

# OBSERVATION TO AN COIMISIÚN PLEANÁLA

*Following section 37E of the Planning and Development Act 2000 (as amended), as applied  
by the European Union (Planning and Development) (Renewable Energy) Regulations 2025  
(S.I. No. 274 of 2025)*

Case Reference: PAX01.324426

This Document: PAX01.324426.VD05

|                                  |                                                                                          |
|----------------------------------|------------------------------------------------------------------------------------------|
| <b>PROPOSED<br/>DEVELOPMENT:</b> | 10-YEAR PERMISSION FOR AN ANAEROBIC DIGESTION (AD) FACILITY AND<br>ANCILLARY DEVELOPMENT |
| <b>AT:</b>                       | POWERSTOWN, MILFORD, COUNTY CARLOW ("MARY KELLY'S PIT")                                  |
| <b>APPLICANT:</b>                | GREENGATE BIOGAS 001 LIMITED                                                             |
| <b>OBSERVER:</b>                 | VINCENT FRANCIS DERMODY, B.ENG. (UCD)                                                    |
| <b>STATUTORY CLOSING DATE:</b>   | CONFIRMED AS 5.30PM ON 28 AUGUST 2026, PER SITE NOTICE (30 JUNE 2026)                    |
| <b>DATE OF SIGNATURE</b>         | 14 AUGUST 2026                                                                           |

## Preliminary Observations

The observer wishes to state, at the outset, that this observation is not made in opposition to Ireland's 2030 climate and renewable energy targets, nor to anaerobic digestion or biomethane generation as a technology. The observer supports those targets and recognises the contribution facilities of this kind can make toward them.

That support is beside the point that falls to be decided here. It is not the Commission's function to weigh the urgency or merit of national renewable energy policy against the circumstances of this application - that policy question has already been settled by the Oireachtas and by Government. The Commission's function is narrower, and more exacting: to assess, on the evidence before it, whether this site - given its proximity to a designated European site, its dominant point of access over a substandard bridge, and its position upstream of several settlements on a protected river - can accommodate this development safely, and whether the environmental information submitted meets the standard the law requires. A sound national policy does not supply an answer to that site-specific question, and a well-intentioned application is not thereby a safe one. Reflection on how comparable developments have failed elsewhere, and on what the consequences of failure would be here, is not pessimism; it is the ordinary and necessary discipline of the assessment the Commission is required to carry out.

The grounds that follow identify specific gaps in the environmental information before the Commission, drawn in large part from the applicant's own documents. Some of them are, frankly, curious: a facility carrying a recognised major-accident-hazard classification whose hydrogeology chapter runs to a single sentence; a site-selection exercise that scores the site highest for road safety without appearing to have looked at the road; a bridge that nobody, on the record, appears to have asked about. The observer does not pretend to understand how matters of this kind were left unaddressed and offers no view on why. What can be said is only this: once identified, they form part of the record now before the Commission, and a decision reached in full view of them is a different thing from one reached in their absence.

## Accessible Description

This response is representing people who are blind and low vision, and as a result contextual description is used in places to ensure inclusion and equality of access to information.

## Spatial Contextual Description

This response focuses on the section of the L3045 between its junction with the Regional R448 (connecting M9 Junction 6 with Leighlinbridge) and its junction with the L3044, locally known as the Bagenalstown road. For orientation, the R448 and L3044 run broadly north-south, while the L3045 runs east-west; the L3044 junction is to the east and the R448 junction to the west.

Two landmarks orient this road section: the railway bridge over the Carlow-Bagenalstown section of the Iarnród Éireann national line, and Powerstown Recycling Amenity, adjacent to the proposed development. Between the two junctions, the Recycling Amenity lies roughly one-third of the way from the west (R448) junction, and the railway bridge roughly one-third of the way from the east (L3044) junction.

Between the R448 junction and the Recycling Amenity, the road is two-lane, with good-condition stone and bitumen pavement, adequate footpaths and camber. Significant local ponding is evident near the proposed development.

From the Recycling Amenity eastward, over the railway bridge and on to the L3044 junction, the road becomes single lane, with no footpath and a compromised verge, best described as "stone and tar on dirt." It is marked by fatigue cracking and rutting, indicating antiquated foundations. A significant blind chicane lies between the Recycling Amenity and the L3044 junction, on the western approach to the bridge. Appendix A contains spatial imagery.

## How This Document Is Structured

This section is a plain-language guide to the document, provided in addition to the Spatial Contextual Description above, so that the shape of the argument is available to a reader without needing to navigate the document visually first.

This document is an observation (a formal written objection) submitted to An Coimisiún Pleanála, the national planning body, in response to an application for a ten-year permission for an anaerobic digestion facility at Powerstown, Milford, County Carlow.

It asks the Commission to refuse permission, or, failing that, to attach strict conditions and controls.

The document is organised in the following order:

- *A short opening statement of the observer's position ("Preliminary Observations").*
- *This accessibility guide and the spatial description above.*
- *Who is making the observation, and why ("Part A").*
- *A concise list of the objection's main points ("Part B").*
- *The detailed reasons for the objection, one at a time ("Part C - Grounds of Observation").*
- *A request that the Commission hold a public hearing ("Part D").*
- *What the observer is formally asking the Commission to do, and a signature ("Part E").*
- *Supporting photographs, documents and evidence, each with its own heading ("Appendices").*

The main reasons for the objection ("grounds"), described here in plain language rather than the more formal wording used in the document itself, are:

- **Ground 1:** *the road leading to the site is too narrow, and in poor enough condition, that it is not safe for the trucks this development would need.*
- **Ground 2:** *smells, noise and pests from the facility could affect nearby homes, and there is no proper limit on how close such a facility should be to a house.*
- **Ground 3:** *the developer's own environmental report is missing important information and relies on out-of-date or unrepresentative evidence.*
- **Ground 4:** *the site sits very close to a protected river system, and the developer has not shown that it is safe for that river.*
- **Ground 4A:** *it is not clear who would be responsible, or how they could be held to account, if something went wrong at any point during the ten years the permission would last.*
- **Ground 5:** *the site used to be a quarry, and the developer's own report barely looks at whether it is safe for groundwater.*
- **Ground 6:** *the permission is sought for ten years, but there is no good reason it should not be the usual five.*

Each ground is self-contained and can be read on its own; they do not need to be read in order to be understood.

## Part A - Observer Details

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NAME                            | Vincent Francis Dermody                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| RELEVANT QUALIFICATION          | B.Eng. (Civil), University College Dublin.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| ADDRESS<br>(FOR CORRESPONDENCE) | Powerstown, Milford, Co. Carlow, R93 TR25                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| EMAIL / PHONE                   | vincent@dermody.co / +61 403 812 904                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| INTEREST IN THE<br>APPLICATION  | <p>The observer is a family member of Lizzie Dermody, with whom he occasionally lives at her dwelling on the affected eastern section of the L3045 at Powerstown, and is accordingly a periodic occupant of a dwelling directly affected by the proposed development and a periodic user of the L3045 access road.</p> <p>The observer is not the owner of that dwelling or of any dwelling on the L3045. The observer separately holds a B.Eng. (Civil) from UCD and makes the technical observations below, at Ground 1, in that professional capacity. Separate observations are made to the Commission, each in her own name and from her own direct knowledge, by Colette Dermody and by Lizzie Dermody. Where an account given in either of those observations bears on a matter addressed here, it is referred to below as corroboration and is not reproduced. The technical analysis, and the responsibility for it, is the observer's alone.</p> |
| FEE                             | €50 paid via the Commission's online observation portal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

## Part B - Summary of Grounds

This observation respectfully requests that the Commission REFUSE permission for the proposed development, or in the alternative attach the conditions sought at Part E, for the following reasons, each elaborated in Part C:

- **Ground 1** - Traffic and road safety: the L3045 is a narrow, single-vehicle-width local road with direct residential frontage and cannot safely accommodate construction or operational HGV traffic; the deficiencies in the EIAR traffic assessment are material, and the applicant's own site-selection scoring is internally contradicted by them.
- **Ground 2** - Residential amenity: odour, noise, dust, flies and vermin arising from the reception, storage and processing of liquid and solid farmyard manures in proximity to established dwellings.
- **Ground 3** - Adequacy of the EIAR: the environmental information before the Commission is incomplete and does not meet the requirements of the EIA Directive as transposed.
- **Ground 4** - Appropriate Assessment: lacunae in the Natura Impact Statement concerning the River Barrow and River Nore SAC preclude the certainty required by Article 6(3) of the Habitats Directive, compounded by the site's proximity to the SAC boundary.
- **Ground 4A** - Accountability, financial transparency, and the absence of enforceable guardrails over the ten-year permission term.
- **Ground 5** - Hydrogeology: the storage of substantial volumes of liquid feedstock and digestate on a former extraction pit raises unresolved groundwater risks, addressed in the EIAR's own hydrogeology chapter in a single sentence.
- **Ground 6** - Duration: no justification exists for a 10-year permission; the standard 5-year duration should apply if permission is granted at all.

An oral hearing is requested (Part D).

## Part C - Grounds of Observation

### Ground 1 - Traffic and Road Safety on the L3045 Local Road

#### 1.1 Local circumstances.

The section of the L3045 material to this observation runs between its junction with the R448 to the west and its junction with the L3044 (the Bagenalstown road) to the east, as more particularly described in the Spatial Contextual Description above. The proposed development takes primary access from this section of the L3045, adjacent to the Powerstown Recycling Amenity, approximately one-third of the distance along from the R448 (western) junction.

Between the R448 junction and the Recycling Amenity/site entrance, the L3045 is a two-lane road of good-condition stone and bitumen pavement with adequate footpaths and camber - this is the applicant's intended haul route. It is notable, however, that there is significant local ponding on this section in the immediate vicinity of the proposed development, relevant to surface water drainage (see Grounds 4 and 5 below).

East of the Recycling Amenity/site entrance, by contrast, the L3045 narrows to a single lane with no footpath and a compromised verge, at best described as stone and tar laid on a dirt base and serves a number of established family homes whose only vehicular access is via this road. The carriageway shows extensive fatigue cracking and rutting indicative of foundations of an antiquated vintage. Two vehicles cannot pass on this section without one mounting the verge or reversing; the passage of an articulated HGV or agricultural slurry tanker occupies the full carriageway.

Approximately one-third of the distance along from the L3044 (eastern) junction, this section carries the road over a 19th-century stone-built overbridge (Iarnród Éireann structure OPW 79) spanning the operational railway line (Carlow-Bagenalstown section, Dublin-Waterford/Limerick route). A significant blind chicane occurs in the approach to the bridge from the west (i.e. from the site/Recycling Amenity side). The combination is acute: substandard carriageway width between masonry parapets, severely restricted forward visibility through the chicane, no footway or refuge of any kind, and an unassessed heritage masonry structure above a live passenger railway. The existence of an adequate route in the opposite direction, toward the R448, is not an answer to this: it defines precisely the leakage risk addressed at paragraph 1.4 below.

*(See Appendix A for annotated spatial imagery, Appendix B for photographs of the narrow section, Appendix C for verge damage, Appendix D for a photograph of articulated and rigid HGVs transiting the chicane, Appendix E for the railway overbridge including the OPW 79 parapet plate, and Appendix Q for residential frontages evidencing restricted sightlines.)*

#### Measured carriageway widths.

| Location                                       | Min. width    | Max. width    | Notes                                                                                                                                        |
|------------------------------------------------|---------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Eastern section, at Colette Dermody's entrance | 3.6 m         | 3.8 m (paved) | Single-lane section, forward visibility restricted in both directions by bends and roadside vegetation - no margin for error; see Appendix Q |
| At railway overbridge (OPW 79)                 | 4.0 m (paved) | 4.0 m (paved) | Parapet-to-parapet (wall to wall): 6.95 m - see below                                                                                        |

At the point immediately in front of Colette Dermody's entrance, the paved carriageway measures between 3.6 m and 3.8 m, with forward visibility restricted in both directions and no margin for error. At the railway overbridge, the paved running surface is a consistent 4.0 m, while the masonry structure itself is 6.95 m wide, wall to wall (parapet to parapet).

That dimension has a directly observable consequence at the bridge, described independently in the separate observation of Colette Dermody, whose entrance lies on this section. Where a car meets an oncoming truck at OPW79, there is no room for both: the car is obliged to reverse the full 50 to 70 metres back from the bridge and to take refuge in her gate recess, which functions in practice as the bridge's passing bay. That is direct

evidence, from the resident whose entrance it is, that OPW79 cannot accommodate a two-way meeting movement between an HGV and a car, and it is offered here as corroboration of the measured widths above rather than as a separate finding.

#### *Bridge width assessed against the applicable design standard.*

TII Publication DN-GEO-03049 (Design of Low Flow Single Carriageway Roads, formerly NRA IAN 01/09), which governs Type 1, Type 2 and Type 3 Single Carriageways - the classification applicable to a road of this character - specifies a two-lane single carriageway ("S2") with lane widths of between 3.0 m and 3.65 m. A conforming two-way carriageway therefore requires, at an absolute minimum and before any allowance for edge clearance from adjacent structures, 6.0 m of running width (2 × 3.0 m).

In the observer's professional assessment (B.Eng. Civil, Transport & Structural Engineering), this has a material consequence for the railway overbridge specifically. The existing paved surface across the bridge, at 4.0 m, falls approximately 2.0 m short of even the bare minimum two-lane standard, and could not accommodate two-way traffic, still less articulated HGVs, without widening. The masonry structure's wall-to-wall dimension of 6.95 m exceeds the bare 6.0 m minimum by only 0.95 m - and that margin would still need to accommodate kerbs, coping and the edge/shy clearance from the parapets that would ordinarily be required alongside running lanes of this width, which is unlikely to leave adequate space.

On this basis, it is the observer's assessment that bringing the bridge into conformity with the minimum standard applicable to a two-way local road cannot be achieved by re-paving alone and would likely require structural widening of the carriageway within the masonry envelope, or extension or partial reconstruction of the structure itself. Neither is addressed anywhere in the EIAR, which is silent on the bridge altogether (see paragraph 1.3 below).

#### *1.2 The applicant's own site-selection scoring is contradicted by its own road network.*

Chapter 4 of the EIAR (Alternatives Considered) scores the Powerstown site as the preferred option, ahead of two alternative locations, on "Transport" and "Road Safety" grounds specifically. The chapter states, verbatim, that Powerstown "is the preferred option in this regard, benefiting from its close proximity to the R448 dual carriageway and the M9 motorway, thereby minimising travel on minor roads and reducing potential road safety risks for other road users and local communities," and that this proximity "minimises the need for HGV movements on local and regional roads, thereby reducing traffic-related impacts on local communities."

That entire scoring narrative describes only the western route to the R448 and M9. It does not mention, anywhere in Chapter 4, the narrow eastern section of the L3045, the blind chicane, or the railway overbridge described at paragraph 1.1 above. The site-selection exercise that led the applicant to prefer Powerstown over the two alternative candidate sites -and that scored it highest specifically for road safety -was conducted without reference to the very road conditions this observation evidence. Given that sat-navigation evidence (Appendix H) shows traffic from the eastern catchment already routed through this section as standard, the road-safety premise underlying the applicant's preferred-site selection is built on an incomplete description of the site's own access. That incompleteness is not confined to the L3045 itself: feedstock sourced from the area east of the M9/R448 corridor -the heartland of Carlow's agricultural hinterland -must reach the site by one of two routes, and on the evidence at Appendix H, a majority of that catchment is routed through the villages of Leighlinbridge and Bagenalstown (Muine Bheag), as well as the L3045 eastern section itself. Neither village appears anywhere in the EIAR's traffic assessment as a receptor.

The applicant's own description of its vehicle fleet illustrates the same gap between the picture presented and the road conditions actually in play. EIAR Volume 1 (Non-Technical Summary), Section 3.5.1, states that Greengate Biogas 001 Ltd. "will control a fleet of 12 tankers and covered haulage vehicles to collect slurries and manures and deliver digestate," and that "the tankers are similar to milk tankers." The observer has personally and frequently observed milk tankers using the OPW79 overbridge itself, in both directions, over a period of years.



The comparison does more than fail to help the applicant; examined properly, it disproves the very premise Chapter 4's site-selection scoring depends on. Milk tankers are not occasional or exceptional users of minor rural roads - they exist, by definition, to collect a dispersed agricultural product at its farm-gate source and can no more avoid local roads than the farms themselves can relocate to the R448 or the M9. The applicant's own chosen comparator therefore does not merely fail to establish that development traffic would avoid the L3045; on its own logic, it confirms that traffic of this kind cannot avoid it. A collection vehicle's route is fixed by the geography of what it must collect, not by the road nearest the plant it is bound for. Chapter 4's claim that proximity to the R448 and M9 "minimises travel on minor roads" treats routing as a matter of convenience available to the applicant's fleet; the applicant's own milk-tanker analogy shows that, for a genuinely dispersed rural collection operation, it is not available at all.

For the avoidance of doubt, the existence of a contracted fleet does not resolve this by rendering routing conditionable. The applicant states that it will control twelve tankers and haulage vehicles; it does not state what proportion of total vehicle movements those twelve would carry. Because the applicant's own chapters do not agree on the geographic extent of the feedstock catchment (Ground 1.3 below), the proportion of development traffic falling under the applicant's direct contractual control cannot be established from the application at all. Third-party suppliers delivering feedstock on their own vehicles, and dispersed collection movements of the kind the applicant's own milk-tanker comparator describes, lie outside that control by their nature. A condition directed at a contracted fleet can therefore bind only an unquantified fraction of the movements this development would generate, which is a materially different thing from binding the traffic. The observer draws attention to this not to suggest that routing conditions are without value, but because the negligible-risk conclusion at Chapter 6 rests on an assumed absence of HGV approach from the east for which no enforcement mechanism of any kind - contractual, telematic or monitored - is identified anywhere in that chapter.

Chapter 6 of the EIAR reproduces the TII Traffic and Transport Assessment sub-threshold criteria, which include: "the development may generate heavy vehicles in a residential area" and "there are concerns over the development's potential effects on road safety." Both criteria are squarely engaged on the L3045, yet neither Chapter 4 nor Chapter 6 carries out any substantive assessment of the residential eastern section as a sensitive receptor in its own right.

### 1.3 Deficiencies in the baseline evidence.

- *The appraisal of the L3045 (Link 8, Powerstown) relies on Google Street View imagery dated May 2017 - over nine years old at the date of application - rather than a current physical survey of the road serving the affected dwellings.*
- *Classified traffic counts comprise a single 12-hour survey on one winter weekday (Wednesday 5 February 2025). This cannot capture seasonal agricultural traffic (slurry and silage seasons) which will coincide with peak feedstock deliveries to the facility.*

The single survey day is also weather-atypical, compounding rather than merely coinciding with its seasonal unrepresentativeness. The Met Éireann historical record for 5 February 2025 records rainfall and a sub-zero minimum temperature, conditions consistent with morning frost. Such conditions are generally understood to suppress, rather than increase, non-essential road use and casual agricultural movement - icy or frost-affected rural roads discourage travel where it can be deferred. A count taken on a day of this character cannot be treated as representative even of an ordinary winter weekday, let alone of the substantially busier conditions demonstrated by the observer's own July count, below.

