Inspector's Report
ABP-322098-25

Development	Construction of an Anaerobic Digestion facility along with all associated site works.
Location	Country Crest, Collinstown, Lusk, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/1162E
Applicant(s)	County Crest ULC
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party vs. Refusal
Appellant(s)	County Crest ULC
Observer(s)	1. Peter Foley 2. Miriam & John McLoughlin 3. Roisin & Martin Murphy 4. An Taisce 5. Ray McDonnell 6. David Mulcahy & Others

	7. Mary & Michael Derham 8. David Casey
Prescribed Bodies	Environmental Protection Agency
Date of Site Inspection	9th February 2026
Inspector	Stephen Ward

Contents

1.0 Site Location and Description

1.1. The site is located in the rural townland of Collinstown in north County Dublin. It is distanced approximately 1.5km north of the closest settlement at Lusk. The site adjoins the existing Country Crest / Ballymaguire Foods storage / production facilities, which comprise a significant complex of buildings associated with the surrounding farmlands. The surrounding area is of rural character and is mainly in agricultural use. There are a number of one-off dwellings in the area, the closest being approximately 130m from the southeast corner of the site. Man O' War GAA Club is located c. 1km to the northwest, while the Oberstown Children Detention Campus is slightly further to the northwest.

1.2. The appeal site itself comprises two undeveloped fields to the southeast of the existing production facilities and other farm buildings. It has a stated area of 7.282ha and the site levels gradually rise from southeast to northwest. Apart from the aforementioned production facilities and farm buildings, the site otherwise bounds onto undeveloped fields (in separate ownership) and a private road at the southeast corner of the site.

1.3. The main vehicular entrance to the County Crest and Ballymaguire Foods production facilities is via a private access road off the L1155 Quickpenny Lane, c. 1km west of the site. The appeal states that there is also a secondary access to the south of the site from the Quickpenny Road. Further west (c. 2.5km) is the regional road R132 (between Lusk and Balrothery), while the M1 motorway is approximately 3km to the west. The Skerries Road (R127) is c. 350 to the east of the site.

2.0 Proposed Development

2.1. In summary, permission is sought for the development of an Anaerobic Digestion (AD) Facility to produce a renewable biomethane gas for direct injection into the national gas grid. The development comprises AD tanks and processing equipment, feedstock storage facilities and equipment, silage storage clamps, digestate management and storage facilities. Carbon dioxide from the production of this biomethane will be captured for reuse in the Irish food industry. Digestate will be used as an agricultural fertiliser.

2.2. The proposed supporting infrastructure to be developed includes *inter alia*:

- 1 no. 45m diameter combined primary and secondary digestion tank (8.5m high, 7947m³ & 3981m³ respectively) & attached pumping unit,
- 1 no. reception tank (5m high, 250 m³) & attached pumping unit,
- 1 no. 32m diameter power digest tank & attached gas sphere (12m high, 4.825m³ & 3130 m³ respectively) & attached pumping unit,
- 1 no digestate separator building (119.5 m^2),
- 1 no. pasteurization unit & hygenization buffer tank,
- 1 no. gas upgrading unit,
- 1 no. gas pre-treatment unit,
- 1 no. gas valve chamber,
- 1 no. gas flare (9m high),
- 1 no. GNI gas injection unit (25.1 m^2) with an underground gas pipeline to the gas grid connection adjacent the site to the west,
- 1 no. combined heat and power unit,
- 2 no. boiler containers,
- 1 no. oxygen compound,
- 1 no. heat distribution container,
- 1 no. switchboard container,
- 1 no. carbon dioxide liquefaction unit,
- 2 no. weighbridges & integrated lever arms & access control & attached bio security units,
- 1 no. single-storey office and administration building (123 m^2),
- 1 no. ESB sub-station (66 m^2),
- 1 no. enclosed feedstock reception building (1527 m^2),
- 1 no. odour abatement machinery (with 14m high chimney),

- Silage clamps (8m high),
- 1 no. machinery shed (309.4 m^2),
- 1 no. services building (288.6 m^2),
- 1 no. solid digestate storage building (484.1 m^2),
- 2 no. covered digestate lagoons, attached pumping building (30 m^2) and attached digestate loading-unloading areas,
- roof mounted solar arrays / photovoltaic panels,
- all associated car and bicycle parking, internal road layouts,
- earthen berms, site retaining walls, palisade fencing and boundary treatments,
- hard surface and bunded areas for housing supporting plant, processing and storage facilities, and
- all associated site works.

2.3. The development will be accessed via the existing Country Crest internal road network off Quickpenny Lane. It will be served by 12 no. car parking spaces, bicycle parking spaces, HGV loading bays, tractor loading bays and service yard.

2.4. Surface water from the proposed site will be dealt with onsite using SuDS features where feasible and attenuation provided within the proposed detention basins. This area will drain via gravity and discharge at restricted rates to the existing ditch located along the southern boundary. Flow will be restricted in accordance with the requirements of the Greater Dublin Strategic Drainage Strategy. Foul water discharge from the site will drain by gravity and connect to a new onsite wastewater treatment unit and percolation area. Water supply will be provided through the extension of the existing dedicated firefighting ring main and a connection from an existing on-site well for potable water.

2.5. Grass silage will be the main feedstock component of the proposed AD Plant, while other significant components include poultry litter, whole crop silage, slurry, and water. Solid feedstock will be directed to the reception building which, will be sealed for odour control. Liquid feedstock will be directed to the slurry feeding line (liquid feedstock line) and pumped to a 500m^3 bunded tank. All feedstocks will be stored and mixed before being fed into the sealed digester tank (Digester Power Ring)

where primary and secondary digestion takes place, which results in the formation of biogas and liquid/solid digestates. Feedstock from the Digester Power Ring will be fed into a second AD Tank (Power Digest) for further secondary digestion.

2.6. Biogas is extracted from the AD tanks and processed to remove gaseous contaminants. A portion of the biogas will be fed to the onsite combustion units including a combined heat and power (CHP) plant and two dual fuel boilers. The heat and electrical energy generated from these installations will be used to meet part of the energy requirements for the AD process. The remainder of the biogas will be fed to a Gas Upgrade Unit (GUU) that will:

- Separate the biogas into pure methane and carbon dioxide gas streams.
- Process the methane gas stream to a sufficient standard for injection into Ireland's gas network grid via a Gas Networks Ireland (GNI) onsite station.

2.7. Captured CO_2 is then liquefied and stored for reuse in the Irish food industry. A flare located south of the gas treatment system will serve to burn off biogas that fails to meet minimum requirements to be exported to the GNI grid or, potentially, to burn any excess gas. This will be considered exceptional circumstances, and it is not anticipated that the gas flare will be used during the vast majority of the lifetime of the proposed development.

2.8. Digestate is the material remaining after the AD process has taken place. The liquid fraction will be stored in two covered digestate lagoons in the eastern section of the site and the solid fraction will be stored and covered to the south of the silage clamps in the middle section of the site. Both fractions can then be used as a nutrient-rich fertiliser.

2.9. The facility requires an Industrial Emissions Licence from the EPA and the application is accompanied by a Natura Impact Statement (NIS) and an Environmental Impact Assessment Report (EIAR). Other application documentation includes an Engineers Site Services Report, Planning Report, and Landscape Strategy.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 20th of February 2025, Fingal County Council made a decision to refuse planning permission. The reasons for refusal were as follows:

1. *The proposed development involves the construction of a commercially operated anaerobic digestion (AD) facility. The proposed development would not be directly connected to the local rural community, nor would it serve the local rural economy, as evidently, the majority of the raw materials required by the AD process would be sourced from outside the local rural area. The 'Anaerobic Digester' land-use is considered akin an 'Industrial' use of land, either 'General' or 'High Impact' as per Appendix 7 of the development plan. An 'Anaerobic Digester' use could also be characterised as an 'Agribusiness'. The proposed development is therefore considered to be unacceptable in principle as these uses are specifically precluded from areas zoned 'RU' as per the zoning objective, each being listed as a 'Not Permitted' land-use under the 'RU' land-use zoning objective. The proposed development would therefore be a material contravention of the 'RU' land-use zoning 'RU' land-use zoning objective of the Fingal Development Plan 2023-2029, and would be contrary to the proper planning and sustainable development for the area.*
2. *Having regard to the 'High-Lying Agricultural' landscape character type of the surrounding rural landscape, which is considered to be of 'High' landscape value and also considered to be 'High' in terms of sensitivity; and, having regard to the scale, height, design and layout of the proposed development and the limited visual impact information submitted as part of the applications, it is considered that when viewed collectively, the proposed network of buildings would cumulatively have a profoundly negative impact on the visual amenities of the application site and the surrounding area. The proposed development would be visually obtrusive and would seriously injure the amenities of the area and of property in the vicinity. The proposed development would therefore be contrary to the proper planning and sustainable development for the area.*

3. *The application has not provided a Road Safety Audit within the application submission. Given the proposed intensification of the local road network, the absence of a Road Safety Audit precludes the Local Authority from assessing the potential road safety risks associated with a development prior to the award of planning consent, and prior to the commencement of construction work. The applicant has failed to demonstrate that the proposed development would adequately protect vulnerable pedestrians in close proximity to articulated vehicles with limited visibility performing difficult manoeuvres. In its current format the proposed development is therefore considered a traffic hazard and proposed development would therefore be contrary to the proper planning and sustainable development for the area.*

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The assessment outlined in the FCC Planner's Report can be summarised under the headings below.

Principle of Development

- The site is zoned 'RU – Rural' in the Development Plan.
- Whilst the application proposes a relationship with local agricultural practices in terms of supply of raw materials, such a relationship is not 'fixed' and could readily be swapped for an alternative relationship with other, non-local suppliers, even from other non-agricultural sectors. It is noted that proposed suppliers are located in Counties Louth & Monaghan, which undermines the claim that the proposed development will foster 'local' economic ties. The proposed activity is not intrinsically linked with local, rural activity; does not protect and promote the value of the rural area of the County; and is not considered to align positively with the 'RU' land-use objective.
- The applicant's references to a previous planning permission for an Anaerobic Digestion/Combined Heat & Power facility on adjacent lands to the west (P.A. Reg. Ref. F12A/0119) is noted. However, that case involved a different zoning (FP – Food Park) and a modest scale compared to the proposed industrial scale.

- ‘Anaerobic Digesters’ are not specifically listed as a ‘land-use’ that is either ‘permitted in principle’ or ‘not permitted’ in the CDP. However, the proposed use is not ancillary to any ‘parent’ activity at the site as per Objective ZO4 of the CDP. Moreover, the use may be considered ‘industrial’ which may either be considered ‘general’ or ‘high impact’. It could also be considered ‘agribusiness’ given its proposed direct relationship to the agricultural sector involving the processing of produce of which a significant portion may be sourced locally.
- The planning officer is satisfied that the development comes under the definitions of ‘Industry – High Impact’ and ‘Industry – General’ as per Appendix 7 of the CDP. It is therefore unacceptable in principle as these uses are specifically ‘not permitted’ in the ‘RU’ zone. The proposal could also be considered ‘agribusiness’ which is also ‘not permitted’. Therefore, the proposal would materially contravene the ’RU’ land-use zoning objective of the CDP.

Visual Amenity

- The site is within a ‘High-Lying Agricultural’ landscape which is of ‘High’ value and sensitivity.
- The proposal involves a complex of varying industrial style buildings.
- No Visual Impact Assessment was submitted with the application.
- When viewed collectively, the buildings would have a profoundly negative impact on the visual amenities of the site and surrounding areas, and it is difficult to conceive of any alternative acceptable configuration.
- The proposal would be contrary to Policy GINHP25 and Objectives GINHO56, GINHO57, and GINHO59 of the CDP, which seek to preserve the uniqueness of a landscape character by having regard to its character, value and sensitivity.

Transport and Access

- No standalone Transport Assessment was submitted. Sections 4.4.5 and 11.3.6 of the EIAR deal with traffic impacts and have been reviewed by the FCC Transportation Planning section (as follows).
- There are concerns about the pedestrian movement proposal in terms of layout, width, at-grade level, etc., and that it would not protect vulnerable pedestrians in

close proximity to difficult articulated vehicle movements. The current format is considered a traffic hazard.

- A Road Safety Audit (RSA) has not been provided as is appropriate. The proposal would not protect vulnerable pedestrians in close proximity to difficult articulated vehicle movements. The current format is considered a traffic hazard.
- The Engineer's report states that a Transportation Assessment Report and Preliminary Mobility Management Plan accompany the application. However, these documents are not available and should be provided.
- The EIAR estimates that there would be a daily increase of c. 44 Passenger Car Units (PCUs) and that this would be no significant increase in traffic volumes. Third-party concerns about '44+ trucks per day' appear to be misplaced as the EIAR details the worst-case scenario as 8 no. 28T truckloads per day.
- Subject to the provision of EV charging at the proposed accessible parking space, car-parking proposals would be in accordance with Table 14.18 and sections 14.17.8 and 14.17.10 of the CDP.
- The location of the bicycle shelter would cause a conflict between bicycle and vehicular traffic and result in a traffic hazard. The quantity of bicycle parking should also be in accordance with the CDP and should be designed to accommodate long-stay parking.
- It is concluded that the current format is a traffic hazard which cannot be supported by the Transportation Planning Section.

<u>Water Services, Drainage, and Flood Risk</u>

- The Water Services Department has reported on the application as follows.
- No objection to foul drainage arrangements subject to standard conditions.
- No objection to surface water drainage arrangements subject to standard conditions.
- No flood risk concerns have been raised in the Water services report. The FCC Planning Officer notes that the site is within Flood Zone C and is acceptable in accordance with the 'Flood Risk Guidelines'.

Parks and Green Infrastructure

- The FCC Parks and GI section has noted that hedgerows/trees along the site boundaries are worthy of retention. It considers that the landscaping proposals are acceptable and has no objection subject to standard conditions.

Air & Noise

- The Air & Noise Officer Report outlines that there are no objections subject to conditions relating to site development and building work times.

Environment

- Any grant of permission should be subject to a condition requiring the agreement of a Construction and Demolition Resource Waste Management Plan.

Heritage/Archaeology

- Archaeological monitoring took place within the site under a previous application (P.A. Reg. Ref. F22A/0077). The Heritage Officer notes that no archaeological features, deposits or artefacts were identified, and no further archaeological work was recommended. As such, the Planning Officer has no reservations regarding the proposed development on archaeological grounds.

Appropriate Assessment

- A review of the applicant's AA Screening and Natura Impact Statement has been carried out by Brady Shipman Martin (BSM) consultants on behalf of FCC.
- The Planning Officer agrees with the BSM conclusion that there is potential for significant effects on only the Rogerstown Estuary SAC and SPA and the North-West Irish Sea SPA via contamination of surface water during the construction phase. The precautionary approach taken by the applicant is reasonable.
- The NIS appraises the potential for construction impacts via the surface water pathway and which qualifying interests (QIs) and special conservation interests (SCIs) may be impacted. Section 8 of the NIS outlines the construction mitigation measures to address the potential for significant adverse effects on the Natura 2000 sites, the majority of which are standard best-practice measures. The NIS concludes that there will be no residual impacts that could adversely affect the integrity of Natura 2000 sites.

- The BSM review concurs with the findings of the NIS, and the Planning Officer also concurs.

Environmental Impact Assessment

- A review of the applicant's EIAR has been carried out by Brady Shipman Martin (BSM) consultants on behalf of FCC.
- The BSM review and the Planning Officer's report concur with the EIAR conclusions that there will be no significant environmental effects subject to the implementation of the proposed mitigation measures.

Conclusion

- The report recommends that permissions should be refused and this forms the basis of the FCC decision.

3.2.2. Other Technical Reports

The reports are mainly incorporated into the Planning Report as outlined in section 3.2.1 (above). The reports can be summarised as follows:

- BSM review of AA Screening and NIS: Concludes that the applicant has demonstrated that the project, with the implementation of the mitigation measures presented in the Natura Impact Statement, either alone or in-combination with other plans or projects, will not have a significant adverse impact on any Natura 2000 site. Recommends conditions requiring implementation of the proposed mitigation measures; agreement of a Construction Environmental Management Plan (CEMP); and submission of an environmental report on completion of works.
- BSM review of EIAR: Concludes that the applicant has demonstrated that the project, with the implementation of the proposed mitigation measures presented, will not give rise to significant environmental effects. Recommends conditions requiring agreement of a schedule of mitigation measures; agreement of a CEMP; submission of an environmental report on completion of works; submission of an annual Management Plan for the Delivery of Feedstocks; and standard archaeological conditions.
- Parks and Green Infrastructure: No objection subject to conditions.

- Transportation Planning: Cannot support the proposed development in its current format as it is considered a traffic hazard.
- Water Services: No objections subject to conditions relating to foul and surface water drainage.

3.3. Prescribed Bodies

Uisce Eireann: No objections subject to standard conditions.

Environmental Protection Agency: The development proposed may require a licence under Class 11.4(b) of the EPA Act. Should the Agency receive a licence application for the development, the applicant will be required to submit the associated EIAR, which will be considered and assessed including consultation with the planning authority. All matters to do with emissions to the environment from the activities proposed will be considered and assessed by the Agency.

Health and Safety Authority: Since the application appears to be outside the scope of the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015, the Authority has no observations to forward. This is based on the information provided as part of the planning application process and additional clarifications prepared by Panther Environmental Solutions which details flammable gas calculations relevant to the planning application.

Inland Fisheries Ireland: The development is located in the catchment of the Palmerstown stream which flows into the Rogerstown estuary. The Water Framework Directive Ecological status of the waterbody at this location is 'Poor' and 'At Risk' of achieving (*sic*) 'Good Status'. The submission highlights the need to protect local aquatic ecological integrity, including:

- No direct pumping of contaminated water to a watercourse at any time.
- Any dewatering of ground water during construction must be treated.
- Adequate storage of potentially polluting materials.
- Details of the end product digestate, particularly in relation to its organic, nutrient and water content.

- Details regarding where the digestate will be used in particular the Nutrient Management Plans for receiving lands.
- All discharges must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

3.4. Third Party Observations

The Planning Authority received 12 no. third-party submissions. The main issues raised are covered in the observations on the appeal (see section 6.3 of this report). Other issues raised include:

- Concerns about the fitness of the applicant to operate such a facility based on previous agricultural/environmental practices.
- Non-compliance with COMAH Regulations.

4.0 Planning History

Appeal Site

There would not appear to be any planning history relating to the eastern portion of the site. The western portion formed part of several applications, the most significant of which can be summarised as follows:

P.A. Reg. Ref. F08A/1140 – On 8th June 2009, FCC granted permission to construct a single storey Agri-Business Facility (2191sqm), incorporating two storey internal ancillary office/staff accommodation (573 sqm), plant/switch/tool rooms (54sqm), (total floor area 2819 sq). The appeal indicates that this permission was not implemented.

P.A. Reg. Ref. F06A/1167 – On 5th October 2006, FCC made a decision to grant permission for a new onion storage facility within a new 3,000 sq.m. single storey agricultural building with a 100 sq.m. adjoining plant room and all associated site works. A subsequent first-party appeal (**ABP Ref. PL 06F.220291**) against a development contribution was upheld by the Board.

Adjoining Sites

There is a long and wide-ranging planning history relating to the development of the adjoining Country Crest / Ballymaguire Foods business. These permissions mainly related to storage, production and ancillary facilities associated with the agribusiness (see first-party appeal for details).

On an adjacent site to the northwest of the appeal site, the following applies:

P.A. Reg. Ref. F12A/0119 - On 10th January 2013, FCC granted permission to construct New Anaerobic Digestion/Combined Heat & Power facility consisting of a) Anaerobic Digestion/Combined Heat & Power plant (1,400sq.m.) containing two 10m high tanks, b) 7m high covered silage clamps (1,500sq.m.), c) single storey office/laboratory unit (78sq.m.) and d) all associated site development works. The duration of this permission was extended under **P.A. Reg. Ref. F12A/0119/E1**, but a second application for extension of duration **P.A. Reg. Ref. F12A/0119/E2** was refused on 17th of February 2023. The appeal indicates that the permission was never implemented as the scale was unviable for the investment required.

Further to the northwest, FCC granted permission (10 May 2021) under **P.A. Reg. Ref. F21A/0148** for continuation of use previously granted under Planning Reference number F07A/0929 of 1 no. existing 1MW Wind Turbine, Service Road and associated ancillary works and services. On 12th September 2023, FCC granted permission under **P.A. Reg. Ref. F23A/0326** for a second Wind Turbine (2.3MW) which has been recently erected.

P.A. Reg. Ref. F22A/0077: On 6th September 2022, permission granted for 2520sqm agri-business facility and associated works.

Enforcement Ref. 23/119A: The FCC Planning Report outlines that there was an active enforcement file open in relation to part of the overall Country Crest / Ballymaguire Foods agribusiness. The appeal submits that this case is now closed.

P.A. Reg. Ref. F24A/0896E: On 4th March 2025, permission granted for Phase 2 extension to a previously approved application ref F22A-0077 consisting of a total of 2727m² agri-business facility.

5.0 Policy Context

5.1. National Policy & Legislation

5.1.1. The Climate Action and Low Carbon Development Act, 2021 strengthens the provisions of the 2015 Act by adding a specific decarbonisation target of climate neutrality by 2050 (at the latest), with the additional recognition of the importance of protecting biodiversity. The Act brings Ireland's approach into line with the EU commitment to climate neutrality by 2050 as set out in the European Climate Law of 2021, and into line with many other climate laws. The Act establishes national climate objectives that the State shall 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. The Commission is required to perform its functions in a manner consistent with the Act.

5.1.2. The Climate Action Plan 2025 (CAP 25) builds upon and should be read in conjunction with the Climate Action Plan 2024 (CAP 24). It refines and updates the measures and actions required to deliver carbon budgets and sectoral emissions ceilings and provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050.

5.1.3. In relation to biomethane, CAP 25 outlines that to further support the decarbonisation of the heat / energy sector, Government has agreed to the introduction of the Renewable Heat Obligation (RHO), with scheme parameters now being finalised for approval. The RHO will obligate suppliers over a certain threshold to ensure a proportion of the energy they supply is renewable, and it will incentivise the production of indigenously produced biomethane in line with the National Biomethane Strategy published in 2024. The RHO states that grant aid will be provided towards the development of the biomethane sector, and this is expected to drive expansion of the anaerobic digestion sector towards the target of 5.7 TWh by 2030. Funding of €40 million has been secured to further the ambition of the sector. As energy policy lead, the Department of Climate, Energy and the Environment (DECC) will be responsible for this second round of capital funding from 2026.

5.1.4. CAP 24 KPIs include a target for 5.7 TWh of Biomethane to be produced by 2030. The KPIs also specify at least 1 TWh consumption of zero emission gas for industrial heating by 2025 and 2.1 TWh by 2030.

5.1.5. Ireland's National Biomethane Strategy (May 2024) sets out the necessary policy and regulatory measures and provides a roadmap to developing a biomethane industry of scale in Ireland. The development of the Strategy focused on a framework of five interlinking pillars seen as critical to target delivery:

- sustainability;
- demand for biomethane;
- bioeconomy and the circular economy;
- economics of biomethane; and
- enabling policy requirements.

5.1.6. Each pillar has been aligned with twenty-five key strategic actions. Each action looks to address the challenges and support the opportunities anaerobic digestion and biomethane production has to offer. The Government is committed to supporting delivery of up to 5.7TWh of indigenously produced biomethane by 2030, which is expected to meet approximately 10% of Ireland's current gas demand. The strategy seeks to increase the number of anaerobic digestion facilities from just 2 in 2024 up to 140-250 to meet production targets and to ensure that the production of biomethane aligns with environmental goals, including the protection of water, soil and biodiversity.

5.1.7. The strategy outlines the benefits that Ireland can realise from the development of a new agri-centric biomethane industry, which are summarised as follows:

- Without biomethane, Ireland is unlikely to meet its legally binding climate targets.
- Biomethane helps to reduce agriculture sector emissions.
- Diversification option for farmers.
- Opportunity to replace chemical fertiliser with a supply of biobased fertiliser.
- Helps reduce Ireland's energy emissions.
- Improves gas security and diversification of supply.

- Stimulation of the rural economy.

