

File With \_\_\_\_\_

**SECTION 131 FORM**

Appeal NO: ABP 32209X

Defer Re O/H

TO:SEO

Having considered the contents of the submission dated/ received 14/4/25

from

David Mulcahy I recommend that section 131 of the Planning and Development Act, 2000

~~be~~/not be invoked at this stage for the following reason(s): no w issue

E.O.: 

Date: 23/4/25

To EO: \_\_\_\_\_

Section 131 not to be invoked at this stage.

Section 131 to be invoked – allow 2/4 weeks for reply.

S.E.O.: \_\_\_\_\_

Date: \_\_\_\_\_

S.A.O.: \_\_\_\_\_

Date: \_\_\_\_\_

M \_\_\_\_\_

Please prepare BP \_\_\_\_\_ - Section 131 notice enclosing a copy of the attached submission

to: \_\_\_\_\_ Task No: \_\_\_\_\_

Allow 2/3/4weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

**CORRESPONDENCE FORM**

File With \_\_\_\_\_

Appeal No: ABP \_\_\_\_\_

M \_\_\_\_\_

Please treat correspondence received on \_\_\_\_\_ as follows:

1. Update database with new agent for Applicant/Appellant _____ 2. Acknowledge with BP _____ 3. Keep copy of Board's Letter <input type="checkbox"/>	1. RETURN TO SENDER with BP _____ 2. Keep Envelope: <input type="checkbox"/> 3. Keep Copy of Board's letter <input type="checkbox"/>
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**Amendments/Comments**

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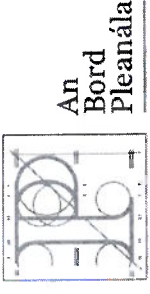
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<b>4. Attach to file</b> (a) R/S <input type="checkbox"/> (d) Screening <input type="checkbox"/> (b) GIS Processing <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/> (c) Processing <input type="checkbox"/>	<b>RETURN TO EO</b> <input type="checkbox"/>
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	Plans Date Stamped <input type="checkbox"/> Date Stamped Filled in <input type="checkbox"/>
<b>EO:</b>	<b>AA:</b>
<b>Date:</b>	<b>Date:</b>

# Lodgement Cover Sheet - LDG-079295-25

322048



## Details

Lodgement Date	14/04/2025
Customer	David Mulcahy & Other
Lodgement Channel	In Person
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-079295-25
Map ID	
Created By	Anthony Kelly
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

## Categorisation

Lodgement Type	Observation / Submission
Section	Processing

PA Name	Fingal County Council
Case Type (3rd Level Category)	

## Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Paid	50.00
Refund Amount	

Observation/Objection Allowed?	
Payment	PMT-061991-25
Related Payment Details Record	PD-061839-25

BP49  
✓ Jm

## Observation

L1D 15/4

PA Case Number	
PA Decision Date	
County	
Development Type	
Development Address	
Appellant	
Supporting Argument	

Development Description	
Applicant	
Additional Supporting Items	

23

**AN BORD PLEANÁLA**  
LDG- 079295-25  
ABP- \_\_\_\_\_  
14 APR 2025  
Fee: € 50.00 Type: CARD A  
Time: 13.40 By: HAMN

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
D01 V902

Rosegate  
Quickpenny road  
Lusk, Co Dublin  
K45 A804

13th April 2025

**Bord Pleanála Case ref:** ABP-322098-25  
**Fingal County Council Ref:** F24A/1162E  
**Applicant Name:** Country Crest ULC  
**Location of Proposed Development:** Country Crest, Collinstown, Lusk, Co. Dublin

Dear Sir/Madam,

We would like to submit the attached observation/Submission in respect of the above appeal,  
Ref: ABP-322098-25.


We believe the decision made by Fingal County Council on 20th February 2025 to refuse permission for the proposed development of an Anaerobic Digestion (AD) Facility at Collinstown Lusk, Co Dublin is the correct decision and we would respectively compel An Bord Pleanála to uphold the decision made by Fingal County Council to Refuse Permission for this development.

We confirm that we have paid the appropriate submission fee of €50.00 to An Bord Pleanála.