*(See Appendix U - Met Éireann historical weather report for 5 February 2025.)*

This deficiency is not theoretical. The observer undertook an independent count on the L3045, in the vicinity of the proposed development, on 14 and 15 July 2026 - ordinary summer weekdays coinciding with the local peak harvest period. The count was conducted by a single observer, counting vehicle movements (i.e. each pass, in either direction) rather than distinct vehicles, deliberately including repeat passes by the same vehicle where they occurred: the purpose of the count is to evidence the cumulative burden placed on the



road, which is a function of the number of times it is used, not the number of vehicles that own that use. Vehicle category (articulated HGV / rigid HGV / farm vehicle with trailer) was assessed visually; trailer length was judged by eye against roadside distance markers rather than measured directly. Excluding passenger cars and light goods vehicles, and counting both directions of travel between 06:30 and 16:30 on each day, the following movements were recorded:

| Date                                  | HGV articulated (movements) | HGV rigid (movements) | Farm vehicle w/ trailer >10 m | Daily total |
|---------------------------------------|-----------------------------|-----------------------|-------------------------------|-------------|
| Monday 14 July 2026<br>(06:30-16:30)  | 23                          | 7                     | 29                            | 59          |
| Tuesday 15 July 2026<br>(06:30-16:30) | 27                          | 3                     | 39                            | 69          |

(movements, incl. repeat passes)

The count measures road burden, not distinct vehicles. Where the same farm vehicle passed the observation point more than once, each pass was counted separately because each pass is a separate occasion on which the narrow eastern section, the chicane and the railway overbridge must accommodate that vehicle, together with any oncoming traffic or pedestrian. That is the relevant metric for road-safety and capacity purposes; unique vehicle ownership or origin is not material to the risk addressed in this Ground.

On each day, farm vehicle movements were observed by the residents to continue at a broadly similar level beyond the surveyed 06:30-16:30 window, until approximately 22:30. The surveyed window and its associated counts therefore understate, rather than overstate, the true daily volume and duration of heavy and agricultural vehicle movements on this road during the harvest period.

The same is true at the other end of the day. On a separate date, 20 July 2026, the observer photographed four vehicles transiting the chicane between 06:14 and 06:30 - that is, entirely before the 06:30 start of the surveyed count window above - with timestamps preserved directly in the original image metadata (Appendix D): two articulated HGVs (06:14 and 06:30), one rigid HGV, a cement mixer (06:16), and one car (06:19). A sample of sixteen minutes on a single morning cannot support any claim about daily or hourly volume, and none is made here. What it does show is that meaningful heavy-vehicle activity - two articulated HGVs and a rigid HGV inside sixteen minutes - was already under way before the count window in the table above even begins, which is sufficient on its own to cast real doubt on the reliability of relying on any fixed count window, whether the applicant's single February day or the observer's own two-day July sample, as a complete picture of this road's true burden.

This two-day sample already exceeds, on a single ordinary summer weekday, what a single winter weekday count could ever be expected to show, and demonstrates three things the applicant's baseline cannot: first, that the L3045 already carries a material volume of large vehicles - most materially, articulated HGVs - independent of any traffic generated by the proposed development; second, that this volume varies substantially and predictably with the agricultural calendar, such that a single February count is not representative of a July, August or September baseline; and third, that heavy vehicle movements on this road are not confined to a conventional daytime working window but extend into the evening. Any odour, noise or traffic-safety assessment premised on the February baseline is accordingly unsound, and any proposed condition restricting development traffic to "daytime hours" must be read against a baseline in which the existing road is already heavily used well into the evening.

- *No swept-path (autotrack) analysis, passing-bay assessment, pavement structural assessment or Stage 1 Road Safety Audit is presented for the L3045 or the site access junction.*
- *The railway overbridge on the eastern section of the L3045 is not assessed at all: no structural or load-capacity assessment of the 19th-century masonry structure for repeated heavy vehicle loading (cf. the observer's own assessment at paragraph 1.1 above), no assessment of parapet containment or bridge-strike risk to the operational railway beneath, no swept-path analysis of HGV passage through the chicane between the parapets, and no evidence of consultation with Iarnród Éireann as the infrastructure owner.*

This absence of consultation is confirmed, not merely suspected. EIAR Chapter 5 (Scoping and Consultation) sets out, in full, the list of prescribed bodies notified by An Coimisiún Pleanála (Table 5-1), the scoping consultees written to in the first round (Table 5-2), and the additional consultees added for the second round (Table 5-3). Iarnród Éireann appears in none of them, and a search of the applicant's own consultation correspondence (Appendix 5 to the EIAR) - running to several thousand lines - confirms the same: Iarnród Éireann is not mentioned once, in any letter, meeting record or response, anywhere in that appendix.

This is not a case of an omission that might be explained by an oversight common to the whole file. The same correspondence shows, in detail, what proper engagement with an infrastructure owner looks like when the applicant undertakes it. TII was written to on 2 April 2025 and again on 18 November 2025 and responded on 1 May 2025 and 18 December 2025. When coordination through Carlow County Council initially fell short - TII's Head of Land Use Planning wrote on 7 April 2026 to record, in terms, that "Carlow County Council has not approached TII Land Use Planning with respect to this project," contrary to what TII would have expected "given the scale, nature and location" of the development - a joint pre-application meeting followed on 4 June 2026, attended by four named TII representatives spanning land use planning, structures engineering, third-party consents and regional engineering, addressing the gas pipeline's crossing of the M9 in detail. The applicant's own file therefore demonstrates not only that it understood the need to consult a structure's owner before routing infrastructure near it, but that it was capable of escalating and resolving a coordination failure when one arose - for a pipeline that will pass beneath the M9 by trenchless drilling, without ever touching the structure. No equivalent diligence, escalation, or resolution appears anywhere in the file for the railway overbridge its own HGV traffic must physically drive over, repeatedly, for the life of a ten-year permission. The same file records a second instance of that diligence in relation to a different structure and a different authority: Carlow County Council confirmed that no pipeline attachment would be permitted on "Cardinal Moran Bridge on the R448" - again, the owner of a structure asked, and answering, before infrastructure was routed near it. It may be said in reply that this difference reflects the significance of the assets rather than any selectiveness - the M9 being national road infrastructure and the overbridge a minor local structure. That answer inverts the risk. The M9 crossing is to be executed by trenchless horizontal directional drilling, passing beneath the carriageway without contact and imposing no physical loading on the structure at any point. The railway overbridge, by contrast, is to be driven over by loaded HGVs and tankers, repeatedly, for the full ten-year life of the permission, and carries an operational railway beneath it. The structure that will bear no loading was the subject of sustained consultation, escalation and a dedicated multi-disciplinary meeting; the structure that will bear all of it was not consulted upon at all. Significance of the asset does not explain that ordering - only the direction of the applicant's attention does.

That diligence, however, appears to stop short of establishing that the pipeline itself can actually be built. Chapter 13 (Surface Water and Hydrology) states plainly that Gas Networks Ireland (GNI), not the applicant, is the statutory undertaker responsible for obtaining the pipeline's own development consent - a separate legal process, before a separate decision-maker, to the permission sought here. Both of the crossings just described were refused direct attachment for exactly that reason: TII would not permit any pipeline "within or attached to" the M9 overbridge structure, and Carlow County Council would not permit attachment "within the curtilage" of Cardinal Moran Bridge or by a steel duct affixed to its parapet. Horizontal directional drilling is proposed at both crossings instead - but TII's own record states that any such crossing "must be seamless and requires prior approval from TII," and Carlow County Council separately states that a road opening licence will be required for any works at Cardinal Moran. Neither approval is shown as obtained anywhere in the file reviewed. TII's consultation response goes further still, recording "serious concern" over the pipeline route across three rounds of correspondence between May 2025 and April 2026, on the basis that route options were proposed "with no details of methodologies" - including, on TII's own reading, instances within the M9 and M9 Junction 6 itself - and stating that the applicant must demonstrate the route represents the "optimal solution," with a full assessment of all route alternatives still recommended. On the correspondence available, TII itself was not satisfied, as of its most recent response, that the alternatives had been properly assessed.

The applicant's own position on timing is stated directly, in its own March 2026 response to TII: "The development consent application for the gas pipeline route will only be submitted following development

consent from An Coimisiún Pleanála for the proposed development ... At that point, the relevant planning authority will consult with TII and Carlow County Council Roads Department in respect of the proposed gas pipeline." In other words, this application asks the Commission to grant permission for a facility whose only means of getting its principal product to market depends on a consent process that has not yet started, before a different decision-maker, for a route two separate authorities have already told the applicant it cannot use in the form proposed.

This has a direct and presently unassessed consequence for traffic. The entire traffic and odour case made throughout this observation assumes the facility operates as described: continuous injection of biomethane into the gas grid. Nothing in Chapter 6's traffic modelling considers what happens if that injection is delayed, refused in its proposed form, or capacity-constrained. The possibility is not hypothetical: Chapter 2 (Planning Policy and Need) describes Ireland's own National Biomethane Strategy distinguishing large grid-connected plants of this kind from smaller facilities that rely on "virtual pipelines" - the government's own term for trucking compressed biomethane out by road where a physical grid connection is unavailable or delayed. Powerstown is presented throughout the EIAR as a grid-connected facility, and virtual-pipeline trucking is accordingly not disclosed as a contingency for this project - but the mechanism exists, is government-recognised, and the traffic assessment this observation has already shown to be inadequate for the collection side of the operation (paragraphs 1.2-1.3 above) says nothing at all about what happens on the egress side if the pipeline connection this application assumes does not materialise as planned.

This raises a question of law the observer puts to the Commission rather than asserts as settled. What is described above has a name in EU and Irish EIA practice: project-splitting, sometimes "salami-slicing" - dividing an integrated project into separate consent processes so that no single decision-maker ever assesses, or can refuse, the whole of it, and so that each sequential grant makes the next harder to refuse in practice, because capital is already committed and a permission already exists. Whether the environmental assessment the EIAR does provide for the pipeline route is capable of curing that split - as opposed to merely describing a project whose actual consent remains outstanding - is a genuinely unsettled question in the case law, and the observer does not overstate the position by treating it as decided either way. It is raised here as a matter the Commission should weigh in its own assessment, and as the kind of formulation on which a solicitor's precise view would be needed were it to be advanced as a formal, freestanding ground rather than a question flagged for the Commission's attention.

The same uncertainty is not confined to the egress side of the operation. On the collection side, the applicant's own chapters cannot agree on where the project's feedstock actually comes from: Chapter 3 draws its supplier catchment at 35 km and 50 km, while Chapter 6 draws it at 30 km and 50 km, and Chapter 3's own text sources poultry and duck manure from Limerick, Monaghan and Cavan - 100 to 150 km from the site, well outside either stated radius. A project whose own documents cannot consistently state where it collects from, or by what road network, cannot be said to have a settled physical footprint against which any study boundary - traffic catchment, landscape and visual study area, air quality receptor selection - can be shown to be adequate. This is offered as an illustration of that uncertainty, not a claim about any specific route: the observer does not assert, for example, that Rossmore Road (Appendix Z.02) in fact carries collection traffic - only that the applicant's own inconsistent account of its sourcing geography means neither the observer nor the Commission can presently rule it in or out, and that a study boundary cannot be verified as adequate when the thing it is meant to bound is, on the applicant's own documents, itself undefined. Sourcing and egress are, on this reading, two ends of the same problem: a project whose true spatial extent - where it draws from, and how it discharges - is not fixed by anything in the file before the Commission.

*(See Appendix F for documented vehicle-strike damage to the wall adjacent to the bridge, evidencing that this is not a theoretical risk.)* This is not merely a risk the observer asserts in the abstract: the applicant's own photomontage exercise (Appendix 16.1 Vol 3) shows this exact stretch of wall, within 20 m of the bridge, intact and undamaged as of the date of the applicant's site survey. The observer's own photograph of the same point, taken subsequently, shows the wall broken and collapsed, with displaced stone scattered into the roadside verge. The damage identified is accordingly not a longstanding or historic condition that the applicant might reasonably have discounted; it occurred within the currency of this application process itself,

and is direct, dated evidence of exactly the vehicle-strike risk this observation identifies at a structure the EIAR does not assess at all.

The applicant's own landscape and visual impact assessment did photograph this bridge - Viewpoint 6, "L3045 local road at the National Rail Bridge, Powerstown townland" - but the position chosen was, of the positions available on and around the crossing, the one offering the greatest screening on the road, not a representative one. A materially clearer view of the facility exists approximately 50 m to the east, on the same bridge. The render itself is not disputed as inaccurate for the position photographed; the position itself was the selective choice. What screening VP6 does show is itself not a stable feature: the intervening land to the north-east of the site is a sand and gravel extraction pit, currently dormant, with embankments formed by past extraction rather than natural topography. Pits of this kind are worked in phases, and nothing in the file offers any basis for assuming this landform will remain in its current configuration over the ten-year life of the permission sought. The applicant's photomontage exercise takes no account of that possibility. This pattern - a viewpoint placed at the most screened position available, on ground whose screening is itself a by-product of an extractive land use rather than a permanent feature - recurs elsewhere in the applicant's photomontage set and is addressed further in the material accompanying Colette Dermody's submission.

- *Operational HGV profiles are derived from a comparator site at Tønder, Denmark; no evidence is offered that Danish rural road conditions are transferable to a single-width Irish local road.*

#### 1.4 Routing controls are unenforceable.

Insofar as the applicant may contend that all development traffic will turn right (westward) on exiting the site toward the R448 and M9 Junction 6 and avoid the narrow eastern residential section, any routing condition attached to a permission binds only the developer; its practical effectiveness depends entirely on the degree of control the developer exercises over those actually driving. EIAR Chapter 3 confirms that transport of feedstock and digestate will be controlled by the applicant directly, using a dedicated fleet of 12 bulk haulers and tankers operating "under contract" to Greengate Biogas 001 Ltd. This is, if anything, a sharper point than a simple absence of control: the applicant is not describing an open population of unrelated third-party hauliers whose routing genuinely cannot be bound, but a small, identifiable, contracted fleet over which it holds direct contractual leverage - and nowhere in the file is that leverage used. No routing clause, GPS enforcement mechanism, telematics commitment or monitoring regime is described for this fleet anywhere in the EIAR. Digestate offtake will likewise involve contracted hauliers, and satellite navigation systems will direct drivers along the shortest available path - which includes the residential section of the L3045 - in the absence of any contrary instruction shown to be in place. Enforcement of routing breaches on a rural local road is, as a matter of practical reality, extremely difficult even with a contracted fleet: breaches are transient, unwitnessed by the enforcing authority, and individually minor while cumulatively serious.

This concern is not merely the observer's. EIAR Chapter 18 (Schedule of Commitments) confirms that the only route-specific traffic mitigation is a construction-phase commitment to "avoid local residential areas and sensitive receptors"; the equivalent operational-phase commitments are limited to a delivery-scheduling system and a driver induction lecture, with no explicit exclusion of the eastern L3045 section during operation. The sole route-specific physical measure proposed - advance warning signage - is located 50 m and 100 m either side of the immediate site junction only and says nothing about the chicane or bridge over one kilometre further east. Accordingly, even with a routing condition, GPS monitoring and an enforcement bond in place, a material residual risk of regular HGV and tanker use of the residential section of the L3045 cannot be excluded. On this section, the consequence of a single routing breach is not confined to inconvenience: it places a heavy vehicle in a blind chicane, between masonry parapets, on an unassessed 19th-century structure above an operational railway, on a carriageway shared with the pedestrians described at paragraph 1.5. Given the character of that road and the residents it serves, that residual risk is itself unacceptable in road-safety terms, and this is properly a reason for refusal rather than a matter capable of resolution by condition.

This is not a hypothetical concern about driver behaviour in the abstract: it is demonstrated directly by satellite navigation routing from representative points across the feedstock catchment (Appendix H). Sat-

navigation directions were run to "Powerstown Civic Amenity Site" - the nearest landmark by which the facility's location currently resolves in consumer mapping software, in the absence of the facility itself existing yet - from six origin points spanning the catchment: Tullow, Hacketstown, Fenagh, Enniscorthy, Bunclody and Myshall. Of these six, the route via the eastern section of the L3045 and the OPW79 overbridge is returned as the fastest, joint-fastest, or equal-preference option in five (Tullow, Fenagh, Enniscorthy, Bunclody and Myshall). Only the Hacketstown origin returns the western route as (marginally) preferred, and even there the eastern route trails by only two minutes on a 34-minute journey - a margin unlikely to influence slower-moving agricultural traffic in practice. Myshall's own result records that the alternative to the eastern route runs directly through the centre of Leighlinbridge and Bagenalstown (Muine Bheag), neither of which is otherwise treated as a receptor anywhere in the EIAR's traffic assessment. On this evidence, the eastern route is not a rare or exceptional leakage from an otherwise reliable western routing pattern; for the great majority of the catchment's geographic spread, it is the route a driver following ordinary satellite navigation guidance would be given by default.

*(See Appendix H - sat-navigation imagery showing that traffic from the eastern catchment is routed via this section of the L3045 as a matter of course, not exceptionally.)*

EIAR Section 6.10 ("Risk of Major Accidents or Disasters") goes further than simply omitting a transport-risk assessment: it makes an affirmative factual claim that is demonstrably incorrect. In support of its conclusion that there is "no credible pathway" by which development traffic could cause a major accident or disaster, the section states without qualification or geographic limitation that development "vehicle movements are routed via designated regional roads and avoid sensitive receptors such as residential streets." The observer's own traffic count, sat-navigation evidence (Appendix H) and photographic record (Appendix D) show the opposite: HGV traffic uses the narrow, unlit, footway-free eastern section of the L3045 - a residential local road, not a designated regional road - as a matter of routine. A conclusion of negligible major-accident risk cannot stand on a factual premise this observation directly contradicts with primary evidence.

This absence of transport-risk assessment extends beyond the EIAR. The applicant's separate COMAH Land Use Planning Assessment sets out, in full, the major accident scenarios assessed for the site (Table 5-1, repeated at Table 9-1 in the document's Conclusion); every scenario is confined to on-site vessels, pipelines and indoor equipment. No scenario involving a tanker, HGV or other transport incident on the L3045 appears anywhere in either table, notwithstanding that the development's entire operation depends on the movements evidenced above. This is addressed further at Ground 4A below.

Nor is this a newly raised concern. The applicant's own record of its April 2025 public consultation meeting (EIAR Chapter 5, Table 5-5) records that four attendees raised "traffic increase/safety for walkers" as a concern, including an explicit suggestion that the applicant's own HGV traffic "should not be allowed on these routes." The applicant's documented response was that Chapter 6 of the EIAR would assess the matter - the same Chapter 6 that this observation has already shown relies on a single, weather-atypical, off-season traffic count. The community raised this precise concern over a year before this observation was lodged; the applicant's own file shows it was not substantively answered.

