



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigi Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Clonmel,  
Co. Tipperary

E91 N512

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Oifigi Cathartha,  
An tAonach,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary

E45 A099

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e customerservice  
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**Acknowledgement of receipt of submission or observation**

On a planning application

Ref: 2460936

Philip and Mary Bowe,  
Killoran,  
Moyne,  
Thurles, Co. Tipperary.

**AN BORD PLEANÁLA**

LDG- 080529-25 06/12/2024

ABP- \_\_\_\_\_

**30 MAY 2025**

Fee: € 220 Type: Chg

Time: 9.18 By: Post

SM

**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,

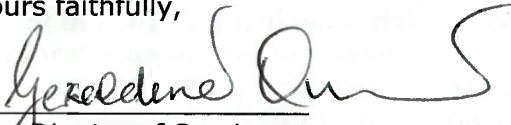
A submission/observation in writing has been received from Philip and Mary Bowe on 05/12/2024 in relation to the above planning application.

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 Pleanála 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 Pleanála that a submission or observation has been made to the planning authority on the planning application.**



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2460936

06/05/2025

Philip and Mary Bowe,  
Killoran,  
Moynes  
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**

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, 06/05/2025.

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**



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

Ref. No. 2460936

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

## **Tipperary County Council Schedule of conditions 2460936**

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 Pleanála. (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: 6<sup>th</sup> May, 2025  
Director of Services





## Tipperary County Council Schedule of conditions 2460936

- 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.**

## Tipperary County Council Schedule of conditions 2460936

### 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. *RP*

### 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. *RP*

**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.**





## **Tipperary County Council Schedule of conditions 2460936**

### **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](http://www.pleanala.ie)

## Tipperary County Council Schedule of conditions 2460936

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:

<b>Class 4-Office Building</b>	<b>(€ per sq. m.)</b>	<b>Floor Area (sq. m)</b>	<b>Total Cost</b>
Office Building	€22.00	105	€2,310
<b>Class 8- Industrial</b>	<b>(€ per sq m. )</b>	<b>Floor Area (sq m)</b>	<b>Total Cost</b>
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
		<b>Total</b>	<b>€ 83,155</b>

**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).**

(1)

An Bord Pleanála  
64 Marlborough Street  
Dublin 1

29<sup>th</sup> May 2025

**Appeal Against the Decision of Tipperary County Council to Grant Planning Permission to Nua Bioenergy Limited for Construction of an Anaerobic Digestion Plant at Killoran, Moyne, Thurles, Co. Tipperary.**

**Tipperary County Council Reference Number: 2460936**

**Name & Address of Appellants:** Philip & Mary Bowe, Killoran, Moyne, Thurles, Co. Tipperary.

**Date of Grant of Permission:** 6/5/25

Dear Sir/Madam,

Introduction

We Philip Bowe and Mary Bowe of Killoran, Moyne, Thurles, Co. Tipperary wish to lodge an appeal against the decision of Tipperary County Council to grant planning permission to Nua Bioenergy Limited for an Anaerobic Digestion Plant on the site of the former Lisheen Mine in Killoran., Moyne, Thurles, Co. Tipperary.

We enclose payment of €220 as the appeal fee and a copy of the acknowledgement of receipt of the submission made at the planning application stage from Tipperary County Council.

Site Location

[60 total]      black.  
The landholding of Phil and Mary Bowe is about 25 acres in size, the relevant folio numbers of the lands being V1570600028 and V1570600014 as shown in purple on the image below. At its closest point the landholding is about 50m away from the boundary of the Anaerobic Digestion Plant site, where attenuation and concrete hardstanding areas are proposed. There is also a house located immediately adjoining the Anaerobic Digestion site to the west along the local road and other houses less than 300m from the site further west. The Bowe house is about 750m from the site.

Our submission is set out in the following sections.





Proposed Site of  
Anaerobic Digestion  
Plant  
in Red. (2)

50m-  
Proximity to  
Lands of  
Appellants.  
P. S. M. Bowe.