Yours sincerely,



David Mulcahy



Pauline McConnell

## INTRODUCTION:

We note that an appeal has been submitted to An Bord Pleanála by the Applicant/Agent for Country Crest ULC under reference ABP-322098-25. We respectively ask the Board to reject the appeal to overturn Fingal County Council's Decision to refuse Permission for the Anaerobic Digester Facility at Collinstown, Lusk Co Dublin.

**Fingal County Council refused permission** for the development of an Anaerobic Digestion Facility at Collinstown Lusk Co Dublin under application F24A/1162E due to the following 3no. Very valid Reasons:

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.

**We believe that Fingal County Council made the Correct Decision to refuse Planning permission for the Proposed AD Facility at County Crest, Collinstown Lusk Co Dublin. We have outlined below items that we believe the An Bord Pleanala should be aware of and take into account when making their decision and we implore you to uphold Fingal County councils decision to Refuse Permission.**

## **VISUAL IMPACT**

**(Visually Obtrusive and seriously injure the amenities of the area and property of the vicinity.**

We note in the appeal documentation submitted by the applicant that they believe the proposed development would not have any negative visual impact on amenities of the area and would not be visually obtrusive. We do not agree with this view of the applicant or its agent as it is clear that the proposed development along with the current development will be **noticeably visible from the L1125, L1155 Quickpenny Lane ( Man O War), Quickpenny road (an approach road to Lusk Village) and the R127 Skerries road.** It is therefore unbelievable for the applicant to suggest that the current structures and along with the proposed development would be hidden away by hedging and blend in with the surroundings. It is clear due to the scale and height of the structures of the A.D Facility, that it would be visually obtrusive and have a **negative impact** on the visual amenities of the area, property in the vicinity and an negative impact on the **views of natural beauty/protected views** surrounding this area.

## **ENVIRONMENTAL NEGATIVE IMPACT & LIGHT POLLUTION**

The Proposed Anaerobic Digester (Industrial) facility will pose an unacceptable risk to Flora and Fauna of the area.

I would like to bring to the Board's attention that in addition to daytime visual impact, the **Night time impact** and **Light Pollution** arising from the proposed development due to its **INDUSTRIAL Scale and Design** would further exacerbate the visually obtrusive nature of the proposed development. As it stands **THE CURRENT LIGHTING DESIGN DOES NOT ADHERE TO THE DARK SKIES POLICY.**

Light pollution is harmful to the environment & our cultural heritage: • It is a waste of energy and carbon emissions, contributing to climate change. • It disrupts the biological clocks of all living things, interfering with ecosystems and impacting human health and well-being **Ref:**

<https://darksky.uk/environment>.

<https://www.darksky.ie/wp-content/uploads/2024/10/Updated-DSI-Environmentally-Friendly-Lighting-Guide.pdf>

It is clear that ***the proposed development will be Visually Obtrusive and seriously injure the the amenities of the area and property in the vicinity. (The Proposed planning Development would therefore be contrary to proper planning.)***

## **TRAFFIC IMPACT & SAFETY**

We note from the applicants submission to An Bord Pleanala that they have not addressed the impact of the increased traffic movements on the L1155 quickpenny lane. The L1155 is used as a local amenity by locals walking, running club's, cycling clubs etc.

As it stands the **L1155 is substandard in nature** and is **not suitable for HGV's with Pinch points less than 6m wide and unmarked.** These HGV's are an unacceptable hazard to all users of the L1155 quickpenny lane. The applicant has not addressed issues regarding pedestrian/road user safety concerns.

As you can see from the pictures below showing a **Country Crest HGV**, there is not enough room for a car to pass safely, let alone for another HGV which will be coming from the other direction from the site. The Junction at where L1155 Quickpenny lane meets Quickpenny road, there is a blind bend and with the HGV movements and increased number of movements proposed this will make the L1155 even more dangerous to all users of L1155.





#### **SCALE AND NATURE OF THE PROPOSED DEVELOPMENT.**

This proposed development is a **LARGE SCALE NON-AGRICULTURE COMMERCIAL/INDUSTRIAL ENTERPRISE** which will be importing waste materials from all over the Country and not just for their own waste. This type of waste facility is **incompatible with the "RU ZONING"** of the proposed Location and incompatible with current food production of adjacent lands.

