

File With

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SECTION 131 FORM

Appeal No

ABP- 3220 98

Defer Re O/H

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Having considered the contents of the submission dated/received

15/4

from Roisin + Martin Murphy 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 l230

Section 131 not to be invoked at this stage.

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

Signed

[Signature]

Date

23/4/25

EO

Signed

[Empty box]

Date

[Empty box]

SEO/SAO

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

[Empty box]

Task No

[Empty box]

Allow 2/3/4 weeks

BP

Signed

[Empty box]

Date

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EO

Signed

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Date

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Digital BP40

✓AS
23



Planning Appeal Online Observation

Online Reference
NPA-OBS-004503

Online Observation Details

| | | |
|--------------------------------------|--|--|
| Contact Name Martin Murphy | Lodgement Date 15/04/2025 13:40:30 | Case Number / Description 322098 |
|--------------------------------------|--|--|

Payment Details

| | | |
|---|---|---------------------------------|
| Payment Method Online Payment | Cardholder Name Martin Murphy | Payment Amount €50.00 |
|---|---|---------------------------------|

Processing Section

S.131 Consideration Required

Yes — See attached 131 Form N/A — Invalid

Signed

Date


EO

23/4/25

Fee Refund Requisition

Please Arrange a Refund of Fee of

Lodgement No

€

LDG-079343-28

Reason for Refund

Documents Returned to Observer

Request Emailed to Senior Executive Officer for Approval

Yes No

Yes No

Signed

Date

Finance Section

Payment Reference

Checked Against Fee Income Online

ch_3RE8mwB1CW0EN5FC0PODF5MR

EO/AA (Accounts Section)

Amount

Refund Date

€

Authorised By (1)

Authorised By (2)

SEO (Finance)

Chief Officer/Director of Corporate Affairs/SAO/Board Member

Date

Date

An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Martin & Roisin Murphy,
Oberstown,
Lusk,
County Dublin.
K45 EC42
14/04/2025

References:

| | |
|--|--|
| An Board Pleanála Appeal reference | APB-322098-25 |
| Fingal County Council Application Reference | F24A / 1162E |
| Location of proposed Development | Country Crest, Collinstown, Lusk, Co. Dublin |

Dear Sir / Madam,

We would like to submit the attached observations in support of the February 20th 2025 decision by Fingal County Council to refuse permission for the development of an Anaerobic Digester facility at Collinstown , Lusk, Co Dublin.

We are firmly of the view that the decision to refuse planning permission was correct and we urge An Board Pleanála to uphold that decision and confirm the assessment and outcome arrived at by Fingal County Council.

We live in the immediate vicinity of the proposed development (1.0km). We confirm we lodged an objection to the original planning application,

We also confirm this submission to An Board Pleanála has been accompanied by the required payment of €50.00

Yours Sincerely,

Martin & Roisin Murphy

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 respectfully 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 three 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 Country Crest, Collinstown Lusk Co Dublin. We have outlined below items that we believe the An Bord Pleanála 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](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.

At 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.

As you can see from the photos attached HGV's have heavily encroached on our own boundary and have eaten away at the grass verge resulting in a 'Shaved Bank' on either side of our entrance due to the HGV's having to hug the banks on either side to pass each other, this has resulted in approximately 150mm to over 400mm of our verge being eaten away and has resulted in an artificial widening of the road, I would like to bring to your attention that when the road was relayed approximately 10 years ago the Asphalt finished tight to the bank, this is no longer the case and will only get worse with extra Heavy goods traffic, eventually it could also become a hazard for cyclists. This is not just at our boundary it is happening at other properties too.



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.antaisce.org/news/antaisce-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 Anaerobic 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.

**THE PROPOSAL CONTAINS MISLEADING INFORMATION AS
“Neighbours consent to apply for planning permission” IS NOT A GENUINE
NEIGHBOUR BUT A CO-OWNER.**

“Neighbours consent to apply for planning permission” is a supporting document included with the application. This is disingenuous and would appear to be deliberately misleading. The neighbour in question, Mr Gabriel Hoey, is a co-founder and owner of Country Crest.

While he might own land adjacent to Country Crest, he lives at considerable distance away from it. This supporting material is not a “neighbours consent” but rather it is a “co-owner and co-applicants consent”

THE APPLICANTS DID NOT ADEQUATELY INFORM THE LOCAL AREA

development proposal.

There was an almost visceral reaction to the 2014 Anaerobic Digester application (F14A/0187) in the local Lusk and environs community. That application gave rise to protests, and public meetings and generated the highest number of objections to any planning application ever seen by Fingal County Council.

The feelings and attitudes of the people of Lusk and its environs have not changed, and yet this application (F24/1162E) has generated a much smaller response. As of today, there were only two Objections / Submissions on record on the Fingal County Council Website.

The explanation for this lack of engagement in to be found in the cynical approach the applicants adopted in making this application.

Date of application

The application was submitted on December 18th 2024 – a week before Christmas. It is difficult not to have the opinion that this date was chosen as most people would be otherwise preoccupied, and those that normally pay attention to planning matters would be less likely to do so at this time.

Placement of Public Notices

The Public Notices were not situated correctly

Site Notices 2, 3 and 4 are all at the end of a cul-de-sac laneway which explicitly states there is no access to Country Crest. While it is a “public laneway”, it is a cul-de-sac, and there is very little traffic to the end of it where the notices are located.

Furthermore, site notices 3 and 4 are not visible from any public location. They are all on private property and there are no adjacent public roadways or walkways.

Site Notice 1 is the only notice that is visible from the public roadway, but even with that, its location is set so far back from the edge of the road and is so obscured within the trees there, it is effectively impossible to see in passing.

SOURCE OF RAW MATERIAL AND WWTP SEWAGE SLUDGE VOLUME.

The Fingal Planning Officer concluded “the majority of the raw material required by the AD process would be sourced from outside the local area”. (Ref: CE Order F24A.1162E_ce.pdf, Page 23).

This material is sourced from up to 120km away in the case of Monaghan Chicken Litter Recycling.

One of the input materials listed by the proposers is WWTP Sludge – aka Sewage Sludge. The proposal states 1,300 tonnes will be used annually, all of which will be sourced internally. The dry matter content is estimated at 10% - equivalent to 130 tonnes.

(Ref: eiar_report_country_crest_ad_plant_2024-2025.pdf, Page 40 Table 2.1)

Elsewhere, the proposers state they employ 500 staff

(Ref: F24A_1162E_Appeal_Documents_3_of_5.pdf, Page 1)

It is difficult to reconcile an annual production of 1,300 Tonnes of WWTP Sewage Slurry from a population 500 – the majority of whom are there less than 10 hours per day.

EFFECT ON LOCAL COMMUNITY AND RESIDENTS

This proposal if granted will do nothing for the local community and if anything it will take more away from the area as there would be so more negative impacts than positives,

A large proportion of the new housing that is being developed locally are 'A' rated homes that incorporate heat recovery systems, these systems by design recirculate the warm air throughout the home and also expel stale air to the atmosphere, in doing so they must also take in 'Fresh' air from outside, if there are any foul gases escaping from the Country crest facility and the wind was blowing towards Lusk Village these people will be inadvertently circulating these odours throughout their homes, Most of whom would be young couples with young families who have taken out very high mortgages on properties they deemed to be in an idyllic rural town.

Manowar GAA club is situated adjacent to the proposed facility and it is hard to see how they would not be affected, the club caters for a large number of Adults and children and has high volume training sessions nightly during the week and Matches over the weekends.