### 1.5 Vulnerable Road users and residents with disabilities.

The L3045 has no footway, no public lighting and no pedestrian refuge; the carriageway itself is the only pedestrian route available to residents, and on the railway overbridge the available width narrows further between masonry parapets with no possibility of stepping clear of a vehicle at all. Lizzie Dermody's household, on the affected section of the L3045, includes several residents for whom the introduction of regular HGV and tanker traffic presents a risk that is qualitatively different from, and greater than, that faced by the general population:

- Lizzie Dermody herself is elderly and partially sighted, and already reports being unable to use the road on foot safely at existing traffic levels. On one occasion, while walking on this section of road on the approach to the OPW79 railway overbridge described at paragraph 1.1, she was obliged to step onto the verge to allow a truck to pass and fell on the uneven edge. The proposed development would convert an

existing partial severance into complete severance of her pedestrian access to the public road network - a risk materially compounded by her vision impairment, which further reduces her ability to judge and react to approaching vehicles on a carriageway that offers no refuge. *(See Appendix M - photographs of the approximate location, showing an articulated HGV occupying the full carriageway width with no passing space and no verge refuge available to a pedestrian.)*

- A further adult household member has an intellectual disability and resides in the household on a frequent basis, keeping his own bedroom there. Daily walking is a material factor in maintaining his fitness; he cannot undertake this safely on the L3045 given the absence of any footway or refuge, and reliable judgement of the speed, distance and behaviour of approaching heavy vehicles cannot be assumed of him.
- A further adult household member has an intellectual disability and resides in the household on a part-week basis, keeping his own bedroom there. His capacity for walking is limited, and he already avoids cycling westward along the L3045 for regular local journeys, taking the longer route via the Bagenalstown road instead because he does not feel safe cycling on the local road. This added distance is itself a disincentive to the journey being made at all, and is direct evidence that the L3045, even before the introduction of development traffic, already deters a household member from undertaking a routine journey by the most direct route.
- A further family member who is blind and travels with a service dog, resides in the household on a frequent basis and keeps her own bedroom there. She cannot walk safely on this section of road. On a single-vehicle-width carriageway with soft or damaged verges there is no refuge to which she can reliably move when a vehicle approaches; an HGV passing event leaves no usable margin. Service-dog navigation depends on predictable, low-speed, low-volume traffic conditions.

That these household members, are present on a frequent or part-week basis rather than daily is not a mitigating factor. Each keeps a bedroom in the household and is accordingly a resident of it, not merely a visitor; agricultural feedstock deliveries and digestate movements are not confined to weekdays, and the risk to each individual is unaffected by the frequency of their presence - it is a function of their being on the road at all when HGV or tanker traffic is present.

For several members of the household, brief regular walking exercise - of the order of 15 to 20 minutes daily - is not a lifestyle preference but a material factor in maintaining their health and quality of life. At present, none of the resident household members described above can drive; where a walk away from the immediate vicinity of the home is undertaken, this depends on being driven to a suitable location such as Milford Bridge and is accordingly sporadic and dependent on another person's availability, rather than something household members can undertake independently. The introduction of regular HGV and tanker movements could reasonably be expected to entrench that existing route avoidance further, and to extend it from a cyclist's route choice to the loss of independent walking altogether for other household members.

Community severance is a recognised traffic and transport effect, and part of population and human health assessment under the EIA Directive, as reflected in the EPA Guidelines on EIARs (2022). The pattern described above; dependence on lifts for exercise and an existing detour to avoid the road; is exactly the kind of effect that assessment is meant to capture. Yet the EIAR does not identify these residents as sensitive receptors, assess pedestrian capacity, refuge, severance or existing avoidance behaviour on the L3045, or propose mitigation for them. National design guidance places vulnerable road users, particularly pedestrians and people with disabilities, first in the road-user hierarchy; this application reverses that approach by treating the L3045 solely as a vehicular link. No condition can mitigate that effect: these residents cannot be conditioned out of using the only road serving their household.

*(See Appendix L as to the consent on which the descriptions above are made.)*

*(See Appendix D - timestamped photographs of HGV traffic in the chicane demonstrate, directly, the complete absence of any pedestrian refuge on this section.)*

### 1.6 No public transport alternative.

There is no school transport or other public transport service on this section of the L3045. Residents - including the four members of Lizzie Dermody's household described at paragraph 1.5 - accordingly have no alternative means of leaving or reaching their homes on foot or by public transport; the only options are private vehicle or walking the road itself. This absence of any alternative sharpens rather than lessens the severance risk addressed at paragraph 1.5: there is no bus stop or service to walk to that would reduce a resident's exposure to the carriageway, and no public transport option to substitute for a journey that HGV and tanker traffic would otherwise deter on foot.

## **Ground 2 - Residential Amenity: Odour, Noise, Dust and Pests**

### 2.1 Nature of the risk.

The proposed feedstocks comprise liquid and solid farmyard manures. Their reception, storage, handling and digestion, and the storage and export of digestate, present a sustained risk of odour nuisance, noise (including night-time plant, HGV reversing alarms and tanker pumping), dust, flies and vermin at the established dwellings on the L3045 and surrounding townlands.

- Colette Dermody's dwelling lies approximately 565 m from the boundary of the proposed facility, and her borehole water source approximately 570 m; Lizzie Dermody's dwelling and water source lie approximately 740 m from the boundary. These distances were measured using Google Earth and are accordingly approximate rather than survey-grade; the distances from these dwellings to (i) the digester tanks and (ii) the feedstock reception building - the actual emission sources, and the more relevant reference points for odour and noise - are not stated anywhere in the EIAR, so the separation the applicant relies upon cannot be verified from its own documents.
- **The site's own local history of this nuisance is not engaged with.** The closed Powerstown Landfill, identified in the applicant's own COMAH Land Use Planning Assessment as adjacent to the application site, lies immediately beside the quarry in which this facility is proposed. Residents of the affected section of the L3045 experienced flies and vermin at their dwellings and around their farms during the period when that facility was active. That account is given directly, in her own separate observation, by a resident who has lived on this road since 1962; it is referred to here as corroboration and is not reproduced. The observer does not suggest that the landfill and the application site are the same land, and expressly does not assert it. The point is narrower: the applicant's assessment of pest and vermin risk nowhere engages with a documented local history, on immediately adjoining land, of precisely the nuisance now in issue.
- Colette's and Lizzie's dwellings both lie east of the proposed facility. EIAR Chapter 8 (Air Quality), examining five years of data (2021-2025) from Oak Park meteorological station, confirms that "the predominant wind direction is westerly to south-westerly" - a direction which, blowing toward the east and north-east, is precisely the direction that would carry odour, and any other airborne emission, from the facility toward these dwellings. The applicant's own dispersion modelling for the site uses continuous, multi-year hourly meteorological data rather than a single assumed direction, so this westerly/south-westerly condition is inherently reflected in whatever the model calculated for any receptor point it actually assessed.

Colette's dwelling is identified in the applicant's modelling: its coordinates match discrete receptor "AQ6" in EIAR Chapter 8's Table 8-22 and Figure 8-7 within 3 metres, confirming individual assessment as a modelled human health receptor. However, Chapter 8's pollutant concentration results tables (e.g. Table 8-26 for NO<sub>2</sub>, and equivalent tables for other pollutants) report figures only for the single "worst-case receptor" for each pollutant and year - in every reviewed instance, a boundary receptor point, not AQ6 specifically. The actual modelled concentration at Colette's dwelling (AQ6) is not stated in the chapter; it may exist in Appendix 8.1 (Air Dispersion Modelling Supporting Information, Volume 3 of the EIAR), which has not been reviewed.

By contrast, Lizzie Dermody's dwelling - home also to Roisin and two other household members (see Ground 1.5) - does not correspond to any of the fifteen discrete receptors assessed. The nearest of the fifteen points



to her dwelling's actual coordinates is 179 metres away, itself the point identified as Colette's house; no receptor sits within any distance consistent with coordinate rounding or measurement tolerance. On the material available, the applicant's air dispersion model appears to have individually assessed one of the two households on this section of the L3045 and not the other, despite both households falling within a broadly comparable distance of the facility.

The applicant's noise modelling independently corroborates this risk. Chapter 10's traffic-noise assessment identifies exactly one road link, across the entire surrounding network, projected to cross the threshold for a noticeable noise change: the L3045 itself (Link 8), where total AADT is projected to rise from 585 to 950 - an increase of 62% - by the fifteenth year of operation, producing a worst-case noise increase of +4.3 dB and classified by the applicant's own methodology as "negative, moderate, long-term." Every other road link in the study area remains below the 25% AADT threshold used to trigger this classification, and is rated "neutral, imperceptible" throughout. This is not an isolated statement: Chapter 7 (Population and Human Health) and Chapter 17 (Interrelationships and Interactions) both independently restate the same finding in near-identical terms - "a moderate negative long-term effect at one road link only." Three separate chapters therefore agree: of the applicant's entire road network, the L3045 is the sole location where the applicant's own methodology finds a measurable adverse effect, and it is precisely the road, and precisely the household, this observation is about.

There is a direct line of sight from the affected dwellings to the facility site, partially screened by intervening trees and the railway embankment. This is not put forward as a mitigating factor: visual screening has no bearing on odour, noise, dust or vermin, which are not dependent on line of sight, and the applicant's photomontage exercise (viewpoints VP2-VP15) should not be read as addressing residential amenity on the L3045 on that basis.

## **2.2 Absence of a mandatory setback distance places the full burden on site-specific assessment.**

Ireland has no statutory or mandatory national setback distance between an AD facility and residential properties; siting is determined through site-specific planning assessment, informed by the EIAR. This absence of a regulatory floor is not a basis for reduced scrutiny - it is the opposite: because no minimum distance operates as a backstop, the burden falls entirely on the applicant's odour, noise and air quality modelling to demonstrate, on this site and these receptors, that no significant effect will arise. Where that modelling is deficient - omitted receptors, untested worst-case wind directions, no assessment of abnormal/upset-condition emissions - there is no fallback protection for the residents concerned. By comparative context only (Ireland having no equivalent standard to which this application can be held), setback distances of 300 m or considerably more from the nearest dwelling are commonly adopted or sought for comparable AD facilities in other jurisdictions and Irish planning contexts. Here, the nearest affected dwelling (Colette Dermody's) stands approximately 565 m from the facility boundary, with Lizzie Dermody's dwelling approximately 740 m away; the applicant has not disclosed the corresponding distances to the digester tanks or feedstock reception building, so the adequacy of that margin cannot be verified against its own site layout. Distance alone does not exclude odour or noise impact, particularly given the prevailing west/south-west wind direction (Ground 2.1) and the absence of any regulatory distance against which 565 m or 740 m could be assessed as adequate or inadequate.

## **Ground 3 - Adequacy of the EIAR**

The EIAR does not provide the complete, current and accurate environmental information required. Without prejudice to the foregoing grounds, the following deficiencies are noted:

- Reliance on 2017 street imagery, a single-day, weather-atypical traffic count, and a site-selection exercise (Chapter 4) that scored the site highest for road safety without reference to the eastern section of its own access road (Ground 1.2-1.3).
- Population and Human Health (Chapter 7): the chapter's entire sensitive-receptor analysis is conducted at Electoral Division level, using blended census statistics for the Nurney ED as a whole; no individual or

household-level receptor is identified anywhere in the chapter. The chapter itself quotes IEMA scoping guidance stating that for linear-infrastructure projects with “clearly distinct localities,” it is appropriate to present “multiple separate site-specific geographic populations” - guidance the chapter cites but does not apply to the L3045 households. The resulting blended conclusions - “Life stage: Independent,” “Daily activities: Not limited,” “Capacity to adapt: High” - are directly contradicted by the observer's evidence at Ground 1.5, which describes a household dependent on being driven for exercise and an existing pattern of route avoidance due to safety concerns.

- The alternatives assessment (Chapter 4) does not demonstrate genuine consideration of alternative sites with direct regional/national road access, and as set out at Ground 1.2, scores the preferred site highest for road safety using an incomplete description of its own road network.
- Chapter 12 (Soils, Geology and Hydrogeology) addresses potential effects and mitigation in a single sentence: “No potential for significant effects. No mitigation measures required.” No monitoring, containment or groundwater-protection commitment is proposed for this topic anywhere in the EIAR's Schedule of Commitments (Chapter 18). This is addressed further at Ground 5 below.
- Biodiversity (Chapter 11): the chapter's own Table 11-2 records exactly three Winter Bird Survey dates - 16 January, 7 February and 13 February 2026 - all within a single four-week window, with no visit in October, November, December or March. This falls short of the applicant's own stated methodology. At the 15 January 2026 NPWS pre-application meeting, NPWS's ecologist stated on the record that “winter bird surveys must be completed monthly,” and the applicant's own representative responded that winter and breeding bird surveys “were carried out monthly for the seasons.” That representation to the statutory consultee is not borne out by the finalised chapter: three visits compressed into four weeks is not a monthly survey across a winter season, and the discrepancy is between the applicant's own consultation record and its own final table, not a matter of the observer's interpretation. The consequence of a survey effort this limited is a reduced capacity to detect species present intermittently rather than continuously. The observer notes, as a matter of record and not as a scientific claim, that a corncrake - an Annex I species, red-listed in Ireland - was heard in the vicinity on 10 June 2026, after the applicant's survey effort had concluded and after the application was lodged. That record is a single occurrence, unverified and unreported, and is expressly not advanced as evidence of a breeding population or of any particular ecological status. It is advanced for a narrower and more defensible purpose: a survey design falling short of the monthly effort the applicant told NPWS it had carried out is not one capable of excluding intermittent Annex I presence, and a negative finding drawn from it cannot carry the weight that Article 6(3) would require of it.

#### Matters examined and not pursued.

Two further matters were examined on the same basis as the deficiencies above. Neither is advanced as a deficiency, and both are recorded here so that the Commission can see the basis on which the grounds above were tested.

- Cumulative assessment: the applicant's own COMAH Land Use Planning Assessment identifies the adjacent Powerstown Landfill (closed, capped and restored) and the Powerstown Recycling Centre (open to the public), both co-located immediately north and east of the site and both operated under EPA Waste Licence No. W0025-04, together with active mineral extraction to the south (Kilcarrig Quarries Ltd.) and further north (Dan Morrissey & Co.) within one kilometre. These facilities are correctly absent from Table 6-18: as existing, already-operating uses reflected in the 2025 baseline traffic counts, they are not “future” cumulative developments of the kind that table is designed to capture, and their exclusion is standard, defensible practice rather than an omission.
- The ‘do-nothing’ scenario is not what a first reading suggests: the EIAR does not assume the site remains inactive. Chapters 4 and 7 confirm the landowner would proceed under an existing, separate permission (Carlow County Council Ref. 23/60263, upheld on appeal by An Coimisiún Pleanála as PL01.320180, granted 19 May 2025 and not yet invoked) to operate the site as a soil recovery facility, accepting c. 199,500 tonnes of inert material over 8 years, in addition to the extant quarry and waste facility

permissions (P13/187, extraction to 2029; a 2022 waste facility permit for backfill, expiring April 2027). The true baseline against which this application should be assessed is this substantial alternative land use, not an inactive site. That permission has not been invoked. Nor is the comparison like-for-like: a soil recovery operation accepting inert material is a different activity, with a different traffic profile and different environmental pathways, from a facility processing liquid feedstock and digestate under a major-accident-hazard classification. It is identified here because it is the correct baseline, not because it is equivalent.

## Ground 4 - Appropriate Assessment / Natura Impact Statement

The application site adjoins the River Barrow and River Nore SAC (Site Code 002162) far more closely than a first reading of the EIAR's narrative sections suggests. While the EIAR's population chapter describes the site as approximately 2.5 km from Leighlinbridge, the EIAR's own site-selection comparison (Chapter 4, Table 4-3) discloses the material figure: the boundary of the River Barrow and River Nore SAC lies approximately 20 metres from the site boundary - with the River Barrow itself (a Nutrient Sensitive Area) at 350 m and the Cloghrick Wood pNHA at 500 m. Indeed, Chapter 4 records that Powerstown scored worst of the three candidate sites assessed on biodiversity and proximity to sensitive receptors, precisely because of this proximity, and was nonetheless selected on the strength of other, non-ecological criteria (transport convenience and site-acquisition cost). Article 6(3) of the Habitats Directive requires that the Commission be able to exclude, beyond reasonable scientific doubt, adverse effects on the integrity of the European site. The NIS has now been read in full (94 pages) and does not support that conclusion, in particular as regards:

- **Surface water pathways.** NIS Section 4.1 (S-P-R Assessment, pp.47-48) concludes "No S-P-R connectivity between the Proposed Biogas Development site and any European Site" - but this conclusion is scoped explicitly to gas pipeline construction only. The operational facility itself, 20 m from the SAC boundary and handling 663,000 tonnes per annum of feedstock and digestate throughput, is excluded from pathway consideration at the outset, on the stated basis that excavation is shallow, groundwater sits below excavation level, no contamination was found on baseline sampling, and - critically - an unmodelled assertion that "stormwater discharge will not affect downstream ecological status," rather than a demonstrated result. NIS Section 4.1 also discloses that the proposed gas pipeline crosses the SAC boundary itself at the Cardinal Moran Bridge watercourse crossing (albeit within the road curtilage), not merely coming close to it.
- **Ammonia and nitrogen deposition.** NIS Section 3.2 (p.31), drawing on Chapter 8's air dispersion modelling, states that the Alluvial woodland qualifying habitat (1.1 km northwest, the nearest ammonia-sensitive receptor) sits outside the 1% critical-level contour. This is the most defensible part of the NIS's air quality treatment - a genuine modelled result, not an assertion - and is acknowledged as such.
- **Accident and upset scenarios.** The only accident pathway modelled anywhere in the NIS is frac-out during horizontal directional drilling of the gas pipeline (NIS p.53, within the conservation-objectives assessment) and construction-phase surface water runoff. No operational-phase accident or upset scenario - tank or bund failure, spill during tanker transfer - appears anywhere in the 94-page document, despite the operational facility's proximity to the SAC and its COMAH classification; this is addressed further at Ground 4A below.
- **The applicant's own surface water chapter confirms the pathway the NIS excludes.** Chapter 13 (Surface Water and Hydrology) expressly assesses tank failure as an operational accident scenario, recording that failure of a tank could release liquid manures or digestate, and identifying among the potential impacts the entry of pollutants into the surface-water system and risk to the Powerstown Stream. The same chapter assesses bund failure, and provides sensors, penstocks, automatic isolation and a dedicated spillage containment system precisely because uncontrolled operational release is recognised as a credible event requiring engineered control. Both positions cannot be maintained at once. Either an operational containment failure has a surface-water pathway, as Chapter 13 states in terms, or it has none, as the NIS assumes in scoping the operational facility out of source-pathway-receptor consideration altogether. Where an applicant's own documents hold two inconsistent positions on the

existence of a pathway to a European site, Article 6(3) requires the more cautious to be the one assessed. It has not been.