Location of Bowe Lands outlined in Purple, part of Anaerobic Digestion Site outlined in Red

This Development Type is not Appropriate for the former Lisheen Mine site

We have lived close to Lisheen Mines for many years and since its closure there has been a welcome reduction in noise, traffic and other environmental nuisances. Tipperary County Council designated the area where the Anaerobic Digestion Plant is located as a 'National Bio-economy Hub' with an aim that Lisheen and Thurles will be a strategic national economic and employment driver. The provision of an Anaerobic Digestion Plant on this site does not act as an economic driver for the area and is not an employment intensive operation. The development is also essentially a waste facility and presents as a large scale industrial plant with numerous large tanks and buildings – this clearly is not what was envisaged by Tipperary County Council for these lands and there is a significant fear that allowing developments like this at this location will only attract similar other type waste facilities that do not generate significant employment opportunities.

This is compounded by the recent grant of permission given to Tatver Properties Ltd. on lands to the east of the Anaerobic Digestion Plan under Tipperary Reference 24/60978 on 27<sup>th</sup> May





2025 which is a waste facility for the treatment of healthcare waste, including hazardous waste, which clearly shows this area is not being treated as a National Bio-economy Hub' but more like a hub for the waste industry.

There is also another Anaerobic Digestion Plant being constructed further north of this development which is under construction at Derryville which demonstrates that there is an over concentration of these types of facilities in the area and the associated environmental nuisance that may arise from them. We'd ask An Bord Pleanála to recognize this and not allow this area to become a home for this type of industry that was never envisaged to take place here.

#### Cumulative Impact

The EIAR prepared to support the application includes for a Cumulative Effects section in Chapter 21. It is a glaring error in the EIAR and also the assessment of the Planning Authority that development of the healthcare waste facility under Tipperary Reference 24/60978 which is located to the east of the proposed site was not taken into consideration. This was not addressed as part of the original EIAR or response to further information. Tipperary County Council themselves also highlighted a number of inconsistencies with the application and EIAR in the further information request, including overlooking how close properties are to the site and it is therefore difficult to be comfortable that the information provided is accurate and robust given the issues with the assessment highlighted.

#### Digester Related Odours / Emissions

The house of Philip and Mary Bowe is 750m away from the site, with other houses being much closer within 300m. Odours emanating from the digester and adjacent feedstock shed and open silos would reach our dwelling and garden (and the dwellings of others) and detract from our quality of life and from the quality of the air we breathe. We are accustomed to odours from agricultural activities, but wish to state our objection to the intrusion of industrial odours/ammonia emissions etc. into our everyday environment. Mitigating measures are proposed within the Planning Application, but open and enclosed feedstock silos still give off odours/gases and affect the local air quality where constructed. This is further justification for moving the proposed development to a more suitable site outside of the Bioenergy Hub. These impacts can only be worsened by the other additional waste facilities proposed and under construction beside the development site.

From a review of the application drawings it looks like there are a number of storage clamp structures on the site. While it is not overly clear in the detail it looks like these are bays enclosed on 3 sides and not roofed and that they are going to store materials associated with the process being undertaken in the Plant. This seems like an oversight on the part of Nua Bioenergy. Why are materials being stored outside and open to the elements with the potential for issues to be caused externally to the site from materials being blown about or odours arising from the materials being stored (we could not establish from the plans what control measures,



2017 which is a major highway for the transport of industrial waste. The highway was built in 1967 which clearly shows that the area has been used for industrial purposes since the 1960s and is not a new development for the waste industry.

There is also another planning issue in relation to the proposed development. The planning authority has indicated that the proposed development is not in line with the local development plan which states that the area is to be used for industrial purposes. The planning authority has also indicated that the proposed development is not in line with the local development plan which states that the area is to be used for industrial purposes. The planning authority has also indicated that the proposed development is not in line with the local development plan which states that the area is to be used for industrial purposes.

### Cumulative Impact

The EIA report supports the proposed development for a number of reasons. Chapter 3.1.1 of the EIA report states that the proposed development is not in line with the local development plan which states that the area is to be used for industrial purposes. The planning authority has also indicated that the proposed development is not in line with the local development plan which states that the area is to be used for industrial purposes. The planning authority has also indicated that the proposed development is not in line with the local development plan which states that the area is to be used for industrial purposes.

### Disaster Related Objections

The house of 101 and 102 Bow - 70m away from the site with all houses being much closer within 30m. Objections are made from the disaster risk assessment which states that the proposed development is not in line with the local development plan which states that the area is to be used for industrial purposes. The planning authority has also indicated that the proposed development is not in line with the local development plan which states that the area is to be used for industrial purposes. The planning authority has also indicated that the proposed development is not in line with the local development plan which states that the area is to be used for industrial purposes.

such as biofilters, were proposed to control odours)? It is not addressed how chemical odours associated with the plant and its feedstock bays may affect cattle grazing in our fields nearby. We have not been consulted or informed. We produce beef for human consumption.

