

An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.
Date: 28/05/2025

AN BORD PLEANÁLA
LDG- 080525-25
ABP- _____
30 MAY 2025
Fee: € 220 Type: ChQ
Time: 9:40 By: Reg Bst

SL

Planning File Ref: 2460936

Development: The construction of an anaerobic digestion plant comprising: 4 No. primary digester tanks (each measuring c. 7.6 m in height); 3 No. secondary digester tanks (each measuring c. 14.5 m in height); 4 No. feed hoppers; 4 No. technical rooms (ranging in size from c. 35 sq m to c. 95 sq m GFA); 2 No. biogas conditioning units; process, storage and buffer tanks (comprising: 1 No. buffer digestate storage tank (c. 7.5 m in height), 1 No. suspension buffer tank (c. 8 m in height), 1 No. process area runoff storage tank (c. 4.5 m in height); 1 No. buffer digestate process tank (c. 4.5 m in height), 1 No. treated digestate liquids recycle storage tank (c. 4.5 m in height); 1 No. roofed liquids feed-mix tank (c. 3 m in height)); these components will be located within a containment bund constructed c. 3 m below ground level. The proposed development will also consist of: feedstock storage (comprising 3 No. storage clamps (c. 1,050 sq m in area each) and 2 No. storage sheds (c. 500 sq m GFA each)); a biomethane upgrading plant (including natural gas compression unit); a biomethane loading facility (comprising 4 No. loading bays with associated gates and safety features measuring c. 490 sq m in area); a biomass boiler with its associated pellet storage silo (c. 12.5 m in height); Combined Heat and Power (CHP) plant and associated heat exchanger; a single storey bio-based fertiliser processing and storage unit (c. 3,890 sq m GFA) (including digestate dewatering plant, fertiliser pasteurisation plant and bio-based fertiliser loading facilities); a single storey office building (c. 105 sq m GFA) (including offices, meeting room, control room, laboratory, welfare facilities, storeroom and a first-aid facility); bin storage; 9 No. car parking spaces (including 5 No. standard parking spaces, 2 No. electric vehicle (EV) spaces and 1 No. accessible car parking space); electric vehicle (EV) charging infrastructure; 10 No. bicycle parking spaces; vehicular, cyclist and pedestrian access / egress and associated circulation routes; 2 No. weighbridges; a vehicle steam wash area; fuel storage tank and associated bund; an emergency flare (c. 7.6 m in height); a process area runoff lagoon; an attenuation pond; an ESB sub-station; boundary treatments [including gates, piers and fencing]; site lighting; all hard and soft landscaping; provision of sustainable urban drainage systems (SUDS); and all other associated site excavation, infrastructural and site development works above and below ground, including changes in level and associated retaining features, and associated site servicing [water and electricity supply].

To whom it may concern,

We Mr. David Hogan and Mrs. Mary Anne Cantwell-Hogan, Killoran, Moyne, Thurles, Co. Tipperary, would like to appeal to An Bord Pleanála the decision of the granting of planning permission by Tipperary County Council (TCC) on the 6/05/2025 to Nua Bioenergy Limited as per Ref : 2460936. We feel that our previous submitted observations to TCC were not considered on their full merit and would like An Bord Pleanála to re-examine our original submission and take account of other observations and comments that are discussed in the following appeal document. We hope the information provided in this document will assist An Bord Pleanála in their decision making with regard to the granting of permission to construct an Anaerobic Digestion (AD) plant by Nua Bioenergy Limited at the former Lisheen Mine site in Killoran, Moyne, Thurles, Co. Tipperary.

1.Site location of development in relation to local residential holdings



The attached image shows that our homestead (E41 P4A9) is in very close proximity (circa. 320 metres) of the proposed AD plant. This closeness, in our opinion, will negatively impact the environment where we reside. This AD plant will not only affect the air quality through the emission of poisonous contaminants, but will also emit foul smells and produce noise and light pollution from its operational activities.

In its reporting, the TCC planning authority did not clarify the minimum distance that an AD plant of this size and nature can be located from residential dwellings. We propose that An Bord Pleanála investigate and determine the acceptable minimum distance between a development of this kind and residential dwellings, as stipulated by relevant national planning law and European directives. On the 21st of May 2025, Senator Eileen Lynch called on Minister Darragh O'Brien at the Department of the Environment, Climate and Communications to "urgently publish comprehensive national guidelines on the location of biomethane plants that consider proximity to homes, roads and infrastructural capacity and environmental sustainability" (Seanad Eireann, Vol. 306 No.3).

2. Omission of relevant information from the Environmental Impact Assessment Report (EIAR)

In our opinion, the granting of planning permission to Nua Bioenergy Limited by the planning department of TCC should not have been issued because the original and addendum submissions did not highlight the cumulative effects of all the granted and proposed developments within the Lisheen Mine complex. At the time of Nua Bioenergy Limited's original EIAR submission, planning permission for the development of a healthcare waste treatment and recycling facility (Reference 2460978) was not applied for on the lands of the former Lisheen Mine. However, in response to TCC's request for further information, Nua Bioenergy Limited omitted in their EIAR addendum that planning permission for Reference 2460978 was in progress, and has subsequently been granted planning permission.

