

Submission and Appeal to An Bord Pleanála: Re. Planning Permission granted by

Tipperary County Council to Nua Bioenergy Limited for construction of an

anaerobic digestion plant at Killoran, Moyne, Thurles, Co. Tipperary.

Planning Authority: Tipperary County Council.

Planning Application Reference Number: 2460936

Name & Address of Appellants: TJ Maher, Co.

Tipperary.

Planning Permission Recipient: Nua Bioenergy Limited, C/O Seamas Donoghue,

20 Harcourt St. Dublin 2. Ireland DO2H364

Date of Grant of Permission: 6/5/25

Proposed Development: Construction of an Anaerobic Digestion Plant.

AN BORD PLEANÁLA	
080503-25	
ABP-	
29 MAY 2025	
Fee: € 220	Type: Cheque
Time: 12.28	By: post

Dear Sir/Madam,

I TJ Maher of Cassestown Thurles Co Tipperary with lands owned by me in Killoran, Moyne, Thurles, Co. Tipperary wish to place an appeal against the decision by Tipperary County Council to grant planning permission to Nua Bioenergy Limited for a Bioenergy & Biproducts Facility/An Anaerobic Digestion Plant on the site of the former Lisheen Mine in

Killoran., Moyne, Thurles, Co. Tipperary. The land owned and parcel numbers of my land relevant to this submission are V1570600052 and V1570600053 Folio number TY42903F Townland Code V15706. My land consist approximal of 14acres is within 10 meters, directly opposite the proposed site for the Bioenergy Facility.

Our submission is as follows:

Land Devaluation/Alternative Sites:

My land will be greatly devalued due to the proximity of the proposed facility. . We have two site potential with a family of four siblings. This is vital to allow us to get our children on the property market in these trying times. Also See accompanying Dep. of Agriculture Map. Our boundary is marked Green/purple. The proposed digester site is marked x. 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. Alternative sites are referenced in the Environmental Report 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

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located on the extensive former mine site and lands, including marginal land, tailings facilities etc.

The Environmental Report 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.

Potential Site Devaluation & Site Prevention:

The land of TJ Maher would not be suitable for the construction of a dwelling house if adjacent to an Anaerobic Digester and related buildings and facilities now that the County Council have granted permission for an anaerobic digester and associated works within 10meters. 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:

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. 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, 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 and dairy for human consumption. Furthermore, 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.

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 10m - 50 m of the property of local land owners and within 300m of local dwelling houses. This is unacceptable. We request that An Bord Pleanála clarify the Planning Regulations associated with the construction of Anaerobic Digesters in county Tipperary or nationally. What guidelines and regulations have been followed in granting Planning Permission?

What guidelines were 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 and private property, we recommend that this application be refused until adequate and Government approved guidelines be drawn up and approved. If there are no Guidelines for Ireland and none planned for the near future we suggest that EU Guidelines be followed. A plant of the nature of this Anaerobic Digester should be set back much further than 10meters from private property.

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 subject to ongoing planning applications and 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 was not made aware of the public meeting I find this very unprofessional considering the extent of the development and I am the closest land owner to the proposed site. To this day I still have not received any correspondence even after voicing my concerns through my submission on the initial application. 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 10meters from this 5.5 hectares industrial development and I am irrelevant.

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. I do not consent to this access being used for access to the site as it will interfere with the daily running of the farm on my lands and access road is unsuitable for heavy traffic to the volume that has been stated in the proposal.

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.

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."

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. I respectfully request a meeting or some form of consultation on this matter as soon as possible. We do not want our fields flooded during the winter as a result of flood water from the proposed development.

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.

Location of Potential Key Customers Figure 6.4 and 6.5 of the Environmental Report 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 Environmental Report 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?

TJ Maher. TJ Maher 28/5/25.