Feedstocks and digesters produce odours which attract vermin mostly mice and rats and flies, all three of which carry and spread disease. It is not clear from planning files how these risks will be mitigated. Our cattle will be further at risk to the spread of disease especially T.B. and our lands are less than 50m from the site and closest to where the attenuation areas and open storage bays are located.

Run off from the site and feedstock bays will be controlled and then released into the nearby stream according to the planning permission file which runs along the boundary of our land for 500 metres. Can cattle drink this water? If we use the water from the stream to agitate slurry will we be spreading disease and dangerous chemicals back on to the land to grow the grass to be consumed by cattle producing meat for human consumption.

#### Location of Potential Key Customers

Figure 6.4 and 6.5 of the EIAR identify the likely location of potential customers that will provide waste / feed for the Anaerobic Digestion Plant. Most of the customers identified are in excess of 40km from the proposed development and 2 of the customers appear to be located in excess of 60km from the proposed development. Surely, the Plant should be located beside the sources of the waste / feed to run the Plant and not be so remote from the site? This is clearly not in line with the principles of sustainability, particularly from a sustainable transport perspective and illustrates that the location of the proposal is entirely inappropriate. (The alternative site proposals seem equally unsuitable bringing into question again the reason for their mention at all.) The EIAR also highlights that these are 'potential customers' so in fact is the waste / feed going to be sourced from much farther away than is actually considered in the application? And does anyone know where the bi-product will be spread? If being imported from the Nenagh side of the proposed development it is hard to envisage how this traffic will find its way around to the Main Entrance to the old mine site as the proposed approach road for all feedstock traffic to and from the Proposed Development. This will necessitate traffic through small villages such as Moyne and Templetohy. Are these roads suitable for such traffic?

#### Construction and Operation Phase Traffic

The Planning Application states, and it was reiterated at the information meeting on 25/11/24, that all traffic would be channelled down the Cooleeney Road and through the Main Entrance to the Former Lisheen Mine Entrance. We request that this be a condition of Planning if the decision is made to grant Permission as the Killoran Road is not suitable for heavy traffic and such traffic would cause further disruption to local dwellers.

### Land Devaluation/Alternative Sites:

The land of Philip and Mary Bowe will be greatly devalued due to the proximity of the proposed facility as indicated in earlier aerial image.. The Lisheen Mine site, now the Bioenergy Hub Site , occupies over 500 acres. We propose that a more amenable site away from potential dwelling house sites and land boundaries can be identified within this vast acreage, if this development type even should be allowed within such a designated area. Alternative sites are referenced in the EIAR up to 30k and 50k from the proposed site. This seems to be an attempt at fulfilling a planning requirement and not realistic alternative proposals, while an alternative site on the current extensive lands of the former Lisheen Mine now owned by AQS and Galmoy Mines would be much more plausible. Sites not adjacent to private land and property could be located on the extensive former mine site and lands, including marginal land, tailings facilities etc.

The EIAR highlights a number of alternative sites in North Kilkenny and South Kildare which it says it considered as alternative options for location of the proposed development – it is not clear from the assessment whether these are real or theoretical sites so it is hard to judge them on the basis of the information presented – were there no other sites in Co. Tipperary that might be closer to the potential locations of the waste / feed for the Plant – this seems a major oversight.

The alternatives section seems to apply what I can only consider to be an arbitrary scoring and weighting system based on the information provided as there is no way for Tipperary County Council to assess the other sites. I would highlight that in any event there is a serious flaw in the alternatives considered. The planning application site is 5.5 hectares according the public notice. From the assessment provided, the Kilkenny and Kildare sites were less than 4 hectares in size and given a poor rating on that basis. Surely, given the sites were not of a sufficient size to accommodate the Anaerobic Digestion Plant they were a non-runner from the start and could not have realistically been considered in the first place? We submit that there are many other sites in Co. Tipperary that would suitably fit the needs of the proposal and more acceptable sites, as already highlighted, at the former Lisheen Mine location. The alternatives assessment provided in the EIAR is entirely inadequate and should not be relied on by An Bord Pleanála as a robust consideration of alternatives.