According to Chapter 21 of the original EIAR submission, the applicant stated that:

The Cumulative Effects Assessment (CEA) has specifically considered whether any of the identified projects in the local or wider area have the potential to exacerbate (i.e. alter the significance of) effects associated with the proposed development... The CEA has considered likely significant cumulative effects arising from other existing and/or approved projects that may arise during construction and operation of the proposed development... Projects where construction has been completed prior to 2025/2026 are therefore not included in the cumulative construction assessment. The cumulative operational assessment considers the total effects of the proposed development and other identified projects operating concurrently.

(Environmental Impact Assessment Report Nua Bioenergy [P-2024-35-59] 21-3)

Planning File Ref: 2460978 (Granted planning permission on the 23/04/2025)

Development: a state-of-the-art healthcare waste treatment and recycling facility and a waste transfer station. The development will include the construction of 3 no. buildings; Building 1 (total gross floor area of circa (ca.) 2,242m² and ca. 9m tall), Building 2 (total gross floor area of ca. 229m² and ca. 6m tall) and Building 3 (total gross floor area of ca. 68m² and ca. 4m tall) along with associated ancillary development including rooftop solar photovoltaic panels, 1no. battery energy storage system (total gross floor area of ca. 34m² x 2m tall) and inverter, onsite tank with bunding, vehicle parking, rainwater harvesting tank, surface water retention ponds, firewater retention pond, firewater storage pillow tank, an on-site wastewater treatment system and associated polishing filter bed percolation area, dedicated container storage yard for the temporary storage of container units, signage, landscaping, perimeter security fencing and all ancillary works. The total development area will be ca. 3.75 hectares (ha). The development will intake ca. 10,000 tonnes per annum of healthcare waste for treatment and recycling and an additional ca. 15,000 tonnes per annum of hazardous waste will be accepted, temporarily stored, handled and consolidated onsite for onward transfer - an EIAR has been submitted with the application.

A lack of recognition of this waste treatment and recycling facility in Nua Bioenergy Limited's EIAR addendum compromises the following aspects on which the original EIAR submission was based upon:

- Population and Human Health
- Biodiversity
- Land, Soils and Geology
- Hydrology and Hydrogeology
- Air Quality (including Odour)
- Noise and Vibration
- Traffic and Transportation
- Material Assets – Waste
- Archaeology and Cultural Heritage
- Landscape and Visual

3. Feedstock Providers and Receivers of Bio-Based Fertiliser

This map illustrates the locations and distances of seven “unidentified” sites of feedstock providers and receivers of bio-based fertiliser from the proposed development.

