P0986-01.

Comhairle Contae Chorcaí
Cork County Council

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Administration Team,
Environmental Licensing Programme,
Office of Climate, Licensing and Resource Use
EPA,
PO Box 3000
Johnstown Castle Estate
County Wexford

SCANNED
30 DEC 2013

Environmental Protection Agency
19 DEC 2013

The Environmental Protection Agency
20 DEC 2013
CORK

18th December 2013

Re: Notification under Section 871E)(a) of the EPA Acts, as amended, Your Reg. No. P0986-01

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Dear Sir/Madam,

I refer to your letter dated 18th November 2013.
I wish to advise that the Planning Authority has no observations to make on the EIS. A planning application was lodged under 13/0083 and was accompanied by an EIS. A final grant of permission issued from the Planning Authority on 03/09/2013.
I enclose herewith a copy of the planning decision and planners reports in respect of 13/0083.

Yours faithfully,

Catherine O'Sullivan

Catherine O'Sullivan
Assistant Staff Officer

Environmental Protection Agency
19 DEC 2013

Recycled

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PLANNER'S REPORT

PRIMARY

APPLICATION NO.	13/00083
APPLICANT	Timoleague Agri Gen Ltd
DESCRIPTION	Construct a Biogas Plant consisting of 2no. Digester Tanks, 2no. validation Tanks, 1no. Homogenising tank, 3no. Geo-Membrane lined manure storage tanks, 1no. Fibre Store, 1no. no Feed Tank, Reception Building, Plant Building, Pasteurisation Tanks, Weighbridge and associated site works including an Integrated Constructed Wetlands to produce renewable energy and fertilizer
LOCATION	Barry's Hall Timoleague Bandon Co. Cork
DECISION DUE DATE	10/04/2013

Date of Planning Inspection: 19/03/2013 and 04/04/2013

Site Notice: In Order

Environmental Protection Agency
19 DEC 2013

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THE DEVELOPMENT AND ITS PLANNING CONTEXT

This application proposes to construct a Biogas plant consisting of 2no. digester tanks, 2no. validation tanks, 1no. homogenising tank, 3no. geo-membrane lined manure storage tanks, 1no. fibre store, 1no. feed tank, reception building, plant building, pasteurisation tanks, weighbridge and associated works including a constructed wetland at Barry's Hall, Aghaminster and Spital, Timoleague. The proposed Biogas plant is intended to produce electricity and fertiliser and it is noted that an EIS has been submitted with this application. The proposed development also requires a Waste Licence from the EPA.

The proposed development is located c. 0.5km south of Timoleague. Access to the proposed site is from local road L-4021-0 and a 400m access road to the location of the proposed buildings is required. The subject site is a green field site and forms part of the landholding associated with Barryshall House to the west. This application has been submitted by Timoleague Agri Gen Ltd. The landscape is rural and is classified with the landscape type Rolling Patchwork Farmland in the Cork County Development Plan 2009.

The site has a stated area of 3.67ha and ground levels across the site are undulating. Mature trees and attractive estate walls associated with Barryshall House are located along the western site boundary. The site is elevated above the public road while being set back c. 300m from the nearest point to the public road. Staunton Foods facility is located east of the subject site and there are a number of individual one-off dwellings in the general surrounding area.

The site of the proposed development is in close proximity to 2no. Recorded Monuments CO 136-019 (Midden) and CO 136-016 (House) located to the west of