5.1.8. The Waste Action Plan for a Circular Economy (Irelands' National Waste Policy 2020- 2025) (DECC) looks at how resources can be preserved by creating a circular economy and climate change targets realised. It aims to realise the food waste resource potential of Anaerobic Digestion (AD) and composting. It states that AD and composting provide opportunities for regional development with benefits for communities through sales of locally generated energy and compost. The Plan will be updated in 2026 following the recent publication of the Whole of Government Circular Economy Strategy 2026-2028 'Accelerating Action' in February 2026.

5.1.9. The National Planning Framework (NPF), First Revision, April 2025 is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. Key elements (National Strategic Outcomes) of the NPF include commitments towards 'NSO 3 - Strengthened Rural Economies and Communities', 'NSO 8 - Transition to a Carbon Neutral and Climate Resilient Society', and 'NSO 9 - Sustainable Management of Environmental Resources'.

5.1.10. Section 9.2 of the NPF 'Resource Efficiency and Transition to a Neutral Carbon Economy' acknowledges national targets of producing 5.7 TWh of indigenous biomethane by 2030. It outlines that a large number of anaerobic digestion facilities will need to be developed, alongside the related infrastructure necessary to support these facilities.

5.1.11. In relation to heating, it is stated that 'the National Heat Study Report 2022 identified that a combination of district heating, biomethane and heat pumps in homes, businesses and industry will play a vital role in fast decarbonisation'.

5.1.12. Section 5.4 'Planning and Investment to Support Rural Job Creation' outlines that there are opportunities from a climate transition perspective for the diversification of farming enterprises to include a focus on areas such as biomethane production.

5.1.13. The NPF includes the following National Policy Objectives (as summarised):

NPO 30: Facilitates the development of the rural economy, including agriculture and food, energy, the bio-economy and diversification into alternative on-farm and off-

farm activities, while acknowledging the importance of the national climate objective, biodiversity, the natural landscape, built heritage, and rural tourism.

NPO 32: Supports the diversification of the rural economy into new sectors and services, including those addressing climate change and sustainability.

NPO 67: Supports the circular and bio economy including greater efficiency in land and materials management, conserving cultural and natural heritage, and the greater use of renewable resources.

NPO 69: Integrate climate action into the planning system in support of national targets for climate policy and greenhouse gas emissions reductions.

NPO 70: Promotes renewable energy use and generation at appropriate locations.

NPO 76: Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles.

5.1.14. The EU Water Framework Directive (2000/60/EC) aims to protect and improve water quality in waterbodies across Europe, including rivers, lakes, groundwater, and coastal waters. It requires that member states must manage their water resources through River Basin Management Plans to achieve at least "good" ecological status by 2027. In Ireland, the Directive is transposed into national law, requiring controls on water abstraction and impoundments, with the Environmental Protection Agency (EPA) administering the registration and licensing system.

5.1.15. The National Biodiversity Action Plan 2023-2030 includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local Level and is taken into account in decision-making having regard to the Habitats and Birds Directives, EIA Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable. Biodiversity is addressed in sections 9 and 10.9 of this report.

5.1.16. Having considered the nature of the proposal, the receiving environment, and the documentation on file, including the submissions received, I am of the opinion that other directly relevant national/European guidance and policy include:

- RED III (European Renewable Energy Directive (EU/2023/2413)).
- European Green Deal, 2020 (EU)
- The Long-Term Strategy on Greenhouse Gas Emissions Reductions, 2024.
- National Energy Security Framework, 2022.
- The Policy Statement on Security of Electricity Supply, 2021.
- Guidance on Integrating Climate Change and Biodiversity into Environmental Impact Assessment, 2013 (EU).
- The Planning System and Flood Risk Management – Guidelines for Planning Authorities, 2009.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Guidelines on the information to be contained in Environmental Impact Assessment Reports (EIAR), 2022.
- Guidance for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

5.2. **Regional Policy**

5.2.1. The primary statutory objective of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 (RSES) is to support implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework.

5.2.2. Section 7.8 ‘Landscape’ acknowledges political, environmental and climatic challenges related to agriculture. It states that this presents an opportunity to support low carbon and low impact farming including local agri-food, biomass production, and permaculture, and incorporating circular economy thinking by using anaerobic digesters to produce renewable electricity, heat and gas from farm wastes.

5.2.3. Section 7.9 ‘Climate Change’ acknowledges the enormous potential of the bioeconomy and its consistency with Ireland’s low carbon transition objective, including favouring renewable biological resources over fossil fuels.

5.2.4. Relevant Regional Policy Objectives (RPOs) include the following (as summarised):

RPO 4.79: Local authorities’ policies shall recognise that rural areas contribute to social and economic wellbeing and support the diversification of rural economies and emerging sectors including agri-business and renewable energy.

RPO 4.84: Support the rural economy and initiatives in relation to diversification, including agri-business and renewable energy.

RPO 6.5: Local authorities shall support innovation in rural economic development and enterprise, including diversification into new sectors and services, including those addressing climate change and sustainability.

RPO 6.7: Support local authorities to develop sustainable and economically efficient rural economies through initiatives to enhance sectors including agricultural and food, energy, the bioeconomy, and diversification into alternative on-farm and off-farm activities, while at the same time protecting landscape and built heritage.

RPO 7.34: Supports the National Policy Statement on Bioeconomy (2018) and supports the exploration of opportunities in the circular resource-efficient economy.

RPO 7.37: A bioeconomy plan for the Region should be developed that outlines the capacity of the Region to supply the range of bioenergy resources required.

RPO 7.38: Local authorities shall consider the use of heat mapping to support developments which deliver energy efficiency and the recovery of energy that would otherwise be wasted.

5.3. Fingal Development Plan 2023-2029

Zoning

5.3.1. The site is within an area zoned as ‘RU – Rural’, the objective for which is to ‘*Protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage*’. The vision for the objective is:

Protect and promote the value of the rural area of the County. This rural value is based on: Agricultural and rural economic resources, Visual remoteness from significant and distinctive urban influences, A high level of natural features. Agriculture and rural related resources will be employed for the benefit of the local and wider population. Building upon the rural value will require a balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage.

5.3.2. The site is generally surrounded by lands with the same 'RU- Rural' zoning objective. However, the Country Crest / Ballymaguire Foods complex to the west is zoned 'FP – Food Park', with the objective to '*Provide for and facilitate the development of a Food Industry Park*'.

5.3.3. Objective ZO4 – 'Ancillary Uses' is to '*Ensure that developments ancillary to the parent use of a site are considered on their merits'*.

Built Heritage

5.3.4. There are no Protected Structures or Architectural Conservation Areas on or immediately adjoining the site. The nearest Protected Structures are as follows:

No. 870 – 'Milestone' – Along Quickpenny Lane c. 1km west of the appeal site.

No. 306 – 'Rose Cottage – Along Skerries Road c. 1km southeast of the appeal site.

Landscape

5.3.5. The site is within the 'High-Lying Agricultural' landscape character type, which is classified as being of 'high' sensitivity and value.

5.3.6. There are objectives to 'Preserve Views' along roads in the wider surrounding area, including Quickpenny Lane (c. 1km to the west), Skerries Road (c. 350 metres to the east), Quickpenny Road (c. 1.5km to southwest), and the L1165 (c. 1km to the north).

5.3.7. Relevant Policies and Objectives include the following (as summarised):

GINHP25 - Ensure the preservation of the uniqueness of a landscape character type by having regard to its character, value and sensitivity.

GINHO56 - Require any necessary assessments, including visual impact assessments, in highly sensitive areas.

GINHO57 - Ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types, including the retention of important features or characteristics.

GINHO59 - Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area.

Energy, Heat, & Waste

5.3.8. Section 5.5.3.1 'Renewable Energy' outlines that renewable sources include 'biogas (anaerobic digestion)'. It acknowledges that the Climate Action Plan (CAP 23) requires increasing our renewable electricity and reinforcing our grid and states that opportunities exist for renewable energy sources in the form of biofuels such as biomethane. Section 5.5.3.5 also recognises the potential for biofuels (such as biomethane) and biomass to contribute to the overall goal of decarbonising the energy sector.

5.3.9. Section 5.5.3.6 outlines that District heating and waste heat recovery are a highly significant source of low carbon energy.

5.3.10. Section 5.5.4.1 outlines how the Plan seeks to integrate a more sustainable approach to waste based on circular economy principles.

5.3.11. Relevant Policy includes (as summarised):

CAP13 - Supports the production of energy from renewable sources and associated electricity grid infrastructure, including combined heat and power (CHP), heat energy distribution, and any other renewable energy sources.

CAP20 - Encourage developments and facilities (such as data centres) to capture and utilise wasted heat, and use waste heat either on-site, or in adjoining / nearby sites, in compliance with all relevant Energy Efficiency Regulations.

CAP25 - Support the shift towards the circular economy approach as set out in the National Waste Policy for 2020–2025.

Green/Rural Economy

5.3.12. Section 7.5.1.1 outlines that the sustainable or 'green' potential has been identified in sectors and/or activities such as energy efficiency, agriculture, and food production.

5.3.13. Section 7.5.3 outlines that the Council will continue to support and facilitate existing and new rural enterprises and aims to develop sustainable and economically efficient rural economies through initiatives to enhance sectors including agricultural and food, energy industries, the bioeconomy, and diversification into alternative on-farm and off-farm activities. In doing this it is imperative that the maintenance and protection of the natural landscape and built heritage takes priority.

5.3.14. Section 7.5.3.3 outlines that within the rural countryside, enterprise such as agriculture, energy production and rural resources-based enterprise is promoted.

5.3.15. Section 7.5.3.5 'Agriculture, Agri-food and Farm diversification' acknowledges the importance of agriculture and agri-food sectors and the need for diversification from traditional agricultural practices.

5.3.16. Relevant Policies and Objectives include (as summarised):

EEP23 – Supports rural economies and valuable agricultural lands to ensure sustainable food supply, to protect the open countryside and to support the diversification of rural economies in emerging sectors, such as agri-business, renewable energy, tourism and forestry.

EEP24 - Balance protecting the landscape and natural heritage of rural Fingal with the need to harness and promote economic opportunities associated with rural life such as agricultural, horticultural, tourism and rural-related economic uses.

EEO30 - Support the growth of the 'green economy' including renewable energy, supporting the transition towards a circular economy.

EEO63 - Encourage the development of environmentally sustainable agricultural practices, to ensure that development does not impinge on visual amenity and to protect watercourses, wildlife habitats and ecology from pollution.

EEO70 – Facilitate/encourage the alternative energy sector, in line with a Local Renewable Energy Strategy, and the sector subject to the protection of environmental quality, and visual, residential or rural amenity of the area.

EEP30 - Encourage and provide for industry specifically linked to food, agriculture and the development of added value opportunities in these areas.

EEO86 – Promote farm diversification where:

- the proposal is related directly either to the agricultural operation engaged upon on the farm or the rural nature of the area.
- The use is compatible with the existing road infrastructure in the area.
- it does not unacceptably impact on the landscape, environment and character of the area.

Infrastructure and Utilities

5.3.17. Section 11.5.2 outlines 'Surface Water and Flood Risk Management', including support for 'Nature-Based Surface Water Solutions through SuDS'.

5.3.18. Section 11.5.3 outlines the need to protect the water quality of waterbodies.

5.3.19. Section 11.7.1 encourages the sustainable development of the renewable energy sector in the County (including bioenergy and biofuels, etc).

5.3.20. Section 11.9 outlines a range of policies and objectives relating to the protection of air quality and control of noise and light pollution.

5.3.21. Relevant Policies and Objectives include (as summarised):

IUP10 – Promotes water conservation and SuDS measures in all developments.

IUP15 - Supports initiatives to improve water quality and to achieve good ecological status in compliance with the WFD and associated River Basin Management Plans.

IUP16 - Protect inland and sea fisheries and take full account of Inland Fisheries Ireland Guidelines Planning for Watercourses in the Urban Environment 2020.

IUP30 - Promote more energy-efficient development through the location of housing and employment along district heating hubs, or potential renewable energy locations.

IUP33 - Continue to develop and implement climate and energy related initiatives.

IUO44 - Support the development of enhanced electricity and gas supplies, and associated transmission and distribution networks.

Development Management Standards

5.3.22. Chapter 14 outlines 'Development Management Standards' in an aim to ensure that development occurs in an orderly and efficient manner which contributes to the Core Strategy and related policies and objectives. Relevant aspects include the following:

14.15.1 – Design guidance and standards for 'Business Parks and Industrial Areas'

14.15.5 – Agricultural Development – Acknowledges that agricultural developments have the potential for immense impact on the environment and landscape, and that some new farm buildings have the appearance of industrial buildings.

Objective DMSO100 - Requires that agricultural buildings be sited as unobtrusively as possible and blend the development into its surroundings.

Objective DMSO101 - Design of Agricultural Buildings.

Objective DMSO102 - Assessment of Agricultural Development.

14.17 - Connectivity & Movement - Outlines a range of transport standards and objectives, including bicycle and car parking standards.

14.18 – Outlines a range of standards and requirements for the protection of Green Infrastructure and Natural Heritage, including the protection of trees, hedgerows, habitats and species.

14.19 - Outlines a range of standards and requirements for the protection of Heritage, Culture, and Arts, including archaeology, architectural/built heritage, and designed landscapes.

14.20 - Outlines a range of standards and requirements relating to Infrastructure and Utilities, including water services, surface water, flooding, waste management, noise, light, air, and the Control of Major Accident Hazards (COMAH).

14.20 - Outlines a range of standards and requirements relating to Climate Action, including District Heating/Waste Heat and Renewable Energy.

5.4. **Natural Heritage Designations**

The closest Natura 2000 sites are the Rogerstown Estuary SAC and the Rogerstown Estuary SPA, both located c. 4.4km to the south of the appeals site, and the North-west Irish Sea SPA c. 4.4km to the north of the site.

6.0 The Appeal

6.1. Grounds of Appeal

The FCC decision to refuse permission has been appealed by the applicant. The appeal is accompanied by *inter alia* letters of support from Teagasc and Gas Networks Ireland; a letter from Country Crest; revised / supplementary drawings; and a Road Safety Audit (RSA). I do not consider that any of the information submitted with the appeal materially changes the proposed development and I am satisfied that it can be considered by the Commission. The grounds of appeal generally respond to the reasons for refusal and can be summarised under the headings below.

Refusal Reason No. 1

The appeal submits that the decision is unreasonable and factually inaccurate and fails to appreciate the nature of the development, which does not constitute a material contravention of the Development Plan. The points raised can be summarised as follows:

- All farming activities are commercially operated, and this farm and agri-food enterprise is no different. The suggestion that it would 'not be directly connected to the local rural community' is factually incorrect as it is inextricably linked to the crops grown on the farm/locally. More than 90% of all feedstock is sourced in Fingal and the development will avail of long-established partnerships with local farmers and suppliers[1].
- The suggestion that it is akin to an industrial use is totally inaccurate. It is an agricultural use that is inextricably linked to agricultural activities that have been operating here for 40 years.
- The main inputs are silage and other feed crops which are stored in a similar way to any farm.
- The planning authority's concern about the potential use of other non-agricultural inputs is prejudicial; does not assess the application on its merits; and ignores national policy to promote such 'Agri Centric' development. The applicants are

[1] Table 1 of the appeal provides a breakdown of 'Projected Sourcing of Materials'.

farmers and intend to continue as such, and the EIAR demonstrates that there is more than sufficient feedstock available without the need to consider alternatives.

- The planning authority's suggestion that the development is an 'agri-business' is incorrect, misleading, and disingenuous. It is consistent with modern scale farming and business. It does not come under the definition of 'agribusiness' in Appendix 7 of the CDP as there is no 'processing of produce' or 'support services' for agriculture.
- The development comes under the definition of 'Agricultural Buildings' and 'Utility Installations' in Appendix 7 of the CDP. It includes buildings for the storage of agricultural byproducts and feedstocks, as well as structures designed to provide a public utility service (gas) required for electricity and heat.
- The proposed development is consistent with the scientific nature of other agricultural developments, involving the storage and mixing of feedstocks, animal by-products and water in the practice of anaerobic digestion to produce biogas, biomethane, and digestate. The gas is a renewable energy source and the digestate is applied to the land as organic fertiliser.
- The proposed Anaerobic Digestion use is not listed in the CDP Zoning Matrix and must therefore be assessed on its merits. It involves 'agricultural use' and a 'utility installation', which are acceptable in principle in the RU zoning.
- 'Anaerobic Digestion' appears only once in the CDP and that is a supportive policy. The proposal accords with the CDP and the use of the term 'material contravention' is unacceptable in this context.
- While the suggestion of a material contravention is rejected, it is submitted that the Commission may decide to grant permission under Section 37(2) of the Act having regard to the following:
    - The proposal is of strategic and national importance having regard to the targets set out in the National Biomethane Strategy.
    - There is a conflict in the CDP in that objectives clearly support renewable energies (including biogas, biomethane and anaerobic digestion) but anaerobic digestion is not listed as a use in the Zoning Matrix.

- The appeal outlines a range of national policies in respect of climate change, the biomethane strategy, and the development of AD of scale by 2030.
- The appeal refers to the RSES for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government.
- The pattern of development in the area which is clearly agricultural in nature and having regard to the inextricable link between the proposed development and established agricultural activities in the area.
- Permission granted since the making of the CDP to the applicants on RU zoned land under P.A. Reg. Ref. F23A/0326 for a utility installation in the form of a 2.3MW wind turbine.

- The development is in full compliance with the following:
  - The NPF (NPO 55 & NPO 56) - encouraging renewable energy production and sustainable waste management.
  - CAP 24 - supporting biomethane production as a key component of Ireland's energy transition.
  - RSES – recognising AD as a critical element of rural diversification, agricultural sustainability, and bioeconomy development.
  - CDP – encouraging rural enterprise while ensuring resource-efficient land use.
- Unlike general industrial developments involving manufacturing, processing or large-scale production, AD facilities do not generate heavy traffic, noise or pollution.
- The proposal meets the RU zoning objective by processing organic farm byproduct, animal slurry, and silage sourced locally, reinforcing its agricultural use rather than industrial.
- AD is widely recognised as a farm-based utility that enhances agricultural efficiency and the CDP allows 'utility installations' within the RU zone, particularly where they serve rural and agricultural needs. Biomethane is integrated into the

national gas grid, and the facility supports carbon sequestration and circular farming, all of which aligns with the RU zoning objective.

- Many AD facilities have been permitted on rural-zoned land and on-farm proposals are supported by the National Biomethane Strategy, the national CAP, and the RSES.
- The previously permitted AD (P.A. Reg. Ref. F12A/0119) was deemed unviable for the investment required, as has been common around the country. It is completely unreasonable to impose small-scale limitations on a farming practice with nationwide links.
- The proposal is only a small-scale expansion of the existing farm-building footprint and would cluster with same.
- The suggestion that the development is anything other than ancillary to the parent farming/food activities on the holding is incorrect and irrational.

Refusal Reason No. 2

The appeal submits that the decision is unreasonable having regard to the established pattern of development adjoining the site and fails to appreciate the site-specific locational need relative to the GNI national gas grid. The points raised can be summarised as follows:

- The site is in the centre of an agricultural landholding and is sufficient distance from public roads/views.
- The Landscape and Visual Assessment chapter of the EIAR confirms that the site is not within any area of High Sensitivity.
- The siting of the proposed structures follows best practice by clustering with the large scale of the existing buildings and being located on the lower part of the land. The appearance and finishes/colours are typical of agricultural infrastructure (e.g. silos, tanks, shed) and are consistent with rural character.
- The Visual Impact Assessment (VIA) in the EIAR demonstrates that visibility will be reduced by existing boundaries, sloped topography, existing agricultural structures, and new landscaping measures.

- The development will not be visible from elevated scenic viewpoints identified in the CDP such as Hillfort Mound or surrounding ridgelines.
- The development does not impinge in any significant way on the character, integrity or distinctiveness of the area and is consistent with CDP Objective GINHO59.
- Contiguous elevations submitted with the appeal demonstrate that the development would not disrupt scenic views and will be satisfactorily absorbed into the local landscape.
- The tallest/highest building proposed would be lower than the existing buildings. The existing onion store is also significantly larger than the proposed development.

Refusal Reason No. 3

The appeal submits that the decision is unreasonable having regard to the very limited volume of traffic generated. The points raised can be summarised as follows:

- Given that the development would generate only a small increase relative to existing traffic levels it was considered that a Road Safety Audit (RSA) was not necessary. This could have been requested as 'further information' and is not a valid reason for refusal.
- The appeal is accompanied by an independent RSA. All of the minor findings will be implemented by the Design Team and drawings with minor revisions are included for the *de novo* consideration of the Commission.
- The FCC decision runs contrary to their Transport Section report which did not object to the principle of the development but rather requested an RSA.
- The statement in the FCC Planner's Report relating to the requirement for an RSA is taken entirely out of context as it relates specifically to National Roads under TII 'Road Safety Audit GE-STY-01024' and is not applicable to the internal road layouts of private facilities.

6.2. Planning Authority Response

The FCC response requests that the Commission upholds its decision. In the event of a grant of permission, provisions should be made to apply conditions relating to development contributions and bond/cash security.

6.3. Observations

The Commission received a total of 8 observations on the first-party appeal. The observations raise common issues which can be summarised under the headings below.

Principle of Development

- It is a large-scale non-agricultural and non-utility commercial/industrial development which will import waste from all over the country. It is incompatible with the 'RU' Zoning and current food production use of the adjacent lands.
- It is proposed to dramatically change from food farming to energy farming, and the proposed business model/feedstock is not environmentally friendly and purely for commercial gain[2].
- The proposal will do nothing for the local community.
- The development (effectively a power plant) would contravene materially the RU zoning objective/vision given that it would seriously injure the amenities of local properties, biodiversity, rural landscape, and built cultural heritage.

Feedstock

- It must be determined that proposed feedstocks are sustainable and that their production will not exacerbate ongoing issues with greenhouse gas emissions, water quality deterioration, climate mitigation, etc. Emissions that contribute to feedstock production must be considered indirect impacts.
- The largest input will be from grass silage, and this has the potential for significant adverse impacts on climate and water quality as a result of increased levels of chemical fertiliser. It is important to clarify the proportion of grass silage

[2] Reference is made to An Taisce's reaction to the National Biomethane Strategy

to be mixed with slurry and other feedstocks due to the high global warming potential associated with high silage mixes, as recognised by the EPA[3].

- Reliance on energy crop production has implications for extensive land use for growth, and intensive cattle farming (for slurry) has major implications for emission of greenhouse gases, water quality, and climate change.
- There is a concern about using WWTP/sewage sludge as an input source. This would be prohibited from use on a Bord Bia Approved Farm.
- It is difficult to reconcile the annual projected use of 1,300 Tonnes of WWTP Sewage Slurry (130 Tones Dry Matter) with a stated employment figure of 500 staff, which would be expected to produce just 5 Tonnes of solid sludge. This calls into question how and where the shortfall will be sourced.
- Ownership of the facility could change, and the breakdown of feedstocks could be subject to dramatic change.

Fugitive Methane Emissions

- Scientific assessments[4] show that ADs suffer from methane leaks which may greatly reduce or even negate the potential climate benefits of biogas. Leakage is associated with plant infrastructure, open digestate storage, and digestate spreading. This needs to be fully assessed, including a clear articulation of continuous and stringent monitoring and reporting protocols.
- Fugitive gas/odours could impact on local houses through heat recovery systems.

Digestate and Biomethane Use

- Further detail is required on the precise location of digestate end-users to ensure contributions to the local rural economy and local application.
- Further detail on the potential local use of biomethane is required. Otherwise, the proposal risks exacerbating fossil gas lock-in, which is incompatible with our emission reduction obligations/policies and could lead to higher costs. Seeking local agricultural/industrial is a preferable option provided it is not used for electricity generation and is not mixed with fossil gas.

[3] An Taisce submission refers to EPA publication 'Ireland's Climate Change Assessment' (2023).
[4] An Taisce submission refers to several studies / evidence.

- Excess ammonia emissions from digestate can find their way back into soils and waterbodies, which can be highly detrimental to aquatic ecosystems through eutrophication and can decimate unique flora in wetland habitats. To reduce ammonia emissions, all digestate stores should be covered and Low Emission Slurry Spreading (LESS) techniques should be used.