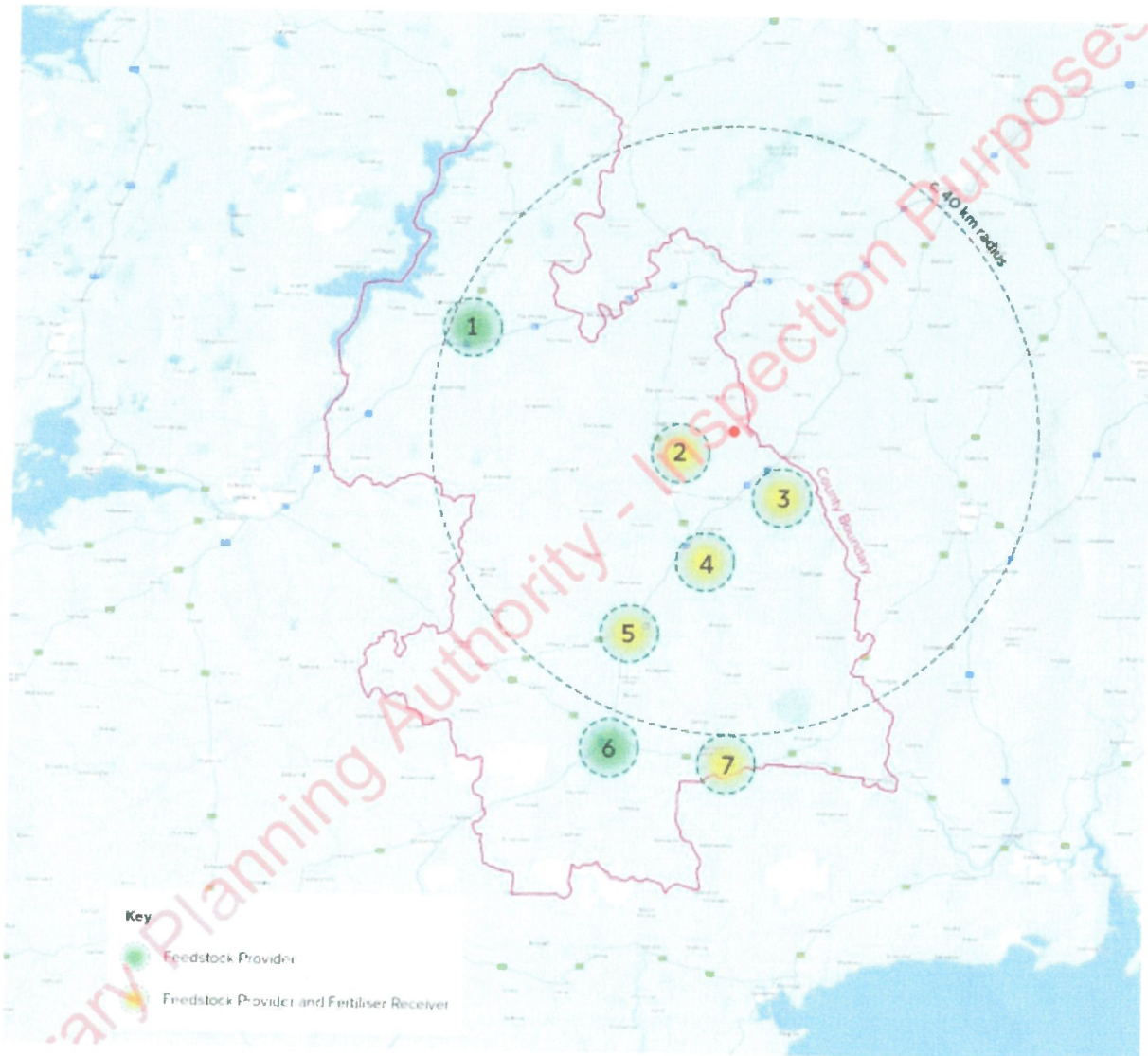


Figure 1 Location of Key Feedstock Providers and Receivers of Bio-Based Fertiliser
(Source adapted from EIAR Nua Bioenergy [P-2024-35-59] 6-18)

The applicant states that the reason for the non-disclosure of exact locations of feedstock suppliers and receivers was due to commercial sensitivity. However, this excluded information, particularly in relation to receivers, suggests that no environmental checks were likely conducted in preparing a report to TCC on the suitability of these locations to receive, store or dispose of any by-products from the AD plant.

We propose that An Bord Pleanála investigate why the exact locations of feedstock providers and receivers were not specified and whether aspects of environmental legislation was not adhered to in the EIAR submission.

As per TCC Schedule of Conditions 2460936, an annual report on the operation of the bioenergy facility is required to be submitted to the planning authority and must include:

- a) Details of the source of feedstocks and the final disposal areas of digestate.
- b) The volumes of raw materials treated in the previous 12 months.
- c) The volume of digestate produced in the previous 12 months.
- d) The volume and weight of gas produced in the previous 12 months.

Reason: In the interests of orderly development.

In relation to parts a - c of Schedule 2460936, we feel that before planning permission was granted to Nua Bioenergy, the planning authority should have demarcated and published the sources and quantities of feedstock suppliers and receivers of the bio-based fertiliser locations, in “the interests of orderly development”. As a consequence, the following could have been determined:

1. The areas identified for feedstock providers and receivers of bio-based fertiliser would be within the submitted transport radius of the development.
2. The listed receivers of bio-based fertiliser would have the legal capacity to receive and store bio-based fertiliser during the prohibited land spreading dates.
3. All receivers of bio-based fertiliser would have to submit to TCC a nutrient management plan, outlining the lands on which the bio-based fertiliser is to be disposed.
4. An agreed transport route for each of the 7 locations of the feedstock providers and receivers of bio-based fertiliser could be designated. By right, these selected routes should be a condition of granting permission to Nua Bioenergy.

In section 6.8.1.2 of the EIAR submission, the applicant has indicated that:

The feedstock intake profile is indicative and subject to change based on market and season conditions and availability and quality of feedstocks. However, notwithstanding the above the overall feedstock intake will not exceed 98,000 tonnes per annum.

(EIAR Nua Bioenergy [P-2024-35-59] 6-16)

By including this remark, the applicant has suggested that if the unidentified locations are unable to supply feedstocks for the AD plant, they will accept any form of feedstock from any location as long as the annual allowance is not breached. If this were to occur and there is a strong possibility of such a happening, it would undermine the whole rationale for locating this AD plant on the Bioenergy Campus.

We would ask An Bord Pleanála to review the granting of planning permission in light of the points made in this document.

David Hogan

David Hogan 28/5/2025

Mary Ann Cantwell Hogan

Mary Ann Cantwell-Hogan 28/5/2025



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
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Co. Thiobraid Árann
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tipperarycoco.ie

**Acknowledgement of receipt of submission or observation
On a planning application**

Ref: 2460936

06/12/2024

David Hogan and Mary Anne Cantwell,
Killoran,
Moyne,
Thurles, Co. Tipperary.