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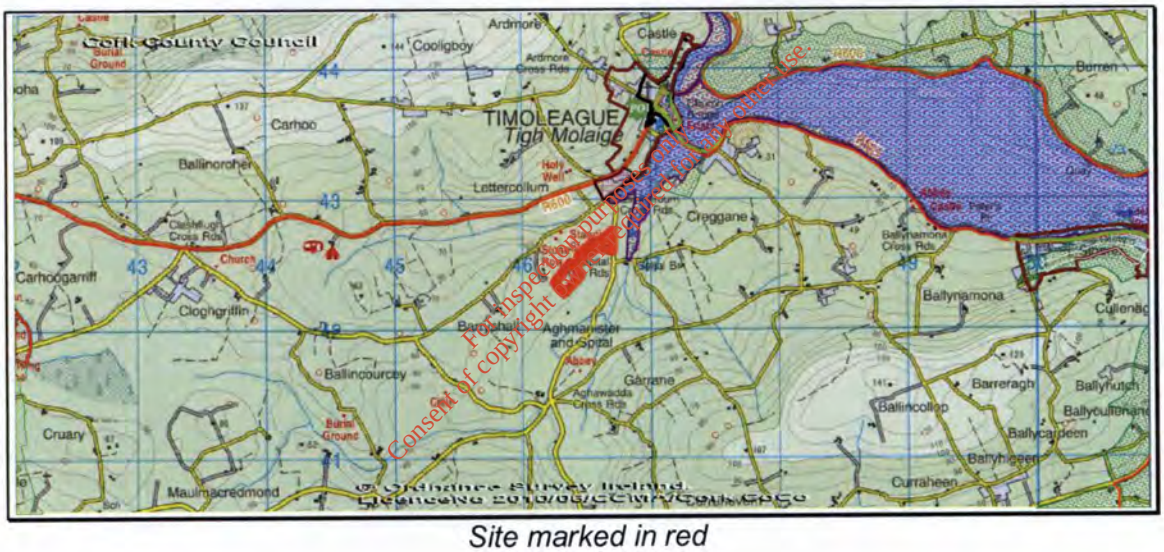
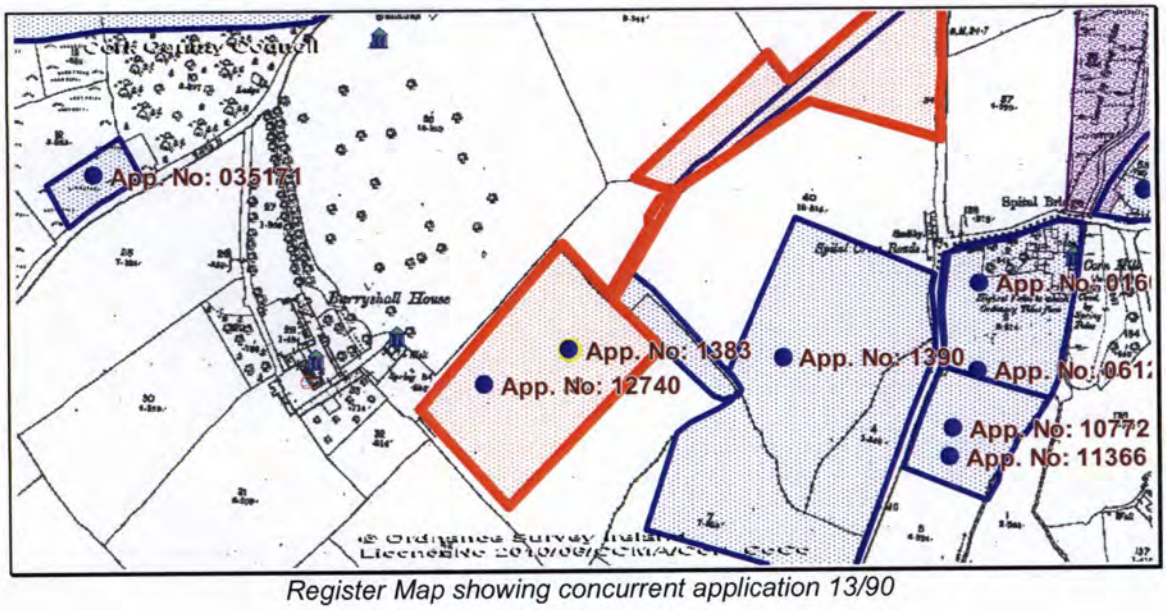
the site. Courtmacsherry Estuary SAC (Site Code 001230) and Courtmacsherry Estuary SPA (Site Code 004219 are located c. 200m east of the subject site.