### Flooding Issues

It is stated in the Planning Application under the Construction Stage and Operation Stage Mitigation Measures that the “field boundary drain” 90m from the site known by locals as the Cláísín Stream will take the surface water/excess water collected from the site and released in a controlled manner from a drainage network to be put in place. Reference 22.4.2/22.2/22.3 Re. Drainage Network;

“This network will discharge to a nearby field boundary drain located approximately 90m south of the site. Run off will be released at a controlled Qbar Rate, with temporary storage for excess volumes provided in an above ground basin to manage flow and prevent flooding.”



(6)

Temporary storage systems for excess will not be able to cater for excessive volumes of water and neither will the said "Field boundary drain." A proper assessment of the local waterway and drainage in the immediate vicinity of the A.D. Proposed Site has not been carried out, as acknowledged by Tipperary County Council in their further information request where they identified that inadequate or no information was provided to support the claims made regarding run off from the site.

The Field Boundary Drain cannot take any more water in the winter months. Phil & Mary Bowe own the first three fields through which the "Field Boundary Drain" runs. The length of the three fields was drained by Lisheen Mine/Vedanta before closing the mine as a gesture to local farmers. This was completed for many in the area. However, the owners of the fourth field due south from the A.D. Plant did not allow any drainage, a decision they were entitled to make since the drainage was optional, but as a result the Field Boundary Drain fills with 7ft of water in winter within 1ft of the top of the bank but does not flood the field at this point. This year has been an exception due to the dry winter and spring. Additional surface water from the proposed planning application covering 5.5 hectares will exacerbate the build-up of flood water and flood our field. We have already notified the County Council of this issue on 11/11/22 .  
See email below / attached:

Philip

Bowe <philipbowe19@gmail.com>

to customerservices

Fri, Nov 11, 2022, 9:37 AM

For the attention of the Thurles District Engineer.

Dear Sir/Madam,

We are experiencing a flooding legacy as a result of the recent closure of the Lead/Zinc Mine in the area of Killoran, Moyne, Thurles. I respectfully request a meeting or some form of consultation on this matter as soon as possible.

I understand there may not be an immediate solution, but I know there is one for the future given my own local knowledge and that of my neighbours. The Cláisín stream running from the mines is the source and site of the problem. My house is at E41A0D1 and the land and drains in question are across the road.

The current flooding could be explained by the outsider as partly caused by climate change, recent heavy rain etc. but this has been ongoing since the mine closure and drainage that followed. I know the County Council and your office have the expertise to deal with this issue and look forward to discussing the problems with you. Understand you are busy but would really appreciate a reply or a call. 087/7424134.

Yours sincerely,

Phil Bowe.

Furthermore, when the water builds up in field three, at point A marked in enclosed map, it starts to flow backwards towards the mine along a lower drain and lodges and floods at the bridge (Point B. on map) on the back entrance to the mine just below the site of the Proposed

Application. This issue needs to be addressed. In short, it reminds me of the various planning authorities, that gave planning permission for houses/housing estates on flood plains when they did not avail of local knowledge or did not investigate how floods form in areas at different times of the year or in intermittent years as the case may be. **In any event, we do not want our fields flooded during the winter as a result of flood water from the proposed development. It is worth noting that we received no reply from the County Council in 2022 on this issue. The issue of potential flooding as above was included in our submission re. Planning Application 2460936 to the Planning Authority Tipperary County Council. Again we received no recognition of the potential problem.**

#### Mass Balance

The EIAR states that the digestate will be dewatered prior to composting and that the dirty water recovered will be used again in the digesters. How therefore will it be possible for the facility to accept a further 15,000 tonnes of whey permeate (a liquid feedstock) annually without the process giving rise to a need to dispose of a significant element of liquid digestate. No multi annual mass balance is provided as part of the EIAR and further details should be sought in relation to this.

#### Use of Digestate

Related to the foregoing, the planning application does not adequately address how the digestate produced from the process is going to be dealt with. Is it proposed that the digestate go for land spreading? If so, where will it be spread and has any assessment of these lands been undertaken to consider if they are adequate to accommodate this waste from the process? This is a major flaw in the assessment and was not considered by the Planning Authority Tipperary County Council.