CASSESTOWN

THURLES

CO TIPPERARY

TJMAHER000@GMAIL.COM

MOBILE :0861701173



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

For Basic Payment Income Support for Sustainability, Areas
of Natural Constraint Scheme and other Area Based Scheme
purposes only
Year: 2025

Name: T J MAHER
Address: CASSESTOWN
THURLES
CO TIPPERARY
E41 E9K3

Herd Nos: V1702156
Townland Code : V15706
Townland Name: KILLORAN

Parcel	Digitised	Eligible Hectare	Claimed
V1570600052	2.53	2.53	2.53
V1570600053	2.91	2.91	2.91

Ortho Used: ColOrthoFullCov:WMS:Imagery

All areas displayed above are in hectares

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Imagery Dates: 12/08/2022
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V1702156

Page 3 of 5 Wed Dec 18 09:32:02 2024





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

For Basic Payment Income Support for Sustainability, Areas
of Natural Constraint Scheme and other Area Based Scheme
purposes only
Year: 2025

Name: T J MAHER
Address: CASSESTOWN
THURLES
CO TIPPERARY
E41 BK3

Herd Nos: V1702156
Townland Code : V15708
Townland Name: LISHEEN

Parcel	Digitised	Eligible Hectare	Claimed
V1570800040	4.35	4.35	4.35
V1570800141	4.2	4.2	4.2
V1570800145	4.4	4.4	4.35
V1570800147	3.12	3.12	3.07

Ortho Used: ColOrthoFullCov:WMS:Imagery

All areas displayed above are in hectares

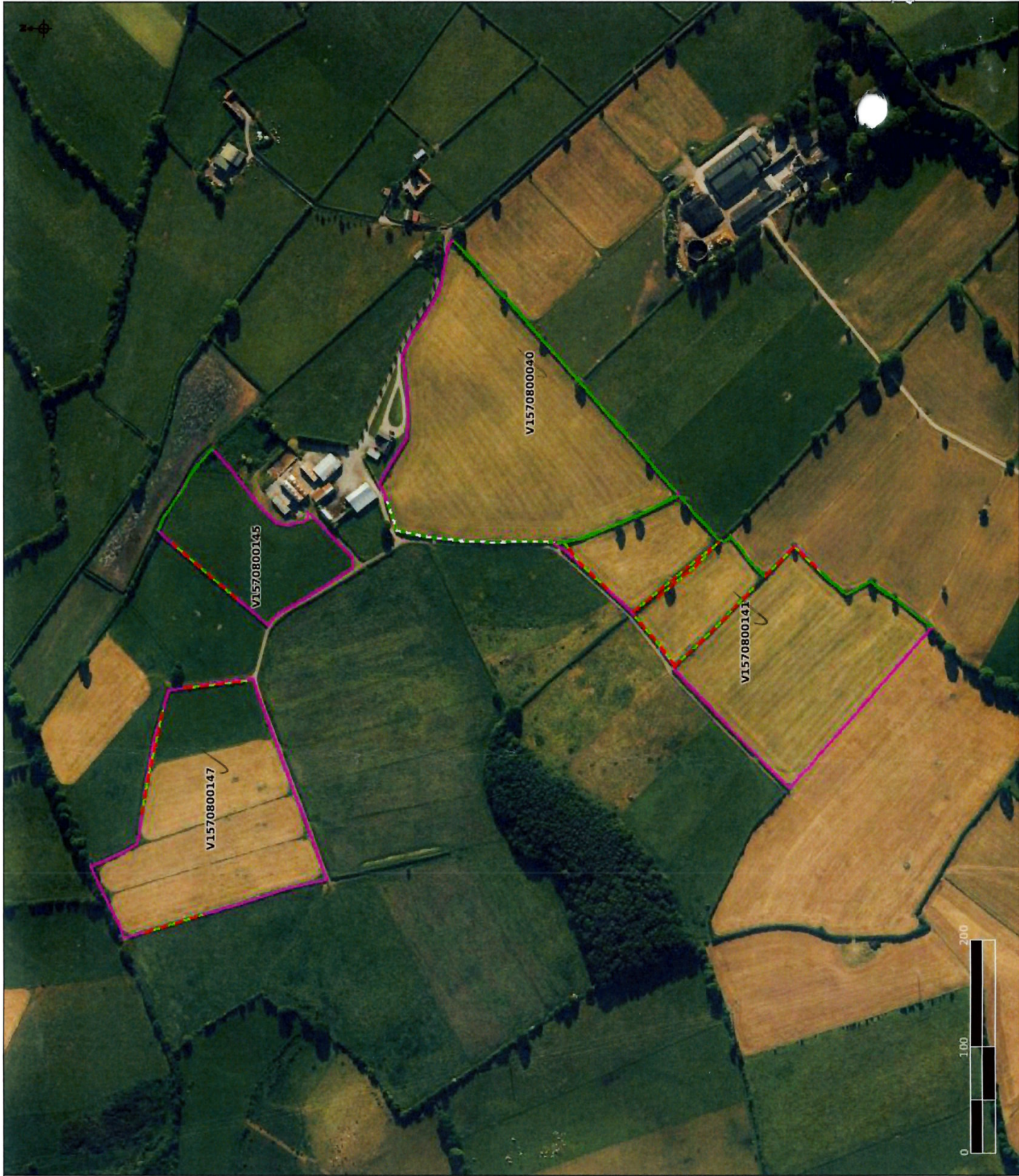
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Imagery Dates: 06/06/2023
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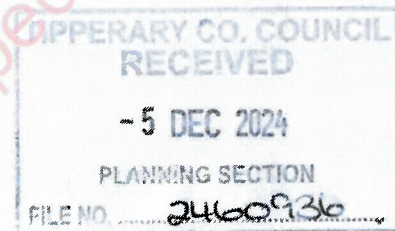
V1702156