Re: PERMISSION for construction of an anaerobic digestion plant comprising: 4 no. primary digester tanks (each measuring c. 7.6 m in height); 3 no. secondary digester tanks (each measuring c. 14.5 m in height); 4 no. feed hoppers; 4 no. technical rooms (ranging in size from c. 35 sq m to c. 95 sq m GFA); 2 no. biogas conditioning units; process, storage and buffer tanks (comprising: 1 no. buffer digestate storage tank (c. 7.5 m in height), 1 no. suspension buffer tank (c. 8 m in height), 1 no. process area runoff storage tank (c. 4.5 m in height); 1 no. buffer digestate process tank (c. 4.5 m in height), 1 no. treated digestate liquids recycle storage tank (c. 4.5 m in height); 1 no. roofed liquids feed-mix tank (c. 3 m in height)); these components will be located within a containment bund constructed c. 3 m below ground level. The proposed development will also consist of: feedstock storage (comprising 3 no. storage clamps (c. 1,050 sq m in area each) and 2 no. storage sheds (c. 500 sq m GFA each)); a biomethane upgrading plant (including natural gas compression unit); a biomethane loading facility (comprising 4 no. loading bays with associated gates and safety features measuring c. 490 sq m in area); a biomass boiler with its associated pellet storage silo (c. 12.5 m in height); Combined Heat and Power (CHP) plant and associated heat exchanger; a single storey bio-based fertiliser processing and storage unit (c. 3,890 sq m GFA) (including digestate dewatering plant, fertiliser pasteurisation plant and bio-based fertiliser loading facilities); a single storey office building (c. 105 sq m GFA) (including offices, meeting room, control room, laboratory, welfare facilities, storeroom and a first-aid facility); bin storage; 9 no. car parking spaces (including 5 no. standard parking spaces, 2 no. electric vehicle (EV) spaces and 1 no. accessible car parking space); electric vehicle (EV) charging infrastructure; 10 no. bicycle parking spaces; vehicular, cyclist and pedestrian access / egress and associated circulation routes; 2 no. weighbridges; a vehicle steam wash area; fuel storage tank and associated bund; an emergency flare (c. 7.6 m in height); a process area runoff lagoon; an attenuation pond; an ESB sub-station; boundary treatments [including gates, piers and fencing]; site lighting; all hard and soft landscaping; provision of sustainable urban drainage systems (SUDS); and all other associated site excavation, infrastructural and all other associated site excavation, infrastructural and site development works above and below ground, including changes in level and associated retaining features, and associated site servicing [water and electricity supply]. An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS)

**will be submitted with the application at Former Lisheen Mine Site
Killoran, Moyne Thurles, Co. Tipperary**

Nua Bioenergy Limited

Dear Sir/Madam,

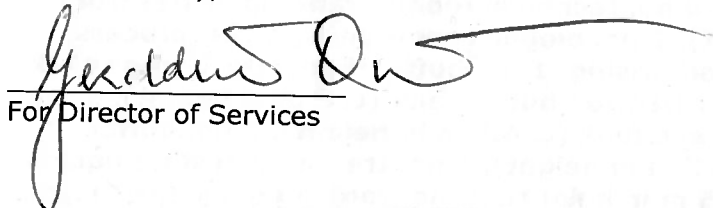
A submission/observation in writing has been received from David Hogan and Mary Anne Cantwell on 05/12/2024 in relation to the above planning application.

The appropriate fee of €20.00 has been paid. (Not applicable to prescribed bodies)

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations, 2001(as amended) and will be taken into account by the Planning Authority in its determination of the Planning application.

You will be advised of the Planning Authority's decision on the above application in due course. Your letter will form part of the documentation available for inspection by the public.

Yours faithfully,


For Director of Services

This is an important document!

Keep this document safely. You will be required to produce this acknowledgement to An Bord Pleanala if you wish to appeal the decision of the planning authority. It is the only form of evidence which will be accepted by An Bord Pleanala that a submission or observation has been made to the planning authority on the planning application.



Comhairle Contae Thiobraid Árann
Tipperary County Council

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2460936

06/05/2025

David Hogan and Mary Anne Cantwell,
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Moyné
Thurles, Co. Tipperary

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A Chara,

I refer to correspondence received from you in connection with an application by Nua Bioenergy Limited and Tipperary County Council having taken your submission into consideration decided to **CONDITIONAL** permission. I am attaching for your information a copy of the Council's decision.

Please note that you have the right of appeal to An Bord Pleanala against the Council's decision on this application. Your appeal should be addressed to An Bord Pleanala, 64 Marlborough Street, Dublin 1, D01 V902 and should include, your name and address, details of nature and site of the proposed development, the name of the Planning Authority, the planning register number and the applicants name and address. The appeal must be received by An Bord Pleanala within **4 weeks** beginning on the date of the Council's decision 6/05/2025.

The **full** grounds of appeal and supporting material and arguments must be submitted from the start. The correct **appeal fee** must also be enclosed. If an appeal does not meet **all** the legal requirements, it will be **invalid** and **cannot** be considered by the Board.