- **The containment design does not, on the material provided, resolve the doubt.** Chapter 13 describes its combination of continuous monitoring, automatic isolation and controlled diversion as an active and fail-safe layer of protection. In the observer's professional assessment those two characterisations are not compatible. A system that depends on water-quality sensors to detect contamination, on powered penstocks and pumps to act on that detection, and on those components remaining calibrated and functional in digestate-laden runoff across a ten-year permission term, is an active protection system. A fail-safe system is one whose failure mode is inherently safe without intervention. No reliability data, redundancy provision, sensor-fouling assessment, power-failure scenario or maintenance-failure analysis is presented for any part of it. Separately, Chapter 13 qualifies the likelihood of bund failure - describing it as unlikely - but nowhere quantifies its consequence. At a separation of approximately 20 metres from a European site, a competent assessment requires both. There is, in the observer's professional experience, a consistent gap between design intent and delivered performance in constructed drainage and containment works, and anomalous conditions - extreme rainfall, coincident failures, deferred maintenance - are the circumstances in which that gap is realised. No combined-event scenario, such as a containment failure coinciding with an exceedance rainfall event, is assessed anywhere in the application. It is also noted, without a conclusion being drawn from it, that the dedicated spillage containment system is specified at a minimum capacity of 25 cubic metres, while the largest single tank on the site has a capacity of 12,036 cubic metres; the bund is relied upon for tank failure, but the basis on which the spillage system was sized for the events it is intended to retain is not stated.
- **The connecting public road itself is not assessed as a pathway to the SAC.** The section of the R448 connecting the site to the M9 - the western route the applicant's own Chapter 4 site-selection scoring prefers (Ground 1.2 above) - runs directly adjacent to, and in places within, the boundary of the River Barrow and River Nore SAC (site code IE0002162), as mapped on the European Environment Agency's own Protected Sites (EUNIS) tool (Appendix T). A collision, rupture or loss of containment involving a feedstock or digestate tanker on this stretch would not remain a road-traffic matter confined to the carriageway: given the road's direct physical adjacency to, and in-places incursion into, the SAC boundary, any resulting spillage would be almost certain to reach the designated site by a pathway - a transport incident on the connecting public road - that the NIS does not assess at any point.
- **Recreational use of the designated site itself is not assessed.** The Barrow towpath at this location lies within the River Barrow and River Nore SAC. It is in regular use by local residents, by people from Leighlinbridge and by visitors, who commonly park campervans at Milford. The riverbank fronting the proposed facility lies only some 275 to 365 metres from the path, across banks which for much of that stretch are substantially open and carry little or no screening vegetation, so that both the application site and the banks of the closed landfill are visible for most of the walk. The NIS assesses the European site as a habitat resource; it does not address it as a place where people are present, in numbers, immediately adjacent to the proposed development. The same absence appears elsewhere in the application: Chapter 8's odour receptor methodology excludes recreational and trail receptors as a category, and no photomontage viewpoint was taken from the towpath. This account is given from the direct knowledge of a resident who walks that path weekly, in her own separate observation, and is referred to here as corroboration.
- **The frac-out mitigation package itself is process-based, not outcome-tested.** For the one accident scenario the NIS does address - uncontrolled release of drilling fluid during horizontal directional drilling beneath the River Barrow itself - the EIAR's Schedule of Commitments proposes an extensive mitigation package (bunded containment, biodegradable drilling fluid, a 10 m stand-off from the SAC boundary), but no quantified consequence is attached anywhere to a failure of any of those measures. A list of precautions is not the same as a demonstration that the SAC's integrity would survive their failure.
- **Digestate land-spreading.** Checked across the full document: "digestate" appears only in passages describing tank and building names, never once in an impact-pathway or assessment context. No

consideration is given anywhere in the NIS to nutrient runoff to the SAC catchment from up to 663,000 tonnes per annum of digestate returned to farms across the feedstock catchment.

- **The wider conservation baseline.** The NIS's own Section 5.3.1.3.7 (p.67) records, citing the NPWS Article 17 report, that the conservation status of European dry heaths - a qualifying interest of this SAC - is "Bad" and deteriorating, "a marked change from reportedly 'stable' in 2019." This is background context the Commission should have in view when assessing the margin for further pressure this SAC can absorb, rather than a site-specific defect in the NIS.

The NIS's own Section 6 conclusion (p.90) that the Project "will not cause significant adverse effects on the integrity of European sites" is stated explicitly as holding only "under the mitigation scenario" - the certainty Article 6(3) requires is accordingly no stronger than the mitigation package it depends on, addressed further at Ground 4A. (See Appendix R for the full set of NIS citations supporting the above.)

## **Ground 4A - Accountability, Financial Transparency, and the Absence of Enforceable Guardrails**

### 4A.1 Accountability over the permission term.

This ground is concerned not with whether the proposed development can be shown, today, to avoid harm to the River Barrow and River Nore SAC, but with who can be held accountable, and on what financial basis, if it does not - over the full ten-year term for which permission is sought.

Planning permission in Ireland runs with the land, and conditions attached to a permission bind the developer as a legal person. Where the developer is a single-project company, however, that legal person's ownership and control can change completely during the life of a permission without any planning event occurring at all: a sale of the shares in the permission-holder is not a transfer of the permission, triggers no notification to the planning authority or the Commission, and is invisible to the planning process.

The observer does not assert, and expressly does not seek to characterise, the intentions of the applicant or its principals. The observer notes only the following matters of public record, confirmed by direct search of the Companies Registration Office register (CRO number 758193; see Appendix W):

- Greengate Biogas 001 Limited was incorporated on 22 February 2024.
- It also operated under its former name, Atlas Bioenergy 001 Limited, before adopting its current name.
- Its registered address, Block A, George's Quay Plaza, George's Quay, Dublin 2, is shared with numerous other companies, consistent with registration via a corporate services provider rather than an operational headquarters.
- A related company, Greengate Biogas 002 Limited, was incorporated two weeks later. The sequential naming convention across those entities indicates a portfolio structure in which each individual facility is held in a separate, single-purpose company.
- The applicant's own published material also identifies its development consortium as including a partner whose stated business is advising institutional investors on capital deployment in the energy sector.

From these public facts alone, the observer submits that the application does not establish - and the Commission has not been furnished with a basis on which to assess - how financial responsibility and practical accountability for this development would be maintained over its full ten-year term, including through any change of ownership, corporate control, or operator.

This is not a hypothetical concern: CRO records confirm that a director of the applicant company, Andrew Bernard, resigned effective 4 October 2025 - a change of personnel that had already occurred before this application was lodged, filed through Vistra Ireland, a corporate services provider operating from the applicant's own registered address, consistent with the registration pattern noted above. There is nothing

untoward in a structure of this kind; single-purpose vehicles are commonplace in project finance, for entirely ordinary reasons, and directors resign from companies routinely.

The observer notes only, with some curiosity, that a company incorporated little more than two years before lodging an application for a ten-year consent; and which has already seen at least one change of director within that short period; is obviously not best placed to answer for the whole of that decade, and wonders whether the Commission has been invited to consider that question at all.

#### *4A.2 A genuine risk assessment exists - and its own boundaries are where the risk to the river falls through.*

The observer has reviewed sections of the applicant's separate COMAH Land Use Planning Assessment (prepared by AWN Consulting), addressing the site's classification as a lower-tier COMAH establishment under S.I. No. 209 of 2015. That document is not superficial. It applies HSA-approved methodology using recognised consequence-modelling software (Gexcon Effects, DNV Phast, Gexcon Riskcurves), assesses every on-site vessel, pipeline and item of indoor equipment against fireball, vapour cloud explosion, jet fire and flash fire scenarios, generates individual and societal risk contours, and identifies both L3045 dwellings referred to in this observation as COMAH receptors. Within its own scope, this is competent technical work, and the observer records that plainly rather than disputing it.

It is precisely because the document is competent within its scope that the boundaries of that scope repay close attention - and three of them leave the risks this observation raises entirely outside what has been assessed.

First, the document's own conclusion does not establish that off-site risk is acceptable at the closest identified receptor without qualification. It confirms that the individual risk contour corresponding to the tolerable threshold for a new COMAH establishment extends to the residential property immediately east of the BNEF container - a property that is currently occupied, and where the document itself records that members of the public are present. The stated basis on which that risk is nonetheless treated as acceptable is not a technical control but a private commercial arrangement: an agreement under which the applicant will acquire that property as vacant premises on grant of planning permission. That arrangement is not, so far as the observer is aware, secured as a condition of any permission; its completion, timing and enforceability sit entirely outside the planning process and outside the Commission's visibility. Should it not complete as anticipated, the specific factual premise on which the risk assessment's conclusion of acceptability rests for that receptor no longer holds, and nothing in the application as it stands appears to prevent the facility from operating regardless. This is the accountability theme raised at Ground 4A.1 above, now presented with a precise and material instance: a conclusion of acceptable risk resting on an arrangement the Commission is not asked to secure.

Second, the environmental risk this observation is chiefly concerned with - a containment failure reaching the River Barrow and River Nore SAC, independently confirmed by this same document as approximately 20 metres from the site boundary - is expressly excluded from the study, not overlooked within it. The document states, in full, of Major Accidents to the Environment: "diesel is the only substance that will be present on site that is classified as hazardous to the aquatic environment... Therefore, a major accident to the environment is not considered in the study." Liquid feedstock and digestate, the subject matter of Grounds 4 and 5 above, are not COMAH-classified aquatic hazard substances, and are accordingly never modelled, at any volume or for any failure mode, anywhere in this assessment. This is a structurally correct application of COMAH's own classification criteria; it is not a criticism of the document's competence. It means, however, that the one aspect of this development's risk profile most directly connected to the SAC's proximity is precisely the aspect this otherwise rigorous document was never designed to address.

Third, the scenarios assessed - set out in full, and repeated without variation, at both Table 5-1 and the document's own Table 9-1 summary in its Conclusion - comprise exclusively on-site vessel, pipeline and indoor-equipment failures. No scenario involving a tanker, HGV, or other transport incident on the public road appears in either table, despite the development's entire operation depending on the movements evidenced



at Ground 1 above. A risk assessment thorough enough to model the consequence of a release through a 10 mm indoor pipe has not, on the material reviewed, considered what would happen were a vehicle carrying comparable substances to be involved in an incident on the narrow, chicaned, unassessed section of the L3045 described at Ground 1.

The information needed to close that gap was already available to the applicant. Chapter 6 and Chapter 10 between them disclose the forecast HGV trip generation for this route - stated inconsistently as either 114 trips/day (Chapter 6) or 240 trips/day (Chapter 10, citing Chapter 6) - which on either figure amounts to some 36,000 to 75,000 heavy-vehicle movements per year over the ten-year permission term sought. The applicant's own NIS and Chapter 4 already establish the route's proximity to the SAC boundary (Ground 4 above; Appendix T). And the consequence-modelling methodology capable of quantifying a transport-related loss-of-containment risk is the same methodology AWN Consulting has already applied on-site for COMAH purposes. Nor is collision the only mechanism by which containment could be lost on this stretch: high wind loading, inadequate load securing, and coupling or valve failure are all recognised causes of tanker and trailer spillage independent of any collision, and none is any less foreseeable, or any less within the applicant's own competence to assess, than the accident scenarios already modelled elsewhere in the COMAH document. Volume, route and method were accordingly all within the applicant's own possession; nothing about this risk required data the applicant did not already have.

The observer does not attempt to supply the missing calculation here, and offers no view on why it was not carried out. Two explanations are available: a favourable one, that the omission reflects a conservative judgement that the risk is already negligible; and a less favourable one, that it reflects a wish to avoid extending the file's engagement with this route's proximity to the SAC any further than necessary. The observer cannot distinguish between them, and does not need to - on either explanation, the calculation itself was, and remains, straightforward to perform with data already in the applicant's possession, and it is the applicant, not the observer, who is best placed to say which explanation is correct. That is the question the Commission is accordingly entitled to put to the applicant before determining this application.

These three points, taken together, are not put forward as evidence that the applicant has failed to take safety seriously - the modelling that has been done is genuinely thorough within the categories it addresses. They show, rather precisely, where that thoroughness stops, and that the stopping point coincides, in each instance, with the specific risks raised in this observation. The observer notes, finally, that this is not the only document to draw the boundary in the same place: the EIAR's own Chapter 12 (Soils, Geology and Hydrogeology) disposes of the same underlying question - the risk of a liquid containment failure reaching groundwater and, in turn, the SAC - in a single sentence: "No potential for significant effects. No mitigation measures required." Two separate documents, prepared by two separate specialist teams for two separate regulatory purposes, each arrive at a one-line dismissal of the same risk pathway, by two different technical routes, and neither actually models what a slurry or digestate containment failure would do to a river some twenty metres away. The observer does not know how to account for that coincidence, and offers no view on it. It is recorded here only because, once recorded, it forms part of what is now before the Commission.

The observer accordingly submits that permission should not be granted until: the applicant's environmental risk assessment is extended to cover a containment failure of liquid feedstock and digestate specifically, rather than being scoped out on the basis that these substances fall outside COMAH's aquatic-hazard classification; a transport risk assessment is undertaken for tanker and HGV movements on the L3045, addressing the section described at Ground 1; and the vacant-possession arrangement relied upon for the closest identified receptor is secured as an enforceable condition precedent to any operation, rather than left as a private commercial arrangement outside the Commission's visibility - together with the financial bond, independent audit, and ownership-change notification requirements sought at Ground 4A.1 above.

This ground is relied upon, independently, in support of the reduction in permission duration sought at Ground 6 below: the risk addressed here compounds with time, and a shorter permission term reduces the period over which an accountability gap of this kind could emerge undetected.



## Ground 5 - Hydrogeology: Development on a Former Pit

The application site is a former extraction pit ("Mary Kelly's Pit"). Extraction typically removes the protective subsoil layer, increasing groundwater vulnerability. The proposal to store substantial volumes of liquid farmyard manure and digestate on such a site requires demonstration - not assertion - that containment, bunding and monitoring will protect underlying aquifers and connected wells.

The EIAR's own treatment of this topic is, in its entirety, the following sentence, reproduced verbatim from Chapter 12 (Soils, Geology and Hydrogeology) of the Schedule of Commitments: "No potential for significant effects. No mitigation measures required." No baseline groundwater monitoring commitment, no containment specification, and no reference to the site's history as a quarried, backfilled pit appears anywhere in that chapter's mitigation section. Given that this is the same site the applicant's own Chapter 4 acknowledges lies approximately 20 m from the boundary of a European-designated SAC (Ground 4 above), a single dismissive sentence is not an adequate substitute for assessment, and is submitted as itself a further, freestanding indicator of the EIAR's inadequacy under Ground 3.

This is not an isolated gap. As set out fully at Ground 4A below, the applicant's separate COMAH Land Use Planning Assessment excludes liquid feedstock and digestate containment risk from its environmental (MATTE) analysis entirely, on the basis that these substances do not meet COMAH's aquatic-hazard classification. Two separate specialist documents, addressing two separate regulatory purposes, have each disposed of the same underlying risk - a containment failure reaching the aquifer and, in turn, the SAC - without either one actually assessing it.

The absence of assessment is not neutral: nothing in the application establishes that local topography provides protective separation between the facility and the nearest private water supplies. Colette Dermody's borehole lies approximately 570 metres from the application boundary, and publicly available spot-elevation checks indicate that the borehole and facility site sit at broadly comparable ground level, around 50 metres OD. That basis is approximate rather than survey-grade, but sufficient to show that no protective gradient can be assumed in either direction, and none is demonstrated in the EIAR. The observer does not assert that a contaminant pathway exists. The point is precisely that the applicant has not established that one does not, and the affected households have no mains alternative. It is also notable that the applicant's air dispersion model located one of these dwellings to within three metres (Ground 2.1), while the relationship between the proposed development and that household's drinking water is not established anywhere in the application.

*(See Appendix I - spatial imagery identifying nearby dwellings and private boreholes, supporting an assessment of local groundwater use that the EIAR itself does not undertake.)*

## Ground 6 - Duration of Permission

The application seeks a 10-year permission. No exceptional circumstance is identified that would justify departing from the standard 5-year duration, and a decade-long consent would compound the traffic and amenity burdens described above while insulating the development from review against evolving environmental standards. The accountability gap identified at Ground 4A compounds specifically with time: the longer the permission, the greater the likelihood of a change in ownership or control occurring within its term, and the longer any resulting accountability gap could persist undetected. If, contrary to this observation, permission is granted, the standard duration should apply.

## A Recurring Pattern, and Why It Bears on What Is Asked For

The grounds above are not six unrelated complaints. Read together, they show a single pattern recurring across the applicant's own documents: a reassuring comparator borrowed from elsewhere without its implications being followed through (Ground 1.2's milk tankers, the Tønder HGV profile, the Co. Monaghan viewpoint radius); a viewpoint or receptor selected from the more favourable end of the available range (the screened position on the railway overbridge, a 5 km study boundary that excludes elevated public amenities meeting the applicant's own receptor criteria, an air dispersion model that individually assesses one

neighbouring household and not the other); and a qualifying detail disclosed in one place and absent from the summary that would actually be read (a 20-metre SAC distance recoverable only from a site-selection table rather than the population chapter; a scoping conclusion narrowed to pipeline construction and then relied upon as though it covered the operational facility). No single instance of this would, alone, be remarkable in a filing of this length. Repeated across traffic, air quality, ecology, landscape and hydrogeology alike, it is not the observer's inference; it is what the applicant's own material shows once the relevant passages are placed side by side.

That pattern bears directly on what residents can reasonably be expected to accept if this development proceeds. It is one thing to ask a community to rely on a developer's monitoring and self-reporting where the environmental information before the decision-maker has been complete and even-handed. It is another to ask the same of residents who have had to identify, unaided, gaps of the kind set out above in the applicant's own filing - and who cannot know how many further instances of the same pattern exist in material they lack the resources to cross-check. The observer submits that this is a legitimate and foreseeable source of scepticism among the households most directly affected, and that it should be reflected in what conditions attach to any permission granted: residents on the affected section of the L3045 should have a formal, ongoing role in the oversight of operational compliance, not a one-off consultation exercise concluded at application stage. Part E below accordingly seeks a resident liaison and monitoring-access mechanism, distinct from and additional to the independent audit sought at Ground 4A.

## Part D - Request for an Oral Hearing

The observer respectfully requests that the Commission exercise its discretion to hold an oral hearing. The interaction of substantial HGV traffic with a single-vehicle-width residential local road raises road-safety and residential-amenity issues of a kind that cannot fairly be resolved on the papers, and the deficiencies identified in the traffic, Natura, hydrogeology and accountability grounds warrant examination of the applicant's experts. The road serves a household that includes residents with disabilities for whom the carriageway is the only pedestrian route (Ground 1.5); the severance and safety effects on those residents were not assessed in the EIAR at all, and fair procedures favour their circumstances being heard directly rather than mediated through written submissions alone. Local circumstances - the physical character of the L3045 and the daily patterns of its residents - are best conveyed to an Inspector in person and on site.