#### Potential Site Devaluation & Site Prevention:

The land of Philip and Mary Bowe would not be suitable for the construction of a dwelling house if adjacent to an Anaerobic Digester and related buildings and given how close it is to their lands. Other sites exist on the former Lisheen Mine site and the wider County where an Anaerobic Digester would not interfere with potential use of lands and the knock on valuation of them.

#### Testing and Monitoring of mitigating measures

It is not clear how odour mitigating measures will be monitored and tested or by whom? Will neutralizing sprays be utilized? How often will air quality be assessed if at all? Nor is it clear how often water will be tested and by whom or by what authority?

### Planning Regulations re. Proximity to local property and Dwelling Houses

The proposed development is within 30m - 50 m of the property of local land owners and within 300m of local dwelling houses. This is unacceptable. There does not appear to be any guidelines in relation to the development of Anaerobic Digestion Plants in Ireland which is inexcusable and provides no protection to landowners and householders where these types of facilities are proposed. A plant of the nature of this Anaerobic Digester should be set back much further than 300m from private residences, noting that there is a house much closer than this to the immediate east of the site, and a minimum buffer zone should be provided beside agricultural lands to protect their productiveness which does not appear to have been considered at all as part of this proposal.

### Consultation with Local Land Owners and Dwellers


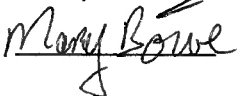
The level of communication with local land owners and dwellers has been wholly inadequate regarding Planning Application 24/60936. Nua Bioenergy will maintain that a process was adhered to, but the facts speak for themselves. No individual contacts were made with local households, although a facility with potential for explosions, for emitting harmful gasses, unsavoury odours and for devaluing property and houses was about to be constructed on their doorstep. Yes a planning Notice was placed at the end of the former Lisheen entrances, but the County Council and the Proposed Developers must realize that the locals in Killoran are "Planning Notice Drunk and Exhausted" after 30 years of planning on the said site. During the operation phase of the mine planning notices appeared at the entrances on an annual basis for shafts, extra offices etc. etc. Other developers on that site ie. The Lisheen Windfarm developers communicated with individual dwellers who would be directly affected. Information leaflets at least from Nua Bioenergy might have filled this gap and made people aware.

Yes a Public Meeting was organised on 25/11/24. I attended the said meeting but noted that I was only one of three dwellers on the Killoran Road to attend. I rang others in the week following the Information Meeting, and none of them knew anything about a planning application for an Anaerobic Digester. Communication with regard to planning should be sufficient so that locals have a voice and so that their concerns can be heard and mitigated accordingly by the Developer or the Planning Authority. An information Meeting on 25/11/24 nine days prior to objections/submissions being due seems rather high handed and unfair to the local community.

This point was generally ignored in the examination of the Planning Application by the Local Planning Authority Tipperary County Council. However, in the Planners Report Article 5. It is admitted that "consultation was limited to certain stakeholders" and therefore that consultation was not comprehensive and that companies and businesses in the local area were consulted with but local private land owners and dwellers were not. Future neighbours of this A.D. Plant were not consulted. If they were they would be named in the application and the consultation Process would be outlined. We own land 50m from this 5.5 hectares industrial development and we are irrelevant.



In conclusion, we urge An Bord Pleanála to refuse permission for the development of this Anaerobic Digestion Plant as it is an entirely inappropriate location to allow this type of development in such close proximity to residential development and adjoining landholdings and as there are large gaps in the information provided in the application it is not considered that there is sufficient information in front on An Bord Pleanála to come to any other decision than to refuse permission for the scheme.

<u>Philip Bowe.</u>		28/5/25	Mob: 087/7424134
<u>Mary Bowe.</u>		28/5/25	



An Róinn Talmhaíochta,  
Bia agus Mara  
Department of Agriculture,  
Food and the Marine

For Basic Payment Scheme,  
Areas of Natural Constraint Scheme and  
other Area-Based Schemes Purposes only  
Year: 2021 Scale: 1:5000

Name: Philip Gerard Bowe  
Address: Killoran  
Moyné  
Thurles  
Co. Tipperary

Townland Code: V15706  
Townland Name: KILLORAN

Parcel	Digitised	MEA*	Claimed
V15706211	4.96	4.96	4.65

Ortho Used: Color Ortho Full Coverage

*Philip Gerard Bowe*

All areas displayed above are in hectares  
\*MEA calculation available online via [agfood.ie](http://agfood.ie)  
15/04/2020 ©Bluesky International Ltd. 2020  
Unauthorized reproduction is not permitted.



