

Ian Boyle

SECTION 131 FORM

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

S. 3

Appeal NO: ABP - 322641-25

Defer Re O/H ☐

Having considered the contents of the submission dated 28/07/25 received from David Hogan +

Mary Anne Cartwright-Hogan I recommend that section 131 of the Planning and Development Act, 2000 be not invoked at this stage for the following reason(s): No new planning issues raised

E.O.: Laura Goody Lawlor

Date: 29/07/25

For further consideration by SEO/SAO

Section 131 not to be invoked at this stage. ☐

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

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

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

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

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

M \_\_\_\_\_

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

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

Allow 2/3/4 weeks – BP \_\_\_\_\_

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

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

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

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



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

**CORRESPONDENCE FORM**Appeal No: ABP 322641-25

M \_\_\_\_\_

Please treat correspondence received on 28/07/25 as follows:

- |  |  |
|--|--|
| 1. Update database with new agent for Applicant/Appellant _____<br>2. Acknowledge with BP <u>23</u><br>3. Keep copy of Board's Letter <input type="checkbox"/> | 1. RETURN TO SENDER with BP _____<br>2. Keep Envelope: <input type="checkbox"/><br>3. Keep Copy of Board's letter <input type="checkbox"/> |
|--|--|

## Amendments/Comments

D. Hogan + M. A. Cartwell-Hogan response to S. 131 Notice

## 4. Attach to file

- |   |  |
|---|--|
| (a) R/S <input type="checkbox"/>            | (d) Screening <input type="checkbox"/>               |
| (b) GIS Processing <input type="checkbox"/> | (e) Inspectorate <input checked="" type="checkbox"/> |
| (c) Processing <input type="checkbox"/>     | <u>John Boyle</u>                                    |

RETURN TO EO ☐

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>Laura Geady Lawlor</u>	AA: <u>Jan Kelly</u>
Date: <u>29/07/25</u>	Date: <u>31/07/2025</u>



ie Secretary,  
An Coimisiún Pleanála,  
64 Marlborough Street,  
Dublin 1.

AN COIMISIÚN PLEANÁLA	
LDG-	_____
ACP-	_____
28 JUL 2025	
Fee: €	_____ Type: _____
Time: 12:18	By: <i>Rea</i>

Re: Third Party (David Hogan and Mary Anne Cantwell-Hogan) submission in relation to First Party Response (Nua Bioenergy) of an Anaerobic Digestion (AD) Plant and all other associated works at the Former Lisheen Mine Site, Moyne, Thurles, Co. Tipperary.

**An Coimisiún Pleanála (ACP) REF. 322641-25**  
**Tipperary County Council (TCC) REF. 2460936**

To whom it may concern,

The following observations are in response to items discussed by Nua Bioenergy in their submission to ACP.

**Item 1 - Location of Development: National, Regional and Local Policy**

In our opinion the granting of planning permission for Nua Bioenergy's AD Plant should be deferred until such time that the government introduce national "Statutory Planning Guidelines" for the development of AD plants within the Irish State. This sentiment was conveyed by Ryan O'Meara (TD for North Tipperary & Northwest Kilkenny) when he sent a correspondence, dated 8/7/2025 to Ministers James Browne, Darragh O'Brien and Martin Heydon. The concerns highlighted by Ryan O'Meara TD were in relation to Local Authorities developing County Development Plans using differing rules and guidelines in the granting of planning permission for AD plants. Other contentious points in his correspondence included Set-Back Distances from dwellings, Road Infrastructure, Enforcement Powers of the Environmental Protection Agency and Community Engagement (Cf. Appendix 1).

**Item 2 - Cumulative Effects Assessment**

In reference to 2.2.2.1 Concluding Remarks, Nua Bioenergy claims that:

*The EIAR and EIAR Addendum are robust, legally compliant, and remain valid ... It confirms that no significant cumulative environmental effects arise from the combination of the permitted biomethane and bio-based fertiliser production facility [Nua Bioenergy TCC 2460936] and the*



*permitted Healthcare Waste Treatment and Recycling Facility and Waste Transfer Station [TCC 2460978] on adjoining lands.*