## Part E - Conclusion and Orders Sought

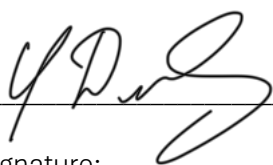
For the reasons set out above, the Commission is respectfully requested to:

- REFUSE permission for the proposed development; or, strictly in the alternative,
- attach conditions providing for: (a) a legally robust construction and operational traffic management plan excluding all development traffic from the residential section of the L3045, with GPS monitoring of contracted hauliers and an enforcement bond; (b) restriction of HGV movements to daytime weekday hours; (c) a road condition survey of the L3045 before commencement and reinstatement at the developer's cost; (d) odour and noise limits at identified residential receptors with continuous monitoring and public reporting; (e) that permission not be capable of being acted upon until the applicant has produced, and had independently verified at its own cost, the quantified risk assessment, referenced operational track record, financial bond, independent audit regime and ownership-change notification requirements sought at Ground 4A; (f) reduction of the permission duration to 5 years; (g) establishment of a resident liaison and oversight committee, including household representatives from the affected section of the L3045, with a standing right of access to monitoring data (odour, noise, air quality, traffic) and to independently commissioned audit reports, and a defined complaints-and-escalation procedure to the local authority and the Commission; and (h) baseline hydrogeological assessment and water-quality testing of all private wells within a defined radius of the site prior to commencement, ongoing monitoring for the full duration of the permission with results provided to well owners as of right and without request, and a trigger-based obligation to suspend feedstock intake and operations pending independent investigation wherever monitoring results are anomalous;
- hold an oral hearing pursuant to Part D.

The observer reserves the position generally and requests to be notified of the Commission's decision.

Signed:

Vincent Francis Dermody



Date of Signature:

14<sup>th</sup> Aug 2026

## Appendices

### Appendix A - Spatial / location imagery

#### App A.01-Satellite Overview of Area of Interest

Map shows the intended facility development in red, and the area of residents, narrow single lane carriageway.



#### App A.02-Satellite Map with key landmarks

Map shows the following key landmarks, indicated by White Pointers.

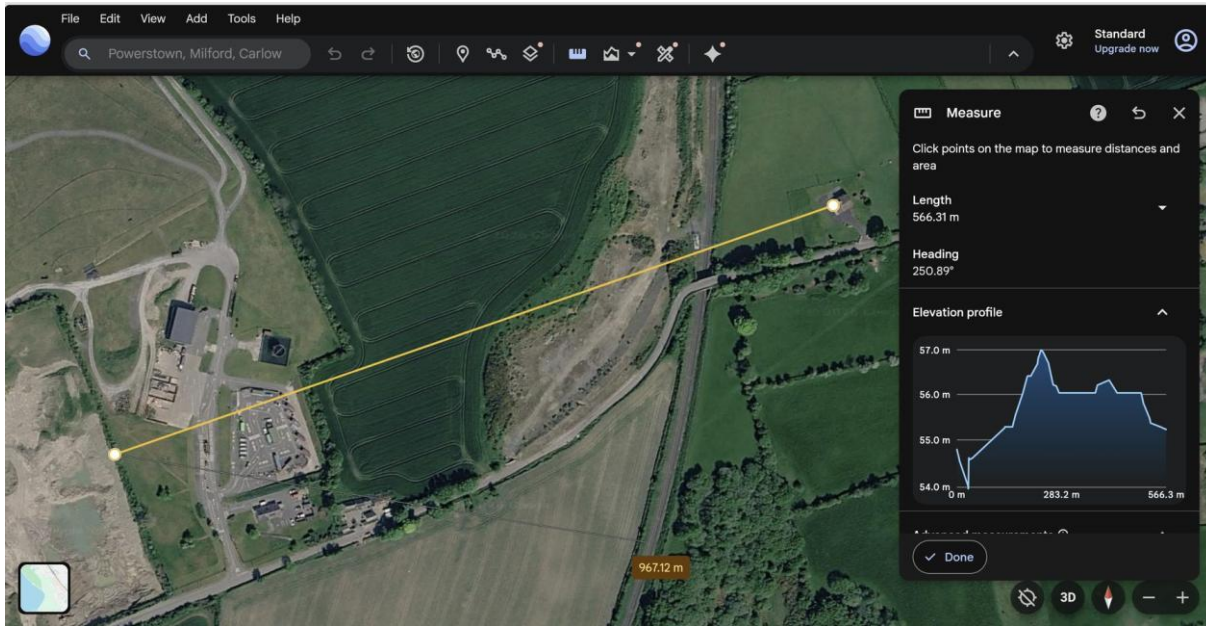
- Junction R448 to L3045,
- Intended Site Entrance (approx.),
- Recycling Amenity,
- Railway bridge,
- Junction L3045 to L3044





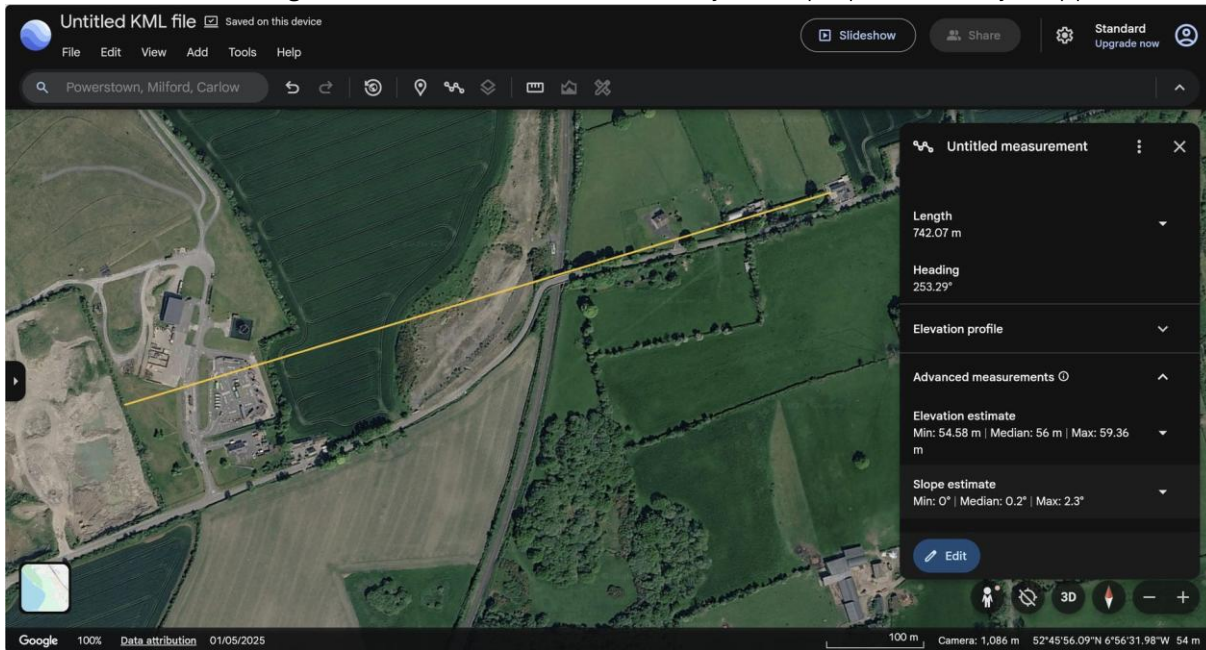
#### App A.03-Satellite Map with distance from facility - Colette Dermody Dwelling

The distance from the boundary of the proposed facility is approximately 565 m to the dwelling and approximately 570 m to the borehole water source.



#### App A.04-Satellite Map with distance from facility - Lizzie Dermody Dwelling

The distance of dwelling and bore water from the boundary of the proposed facility is approximately 740 m.



#### **Accessible description:**

Appendix A contains a number of Satellite images of the road between the Garryhundon junction with the Bagenalstown road, and the junction to the Leighlin / Kilkenny Road.

The images show key locations such as junctions, site location, site access, railway bridge, dwelling locations, water bore hole locations and approximate distance between site and dwellings.

## Appendix B - Photographs - narrow section of road

Two photographs of the narrow, single-lane eastern section of the L3045, taken looking along the carriageway, adjacent to the entrance to Lizzie Dermody home.



### Accessible description:

Both photographs show a single-track rural road running between continuous, high hedgerows and trees on both sides, forming an unbroken green corridor with no footpath, verge refuge, or open margin of any kind. The carriageway is a worn tarmac surface, cracked and patched in places, with no painted centre line. Vegetation encroaches directly to the edge of the running surface on both sides. The road narrows and curves out of sight within a short distance, consistent with the restricted forward visibility described at Ground 1.1.



## Appendix C - Photograph - verge damage and encroachment

*Evidence of existing verge damage and carriageway encroachment on the narrow section.*



### Accessible description:

*Close-range photograph looking along the edge of the road surface. The tarmac edge has broken away and crumbled onto the grass verge, leaving a ragged, uneven boundary of loose stone and gravel spilling from the carriageway onto the verge rather than a clean edge. The verge itself is narrow, rough grass and dead vegetation running straight up against a dense hedgerow, with no gap or shoulder that a pedestrian could use as a refuge. The damage pattern is consistent with repeated overrun by vehicle wheels wider than the carriageway can properly accommodate.*

## Appendix D - Photographs - HGVs transiting the chicane, with timestamps

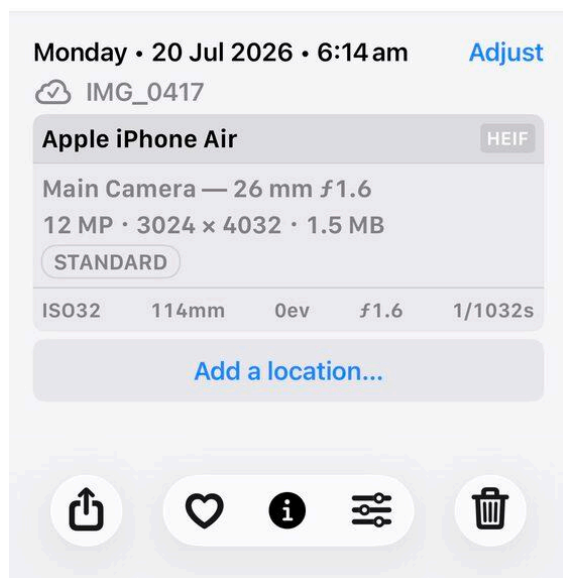
Four photographs taken by the observer on 20 July 2026, timestamps preserved in the original image metadata (visible directly in the source files' EXIF/Photos data, not added afterward):

| Time  | Vehicle                          |
|-------|----------------------------------|
| 06:14 | Articulated HGV                  |
| 06:16 | Rigid HGV - cement mixer         |
| 06:19 | Car (included for context/scale) |
| 06:30 | Articulated HGV                  |

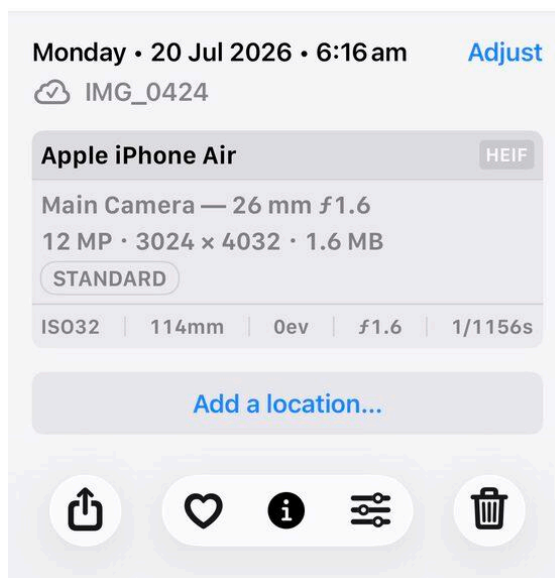
Vehicle Reg Plates obscured for privacy.



Add a Caption



Add a Caption







Add a Caption

Monday • 20 Jul 2026 • 6:19 am [Adjust](#)

✓ IMG\_0433

Apple iPhone Air

HEIF

Main Camera — 26 mm f1.6

12 MP • 3024 x 4032 • 1.5 MB

STANDARD

ISO32 | 114mm | 0ev | f1.6 | 1/1484s

Add a location...



Add a Caption

Monday • 20 Jul 2026 • 6:30 am [Adjust](#)

✓ IMG\_0444

Apple iPhone Air

HEIF

Main Camera — 26 mm f1.6

12 MP • 3024 x 4032 • 914 KB

STANDARD

ISO50 | 173mm | 0ev | f1.6 | 1/740s

Add a location...

All four images show the vehicle approaching through the chicane, demonstrating the complete absence of any pedestrian refuge on this section. A sixteen-minute window is not put forward as a basis for estimating daily or hourly volume; it is put forward to show that meaningful heavy-vehicle activity - two articulated HGVs and one rigid HGV inside sixteen minutes - was already under way before the 06:30 start of the observer's own two-day count (see Ground 1.3 above), which itself already exceeds the applicant's baseline.

## Appendix E - Railway overbridge - photographs

Three photographs of the overbridge, including the chicane approach and the Iarnród Éireann parapet plate identifying the structure as OPW 79 and confirming Iarnród Éireann as the structure's owner.



### Accessible description:

Photograph 1: the stone parapet wall of the bridge in the foreground, bearing a white identification plate reading "OPW 79", with the narrow road curving away into the distance between dense hedgerow on both sides. Photograph 2: a closer view of the same identification plate, with the operational railway track visible curving away below and beyond the bridge parapet, confirming the structure carries the road over a live railway line. Photograph 3: a further section of the bridge's stone parapet wall at road level, showing vegetation and bramble growing directly out of and over the top of the wall with no gap, margin or verge of any kind between the road surface and the wall face - there is no space on the inside of the chicane approach for a pedestrian to stand clear of passing traffic.



## Appendix F - Photographs - vehicle-strike damage to wall adjacent to bridge

*Two photographs of damage to a wall within 20 m (half a container length), of the centre of railway overbridge, evidencing that vehicle-strike risk at this location is not theoretical. This exact point is shown intact and undamaged in the applicant's own photomontage exercise (Appendix 16.1 Vol 3) - the damage shown here post-dates the applicant's own survey and occurred within the currency of this application.*



### Accessible description:

*Both photographs show a section of a roadside dry-stone wall at close range, at the base of a hedge and tree line bordering the road. The wall has been struck and partially demolished: large dressed and rubble stones from the wall's coping and body lie displaced and scattered across the grass verge in front of the remaining wall line, rather than standing in place. Loose grass and roadside litter surround the fallen stone. The hedge and tree growth immediately behind and above the damaged section is disturbed, with broken branches visible, consistent with contact from a large vehicle. The road surface is visible at the edge of frame in one photograph, showing how close the damaged wall sits to the running carriageway.*



## Appendix G - Rail timetable extract

Iarnród Éireann published timetable supporting the service-frequency figure (approx. 9 services/day to Dublin, 9/day to Waterford, 14-hour window, excluding freight), from the timetable version effective 14 December 2025.

**Baile Átha Cliath – Port Láirge – Luan go Satharn (gan saoire phoiblí san áireamh) – Bailí ó 14.12.2025 go dtí go bhfógrófar a mhalairt**  
**Dublin – Waterford – Monday to Saturday (excluding public holidays) – Valid from 14.12.2025 until further notice**

|                                           |     | Luan –<br>Sath.<br>Mon. –<br>Sat. | Luan –<br>Aoi.<br>Mon. –<br>Fri. | Luan –<br>Sath.<br>Mon. –<br>Sat. | Luan –<br>Aoi.<br>Mon. –<br>Fri. | Luan –<br>Sath.<br>Mon. –<br>Sat. | Luan –<br>Sath.<br>Mon. –<br>Sat. | Aoine<br>Amháin<br>Fri.<br>Only | Luan –<br>Sath.<br>Mon. –<br>Sat. | Luan –<br>Sath.<br>Mon. –<br>Sat. | Luan –<br>Sath.<br>Mon. –<br>Sat. | Luan –<br>Sath.<br>Mon. –<br>Sat. |
|-------------------------------------------|-----|-----------------------------------|----------------------------------|-----------------------------------|----------------------------------|-----------------------------------|-----------------------------------|---------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| STÁISIÚN HEUSTON BÁC                      | Ime |                                   |                                  |                                   |                                  |                                   |                                   |                                 |                                   |                                   |                                   |                                   |
| DUBLIN HEUSTON                            | Dep | 07:20                             | 08:26                            | 10:15                             | 12:25                            | 13:15                             | 15:10                             | 16:05                           | 16:40                             | 17:35                             | 18:35                             | 20:20                             |
| An Pháirc Thiar & Gort na Silíní          | Ime |                                   |                                  |                                   |                                  |                                   |                                   |                                 |                                   |                                   |                                   |                                   |
| Park West & Cherry Orchard                | Dep | ..                                | ..                               | ..                                | ..                               | ..                                | ..                                | ..                              | ..                                | ..                                | ..                                | 20:28                             |
| Cluain Dolcáin Cnoc an Fhuaráin           | Ime |                                   |                                  |                                   |                                  |                                   |                                   |                                 |                                   |                                   |                                   |                                   |
| Clondalkin Fonthill                       | Dep | ..                                | ..                               | ..                                | ..                               | ..                                | ..                                | ..                              | ..                                | ..                                | ..                                | 20:31                             |
| An Chiseog                                | Ime |                                   |                                  |                                   |                                  |                                   |                                   |                                 |                                   |                                   |                                   |                                   |
| Kishoge                                   | Dep | ..                                | ..                               | ..                                | ..                               | ..                                | ..                                | ..                              | ..                                | ..                                | ..                                | 20:35                             |
| Baile Adaim                               | Ime |                                   |                                  |                                   |                                  |                                   |                                   |                                 |                                   |                                   |                                   |                                   |
| Adamstown                                 | Dep | ..                                | ..                               | ..                                | ..                               | ..                                | ..                                | ..                              | ..                                | ..                                | ..                                | 20:39                             |
| Collchoill & Cill Droichid                | Ime |                                   |                                  |                                   |                                  |                                   |                                   |                                 |                                   |                                   |                                   |                                   |
| Hazelhatch & Celbridge                    | Dep | ..                                | ..                               | ..                                | ..                               | ..                                | ..                                | ..                              | 16:55                             | ..                                | ..                                | 20:44                             |
| Na Solláin & An Nás                       | Ime |                                   |                                  |                                   |                                  |                                   |                                   |                                 |                                   |                                   |                                   |                                   |
| Sallins & Naas                            | Dep | ..                                | ..                               | ..                                | ..                               | ..                                | ..                                | ..                              | 17:04                             | 17:53                             | ..                                | 20:52                             |
| An Droichead Nua                          | Ist |                                   |                                  |                                   |                                  |                                   |                                   |                                 |                                   |                                   |                                   |                                   |
| Newbridge                                 | Arr | 07:41                             | 08:48                            | ..                                | 12:46                            | ..                                | 15:31                             | ..                              | ..                                | ..                                | 18:56                             | 21:00                             |
| Cill Dara                                 | Ime |                                   |                                  |                                   |                                  |                                   |                                   |                                 |                                   |                                   |                                   |                                   |
| Kildare                                   | Dep | 07:47                             | 08:55                            | 10:39                             | 12:52                            | ..                                | 15:38                             | ..                              | 17:20                             | 18:06                             | 19:03                             | 21:07                             |
| Baile Átha Í                              | Ime |                                   |                                  |                                   |                                  |                                   |                                   |                                 |                                   |                                   |                                   |                                   |
| Athy                                      | Dep | 08:09                             | 09:14                            | 10:57                             | 13:16                            | 13:54                             | 15:55                             | 16:46                           | 17:39                             | 18:23                             | 19:21                             | 21:24                             |
| CEATHARLACH                               | Ist |                                   |                                  |                                   |                                  |                                   |                                   |                                 |                                   |                                   |                                   |                                   |
| CARLOW                                    | Arr | 08:24                             | 09:29                            | 11:12                             | 13:32                            | 14:08                             | 16:08                             | 16:59                           | 17:54                             | 18:38                             | 19:35                             | 21:40                             |
| CEATHARLACH                               | Ime |                                   |                                  |                                   |                                  |                                   |                                   |                                 |                                   |                                   |                                   |                                   |
| CARLOW                                    | Dep | 08:24                             | ..                               | 11:12                             | ..                               | 14:11                             | 16:11                             | 17:00                           | 17:54                             | 18:38                             | 19:47                             | 21:43                             |
| Muine Bheag                               | Ime |                                   |                                  |                                   |                                  |                                   |                                   |                                 |                                   |                                   |                                   |                                   |
| Muine Bheag                               | Dep | 08:47                             | ..                               | 11:24                             | ..                               | 14:24                             | 16:22                             | ..                              | 18:06                             | 18:50                             | 19:59                             | 21:54                             |
| Stáisiún Mhic Dhonnchadha, Cill Chainnigh | Ist |                                   |                                  |                                   |                                  |                                   |                                   |                                 |                                   |                                   |                                   |                                   |
| Kilkenny (MacDonagh)                      | Arr | 09:05                             | ..                               | 11:44                             | ..                               | 14:42                             | 16:40                             | ..                              | 18:23                             | 19:08                             | 20:16                             | 22:12                             |
| Stáisiún Mhic Dhonnchadha, Cill Chainnigh | Ime |                                   |                                  |                                   |                                  |                                   |                                   |                                 |                                   |                                   |                                   |                                   |
| Kilkenny (MacDonagh)                      | Dep | 09:09                             | ..                               | 11:49                             | ..                               | 14:46                             | 16:44                             | ..                              | 18:27                             | 19:14                             | 20:20                             | 22:16                             |
| Baile Mhic Andáin                         | Ime |                                   |                                  |                                   |                                  |                                   |                                   |                                 |                                   |                                   |                                   |                                   |
| Thomastown                                | Dep | 09:21                             | ..                               | 12:01                             | ..                               | 14:58                             | 16:56                             | ..                              | 18:39                             | 19:26                             | 20:32                             | 22:27                             |
| STÁISIÚN PHLUINCÉID, PORT LÁIRGE          | Ist |                                   |                                  |                                   |                                  |                                   |                                   |                                 |                                   |                                   |                                   |                                   |
| PLUNKETT STATION, WATERFORD               | Arr | 09:45                             | ..                               | 12:25                             | ..                               | 15:31                             | 17:20                             | 17:54                           | 19:05                             | 19:50                             | 21:00                             | 22:51                             |

