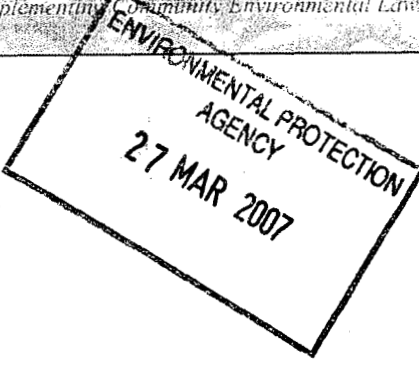


Public  
Sub (28)

# EEC EuroLaw Environmental Consultants

Implementing Community Environmental Laws



Licensing Section  
Environmental Protection Agency,  
PO Box 3000,  
Johnstown Castle Estate,  
Co. Wexford.

60 St. Joseph's Terrace,  
Portarlinton,  
Co. Offaly.

## Re: Clarification of the Legal Status of License Application W0230-01

25<sup>th</sup> March 2007

Dear Sir/Madam,

On 20<sup>th</sup> June 2006, Cork County Council refused planning permission to Valeco Ltd for a combined waste and facility at Ballard, Araglin, Co Cork. A report from the Environmental Health Officer stated that the EIS submitted with the planning application was inadequate.

On 21<sup>st</sup> March 2007, An Bord Pleanala refused planning permission. One of the reasons was because the Environmental Impact Statement accompanying the application, which was lodged with the planning authority on 26<sup>th</sup> April, 2006, does not comply with the requirements of article 94 and Schedule 6 of the Planning and Development Regulations, 2001 due to the lack of details of material significance and substance in regard to considerations on the overall development with regard to impacts on human beings, soil, water, air, material assets, the inter-relationship between these factors, and an outline of the main alternatives studied. The inspector stated that he consider that the Board would be precluded from considering a grant of planning permission in this instance.

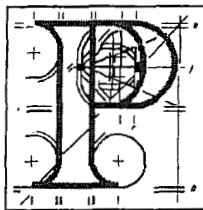
EEC claims that this decision also precluded the EPA from considering a grant of planning permission as the applicant has not submitted an adequate EIS with its license application. In this regard, could the EPA clarify what actions it intends taking concerning this adequate EIS?

Yours sincerely,

David Malone  
Environmental Development Officer EEC

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# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2006

**Cork County**

**Planning Register Reference Number: 06/6651**

An Bord Pleanála Reference Number: PL 04.218587

**APPEAL** by Valley Residents' Association care of Noonan Linehan Carroll Coffey of 54 North Main Street, Cork and by David Malone of 60 Saint Joseph's Terrace, Portarlinton, County Offaly and by Valeco Limited care of McCutcheon Mulcahy of 6 Joyce House, Barrack's Square, Ballincollig, County Cork against the decision made on the 20<sup>th</sup> day of June, 2006 by Cork County Council to refuse permission to the said Valeco Limited.

**PROPOSED DEVELOPMENT:** Development of a combined waste and power facility on a site of 17 hectares. The proposed facility, which will use anaerobic digestion (AD) to treat non-hazardous organic wastes, will generate electrical power and produce soil conditioner. The facility will process some 250,000 tonnes per annum of non-hazardous organic wastes comprising circa 190,000 tonnes of liquid wastes and circa 60,000 tonnes per year of dry waste including non-risk Category 3 meat and bone meal (MBM). It will include the creation of a new entrance onto the public road. The existing private residential dwelling, garden and barn will be maintained with the current access road providing access to the dwelling only. The development site will be regraded over three levels. The lowest level located to the south-east will comprise the biofilter with an approximate area of 8,800 square metres. The intermediate area will have an average ground elevation of 129 metres OD and will incorporate the main tank farm which will comprise a total of 20 tanks including digester, storage, pre-storage and anaerobic biofilter tanks with pumps and heat exchangers at a height of 24.29 metres. It will also include two number gas flares 37.3 metres high and two number gas cleaning vessels 22 metres high. The upper level will be located approximately 10 metres above the process area with a ground elevation ranging from 144 metres OD at the entrance to the facility to 139 metres OD at the waste acceptance area. This level will incorporate a seven metres high garage (1,500 square metres); a seven metre high administration building (1,200 square metres) comprising canteen, laboratory and two-storey office area; a 14 metre high storage hall (9,000 square metres); a 12 metre high powerhouse (3,655 square