The Structures of the AD Facility cannot be considered as Agricultural buildings as the applicant's agent is trying to spin, nor are they regarded as Utility Installations.

The applicant is changing from food Farming production to Energy farming, growing 500 acres of silage to feed the Anaerobic Digester, rather than growing 500 acres of food.

**The business model/feed stock which Country crest and their promoters have chosen is non-environmentally friendly and purely for Commercial gain.**

<https://www.antisce.org/news/an-taisce-reaction-to-national-biomethane-strategy-costly-strategy-fails-to-deliver-credible-climate-action>

## **NEGATIVE IMPACTS FROM BIOGAS PLANTS AND ITS MATERIALS SOURCE INPUTS AND MATERIAL OUTPUTS (DIGESTATE),**

Methane leakage from biogas plants. The main component of biogas is methane, which is a powerful shortlived climate pollutant. When **methane leakages occur** due to increased biogas production, these can **contribute to global warming and reduce the environmental benefits**. **Methane loss** may be the **largest contributor to the carbon footprint of biogas production**.

Other environmental risks, The material remaining after anaerobic digestion is known as digestate and can be used as a fertiliser. **Digestate has** been shown to have **higher levels of ammonium** compared with the organic substrate going into the AD process. As a result there is a **risk of increased environmental impacts** from acidification due to the **emissions from digestate application**. This is a concern, particularly as Ireland continues to **breach its emissions target for ammonia under the National Emissions Ceilings Directive**. Appropriate digestate management will be critical, including the use of Low Emission Slurry Spreading (or LESS) for digestate application.

There is also a concern on using **sewage sludge as an input source** for the Anerobic Digestion process.

According to **Bord Bia "The storage and use of raw or treated sewage sludges or sewage derived products on Bord Bia Certified Farms is Prohibited."**

**"Raw or treated sewage / sludges are prohibited from being used on Bord Bia certified farms."**

<https://irishriverproject.com/2021/11/16/aie-to-bord-bia-on-use-of-biosolids-biofert-or-sewage-sludge-as-fertiliser/>

### **AIE to Bord Bia on use of Biosolids, Biofert or Sewage Sludge as Fertiliser**

**Section 3.6(a) of the SBLAS states:**

*"The storage and or use of raw or treated sewage, sewage sludges or sewage-derived products on Bord Bia certified farms **is prohibited**."*

*Where a non-compliance is identified regarding this requirement, the herd will be excluded from the Scheme and a re-application will not be accepted until 12 months after the date that the last prohibited product was stored or spread on farm.*

**This same critical requirement exists for the SDAS which sets out at section 3.6(a):**

*"Raw or treated sewage / sludges are prohibited from being used on Bord Bia certified farms."*

It is interesting to note that The Applicants (Country Crest ULC) are currently a Bord Bia Approved Farm, according to their website. However, according to the abstract above from Bord Bia, their farm will no longer be considered Bord Bia Approved due to the usage of WWTP Waste Sludge being used on their farm. Therefore this shows the True commercial nature of the proposed plan.



**David & Pauline Mulcahy**  
Rosegate  
Quickpenny Road  
Lusk  
Co. Dublin

**Date:** 21 March, 2025

**Bord Pleanála Ref: ABP-322098-25**

**Register Ref:** F24A/1162E

**Area:** Balbriggan

**Development:** The development of an Anaerobic Digestion (AD) Facility to produce a renewable biomethane gas for direct injection into the national gas grid on a site of circa 7.28 hectares at the townland of Collinstown, Lusk, Co Dublin. The development comprises of AD tanks and processing equipment, feedstock storage facilities and equipment, silage storage clamps, digestate management and storage facilities. Carbon dioxide from the production of this biomethane will be captured for reuse in the Irish food industry.

