual amenity.
12.	The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall: - a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

	b) employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:- i. the nature and location of archaeological material on the site, and ii. the impact of the proposed development on such archaeological material. A report containing the results of the assessment shall be submitted to the planning authority with any application for permission consequent on this grant of outline permission. Details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to the commencement of construction work, shall be determined at permission consequent stage. **Reason**: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.
13.	During the operation phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed: a) an Leq, 1h value of 55 dB(A) between 08:00 and 18:00 hours, Monday to Friday, or b) an Leq, 15 min value of 45 dB(A) at any other time. Night time emissions shall have no tonal component. If the noise contains a discrete, continuous note (whine, hiss, screech or hum), or if there are distinct impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of 5dB(A) shall be applied to the measured noise level and this increased level shall be used in assessing compliance with the specified levels. In such circumstances, the levels stated should be 50 and 40 dB(A) in the above condition.

	Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. **Reason**: In order to protect the residential amenities of property in the vicinity.
14.	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. **Reason**: In the interest of public health and to ensure a proper standard of development.
15.	Prior to commencement of development, the developer shall enter into water and/or waste water connection agreements with Irish Water. **Reason**: In the interest of public health
16.	Feedstock deliveries to the site and transport of biofuels and other byproducts from the site shall be confined to between the hours of 0700 to 1900 Monday to Friday, between the hours of 0900 to 1400 on Saturday and Sunday 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 protect the amenities of property in the vicinity.
17.	Site development and building works shall be carried out only between the hours of 0800 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.
18.	The developer shall pay to the planning authority a financial contribution of €106,172 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. The application of any indexation required by this condition 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. **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.

[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.]

Ian Boyle
Senior Planning Inspector

24th May 2023