V15706211

V1570462 5 of 5 - Wed Nov 17 07:05:36 GMT 2021

Proposed Site

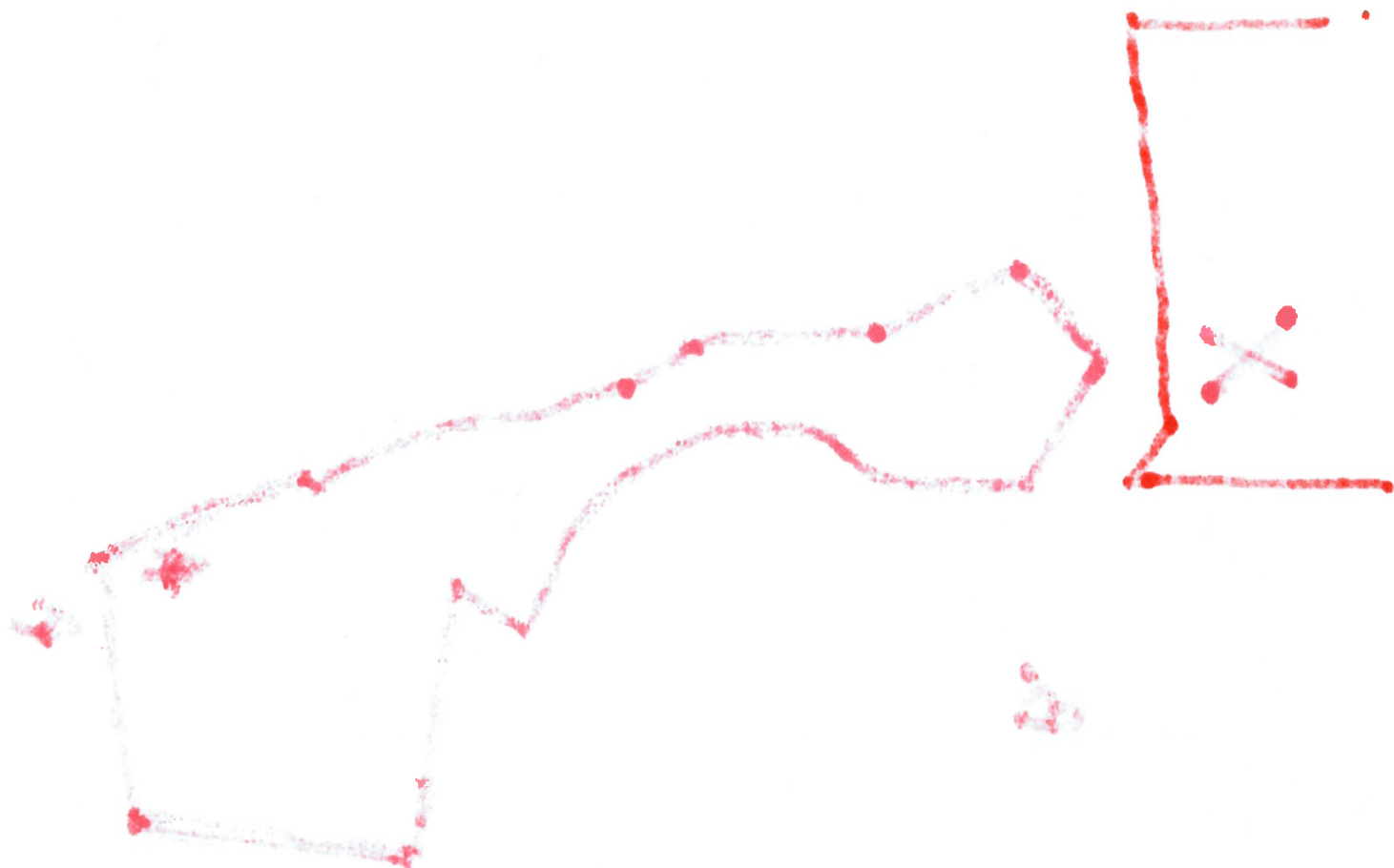
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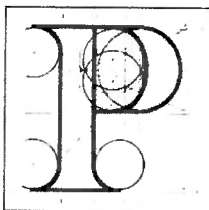
157





X





An  
Bord  
Pleanála

## Planning Appeal Form

### Your details

**1. Appellant's details (person making the appeal)**

Your full details:

(a) Name

Philip & Mary Rowe

(b) Address

KILICORAN, MOYNALTY,  
THURLES, CO. TIPPERRARY.