**Port Láirge – Baile Átha Cliath – Luan go Satharn (gan saoire phoiblí san áireamh) – Bailí ó 14.12.2025 go dtí go bhfógrófar a mhalairt**  
**Waterford – Dublin – Monday to Saturday (excluding public holidays) – Valid from 14.12.2025 until further notice**

|                                           |     | Luan –<br>Aoi.<br>Mon. –<br>Fri. | Luan –<br>Sath.<br>Mon. –<br>Sat. | Luan –<br>Sath.<br>Mon. –<br>Sat. | Luan –<br>Sath.<br>Mon. –<br>Sat. | Luan –<br>Aoi.<br>Mon. –<br>Fri. | Luan –<br>Sath.<br>Mon. –<br>Sat. | Luan –<br>Sath.<br>Mon. –<br>Sat. | Luan –<br>Aoi.<br>Mon. –<br>Fri. | Luan –<br>Sath.<br>Mon. –<br>Sat. | Aoi. &<br>Sath. Amh.<br>Fri. &<br>Sat. Only | Luan –<br>Sath.<br>Mon. –<br>Sat. | Luan –<br>Sath.<br>Mon. –<br>Sat. |
|-------------------------------------------|-----|----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|----------------------------------|-----------------------------------|-----------------------------------|----------------------------------|-----------------------------------|---------------------------------------------|-----------------------------------|-----------------------------------|
| STÁISIÚN PHLUINCÉID, PORT LÁIRGE          | Ime |                                  |                                   |                                   |                                   |                                  |                                   |                                   |                                  |                                   |                                             |                                   |                                   |
| PLUNKETT STATION, WATERFORD               | Dep | ..                               | 05:55                             | 06:50                             | 07:50                             | ..                               | 11:00                             | 13:00                             | ..                               | 14:50                             | 16:05                                       | 18:25                             | 20:20                             |
| Baile Mhic Andáin                         | Ime |                                  |                                   |                                   |                                   |                                  |                                   |                                   |                                  |                                   |                                             |                                   |                                   |
| Thomastown                                | Dep | ..                               | 06:16                             | ..                                | 08:11                             | ..                               | 11:21                             | 13:22                             | ..                               | 15:13                             | ..                                          | 18:55                             | 20:50                             |
| Stáisiún Mhic Dhonnchadha, Cill Chainnigh | Ist |                                  |                                   |                                   |                                   |                                  |                                   |                                   |                                  |                                   |                                             |                                   |                                   |
| Kilkenny (MacDonagh)                      | Arr | ..                               | 06:31                             | 07:24                             | 08:26                             | ..                               | 11:37                             | 13:37                             | ..                               | 15:29                             | ..                                          | 19:14                             | 21:05                             |
| Stáisiún Mhic Dhonnchadha, Cill Chainnigh | Ime |                                  |                                   |                                   |                                   |                                  |                                   |                                   |                                  |                                   |                                             |                                   |                                   |
| Kilkenny (MacDonagh)                      | Dep | ..                               | 06:35                             | 07:28                             | 08:30                             | ..                               | 11:45                             | 13:41                             | ..                               | 15:33                             | ..                                          | 19:18                             | 21:09                             |
| Muine Bheag                               | Ime |                                  |                                   |                                   |                                   |                                  |                                   |                                   |                                  |                                   |                                             |                                   |                                   |
| Muine Bheag                               | Dep | ..                               | 06:51                             | 07:44                             | 08:46                             | ..                               | 12:01                             | 13:57                             | ..                               | 15:49                             | ..                                          | 19:34                             | 21:25                             |
| CEATHARLACH                               | Ist |                                  |                                   |                                   |                                   |                                  |                                   |                                   |                                  |                                   |                                             |                                   |                                   |
| CARLOW                                    | Arr | ..                               | 07:04                             | 07:57                             | 09:00                             | ..                               | 12:14                             | 14:11                             | ..                               | 16:03                             | 16:58                                       | 19:47                             | 21:38                             |
| CEATHARLACH                               | Ime |                                  |                                   |                                   |                                   |                                  |                                   |                                   |                                  |                                   |                                             |                                   |                                   |
| CARLOW                                    | Dep | 06:30                            | 07:04                             | 07:57                             | 09:00                             | 10:10                            | 12:14                             | 14:13                             | 15:15                            | 16:08                             | 17:00                                       | 19:47                             | 21:44                             |
| Baile Átha Í                              | Ime |                                  |                                   |                                   |                                   |                                  |                                   |                                   |                                  |                                   |                                             |                                   |                                   |
| Athy                                      | Dep | 06:41                            | 07:15                             | 08:09                             | 09:15                             | 10:20                            | 12:26                             | 14:25                             | 15:25                            | 16:19                             | 17:11                                       | 19:59                             | 21:55                             |
| Cill Dara                                 | Ime |                                  |                                   |                                   |                                   |                                  |                                   |                                   |                                  |                                   |                                             |                                   |                                   |
| Kildare                                   | Dep | 07:02                            | 07:36                             | ..                                | 09:36                             | 10:39                            | 12:47                             | 14:45                             | 15:45                            | 16:39                             | 17:35                                       | 20:20                             | 22:16                             |
| An Droichead Nua                          | Ime |                                  |                                   |                                   |                                   |                                  |                                   |                                   |                                  |                                   |                                             |                                   |                                   |
| Newbridge                                 | Dep | 07:09                            | 07:42                             | 08:33                             | ..                                | 10:46                            | 12:53                             | 14:52                             | 15:51                            | ..                                | ..                                          | ..                                | 22:22                             |
| Na Solláin & An Nás                       | Ime |                                  |                                   |                                   |                                   |                                  |                                   |                                   |                                  |                                   |                                             |                                   |                                   |
| Sallins & Naas                            | Dep | 07:17                            | ..                                | ..                                | ..                                | ..                               | ..                                | ..                                | ..                               | ..                                | ..                                          | ..                                | 22:29                             |
| Collchoill & Cill Droichid                | Ime |                                  |                                   |                                   |                                   |                                  |                                   |                                   |                                  |                                   |                                             |                                   |                                   |
| Hazelhatch & Celbridge                    | Dep | 07:25                            | ..                                | ..                                | ..                                | ..                               | ..                                | ..                                | ..                               | ..                                | ..                                          | ..                                | ..                                |
| Baile Adaim                               | Ime |                                  |                                   |                                   |                                   |                                  |                                   |                                   |                                  |                                   |                                             |                                   |                                   |
| Adamstown                                 | Dep | 07:30                            | ..                                | ..                                | ..                                | ..                               | ..                                | ..                                | ..                               | ..                                | ..                                          | ..                                | ..                                |
| An Chiseog                                | Ime |                                  |                                   |                                   |                                   |                                  |                                   |                                   |                                  |                                   |                                             |                                   |                                   |
| Kishoge                                   | Dep | ..                               | ..                                | ..                                | ..                                | ..                               | ..                                | ..                                | ..                               | ..                                | ..                                          | ..                                | ..                                |
| Cluain Dolcáin Cnoc an Fhuaráin           | Ime |                                  |                                   |                                   |                                   |                                  |                                   |                                   |                                  |                                   |                                             |                                   |                                   |
| Clondalkin Fonthill                       | Dep | ..                               | ..                                | ..                                | ..                                | ..                               | ..                                | ..                                | ..                               | ..                                | ..                                          | ..                                | ..                                |
| An Pháirc Thiar & Gort na Silíní          | Ime |                                  |                                   |                                   |                                   |                                  |                                   |                                   |                                  |                                   |                                             |                                   |                                   |
| Park West & Cherry Orchard                | Dep | ..                               | ..                                | ..                                | ..                                | ..                               | ..                                | ..                                | ..                               | ..                                | ..                                          | ..                                | ..                                |
| STÁISIÚN HEUSTON BÁC                      | Ist |                                  |                                   |                                   |                                   |                                  |                                   |                                   |                                  |                                   |                                             |                                   |                                   |
| DUBLIN HEUSTON                            | Arr | 07:44                            | 08:08                             | 09:00                             | 10:05                             | 11:14                            | 13:18                             | 15:18                             | 16:16                            | 17:10                             | 18:05                                       | 20:48                             | 22:52                             |

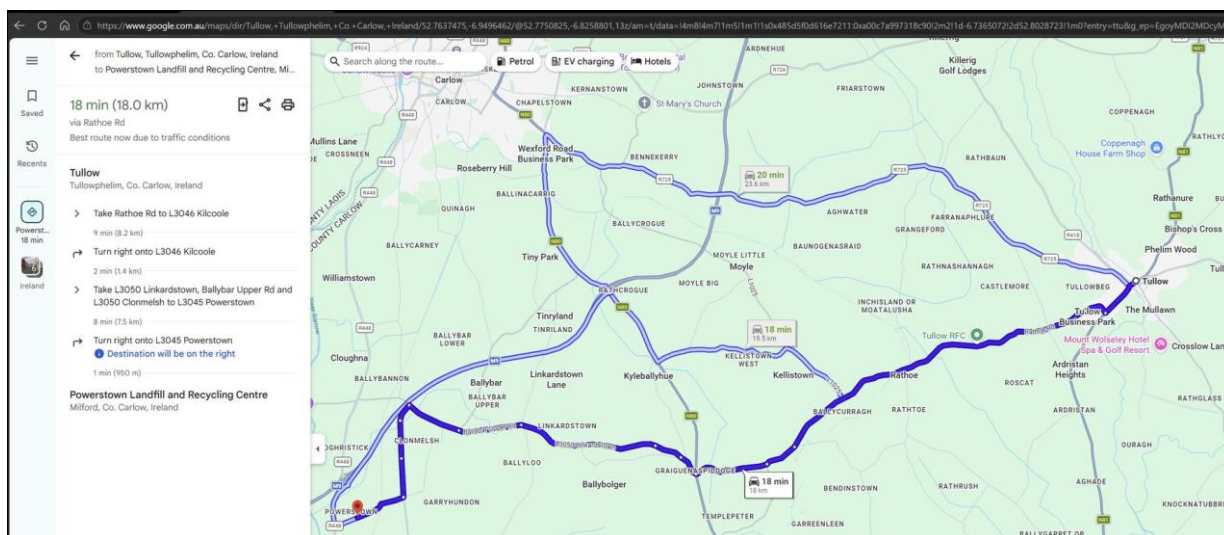


## Appendix H - Sat-navigation imagery - eastern catchment routing

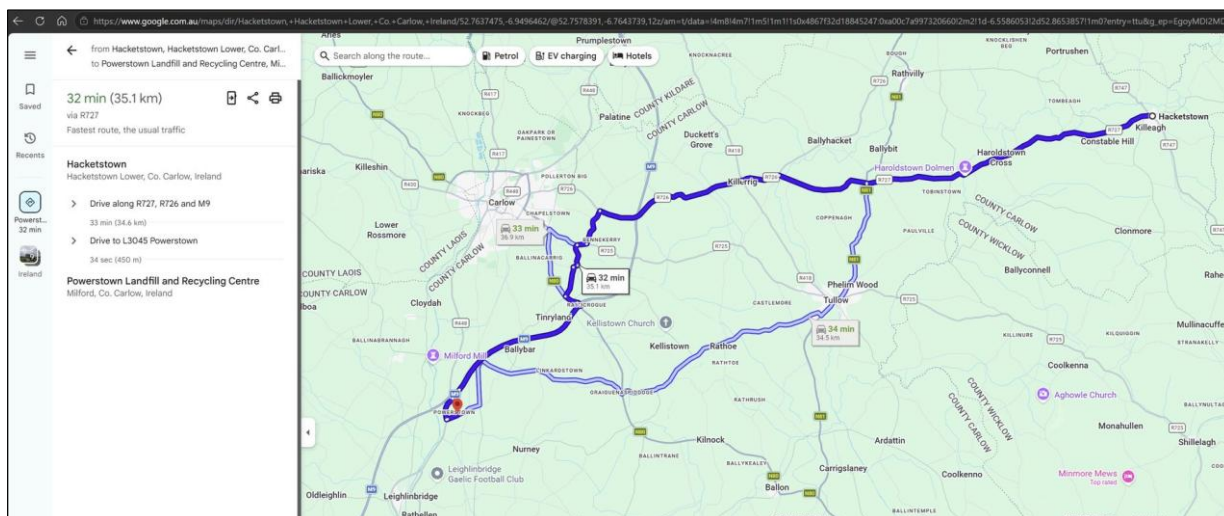
Six sat-navigation screenshots, directions to "Powerstown Civic Amenity Site" (the nearest resolvable landmark for the site in consumer mapping software), run from six origin points spanning the feedstock catchment, evidencing the residual-risk argument at Ground 1.4:

| Origin      | Direction                  | Result                                                                                                                                                                                           |
|-------------|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tullow      | E                          | M9 and N80 available, yet fastest route via OPW79 (eastern L3045)                                                                                                                                |
| Hacketstown | NE                         | M9/western route marginally preferred; a 2-minute difference on a 34-minute trip. A margin of that size will not change established habits, particularly for slower-moving agricultural traffic. |
| Fenagh      | SE                         | Fastest route via OPW79 (eastern L3045)                                                                                                                                                          |
| Enniscorthy | S-SE                       | M9 and N80 available, yet fastest route via OPW79 (eastern L3045)                                                                                                                                |
| Bunclody    | SE (further), N80 corridor | Route via OPW79 is preferred route, has fewer turns, and avoids an accident blackspot at Graignaspiddogue.                                                                                       |
| Myshall     | SE                         | Confirms the bias for OPW79 (eastern L3045), as with Fenagh.<br>Note that the alternative would be through the towns of Leighlinbridge and Bagenalstown (Muine Bheag).                           |