Note: A concurrent application has been submitted on adjacent lands to the east under 13/90 for the development of 21,080sqm of glasshouse, education facility, packing area, dispatch area, cold store, irrigation room, plant room, 2no. 250,000 litre water buffer tanks, office/staff building, wastewater treatment system and associated site works. The site of 13/90 is in the same ownership as the current subject site. While the 2no. proposals submitted under 13/83 and 13/90 are not indicated as being inter-dependent it is understood that the proposed Biogas facility will provide the power supply for the proposed glasshouse facility. It is noted that both proposed developments are served by the same vehicular access from local road L-4021-0.

In terms of planning designations, the site is located within an uncontrolled rural area outside the established settlement of Timoleague. There are no scenic designations applying to the site. Scenic Route S73 is located some distance to the north of the site.



Site marked in red



Register Map showing concurrent application 13/90

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Policy Context

In assessing this proposal it is noted that key policy governing waste management and development of sustainable energies is set out in the following publications:

National Level

- Sustainable Development – A Strategy for Ireland 1997
- Changing Our Ways 1998
- Delivering Change – Preventing and Recycling Waste 2002
- Waste Management – Taking Stock and Moving Forward 2004
- National Overview of Waste Management
- National Development Plan 2007-2013
- National Spatial Strategy 2002-2020

Regional Level

- Regional Planning Guidelines South West Region 2010-2022

Local Level

- Cork County Development Plan 2009
- Skibbereen Electoral Area LAP 2011
- Waste Management Plan for County Cork 2004

Relevant Cork County Development Plan policies in this case include:

Objective INF 7-1 Renewable Energy Production
It is an objective generally to encourage the production of energy from renewable sources, including in particular that from biomass, waste material, solar, wave, micro hydro power and wind energy, subject to normal proper planning considerations, including in particular the impact on areas of environmental or landscape sensitivity.

Objective 6-1 Waste Management Plan
It is an objective to implement and support the provisions of the County Council's approved Waste Management Plan and in particular, to promote the development of facilities for the prevention, minimisation, re-use / re-cycling or disposal with energy recovery of waste material.

ECON 5-1 Rural Diversification

(a) It is an objective to encourage diverse on and off-farm employment activities such as processing of agricultural produce, manufacturing of crafts and specialist farming (horticulture, organic, market gardening, flowers)

(b) It is an objective of this plan to recognise and develop the full potential of biomass for energy production and support development initiatives in the bio-fuels sector.

ENV 5-2 Existing Farm Units
It is an objective to support the development of existing farm units

ENV 1-5 Natural Heritage Sites

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(a)It is an objective to provide protection to all natural heritage sites designated or proposed for designation in accordance with National and European Legislation. This includes SACs, SPAs, NHAs, Statutory Nature Reserves and Ramsar sites.
(b) It is an objective to:
i) Protect the conservation value of all European sites, as defined in the Planning and Development Acts 2000 (SACs, SPAs or lands proposed for inclusion in such sites), notified by the Minister for the Environment, Heritage and Local Government, either before or during the lifetime of this plan and to ensure that appropriate assessments are carried out where development plans or projects are likely to have significant effects on these sites;
ii) Assess all proposed developments which are likely to impact (directly or through indirect or cumulative impact) on designated natural heritage sites or sites proposed for designation and protected species in accordance with the relevant legislation;
iii) Require than that an adequate level of environmental assessment is prepared to an acceptable standard in respect of any proposed plan or project likely to have an impact on these sites or protected species.

ENV 1-12 Development Control in Environmentally Sensitive Areas
It is an objective to apply the precautionary principle in relation to proposed development in environmentally sensitive areas. This means that a scientific/ecological risk assessment is required in order to ensure that development does not undermine the conservation objectives for these sites.

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ENV 3-3 Zones of Archaeological Protection
It is an objective to protect the Zones of Archaeological Potential located within both urban and rural areas as identified in the Record of Monuments and Places.