metres); reception building 12 metres high (1,090 square metres to include truck wash, boiler room, workshop, reception areas, two underground storage tanks and gas engine stack 30.3 metre high; gas treatment and metering area; process building 20 metre high (1,880 square metres) to include band dryer, separation, evaporation, condensate, pellitizer, reactor areas, reception tanks and gas flares 37.3 metres high. The waste acceptance area will comprise waste reception tanks and plant and equipment including a tank farm of eight storage, test digester and recycling tanks. The ancillary facilities will include two number fire ponds, two number weighbridges, pipe racks, six number cooling towers 9.97 metres high, and all other ancillary site development works and services including wells for water supply, security fencing, security gates, service roads, retaining walls, ramps and embankments all at Ballard, Araglin, Fermoy, County Cork.

## DECISION

**REFUSE permission for the above proposed development based on the reasons and considerations set out below.**

### REASONS AND CONSIDERATIONS

1. It is considered that the provision of regionally significant waste and power facilities needs to be associated with and aligned with the strategic waste management, planning and renewable energy policies and plans for that region in order to achieve balanced, orderly development. Furthermore, it is considered that the development of waste and energy infrastructure pursuing optimum utilisation of the waste source and energy emanating from the waste-to-power production process is required in order that such development positively contributes to the environment. It is also considered that the proposed development would conflict with these requirements by reason of -
  - (a) the siting of the facility remote from centres of production of the principal useable waste streams proposed,
  - (b) the failure to make adequate use of the heat generated arising from its process design and remote rural siting,
  - (c) the unproven viability of the proposed process technology using the intended range of feedstock and at the scale proposed,
  - (d) the unsuitability of the use of meat and bone meal as a waste source, and
  - (e) the failure to consider the siting of the development of the proposed facility with ready access to the national road network and, if possible, rail links.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

*JA*

2. Having regard to the nature and scale of the proposed development, to the type and quantity of wastes proposed to be used at the facility and to the consequent transportation movements generated in the sourcing of the wastes and in the distribution of end product, it is considered that the proposed waste and power plant, would give rise to unsustainable transportation movements on a substandard local road network and would, notwithstanding the proposed road improvement works to the local roads, endanger public safety by reason of traffic hazard and obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The site of the proposed development is located in a prominent position on the foothills of the Kilworth Mountains, an area of scenic and natural amenity value. The local road network to the west, north, and east of the site at this location is a designated scenic route (Scenic Route A3) in the current Cork County Development Plan and it is an objective of the development plan to preserve the character of the views and prospects obtained from this scenic route. It is considered that the proposed development, at this prominent location in an open valley, by reason of its scale, height, mass and bulk, would result in a significant adverse impact on the landscape character of the area, generating significant visual intrusion and leading to a disproportionate effect on the existing character of the landscape. The proposed development would contravene materially the objective as set out in the development plan, would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

~~EA~~

4. It is considered that the Environmental Impact Statement accompanying the application, which was lodged with the planning authority on the 26th day of April, 2006, does not comply with the requirements of article 94 and Schedule 6 to the Planning and Development Regulations, 2001 due to the lack of details of material significance and substance relating to considerations on the overall development with regard to impacts on human beings, soil, water, air, material assets, the inter-relationship between these factors, and an outline of the main alternatives studied, with particular regard to:
- (a) the lack of understanding of the suitability of the soil conditioner for landspreading, having regard to the range of wastes proposed to be used at the facility,
  - (b) the lack of clarity on the volumes of soil conditioner to be produced on the site, having regard to the quantities of dry waste to be handled on the site and the likely reduction in the volumes of waste arising from the anaerobic digestion process,
  - (c) the failure to adequately consider alternative sites,
  - (d) the inadequacy of the environmental criteria used to determine the selection of the Ballard site,
  - (e) the lack of a comprehensive description and consideration of the anaerobic digestion technology selected for the proposed facility,
  - (f) the inadequacy of the extent of the traffic assessment undertaken, and
  - (g) the need for a baseline study on groundwater to adequately determine the condition of the site at present arising from the former operations and identifying the detailed management and rehabilitation/restorative measures proposed prior to the construction of the proposed development.

The Board is, therefore, precluded from considering a grant of planning permission in this instance.



**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

Dated this 21<sup>st</sup> day of March 2007.