Traffic and Transport

- The Commission should give close consideration to the applicant's TTA to ensure the absence of adverse traffic congestion for the local community.
- FCC highlighted concerns about pedestrian safety and the absence of an RSA.
- The application/appeal has not addressed increased traffic use/hazard along the L1155 road (Quickpenny Lane) which is a popular route for pedestrians and cyclists but is substandard in nature, width, and alignment.
- Predicted truck traffic is underestimated and based on unreasonable assumptions including 24-hour operation 365 days a year, which would have unacceptable impacts on the residential amenities of local properties and would be contrary to the EIAR recommendation that all collections and deliveries be conducted during normal working hours. More reasonable assumptions would result in a 28T truck passing along Quickpenny Lane every 21 minutes, and more frequently in busy periods.
- Traffic volumes could be higher if smaller trucks are used.
- Traffic volumes will not be evenly distributed as they will be concentrated at certain times of the year (e.g. grass & whole crop silage (34,500 tonnes) in May & June when they are harvested).
- The appeal misleadingly states that there is a secondary access to the site from the south via Quickpenny Road. There is no vehicular access on this road, although some employees use it as a pedestrian/cyclist access.
- The carbon emissions associated with the massive number of truck movements directly contradicts the argument that the proposal will fight climate change.

Surrounding Properties

- There are several family homes and rural clusters in close proximity to the site, as well as Lusk Village. There are concerns about impacts including visual impact, residential amenity, noise (construction and operation), odours, air quality, traffic, and health.
- The development requires 7,257,477 litres of water per annum and there is no indication as to where this supply will come from. Homes in the area rely solely on wells and the proposed development (equivalent to 60 homes) would put too much pressure on the water table in the area, both in terms of capacity and potential contamination (e.g. leakage from the digestate spreading and lagoons).
- The risk of fire for adjoining residents/properties is too great.

Biodiversity / Ecology

- The proposal would pose an unacceptable risk to flora and fauna in the area.
- The EIAR does not mention possible impacts on the Bride Stream (c. 100m north of the site). This stream rises in the Man O' War before combining with the Jones Stream and running into Rogerstown Estuary. This Nature Reserve/SAC is an essential feeding habitat for several protected bird species and there is inadequate evidence to determine that there would be no negative impact during either construction or operation.
- The Bride Stream is home to a variety of wildlife including frogs and newts.
- Otters are present in the Rogerstown Nature Reserve and probably in the Bride Stream.
- Collinstown is teeming with wildlife including foxes, badgers, pheasants, bats and hares, all of which will be negatively impacted by the construction and operation of the development.
- There are concerns about impacts on watercourses and Rogerstown Estuary as protected under the Habitats Directive.

Visual Impact

- The industrial scale would be visually obtrusive from surrounding roads and would seriously injure the amenities of the area (including protected views and high amenity landscape) and property in the vicinity.
- The photographs in the appeal quite clearly demonstrate the high-lying nature and visibility of the site, including negative impacts from the Skerries Road, the L1125, the L1165, Quickpenny Road, and Baldongan Church.
- Structures like the gas spheres, chimney, and flare would irreparably alter the rural character of the site.

Lighting

- The lighting design does not adhere to the Dark Skies Policy.
- Light pollution is harmful to the environment and cultural heritage; is a waste of energy and carbon emissions (climate change); disrupts the biological clocks of all living things; and impacts on human health and well-being.

Procedural Issues

- The 'neighbour's consent' submitted with the application is not from a genuine 'neighbour' but rather a co-owner and co-applicant.
- The application did not adequately inform the local community by reason of the timing of the application (a week before Christmas) and inadequate erection of site notices in public view.
- The applicants have not consulted with the local community.

6.4. Prescribed Bodies

The Commission referred the appeal to the Environmental Protection Agency (EPA) in accordance with section 87 of the EPA Act 1992.

The EPA response outlined that the development proposed may require a licence under Class 11.4(b) of the EPA Act. The Agency has not received a licence application. Should the Agency receive a licence application for the development, the applicant will be required to submit the associated EIAR, which will be considered and assessed including consultation with the planning authority and the Commission.

All matters to do with emissions to the environment from the activities proposed will be considered and assessed by the Agency. The Agency cannot issue a Proposed Determination on any licence application until a planning decision has been made.

7.0 Assessment

7.1. Introduction

7.1.1. Having regard to the nature and location of the proposed development and the issues raised in this appeal case, I would highlight that there is an inevitable overlap between this planning assessment and other environmental assessments contained within this report. Therefore, many of the relevant issues are dealt with in the Water Framework Directive assessment (see section 8), the Appropriate Assessment (see section 9), and the Environmental Impact Assessment (see section 10). In the interest of brevity and clarity, such assessments are not repeated but rather overlapping issues are cross-referenced in relevant sections of the report.

7.1.2. Having examined the application/appeal details and all other documentation on file, including all the submissions received in relation to the application and appeal, and having inspected the site and had regard to local/regional/national policies and guidance, I consider that the main issues relating to the proper planning and sustainable development of the area are as follows:

- The Principle of the Development
- Material Contravention of the CDP
- Inputs and Outputs
- Visual Amenity
- Traffic and Transport
- Residential Amenity
- Procedural Issues.

7.2. The Principle of the Development

7.2.1. The planning authority decision outlines fundamental concerns about the principle of the development. It contends that the development is not intrinsically linked to the local rural area or existing activities at the site. It concludes that the development use should be considered akin to 'Industry – High Impact' or 'Industry – General', and could also be considered 'agribusiness', all of which are 'not permitted' and would materially contravene the 'RU' zoning objective in the CDP. These concerns are supported by the third-party observations on the appeal.

7.2.2. In considering the principle of the development it is important to first clarify the nature of the development. At the outset I would acknowledge that such Anaerobic Digestion (AD) facilities are somewhat unique in that they incorporate a number of different sectors. The feedstock inputs are linked to the 'waste' and 'agriculture' sectors, while outputs (e.g. digestate) are also linked to 'agriculture'. However, I consider that the primary purpose of the development is for the production of gas for export to the national network. Furthermore, notwithstanding concerns raised about the sustainability of the process (see observation from An Taisce), I am satisfied that the development can be classified as a renewable energy development having regard to the support for the development of biomethane as a renewable source in accordance with CAP 25, Ireland's National Biomethane Strategy 2024, the national Waste Action Plan for a Circular Economy, the National Planning Framework, the RSES, and the Fingal CDP 2023-2029 (see section 5 of this report).

7.2.3. Having regard to the above and the use classes specified in Chapter 13 of the CDP, I consider that the proposed development should be classified as a 'Sustainable Energy Installation'. Appendix 7 of the CDP outlines Technical Guidance Notes for Use Classes and describes 'Sustainable Energy Installations' as '*Installations for the generation of sustainable energy using processes which do not compromise the abilities of future generations to satisfy their needs for energy production and typically employing wind, solar, hydro energy, wave / tidal energy, geothermal, CHP or bio-mass based-energy'*.

7.2.4. I am satisfied that the proposed development is consistent with the above description. However, 'Sustainable Energy Installations' is a use which is neither 'Permitted in Principle' nor 'Not Permitted' in the 'RU' zone according to Chapter 13

of the CDP. In such cases, the CDP states that uses will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan.

7.2.5. In this regard, I note that the RU zoning objective is to '*Protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage*'. Having regard to the agricultural links associated with the proposed development, I consider that it is a rural related enterprise which is promoted in accordance with this objective. Furthermore, the impacts of the development are considered to appropriately protect and promote biodiversity, the rural landscape, and built/cultural heritage as will be outlined in sections 7.5, 9, 10.9, 10.12, and 10.13 of this report. Therefore, I am satisfied that the proposed development would be acceptable in accordance with the RU zoning objective.

7.2.6. The CDP vision for the zoning objective expands as follows:

Protect and promote the value of the rural area of the County. This rural value is based on: Agricultural and rural economic resources, Visual remoteness from significant and distinctive urban influences, A high level of natural features. Agriculture and rural related resources will be employed for the benefit of the local and wider population. Building upon the rural value will require a balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage.

7.2.7. With regard to the basis for 'rural value' as outlined above, I consider that the proposed development would protect and promote agricultural and rural economic resources through the use of agricultural feedstock and through the supply of digestate as agricultural fertiliser. And as outlined in sections 7.5 and 10.13 of this report, I am satisfied that the development would appropriately protect the visual remoteness and natural features of the area.

7.2.8. The proposed development involves both the input (i.e. feedstock) and production (i.e. digestate) of agricultural and rural related resources. I note that the planning authority has raised concerns that the development would not be suitably fixed or beneficial to the local area, including indications that some proposed suppliers are

located in Louth and Monaghan. However, the appeal outlines that c. 90% of feedstock would be sourced in Fingal, with c. 67% being sourced 'on site'. The EIAR also includes a Nutrient Management Plan (Attachment 2.4) which outlines that digestate land spreading would be mainly applied to the local Fingal area. The EIAR outlines that the links to the existing farm and the local area was a key consideration in support of the proposed location, and this is considered to be a reasonable and sustainable approach. Therefore, notwithstanding the links between the proposed development and other areas outside Fingal, I am satisfied that the agricultural and rural related resources associated with the proposed development will be mainly employed for the benefit of the local and wider population.

7.2.9. Finally with regard to the zoning objective vision, I am satisfied that rural biodiversity, landscape, and built/cultural heritage will be suitably protected/promoted as outlined in sections 7.5, 9, 10.9, 10.12, and 10.13 of this report.

7.2.10. I also note that section 13.4 of the CDP addresses 'Ancillary Uses' and Objective ZO4 is to *'Ensure that developments ancillary to the parent use of a site are considered on their merits*'. Section 13.4 describes ancillary uses as those which '*rely on the permitted parent use for their existence and rationale*'.

7.2.11. The planning authority did not consider that the proposed development was ancillary to the parent use. In this regard, I would highlight that the parent use of the site and the overall farm is that of a long-established and large-scale agriculture/agri-food business. Accordingly, I am satisfied that this will remain as the parent/primary use. And given that c. 67% of feedstock for the proposed development will be sourced 'on site' and that this has been a significant factor in the rationale for the development, I am satisfied that the proposed development will rely on the parent use for its existence and rationale. Therefore, I consider that Objective ZO4 applies and that the merits of the development would be acceptable in accordance with this objective as previously outlined.

7.2.12. Having regard to the foregoing, I would conclude that the proposed development is of a specific use class which would be best described as a 'Sustainable Energy Installation' as per CDP definitions. In any case, I consider that the nature/use class of the development is neither 'Permitted in Principle' nor 'Not Permitted' in the 'RU' zone according to Chapter 13 of the CDP. Having considered the nature of the

proposed development, I am satisfied that it will satisfactorily contribute towards the achievement of the 'RU' Zoning Objective and Vision. Furthermore, I am satisfied that the proposed use is ancillary to the parent use on the site/farm and that the merits of the development would be acceptable in accordance with Objective ZO4 of the CDP. Other relevant policies and objectives of the CDP (see section 5.3 of this report) will be considered in this assessment and I am satisfied that the proposed development would be compliant and consistent with same. Accordingly, I am satisfied that the principle of the development is acceptable in accordance with national, regional, and CDP policies and objectives.

7.3. Material Contravention of the CDP

7.3.1. Contrary to my conclusions as outlined in section 7.2 (above), I have noted that the planning authority decision considers the proposed development to be akin to 'Industry – High Impact' and 'Industry – General', and could also be considered 'agribusiness', all of which are 'not permitted' and would materially contravene the 'RU' zoning objective in the CDP. This view has been formally outlined in Reason No. 1 of the FCC decision.

7.3.2. The Commission will be aware of the provisions of Section 37(2) of the Act of 2000, including:

(a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that —

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

7.3.3. For the information of the Commission, Appendix 7 of the CDP describes the uses cited in the FCC decision (Reason No. 1) as follows:

Industry - General

The use of a building, or part thereof, or land for any industry other than a light industry or high impact industry (explained below). Ancillary uses which are subservient to the main industrial use such as small office and car park are included in the use class.

Industry - High Impact

The use of a building, or part thereof, or land for any industry which requires special assessment due to its potential for detrimental environmental effects.

Agribusiness

A business that is directly related to the agricultural or horticultural sector involving the processing of produce of which a significant portion is sourced locally. It may also include support services for the agriculture or horticulture sector.

7.3.4. At the outset, I would consider that the planning authority's assessment and decision (reason no. 1) is vague on the nature of the development. It takes a wide-ranging interpretation of the development in concluding that it could be considered industrial (general), industrial (high impact), or agribusiness. And in light of the lack of clarity in this regard, I find it difficult to resolve its conclusion that the nature of the proposed development would materially contravene the CDP.

7.3.5. With regard to the 'industrial' interpretation, I would acknowledge that the proposed development involves an 'industrial process'[5] in the form of gas production. And having regard to the need for 'special assessment' as evidenced by the EIAR and NIS accompanying the application, I would conclude that any 'industrial' classification of the proposed development would have to be considered 'high impact' in accordance with the CDP. However, I consider that this would be an extremely wide-ranging interpretation of the nature of the proposed development.

7.3.6. With regard to the 'agribusiness' interpretation, I have previously outlined my satisfaction that the business is directly related to the agricultural sector including locally sourced feedstock. And while the appeal contends that it is not an agribusiness given that there is 'no processing of produce', I would consider that the produce (feedstock) is subject to AD processing, albeit not primarily for the food sector[6]. The appeal also makes several references to the 'processing' of agricultural by-products and describes the development as an 'agri-food enterprise', although it also contends that the term 'agribusiness' is prejudiced as every farm is run as a business. Again, I would consider that the interpretation of the development as 'agribusiness' would be wide-ranging and secondary to the primary nature of the development, i.e. a 'Sustainable Energy Installation'.

7.3.7. Having regard to the foregoing, I consider that the proposed AD development is of a unique nature (*i.e. sui generis*) and that the CDP does not specifically address its permissibility or otherwise within the 'RU' zoning objective. In such cases, the CDP states that uses will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan. Furthermore, Objective ZO4 ensures that uses ancillary to the parent use will be considered on their merits. In the above regards, I have outlined that the principle of the proposed use would be acceptable as per section 7.2 of this report.

7.3.8. For these reasons, I do not consider that the proposed development would materially contravene the CDP. Furthermore, the CDP is not sufficiently specific (on the question of locating the proposed development within the RU zone) so as to justify

[5] As defined in Article 5 of the Planning and Development Regulations 2001 (as amended)
[6] The capture of carbon dioxide for reuse in the food industry is an ancillary product of the development.

the use of the term “materially contravene” in terms of normal planning practice. The Commission should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

7.4. Inputs and Outputs

Inputs

7.4.1. The submission from An Taisce highlights the need to determine that the proposed feedstocks (particularly silage) are sustainable and that their production, including the use of fertiliser on crops and intensive cattle farming for slurry, will not exacerbate ongoing issues with greenhouse gas emissions, water quality deterioration, climate mitigation, etc.

7.4.2. As previously outlined, the appeal confirms that c. 67% of the feedstock will be sourced ‘on site’ and that c. 90% would be sourced locally in Fingal through established relationships with local farms. However, given the volume of material required (70,110 tonnes per annum) and the likely lifespan of the project, I would accept that:

- The practicalities of identifying specific sources for the input of feedstock into the anaerobic digestion process are infeasible.
- It would be unreasonable to expect that agreements with farmers would be finalised at this stage or that the feedstock locations would remain constant over time.
- There is a functional independence between the proposed development and the feedstock suppliers.
- The applicant would have no legal remit to control or oversee the operations of feedstock suppliers and any condition requiring this would be *ultra vires*.

7.4.3. Accordingly, I do not consider that it is feasible or practical to carry out an assessment of the impacts of feedstock supply within a multiplicity of defined sources. Furthermore, I would contend that none of the feedstock inputs are being produced with the sole intention of supplying the AD process. The silage, slurry and agri-food residues are already being produced and in the event of a ‘do-nothing’ scenario would have to be disposed of by alternative means. For the foregoing

reasons, I am satisfied that there is adequate information available on feedstock supply/sources and that no further assessment is required in terms of impacts on greenhouse gas emissions, water quality deterioration, or climate change.

7.4.4. In addition to the above, I would highlight that, as outlined in the conclusions of the Specialist Report from the ACP Environmental Scientist (Appendix 4), the applicant would be required to meet the key tenets of the Biomethane Environmental Sustainability Charter with particular regard to Sustainable Feedstock Production, much of which incorporates existing legal and regulatory obligations.

7.4.5. The third-party observations also outline concerns about inputs regarding the use of wastewater treatment plant sludge as feedstock. It has been contended that the stated annual input of 1300 tonnes could not be sourced from the on-site population and that this shortfall calls into question as to how and where it would be sourced.

7.4.6. Having reviewed the application and appeal documentation and having visited the site, it is apparent to me that there is confusion over the use of the term ‘wastewater treatment plant sludge’ as being part of the feedstock. The observers have interpreted this as being foul sewage associated with human (faecal) waste and have questioned its source and suitability. However, wastewater is a wide-ranging term and in this case it is clear to me that it actually relates to an existing on-site food waste treatment plant which I observed in operation at the time of my inspection. I am satisfied that this can be suitably stated and controlled as a condition of any permission.

7.4.7. The planning authority and third-party observations also raise concerns that the proposed relationship between the development and feedstock suppliers could change, with particular concern raised about the potential use of non-agricultural feedstock. However, I consider that the application has clearly outlined that its rationale and justification is strongly based on agricultural feedstock, and I do not see any reasonable basis to suggest that this is likely to change. In any case, I consider that should the Commission be minded to grant permission, a condition should be applied to limit the quantity and composition of feedstock to be in accordance with the documents submitted. The applicant has outlined in the appeal that there would be no objection to the attachment of a condition of this nature.

Outputs

7.4.8. The An Taisce submission has outlined a need for further details on the nature and control of outputs associated with the development.

7.4.9. In relation to digestate and land spreading, the submission highlights the need for further detail on the precise location of digestate end-users to ensure contributions to the local rural economy. It also highlights the potential for excess ammonia emissions to adversely impact on soil, water, and biodiversity. To reduce ammonia emissions, it recommends that Low Emission Slurry Spreading (LESS) techniques should be used.

7.4.10. The applicant's EIAR includes a Nutrient Management Plan (Attachment 2.4) which outlines land spreading locations. It refers to the townland address of these locations but does not include maps for land spreading. As previously outlined, I am satisfied that the locations specified will suitably contribute to the local rural economy in response to An Taisce concerns. Furthermore, similar to the earlier question about feedstock inputs, I do not consider that a detailed assessment of land spreading locations is necessary or feasible in the context of the current appeal case having regard to the following:

- Having regard to the volume of digestate produced (59,387 tonnes raw digestate per annum) and the likely lifespan of the project, it is likely that agreements with farmers and land spreading locations would evolve over time.
- There is a functional independence between the proposed development and the land spreading locations.
- The inputs associated with the digestate production are already being produced and in the event of a 'do-nothing' scenario would have to be disposed of by alternative means.
- The proposed digestate would replace more potentially contaminating materials such as slurry and chemical fertilisers.

7.4.11. Ultimately, I would conclude that the spreading of organic fertiliser is a controlled activity, regulated by the Department of Agriculture, Farming and the Marine (DAFM) and local authorities, through the Good Agricultural Practice for Protection of Waters Regulations 2025, commonly referred to as the GAP Regulations. These regulations

are for the purpose of preventing water pollution. They provide for the limitation of quantities of nitrates and phosphate that can be directly applied to land. Surface water is protected through the provision of buffers from surface water features. Groundwater is protected by the prohibition of direct discharge to groundwater and measures to prevent indirect pollution through discharge to ground and percolation through the soil. Therefore, I am satisfied, subject to the adherence to the GAP Regulations 2025, that no pollution impacts arise from any land spreading associated with the proposed development.

7.4.12. Regarding other outputs, the An Taisce submission also contends that further detail on the potential local use of biomethane is required in order to avoid risk of exacerbating fossil gas lock-in, which is stated to be incompatible with emission reduction obligations/policies and could lead to higher costs.

7.4.13. The application outlines that the biomethane produced will be injected into the national grid locally. I am satisfied that this would suitably contribute to national targets for the use of this renewable energy source in accordance with national policy, particularly Ireland's National Biomethane Strategy (May 2024). And while I would acknowledge the potential benefits of dedicated local uses, I do not consider that the matter should be determinative or require further investigation in this case.

7.5. Visual Amenity

7.5.1. The planning authority decision (Reason No. 2) raises concerns about the location of the site within the high-value and high-sensitivity 'high-lying agricultural' landscape. It contends that limited visual impact information was submitted as part of the application, and concludes that the scale, height, design and layout of the proposed development would collectively have a profoundly negative impact on the visual amenities of the application site, the surrounding area, and property in the vicinity.

7.5.2. The third-party observations support the planning authority's decision, stating that the development is of an industrial scale/design and would seriously detract from the character of the area when viewed from surrounding roads, property and other local vantage points.

7.5.3. I acknowledge that the site is within the 'high-lying' landscape type as per the CDP, and that the value/sensitivity of this landscape type is classed as 'high' as per Table

9.3 of the CDP. However, I also note that the site is not within any designated 'Highly Sensitive Landscape' as per the CDP mapping.

7.5.4. The CDP also outlines objectives to 'Preserve Views' along stretches of roads in the surrounding area, including Quickpenny Lane (c. 1km to the west), Skerries Road (c. 350 metres to the east), Quickpenny Road (c. 1.5km to southwest), and the L1165 (c. 1km to the north).

7.5.5. I note that the FCC Planner's Report states that no Visual Impact Assessment was submitted with the application. However, this would appear to overlook the Visual Impact Assessment (VIA) included as Attachment 8.1 of the EIAR. This VIA was prepared by Archaeological Consultancy Services Unit and considers the potential for visual effects on landscape character, including photomontages, drawings, photographs, and other visual material. The VIA is based on EPA 'Guidelines on the Information to be contained in Environmental Impact Assessment Reports' (May 2022) and the Landscape Institute and the Institute of Environmental Management and Assessment publication 'Guidelines for Landscape and Visual Impact Assessment' (2013). It is informed by a desktop study of relevant sources and field surveys of landscape characteristics and appropriate viewpoints.

7.5.6. For the purposes of the assessment, a total of ten viewpoints within the surrounding landscape were selected. Photographs of the site were taken, and the proposed development was added digitally (where visible) in order to provide a visual aid in assessing the development's proposed appearance within the landscape. In addition, the second wind turbine (permitted under P.A. Reg. Ref. F23A/0326) was digitally added to ensure a full visual assessment of the environment.

7.5.7. The significance of the effects on each viewpoint was measured by comparing the character of the predicted effect to the sensitivity of the receiving environment, by assessing the Significance/Sensitivity of the Existing Environment (high, medium, low or negligible) with the character, magnitude, duration, probability and consequence of the Description of Effect (high, medium, low or negligible).

7.5.8. The applicant's assessment of each viewpoint is summarised in the following table.

Viewpoint		Impacts / Values	Significance
1	Looking east from private access road	Proposed development cannot be viewed from this location.	Imperceptible
2	Looking east from Quickpenny Lane	Proposed development cannot be viewed from this location.	Imperceptible
3	Looking south from L1165	Proposed development cannot be viewed from this location.	Imperceptible
4	Looking west from Baldongan Church	Proposed development cannot be viewed from this location.	Imperceptible
5	Looking north from Lusk	Proposed development cannot be viewed from this location.	Imperceptible
6	Looking northeast from R132	The new addition of the plant would affect a small area of the landscape.	Imperceptible
7	Looking northeast from R132	The new addition of the plant would affect a small area of the landscape.	Imperceptible
8	Looking north from Quickpenny Road	New plant cannot be viewed from this location.	Imperceptible
9	Looking west from Skerries Road	New addition of the plant would affect a small area of the landscape.	Slight
10	Looking south from L1165	New addition of the plant would affect a small area of the landscape.	Slight

7.5.9. The VIA concludes that the scale of the proposed development is sufficient to mitigate any major impact on the landscape and horizon, especially given the presence of the existing large scale commercial premises and wind turbines, including the proposed gradiated colour which serves to blend it into the skyline and horizon. In terms of the overall landscape, it concludes that the visual effect of the development should be considered as Negligible-Low, and that the significance of the effect (including cumulative impacts) would generally be considered Imperceptible-Slight. Additional mitigation measures are recommended in the form of lighting design and additional planting of native trees.