### Agent's details

**2. Agent's details (if applicable)**

If an agent is acting for you, please also provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

N/A.

(b) Agent's address

N/A.



## Postal address for letters

3. During the appeal we will post information and items to you or to your agent.  
For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the  
address in Part 1

☒

The agent at the address in  
Part 2

☐

## Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details. ✓ *Planning Authority's decision enclosed.*

**(a) Planning authority**

(for example: Ballytown City Council)

*TIPPERARY County Council.*

**(b) Planning authority register reference number**

(for example: 18/0123)

*24/60936*

**(c) Location of proposed development**

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

*KILLORAW, MOYNE, THURLES Co. TIPPERARY  
ON OLD HARBEN MINING SITE.*

## Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

*Attached.*

## Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs, map (one) ✓
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

## Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

*attached*

## Fee

8. You **must** make sure that the correct fees included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

## Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

**Yes, I wish to request an oral hearing**

☐

**No, I do not wish to request an oral hearing**

☒

NALA has awarded this document its Plain English Mark

Last updated: April 2019.





*Original Submission to Tiff Co Co.  
P. Bowe*

Submission: Re. Planning Application 24/60936  
Killoran,  
Moyne,  
Thurles,  
Co. Tipperary.

Dear Sir/Madam,

We Philip Bowe and Mary Bowe of Killoran, Moyne, Thurles, Co. Tipperary wish to place our submission/objection re. Planning Application 24/60936 concerning the construction by Nua Bioenergy of a Bioenergy & Biproducts Facility/An Anaerobic Digestion Plant on the site of the former Lisheen Mine in Killoran., Moyne, Thurles, Co. Tipperary.

Our land Folio Numbers relevant to this submission are V1570600028 and V1570600014. The land ,25acres approx, is within 50m and directly opposite the proposed site for the Bioenergy Facility. Our submission is as follows:

#### Land Devaluation:

The land of Philip and Mary Bowe will be greatly devalued due to the proximity of the proposed facility. See accompanying Dep. of Agriculture Map. Our boundary is marked x. The proposed digester site is marked y. The Lisheen Mine site, now the Bioenergy Hub Site , occupies over 500acres. We propose that a more amenable site away from potential dwelling house sites and land boundaries can be identified within this vast acreage.

#### Potential Site Devaluation & Site Prevention:

The land of Philip and Mary Bowe would not be suitable for the construction of a dwelling house if adjacent to an Anaerobic Digester and related buildings and facilities if the County Council grant permission according to the current Planning Application. Other sites exist on the former Lisheen Mine site where an Anaerobic Digester would not interfere with potential sites and their valuation.

#### Digester Related Odours:

The house of Philip and Mary Bowe is in the townland of Killoran Eircode:E41A0D1 and a mere 752m from the Proposed Site. Odours emanating from the digester and adjacent feedstock shed and open silos would reach our dwelling and garden and detract from our quality of life and from the quality of the air we breathe. We are accustomed to odours from agricultural activities, but

wish to state our objection to the intrusion of industrial odours/ammonia emissions etc. into our everyday environment. Mitigating measures are proposed within the Planning Application, but open and enclosed feedstock silos still give off odours/gases and affect the local air quality where constructed. This is further justification for moving the proposed development to a more suitable site within the Bioenergy Hub or elsewhere.

#### Proximity to local property and Dwelling Houses:

The proposed development is within 30m - 50 m of the property of local land owners and within 300m of local dwelling houses. This is unacceptable. We request the Planning Section of the County Council to clarify the Planning Regulations associated with the construction of Anaerobic Digesters in the county or nationally. What guidelines and regulations have been followed in the submission of this Planning Application in this regard? What guidelines will be adhered to by the Planning Authority in assessing the application? If there are currently no Planning Guidelines re. appropriate distance of large industrial A.D. Plants from dwelling houses, we recommend that this application be refused until adequate and Government approved guidelines be drawn up and approved.