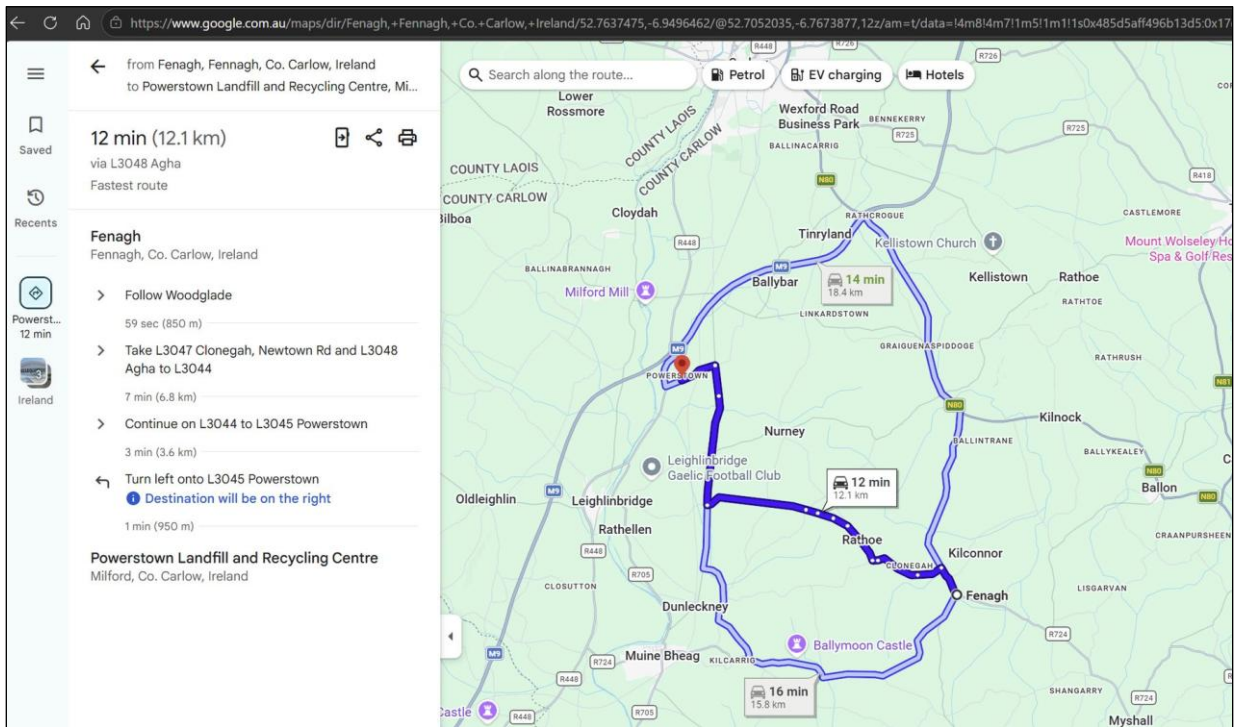
### TULLOW



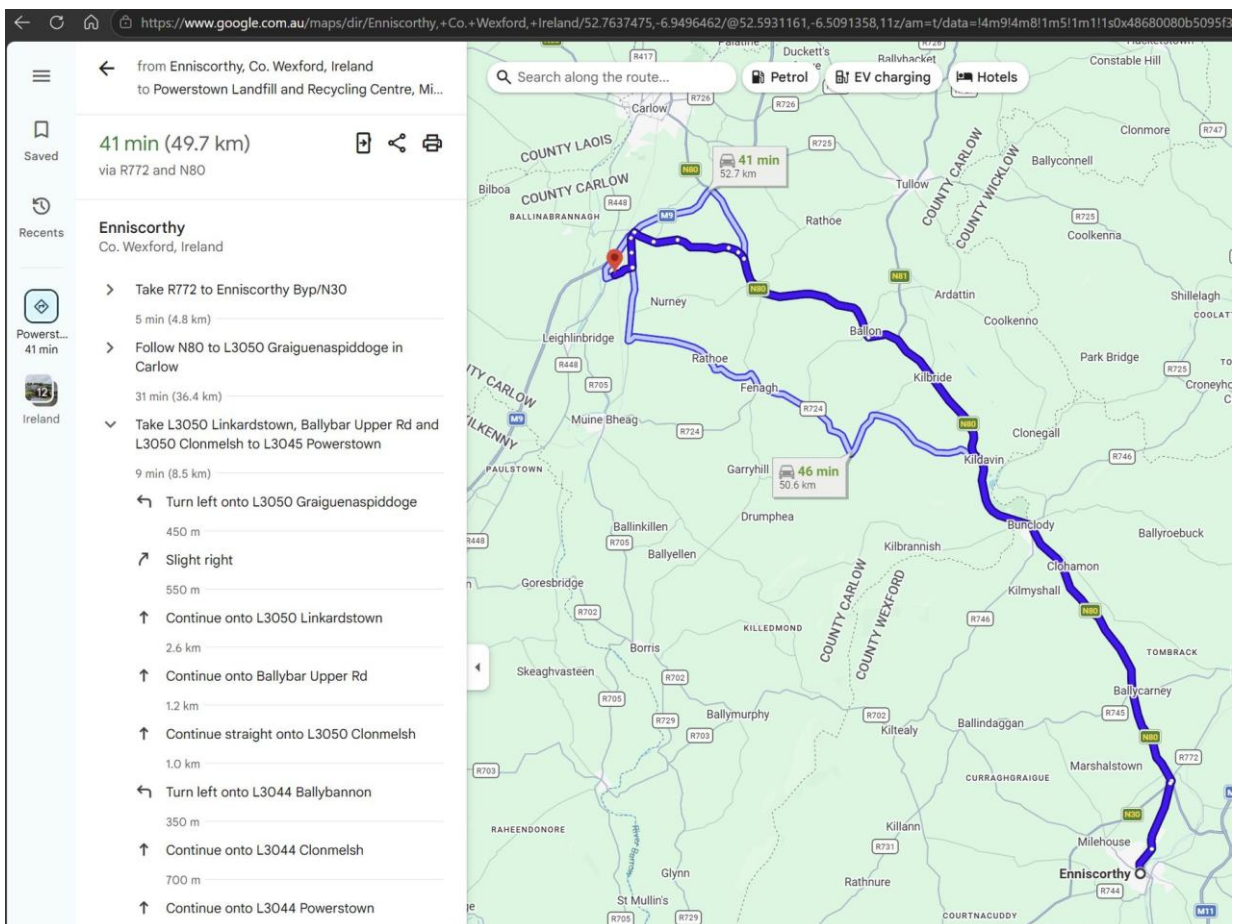
### HACKETSTOWN



### FENAGH

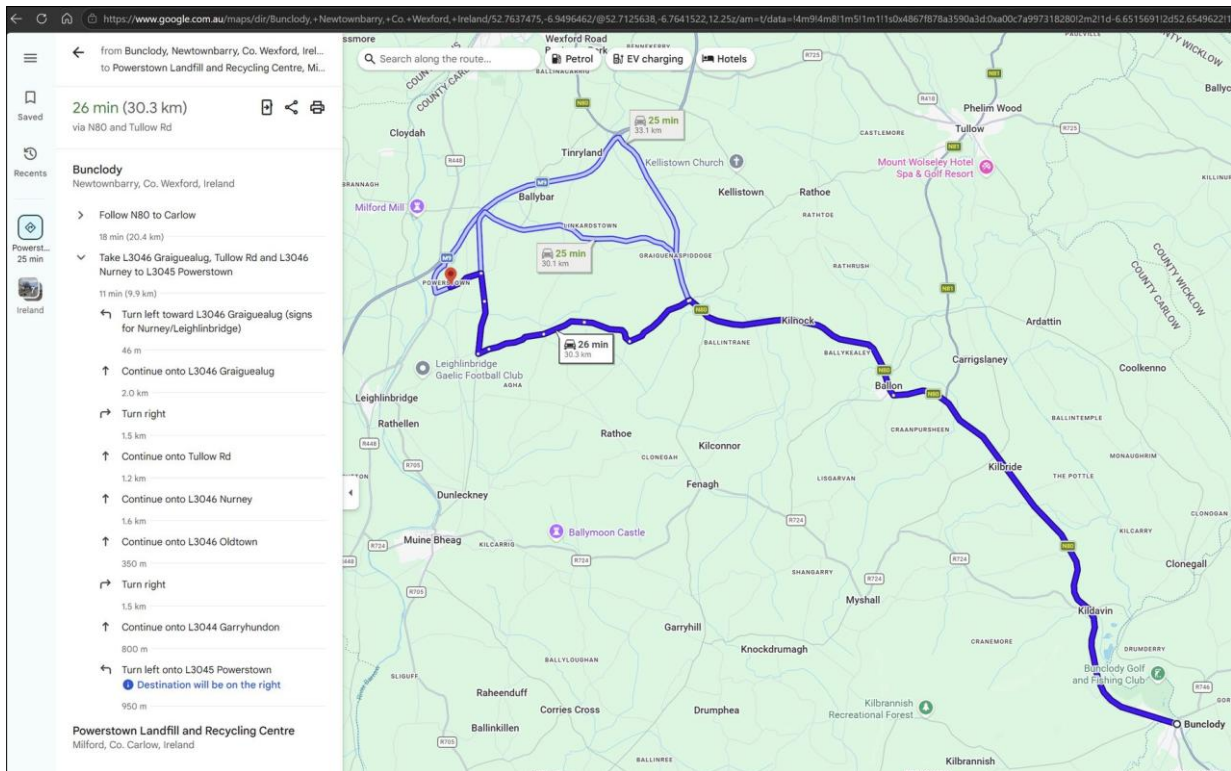


## ENNISCORTHY

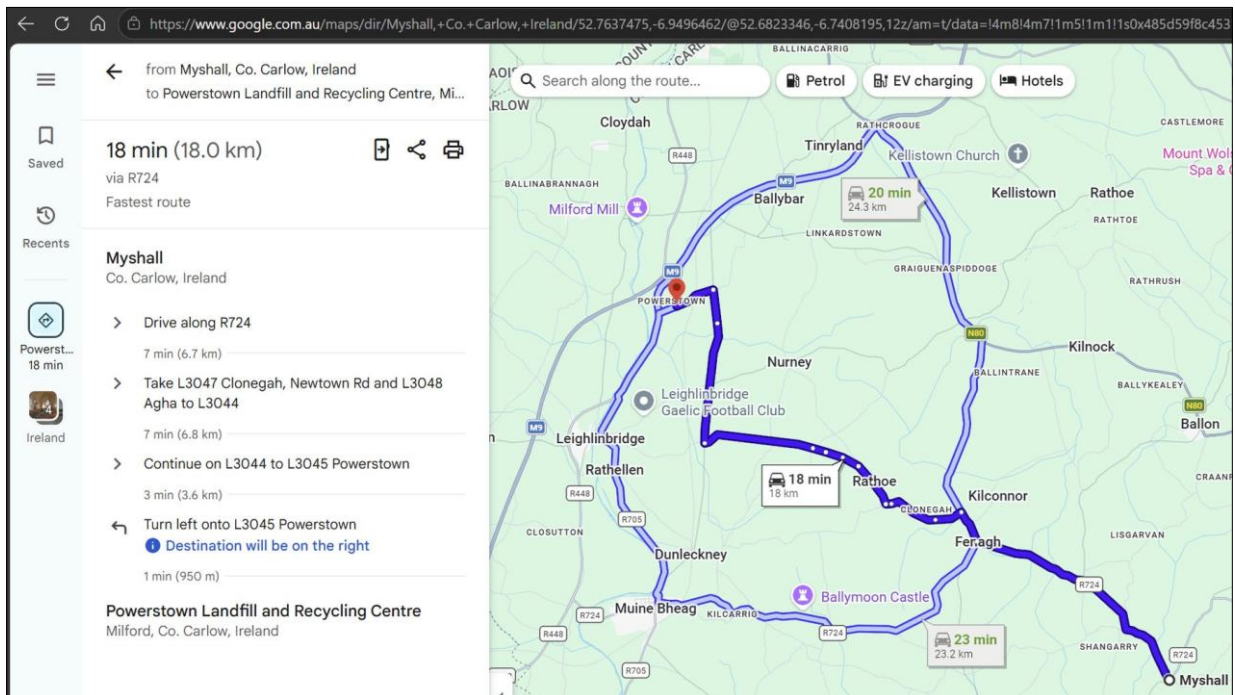




## BUNCLODY



## MYSHALL

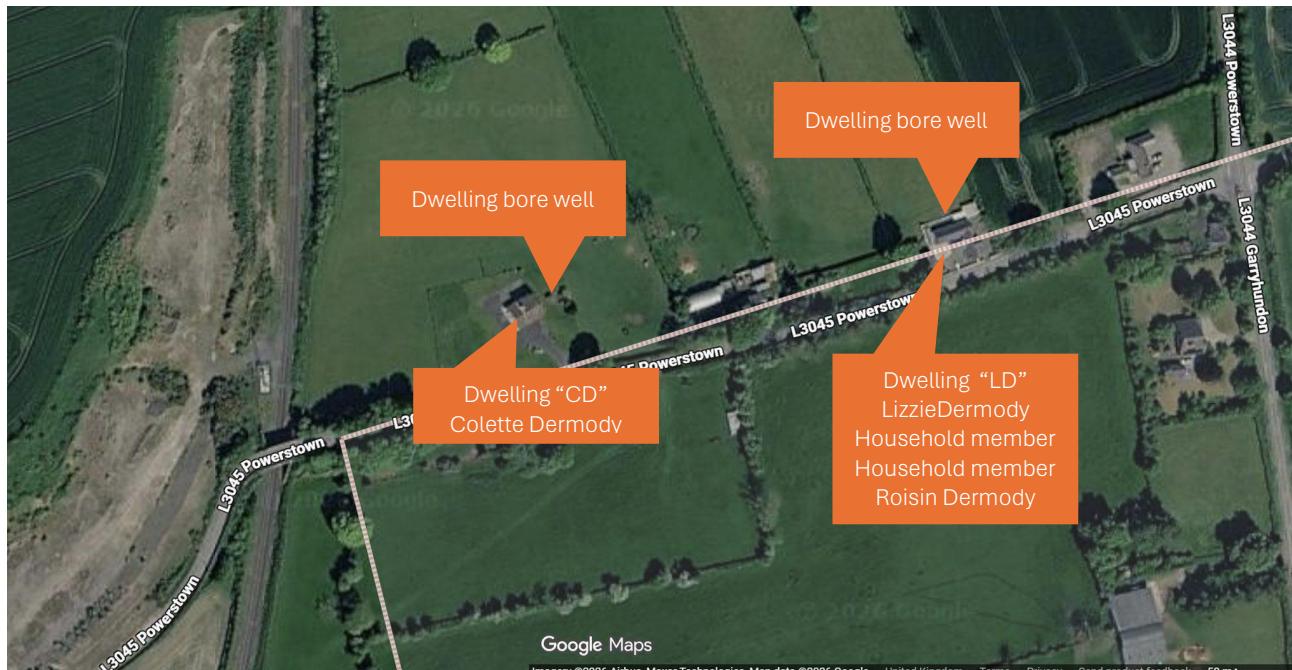


## Appendix I - Spatial imagery - dwellings and boreholes

### App I.01-Satellite Map with Dwelling and Water Sources

Map shows the following key landmarks, indicated by White Pointers.

- Dwelling Colette Dermody.
- Bore hole water supply location for Colette Dermody dwelling.
- Dwelling Lizzie Dermody.
- Bore hole water supply location for Lizzie Dermody dwelling.





## Appendix J - EIAR Chapter 5 and Appendix 5 - consultation record check

*Iarnród Éireann is confirmed absent from all three consultee tables in EIAR Chapter 5 (Table 5-1 ACP prescribed bodies; Table 5-2 first-round scoping; Table 5-3 second-round additions), and from the full consultation correspondence bundle (EIAR Appendix 5, Consultation Letters and Consultation Responses and Meetings) - not mentioned once in any letter, meeting record or response. By contrast, that same bundle documents sustained TII engagement: consultation letters of 2 April 2025 and 18 November 2025 with TII responses of 1 May 2025 and 18 December 2025; a further exchange in March-April 2026 in which TII's Head of Land Use Planning recorded that Carlow County Council had not approached TII as expected; and a resulting joint pre-application meeting on 4 June 2026 attended by four named TII representatives (land use planning, structures engineering, third-party consents, regional engineering). See Ground 1.3.*

### Figure 5-2 (EIAR Chapter 5, p.16): "Proposed Development Boundary, Proposed Gas Pipeline Route and MMarC Boundaries"

*Requested by TII to demonstrate no overlap between the development/pipeline route and TII's Motorway Maintenance and Renewals Contract (MMaRC) boundary at M9 Junction 9. Shows the proposed development boundary (red), proposed gas pipeline route (blue dashed), and MMarC boundary (orange) overlaid on an aerial base map. Illustrates the level of boundary-mapping diligence undertaken for TII infrastructure, for comparison with the complete absence of equivalent mapping or consultation for the Iarnród Éireann structure at Ground 1.3.*



## Appendix M - Photograph - fall incident location (Lizzie Dermody)

Two photographs of the approximate location on the L3045 where Lizzie Dermody's fall incident occurred (see Ground 1.5), showing an articulated HGV (rear and approach views) occupying the full width of the carriageway. The rear view shows a Hapag-Lloyd shipping container on a "LONG VEHICLE"-marked trailer; the approach view shows the same vehicle bearing down on the narrow road with grass verges hard against the carriageway edge and no footway, footpath or refuge of any kind available to a pedestrian - precisely the condition that obliged Lizzie Dermody to step onto the roadside verge.







**Accessible description:**

*Photograph 1 (rear view): An orange shipping container, mounted on an articulated trailer marked "LONG VEHICLE" on yellow hazard plates either side of the registration plate, travelling away from the camera along a narrow rural road bordered by tall hedgerow and overgrown grass verges, with no footpath visible.*

*Photograph 2 (approach view): A white-cabbed articulated truck towing the same container, approaching the camera head-on on the same narrow road, occupying the full width of the carriageway between the verges, with a road-curvature warning sign visible at the roadside and no space for a pedestrian to stand clear of the vehicle's path.*

## Appendix O - Wind rose, EIAR Chapter 8 (Figure 8-4)

Wind rose for Oak Park meteorological station, Figure 8-4 of EIAR Chapter 8 (Air Quality), confirming the applicant's own five-year (2021-2025) prevailing wind finding of westerly to south-westerly, cited at Ground 2.1.

CLIENT: Greengate Biogas 001 Ltd  
PROJECT NAME: EIAR for Powerstown Bioenergy  
SECTION: Volume 2 – Main EIAR - Chapter 8 – Air Quality



### 8.9 Baseline Environment

#### 8.9.1 Meteorological Data

A key factor in assessing temporal and spatial variations in air quality is the prevailing meteorological conditions. Depending on wind speed and direction, individual receptors may experience very significant variations in pollutant levels under the same source strength (i.e. traffic levels) (WHO, 2021). Wind is of key importance in dispersing air pollutants and for ground level sources, such as traffic emissions, pollutant concentrations are generally inversely related to wind speed. Thus, concentrations of pollutants derived from traffic sources will generally be greatest under very calm conditions and low wind speeds when the movement of air is restricted. In relation to PM<sub>10</sub>, the situation is more complex due to the range of sources of this pollutant. Smaller particles (less than PM<sub>2.5</sub>) from traffic sources will be dispersed more rapidly at higher wind speeds. However, fugitive emissions of coarse particles (PM<sub>2.5</sub> - PM<sub>10</sub>) will actually increase at higher wind speeds. Thus, measured levels of PM<sub>10</sub> will be a non-linear function of wind speed.

The nearest representative weather station collating detailed weather records is Oak Park meteorological station, which is located approximately 11 km north of the site. Oak Park met data has been examined to identify the prevailing wind direction and average wind speeds over a five-year period (Figure 8-4) (Met Éireann, 2026). For data collated during five representative years (2021 - 2025), the predominant wind direction is westerly to south-westerly as per Figure 8-4.

### Accessible description

This image from applicant own documents which confirm that the prevailing winds flow from west to east, which would mean the residents of east L3045 would be in the prevailing path.