ENV 3-1 Sites, Features and Objects of Archaeological Interest
(a) It is an objective to safeguard sites, features and objects of archaeological interest generally.
(b) It is an objective of the Planning Authority to secure the preservation (i.e. the preservation in situ of in exceptional cases preservation by record) of all archaeological monuments included in the Record of Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, and of sites, features and objects of archaeological and historic interest generally. In securing such preservation, the Planning Authority will have regard to the advice and recommendations of the Department of the Environment, Heritage and Local Government.

The <u>primary planning issues</u> in this case would appear to be as follows:

-Whether the EIS submitted is adequate

-Whether the proposal accords with international, national and local policy

-Whether the proposal is likely to have significant effects on the nearby Natura 2000 site

-Whether the proposal will have a negative impact on the nearby Recorded Monuments

-Whether the road network is adequate to cope with additional traffic levels

-Whether the proposal will give rise to undue odour pollution

-Whether the proposal will give rise to unacceptable noise levels

-Whether the proposal will be unduly visually intrusive

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OTHER CONSIDERATIONS

No pre-planning discussions took place.

A check of the planning history in the area indicates that there is no relevant planning history on the site.

To date, the following third party submissions/observations have been referred to me:

NAME(S)	MAIN POINT(S)	INITIAL COMMENTS
Dept. of Arts, Heritage and the Gaeltacht	*The Department recommends that any observations of the Cork County Council Archaeologist in relation to the proposal are adhered to ion view of proximity to 2no. Recorded Monuments.*	*Noted – see recommendation below*
Inland Fisheries Ireland	*Requests that details be submitted in relation to location and current soil nutrient analysis results for the proposed spreadlands; requests clarification regarding water consumption; the discharge to surface waters from the Integrated Constructed Wetlands should be licensed under Water Pollution acts as trade effluent*	*Unsolicited FI submitted on 02/04/2013 states that the reference to water consumption in section 3.10 of the EIS is incorrect. The correct figure for water consumption is 28m3 per week;* *Generic information regarding digestate spreading has been submitted;* *It is accepted that the facility will require a Waste Licence from the EPA*
An Taisce	*States that information is required on feed source of the proposed digester*	*This information is clearly set out in the submitted EIS and is restated in unsolicited FI submitted on 02/04/2013*

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The key points from the other technical reports on file include:

- Area Engineer (report dated 04/04/2013): Report states that the main concern relates to the ability of the local road network to cater for the increased levels of HGV traffic and considers that improvements to the road network would be required in the event that permission is granted. The report correctly identifies the lack of detail regarding the proposed pipeline. The A/E recommends deferral for a revised traffic impact assessment that includes the likely traffic impact that would be generated by the concurrent proposal for a 21,000sqm glasshouse, proposals for improving public road width adjoining the site, clarification of surface water discharge route and information regarding connection to the national grid.
- Heritage Officer: Report pending.
- Archaeologist: (report dated 27/03/2013): Report states that there is no objection to the proposal provided it can be demonstrated that there will be

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minimal visual impact on the views to and from Barryshall House which is a Recorded monument. The Council Archaeologist recommends FI for the submission of a visual impact assessment which shall include a 3D photomontage.

- Environment Department (report dated 03/04/2013): Report states that the proposed development requires a waste facility permit from Cork County Council or the EPA and that should such a permit be granted it will include conditions for the protection of surface water, ground water, any emissions, any discharges, odours, noise etc,. The report concludes that the proposed Biogas facility is an acceptable way of recycling organic waste in a sustainable manner and permission is recommended.

ASSESSMENT & RECOMMENDATION

Proposed Development

Permission is sought to construct a Biogas facility consisting of 2no. digester tanks, 2no. validation tanks, 1no. homogenising tank, 3no. geo-membrane lined manure storage tanks, 1no. fibre store, 1no. feed tank, reception building, plant building, pasteurisation tanks, weighbridge and associated works including a constructed wetland at Barry's Hall, Timoleague. The applicant, Agri Gen Ltd, is a limited company with two directors – Mr Colin Bateman who owns the land and Mr Martin O'Donovan whose pig farm unit is located some distance north of the proposed site.