#### Consultation with Local Land Owners and Dwellers:

The level of communication with local land owners and dwellers has been wholly inadequate regarding Planning Application 24/60936. Nua Bioenergy will maintain that a process was adhered to, but the facts speak for themselves. No individual contacts were made with local households, although a facility with potential for explosions, for emitting harmful gasses, unsavoury odours and for devaluing property and houses was about to be constructed on their doorstep. Yes a planning Notice was placed at the end of the former Lisheen entrances, but the County Council and the Proposed Developers must realize that the locals in Killoran are "Planning Notice Drunk and Exhausted" after 30 years of planning on the said site. During the operation phase of the mine planning notices appeared at the entrances on an annual basis for shafts, extra offices etc. etc. Other developers on that site ie. The Lisheen Windfarm developers communicated with individual dwellers who would be directly affected. Information leaflets at least from Nua Bioenergy might have filled this gap and made people aware. Yes a Public Meeting was organised on 25/11/24. I attended the said meeting but noted that I was only one of three dwellers on the Killoran Road to attend. I rang others in the week following the Information Meeting, and none of them knew

anything about a planning application for an Anaerobic Digester. Communication with regard to planning should be sufficient so that locals have a voice and so that their concerns can be heard and mitigated accordingly by the Developer or the Planning Authority. An information Meeting on 25/11/24 nine days prior to objections/submissions being due seems rather high handed and unfair to the local community.

#### Construction and Operation Phase Traffic:

The Planning Application states, and it was reiterated at the information meeting on 25/11/24, that all traffic would be channelled down the Cooleeney Road and through the Main Entrance to the Bioenergy Hub/Former Lisheen Mine Entrance. We request that this be a condition of Planning if the decision is made to grant Permission as the Killoran Road is not suitable for heavy traffic and such traffic would cause further disruption to local dwellers.

#### Flooding of Cláísín/Field Boundary Drain within 90m of Site.

It is stated in the Planning Application under the Construction Stage and Operation Stage Mitigation Measures that the "field boundary drain" 90m from the site known by locals as the Cláísín Stream will take the surface water/excess water collected from the site and released in a controlled manner from a drainage network to be put in place. Refererence 22.4.2/22.2/22.3

Re. Drainage Network; " This network will discharge to a nearby field boundary drain located approximately 90m south of the site. Run off will be released at a controlled Qbar Rate, with temporary storage for excess volumes provided in an above ground basin to manage flow and prevent flooding."

Temporary storage systems for excess will not be able to cater for excessive volumes of water and neither will the said "Field boundary drain."

A proper assessment of the local waterway and drainage in the immediate vicinity of the A.D. Proposed Site has not been carried out. The Field Boundary Drain cannot take any more water in the winter months. Phil & Mary Bowe own the first three fields through which the "Field Boundary Drain" runs. The length of the three fields was drained by Lisheen Mine/Vedanta before closing the mine as a gesture to local farmers. This was completed for many in the area. However, the owners of the fourth field due south from the A.D. Plant did not allow any drainage, a decision they were entitled to make since the drainage was optional, but as a result the Field Boundary Drain fills with 7ft of water in winter within 1ft

of the top of the bank but does not flood the field at this point. Additional surface water from the proposed planning application will exacerbate the build-up of flood water and flood our field. We have already notified the County Council of this issue on 11/11/22 .

See email below:

Fri. Nov 11. 2022. 9:37 AM

Philip

Bowe <[philipbowe19@gmail.com](mailto:philipbowe19@gmail.com)>  
to customerservices

For the attention of the Thurles District Engineer.

Dear Sir/Madam,

We are experiencing a flooding legacy as a result of the recent closure of the Lead/Zinc Mine in the area of Killoran, Moyne, Thurles. I respectfully request a meeting or some form of consultation on this matter as soon as possible.

I understand there may not be an immediate solution, but I know there is one for the future given my own local knowledge and that of my neighbours. The Cláisín stream running from the mines is the source and site of the problem. My house is at E41A0D1 and the land and drains in question are across the road.

The current flooding could be explained by the outsider as partly caused by climate change, recent heavy rain etc. but this has been ongoing since the mine closure and drainage that followed. I know the County Council and your office have the expertise to deal with this issue and look forward to discussing the problems with you. Understand you are busy but would really appreciate a reply or a call. 087/7424134.

Yours sincerely,  
Phil Bowe.

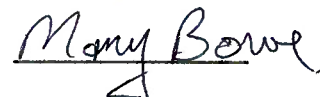
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Philip Bowe.



5/12/24 Mob: 087/7424134

Mary Bowe.



5/12/24