Page 4 of 5 Wed Dec 18 09:32:02 2024



Principal Planning Officer,
Planning Department,
Tipperary County Council,
Civic Offices,
Limerick Road,
Nenagh,
Co Tipperary.
E45A099

TJ Maher,
Cassestown,
Thurles,
Co Tipperary
E421E9K3
Date 3/12/2024



Nua Bioenergy Limited : Planning Reference:24/60936

To whom it may concern,

I TJ Maher wish to make a submission on planning reference 24/60936 for a Anaerobic Digester Plant located bounds to my lands at Kiloran Moyne, Thurles.

Including but not limited to:

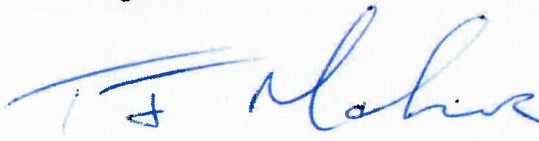
1. Firstly I was not notified or invited to any meeting in connection to the above proposed development as its less than 20 meters away from my lands. Attached copy of planning file for your attention marked **C. (boundary of my land is outlined.)** I am the nearest private land owner.
2. This development will take away the site potential for my family in the future.
3. It will devalue my land.
4. Odours and smells omitted which will attract vermin and possible disease for my livestock adjacent to the proposed site.
5. As seen on the planning file: Unsolicited Information land use assessment of Anaerobic Digester plant page 4 of the report which clearly shows the contour extends over the processed development boundary onto my lands. My land folio

no is TY42903F marked **B** for your reference. Attached copy of planning file for your attention marked **A**

6. My access road to my lands is not good enough for the expected volume of heavy traffic expect to import 98,000 tons of waste to feed the Anaerobic Digester Plant.
7. Also heavy traffic during construction of the site.

If anyone needs to contact me, you can do so on [redacted] or by email:

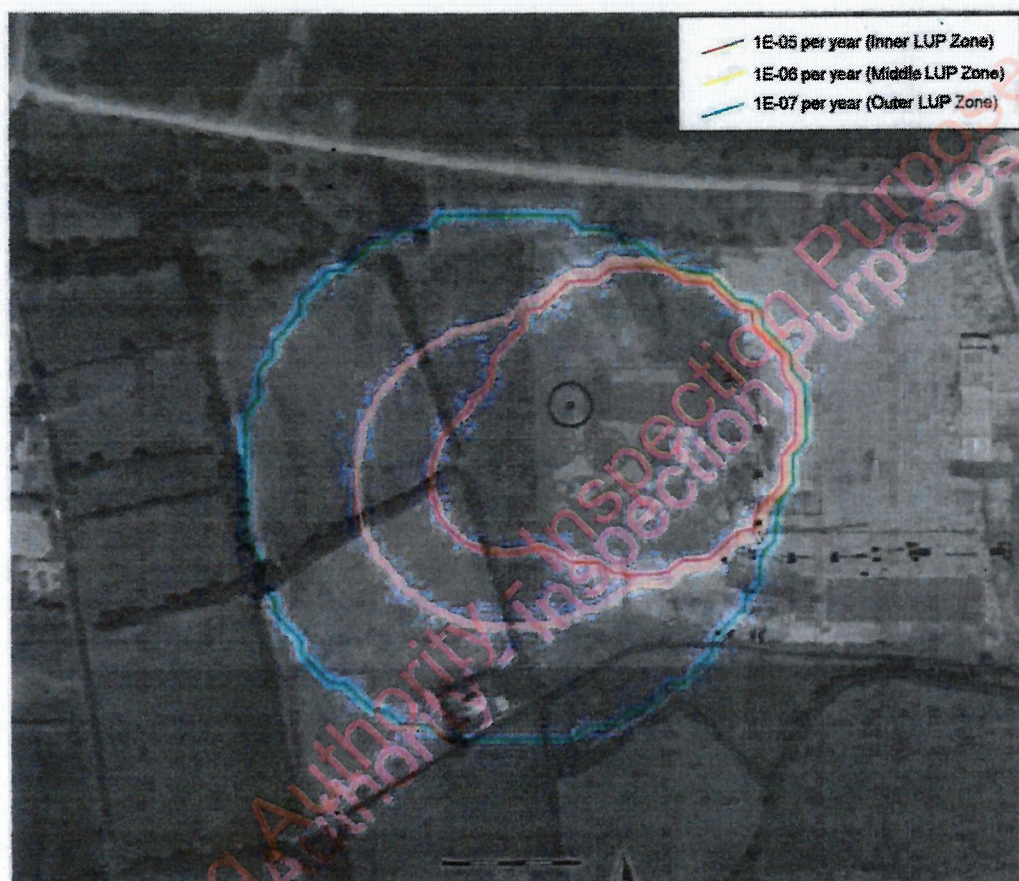
Kind regards

 3rd December 2024

TJ Maher.

Tipperary Planning Authority - Inspection Purposes Only!

The Figure below illustrates individual risk of fatality contours based on a hypothetical residential population, outdoors for 10% of the time and indoors in buildings of CIA Category 3 overpressure vulnerability (typical residential dwelling) for 90% of the time.



Land Use Planning Risk-based Contours

The following is concluded for the individual risk arising from the proposed development:

- The individual risk contours corresponding to the inner, middle and outer zone extends over the proposed development boundary. There are no occupied buildings in these areas.
- The land use planning contours do not extend to the nearest residential development and do not extend to the Irish Bioeconomy and Acorn Recycling Building.
- The individual risk contour corresponding to the outer zone extends to the Substation Access road. Personnel are only present at the Substation for routine maintenance; therefore, this road is not commonly used. Therefore, the level of individual risk at this location is acceptable.

The Figure below illustrates location based individual risk contours for new COMAH establishments based on a hypothetical residential population, outdoors for 10% of the time and indoors in buildings of CIA Category 3 overpressure vulnerability (typical residential dwelling) for 90% of the time.

(B)

Property Details

> Back

Folio Number TY42903F
 Title Level Freehold
 Plan Number BAUT2
 Property Number 1
 Area of selected plans 5.47 hectares.
 Number of Plans on this folio: 1
 Address Not Available
 Add to Basket Create Alert

*Tallte Éireann Registration Boundaries and Plan Area are **not conclusive**. See Section 62(2) of Registration of Title Act 2006 and Rule 8(3) of the Land Registration Rules 2012.

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1. **Identify the problem.** The problem is that the company is not meeting its sales targets.

PLEASE NOTE, FOR THE
DISCOVERY SERIES MAP,
PLEASE REFER TO
DRAWING C-0002

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ISSUED FOR PLANNING

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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

Comhairle Contae
Thiobraid Árann,
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An tAonach,
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t 0818 06 5000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

2460936

06/05/2025

T J Maher,
Cassestown,
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



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
Cluin Meala,
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tipperarycoco.ie

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: 6th May, 2025
Director of Services

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.

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.

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

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).

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



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary
E91 N512

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

Ref: 2460936

06/12/2024

T J Maher,
Cassestown,
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,

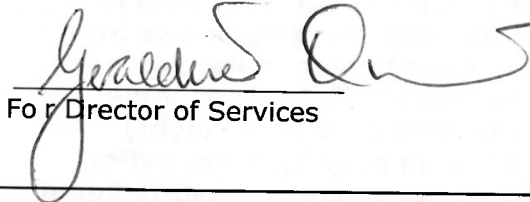
A submission/observation in writing has been received from T J Maher on 05/12/2024 in relation to the above planning application.

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,



Geraldine Quinn

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.