The proposed supporting infrastructure to be developed includes inter alia, 1 no. 45m diameter combined primary and secondary digestion tank (8.5m high, 7947m<sup>3</sup> & 3981m<sup>3</sup> respectively) & attached pumping unit, 1 no reception tank (5m high, 250 m<sup>3</sup>) & attached pumping unit, 1 no. 32m diameter power digest tank & attached gas sphere (12m high, 4.825m<sup>3</sup> & 3130 m<sup>3</sup> respectively) & attached pumping unit, 1 no. digestate separator building (119.5 m<sup>2</sup>), 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<sup>2</sup>) 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<sup>2</sup>), 1 no. ESB sub-station (66 m<sup>2</sup>), 1 no. enclosed feedstock reception building (1527 m<sup>2</sup>), 1 no. odour abatement machinery (with 14m high chimney), Silage clamps (8m high), 1 no. machinery shed (309.4 m<sup>2</sup>), 1 no. services building (288.6 m<sup>2</sup>), 1 no. solid digestate storage building (484.1 m<sup>2</sup>), 2 no. covered digestate lagoons, attached pumping building (30 m<sup>2</sup>) and attached digestate loading-unloading areas, roof mounted solar arrays / photovoltaic panels, all associated car and bicycle parking, internal road layouts, earthen berms, site retaining walls, palisade fencing and boundary treatments, hard surface and bunded areas for housing supporting plant, processing and storage facilities and all associated site works. All accessed by the existing Country Crest internal road network which uses as public roadway access point to the L1155 Man o War Road.

The facility requires an Industrial Emissions Licence from the EPA and is accompanied by a Natura Impact Statement (NIS) and an Environmental Impact Assessment Report (EIAR).

**Location:** Country Crest, Collinstown, Lusk, Co. Dublin  
**Applicant:** Country Crest ULC  
**Application Type:** Permission  
**Date Received:** 18 December, 2024

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Dear Sir/Madam,

I wish to inform you that an appeal has been lodged with An Bord Pleanála against the Council's decision to **REFUSE PERMISSION**.

This appeal was lodged on 19 March, 2025.

Upon receipt of the information from An Bord Pleanála, a copy of this appeal will be available for inspection or purchase at the Council's offices during office hours for a fee not exceeding the reasonable cost of making a copy. The appeal documents will also be available on the Council's website [www.fingal.ie](http://www.fingal.ie) under *Planning and Buildings, Apply or Search for a Planning Application*.

All further correspondence in relation to this appeal should be addressed to The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1 (Telephone: 01-8588100 or LoCall 1890 275 175).

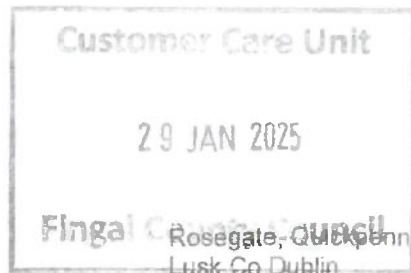
Please note that submissions or observations may be made in writing to An Bord Pleanála within **four weeks** from the date of receipt of the appeal by An Bord Pleanála and on payment of the appropriate fee of **€50.00**.

Yours faithfully,

*Abhilash Nair*

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**for** Senior Executive Officer



Fingal County Council  
The Planning Department  
County Hall, Main Street  
Swords  
Co Dublin  
Email: [planning\\_submissions@fingal.ie](mailto:planning_submissions@fingal.ie)

Rosegate, Quirk Penny Road  
Lusk Co Dublin  
K45A804

28.01.2025

Reference: Planning Application F24A/1162E - Development of an Anaerobic Digestion (AD) Facility to produce biometric gas for direct injection into the national grid at Collinstown, Lusk, Co. Dublin.

Dear Sir/Madam,

I wish to object to the above referenced Planning Application for the following reasons:

**PLANNING APPLICATION AND SITE NOTICE LOCATIONS.**

The planning application itself was submitted on 18<sup>th</sup> December 2024, a busy period for many local people who would be otherwise be preoccupied. Thus, not drawing attention to the applicants proposed AD Development.

I would like to draw your attention to the location of site notices posted by the applicant. These appear to be located within the grounds of Country Crest and nowhere the general public can access. Therefore, not providing the Local Community courtesy of proper notice of such a Development.