7.5.10. I have reviewed the VIA and the application drawings and documents, and I have visited the site and its surrounding environment. I have noted that the site is well distanced (at least 300m) from the main public views along surrounding roads, and

that there is a significant extent of obstruction (i.e. topography, vegetation, development) between the proposed development and these public views.

7.5.11. I would concur that the appeal site and the proposed development have limited visibility from the surrounding area as illustrated in the viewpoints selected in the applicant's VIA. Furthermore, I am satisfied that the selected viewpoints provide a reasonable representation of impacts in the area.

7.5.12. Accordingly, I would concur that the proposed development would have only 'imperceptible' effects on viewpoints 1-8 as outlined in the VIA (i.e. an effect capable of measurement but without significant consequence). The VIA outlines that the significance of effects impacts on viewpoints 9 & 10 would be 'slight' (i.e. an effect which causes noticeable changes in the character of the environment without affecting its sensitivities). Having reviewed viewpoints 9 & 10, I consider that the effect could be considered 'moderate' (i.e. an effect that alters the character of the environment in a manner that is consistent with existing and emerging baseline trends). In any case however, I do not consider that the effects could be classed as 'significant' (i.e. an effect which, by its character, magnitude, duration, or intensity, alters a sensitive aspect of the environment), and I would certainly not concur with the planning authority's classification of the effects as 'profound' (i.e. an effect which obliterates sensitive characteristics).

7.5.13. I acknowledge the concerns raised about the industrial scale and appearance of the development. However, this must be considered in the context of a significant and established complex of large agricultural buildings to the north and west of the site which would assist in screening and assimilating the proposed structures when viewed from the surrounding area. I would also submit that agricultural buildings are commonly of a similar scale and visual character to industrial development. In fact, this is acknowledged in section 14.15.5 of the CDP. Accordingly, I am satisfied that the scale and character of the proposed development can be satisfactorily and cumulatively assimilated with the existing development adjoining the site.

7.5.14. I note that the FCC planning report contends that the proposed development would be contrary to CDP policies/objectives GINHP25, GINHO56, GINHO57, and GINHO59. I have summarised these policies/objectives in section 5.3 of my report, outlining that they relate to the assessment and preservation of landscape character.

However, having regard to the foregoing assessment, I do not consider that the proposed development would detract from landscape character or be contrary to any of these CDP provisions.

7.5.15. In conclusion, I am satisfied that an adequate visual impact assessment has been prepared and carried out as part of this application/appeal case. Having considered the applicant's VIA and all relevant landscape/heritage designations and policy provisions, the submissions received, the decision of the planning authority, and having carried out an inspection of the site and surrounding area, I am satisfied that the impacts of the proposed development on visual amenity and landscape character would not be significant and, accordingly, would be acceptable in this case.

7.6. Traffic and Transport

Traffic Generation / Congestion

7.6.1. The planning authority's decision (Reason No. 3) raises concerns about the intensification of the local road network. The supporting FCC reports note the application's reference to the inclusion of a Transportation Assessment Report and Preliminary Mobility Management Plan, but state that these documents are not available and should be provided. However, this would appear to overlook the inclusion of a Transportation Assessment & Mobility Management Plan as Attachment 4.2 of the EIAR.

7.6.2. The third-party observations have highlighted concerns about adverse traffic congestion/safety effects on the local road network. It has been contended that predicted traffic levels have been underestimated and that the road network is of a substandard nature, width, and alignment to safely and conveniently accommodate the likely traffic movements associated with the development.

7.6.3. The applicant's Transportation Assessment (TA) has been prepared by NRB Consulting Engineers. It outlines that the existing access infrastructure will be used and that recently permitted developments[7] have been considered as 'committed' for assessment purposes. It is based on relevant information sources and guidance, including the TII Traffic & Transport Assessment Guidelines; Design Manual for

[7] P.A. Reg. Refs. F22A/0077 & F24A/0896E – See section 4 of report for details.

Urban Roads and Streets; Traffic Survey Data; previous application data; the TRICS Database; and site visits and observations. The assessment takes account of the fact that the applicant's farm will supply a significant amount of raw material, without a requirement for transportation on the public roads, and also that the farm holding will use product as fertiliser within the agricultural fields which extend to approximately 3,000 acres.

7.6.4. Traffic surveys were carried out by an independent specialist data collection company to establish existing conditions for the existing site and associated roads. The TA outlines that all local roads can be considered to be lightly or at worst moderately trafficked in comparison with their link carrying capacity. The conditions surveyed are summarised in the following table based on Passenger Car Units (PCUs), i.e. a conversion of different vehicles into an equivalent number of passenger cars.

Location	**AM Peak Hour 2-way flow (PCUs)**	**PM Peak Hour 2-way flow (PCUs)**	**24Hr AADT 2-way flow (PCUs)**
Existing site	73	35	816
Quickpenny Lane	181	207	2,238
R132 Regional Road	664	430	7,694

7.6.5. The TA then uses the TRICS database to ascertain vehicular trip generation associated with the development. It takes a 'worst case' assessment based on committed development, the raw materials sourced, and the products generated by the AD Plant. Based on the above, it predicts the traffic associated with the committed and proposed developments and converts it to PCUs. This is summarised in the following table.

Source	**AM Peak Hour 2-way (PCUs)**	**PM Peak Hour 2-way (PCUs)**	**24Hr 2-way (PCUs)**
Committed developments	27	26	262
Proposed Development	12	12	44
Total	**39**	**38**	**306**

7.6.6. The assignment and distribution for future year traffic was calculated based on surveys and observed movements. TII Project Appraisal Guidelines were used to establish growth rates for the projected occupation/opening year (2026) and the design year (2041). The resulting Traffic Flow Projections & Figures within Appendix

D of the TA allowed the assessment of impact of the AD development to be undertaken.

7.6.7. The TA acknowledges that the TII Traffic and Transport Assessment Guidelines requires a Threshold Assessment of the impact on the local roads to be provided in order to determine whether additional more detailed modelling and assessment of particular critical junctions is necessary. The recommendation is that if the expected increase is 5% for networks that are considered heavily trafficked or congested, then further analysis is warranted. The threshold is set at 10% for uncongested networks. The TA outlines that the 10% threshold could reasonably be applied in this case, but that the 5% threshold has been applied for robustness.

7.6.8. The threshold assessment considers impacts on 4 junctions on the surrounding road network, which can be summarised as follows.

Junction	Traffic Increase %			Comment
	AM	PM	24HR	
Site Access	5.3	4.7	5.0	>5% - Junction Assessed
Local Rd/L1155 Junction to South	4.8	3.6	1.1	<5% No Further Analysis
L1155/Q'penny Road Junction	1.6	1.1	0.3	<5% No Further Analysis
L1155/R132 T Junction	0.6	2.5	0.3	<5% No Further Analysis

7.6.9. In accordance with the above table, the applicant's TA confirms that, beyond the site access, the worst-case traffic increases as a result of the proposed development are in all cases well below the TII recommended lower threshold level of 5%, above which further assessment is warranted for congested networks.

7.6.10. The TA uses the TII-approved software package 'Junctions 9' PiCADY' (Priority Intersection Capacity And Delay) software package (as part of the TRL Package 'Junction 9') to assess the capacity of the site access junction. PiCADY produces results based on a ratio of flow to capacity (RFC) and queue length. An RFC greater than 1.00 indicates that a junction is operating at or above capacity, with 0.85 considered to be the optimum RFC value. A summary of the results is included in the table below.

Modelled Scenario	Period Mean Max Q (PCUs)	Period Max RFC
2026 Opening Year AM Peak Hr	0.2	0.13
2026 Opening Year PM Peak Hr	0.1	0.11
2041 Design Year AM Peak Hr	0.2	0.14
2041 Design Year PM Peak Hr	0.1	0.12

7.6.11. Based on the above results the TA concludes that the modelling clearly shows that the existing access junction will have significant excess capacity to accommodate the worst-case traffic associated with the permitted and proposed developments. It contends that the development will have an acceptable and unnoticeable impact on local traffic conditions.

7.6.12. I note that the third-party observations include questions over the applicant's methodology in predicting traffic associated with the development. This includes concerns that 2-way truck movements have not been considered; collections and deliveries are incorrectly based on 24-hrs a day, 365 days a year; traffic volumes would be subject to seasonal fluctuations; and traffic movement could be more frequent if smaller vehicles are used.

7.6.13. I acknowledge that the applicant's TA (Table 3.2) firstly considers the number of truckloads per day associated with the import of feedstock (3 trucks) and the export of digestate (8 trucks). The total (11 trucks) is then converted to PCUs (22) before then being doubled to account for 2-way flows (i.e. 44 PCUs). Accordingly, I am satisfied that the TA has accounted for the 2-way movement of trucks associated with the import and export of materials associated with the development.

7.6.14. I note that the TA calculations are based on a 24-hour period and are expressed in the form of Annual Average Daily Traffic (AADT), which is an industry-standard dataset supported by TII. I acknowledge that it provides an average figure which does not account for seasonal fluctuations, but I am satisfied that it provides a suitable summary of average traffic volumes throughout the year and facilitates comparison against the baseline survey data for AADT. In addition to the AADT, the applicant's TA considers weekday peak hourly traffic for the AM and PM periods, which suitably considers worst-case traffic conditions on a daily basis. I consider that these methodologies are in accordance with best practice, including the TII Guidelines on TTA (2014).

7.6.15. With regard to weekly traffic calculations and the submission that the TA is incorrectly based on 7-day traffic operation, I note that the EIAR outlines that collections and deliveries will be limited to 7:00am - 19:00pm weekdays and 07:00am - 16:00pm on Saturdays. However, the calculation of AADT is based on a 365-day period and is intended to illustrate exactly as it would suggest, i.e. an

average daily figure which reflects a typical day. Therefore, I do not consider that the TA is misleading in this regard.

7.6.16. I acknowledge that the non-operation of collections/deliveries on Sundays (and other holidays) would likely lead to an increase of c. 9 PCUs (c. 4-5 trucks) per day[8]. However, I do not consider that these additional movements would be significant, and I am satisfied that they are appropriately accounted for under the 7-day AADT figures provided in the TA.

7.6.17. With regard to seasonal traffic fluctuations, I note that the TA figures for digestate export traffic is appropriately based on a condensed 36-week period for land spreading. And while it has also been suggested that feedstock (silage) import traffic will be concentrated around harvesting periods (May – June), I would highlight that all silage associated with the development will be produced on the overall farm holding and need not be considered in the TA. Otherwise, I am satisfied that the main off-site feedstock import (i.e. manure and slurry) will not be subject to significant seasonal fluctuations.

7.6.18. Finally with regard to third-party observations, I do not consider that the potential use of smaller vehicles will have a significant impact on traffic. It is reasonable to conclude that the 28-Tonne trucks will be used as outlined in the TA. In any case, the TA ultimately assesses the development based on PCUs, which provides a metric to convert different vehicle sizes into a standardised unit (i.e., a typical private car).

7.6.19. Having regard to the foregoing, I am satisfied that the applicant's TA provides an appropriate assessment and illustration of the traffic impacts of the proposed development on the surrounding toad network.

7.6.20. I would acknowledge that the existing site access is the only junction that would experience a traffic increase of >5%. I note that this is the threshold to require further assessment for networks that are heavily trafficked or congested, and I would concur with the TA's suggestion that this would not necessarily apply to the subject case and that a higher threshold of 10% could be used in accordance with TII guidance on the basis that the surrounding road network is not sensitive nor has the potential to

[8] Based on operating 303 days per year (i.e. excluding Sundays and Bank Holidays)

become congested. Notwithstanding this, the TA provides further assessment for the site access and demonstrates that it will operate well below capacity for both the opening year and design year.

7.6.21. In conclusion, I am satisfied that the proposed development will not have any significant or unacceptable impacts on the capacity of the surrounding road network.

Traffic Safety

7.6.22. The planning authority and the third-party observations outline concerns about traffic safety impacts on the surrounding road network. These are primarily related to the volume of traffic generated and the substandard nature, width, and alignment of the road network to accommodate that traffic safely together with other vulnerable road users.

7.6.23. I note that the area surrounding the proposed development is primarily served by the L1155 (Quickpenny Lane), Regional Roads R132 and R127, and the M1 Motorway. Having visited the site and the surrounding area, I consider that the road network is of a typical standard for such rural areas. A speed limit of 80km/hr applies to the L1155 and the regional roads.

7.6.24. The traffic associated with the proposed development is of a typical nature to existing agricultural/commercial development in the area, and, as previously outlined, I do not consider that the volume of associated traffic would significantly impact on congestion levels. Accordingly, I do not consider that the proposed development would result in any unacceptable traffic hazards for the surrounding road network and associated vulnerable users.

7.6.25. The majority of the planning authority traffic safety concerns appear to centre within the development itself. The planning authority highlights the lack of a Road Safety Audit (RSA) to address potential conflicts between vehicular turning movements and pedestrians/cyclists as a result of the location, layout, design and at-grade level of pedestrian/cycle facilities.

7.6.26. In an attempt to address these issues, the appeal includes an RSA (Bruton Consulting Engineers) and associated amendments to the site layout. The main changes to the design/layout include the following:

- Provision of a dedicated cycle lane along the internal access road leading to the cycle parking facility.
- Provision of both long- and short-term parking facilities.
- A shorter turning radius at the main access road junction.
- Relocation of the pedestrian crossing to the existing development to the west.
- Omission of the at-grade pedestrian route along the western site boundary.
- Addition of bollards adjoining the feedstock building.
- More defined pedestrian walkways/crossings to the west of the silage clamps.
- Provision of additional road markings and signage.
- A Swept Path Analysis for vehicular movements.

7.6.27. In addition, the problems and recommendations identified in the RSA can be summarised as follows:

- The width of the cycle lane (2.5m) across the internal junction should be reduced to avoid confusion for a traffic lane.
- The pedestrian link adjoining the existing potato store should be made continuous with the proposed crossing and visibility for forklift drivers should be increased.
- Road marking guidance should be provided to avoid collision with bollards adjoining the feedstock loading bays.
- Road edge marking should be provided adjoining ancillary buildings.
- The pedestrian crossing should be moved north of adjoining fencing to improve visibility.

7.6.28. I note that these recommendations have been accepted by the developer in accordance with the RSA feedback form. I am satisfied that the above measures satisfactorily respond to the concerns identified by the planning authority and the applicant's own RSA. Subject to the agreement with the planning authority of the final design/layout and subsequent RSA stages by condition of any permission, I am satisfied that the proposed development would not endanger public safety by reason of a traffic hazard.

Parking

7.6.29. This is a large site with ample opportunity to accommodate parking requirements. Based on the revised site layout plan submitted with the appeal, it is proposed to provide 14 no. car-parking spaces (including 1 no. accessible space which meets minimum 5% requirement).

7.6.30. I have previously outlined the unique nature of the proposed development which is, unsurprisingly, not specifically addressed in the CDP parking standards (Table 14.9). In such cases, the CDP outlines that the Council will determine the parking requirement having regard to the traffic and movement generation associated with the development and the other objectives of the CDP.

7.6.31. The car parking proposals are acceptable according to the planning authority reports, subject to the provision of an additional (second) EV charging point for the accessible space (to meet the 10% requirement). Therefore, the car-parking requirements of the CDP/FCC are satisfactorily addressed subject to conditions. I note that only 2 full-time employees will be generated by the proposed development. On this basis I am also satisfied that adequate car-parking would be provided.

7.6.32. The FCC reports also highlighted the need to provide suitably located, sized and designed cycle-parking facilities to cater for both short- and long-term needs. In this regard, the revised proposals submitted with the appeal include improved access to the cycle parking location and dedicated parking for short-term and long-term needs. The short-term parking accommodates 20 no. spaces, while the long-term covered shed accommodates 10 no. bikes, 2 no. cargo bikes, and 1 no. e-bike.

7.6.33. Again, the specific nature of the proposed development is not addressed in the cycle-parking standards set out in Table 14.17 of the CDP. However, having regard to the nature and scale of the proposed development, I am satisfied that the quantity and quality of the proposed facilities is acceptable in this case.

7.7. Residential Amenity

7.7.1. It is noted that there are a number of one-off dwellings in the vicinity of the site, the closest being approximately 130m from the southeast corner of the site. In the wider rural area, there are clusters at Commons Lane, Obserstown, Hedgestown, and Ballough. The nearest large settlement is at Lusk, c. 1.5km to the south.

7.7.2. The third-party observations have raised concerns about the impact of the development on the residential amenity of surrounding properties, including traffic safety/congestion; visual obtrusiveness (including lighting); air quality; odour; water supply; fire hazard, and noise. These matters have largely been addressed in other sections of this report, which can be summarised as follows:

- Section 7.6 outlines that the proposed development would be acceptable in terms of traffic safety and convenience.
- Section 7.5 outlines that impacts on visual amenity and landscape character would not be significant and, accordingly, would be acceptable. Having regard to the distance of the development from surrounding properties, I consider that the development would similarly avoid any unacceptable visual/overbearing impacts.
- Section 10.4.1 outlines that the development would not qualify as a regulated site under the Control of Major Accidents and Hazards (COMAH) Regulations. Otherwise, the Health and Safety Authority submission to the planning authority had no further observations and I am satisfied that health and safety (including fire hazard) will be satisfactorily addressed under a separate legal code and thus need not concern the Commission for the purposes of this appeal.
- Section 10.7 outlines that air quality impacts will be insignificant.
- Section 10.7 outlines the potential for significant adverse operational (pre-mitigation) impacts associated with odour. However, the EIAR outlines satisfactory mitigation measures to ensure that residual odour impacts will not be significant.
- Sections 8 and 10.6 outline that there will be no unacceptable impacts on water supply or quality in the area.

7.7.3. Chapter 7 of the applicant's EIAR (Noise) also includes a Noise Impact Assessment (NIA) which identifies, describes and assesses the impact of the proposed development, particularly impacts on residential locations (noise sensitive receptors) in the vicinity.

7.7.4. Baseline noise monitoring was carried out in accordance with the EPA 2016 *'Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)'.* Four monitoring locations (NM1-NM4) were selected to be representative of existing noise levels at nearest residential properties

or Noise Sensitive Receptors (NSRs). The noise monitoring results confirmed that the location does not fall within the criteria for a 'Quiet Area' as per EPA NG4 Guidance. Furthermore, the results did not generally comply with the criteria for an area of 'Low Background Noise'.

7.7.5. The noise prediction methodology used was based upon the international standard ISO 9613-2 *"Attenuation of Sound during Propagation Outdoors*". Predictive analysis was carried out for 12 NSRs (all residential properties) in the vicinity of the site. The sources of noise were identified as including both the construction stage (e.g., excavation, plant, machinery) and the operational stage (e.g. the digestors, feeding system, and gas pre-treatment).

7.7.6. The NIA outlines that the daytime ambient noise levels taken at NM locations range between 50 – 75 dB, with an overall average of 70 dB. Therefore, it classifies the site as 'Category C' as defined in the BS 5228 'ABC Method', where a noise threshold of 75 dB would apply to the construction phase of the development at the closet NSRs. Using a worst-case Phase 2 construction phase noise level of 102dB and allowing for noise reduction as a result of distance, it was calculated that the maximum noise level at an NSR (NSR1 – dwelling c. 130m to south) would be 60 LAeq (dB), i.e., 15 dB below the threshold of 75. These predictions were based on a worst-case scenario which does not account for existing reflective noise barriers or sound attenuating effects. Although no significant noise impacts are predicted, several good practice noise control measures are to be implemented.

7.7.7. For predicted operational noise, it was determined that the calculated combined noise levels (ranging from 45.8 – 50.2 dB) at the 12 noise sensitive receptors were in excess of the 45 dB EPA Night-time noise limit, based on the reduction of noise as a result of distance alone. The key items of equipment were identified as D1 – Feeding system hammer mill and E1 – Feeding system HPZ. It was determined that a minimum 8 dB reduction in these noise sources would achieve the criteria noise level at receptor locations. These units would be enclosed in the Feeding System building, which would be of standard industrial unit construction with steel frame and insulated panel wall and roofs. The NIA recommends that selected insulated panels exhibit a minimum Sound Reduction Index (Rw) of 15 dB, which is well within the range of standard insulated panel roof and wall constructions. On this basis, the NIA concludes that the operation of the site would comply with recommended

environmental noise limits and would not have a significant impact upon noise sensitive locations. Although no significant noise impacts are predicted, several good practice noise control measures are to be implemented.

7.7.8. With regard to vehicle noise, the NIA outlines that movements would generate typical noise levels associated with tractors and lorries (75-95 dBA). However, the NIA concludes that these noise impacts would only occur for short durations and would be consistent with typical rural/agricultural conditions. It recommends that deliveries and collections should be limited to 0700 and 1900 Monday to Friday, and 0700 to 1600 on Saturday, and that that all vehicle operators be informed of site noise controls.

7.7.9. I consider that the NIA has appropriately established and classified the baseline conditions and NSRs for the site and surrounding area. It has adequately predicted the noise levels associated with the construction and operational stages of the development, and appropriate mitigation measures have been incorporated to ensure that noise levels will be in accordance with industry-standard limits when measured at the relevant NSRs. Accordingly, I am satisfied that any noise associated with the development will not detract from the residential amenities of surrounding property to any significant degree.

7.7.10. Having regard to the foregoing, I am satisfied that the potential impacts of the proposed development, including traffic, visual impact, air/odour, water, and noise, would not detract from the residential amenities of surrounding property to any significant degree.

7.8. Procedural Issues

7.8.1. The third-party observations include concerns about inadequate public consultation, including alleged deficiencies about the timing of the application and the erection of site notices.

7.8.2. In this case, the statutory requirements for public consultation are limited to the erection of site notices and the placing of a newspaper advertisement. I note that both matters were considered acceptable by the planning authority. I acknowledge that the application was submitted to the planning authority in the lead up to Christmas (i.e. 18th December 2024), but I would highlight that the Christmas period

(i.e. 9 days) is disregarded for the purposes of calculating time limits to make submissions[9]. Having regard to the foregoing, I am satisfied that the concerned parties were not prevented from making representations and participating in the application/appeal process. Therefore, the Commission need not address this matter in determining this appeal case.

7.8.3. Third-party concerns also allege that the 'neighbour's consent' submitted with the application is not from a genuine 'neighbour' but rather a co-owner and co-applicant. I note that the application is accompanied by a letter from a landowner which confirms consent to make the application on grounds partially within his ownership. The application form clearly confirms that the same landowner is a company director of the applicant (Country Crest ULC). Therefore, I do not consider that any of the documentation is misleading in this regard, and I am satisfied that the letter of consent has been appropriately submitted in accordance with legislative requirements. Therefore, the Commission need not address this matter in determining this appeal case.

8.0 Water Framework Directive Screening

8.1. The impact of the proposed development in terms of the WFD is set out in Appendix 3 of this report. There is an existing ditch running eastward along the southern site boundary, which is connected to the Palmerstown Stream (c. 80 to the northeast of the site at its closest point). There is an existing ditch running southward along the western site boundary, which connects to the Rathmooney Stream c. 415m to the south of the site. Both the Rathmooney and Palmerstown streams form part of the same EPA waterbody (Palmerstown_010). They flow to the southeast before meeting (c. 4km from the site) and then flowing into Rogerstown Estuary (c. 4.4km from the site) and then the Irish Sea (c. 5.3km from the site). The site is underlain by the 'Lusk-Bog of the Ring' groundwater body.

8.2. There is no significant flood risk associated with the development. The Rogerstown Estuary is designated as an SPA and SAC, and I have considered the potential

[9] Section 251 of the Act of 2000 refers.

impacts on same in section 9 of this report, as well as any other potential water and/or ecological impacts in sections 10.6 and 10.9.

8.3. As per Appendix 3, I have outlined the potential pathways between the site and the relevant waterbodies and potential impacts at construction and operational stages. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project and associated mitigation measures, I am satisfied that it can be eliminated from further assessment because there is no residual risk to any surface and/or groundwater water bodies, either qualitatively or quantitatively.

8.4. The reasons for this conclusion are as follows:

- The nature and scale of the proposed works;
- The distance between the proposed development and relevant bodies, and/or the limited hydrological connectivity;
- The mitigation measures included as part of the application to protect surface water and groundwater bodies.