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The submitted EIS indicates the following key points:

- Pig manure produced on Mr O'Donovan's farm will provide the required fuel base for the anaerobic digester (23,000m3) and will be piped directly from Mr O'Donovan pig unit to the subject site
- Other organic waste will be locally sourced and imported by HGV (25,000m3)
- The gas generated will be used to supply power to the facility
- Excess power will be exported to the national grid
- The solids will be separated and may be used as fertiliser but this is subject to change
- The liquid digestate will be used on customer farms in accordance with a digestate fertiliser plan

The process involves delivering organic material into the reception tank which is mixed with the correct amount of pig manure and is then pumped to the mix tank. Batches from the mix tank are sent to the pastueriser and then piped to the primary digester which is the centre of the biogas producing process. The material remains in the primary digester for 20 days before moving onto the secondary digester where it also remains for 20 days. The chain reaction which takes place in the digester creates a biogas (65% methane) which can be collected, contained and then burned to create heat and electricity.

The solid fraction is then separated from the liquid fraction and stored in a geo-membrane lined covered storage basin for delivery to customer farms. It is indicated that there will be 18,000m3 of on-site storage and 2,500m3 of off-site storage. The total gross floor area of the proposed development is stated as 8,390sqm.

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The primary digester will be 18.7m high and is proposed to be clad externally green PVC to reduce visual impact. The 3no. proposed geo-membrane lined storage basins and a large fibre store are located along the eastern site boundary. The proposed reception tank, mix tank, homogenising tank etc, reception building and proposed Combined Heat and Power (CHP) are indicated on the northern half of the site.

It is also proposed to construct 4no. ponds as part of a Integrated Constructed Wetland System to deal with surface water run-off from the proposed development.

A landscaping plan has been submitted which proposes a 2.5 to 3m high berm around the perimeter of the site with trees planted on top.

No details have been submitted to indicate how the gas produced will power the facility or how the excess power will be exported to the national grid. Similarly no details have been submitted regarding how much heat and electricity the Biogas facility is expected to produce.

It is proposed to supply 47% of the organic waste (23,000m3) from Mr O'Donovan's pig unit and the remaining 53% of the required organic matter (25,500m3) is to be sourced locally as indicated in Table 4 of the submitted EIS and includes dairy sludge (5000m3), paunch bovine (5000m3) and seaweed (5000m3).

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Adequacy of the EIS

The Environmental Impact Assessment Guidelines for Planning Authorities published by the DoECLG in March 2013 and the legislative changes regarding the requirement to carry out environmental impact assessment in relevant cases are both noted.

In particular Section 172 (1D) of the Planning and Development Act 2000, as amended, requires the Planning Authority to consider whether an EIS submitted identifies and describes adequately the direct and indirect effects on the environment of the proposed development. Where it is considered that the EIS does not do so the Planning Authority must require the applicant to submit further information as necessary to remedy the defect.

The submitted EIS is fundamentally flawed to such a degree that further consideration of the proposed development cannot be given until a revised EIS is submitted as Further Information.

It is clearly stated throughout the EIS that the pig manure will be piped directly to the Biogas facility from Mr O'Donovan's pig unit. The only submitted drawings/maps which give any indication of this proposed slurry pipeline are found within the geological and hydro-geological report at Appendix 8 of the EIS which indicates the 'approximate line of the slurry pipeline'. The submitted public notices make no reference to a proposed pipeline and written consent of the landowners concerned has not been submitted. No details of the proposed pipeline or existing pig unit have been submitted.

This entire assessment of the likely direct and indirect effects on the environment of the proposed development is based on all pig slurry being piped directly to the facility with vehicular movements confined to bringing in locally sourced matter at a rate of 10-15 HGV loads per week (elsewhere in the EIS a figure of 25 loads per week is given and these commonly occurring discrepancies throughout the EIS are

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addressed below). The Planning Authority is precluded from assessing this application as proposed on the basis of piped pig manure having regard the absolute lack of detail and failure to comply with the relevant requirements regarding consent and public notices. Therefore further consideration of the proposed Biogas facility can only be on the basis of the required pig manure being delivered by road.