Within this cited remark, there are two issues which need further investigation by ACP in order to determine whether proper procedures were adhered to in the granting of TCC planning permission to application 2460936. The first issue pertains to how “robust” the EIAR document and EIAR Addendum were in relation to the potential cumulative environmental impacts of screened developments. One such screened development, located 2.1 km from Nua Bioenergy, is the Bio-Products Campus at Derryville (TCC 2260395). Of note, both of these large-scaled AD developments are zoned within the National Bioeconomy Campus at the former Lisheen mine site. In the original EIAR document and the subsequent EIAR Addendum submitted by Nua Bioenergy (TCC 2460936), the Bio-Products Campus was not examined under the environmental factors of air quality and traffic and transportation. The impacts of air quality should have been addressed in the submitted planning application by Nua Bioenergy, as both of these developments involve AD construction and operational activities, including the supply of feed stocks and the removal of digestates. Arguably, having both these AD developments in such close proximity could negatively affect the air quality of the surrounding locality. Furthermore, Nua Bioenergy failed to highlight the possible elevated levels of traffic on their proposed transportation routes within the locality. In effect, Heavy Goods Vehicles (HGVs) servicing the Bio-Products Campus at Derryville can access the same proposed transportation route of Nua Bioenergy at Lisheen, whereby the L4115 and L3201 link onto the R502 (Johnstown to Templetuohy road).

The second issue pertains to the timeline between the granting of planning permission of Healthcare Waste Treatment Facility (TCC 2460978) and Nua Bioenergy AD Plant (TCC 2460936) located at Lisheen:

- Healthcare Waste Treatment Facility TCC 2460978
  - Planning Approved: **23/4/2025**
- Nua Bioenergy AD Plant TCC 2460936
  - Planning Approved: **29/4/2025**

As per Planning Development Act (2000) as amended under Section 172 (1B) (b):

*A description of the likely significant effects of the proposed development on the environment, including... cumulative effects with other existing and/or approved development ...*



TCC should have sought a further information request from Nua Bioenergy on the amassed cumulative effects within the planning approval 6-day timeframe. If the TCC planning department had sought a Supplementary Cumulative Effects Assessment of the Healthcare Waste Treatment Facility, this may have led to a different outcome in Nua Bioenergy's planning evaluation. Consequently, we ask ACP to review whether TCC carried out due diligence in the assessment of all significant cumulative environmental effects arising from having the Healthcare Waste Treatment Facility (TCC 2460978) adjacent to the Nua Bioenergy (TCC 2460936) AD Plant within the same National Bioeconomy Campus.

#### **Item 5 - Traffic and Transport**

According to EIAR and EIAR Addendum documents, Nua Bioenergy is to receive feedstocks from two unidentified locations in North Tipperary. By not designating a fixed HGV route for these locations, feedstocks are likely to be transported to the proposed development at Lisheen via time-saving routes on substandard, poor quality road networks. We urge ACP to ensure that a defined HGV route is clearly identified and designated to all unidentified locations in the supply of feedstocks and the removal of digestates.

#### **Item 7 - Public Consultation**

Nua Bioenergy claims that they consulted all relevant stakeholders and non-stakeholders in the dissemination of information regarding the development of an AD plant at Lisheen. As outlined in their First Party Response document, Nua Bioenergy report that over 50 local residents attended their public consultation meeting, held in Moyne Community Hall on the 25/11/2024. On the contrary, I (David Hogan) can assure ACP that this suggested number of attendees was grossly exaggerated by Nua Bioenergy. The fact that only two of the residents within a 0.75km radius of the proposed AD development were in attendance, speaks volumes in how information was actually relayed to local residents.

#### **Item 10 - Feedstock Suppliers**

We are of the opinion that the sourcing of all feedstock locations should have prompted a comprehensive feasibility report to determine whether the AD development at Lisheen would be socially, environmentally as well as economically viable and sustainable into the future.





## Concluding Comments

We ask ACP to appraise the issues raised in this document and to verify that all correct procedures were undertaken by the TCC planning department in the granting of planning permission to Nua Bioenergy (TCC 2460936).

David Hogan

David Hogan 25/7/2025

Mary Anne Cantwell-Hogan

Mary Anne Cantwell-Hogan 25/7/2025



## **Appendix 1**





**From:** Ryan O'Meara

**Sent:** Tuesday, July 8, 2025 12:13 PM

**To:** Minister for Housing, Local Government and Heritage <[minister@housing.gov.ie](mailto:minister@housing.gov.ie)>; Minister McConalogue <[minister@agriculture.gov.ie](mailto:minister@agriculture.gov.ie)>; DECC Minister O'Brien <[minister.obrien@decc.gov.ie](mailto:minister.obrien@decc.gov.ie)>

**Subject:** Anaerobic Digestors - Planning Guidelines

Dear Ministers Browne, O'Brien and Heydon,

I am writing to you today in relation to a number of concerns that have been raised with me in relation to planning permission guidelines for anaerobic digestors (AD). I write to all three of you in your respective capacities as Ministers for Planning, Environment, and Agriculture, as the points listed below relate to your important work in your respective portfolios.