Mise le meas,

Geraldine Quinn

For Director of Services

Planning Section

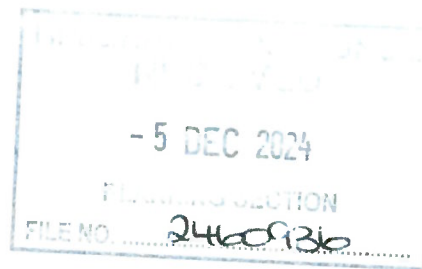
Tipperary County Council

Civil Offices

Limerick Road

Nenagh

Co. Tipperary



Date: 05/12/2024

Re: Submission to Planning File Ref: 2460936

Development: The construction of an anaerobic digestion plant comprising: 4 No. primary digester tanks (each measuring c. 7.6 m in height); 3 No. secondary digester tanks (each measuring c. 14.5 m in height); 4 No. feed hoppers; 4 No. technical rooms (ranging in size from c. 35 sq m to c. 95 sq m GFA); 2 No. biogas conditioning units; process, storage and buffer tanks (comprising: 1 No. buffer digestate storage tank (c. 7.5 m in height), 1 No. suspension buffer tank (c. 8 m in height), 1 No. process area runoff storage tank (c. 4.5 m in height); 1 No. buffer digestate process tank (c. 4.5 m in height), 1 No. treated digestate liquids recycle storage tank (c. 4.5 m in height); 1 No. roofed liquids feed-mix tank (c. 3 m in height)); these components will be located within a containment bund constructed c. 3 m below ground level. The proposed development will also consist of: feedstock storage (comprising 3 No. storage clamps (c. 1,050 sq m in area each) and 2 No. storage sheds (c. 500 sq m GFA each)); a biomethane upgrading plant (including natural gas compression unit); a biomethane loading facility (comprising 4 No. loading bays with associated gates and safety features measuring c. 490 sq m in area); a biomass boiler with its associated pellet storage silo (c. 12.5 m in height); Combined Heat and Power (CHP) plant and associated heat exchanger; a single storey bio-based fertiliser processing and storage unit (c. 3,890 sq m GFA) (including digestate dewatering plant, fertiliser pasteurisation plant and bio-based fertiliser loading facilities); a single storey office building (c. 105 sq m GFA) (including offices, meeting room, control room, laboratory, welfare facilities, storeroom and a first-aid facility); bin storage; 9 No. car parking spaces (including 5 No. standard parking spaces, 2 No. electric vehicle (EV) spaces and 1 No. accessible car parking space); electric vehicle (EV) charging infrastructure; 10 No. bicycle parking spaces; vehicular, cyclist and pedestrian access / egress and associated circulation routes; 2 No. weighbridges; a vehicle steam wash area; fuel storage tank and associated bund; an emergency flare (c. 7.6 m in height); a process area runoff lagoon; an attenuation pond; an ESB sub-station; boundary treatments [including gates, piers and fencing]; site lighting; all hard and soft landscaping; provision of sustainable urban drainage systems (SUDS); and all other associated site excavation, infrastructural and site development works above and below ground, including changes in level and associated retaining features, and associated site servicing [water and electricity supply].

Site Location: Killoran, Moyne, Thurles, Co. Tipperary

Applicant's Name: Nua Bioenergy Limited

Appellants: Mr. David Hogan and Mrs. Mary Anne Cantwell-Hogan, Killoran, Moyne, Co. Tipperary.

To whom it may concern,

We wish to submit the following observation to planning file 2460936.

General Comments:

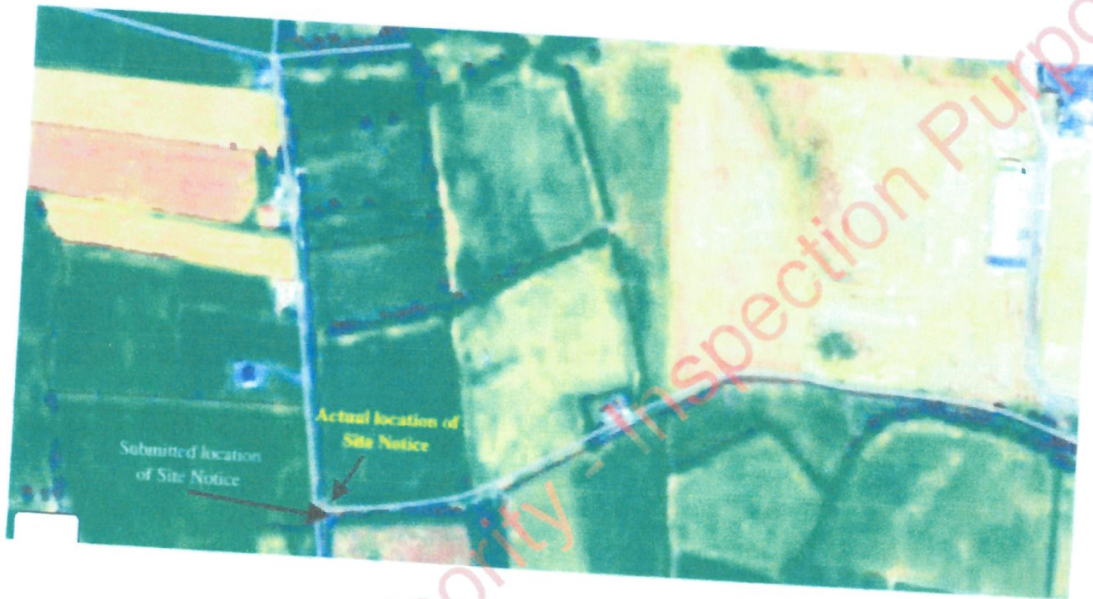
We have been living in the immediate area of the proposed development for the past 14 years. We feel that the constructional and operational aspects of the proposed development will negatively impact the quality of life living in our home and surrounding hinterland.

Our Concerns:

1. Site notice
2. Site location of proposed development in relation to local residential housing
3. Operating hours/manufacturing processes of proposed development
4. Environmental impacts
5. Other impacts