**INCOMPATIBLE WITH ZONING "RU"**

As per the Fingal Development Plan 2023-2029, this area is zoned "RU"  
*"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 location of the proposed development are on lands zoned "RU" This development is a **Large SCALE Non- Agricultural Commercial/Industrial Enterprise** which will be importing waste materials from all over the country and not just using it for their own waste. This type of waste facility is incompatible with the "RU Zoning" of the proposed location and incompatible with current food production use of adjacent lands.

The operations of the proposed Anerobic Digester envisage sourcing feedstock externally using a waste facility company which is located in Monaghan (119km) who will source and transport waste materials to the site. This is inclusive of 60,000+ tonnes per annum of waste. ***This discordant with the Zoning Objective "RU" Rural*** – "Protect and Promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, rural landscape. and the build and cultural heritage."

I would like to point out that the L1155 (Quickpenny lane) which the applicants propose to use as their access/haul road is in fact a lane. The lane is used by many locals as an amenity for walking, along with local running and cycling clubs. As it is, the L1155 is already a narrow country lane and substandard in structure and is not suitable for HGV's. The A.D. Facility proposes use of HGV's with 44+ trucks per day (i.e. at least 88 movements a day i.e. 1 truck every 5.5 minutes). This would have a serious impact on the safety for all users of the L1155 along with a negative impact of this lovely local amenity.

#### **VISUALLY OBTRUSIVE & SERIOUSLY INJURE AMENITIES OF THE AREA & PROPERTY IN THE VICINITY.**

The location of the Proposed A.D. Facility is located closely to a number of family homes and rural cluster developments. It is 1.2km away from Lusk Village as per Fingal County development plan 2023-2029. Due to the scale, height, design and layout of the proposed Development and the surrounding characteristic of the rural landscape, the Anerobic Digester facility would be visually obtrusive and seriously injure the amenities of the area and property in the vicinity. *The Proposed Development would therefore, be contrary to proper planning.*

The Anerobic Digester will lead to an unacceptable deterioration of the general Lusk Village Environment, especially in relation to visual impact, offensive odours, excessive noise, plant emissions, increased HGV traffic on all roads leading to the subject site (including the L1155) which is a lane and not suitable for HGV's.

#### **AREAS OF NATURAL BEAUTY & PROTECTED VIEWS**

The Proposed Anerobic Digester facility will have a Negative Visual Impact on Areas of natural beauty and Protective Views (i.e. Skerries Road R127 and L1165 Collinstown to Man O war). It will also be clearly visible from Quickpenny road, an approach road to Lusk Village.

#### **ENVIRONMENTAL NEGATIVE IMPACT**

The proposed Anerobic Digester poses an unacceptable risk to the flora and fauna of the area, especially in relation to potential pollution of watercourses protected under the EU Habitat Directive, and Rogerstown Estuary, A Natura 2000 Site.

I have concerns over the Negative impact this Facility will have on local water courses and drinking supplies. Many people within the local area of this proposed facility, have their water supply fed off private wells. It concerns me that our wells may be run dry due to the volume of water to be extracted from local water courses to run the AD Plant. This will be very much evident during warmer periods of weather when the water levels are much lower. Also, the vast quantity of liquid digest they plan to spread on the surrounding land and volume of liquid digest they plan to hold in 2no. large lagoons may leak into water sources, thus contaminating wells and local drinking water supplies.

1.

#### COMAH

We believe that the Planning Application has not fully complied with COMAH Regulations.

#### PLANNING HISTORY

A previous application F14A/0187 for a similar development (Anerobic Digester facility) was refused by Fingal County Council Planning back in 2014 and the underlying reasons for refusal of F14A/0187 have not changed in anyway. The location of this proposed application F24A/1162E lies within a similar distance of Lusk Village and has the same catchment area of the previously refused F14A/1162E. Note that the proposed AD Facility for F24A/1162E is on a *much larger scale, its own EIAR describes it as a Large-Scale Industrial Complex*. Therefore, the planning application F24A/1162E should be refused planning.

I enclose the fee payment of €20.00.

Yours Truly,



Pauline, David Mulcahy & Family