8.5. I conclude on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal), either qualitatively or quantitatively, or on a temporary or permanent basis, or otherwise jeopardise any water body in reaching its WFD objectives. Accordingly, the proposed development can be excluded from further assessment.

9.0 Appropriate Assessment

9.1. Introduction

9.1.1. The requirements of Article 6(3) of the Habitats Directive, as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are:

- Compliance with Article 6(3) of the EU Habitats Directive.
- Screening the need for appropriate assessment.
- The Natura Impact Statement.
- Stage 2 Appropriate Assessment of implications of the proposed development.

9.2. Compliance with Article 6(3) of the EU Habitats Directive

9.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

9.2.2. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

9.3. Screening the need for Appropriate Assessment

9.3.1. An AA Screening exercise has been completed (see Appendix 1 of this report for further details). In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed

development alone will give rise to significant effects on Rogerstown Estuary SPA and Rogerstown Estuary SAC, in view of the conservation objectives. Appropriate Assessment is therefore required.

9.3.2. This determination is based on:

- The nature and scale of the proposed works
- The potential connectivity between the application site and the European Sites via construction stage emissions to surface water
- The nature and extent of the proposed mitigation measures, which may not be implemented in the absence of connectivity to a European Site.

9.3.3. The possibility of significant effects on other European sites has been excluded on the basis of objective information. It is noted that the applicant's AA screening exercise did not exclude the potential for significant effects on North-west Irish Sea SPA. However, I am satisfied that any risks, including construction-related pollution, in the marine environment would be rapidly dispersed and diluted to non-significant levels. The proposed development would not result in impacts of such magnitude that could undermine the conservation objectives set for the North-west Irish Sea SPA and, therefore, I consider that the North-west Irish Sea SPA can be *screened out* for likely significant effects.

9.3.4. The potential for significant effects associated with land spreading was also considered. The spreading of organic fertilisers is managed under the GAP Regulations 2025 for the purpose of preventing water pollution. They provide for the limitation of quantities of nitrates and phosphate that can be directly applied to land. Surface water is protected through the provision of buffers from surface water features. Groundwater is protected by the prohibition of direct discharge to groundwater and measures to prevent indirect pollution through discharge to ground and percolation through the soil. Therefore, subject to the adherence to the GAP Regulations 2025, no potential for significant effects on European Sites arise from any land spreading associated with the proposed development. Given that the control of land spreading is governed by regulation and applies to all land where spreading takes place, to prevent pollution to surface water and groundwater, I am satisfied that it is not a mitigation measure for the purpose of preventing a significant effect on any European Site.

9.3.5. No measures intended to avoid or reduce harmful effects on European sites (including those outlined in the applicant's NIS) were taken into account in reaching these conclusions.

9.4 The Natura Impact Statement (NIS)

9.4.1. As outlined in Appendix 2 of this report, a Natura Impact Statement (NIS) has been submitted with the application. It describes the proposed development, the project site and the surrounding area. The NIS outlines the methodology used for assessing potential impacts on the habitats and species within the European Sites that have the potential to be affected by the proposed development. It predicts the potential impacts for these sites and their conservation objectives, suggests mitigation measures, assesses in-combination effects with other plans and projects, and it identifies any residual effects on the European sites and their conservation objectives.

9.4.2. The NIS was informed by a range of sources including desktop studies; relevant guidance and legislation; NPWS information on Natura 2000 sites; and site surveys undertaken on 28th August 2024.

9.4.3. It considers the potential effects of the project on Rogerstown Estuary SAC, Rogerstown Estuary SPA, and the North-west Irish Sea SPA. It concludes that, subject to recommended mitigation measures, there would be no potential for significant impacts on European sites as a result of the proposed development and mitigation measures to be employed. This conclusion refers to the development by itself or in combination with other developments.

9.4.4. Having reviewed the NIS 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. Details of mitigation measures are provided in section 8.1.1 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

9.5. **Stage 2 Appropriate Assessment of implications of the proposed development**

9.5.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Rogerstown Estuary SPA and Rogerstown Estuary SAC, in view of the conservation objectives of those sites and that Appropriate Assessment was required.

9.5.2. Appendix 2 of this report outlines the objective scientific assessment of the implications of the project on the qualifying interest features of Rogerstown Estuary SPA and Rogerstown Estuary SAC, using the best scientific knowledge in the field. It also considers the potential for in-combination effects, including a conclusion the land spreading impacts will be satisfactorily addressed through adherence to the GAP Regulations 2025.

9.5.3. Following an examination, analysis and evaluation of the NIS and all associated material submitted, and taking into account all submissions and observations received, from third-parties and prescribed bodies, I consider that adverse effects on the site integrity of Rogerstown Estuary SPA and Rogerstown Estuary SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

9.5.4. My conclusion is based on the following:

- The nature and scale of the proposed development; the location of the site at a significant distance from European Sites; and its limited hydrological connectivity with the European Sites.
- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the relevant qualifying interests of Rogerstown Estuary SPA and Rogerstown Estuary SAC.
- The effectiveness of mitigation measures proposed in the Natura Impact Statement.
- The application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented.

10.0 Environmental Impact Assessment

10.1. Statutory Provisions

10.1.1. The proposed development mainly comprises an Anaerobic Digestion (AD) Facility to produce a renewable biomethane gas for direct injection into the national gas grid. The development comprises AD tanks and processing equipment, feedstock storage facilities and equipment, silage storage clamps, digestate management and storage facilities. Carbon dioxide from the production of this biomethane will be captured for reuse in the Irish food industry. Digestate will be used as an agricultural fertiliser. The development will take place on a stated site area of 7.282 hectares.

10.1.2. Class 11(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended, provides that an Environmental Impact Assessment (EIA) is required for projects that involve:

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

10.1.3. The application estimates that the feedstock associated with the proposed development (70,110 tonnes) will exceed the 25,000-tonne threshold outlined above. Therefore, it concluded that mandatory EIA was required and an EIAR was submitted with the application.

10.1.4. I note that several other EIA classes may be considered relevant to the proposed development. However, the Commission should note that where a planning application for sub-threshold development is accompanied by an EIAR, the application shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act[10]. Therefore, I do not propose to discuss the statutory requirement for EIA any further.

10.2. EIA Structure

10.2.1. This section of the report comprises the EIA of the proposed development in accordance with the Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on EIA (Directive

[10] Article 102 of the Planning and Development Regulations 2001 (as amended) refers.

2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning and Development Act, 2000 (as amended) defines EIA as:

(a). consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and

(b). includes an examination, analysis and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

10.2.2. Article 94 of the Planning and Development Regulations, 2001 and associated Schedule 6 set out requirements on the contents of an EIAR.

10.2.3. This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

10.2.4. The assessment provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission's decision, should they agree with the recommendation made.

10.3. **Issues raised in respect of EIA**

10.3.1. Any issues raised by the Planning Authority or in third-party and prescribed body submissions are considered later in this report under each relevant environmental parameter.

10.4. **Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001**

10.4.1. Compliance with the requirements of Article 94 and Schedule 6 of the Regulations is assessed below.

Requirements of Article 94 and Schedule 6 of the Regulations

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)	
Requirement	Assessment
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b)).	Chapter 2 of the EIAR describes the development, including a description of the existing site and surrounding context; production processes and management; information on Anaerobic Digestion; and an overview of the construction phase works. The description is adequate to enable a decision on EIA.
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b).	Chapters 4-14 of the EIAR describe the likely significant direct, indirect, interactive, and cumulative effects on the environment, including the factors to be considered under Article 3 of Directive 2014/52/EU. I am satisfied that the assessment of significant effects relating to the proposed development and other interactive and cumulative effects is comprehensive and robust and enables decision making.
A description of the features, if any, of the proposed development and the	The individual chapters in the EIAR outline the proposed mitigation and monitoring measures. They include 'designed in' measures and measures to address

measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b).	potential adverse effects at construction and operational stages. The mitigation measures include standard good practices as well as site-specific measures and are capable of offsetting any significant adverse effects identified in the EIAR.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b).	Chapter 3 of the EIAR outlines the alternatives examined as follows: Alternative Site - The proposed location allows for direct transfer of feedstock from Country Crest facilities and adjacent lands, as well as proximity to the existing gas network. This allows for a more holistic, efficient and sustainable process. Alternative Layouts and Designs – The proposal is based on feasibility, environmental impacts, efficiency of the AD process, and operational costs. It was considered the most practical design and aims to minimise environmental impacts. Do-Nothing – Opportunities would not be realised in relation to economic activity and employment; production of high-quality affordable organic fertiliser and reducing air/water pollution associated with cattle manure/slurry; reducing GHG emissions through biogas use; reduced reliance on fossil fuels through generation of heat and energy for the site; and support for CDP policies. I am satisfied, therefore, that the applicant has studied reasonable alternatives and that the main reasons for opting for the current proposal have taken into account potential impacts on the environment.

Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).	
A description of the baseline environment and likely evolution in the absence of the development.	Each of the EIAR chapters includes a detailed description of the baseline environment and the 'do-nothing effects' in the absence of the development. This enables a comparison with the predicted impacts of the proposed development.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.	Each chapter of the EIAR outlines the methodology employed, including relevant legislation/guidance; data sources; surveys; and investigations. Difficulties that were encountered in compiling the information have been outlined. I am satisfied that the forecasting methods are satisfactory, as will be discussed throughout this assessment.
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.	Section 2.2.4 of the EIAR outlines a SEVESO/COMAH assessment of the proposed development. It outlines that Methane, the combustible component of biogas, is classified as a P2 flammable gas. Under COMAH, P2 Flammable gases are subject to a threshold quantity of 10 tonnes. At its full capacity, the proposed gasholder attached to the PowerDigest tank will store approximately 6.032 tonnes of biogas, and is, therefore not a COMAH regulated site. I also note that the Health and Safety Authority submission to the planning authority considers the development to be outside the scope of the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 and has no observations. This is based on the information provided

	as part of the planning application and additional clarifications prepared by Panther Environmental Solutions which details flammable gas calculations. Section 4.5 of the EIAR (part of 'Population and Human Health') also outlines that the risk of construction spills to the environment would be minimised through the implementation of measures, such as the appropriate storage of potentially polluting substances (e.g. oils, fuels), the regular maintenance and inspection of construction plant, the implementation of good housekeeping practices and the provision of spill kits. It considers that the most likely natural disaster to which the proposed development may be vulnerable to is fluvial flooding, but that no significant flood risk applies in this case. Having regard to the nature, scale, and location of the project, I consider the EIAR approach to be reasonable, and the risks will be assessed in my report where relevant.
Article 94 (c) A summary of the information in non-technical language.	The EIAR includes a Non-Technical Summary. I am satisfied that it is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.
Article 94 (d) Sources used for the description and the assessments used in the report.	The sources used to inform the description and assessment of the potential environmental impacts are set out in each chapter, including references. I consider the sources to be appropriate and sufficient.
Article 94 (e) A list of the experts who contributed to the preparation of the report.	Section 1.7 of the EIAR outlines the 'Competent Expertise' of the main consultants (Panther Environmental Solutions Ltd) and additional expertise used in Chapters 5, 6, 8,11 and 13. This includes details of qualifications and experience for the project team. Further details are provided in EIAR chapters. I am

	satisfied that the EIAR has been prepared by experts with competency in the technical subject areas.

Consultations

10.4.2. Where applicable, the individual chapters of the EIAR outline details of consultations carried out with statutory bodies and competent authorities. The application was submitted in accordance with legislative requirements in respect of public notices and the availability of documentation. Submissions received from statutory bodies and third parties will be considered in this report, in advance of decision making.

10.4.3. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

Compliance

10.4.4. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in the following assessment of likely significant effects.

10.5. Assessment of the likely significant direct and indirect effects

10.5.1. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the environmental factors as set out in Section 171A of the Planning and Development Act 2000, as amended:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

10.5.2. In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application and appeal

documents, including the EIAR and submissions received, and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised in the application.
- Examination of the EIAR.
- Analysis, Evaluation and Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects.

10.6. Land, Soil, & Water

10.6.1. Issues Raised

The An Taisce submission highlights the need to consider potential soil/water pollution associated with feedstock production (use of fertilisers, cattle farming) and digestate spreading (ammonia).

The IFI submission to the planning authority highlights the location of the site within the catchment of the Palmerstown stream / Rogerstown estuary and the need to protect local aquatic ecological integrity, including protection against watercourse contamination, dewatering of groundwater, location and content of digestate use, and compliance with surface/groundwater discharge regulations.

The Uisce Eireann submission to the planning authority confirmed that there were no objections subject to standard conditions.

Other third-party submissions share similar soil/water pollution concerns. They also question impacts on water supply capacity (groundwater) and quality (contamination of local well supplies from digestate spreading and lagoon leakage).

10.6.2. Examination of the EIAR

Chapter 10 of the EIAR deals with soils, geology, hydrology and hydrogeology. It has been prepared in accordance with guidelines from the Environmental Protection Agency (EPA) and the Institute of Geologists of Ireland (IGI) and is based on a desk study of existing information and visits to the site and surrounding catchment. It outlines a detailed description of the existing environment, which can be summarised as follows:

Land & Soils - Subsoils beneath the site are till derived from Namurian sandstones and shales (low permeability). The soil is mapped as mineral poorly drained mainly acidic (AminPD). Bedrock is part of the Loughshinny Formation. Within the vicinity of the site there are no heritage or economic geological sites. The GSI's karst database indicates that the closest identified feature (a spring) is c. 1.1 km south-east, while there are a number of other springs within 10km.

Surface Water – The main surface water features in the vicinity of the site are the Palmerstown 08 stream and the Rathmooney stream, c. 80m north and 415m south-west of the site, respectively. The Palmerstown 08 stream flows in a generally south-east direction for c. 3.92 km before it reaches the confluence with the Collinstown 08 stream, then continues on for c. 2.68 km before it is met by the Rathmooney stream, and a further c. 530m before it eventually discharges into the Rogerstown estuary. Stormwater from the site will be ultimately discharged to the drainage ditch south of the site which has a likely connection to the Palmerstown 08 stream. The most recent WFD Status for the Palmerstown 010 river was 'poor' and the risk of failing to meet its WFD objectives by 2027 was under review.

Ground Water - The site is underlain by the Lusk-Bog of the Ring groundwater body, which is classified as a moderately productive bedrock composed of moderate permeability limestone. Ground water flows appear to be to the south towards Rogerstown Estuary. The groundwater vulnerability is 'low'. There are several known springs and groundwater wells in the region, with the closest point downstream of the site from which drinking water is abstracted being a spring near the Palmerstown 08 stream c. 265m from the site.

Potential Construction Impacts

The main potential impacts identified can be summarised as follows:

- Soil and subsoil removal/excavation (max. depth of 3.7m so no excavation of bedrock), which would be retained for levelling and landscaping. There would be a slight to moderate temporary impact on groundwater vulnerability.
- Vehicular movement and soil compaction would result in negative moderate long-term impacts on soil and in-earth materials.

- Accidental hydrocarbon leakage / spillage from mobile plant & equipment – Excavated / exposed soils increase vulnerability of groundwater and Palmerstown Stream, with potential for negative moderate short-term impacts.
- Sediment laden run-off - potential to impact on soils and Palmerstown Stream.
- Spillage of concrete/cement material poses a potential risk to soil composition (negative long-term significant) and surface water and groundwater quality (negative slight-moderate short-term).

Construction Mitigation/Monitoring and Residual Effects

- Construction management will apply to include:
    - Adherence to standard construction best practice.
    - Soil-related works planned outside periods of heavy rainfall.
    - Plant machinery and equipment appropriately stored and maintained.
    - Soil appropriately stored and reused on site.
    - Fuels, chemicals and soils appropriately contained and managed.
    - Concrete works will be managed and supervised.
    - Wheel wash facilities provided.
- Excavated soils to be re-used and soil compaction minimised through specialist machinery and traffic flows.
- Potentially contaminated material will be tested and properly treated/disposed.
- All fill/aggregate imported will be vetted.

Following the implementation of these measures, the EIAR predicts that any residual impacts would be only slight / imperceptible.

Potential Operational Impacts

The main potential impacts identified can be summarised as follows:

- Detention basin discharge will be clean water (no process emissions).
- Wastewater system will be regularly maintained and no significant impacts to hydrogeological receptors are predicted.
- Soiled water will be collected by a buried tank and may be further used as feedstock for the AD process. This will minimise waste and potential runoff.
- Digestate Storage – Potential to negatively impact on the water quality in the surrounding environment if not collected, stored and recovered appropriately.

- Digestate land spreading - Would be spread on applicant's lands and partner farmers as detailed within the Nutrient Management Plan. There would be no significant impact on soils, groundwaters and surface waters if carried out in accordance with good practice.
- Accidental leakage / spillage of hydrocarbons – Significant impacts unlikely given that all storage containers would be appropriately designed and bunded.
- Soil sealing – Negative slight permanent impact.
- Flood Risk – Imperceptible impact given surface water management proposals and location of the site outside any identified flood zone.
- Water Use – Not expected to significantly impact upon local groundwater abstractions processes due to increased demand.
- Groundwater flow paths - Neutral slight imperceptible impact given that excavation is unlikely to penetrate to bedrock.
- Ammonia & Nitrogen Deposition - Will be emitted from combustion processes. However, emissions will not result in significant concentrations in areas beyond the site according to the Air Quality Assessment report.

Operational Mitigation/Monitoring & Residual Effects

- Feedstock to be securely delivered, stored, and added to the process.
- Concrete yard where AD takes place will be fully bunded and secured against leakage. Solid digestate will be stored in a roofed bunker to prevent emissions and contamination. Liquid digestate will be stored within sealed lagoons with buried collection chambers to collect any spillage.
- Land spreading of digestate would be undertaken in accordance with the Nitrates Regulations.
- Only rainwater from roofs and clean hardstanding areas would be collected and diverted to the surface water drainage network. The applicant intends to apply for an Industrial Emissions Licence, which would set surface water monitoring requirements.
- Soiled water securely stored, managed, and reused in the AD process.
- Fuels, chemicals and spills to be appropriately contained and managed.
- Wastewater treatment system to comply with EPA Code of Practice.

Following the implementation of these measures, the EIAR predicts that any residual impacts would be only slight / imperceptible.

Other Effects

'Do-Nothing' Scenario – Current agricultural practices would continue.

10.6.3. **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I would concur that the main potential construction impacts relate to soil removal/compaction, leakage/spillage of pollutants, and sediment-laden run-off. However, a range of mitigation measures are included which mainly comprise best-practice construction management measures. There will also be careful management of soil storage/compaction and inspection of any contaminated material and imported materials. Following the implementation of these measures I am satisfied that there will be no significant residual effects.

At operational stage I note that the detention basis discharge will consist of clean water only which will not result in pollution, and any soiled water will be re-used in the AD process.

It has been satisfactorily confirmed that the proposed on-site wastewater system has been designed based on a Site Characterisation Report[11] and the EPA Code of Practice: Wastewater Treatment Systems for Single Houses (2021). The wastewater treatment system will be regularly maintained, and I am satisfied that the associated discharge will have no significant impacts on soil/water subject to compliance with EPA requirements which would be regulated under an Industrial Emissions Licence.

With regard to the potential for leakage/spillage, I note that feedstock will be securely contained; the AD yard will be fully bunded; solid digestate will be stored in a roofed bunker; liquid digestate will be stored within sealed lagoons with buried collection chambers; and hydrocarbons and other potential pollutant storage will be appropriately designed and bunded. Accordingly, I am satisfied that the risk of significant effects as a result of leakage/spillage has been appropriately mitigated.

[11] See Appendix IV of Engineering Services Report

The appeal site is not within a flood risk zone and accordingly there would be no flood-risk impact concerns. I am also satisfied that groundwater flow paths will not be significantly affected given that excavation is unlikely to penetrate to bedrock.

I note the soil/water pollution concerns raised in the An Taisce submission which relate to feedstock production and digestate spreading. However, as previously outlined in section 7.4 of this report, I am satisfied that any such impacts would already occur in a do-nothing scenario and/or are appropriately addressed by existing legal and regulatory obligations. Accordingly, I do not consider that there would be any significant cumulative or in-combination effects associated with feedstock inputs or digestate outputs.

In relation to third-party concerns about impacts on the capacity of existing ground water supplies, I note that the EIAR outlines that the proposed development would require c. 8,000m^3 of water per year to be used as part of the anaerobic digestion process, with minimal volumes used by staff in onsite facilities. There are 2 existing water sources on site – a dedicated firefighting ring main and a well supply of potable water. However, while third-party submissions outline concerns that the water requirements associated with the development will be sourced from groundwater (i.e. by well), the EIAR confirms that water abstraction from the existing well will be just approximately 0.5m^3/day and that a connection will be taken from the existing firefighting main adjacent to the site boundary in the northeast corner of the site. Water for the AD process will be sourced on-site from soiled water and rainwater, which will be collected and stored in buried tanks (1200m^3 capacity). The Engineering Services Report submitted with the application (Section 6) satisfactorily outlines how the soiled water demand will be supplied and stored based on extreme high/low rainfall scenarios. Accordingly, I am satisfied that the water requirements associated with the proposed development will not significantly impact on the capacity of existing water supplies in the area. And as previously outlined, I am satisfied that there would be no pollution discharges from the development that would impact on the quality of existing water sources.

10.6.4. **Conclusion: Direct and Indirect Effects**

Having regard to the examination of environmental information as outlined above, it is considered that by virtue of the nature, scale, and design of the proposed

development; the distance of the development from sensitive receptors; the nature and quantity of water supply requirements; and after the application of mitigation and monitoring measures; there is no potential for significant environmental effects on Land, Soil, or Water.

10.7. Air

10.7.1. Issues Raised

The An Taisce submission highlights the need to consider air emissions associated with feedstock production, cattle farming (for slurry), silage mixing, and fugitive methane leakage from plant infrastructure, open digestate storage, and digestate spreading. This is primarily raised in the context of greenhouse gas emissions and climate impacts (see section 10.10 below).

Other third-party submissions share similar emission concerns associated with air quality and odour, as well as carbon-related traffic/transport emissions.

10.7.2. Examination of the EIAR

Chapter 5 of the EIAR deals with 'Air Quality & Odour' and takes account of relevant legislation, guidance, and publications. The potential construction impacts on air quality were assessed using the UK Institute of Air Quality Management (IAQM) Guidance on the assessment of dust from demolition and construction (IAQM, 2024). The operational impacts of odour and air contaminants were assessed as presented in EIAR Attachment 4.1 – Air Quality Assessment, which uses a dispersion modelling approach in accordance with recognised techniques specified in EPA's Guidance Note (AG4). Air emissions associated with traffic were assessed using the screening method set out in the Design Manual for Roads and Bridges (DMRB) (Highways England, 2021).

Air quality impacts were evaluated in accordance with the limit values of the Ambient Air Quality Standards Regulations 2022 and NRA Guidance (2011). Odour impacts were evaluated in accordance with the EPA's Guidance Note (AG4). The significance of impacts is classified based on EPA Guidance.

Chapter 5 outlines a description of the receiving environment, including climatic / meteorological conditions and baseline air quality. Sensitive receptors are identified in the form of residential, commercial, and ecological locations.

Potential Construction Impacts

The main potential impacts identified in the EIAR relate to dust and vehicle emissions. Based on distance from the site and construction routes and IAQM 2024 guidance, it was deemed that a more detailed assessment of human receptors was needed but that the effects on ecological receptors would be negligible.

The assessment of human receptors was carried out for phases of demolition (none), earthworks, construction, and trackout. Based on IAQM guidance the size of earthworks activity is classified as 'large', while construction and trackout is 'medium'.

Based on baseline conditions, IAQM guidance, the absence of sensitive receptors within 100m of the site, and the magnitude of dust emissions, the unmitigated risk of construction activities for dust soiling and human health impacts was considered 'low', described as negative, imperceptible, and temporary.

Construction Mitigation/Monitoring & Residual Effects

Having regard to the absence of potential significant impacts, the EIAR concludes that mitigation will not be required. The residual effects are deemed to be negligible / insignificant.

Potential Operational Impacts

Based on predicted traffic volumes and UK DMRB guidance, the development does not meet the scoping criteria for a detailed air assessment for traffic emissions, which will be imperceptible.