All aspects of the direct and indirect effects on the environment must, therefore, be assessed on the basis of all organic matter arriving to the facility by road. A fully revised EIS is, therefore, required.

It is also considered that the EIS does not adequately outline or identify the main alternatives studied by the developer or adequately indicate the reasons why alternative sites were rejected. A limited description of alternatives considered is given at Section 4 of the EIS but does not include any specific details of alternatives considered or site location details.

Furthermore the information submitted with the planning application and contained in the EIS is contradictory and lacking in detail. The following discrepancies need to be clarified:

Site Area

The site area is referred to as 1.73ha, 2.26ha, 3.67ha. This needs clarification.

Raw Material Input

The EIS interposes m3 with tonnes. The applicant should clarify the total organic matter in both tonnes and m3 and should indicate the breakdown between pig manure and other organic matter in both tonnes and m3.

It is noted that the Environmental Statement submitted under concurrent application 13/90 states that 1.2W of heat and CO2 from this biogas facility will be provided to the proposed glasshouse facility. The current application however makes no reference to exporting power to the development currently proposed on the adjacent site and this needs clarification.

Road Access and Traffic Movements

The EIS states that the facility will be accessed from Regional road R601. This is incorrect as access is from local road L-4021-0. As stated above traffic movements are referred to as 10-15 per week in the non-technical summary and 25 loads per week in section 6.9.

The following additional information is also is required in order to assess the proposal:

Energy Output

There is a lack of details regarding how it is proposed to convert the biogas produced in to energy both to supply energy to the facility and to export excess power to the grid as is the stated intention of the facility. No figure is submitted of projected heat and energy production. It is also unclear how the biogas generated is intended to be stored on site. The applicant should indicate how it is proposed to connect to the

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national grid and submit details of consultation with the relevant energy supply network.

Landscaping and Visual Impact

The landscaping proposal submitted in appendix 14 of the EIS should include a site layout plan indicating the location of the proposed berms. Clarification is also required as to whether it is intended to retain the existing mature trees and historic wall along the northern site boundary. A photomontage has been submitted but it fails to identify adequately the location from which the photographs were taken. The report of the Council Archaeologist is noted in this regard in terms of the potential visual impact of the development on the nearby Barryshall House and this will form part of the request for FI.

Appropriate Assessment

A report is pending from the Heritage Officer and from Environment Section (Iniscarra). Due to time constraints I have been requested to publish this report and the comments of Heritage Officer and Environment Section regarding the potential impact of the proposed development on water quality and on the nearby Natura sites will be incorporated by the Senior Executive Planner.

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Conclusion

The biological treatment of organic waste through anaerobic digestion is supported in principle in national and local waste management strategies for preventing and recycling waste and in supporting the development of sustainable energies. The subject site is located in a rural area close to an existing meat processing plant and where the expansion and diversification of agriculture is supported through Development Plan policies.

The site is also in close proximity to 2no. Recorded Monuments and to an SAC and SPA. Any assessment of the proposal must thoroughly assess the direct and indirect effects on the environment and the Planning Authority as the competent authority is now required to carry out an assessment of the effects on the environment in relevant cases such as the current proposal.

The submitted EIS is fundamentally flawed and the application generally deficient and therefore Further Information is required in order to allow a full environmental impact assessment to be carried out.

On the basis of the above assessment, I recommend DEFERRAL for further information as set out below.