1. Site notice

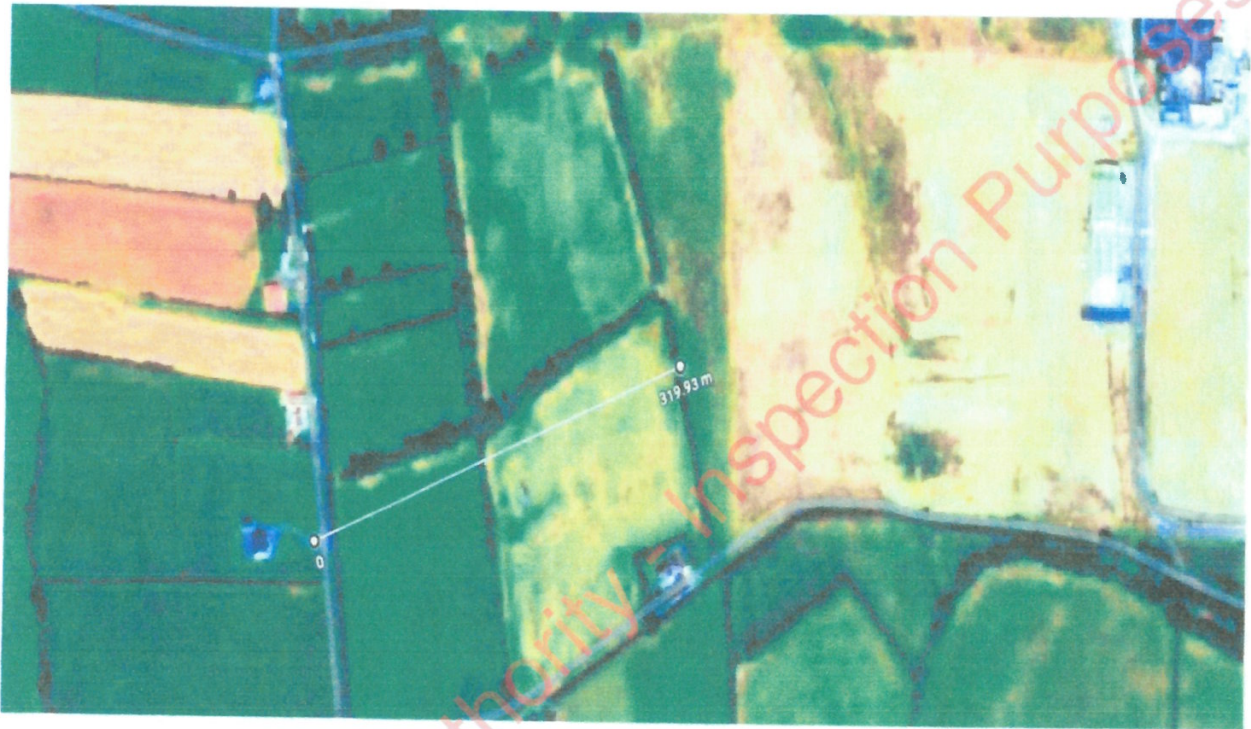
It is clear from the attached photograph below that the erected site notice is placed contrary to the location identified by the applicant. By having the site notice placed where previous site notices exist, local dwellers may have unknowingly mistaken the current application as historical. This conflicts with planning law which states that a site notice must be "placed in a conspicuous position".



Current site notice adjacent to historic notice

2. Site location of proposed development in relation to local residential housing

The proposed development site is closely situated to residential housing. In relation to our own home (E41P4A9), the distance to the site boundary is estimated to be **320 metres** as indicated in the photograph provided.



Conversely, it has been stated in the EIAR (Volume 2: Section 3.2.1 'Wider Site Context') of the proposed development that:

“Housing in the area is low-density and predominantly rural, consisting mainly of farmhouses and individual dwellings along country roads. **The nearest residence situated approximately 750 metres to the west.**”

We feel that the information pertaining to the stated distance of the proposed development is misleading. And as such, we would like clarification from the relevant planning authority on what is the minimum distance from a dwelling at which a development of this nature and size can be granted permission.

3. Operating hours/manufacturing processes of the proposed development

The operational phase of the proposed development requires it to be operational 24 hours a day for 365 days per year. The applicant has indicated an annual requirement of 98,000 tonnes of feedstock supplied from seven **unidentified** locations within a 40km radius of the proposed development. To facilitate this, the applicant has proposed the following operating hours:

“**Feedstock Delivery:** Monday to Friday 07.00- 19.00, Saturdays 07.00-16.00”. In addition, the applicant has noted that “ during peak periods, such as harvest seasons, feedstock may be accepted outside of these hours, including evenings, weekends, and bank holidays to accommodate seasonal demands”.

Regarding the aforementioned feedstock delivery schedule, we feel that the proposed operating hours, along with the harvest season implications, will have the effect of the plant receiving feedstock deliveries at any time on any given day throughout the year.

Moreover, there has been no indication of the times at which the Biogas and Digestate will be removed from the proposed development. We would like further clarification on this point too.

4. Environmental impacts

Noise Pollution:

We feel that the proposed development and its operating hours will significantly amplify sounds within the vicinity of our home. For instance, in accordance with safety legislation, mechanical loaders must be equipped with reverse sirens. The noise produced from such sirens, moving vehicles and other manufacturing activities will be heard on a continuous basis. The constant noise emitted from the operation of this proposed plant will have negative impacts on living within our home. Furthermore, as one of the dwellers works full-time from home, noise pollution will adversely affect their living and working environment.

Air Pollution:

As suggested in a previous point, the proposed development will receive vast amounts of raw material on a daily basis. It has been stated in the plan that the non-liquid feedstocks will be delivered to a closed shed. However, it must be noted that all raw materials will be moved within the proposed plant as part of the production cycle. Considering that gusts of wind

circulate from all directions; odours, toxins and pollutants will be dispersed in this process. The high risk of air pollution is of great concern to us as one of the dwellers is asthmatic and has other allergic sensitivities.

Light Pollution:

The proposed development will be illuminated day and night. This illumination, particularly at night-time, will impact the quality of life living in our home both from a sleep and aesthetic point of view.