The impacts of combustion of biogas, the handling of feedstocks, and storage of de-watered digestate were considered using dispersion modelling techniques. The emission of combustion gases on sensitive receptors and across the study area were determined to be within the guidance limits for air contaminants. The greatest increase in annual average concentrations of NO_2 at any of the modelled nearby sensitive receptors was 0.55 µg/m³, which is small according to NRA guidance (2011). The annual average concentrations of NO_2 across the study area would be less than 1 µg/m³, which is well below the applicable limit of 40 µg/m³. The overall impact is, therefore, negligible.

The impact of emissions of ammonia (including combustion, the odour control unit and the de-watered sludge holding area) were determined to be less than the de-minimis threshold of 1% of the applicable guidance level at sensitive ecological receptors included in the dispersion modelling assessment and are, therefore, considered to be insignificant.

The impact of nitrogen deposition resulting from deposition of oxides of nitrogen (NO_x) exhausted from combustion sources plus the deposition of ammonia (NH_3) from combustion, the odour control unit and the de-watered sludge holding area, were determined to be less than the de-minimis threshold of 1% of the applicable guidance level and are, therefore, considered to be insignificant.

Activities associated with the generation of odorous emissions involve the handling and temporary storage of feedstocks and the storage of de-watered digestate. The unmitigated impact was considered to have the potential for adverse impacts that could be described as significant, negative and long-term.

Operational Mitigation/Monitoring & Residual Effects

Odour mitigation will be required. There will be full enclosure of the feedstock reception building and the digestate dewatering building, with emissions exhausted to an odour control unit. Emissions from the odour control unit will be exhausted through a stack height of 14.2m to increase dispersion and reduce the potential impact of the exhausted emissions at ground level. Following mitigation, and taking into account cumulative impacts, the predicted concentrations of odour will comply with the most stringent odour criterion recommended by EPA of 1.5 ouE/m^3 at all sensitive receptors included in the modelling assessment, which will not be significant.

Other Effects

Do-Nothing - Air quality will remain in accordance with baseline levels and general trends over time.

Cumulative Impacts – The cumulative impacts of the adjoining food processing facility and a cattle yard were considered in the dispersion modelling assessment. The greatest increase in annual average concentrations of NO_2 at any of the modelled nearby sensitive receptors was 0.55 µg/m³, which is small according to

NRA guidance (2011). The annual average concentrations of NO_2 across the study area would be between 17-18 µg/m³, which is well below the applicable limit of 40 µg/m³. The cumulative air quality impact is therefore deemed negligible.

The unmitigated cumulative odour impact was considered to have the potential for adverse impacts that could be described as significant, negative and long-term. As outlined previously, mitigation will ensure that impacts will not be significant.

10.7.3. **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I would concur that the main construction stage impacts are limited to dust and vehicle emission effects on human receptors, but that even unmitigated risk will be 'low' having regard to the nature and scale of activities and the separation distances from sensitive receptors.

Consistent with the findings of the Specialist Report from the ACP Environmental Scientist (Appendix 4), I am satisfied that appropriate dispersion modelling has been carried out for the operational stage and that emissions of nitrogen dioxide (NO_2), nitrogen oxides (NO_x), and ammonia (NH_3) would be within guidance limits. I would concur that unmitigated odorous emissions have the potential for adverse impacts that could be described as significant, negative and long-term. However, following mitigation measures including full enclosure of the feedstock reception and digestate dewatering buildings and with emissions being exhausted via an odour control unit and 14.2m high stack, I am satisfied that odour emissions will not be significant at sensitive receptors.

I note the air-related concerns raised in the An Taisce submission, much of which relates to feedstock production and digestate spreading. However, as previously outlined in section 7.4 of this report, I am satisfied that any such impacts would already occur in a do-nothing scenario and/or are appropriately addressed by existing legal and regulatory obligations. Accordingly, I do not consider that there would be any significant cumulative or in-combination effects associated with feedstock inputs or digestate outputs.

With regard to the An Taisce concerns about fugitive leakage, I would highlight that the digestate storage areas will be covered and that the AD process/infrastructure will be designed and monitored/maintained in accordance with best practice to capture all methane produced. Section 14.2 of the EIAR acknowledges the potential

for air emissions via leaks but highlights that AD can significantly reduce overall greenhouse gas emissions by capturing methane that would otherwise be released from decomposing organic waste in agricultural holdings. Consistent with the EIAR conclusions I am satisfied that any air emissions from the proposed development would not result in significant effects.

10.7.4. **Conclusion: Direct and Indirect Effects**

Having regard to the examination of environmental information as outlined above, it is considered that by virtue of the nature, scale, and design of the proposed development; the distance of the development from sensitive receptors; the predicted levels of air emissions; and after the application of mitigation and monitoring measures; there is no potential for significant environmental effects on Air.

10.8. **Population & Human Health**

10.8.1. **Issues Raised**

Third-party observations contend that the proposed development would seriously injure the amenities and health of local residents/properties by reason of impacts related to air and odour emissions, traffic congestion/safety, visual impact, fire hazard, lighting, and noise. They also raise concerns about impacts on the local groundwater supply (reduced capacity and potential contamination).

10.8.2. **Examination of the EIAR**

Chapter 4 of the EIAR deals with 'Population & Human Health'. It is informed by a desk-based study using information obtained from the CDP 2023-2029 and outlines a detailed description of the receiving environment including population, economic/employment activity, land use & settlement patterns, community/social infrastructure, and amenities and tourism.

Potential Construction Impacts

- Positive impacts as a result of temporary employment and economic spin-offs through increased spending and use of local services/amenities.
- Dust dispersion as a result of site works and traffic.
- Noise generation associated with site construction.

- Noise and dust associated with traffic.
- Deterioration in water quality, including potable supplies.

Potential Operational Impacts

- Creation of 2 full-time employment positions and other indirect employment – increased spending and use of local services/amenities.
- Nuisance impacts with regards to odours and emissions to air.
- Noise generation associated with plant operation.
- Noise and dust associated with traffic.
- Tall structures may impair the local landscape.
- Deterioration in water quality, including potable supplies.

Mitigation Measures

The EIAR outlines that other sections provide further information on the potential impacts and that mitigation measures are detailed under the following sections:

- Air Quality, Odour & Climate
- Noise
- Landscape and Visual
- Biodiversity
- Land - Soils, Geology and Hydrology
- Material Assets
- Architectural, Archaeological and Cultural Heritage.

10.8.3. **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I acknowledge the third-party concerns raised about the proposed development. As outlined in section 7.7 of this report, and as indicated in the EIAR, these concerns largely overlap with other issues considered in this report, which can be summarised as follows:

- Section 7.7 outlines that there would be no unacceptable noise impacts associated with the proposed development.
- Section 7.6 outlines that the proposed development would be acceptable in terms of traffic safety and convenience.

- Section 7.5 outlines that impacts on visual amenity and landscape character would not be significant and, accordingly, would be acceptable. Having regard to the distance of the development from surrounding properties, I consider that the development would similarly avoid any unacceptable visual/overbearing impacts.
- Section 10.4.1 outlines that the development would not qualify as a regulated site under the Control of Major Accidents and Hazards (COMAH) Regulations. Otherwise, the Health and Safety Authority submission to the planning authority had no further observations and I am satisfied that health and safety (including fire hazard) will be satisfactorily addressed under a separate legal code and thus need not concern the Commission for the purposes of this appeal.
- Section 10.7 outlines that air quality impacts will be insignificant.
- Section 10.7 outlines the potential for significant adverse operational (pre-mitigation) impacts associated with odour. However, the EIAR outlines satisfactory mitigation measures to ensure that residual odour impacts will not be significant.
- Sections 8 and 10.6 outline that there will be no unacceptable impacts on water supply or quality in the area.

I would concur with the EIAR in that construction stage will have the potential for negative disturbance impacts (dust, traffic, noise, and water). However, the impacts would be short-term in duration, and I am satisfied that the predicted effects would be acceptable subject to the proposed mitigation measures and the agreement of a Construction and Environmental Management Plan (CEMP). Similarly, the potential operational effects (odour, air emissions, noise, visual impacts, water) would be acceptable subject to the proposed mitigation measures.

10.8.4. **Conclusion: Direct and Indirect Effects**

Having regard to the examination of environmental information as outlined above, it is considered that by virtue of the nature, scale, and design of the proposed development; the distance of the development from sensitive receptors; the predicted levels of disturbance; and after the application of mitigation and monitoring measures; there is no potential for significant environmental effects on Population and Human Health.

10.9. Biodiversity

10.9.1. Issues Raised

As previously outlined, the An Taisce submission highlights the need to consider potential soil, water and air pollution associated with feedstock production, the AD processing, and digestate storage and spreading. It states that excess ammonia emissions from digestate to soil/water has potential to be highly detrimental to aquatic ecosystems and unique flora in wetland habitats.

The IFI submission to the planning authority highlights the location of the site within the catchment of the Palmerstown stream / Rogerstown estuary and the need to protect local aquatic ecological integrity, including protection against watercourse contamination, dewatering of groundwater, location and content of digestate use, and compliance with surface/groundwater discharge regulations.

Other third-party submissions share general concerns about unacceptable risks to flora and fauna, including:

- No assessment of impacts on the Bride Stream, including frogs and newts.
- Inadequate evidence to determine that there would be no negative impact on Rogerstown Estuary, an essential feeding habitat for protected bird species and protected under the Habitats Directive.
- Potential impacts on otters (Rogerstown Estuary and Bride Stream).
- Potential impacts on wildlife including foxes, badgers, pheasants, bats and hares.
- Light pollution impacts.

10.9.2. Examination of the EIAR

Chapter 9 of the EIAR deals with Biodiversity. The application is also accompanied by a Stage 2 Appropriate Assessment Report (NIS) considering impacts on Natura 2000 sites. It outlines a comprehensive review of the national/European legislative framework; national, regional, and local planning policy context; and relevant guidance documents. Desktop research used a range of sources including the National Parks and Wildlife Service (NPWS), the Environmental Protection Agency (EPA), and the National Biodiversity Data Centre (NBDC). Field surveys were carried out on 28th August 2024, including surveys of Habitat and Flora, Fauna, Daytime Assessment of Bat Roost Potential, and Birds. The ecological value of habitats and

species have been assessed following the criteria in the 2009 NRA guidelines[12] and is consistent with the Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal (CIEEM, 2018).

The EIAR outlines a description of the existing environment. Having regard to separation distances and pathways, the only designated sites considered to be within the zone of influence (due to hydrological connectivity) are the Rogerstown Estuary SAC and pNHA, the Rogerstown Estuary SPA, and the North-west Irish Sea. Otherwise, the assessment of the existing environment can be summarised as follows:

Flora & Habitats - The majority of the site, comprising arable land, can be considered to be modified and of low ecological value. The remainder of the habitats including hedgerows, treelines, woodland, scrub and wet grassland, can be considered moderate to high ecological value. No plant species of conservation significance or third schedule invasive plant species were noted.

Terrestrial Fauna – No evidence of mammals, including badgers, but may be used for foraging. None of the invertebrates recorded are protected.

Aquatic Fauna – Surrounding drainage ditches would have limited potential to support protected species, although they are linked to Palmerstown and Rathmooney streams. It is unlikely that the site would be of significance to otter given the absence of suitable habitats or on-site evidence of use. Could support protected amphibians (Common Frog and Smooth Newt).

Bats - There are no NBDC bat records within the 2km square of the site and Bat Conservation Ireland's habitat suitability index classifies the landscape as having a medium habitat suitability. The hedgerows are classified as having negligible roost potential but could be used by commuting bats. One mature tree was identified to the north and was considered as having low bat roost potential.

Avifauna - A total of only 6 bird species were recorded during the site walkover, none of which are red-listed or listed under Annex I of the E.U. Birds Directive.

Protected, Rare & Invasive Species – None identified within site.

[12] Guidelines for Assessment of Ecological Impacts of National Road Schemes (NRA, 2009)

Water Quality – The EIAR acknowledges the hydrological links to waterbodies and designated sites in the area.

The ecological value of habitats is determined to be generally of 'local' importance and 'low' to 'moderate' value. Hedgerows are considered to be of 'higher' value and 'drainage ditch' is considered to be a key receptor due to downstream connections.

The ecological value of species is determined to be generally of 'local' importance and 'higher' value, with badger, otter, bats, breeding birds, aquatic fauna, and the common lizard considered to be key receptors.

Potential Construction Impacts

The main potential impacts identified can be summarised as follows:

- Impacts, including in-stream works, on Natura 2000 Sites[13], flora and fauna, aquatic habitats and fish, avifauna, amphibians, and macroinvertebrates through a deterioration in water quality from the release of suspended solids, uncured concrete and hydrocarbons.
- Introduction of invasive species.
- Direct mortality of fauna may occur due to the use of heavy construction plant and machinery.
- Disturbance of fauna due to noise.
- Lighting impacts on bats.

Construction mitigation/monitoring measures and residual effects

- General good practice construction management.
- Avoidance and inspection/monitoring of invasive species through biosecurity measures.
- Retention and re-use of soil on site.
- No hedgerow/tree removal. Inspections will be carried out if necessary.
- Investigations carried out in the event that fauna discovered.
- New landscaping/planting using non-invasive species.

[13] Rogerstown Estuary SPA, Rogerstown Estuary SAC, and the North-west Irish Sea SPA

- Plant/machinery maintained to reduce noise.
- In-stream works caried out outside amphibian breeding season.
- Lighting would be minimised and appropriately designed.
- Training and inspections carried out prior to in-stream works. The methodology for in-stream works will be designed to minimise impacts in accordance with relevant best-practice guidance.

Following the implementation of the mitigation measures, the EIAR predicts residual impacts to be only slight temporary impacts in respect of fauna disturbance/mortality and negative neutral impacts in respect of surface water quality.

Potential Operational Impacts

The main potential impacts identified can be summarised as follows:

- Impacts on designated sites through the land spreading of digestate, either through pollution of waterbodies or the enrichment of natural vegetation.
- Disturbance of Fauna.
- Positive impact on fauna and avifauna by creating more diversity in habitats, retaining the boundary vegetation, and providing new nesting opportunities.
- Lighting impacts on bats.
- Spillages/leaks from the AD process in concrete yard.

Operational mitigation/monitoring measures and residual effects

The main measures can be summarised as follows:

- An Environmental Management System for the proposed AD Plant.
- Preference for native flora species in landscaping.
- Rodent populations would be controlled.
- Lighting would be minimised and appropriately designed.
- Standard best-practice measures for the storage of potential contaminants, clean-up of spills, alarm systems, surface water, and compliance with Industrial Emissions Licence requirements.

Following the implementation of the mitigation measures, the EIAR predicts residual impacts to be only minor lighting disturbance in respect of bats.

Other Effects

- Do-Nothing - No change to the environmental impacts of the existing site. It is unlikely that the site would be of significant ecological value in the future.
- Cumulative – The EIAR considers other plans and projects including the CDP 2023-2029 and proposed/permitted developments in the area. No significant cumulative impacts are identified.

10.9.3. **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I acknowledge that the concerns about potential impacts on biodiversity are largely associated with emissions to water and air and associated effects on flora and fauna. However, as outlined in sections 10.6 and 10.7 of this report, I am satisfied that there would be no significant impacts in relation to water or air.

In particular, concerns have been raised about potentials impacts on the local water/drainage network and its connections to Rogerstown Estuary. This has been considered in my assessment of potential effects on European Sites as per Section 9 of this report. The potential for significant effects on Rogerstown Estuary SPA and Rogerstown Estuary SAC was considered to be limited to construction-related pollution of water. However, subject to the proposed mitigation measures, it was concluded that adverse effects on the site integrity of Rogerstown Estuary SPA and Rogerstown Estuary SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

I also acknowledge other general third-party concerns about potential impacts on biodiversity, including frogs, newts, birds, foxes, badgers, pheasants, bats, and hares. However, I am satisfied that the EIAR has outlined satisfactory surveys of the site and surrounding area to establish baseline biodiversity conditions. I would concur that the habitats and species are generally of only local importance. There was no evidence of invasive species, badgers, otters, red- or Annex I-listed birds, and there is only limited suitability for bats.

I acknowledge that there are potential construction-related impacts associated with water pollution, invasive species, mortality and disturbance. However, I am satisfied that appropriate mitigation measures have been included in the EIAR to ensure that any residual effects would be only slight and temporary.

The operational phase also has potential for adverse impacts relating to land spreading of digestate, disturbance of fauna, and spillages/leaks from the AD process. However, I am satisfied that land-spreading would be appropriately controlled under the GAP Regulations 2025 for the purpose of preventing water pollution. Appropriate mitigation measures have also been included in the EIAR to ensure that any residual effects would not be significant.

The Specialist Report from the ACP Ecologist (Appendix 5) confirms that this chapter of the EIAR has been appropriately prepared based on the Chartered Institute of Ecology and Environmental Management (CIEEM) (2019) Ecological Impact Assessment (EcIA) checklist. The Specialist Report concludes that the proposed development will not result in any likely significant

effects on biodiversity once mitigation measures are in place.

10.9.4. **Conclusion: Direct and Indirect Effects**

Having regard to the examination of environmental information as outlined above, it is considered that by virtue of the limited/local biodiversity importance of the site and surrounding lands; the distance of the site from sensitive receptors; the predicted levels of disturbance; and after the application of mitigation and monitoring measures; there is no potential for significant environmental effects on biodiversity.

10.10. **Climate**

10.10.1. **Issues Raised**

The An Taisce submission highlights the need to consider greenhouse gas emissions and climate impacts associated with feedstock production, cattle farming (for slurry), silage mixing, biomethane mixing with fossil fuels, and fugitive methane leakage from plant infrastructure, open digestate storage, and digestate spreading.

The third-party submissions include concerns that carbon emissions associated with traffic movements will directly contradict the proposed climate-related benefits of the development. There are also concerns that lighting is a waste of energy and will increase carbon emissions.

10.10.2. **Examination of the EIAR**

Chapter 6 of the EIAR deals with 'Climate', including the effects of the development on climate and its vulnerability to the effects of climate change. It has been prepared in accordance with relevant legislation and guidelines. It outlines a detailed description of the existing environment, including the need to reduce baseline greenhouse gas emissions in accordance with CAP targets and the need to address climate vulnerabilities as outlined in the CDP 2023-2029.

Potential Construction Impacts

The main potential impacts identified in the EIAR relate to GHG emissions associated with combustion of fossil fuels in onsite machinery and equipment and embodied emissions in construction materials. The scale and duration of emission is not considered significant and climate impact is found to be imperceptible, negative and temporary.

Construction Mitigation/Monitoring Measures and Residual Effects

Standard practices will apply to minimise GHG emissions, including optimisation of haul routes, efficient use of construction equipment/resources, and minimisation of waste. No additional mitigation is required, and the residual effects are predicted to be insignificant.

Potential Operational Impacts

The net impact is determined to be the greenhouse gas emissions generated (i.e. use of grass/whole crop silage as feedstock) minus the emissions offset (i.e. use of poultry litter, manure, slurry food by-products and sludge in the AD process). The determination is based on data presented in the EU-funded BIOSURF (BIOmethane as SUstainable and Renewable Fuel) Project.

The GHG emissions associated with the biomethane injected onto the national grid (thereby offsetting the use of fossil fuel generated natural gas) is not accounted for in the GHG emissions generated/offset at the site. The emission factor adopted to determine the GHG offset was published by the Sustainable Energy Authority of Ireland for GHG emissions from the combustion of natural gas in Ireland (SEAI, 2024).

The quantity of GHG emissions were estimated and found to be imperceptible and positive in the opening year and the design year in the context of Ireland's projected non-ETS emissions. The potential impact of the operational phase of the proposed development on climate is found to be imperceptible, positive and long-term.

Operational Mitigation/Monitoring Measures and Residual Effects

Measures will apply to minimise GHG emissions, including use of renewable biomass for the generation of onsite heat and reuse of wastewater produced as part of the adjacent food production process. No additional mitigation is required, and the residual effects are predicted to be imperceptible.

Other Effects

'Do-Nothing' – GHG emissions from the proposed development would not occur and GHG offset due to anaerobic digestion would not occur.

10.10.3. **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

As previously outlined in section 7.4 of this report, I am satisfied that the feedstock inputs are already being produced and, therefore, I do not consider that the proposed development would involve any significant impacts in terms of the generation of greenhouse gases for feedstock.

And as outlined in sections 7.4 and 10.7, I am satisfied that adequate design and mitigation measures will be in place to ensure that there are no significant emissions to air associated with the AD process; the storage/spreading of digestate; or additional traffic movements.

The development involves feeding a portion of the biogas produced to on-site combustion units including a combined heat and power (CHP) plant. The heat and electrical energy generated from these installations, together with roof-mounted solar arrays / photovoltaic panels, will be used to meet part of the energy requirements for the AD process. The remainder of the biogas will be processed for injection into the gas network grid, which will positively contribute to national targets to transition away from reliance on fossil fuels. Accordingly, I consider that there will be positive impacts in terms of energy efficiency and the production of renewable energy with less carbon emissions. This positive effect has been adequately demonstrated in the EIAR.

I would concur that the construction-related emissions would be only temporary and insignificant.

Similarly, I am satisfied that the construction and operational stages do not involve significant vulnerability to climate impacts such as flooding or otherwise.

Having regard to the imperceptible/insignificant scale of the identified effects, I am satisfied that there would be no potential for significant cumulative/in-combination effects with other plans or projects.

10.10.4. **Conclusion: Direct and Indirect Effects**

Having regard to the examination of environmental information as outlined above, it is considered that by virtue of the nature and scale of the proposed development involving the production of renewable energy, together with the application of the proposed mitigation measures, there is no potential for significant environmental effects on climate.

10.11. **Material Assets**

10.11.1. **Issues Raised**

The planning authority has raised concerns about the absence of appropriate traffic assessments/audits and potential traffic hazard within the site due to conflicts between pedestrians/cyclists and vehicular movements.

The third-party submissions also raise traffic-related concerns about congestion and public safety on the wider road network.

10.11.2. **Examination of the EIAR**

Chapters 11 and 12 of the EIAR deal with Material Assets, including utilities, traffic, natural resources and other resources. It is based on desktop studies of existing utilities and resources, as well as traffic surveys. It includes a detailed description of the existing environment, including utilities (electricity, water, wastewater, gas, telecommunications), traffic and transport, land use and soil, and economic minerals (quarries).

Potential Construction Impacts

The main potential impacts identified in the EIAR can be summarised as:

- Additional loading on utilities.
- Moderate impacts on land/soil as discussed in section 10 of the EIAR.

Construction mitigation/monitoring measures and residual effects

It is proposed to consult and comply with the requirements of utility providers and the local authority. Residual impacts would be imperceptible to insignificant.

Potential Operational Impacts

The main potential impacts identified in the EIAR can be summarised as:

- Installation of underground utilities.
- Traffic increase of approximately 44 Passenger Car Units (PCUs) per day or a worst-case scenario of 11 no. 2-way 28-Tonne truck movements per day.
- Moderate impacts on land/soil as discussed in section 10 of the EIAR.

Operational mitigation/monitoring measures and residual effects

Existing utilities are predicted to have adequate capacity without mitigation.

A Mobility Management Plan (MMP) and Travel Plan Coordinator will be employed to promote sustainable travel to work. No adverse traffic/transportation capacity or operational issues are identified.

Residual impacts would be imperceptible to insignificant.

Other Effects

Cumulative - The biogas produced will be used to supply electricity and heat on site and electricity would also be supplied by roof mounted solar arrays / photovoltaic panels, which would reduce the use of other fossil fuels. No significant impacts on utilities are predicted.

Considering the current 262 PCUs deemed ‘committed’, the proposed development would result in approximately 306 PCUs per day combined. It is anticipated that there will be a negligible impact upon the operation of the adjacent road network.

The increase in water demand would not be expected to cause a significant demand on the groundwater resources of the area and would not be expected to impact upon other abstractions locally.

Do-Nothing – No changes or impacts.

10.11.3. **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I note that the concerns of the planning authority and third parties relate mainly to traffic safety/congestion within the site and on the surrounding road network. However, as outlined in section 7.6 of this report, I am satisfied that the proposed development would not have any significant operational impacts in terms of the generation of traffic hazard or traffic congestion. I am also satisfied that the construction-stage traffic impacts will be limited in terms of volume and duration and would similarly avoid any significant traffic impacts.