Firstly, I recognise the important role that AD plants must play in our work to reduce emissions and improve water quality. They are an important component of the circular economy; however, I believe that there are legitimate concerns in relation to the planning processes for these AD plants and the regulations of these plants going forward.

In recent weeks, I met with both the National Biogas Concern Group and the Ballymackey Biogas Concern Group in relation to a number of concerns they have regarding the process, and I wish to bring these to your attention today. I have learned much from engaging with representatives of these groups, and while I fully acknowledge the need to improve our water quality and reduce our emissions, the experience of these groups is very valuable in understanding the genuine concerns of the general public that we all represent.

#### **1. Statutory Planning Guidelines:**

I believe that statutory planning guidelines must be established for the development of AD plants. At the moment, we are seeing different rules being applied under different local authorities, whereby the respective county development plans are governing guidelines for these plants in their respective areas. I do not believe we should allow a system to develop whereby rules can differ across county bounds for AD's that are of national relevance. I note that in various Parliamentary Question responses that I have received on this matter that sections 5f and 5g of the National Biomethane Strategy are intended to provide planning guidelines to support local authorities when assessing AD plants for planning permission. I believe these guidelines should follow national





statutory guidelines, so that every local authority is following and interpreting the planning rules in the same way. To allow otherwise will leave communities across the country unsure as to whether their local authority will be bound by and following the same rules and guidelines as other local authorities. This is needed to provide certainty and transparency in the process.

## **2. Set-Back Distances:**

I believe that mandatory set-back distances need to be established, so that households in the vicinity of proposed AD sites can have certainty as to whether their homes fall inside or outside of mandatory set-back requirements. Again, I believe that this must be established at national level, so that we do not see different standards being enforced in differing local authorities.

## **3. Road Infrastructure:**

Concerns have been raised with me in relation to a number of proposed plants nationally, some of which have already proceeded through the planning process, in relation to local road networks and their ability to handle increased volumes of heavy traffic travelling to and from AD plants. I believe that guidance is also needed at national level to establish how far potential plants should be from National or Regional roads, or indeed if Local roads are suitable networks for such plants to be located on. It is understandable that communities in remote areas, where their roads networks are not designed to host increased volumes of HGVs, would feel concerned as to the lack of national guidelines to local authorities on this matter.

## **4. Power of the Environmental Protection Agency:**

I have serious concerns that I must express in relation to the powers of the EPA to regulate AD plants. In cases where an AD plant is found to be breaching regulations, I believe the EPA should be empowered to suspend the operations of the AD plant until such a time the EPA is satisfied that the plant is meeting relevant environmental regulations. I do not believe it is sufficient that a system of fines from the EPA will act as a suitable deterrent to any such plant to ensure that it is meeting minimum standards. As the number of AD plants grows across the country, it is only right that the power of the relevant regulator grows to ensure that these plants are compliant and protecting their immediate environments. I believe that this point is particularly relevant to any proposed AD plant that applies for capital funding from the state for the development of an AD plant, but in my view should extend to all plants.



## **5. Community Engagement**

There must be mandatory levels of community engagement involved in the planning process for AD plants. Particularly in relation to any plant that intends to apply for capital funding from the state, there should be a mandatory level of community engagement required to explain the workings of these plants, their processes and impacts on the relevant community. AD plants in their current form are new to almost every community in Ireland. While they might be commonplace across the North of Ireland and the EU, there is a learning process to be followed for the Irish public to understand them. Communities that are potentially going to see an AD plant established in their area have the right to that information and, I believe, the right to accurate information in relation to the relevant plant in their area.

Finally, following a public meeting in Ballinree in my constituency, the view of hundreds of local people attending this public meeting is that planning permission for these plants should be postponed until statutory planning guidelines are established, to ensure that a universal process is being followed nationally. I have set out my view in relation to this in my first point above.

Minister, I believe that the above points are reasonable, and are being expressed to me regularly by the people that I represent. It is my duty as a public representative to bring these points to those with the authority to act. I believe that serious consideration needs to be given to each point and they ought to be actioned to ensure appropriate planning and regulation of this growing industry in this country. We have a great deal of work to do to reach our emissions reduction targets and to improve and protect our waterways, but the development and regulation of these plants must be done in an appropriate way also.

Yours sincerely,

**Ryan O'Meara TD**

**Fianna Fáil Spokesperson on Education & Youth**

**Teachta Dála for North Tipperary & Northwest Kilkenny**

E: [ryan.omeara@oireachtas.ie](mailto:ryan.omeara@oireachtas.ie)