Risk of Explosion:

As the proposed site involves the generation of biomethane gas, there is a high probability of explosion and fire. This is of concern due to the close proximity (320 metres) of our home to the proposed site and the fact that the proposed area was an entry point to the former 'Lisheen Mine'.

5. Other impacts

Apart from the personal and environmental impacts that this proposed bioenergy facility will cause, it is also noteworthy to highlight that our dwelling and adjoining property will be devalued if planning permission is granted.

We request that our concerns are taken into account and given due consideration when the planning authority is adjudicating on the application (**Ref: 2460936**).

Yours faithfully,

Dan Hogan 5/12/2024

Mary Anne Gurnell 5/12/2024

Contact Number



Comhairle Contae Thiobraid Árann
Tipperary County Council

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Ref. No. 2460936

TO: Nua Bioenergy Limited
C/o Seamus Donohoe
20 Harcourt Street
Dublin 2
Ireland
D02 H364

Application Received: 02/11/2024, 4/11/2024, 5/11/2024,
05/03/2025 & 14/03/2025

Re: Notification of decision to grant PERMISSION with conditions under
Planning & Development Act 2000 (as amended)

A Chara,

In pursuance of the powers conferred upon them by the above mentioned Acts, Tipperary County Council has by Order dated **6/05/2025** decided to grant you PERMISSION for development of land namely:-construction of an anaerobic digestion plant comprising: 4 no. primary digester tanks (each measuring c. 7.6 m in height); 3 no. secondary digester tanks (each measuring c. 14.5 m in height); 4 no. feed hoppers; 4 no. technical rooms (ranging in size from c. 35 sq m to c. 95 sq m GFA); 2 no. biogas conditioning units; process, storage and buffer tanks (comprising: 1 no. buffer digestate storage tank (c. 7.5 m in height), 1 no. suspension buffer tank (c. 8 m in height), 1 no. process area runoff storage tank (c. 4.5 m in height); 1 no. buffer digestate process tank (c. 4.5 m in height), 1 no. treated digestate liquids recycle storage tank (c. 4.5 m in height); 1 no. roofed liquids feed-mix tank (c. 3 m in height)); these components will be located within a containment bund constructed c. 3 m below ground level. The proposed development will also consist of: feedstock storage (comprising 3 no. storage clamps (c. 1,050 sq m in area each) and 2 no. storage sheds (c. 500 sq m GFA each)); a biomethane upgrading plant (including natural gas compression unit); a biomethane loading facility (comprising 4 no. loading bays with associated gates and safety features measuring c. 490 sq m in area); a biomass boiler with its associated pellet storage silo (c. 12.5 m in height); Combined Heat and Power (CHP) plant and associated heat exchanger; a single storey bio-based fertiliser processing and storage unit (c. 3,890 sq m GFA) (including digestate dewatering plant, fertiliser pasteurisation plant and bio-based fertiliser loading facilities); a single storey office building (c. 105 sq m GFA) (including offices, meeting room, control room, laboratory, welfare facilities, storeroom and a first-aid facility); bin storage; 9 no. car parking

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spaces (including 5 no. standard parking spaces, 2 no. electric vehicle (EV) spaces and 1 no. accessible car parking space); electric vehicle (EV) charging infrastructure; 10 no. bicycle parking spaces; vehicular, cyclist and pedestrian access / egress and associated circulation routes; 2 no. weighbridges; a vehicle steam wash area; fuel storage tank and associated bund; an emergency flare (c. 7.6 m in height); a process area runoff lagoon; an attenuation pond; an ESB sub-station; boundary treatments [including gates, piers and fencing]; site lighting; all hard and soft landscaping; provision of sustainable urban drainage systems (SUDS); and all other associated site excavation, infrastructural and all other associated site excavation, infrastructural and site development works above and below ground, including changes in level and associated retaining features, and associated site servicing [water and electricity supply]. An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) will be submitted with the application at Former Lisheen Mine Site, Killoran, Moyne, Thurles, Co. Tipperary.

For the reason(s) stated in schedule 1 and subject to the condition(s) stated on schedule 2 (1 to 14, pages 1 to 3).

If there is no appeal against the said decision, a Grant of PERMISSION in accordance with the Decision shall be issued as soon as maybe, but not earlier than 3 working days after the expiration of the period within which an appeal may be made to An Bord Pleanala. (See Footnote at end of document). It should be noted that until a Grant of a Permission has been issued the development in question is not authorised. The applicant is advised that unless the development described above is carried out within five (5) years from the date of Grant of PERMISSION, planning permission will cease to have effect. See Section 40 of the Planning and Development Act, 2000.

Signed on behalf of *Geraldine Quinn* Date: 6th May, 2025
Director of Services

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SCHEDULE ONE

It is considered that the development complies with the policies and objectives of the Tipperary County Development Plan 2022-2028 and that the development does not have an adverse impact upon the character of the area or the amenities of adjoining properties and would therefore be in accordance with proper planning and sustainable development of the area.

SCHEDULE TWO

1. Save where modified by the following conditions, the proposed development shall be carried out and completed in accordance with the drawings and documentation submitted with the planning application on 2/11/2024, 4/11/2024 and 5/11/2024 including the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) and supporting reports, as amended by the further information, EIAR Addendum and updated NIS and associated documents, drawings and reports received on 5/3/2025 and 14/03/2025.