I would acknowledge that the construction and operational stages will involve additional loading on utilities. However, I would concur that this would not be significant and that existing utility capacities will be satisfactorily regulated through agreement with the relevant service providers as part of any connection process. Furthermore, as outlined in section 10.10, the proposed development will positively contribute in terms of energy efficiency and the supply of renewable energy.

As outlined in sections 10.6 and 8, I am satisfied that the water demand associated with the development will not significantly impact on groundwater resources in the area in terms of quantity or quality.

10.11.4. **Conclusion: Direct and Indirect Effects**

Having regard to the examination of environmental information as outlined above, it is considered that by virtue of the nature and scale of the proposed development; proposals for on-site energy efficiency and the production of renewable energy; together with the application of the proposed mitigation measures; there is no potential for significant environmental effects on material assets.

10.12. **Cultural Heritage**

10.12.1. **Issues Raised**

The third-party submissions include a concern about the impact of the development on views from Baldongan Church (Protected Structure No. 0245). There are also concerns about light pollution impacts on cultural heritage.

10.12.2. **Examination of the EIAR**

Chapter 13 of the EIAR deals with 'Archaeological, Architectural & Cultural Heritage'. It outlines the legislative and planning policy context. The methodology is based on a desk-based study of relevant sources including National Monuments, Record of Monuments & Places and Sites & Monuments Record, National Museum of Ireland, Excavations Bulletin and Excavations Database, Assessing Fingal's Archaeological Resource, the CDP, National Inventory of Architectural Heritage (NIAH), Cartographic Sources, Aerial Photographs, and a Geophysical Survey.

The main findings of the existing environment can be summarised as:

- Part of the western boundary aligns with the townland boundary.
- No archaeological monuments have been recorded in historical maps.
- No archaeological monuments can be seen in aerial photographs.
- No National Monument is located in close proximity.
- An archaeological monument, an unclassified – castle (DU008-001), is the closest monument to the proposed site, approximately 240m to the south-east.
- No sites listed in NIAH within the site. The nearest NIAH site is a house, built c.1860 named Rose Cottage, approximately 735m to the southeast.
- It is not possible to entirely rule out subsurface archaeological monuments.
- Geophysical Survey revealed variations in soil magnetism indicating archaeological potential.

Potential Construction Impacts

The EIAR outlines the potential for a direct, permanent and negative effect on any unknown sub-surface archaeological features that may be present across the site.

Construction Mitigation/Monitoring and Residual Effects

- Pre-construction targeted test-trenching under licence, with any significant materials to be preferably preserved in-situ or otherwise suitably recorded.
- Archaeological monitoring during construction.

No residual effects are predicted.

Potential Operational Impacts

None identified in the EIAR.

Operational Mitigation/Monitoring and Residual Effects

None identified and no residual effects are predicted in the EIAR.

Other Effects

Do-Nothing – No effects.

10.12.3. **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

The impact of the development on views in the area, including close to Baldongan Church protected structure (i.e. Viewpoint 4) is considered in section 7.5 of this report. I would concur that the effect on views from Baldongan Church would be imperceptible.

Otherwise, I am satisfied that the EIAR outlines a comprehensive review of cultural heritage assets relating to the site and the surrounding area. I consider that the significance in this regard is limited to the western townland boundary and the potential for unrecorded archaeological remains.

The EIAR outlines that appropriate archaeological test-trenching and monitoring will be carried out during the construction stage, and I am satisfied that the existing western townland boundary will be suitable protected. Accordingly, I am satisfied that no significant residual effects will occur, either alone or in-combination with other plans or projects.

10.12.4. **Conclusion: Direct and Indirect Effects**

Having regard to the examination of environmental information as outlined above, it is considered that by virtue of the nature and scale of the proposed development; the limited significance of cultural heritage assets within and surrounding the site; together with the application of the proposed mitigation measures; there is no potential for significant environmental effects on cultural heritage.

10.13. **Landscape**

10.13.1. **Issues Raised**

The planning authority has raised serious concerns about the nature and scale of the proposed buildings, the absence of a visual impact assessment, and profoundly

negative impacts on the visual amenities of the surrounding landscape of high value and sensitivity.

The third-party submissions raise similar concerns about the visual impact of the development from surrounding roads.

10.13.2. **Examination of the EIAR**

Chapter 8 of the EIAR deals with 'Landscape & Visual' and is largely based on a desk-based study and an accompanying Visual Impact Assessment (VIA) (Attachment 8.1 of the EIAR). The methodology is based on guidelines from the EPA, the Landscape Institute (UK), and the Institute of Environmental Management and Assessment (UK). The VIA considers a total of ten viewpoints within the surrounding landscape. It outlines a description of the existing environment having regard to CDP designations and landscape setting.

Potential Construction Impacts

The impact of construction vehicles and plant machinery would be insignificant due to intervening topography and vegetation.

Construction Mitigation/Monitoring and Residual Effects

All existing hedgerows should be retained in so far as is practical and any gaps in the hedgerows, where necessary, would be filled with native treelines and hedgerows. No significant residual impacts are predicted.

Potential Operational Impacts

Tall structures would have the potential to impair the local landscape by altering the visual extent of the site. Light pollution may also arise. Given the local topography and proposals to retain and enhance planting, it is anticipated that there would be an imperceptible impact.

Operational Mitigation/Monitoring and Residual Effects

The use of gradiated colours would help the development blend into the skyline. Any lighting will be designed to minimise impacts. No significant residual impacts are predicted.

Other Effects

Do-Nothing – No impacts.

Cumulative - No significant residual impacts are predicted.

10.13.3. **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I have acknowledged that the planning authority and third-party observations have raised serious concerns about the impact of the development on the visual amenity and landscape character of the area.

This has been addressed in section 7.5 of this report. I have considered the applicant's Visual Impact Assessment (VIA) based on 10 viewpoints, the drawings and details submitted with the application/appeal, the applicable policy context, and I have visited the site and surrounding area. I consider that the appeal site and proposed development would have limited visibility due to the distance and obstruction between the site and the main public views.

I have concluded that the proposed development would have only 'imperceptible' effects on viewpoints 1-8 as outlined in the VIA (i.e. an effect capable of measurement but without significant consequence). The impact on viewpoints 9 & 10, could be considered 'moderate'. In any case however, I do not consider that any effects could be classed as 'significant', and I would certainly not concur with the planning authority's classification of the effects as 'profound' (i.e. an effect which obliterates sensitive characteristics).

I am satisfied that the design and layout of the proposed development, together with existing and proposed planting, will satisfactorily integrate with existing development and the surrounding landscape.

10.13.4. **Conclusion: Direct and Indirect Effects**

Having regard to the examination of environmental information as outlined above, it is considered that by virtue of the nature and scale of the proposed development; the limited sensitivity of the receiving landscape; together with the application of the proposed mitigation measures; there is no potential for significant environmental effects on landscape.

10.14. **Interactions**

10.14.1. Chapter 14 of the EIAR considers the potential for interactions/inter-relationships between the various environmental factors already discussed. It confirms that the

relevant specialists have taken the potential interactions into account when making their assessment and that complementary mitigation measures have been proposed. A summary of the potential interactions is contained in Table 14.1 of the EIAR.

10.14.2. It is noted that the most potential for interactions relates to the 'Human Beings' source/receptor, which has the potential to interact with all other environmental factors. The other main potential interactions can be summarised as follows:

- Air – With Biodiversity and Climate
- Noise – With Biodiversity
- Biodiversity – With Landscape, Water, and Climate
- Water – With Soils
- Soils – With Air, Landscape, and Biodiversity
- Material Assets – With Air, Noise, and Biodiversity
- Cultural Heritage – With Landscape.

10.14.3. The EIAR discusses the nature and extent of the potential interactions and outlines that mitigation measures have been included. It does not predict any significant residual effects associated with these interactions.

10.14.4. I am satisfied that the potential interactions have been adequately identified and that the potential impacts have been satisfactorily addressed and mitigated in relevant sections throughout the EIAR. Having regard to the examination of environmental information as outlined throughout this EIA, it is considered that by virtue of the nature and scale of the proposed development and the application of the proposed mitigation measures, there is no potential for significant interactive environmental effects.

10.15. Reasoned Conclusion

10.15.1. I have considered and identified the potential environmental effects associated with the development, particularly the potential for significant negative effects associated with the construction stage (i.e. risk of spillage of concrete/cement, hydrocarbons to soil and water; water pollution risks to Rogerstown Estuary SPA and Rogerstown Estuary SAC) and the operational stage (risk of wastewater emissions to

hydrogeological receptors; risk of leakage/spillage of feedstock, digestate, hydrocarbons, other pollutants to soil and water; odour associated with process emissions, feedstocks and digestate). However, as outlined in the foregoing assessment, I have considered the nature and scale of these potential effects and the range of proposed mitigation measures, and I am satisfied that the proposed measures are sufficient to avoid any significant residual effects on the environment.

10.15.2. Therefore, having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, as well as the submissions and reports received from the planning authority, prescribed bodies and observers in the course of the application and appeal, I consider that, subject to the implementation of the proposed mitigation measures and the conditions of any permission, the proposed development would not result in any significant direct, indirect, or cumulative/in-combination effects on the environment.

11.0 Recommendation

I recommend that permission be GRANTED for the proposed development, subject to conditions, and for the reasons and considerations set out below.

12.0 Reasons and Considerations

In performing its functions in relation to the making of the decision, the Commission had regard to:

(a) Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of

mitigating greenhouse gas emissions and adapting to the effects of climate change in the State;

(b) Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive;

(c) the Whole of Government Circular Economy Strategy 2026-2028 ‘Accelerating Action’ published by the Government of Ireland (February 2026);

(d) A Waste Action Plan for a Circular Economy Ireland’s National Waste Policy 2020-2025 published by the Government of Ireland (September 2020);

(e) Ireland’s National Biomethane Strategy published by the Government of Ireland in May 2024;

(f) The National Biodiversity Action Plan 2023-2030 published by the Government of Ireland (January 2024);

(g) the provisions of the National Planning Framework First Revision, April 2025;

(h) the provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031;

(i) the policies and objectives of the Fingal Development Plan 2023 – 2029;

(j) the documentation submitted as part of the application and appeal, including the Environmental Impact Assessment Report and the Natura Impact Statement;

(k) the nature, scale and design of the proposed development;

(l) the pattern of existing and permitted development in the area;

(m) the reports of the planning authority and the submissions and observations received, and;

(n) the report of the Planning Inspector.

Environmental Impact Assessment

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

(a) the nature, scale, location, and extent of the proposed development;

(b) the Environmental Impact Assessment Report and associated documentation submitted with the application and appeal;

(c) the reports of the planning authority and the submissions received from observers and prescribed bodies; and

(d) the report of the Planning Inspector.

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

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

Reasoned Conclusion on Significant Effects:

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

hydrocarbons, other pollutants to soil and water; odour associated with process emissions, feedstocks and digestate).

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

Appropriate Assessment: Stage 1

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

Appropriate Assessment: Stage 2

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

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

iii. the conservation objectives for the European Sites.

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

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

Proper Planning and Sustainable Development

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

13.0 **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 received by An Coimisiún Pleanála on the 19th day of March 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

   Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR) shall be implemented.

   Reason: To protect the environment.

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

   Reason: To protect the integrity of European Sites.

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

   Reason: In the interest of clarity.

5. An annual report on the operation of the facility shall be submitted to the Planning Authority. The content of the report shall include *inter alia* the following:

   a) Details of the source of feedstocks and the final disposal areas of digestate.
   b) The volume of feedstock and its nature / classification treated in the previous 12 months.
   c) The volume of digestate produced and stored in the previous 12 months.
   d) The volume and weight of Biomethane and Carbon Dioxide produced and stored in the previous 12 months.

   Reason: In the interests of orderly development.

6. (a) The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

   (b) Land spreading of digestate shall be carried out in accordance with the specific Nutrient Management Plan for the receiving farm and in accordance with S.I.588/2025 European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2025.

   Reason: In the interest of environmental protection.

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

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

8. Collections and deliveries to and from the site during the operational phase shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0700 to 1600 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

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

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

   Reason: In the interest of traffic safety.

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

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

11. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

    (b) Full details of surface water drainage proposals, including a management and maintenance plan, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

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

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

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

13. The landscaping scheme shown on drawing numbers DWG.01A, DWG.01B, DWG.21, and DWG.31, as submitted to the planning authority on the 18th day of December, 2024, shall be carried out within the first planting season following substantial completion of external construction works.

    All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

    Reason: In the interest of residential and visual amenity.

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

resources) pursuant to the agreed RWMP shall be made available for inspection at site offices at all times.

Reason: In the interest of sustainable waste management.

15. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted Environmental Impact Assessment Report for the application, in addition to the following:
a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
b) Location of access points to the site for any construction related activity;
c) Location of areas for construction site offices and staff facilities;
d) Details of site security fencing and hoardings;
e) Details of on-site car parking facilities for site workers during the course of construction;
f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
g) Measures to obviate queuing of construction traffic on the adjoining road network;
h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

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

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

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

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

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

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Stephen Ward
Senior Planning Inspector

14th of April 2026

Appendix 1

Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	The proposed development involves the construction of an Anaerobic Digestion facility along with all associated site works. The development comprises AD tanks and processing equipment, feedstock storage facilities and equipment, silage storage clamps, digestate management and storage facilities. The facility will produce a renewable biomethane gas for direct injection into the national gas grid. Carbon dioxide from the production of this biomethane will be captured for reuse in the Irish food industry. Digestate will be used as an agricultural fertiliser.
Brief description of development site characteristics and potential impact mechanisms	The site is located in the rural townland of Collinstown in north County Dublin. It adjoins the existing Country Crest / Ballymaguire Foods storage / production facilities. There are existing drainage ditches surrounding the site. The wider surrounding area is mainly comprised of agricultural use interspersed with one-off dwellings and some other community, institutional, and commercial facilities. The proposed surface water drainage system will divert to 2 no. detention basins at the southern end of the site before discharging to an existing drainage ditch along the southern site boundary. The soiled water collected will be fed back into the AD process. Foul sewerage from the development will be dealt with onsite using a new wastewater treatment unit. Water supply will be provided from an existing well and through the extension of the existing firefighting mains. Digestate from the AD process will be stored on site before being used as an agricultural fertiliser. In this regard however, I refer to Section 7.4 of my report. The spreading of organic fertilisers is managed under the GAP Regulations 2025. These regulations are for the purpose of preventing water pollution. They provide for the limitation of quantities of nitrates and phosphate that can be directly applied to land. Surface water is protected through the provision of buffers from surface water features. Groundwater is protected by the prohibition of direct discharge to groundwater and measures to prevent indirect pollution through discharge to ground and percolation through the soil. Therefore, I am satisfied, subject to the adherence to the GAP Regulations 2025, that no potential for significant effects arises for any European Sites as a result of any land spreading associated with the proposed development. I am also

	satisfied that reliance on the GAP Regulations for the control of land spreading is not a mitigation measure for the purpose of preventing a significant effect on any European Site as this is governed by regulation and applies to all land where spreading takes place, to prevent pollution to surface water and groundwater.
Screening report	Yes (Prepared by Panther Ecology Ltd). AA Screening carried out by Planning Authority.
Natura Impact Statement	Yes (Prepared by Panther Ecology Ltd). Appropriate Assessment carried out by Planning Authority.
Relevant submissions	The submissions and observations received during the application/appeal process have been outlined in sections 3 and 6 of this report. The Inland Fisheries Ireland submission to the planning authority highlights the location of the site within the catchment of the Palmerstown stream which flows into the Rogerstown estuary and the need to protect the aquatic environment, including protection against watercourse contamination, dewatering of groundwater, location and content of digestate use, and compliance with surface/groundwater discharge regulations. The submission does not specifically raise issues relating to Natura 2000 sites or Appropriate Assessment. The An Taisce observation on the appeal highlights the need to consider potential soil/water pollution associated with feedstock production (use of fertilisers, cattle farming) and digestate spreading (ammonia). It states that excess ammonia emissions from digestate to soil/water has potential to be highly detrimental to aquatic ecosystems and unique flora in wetland habitats. Third party submissions raise concerns about pollution of surrounding watercourses which are connected downstream to the Rogerstown Estuary with associated protected habitats and species. Submissions also raise general concerns about other impacts on frogs and newts, otters, foxes, badgers, pheasants, bats and hares.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code) Qualifying interests and Link to conservation objectives available at NPWS website	**Distance from proposed development (km)**	**Ecological connections**	**Consider further in screening Y/N**
Rogerstown Estuary SAC (000208)	4.4km to the south	In-stream construction works required to existing drainage ditch to the south. Surface water will also be diverted to this ditch. The southern drainage ditch is connected to the Palmerstown stream, which flows to Rogerstown Estuary.	Yes
Rogerstown Estuary SPA (004015)	4.4km to the south		
North-west Irish Sea SPA (004236)	4.4km to the north	As above. Rogerstown Estuary directly adjoins the North-west Irish Sea SPA.	Yes
Skerries Islands SPA (004122)	5.4km to northeast	Significant separation distance, dilution effects, and not directly adjoining	No

		Rogerstown Estuary. The appeal site does not contain habitats that would support QIs.	
Rockabill to Dalkey Island SAC (003000)	6.4km to east	Significant separation distance, dilution effects, and not directly adjoining Rogerstown Estuary. The appeal site does not contain habitats that would support QIs.	No
Rockabill SPA (004014)	7.3km northeast	Significant separation distance, dilution effects, and not directly adjoining Rogerstown Estuary. The appeal site does not contain habitats that would support QIs.	No
Malahide Estuary SAC (000205)	7.8km to south	Significant separation distance, dilution effects, and not directly adjoining Rogerstown Estuary. The appeal site does not contain habitats that would support QIs.	No
Malahide Estuary SPA (004025)	7.8km to south	Significant separation distance, dilution effects, and not directly adjoining Rogerstown Estuary. The appeal site does not contain habitats that would support QIs.	No
Lambay Island SPA (004069)	10.3km to southeast	Significant separation distance, dilution effects, and not directly adjoining Rogerstown Estuary. The appeal site does not contain habitats that would support QIs.	No
Lambay Island SAC (000204)	10.5km to southeast	Significant separation distance, dilution effects, and not directly adjoining Rogerstown Estuary. The appeal site does not contain habitats that would support QIs.	No
River Nanny Estuary and Shore SPA (004158)	11.8km to north	Significant separation distance, dilution effects, and not directly adjoining Rogerstown Estuary. The appeal site does not contain habitats that would support QIs.	No
Baldoyle Bay SAC (000199)	14km to south	Significant separation distance, dilution effects, and not directly adjoining Rogerstown Estuary. The appeal site does not contain habitats that would support QIs.	No
Baldoyle Bay SPA (004016)	14km to south	Significant separation distance, dilution effects, and not directly adjoining Rogerstown Estuary. The appeal site does not contain habitats that would support QIs.	No

Other than the three sites identified for further consideration in the above table, I do consider any other sites to be within the zone of influence due to lack of connectivity and/or significant distance/dilution factors.

Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites

<u>Disturbance to Protected Habitats and Species</u>

The site does not directly impinge on any part of a European site and therefore would not have any direct impacts on protected habitats or species.

The Rogerstown SAC and SPA are c. 4.4km (5.2km hydrologically) downstream. The proposed development will require minor temporary in-stream works within the southern drainage ditch for the installation of two headwalls, which has the potential to cause a deterioration in water quality due to the release in sediments and chemicals downstream.

The appeal site would not contain the habitats or species for which Rogerstown Estuary SAC has been designated. However, there is a low risk associated with in-stream works for a deterioration in water quality of some of the qualifying habitats.

The appeal site would not offer suitable breeding grounds for the bird species associated with the Rogerstown Estuary SPA. Given the availability of arable land in the area and in proximity of the SPA, it is considered that the proposed development would not limit foraging habitat for the Greylag Goose or any other qualifying interests should they be present. However, the proposed in-stream works could have an indirect impact to a deterioration in water quality during the construction phase of the development.

The appeal site would not offer suitable breeding or nesting habitats for the Qualifying Interests of the North-west Irish Sea SPA. While it could support the foraging habitats of some QI species, given the surrounding arable lands and lands within proximity of the SPA, it is not anticipated that the proposed development would significantly limit suitable foraging habitat.

Having regard to the site location adjoining an existing commercial business; the extent to which fauna would be accustomed to noise in the area; the temporary duration of construction works; the limited scale of external noise generation; and the significant distance from European Sites; it is not considered that there would be likely significant effects on protected species as a result of construction or operational noise.

The potential for effects associated with dust/air emissions at construction and operation stage is not considered significant.

Accordingly, it is therefore considered that the proposed development would not result in any significant risk to the protected habitats and species of the Rogerstown Estuary SPA, the Rogerstown Estuary SAC or the North-west Irish Sea SPA due to habitat fragmentation or loss, disturbance or direct reduction in species density.

Invasive Species

No invasive species were noted within or adjacent the site boundary. The risk of invasive species being introduced onto the site during the construction or operational phase of the project is considered to be low. Therefore, it is considered that there would be no significant risk to protected habitats and species.

Water Quality (Construction Phase)

During the proposed instream works, there is potential for suspended solids and hydrocarbons/chemicals to be carried downstream and into the Natura 2000 sites. A deterioration in water quality has the potential to have an indirect impact on the qualifying interests of the Rogerstown Estuary SPA and Rogerstown Estuary SAC. Construction mitigation measures will be required to prevent a deterioration in water quality during the construction phase of this development.

I note that the applicant's AA Screening exercise concludes that a deterioration in water quality also has the potential to have an indirect impact on the qualifying interests of the North-west Irish Sea SPA. As outlined in the ACP Inspectorate Ecologist's Specialist Report, it is acknowledged that the North-west Irish Sea cSPA is an important resource for seabirds. Site specific conservation objectives have been set for the individual species listed for the North-west Irish Sea cSPA, related to the marine environment. Notwithstanding that there may be some uncertainty that potential for significant effects on prey cannot be excluded for the Rogerstown SPA located within the estuary due to construction-related pollution risks, I consider that any such risk in the marine environment would be rapidly dispersed and diluted to non-significant levels. I consider that the development would not result in impacts that could affect conservation objectives related to population trends, cause disturbance of birds in the marine environment, their spatial distribution, forage distribution and abundance or cause barriers to access to the North-west Irish Sea cSPA or other ecologically important sites outside the cSPA. I also note that the North-west Irish Sea cSPA is not designated for wetland habitats. I am satisfied that the proposed development would not result in impacts of such magnitude that could undermine the conservation objectives set for this North-west Irish Sea cSPA site. Therefore, I consider that the North-west Irish Sea cSPA can be *screened out* for likely significant effects.

Water Quality (Operational Phase)

Surface water management measures will be applied to ensure that there is no risk of any contaminated surface water leaving the site that could have an impact on a protected species or habitat.

Foul water will be directed to a new wastewater treatment system which will be designed and installed as per the EPA Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalents ≤10).

All soiled water will be treated in the AD process. Liquid and solid digestate will be land spread in accordance with a nutrient management plan and the Good Agricultural Practice Regulations (Nitrates Regulations).

The appeal site is not within a flood risk zone and accordingly there would be no flood-risk impact concerns.

Air Quality

An air quality assessment was undertaken as part of supporting documentation within the application EIAR. Predicted concentrations/deposition rates of NO_3, NH_3, and nitrogen comply with the 1% threshold of significance at all sensitive ecological locations for the operation of sources of emissions at the proposed development. Therefore, it is predicted that the operation of the proposed development will not result in significant additional air quality impacts at nearby sensitive receptors or upon Natura 2000 sites.