## Appendix P - Photograph from dwelling toward site

*A direct line of sight towards the site from rear of Lizzie Dermody House*



*A direct line of sight towards the site from rear of Colette Dermody House*



*The radio aerial visible in this photograph stands adjacent to the railway bridge, approximately 100 m from Colette Dermody's dwelling, and is visible from many angles along this stretch of road. The same bridge location is the applicant's own photomontage Viewpoint 6 - the one position along this stretch that happens to be screened by the embankment rather than affording a clear view toward the site.*

*No viewpoint was provided or suggested from these areas by Applicant.*

### **Accessible description**

*These images are taken from the rear of Lizzie Dermody House and Colette Dermody House towards the general direction of the Facility proposed.*



## Appendix Q - Photographs - narrow section at Colette Dermody's entrance, blind both directions

*Three photographs of the L3045 at the point immediately in front of Colette Dermody's entrance gate, where the carriageway narrows to approximately 3.6-3.8 m and forward visibility is restricted in both directions by bends in the road, hedgerow and roadside trees.*











**Accessible description:**

*Photograph 1: the road viewed from a distance approaching the entrance, showing a long, gently curving single-track carriageway hemmed in by continuous hedgerow on both sides, with a stone gate pillar visible at the roadside ahead and a road-curvature warning sign further back.*

*Photographs 2 and 3: the same stretch viewed from inside a car approaching the entrance, showing the road narrowing and curving away out of sight in both directions - a large roadside tree obscures the sightline in one direction and the hedge-lined bend obscures it in the other - with a stone gate pillar and boundary wall at the roadside. In all three images, there is no footpath, verge refuge, or margin of any kind between the carriageway edge and the boundary vegetation or walls; a pedestrian at this point has nowhere to stand clear of a passing vehicle, and a vehicle emerging from either direction would have minimal warning of oncoming traffic.*



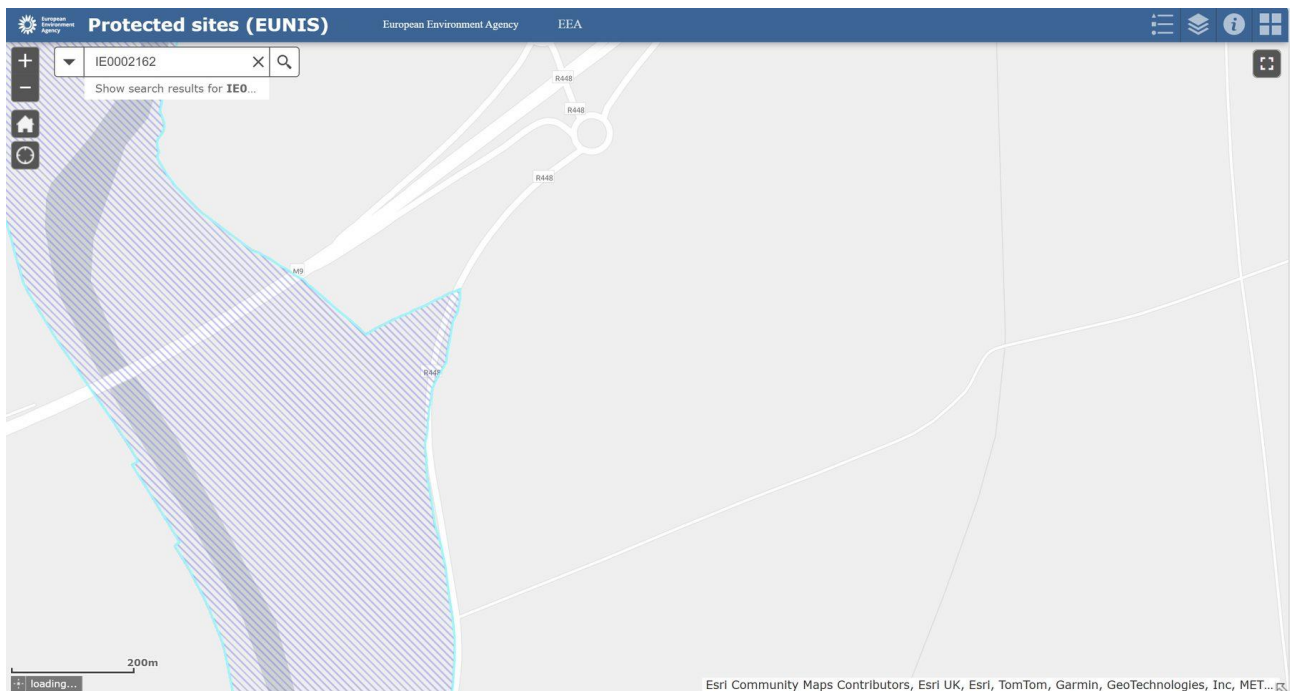
## Appendix R - NIS paragraph references

NIS document ("AA Screening Report and NIS," P24188-FT-EBD-Z2-RP-EN-0002, 94 pages) read in full 24/07/2026. Citations supporting Ground 4:

- **Section 4.1, "S-P-R Assessment," pp.47-48** - "No S-P-R connectivity between the Proposed Biogas Development site and any European Site." Scoped to gas pipeline construction only; also discloses the pipeline's HDD crossing at Cardinal Moran Bridge is within the SAC boundary itself.
- **Section 3.2, p.31** - ammonia/nitrogen deposition finding: Alluvial woodland (1.1km NW) outside the 1% critical-level contour, citing Chapter 8's air dispersion model.
- **p.53** (within the conservation-objectives / Section 5.3 assessment) - accident/upset scenarios: frac-out and construction-phase runoff only; no operational-phase scenario appears in the document.
- **Section 5.3.1.3.7, p.67** - Article 17 (NPWS, 2025a) conservation status of European dry heaths: "Bad" and deteriorating, a marked change from "stable" in 2019.
- **Section 6, "Conclusion," p.90** - overall conclusion of no significant adverse effects on European site integrity, stated explicitly as holding only "under the mitigation scenario."
- **Digestate land-spreading** - searched across the full 94-page document; no impact-pathway or assessment reference found anywhere. Absence confirmed, not merely unlocated.
- **p.27** (excavation and groundwater levels) - bonus finding, relevant to Ground 1/Appendix info on structure levels: stormwater lagoon excavated to 44 mOD (groundwater 33-41.5 mOD); tank farm bund to 45 mOD (groundwater avg. 42.75 mOD, boreholes BH01/BH02); circulation yard surface at 49.25 mOD (groundwater avg. 41 mOD).

## Appendix T - EEA Protected Sites (EUNIS) map - R448/M9 off-ramp adjacency to the SAC

Screenshot from the European Environment Agency's Protected Sites (EUNIS) mapping tool, site code IE0002162 (River Barrow and River Nore SAC), showing the site boundary in the vicinity of the M9/R448 interchange that serves the site access route addressed at Ground 1.2 and Appendix Z.03.



*Accessible description: the SAC boundary is shown as a diagonal hatched band running north-east to south-west across the image, outlined in cyan. The M9 motorway crosses the hatched band diagonally, labelled "M9" at the crossing point. Above and to the right, a roundabout connects to the R448 (labelled three times), with a ramp curving from the M9 crossing point up to the roundabout. The SAC boundary forms a sharply pointed vertex at approximately the point where this ramp leaves the M9 mainline, with the ramp's curve running immediately adjacent to the boundary as it climbs toward the roundabout.*

On the observer's own reading of this map, the section of the R448 connecting the site to the M9 runs directly adjacent to, and in places within, the SAC boundary. See Ground 4 and Ground 4A.2 above for the significance of this to the transport-incident pathway left unassessed in both the NIS and the COMAH Land Use Planning Assessment.

## Appendix U - Met Éireann historical weather report - 5 February 2025

Historical weather report for the applicant's single survey day, recording rain and sub-zero temperature (morning frost likely). Supports the argument that the baseline day was also atypical in discouraging non-essential road use, compounding the seasonal deficiency at Ground 1.3.

The Irish Meteorological Service

ForecastsLatest ReportsClimateEducation

☐ Warnings☐ Weather☐ Marine☒ Advisory

### Daily Data

Weather station Data is available from 16/10/2015 to 18/07/2026

**Select Station & Date:** Station  Date

#### Weather Station Reports from Oak Park

| Date       | Rainfall<br>(mm) | Max<br>Temp<br>(°C) | Min<br>Temp<br>(°C) | Grass Min<br>Temp<br>(°C) | Mean Wind<br>Speed<br>(knots) | Max Gust<br>(≥ 34<br>knots) | Sunshine<br>(hours) |
|------------|------------------|---------------------|---------------------|---------------------------|-------------------------------|-----------------------------|---------------------|
| 05/02/2025 | 0.1              | 9.5                 | -0.7                | -6.5                      | 4.9                           |                             |                     |

 Hourly values for Oak Park weather station on 05/02/2025



## Appendix W - CRO primary-source company check

Direct Companies Registration Office (CORE) search on Greengate Biogas 001 Limited, confirming the facts cited at Ground 4A.1.

Confirmed via CORE, CRO No. 758193:

- Registered name: GREENGATE BIOGAS 001 LIMITED
- Type: LTD - Private Company Limited by Shares
- Status: Normal
- Registered/incorporated: 22/02/2024
- Registered address: Block A, George's Quay Plaza, George's Quay, Dublin 2, Ireland
- Next Annual Return: 22/08/2026
- **Previous name: ATLAS BIOENERGY 001 LIMITED, effective from 22/02/2024** (i.e. the company's name at incorporation, later changed to Greengate Biogas 001 Limited; exact date the former name ceased not yet confirmed - see Previous Names tab on CORE if the precise changeover date is needed)

|                                                                                   |                              |
|-----------------------------------------------------------------------------------|------------------------------|
| Profile                                                                           | Previous Names               |
| Events (5)                                                                        |                              |
| Reg. Number<br>758193                                                             |                              |
| Reg. Name<br>GREENGATE BIOGAS 001 LIMITED                                         |                              |
| Type<br>LTD - Private Company Limited by Shares                                   |                              |
| Status<br>Normal                                                                  | Effective Date<br>22/02/2024 |
| Registered on<br>22/02/2024                                                       |                              |
| Next Annual Return<br>22/08/2026                                                  |                              |
| Reg. Address<br>BLOCK A, GEORGE'S QUAY PLAZA, GEORGE'S QUAY,<br>DUBLIN 2, IRELAND |                              |

|                             |                |
|-----------------------------|----------------|
| Profile                     | Previous Names |
| Events (5)                  |                |
| Name                        | Effective from |
| ATLAS BIOENERGY 001 LIMITED | 22/02/2024     |

Also on file: Form B10 (Notice of Change of Directors or Secretaries), Submission Reference SR7885395

- Company: GREENGATE BIOGAS 001 LIMITED, No. 758193
- Resigning officer: Andrew Bernard, Director
- Effective date of resignation: 04/10/2025
- Filed by: Vistra Ireland (CRO Agent ID 221295B)
- Presenter address: Block A, George's Quay Plaza, George's Quay, Dublin 2 - the same address as the company's own registered office, confirming Vistra as the corporate services provider referred to at Ground 4A.1
- Digitally signed via ROS on 17/02/2026

## Appendix X - COMAH Land Use Planning Assessment - full read-through

*Document read in full (all three parts: PT1 pp.1-90, PT2 pp.1-41, PT3 pp.1-49).*

*Key findings cited at Ground 4A.2:*

*Section 6 consequence modelling (thermal radiation, VCE, jet fire, flash fire distances for all major-accident scenarios);*

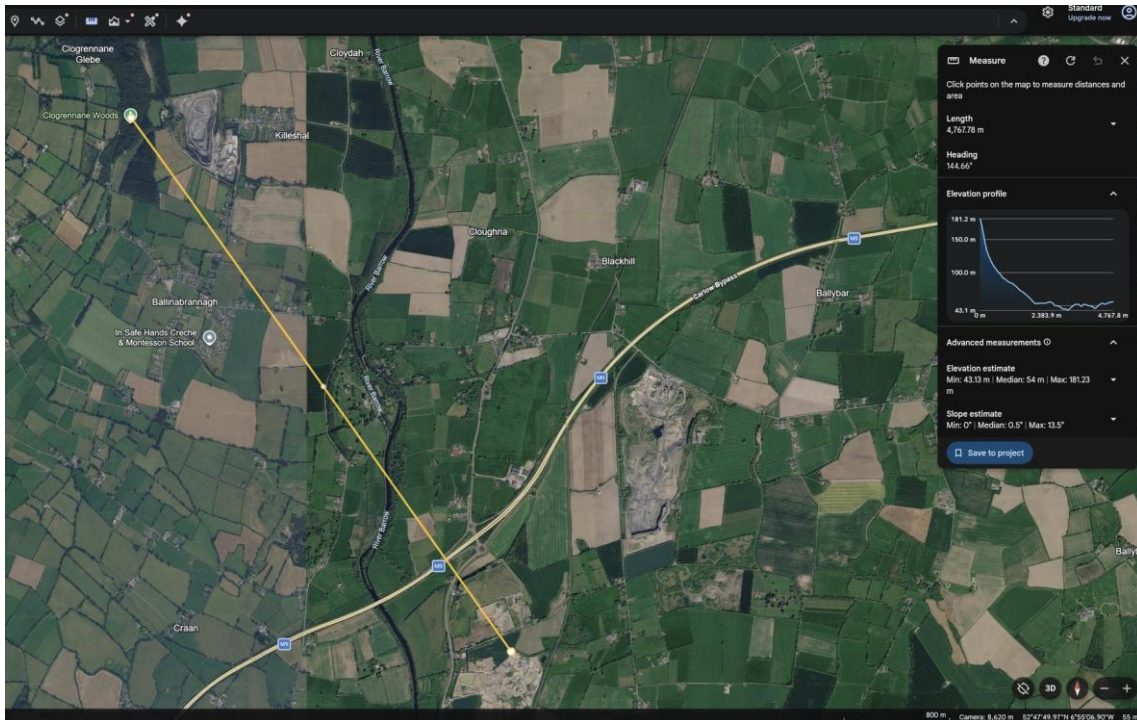
*Section 7 individual risk contours (Figures 7-1 through 7-3) confirming the  $1 \times 10^{-6}$ /yr contour does not extend off-site except to the property immediately east of the BNEF container;*

*Section 8 societal risk assessment (Expectation Value = 0, no off-site fatality scenarios identified); Section 9 conclusion. Nothing in the remaining sections qualifies the conclusions drawn above.*

## Appendix Z – Key Beauty Spots in Carlow that were not assessed

### App Z.01-Clogrennane Woods

Clogrennane Woods is a notable beauty spot near Milford Park, County Carlow, with woodland history dating to the 1800s and Beech, Spruce, Larch and Oak trees. It is known for views of Carlow town and the River Barrow, especially from the zig-zag climb on its easy 3.5 km looped walk from a car park with picnic facilities. In spring, the woods are also known for bluebells, wild garlic and mature woodland vegetation.



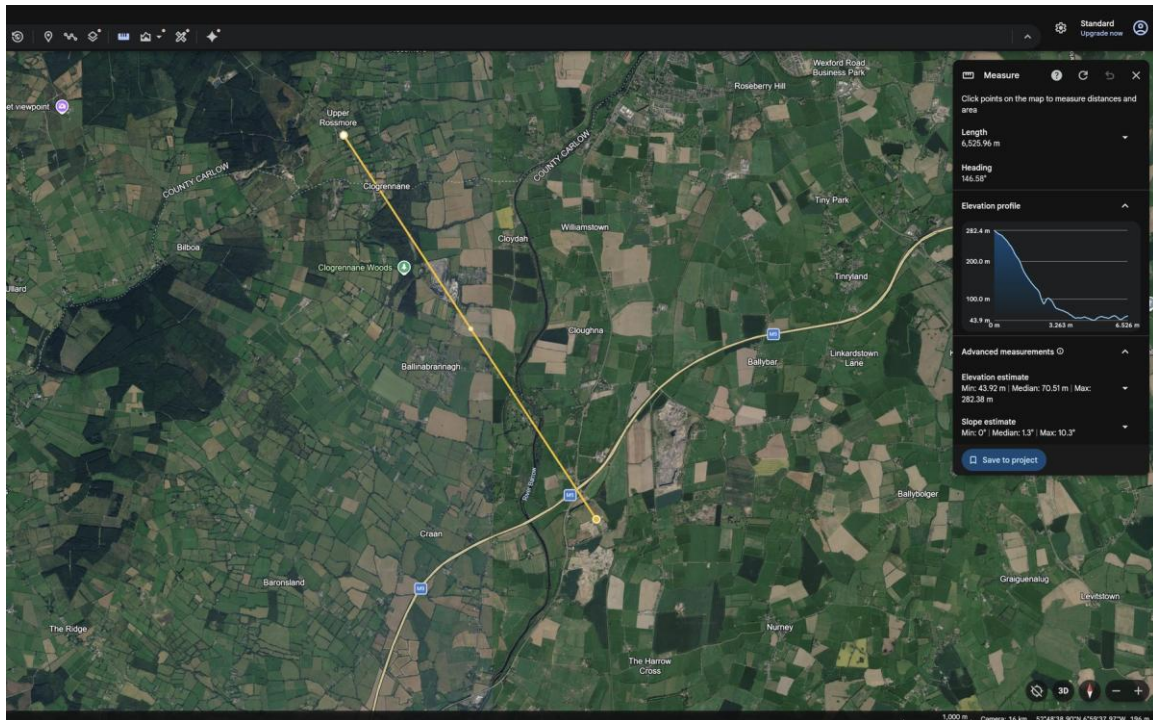
*Clogrennane Woods lies approximately 5 km from the proposed site, on a direct line, at an elevation of over 120 m above it. It sits within the applicant's own stated 5 km landscape and visual study area, and it answers precisely to the "Amenity and heritage features" receptor category the applicant itself adopts - yet it is not among the viewpoints selected for assessment. Whether the facility would in fact be visible from the looped walk is not asserted here; the point is that the applicant drew the study boundary, defined the receptor category, and then did not test a well-used public amenity falling squarely within both.*



## App Z.02-Rossmore – Catholic Shrine

The Rossmore Catholic Shrine (often referred to as the Rossmore Grotto) is a wayside shrine dedicated to Our Lady of Lourdes. Although frequently associated with nearby Carlow towns like Milford due to its proximity, it is technically located in County Laois, just across the border.

Situated on the Rossmore Road (near the Carlow/Laois border), the shrine is a popular stop for travellers and locals. It is particularly noted for its elevated viewpoint, offering panoramic views back over Carlow town and the surrounding countryside. As mentioned in local discussions, the area near Rossmore is considered fantastic for sunsets, with the grotto providing a convenient pull-in spot to admire the scenery.



The Rossmore shrine lies about 6.5 km from the proposed site, over 140 m higher and overlooking the Barrow Valley. It is a signposted, publicly accessible, well-used elevated vantage point of the kind an LVIA for this valley should test, but it was not assessed. Together with Clogrenane Woods, this suggests the selected viewpoints favour low-lying, enclosed positions in a landscape the applicant describes as broadly open. No visibility conclusion is asserted; the point is that elevated public vantage points over the valley were not examined.

### App Z.03-M9 Southbound Off-Ramp (Approach to Leighlinbridge/Bagenalstown)



*The M9 southbound off-ramp serving Leighlinbridge and Bagenalstown (Muine Bheag) is the point at which southbound M9 traffic bound for either town leaves the motorway. It functions as the effective road gateway to both settlements from the motorway network, and carries a correspondingly high and continuous volume of passing traffic throughout the day.*

The off-ramp is about 400 m from the proposed development, within the applicant's 5 km study area, and in the observer's experience gives an almost unobstructed view across much of the site. It appears to meet the applicant's own LVIA receptor criteria: it is a Major Route, as used for VP1, VP3 and VP5, and has high intensity of use because it is used by most southbound M9 traffic for Leighlinbridge and Bagenalstown. On that basis it is likely to be seen by more regular viewers than many, and possibly all, of the selected viewpoints combined, yet no LVIA viewpoint is located at or near it.

No visibility conclusion is asserted; the point is that a location apparently meeting the applicant's criteria, and potentially exceeding selected viewpoints on intensity of use, was not assessed. This entry is anecdotal, based on the observer's familiarity with the location.

## Appendix L - Resident consent confirmations

*Ground 1.5 names Lizzie Dermody and Roisin, with their consent. The two further household members with intellectual disabilities are described there without being named, given the sensitivity of that information; consent to the description of their circumstances has nonetheless been obtained from each of them, or from an appropriate advocate on their behalf, confirming the description is accurate so far as they are able to express agreement.*

*Signed consent confirmations for all four household members are collected via a standalone companion document - **PAX01324426VD05\_SignaturePack.docx** - and are retained by the observer as a private record. They are not reproduced in this submission or filed with the Commission, but remain available should the Commission wish to verify that consent was properly obtained.*