REASON: In the interest of proper planning and sustainable development, to clarify the terms of the permission and in the interests of protecting the visual amenities of the area and the environment.

2. All environmental mitigation measures set out in the EIAR and EIAR Addendum, the updated NIS and associated documents submitted with the application and amended by way of further information shall be implemented in full.

REASON: To clarify the terms of the permission and in the interests of protecting the environment.

3. A maximum of 98,000 tonnes of feedstock shall be treated in the development.

REASON: In the interests of clarity.

4. An annual report on the operation of the facility shall be submitted to the Planning Authority and shall include:

- a) Details of the source of feedstocks and the final disposal areas of digestate.
- b) The volumes of raw materials treated in the previous 12 months.
- c) The volume of digestate produced in the previous 12 months.
- d) The volume and weight of gas produced in the previous 12 months.

REASON: In the interests of orderly development.

5. Water supply and drainage arrangements shall be as per details proposed

REASON: To ensure a proper standard of development.

6. The quantities of substances to which the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 (S.I.209 of 2015) (COMAH Regulations 2015) relates shall remain within the Lower Tier establishment thresholds as defined under said Regulations.

REASON: In the interests of clarity and to ensure the development will not comprise an Upper Tier establishment.

7. Lighting shall be provided in accordance with the details proposed. The lighting types shall be designed, constructed and operated to minimise obtrusive light outside the boundaries of the development.

REASON: In the interest of visual amenity.

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8. (a) The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the Department of Housing, Local Government and Heritage (DHLGH). The testing shall take place in advance of any site preparation works or groundworks including site investigation works and topsoil stripping. The report shall include an archaeological impact statement and mitigation strategy.
- (b) Test trenches shall be excavated at locations chosen by the archaeologist having consulted the site drawings and the results of the Archaeological Geophysical Survey carried out under Licence 25R0042. Excavation is to take place to the uppermost archaeological horizons only, where they survive.
- (c) Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required pending further advice from the DHLGH.
- (d) Any further archaeological mitigation requirements specified by the planning authority, following consultation with the DHLGH, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to the DHLGH and the Local Authority and approval to proceed is agreed in writing with the planning authority.
- (e) The planning authority and the DHLGH shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. 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.**
9. Complete details of the materials, colours and textures of all external finishes to the proposed development and details of signage shall be submitted for written agreement of the Planning Authority prior to commencement of development. This shall include brochure samples of the proposed external finishes or a manufacturers catalogue indicating same.
- REASON: In the interests of orderly development and the visual amenities of the area.**
10. All service cables associated with the proposed development (such as electrical, television and telephone cables) shall be run in underground ducts.
- REASON: In the interests of orderly development and of the visual amenities of the area.**
11. (a) The proposed parking spaces shall be clearly delineated on the ground prior to operation of the development. Circulation aisles shall be kept clear at all times.
- (b) The development shall include all necessary directional signs, stop signs and road markings as required which shall be clearly delineated on the ground prior to operation of the development
- REASON: In the interest of orderly development and the proper planning and sustainable development of the area.**

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12. Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Resource and Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how construction resources and wastes will be reduced, and as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

REASON: In the interest of proper planning and sustainable development.

13. All hard and soft landscaping and boundary treatment shall be as per details proposed.

REASON: In the interest of proper planning and sustainable development.

14. Prior to the commencement of development payment of a financial contribution shall be paid to the Planning Authority in respect of public infrastructure and facilities benefiting development in the administrative area of Tipperary County Council that is provided, or intended to be provided, by or on behalf of the Authority in accordance with the terms of the Tipperary County Council Development Contributions Scheme 2020 made under Section 48 of the Planning and Development Act, 2000 (as amended). The amount of the development contribution under this condition is €83,155 which is calculated as follows:

Class 4-Office Building	(€ per sq. m.)	Floor Area (sq. m)	Total Cost
Office Building	€22.00	105	€2,310
Class 8- Industrial	(€ per sq. m.)	Floor Area (sq. m)	Total Cost
Bio-based fertilizer processing and storage building	€23.00	3,140	€72,220
Bio-based fertilizer processing and storage building-First 750 sq m of building area charged at 50% of Class 8 rate	€11.50	750	€8,625
		Total	€83,155

REASON: It is considered reasonable that a contribution be made in accordance with the Tipperary County Council Development Contributions Scheme 2020 made under Section 48 of the Planning and Development Act 2000 (as amended).

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Footnote:

An appeal against a decision of a Planning Authority under the Planning and Development Act 2000 (as amended) may be made to An Bord Pleanala, 64 Marlborough Street, Dublin 1, D01 V902. (Tel. (01) 8588100) during office hours.

1. You have four weeks beginning on the date the planning authority makes its decision which was (6/05/2025). This is a strict time limit.
2. You must put your appeal in writing (either typed or handwritten).
3. You must clearly state your own name and address. If someone is acting for you, like a planning agent they must clearly state their own name and address as well as your name and address.
4. You must give enough details to allow An Bord Pleanala to identify the application you wish to appeal.
5. You must provide your planning grounds of appeal (reasons and arguments) for your appeal and any items you wish to support your grounds of appeal.
6. If you are a third party, you must include the written acknowledgement given to you by the planning authority to confirm it received your submission at planning application stage.
7. You must pay the correct fee.

For more information on how to make an appeal see www.pleanala.ie