AA Screening matrix

Site name **Qualifying interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Site 1: Rogerstown Estuary SAC (000208) QI List Estuaries; Mudflats and sandflats not covered by seawater at low tide; Salicornia and other annuals colonising mud and sand; Atlantic salt meadows; Mediterranean salt meadows; Shifting dunes along the shoreline with Ammophila arenaria (white dunes); Fixed coastal dunes with herbaceous vegetation (grey dunes).	Disturbance to habitats/species, habitat fragmentation, reduction in species density.	No significant risk.
	Introduction of Invasive Species	No significant risk.
	Water Quality (Construction) – In-stream works risk of suspended solids and hydrocarbons / chemicals to be carried downstream.	Mitigation measures will be required to prevent a deterioration in water quality.
	Surface Water (Operational)	Standard management measures will be applied to ensure that there is no risk of any contaminated surface water leaving the site.
	Foul Water (Operational)	New wastewater treatment system as per the EPA Code of Practice to ensure there is no risk of any contaminated surface water or groundwater.
	Soiled Water (Operational)	Retained and re-used within the AD process to ensure that there is no risk of contamination.
	Land spreading (Operational)	Will be in accordance with a nutrient management plan and the Good Agricultural Practice Regulations (Nitrates Regulations) to ensure that there is no risk of contamination.
	Air emissions (Operational)	No significant risk.
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	
	Impacts	**Effects**
Site 2: Rogerstown Estuary SPA (004015)	Disturbance to habitats/species, habitat fragmentation, reduction in species density.	No significant risk.

QI List Greylag Goose; Light-bellied Brent Goose; Shelduck; Oystercatcher; Ringed Plover; Grey Plover; Knot; Dunlin; Black-tailed Godwit; Redshank; Shoveler; Wetland and Waterbirds.	Introduction of Invasive Species	No significant risk.
	Water Quality (Construction) – In-stream works risk of suspended solids and hydrocarbons / chemicals to be carried downstream.	Mitigation measures will be required to prevent a deterioration in water quality.
	Surface Water (Operational)	Standard management measures will be applied to ensure that there is no risk of any contaminated surface water leaving the site.
	Foul Water (Operational)	New wastewater treatment system as per the EPA Code of Practice to ensure there is no risk of any contaminated surface water or groundwater.
	Soiled Water (Operational)	Retained and re-used within the AD process to ensure that there is no risk of contamination.
	Land spreading (Operational)	Will be in accordance with a nutrient management plan and the Good Agricultural Practice Regulations (Nitrates Regulations) to ensure that there is no risk of contamination.
	Air emissions (Operational)	No significant risk.
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	
	Impacts	**Effects**
Site 3: North-west Irish Sea SPA (004236) QI list Red-throated Diver; Great Northern Diver; Fulmar; Manx Shearwater; Cormorant; Shag; Common Scoter; Black-headed Gull; Common Gull; Lesser Black-backed Gull; Herring Gull; Great Black-backed Gull; Kittiwake; Roseate Tern; Common Tern; Arctic Tern; Guillemot; Razorbill; Puffin; Little Gull; Little Tern.	Disturbance to habitats/species, habitat fragmentation, reduction in species density.	No significant risk.
	Introduction of Invasive Species	No significant risk.
	Water Quality (Construction) – In-stream works risk of suspended solids and hydrocarbons / chemicals to be carried downstream.	Any risk of water quality deterioration in the marine environment would be rapidly dispersed and diluted to non-significant levels.
	Surface Water (Operational)	Standard management measures will be applied to ensure that there is no risk of any contaminated surface water leaving the site.
	Foul Water (Operational)	New wastewater treatment system as per the EPA Code of Practice to ensure there is no risk of any contaminated surface water or groundwater.
	Soiled Water (Operational)	Retained and re-used within the AD process to ensure that there is no risk of contamination.
	Land spreading (Operational)	Will be in accordance with a nutrient management plan and the Good Agricultural Practice Regulations (Nitrates Regulations) to ensure that there is no risk of contamination.
	Air emissions (Operational)	No significant risk.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

It is not possible to exclude the possibility that the proposed development alone would result in significant effects on Rogerstown Estuary SPA and Rogerstown Estuary SAC from construction stage impacts associated with the deterioration of water quality.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

I have outlined that a number of operational features will ensure that there will be no significant risk to European Sites. These include surface water management measures, an on-site wastewater treatment system, and re-use of soiled water. However, I consider that the management of surface water, wastewater, and soiled water is an integral part of the proposed development which would be included irrespective of the potential for significant effects on Natura 2000 sites. Accordingly, I am satisfied that these features are not mitigation measures for the purpose of preventing a significant effect on any European Site.

Furthermore, I have noted that land spreading will be in accordance with a nutrient management plan. The spreading of organic fertilisers is managed under the GAP Regulations 2025 for the purpose of preventing water pollution. They provide for the limitation of quantities of nitrates and phosphate that can be directly applied to land. Surface water is protected through the provision of buffers from surface water features. Groundwater is protected by the prohibition of direct discharge to groundwater and measures to prevent indirect pollution through discharge to ground and percolation through the soil. Therefore, subject to the adherence to the GAP Regulations 2025, no potential for significant effects on European Sites arise from any land spreading associated with the proposed development. Given that the control of land spreading is governed by regulation and applies to all land where spreading takes place, to prevent pollution to surface water and groundwater, I am satisfied that it is not a mitigation measure for the purpose of preventing a significant effect on any European Site.

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on Rogerstown Estuary SPA and Rogerstown Estuary SAC, in view of the conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The nature and scale of the proposed works
- The potential connectivity between the application site and the European Sites via construction stage emissions to surface water
- The nature and extent of the proposed mitigation measures, which may not be implemented in the absence of connectivity to a European Site.

The possibility of significant effects on any other European sites has been excluded on the basis of objective information.

No measures intended to avoid or reduce harmful effects on European sites (including those included in the applicant's NIS) were taken into account in reaching this conclusion.

Appendix 2

Appropriate Assessment

Appropriate Assessment
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
Taking account of the screening determination (see Appendix 1), the following is an appropriate assessment of the implications of the proposed development consisting of an Anaerobic Digestion facility along with all associated site works, in view of the relevant conservation objectives of Rogerstown Estuary SPA and Rogerstown Estuary SAC, based on scientific information provided by the applicant and all other submissions and observations received. The information relied upon includes the following: • The Natura Impact Statement and Environmental Impact Assessment Report prepared on behalf of the applicant. • The other plans and particulars submitted with the application and appeal. • The submissions and observations received. • Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009). I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.
Submissions/observations The submissions and observations received during the application/appeal process have been outlined in sections 3 and 6 of this report. The Inland Fisheries Ireland submission to the planning authority highlights the location of the site within the catchment of the Palmerstown stream which flows into the Rogerstown estuary and the need to protect the aquatic environment, including protection against watercourse contamination, dewatering of groundwater, location and content of digestate use, and compliance with surface/groundwater discharge regulations. The submission does not specifically raise issues relating to Natura 2000 sites or Appropriate Assessment. The An Taisce observation on the appeal highlights the need to consider potential soil/water pollution associated with feedstock production (use of fertilisers, cattle farming) and digestate spreading (ammonia). It states that excess ammonia emissions from digestate to soil/water has potential to be highly detrimental to aquatic ecosystems and unique flora in wetland habitats. Third party submissions raise concerns about pollution of surrounding watercourses which are connected downstream to the Rogerstown Estuary with associated protected habitats and species. Submissions also raise general concerns about other impacts on frogs and newts, otters, foxes, badgers, pheasants, bats and hares.

Natura 2000 Sites: Rogerstown Estuary SPA & Rogerstown Estuary SAC. **Summary of Key issues that could give rise to adverse effects (from screening stage):** • **Water quality deterioration (Construction Stage)**				
Qualifying Interest features likely to be affected	**Conservation Objectives (Summary of relevant Targets and Attributes)**	**Potential adverse effects**	**Mitigation measures (summary)** See NIS - Section 8.1.1	
Rogerstown Estuary SAC				
Estuaries Mudflats and sandflats	Habitat area: Stable or increasing. Community Extent: Maintain *Zostera*- and *Mytilus edulis*-dominated communities. Community Structure: Conserve high quality of *Zostera*- and *Mytilus edulis*-dominated communities. Community Distribution: Conserve community types in a natural condition.	Potential for a deterioration in water quality associated with instream construction works.	Section 8.1.1 of the NIS outlines a range of mitigation measures which can be summarised as follows. <u>Pre-commencement measures</u> • Training and ongoing communication with staff on proposed measures. • Daily inspections. • In-stream works undertaken outside periods of heavy rain. <u>In-stream Works</u> • Dry cut open method • Bank topsoil to be stripped/excavated for installation of precast headwalls. • Water flow to be dammed, pumped and filtered. • Bank reinstated. • Adhere to standard construction best practice. • Heavy machinery set back 5m from ditch. • Management of vegetation. • Works to cease in the unlikely event of suspected deterioration in water quality. • Spoil stored away from ditch. • All plant, machinery, materials cleared on completion.	
Salicornia and other annuals colonising mud and sand	Habitat Area: Stable or increasing. Habitat Distribution: No decline or change. Physical Structure (sediment supply): Maintain, or where necessary restore. Physical structure (creeks and pans): Maintain. Physical structure (flooding regime): Maintain. Vegetation Structure (zonation): Maintain the range of habitats. Vegetation structure (height): Maintain variation. Vegetation structure (vegetation cover): Maintain >90% area outside creeks. Vegetation composition: Maintain the presence of species-poor communities. Vegetation structure: No significant expansion of common cordgrass.	Potential for a deterioration in water quality associated with instream construction works.		
Atlantic salt Meadows Mediterranean salt meadows		There are no water quality attributions or water pollution threats listed within the conservation objectives report. Given the distance, nature and scale of the works, and absence of these habitats within the boundary, it is not anticipated that the development would have the potential to directly impact upon these qualifying interests.		
Shifting dunes	Habitat Area: Increasing. Habitat Distribution: No decline or change. Physical Structure (functionality and sediment supply): Maintain.	There are no water quality attributions listed within the conservation objectives report. There are no coastal habitats within the boundary		

	Vegetation Structure (zonation): Maintain the range of coastal habitats. Vegetation composition (plant health of dune grasses): 95% of marram grass and/or lyme-grass should be healthy. Vegetation composition (negative indicator species): less than 5% cover.	or adjacent. There are no listed water quality threats or pressures associated with this habitat. Given the distance, nature and scale of the works and absence of these habitats within the boundary, it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests either directly or indirectly.	<u>Water Quality Measures</u> In addition to the foregoing: • Loose material stored >20m from drains and watercourses. • Fuel, oil and chemical storage will be stored within a bunded area. • Regular inspections. • Storage and fencing of spoil material. • Manhole covers and stormwater gullies will be protected. • Water encountered during excavation will be pumped to a silt control feature. • Plant machinery and equipment maintained. • Spill training and control measures. • Should a protected species such as Otter or Badger be found, all works will be halted, and an investigation will be undertaken. • Herbicide application only carried out by suitably qualified contractors / operators. <u>Biosecurity Measures</u> • Implement the 'Clean – Check – Dry' principles at arrival and completion of works. • High-pressure steam cleaning for machinery. • Apply disinfectant to undercarriage and wheels of the vehicle/machine. • Wet or live wells in machinery cleaned, rinsed or flushed. • PPE, equipment and machinery cleaned or disinfected.	
Fixed coastal dunes	Habitat Area: Increasing. Habitat Distribution: No decline or change. Physical Structure (functionality and sediment supply): Maintain. Vegetation Structure (zonation): Maintain the range of coastal habitats. Vegetation Structure (bare ground): Not >10%. Vegetation structure (sward height): Maintain variation. Vegetation composition (typical species and sub-communities): Maintain range of sub-communities with typical species. Vegetation composition (negative indicator species & scrub/trees): less than 5% cover.			
Rogerstown Estuary SAC				
Greylag Goose	Population Trend: Stable or increasing Distribution: No significant decrease in the range, timing or intensity of use	A deterioration in water quality could have an indirect impact on these Qualifying Interests.		
Light-bellied Brent Goose				
Shelduck				
Oystercatcher				
Ringed Plover				
Grey Plover				
Knot				
Dunlin				
Black-tailed Godwit				
Redshank				
Shoveler				
Wetland and Waterbirds	Habitat Area: Stable and not significantly less than the area of 646 hectares.			
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.				

Assessment of issues that could give rise to adverse effects in view of conservation objectives

- **Water quality deterioration**

There is a significant separation distance (4.4km 'as the crow flies' or 5.2km 'hydrologically') between the appeal site and the closest part of any of the Rogerstown Estuary SAC/SPA sites, which offers potential for significant dilution of any potential pollutants. Furthermore, I consider that the size and transitional nature of the Estuary provides further significant capacity to assimilate/dilute any potential pollution.

In any case, having regard to the above and the nature and scale of the proposed development, I am satisfied that the application includes a suitably comprehensive range of construction mitigation measures. Consistent with the ACP Inspectorate Ecologist's Specialist Report, I consider that the proposed mitigation measures are required primarily to protect water quality in the Palmerstown and Rathmooney watercourses, regardless of the presence of a European site downstream. However, having regard to the documentation provided by the Applicant and following a review of the conservation objectives, I consider that the precautionary approach taken in the AA Screening Report in relation to *screening in* Rogerstown Estuary SAC and Rogerstown SPA is reasonable. I consider that the proposed mitigation measures are sufficient for the prevention of adverse effects on these two European sites. They are based on standard construction industry methodologies normally implemented on similar development sites and proven to work successfully.

Accordingly, the mitigation measures are adequate to ensure that the integrity of Rogerstown Estuary SAC and Rogerstown Estuary SPA will not be affected. The mitigation measures should be applied as a condition of any permission.

In-combination effects

Section 9 of the NIS considers other plans and projects for potential impacts in-combination with the proposed development. This includes the Fingal CDP 2023-2029, the Fingal Local Economic and Community Plan 2023-2028, EPA licensed facilities, and proposed and permitted developments in the area. The potential for in-combination effects on Natura 2000 sites is considered under the following headings:

- Habitats Loss/Fragmentation: No in-combination effects predicted having regard to the location of the site distant from Natura 2000 sites; the nature of habitats on site; the availability of potential foraging habitat closer to the SPAs; the modified nature of surrounding land-use; and the absence of similar developments in close proximity to the site.
- Disturbance to Species: Owing to the surrounding rural and commercial land use and close proximity to the local road network, the proposed development will not significantly increase cumulative noise impacts, or other disturbance effects due to human activity, that would pose an adverse risk to designated sites or species and habitats.
- Deterioration in Water Quality: Given the proposed mitigation measures, no in combination impacts are anticipated.
- Air Quality: Predicted air impacts are below the 1% threshold and would not have any in-combination impact on Natura 2000 sites.

Having regard to the above and the likely effects outlined in this report, I am satisfied that the proposed development will not result in any significant residual effects after the application of mitigation measures. Other developments will also be required to demonstrate the absence of significant adverse effects.

I acknowledge the potential for in-combination / cumulative effects associated with land spreading. However, digestate associated with the proposed development will be spread in accordance with a nutrient management plan. The spreading of organic fertilisers is managed under the GAP Regulations 2025 for the purpose of preventing water pollution. They provide for the limitation of quantities of nitrates and phosphate that can be directly applied to land. Surface water is protected through the provision of buffers from surface water features. Groundwater is protected by the prohibition of direct discharge to groundwater and measures to prevent indirect pollution through discharge to ground and percolation through the soil. Therefore, subject to the adherence to the GAP Regulations 2025, no potential for significant effects on European Sites arise from any land spreading associated with the proposed development.

Having regard to the foregoing, I am satisfied that there is no potential for significant adverse in-combination effects.

Findings and conclusions

The applicant's NIS concluded that, subject to recommended mitigation measures, there would be no potential for significant impacts on European sites as a result of the proposed development and mitigation measures to be employed. This conclusion refers to the development by itself or in combination with other developments.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. They will prevent any residual effects and, as such, I am satisfied that there will be no significant in-combination effects.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Rogerstown Estuary SAC and Rogerstown Estuary SPA. Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Rogerstown Estuary SAC and Rogerstown Estuary SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U of the Act was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted, and taking into account the submissions and observations received, I consider that adverse effects on site integrity of the Rogerstown Estuary SAC and Rogerstown Estuary SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- The nature and scale of the proposed development; the location of the site at a significant distance from European Sites; and its limited hydrological connectivity with the European Sites.
- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the relevant qualifying interests of Rogerstown Estuary SAC and Rogerstown Estuary SPA.
- Effectiveness of mitigation measures proposed in the Natura Impact Statement.
- Application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented.

Appendix 3

Water Framework Directive Screening Determination

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	322098-25	**Townland, address**	Collinstown, Lusk, Co. Dublin
Description of project		The proposed development involves the construction of an Anaerobic Digestion facility along with all associated site works. The development comprises AD tanks and processing equipment, feedstock storage facilities and equipment, silage storage clamps, digestate management and storage facilities. The facility will produce a renewable biomethane gas for direct injection into the national gas grid. Carbon dioxide from the production of this biomethane will be captured for reuse in the food industry. Digestate will be used as an agricultural fertiliser.	
Brief site description, relevant to WFD Screening,		The site is located in the rural townland of Collinstown in north County Dublin. It adjoins the existing Country Crest / Ballymaguire Foods storage / production facilities. The wider surrounding area is mainly comprised of agricultural use interspersed with one-off dwellings and some other community, institutional, and commercial facilities. There is an existing ditch running eastward along the southern site boundary, which is connected to the Palmerstown Stream[14] (c. 80 to the northeast of the site at its closest point). There is an existing ditch running southward along the western site boundary, which connects to the Rathmooney Stream[15] c. 415m to the south of the site. Both the	

[14] Also known as Bride's Stream but referred to as Palmerstown Stream in this report.
[15] Also known as Jones' Stream but referred to as Rathmooney Stream in this report.

	Rathmooney and Palmerstown streams form part of the same EPA waterbody (Palmerstown_010). They flow to the southeast before meeting (c. 4km from the site) and then flowing into Rogerstown Estuary (c. 4.4km from the site) and then the Irish Sea (c. 5.3km from the site). The site is underlain by the 'Lusk-Bog of the Ring' groundwater body.
Proposed surface water details	The surface water network system will be split into two catchments. Catchment 1 (west of site) – Surface water collected by drains and attenuated within detention basin 1 before discharging to the ditch along southern boundary. The detention basin will be impermeable and bunded with alarms and measures to prevent any contamination entering the watercourse. Swales and permeable paving will also be used in this catchment. The outfalls to the detention basin will include a suitably sized Class 1 Klargester by-pass Separator or similar approved. Catchment 2 (east of site) - Surface water collected by drains and swales and attenuated within detention basin 2 before discharging to the ditch along southern boundary. The allowable outflows for the catchments have been calculated based on Greater Dublin Strategic Drainage Study and soil infiltration rates. The outfall from the site will be limited to 14.57l/s using flow control hydrobrakes.
Proposed water supply source & available capacity	The existing well located within the existing Country Crest Complex will be used to provide potable water for the proposed development. It is estimated that the total daily potable water demand for the development will be approx. 0.5m^3 /day with a peak demand of 0.10m^3 /hr. A separate firefighting main exists in the Country Crest Complex. This is served from a static water pond and pumped around the complex. The existing firefighting main will be extended to serve the proposed development.

Proposed wastewater treatment system & available capacity, other issues	The foul water discharge from the development will be dealt with onsite using a new wastewater treatment unit.
Other Issues	A bunded area (including alarms and shut-off valves) will be formed under the AD rings and associated plant and detention basin at the western end of the site to prevent leakage. The soiled water system collects effluent water from the silage pit and at entrances of digestate bunker and feedstock feeding locations. Rainfall onto these areas is collected directly into the soiled water system and fed back into the AD process. In dry periods, complementary clean rainwater to be added to the system. When there is an excess of soiled water supply it is stored in tanks so that it can be used in dry periods. Under the digestate storage lagoons there is to be a pipe network to detect any leaks (to lagoon specialist design). Digestate associated with the development shall be land spread as an organic fertiliser in accordance with the Nutrient Management Plan accompanying the EIAR. In this regard, I refer to Section 7.4 of my report. The spreading of organic fertilisers is managed under the GAP Regulations 2025. These regulations are for the purpose of preventing water pollution. They provide for the limitation of quantities of nitrates and phosphate that can be directly applied to land. Surface water is protected through the provision of buffers from surface water features. Groundwater is protected by the prohibition of direct discharge to groundwater and measures to prevent indirect pollution through discharge to ground and percolation through the soil. Therefore, I am satisfied, subject to the adherence to the GAP Regulations 2025, that no residual risk arises for the pollution of any water bodies as a result of any land spreading associated with the proposed development. The Engineering Services Report accompanying the application outlines that the OPW flood maps and the Strategic Flood Risk Assessment maps from the Fingal Development Plan 2023-2029 were reviewed. It concludes that they show that the site

	is not located within a Flood zone and there have been no previous floods recorded in the area around the site. Therefore, flooding is not considered as an issue. The application is also accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS). As outlined in sections 9, and 10.9 of this report, I acknowledge the ecological significance of surrounding water features and their connectivity to designated nature conservation sites (including Natura 2000 sites). However, I consider that the proposed development would not have any unacceptable ecological effects and would not adversely impact on the integrity of any European Sites, either alone or in combination with other plans or projects.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status (2019 – 2024)	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River (Palmerstown & Rathmooney Streams)	c. 80 to the northeast & c. 415m to the south respectively	Palmerstown_010 (IE_EA_08P030930)	Poor	Review	Anthropogenic (under assessment).	Surface water will be discharged via existing ditch to south of site.
Groundwater	Underlying site	Lusk-Bog of the Ring (IE_EA_G_014)	Good	At Risk	Agriculture, Domestic Wastewater, Anthropogenic.	Via the overlying soil and water features.
Transitional	c. 4.4km to southeast	Rogerstown Estuary (IE_EA_050_0100)	Poor	At Risk	Agriculture, Domestic Wastewater Treatment Systems	Surface water and groundwater linkages as outlined above.

Coastal	c. 5.3km to southeast	Northwestern Irish Sea (HA 08) (IE_EA_020_0000)	Good	At Risk	Unknown	Surface water, groundwater, and transitional linkages as outlined above.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Palmerstown_010 (IE_EA_08P030930) Rogerstown Estuary (IE_EA_050_0100) Northwestern Irish Sea (HA 08) (IE_EA_020_0000)	Linked to existing ditch to south of site. Palmerstown Stream is linked to estuary. Estuary is linked to Irish Sea.	Siltation, pH (Concrete), hydrocarbon spillages. See sections 9 and 10.6 of this report for further details.	See sections 9 and 10.6 of this report for further details.	No. As outlined in sections 9 and 10.6 of this report, I am satisfied that the proposed measures will prevent any significant impacts on water quality or regime.	Screened out.

2.	Ground	Lusk-Bog of the Ring (IE_EA_G_014)	Via the overlying soil and water features.	Soil excavation, Siltation, pH (Concrete), hydrocarbon spillages. See sections 9 and 10.6 of this report for further details.	As above.	As above.	Screened out.
OPERATIONAL PHASE							
No.	**Component**	**Water body receptor (EPA Code)**	**Pathway (existing and new)**	**Potential for impact/ what is the possible impact**	**Screening Stage Mitigation Measure***	**Residual Risk (yes/no)** **Detail**	**Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.**
1.	Surface	Palmerstown_010 (IE_EA_08P030930) Rogerstown Estuary (IE_EA_050_0100) Northwestern Irish Sea (HA 08) (IE_EA_020_0000)	Surface water will discharge to existing ditch to south of site. Palmerstown Stream is linked to estuary. Estuary is linked to Irish Sea.	Hydrocarbon spillage / pollution associated with surface water. Pollution associated with AD process and digestate storage. Air pollution associated with emissions.	See sections 9, 10.6, and 10.7 of this report for further details.	No. As outlined in sections 9, 10.6, and 10.7 of this report, I am satisfied that the proposed measures will prevent any significant impacts on water quality or regime.	Screened out.

				See sections 9, 10.6 and 10.7 of this report for further details.			
2.	Ground	Lusk-Bog of the Ring (IE_EA_G_014)	Via the overlying soil and water features. Water supply for the proposed development. On-site wastewater treatment.	Hydrocarbon spillage / pollution. Increased water usage. Wastewater pollution. See sections 9 and 10.6 of this report for further details.	See sections 9 and 10.6 of this report for further details.	No. As outlined in sections 9 and 10.6 of this report, I am satisfied that the proposed measures will prevent any significant impacts on water quality or regime.	Screened out.
DECOMMISSIONING PHASE							
	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Appendix 4

Specialist Report from ACP Environmental Scientist

(Appended Separately)

Appendix 5

Specialist Report from ACP Ecologist

(Appended Separately)