PROPOSED DEFERRAL:
Please include the following text in the deferral letter:

It is considered that the information submitted with the application is not sufficient to enable the Planning Authority to make a decision in this case. This is because of:

- concerns about the adequacy of the EIS
- concerns about possible impact on nearby Natura 2000 sites
- concerns about possible impact on nearby Recorded Monuments

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- lack of clarity about the process and raw material input
- inconsistencies and discrepancies in the submitted documents

Therefore, in order to enable the Planning Authority give further consideration to the case, you are requested to provide six copies of the following further information:

1. The EIS refers throughout to the proposed piping of pig manure to the Biogas facility from Mr O'Donovan's pig unit to the north. However no reference is made to such a pipeline in the submitted notices, no details of the proposed pipeline have been submitted and the written consent of relevant landowners has not been submitted.

   The Planning Authority is, therefore, precluded from considering a slurry pipeline as part of the proposed development. Consequently the required pig manure will need to be delivered to the facility by road. A fully revised EIS is required based on ALL organic raw material arriving to the facility by road. A revised traffic impact assessment shall be submitted based on the combined impacts of the development proposed under 13/83 and 13/90.

   The revised EIS should also include a 6 inch site location map identifying all residential dwellings within a 500m radius of the proposed development.

2. The description in the EIS of the main alternatives considered and the main reasons for the choice, taking into account the effects on the environment, is inadequate. You are requested to provide precise details of the main alternatives considered, including details and location of alternative sites and indicate the main reasons why these alternatives were rejected and why the subject site was selected.

3. The site area is referred to as 1.73ha, 2.26ha, 3.67ha. Please clarify the precise site area.

4. The EIS interposes m3 with tonnes. Please clarify the total organic matter in both tonnes and m3 and indicate the breakdown between pig manure and other organic matter in both tonnes and m3.

5. There is a lack of detail regarding how it is proposed to convert the biogas produced into energy both to supply energy to the facility and to export excess power to the grid as is the stated intention of the facility. Please submit detailed information regarding this process and also indicate how the biogas generated is intended to be stored on site.

6. Please indicate the estimated level of projected heat and energy production. The applicant should indicate how it is proposed to connect to the national grid and submit details of consultation with the relevant energy supply network.

7. It is noted that the Description of Development submitted under concurrent application 13/90 states that 1.2W of heat and CO2 from this biogas facility will be provided to the proposed glasshouse facility. The current application however makes no reference to exporting power to the development currently proposed on the adjacent site. Please clarify whether it is intend to power the

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glasshouse sought under 13/90 with power generated by the proposed biogas facility.

8. The EIS states that the facility will be accessed from Regional road R601. This is incorrect as access is from local road L-4021-0. The EIS also indicates contradictory levels of traffic movements - referred to as 10-15 per week in the non-technical summary and 25 loads per week in section 6.9. Please clarify these details which should be revised to take into account all organic matter arriving by road.

9. Please submit a visual impact assessment of the impact of the proposed development on Barryshall House (CO136-016). Views to and from Barryshall House shall be assessed in the context of the proposed development and views from all adjacent roads and approach roads to the house shall be assessed in relation to the impact of the proposed works on the house. The visual assessment shall include a 3D photomontage or annotated photomontage overlaid with the proposed development. The location from which photographs were taken shall be clearly indicated.

10. Please submit a landscaping site layout plan indicating the location and height of the proposed berms. Details of numbers and species of tree planting on top of the berms shall be submitted. Clarification is also required as to whether it is intended to retain the existing mature trees and historic wall along the northern site boundary.

11. Please submit proposals for improving public road width adjoining the site. This should include a consideration of carrying out works to improve road width in the section of land in the control of the applicant between the proposed entrance and Ballinadroum Bridge and agreement to cede the land to Cork County Council for any works that may be required to improve road width. It would be envisaged that there would be a road surface width of 7.5m with associated watertables, drainage and boundary treatment.

12. Please submit clarification of surface water discharge route and monitoring chamber SW1 location.

13. Please indicate noise monitoring locations.

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Please advise applicant that their response to this request for FI is likely to be deemed to be significant.

This request for further information is without prejudice to any decision the Council may make, either to refuse or to grant permission, with or without conditions. It should be noted that the appropriate period for determining the application will only commence form the date that this request for further information is complied with. Please also note that your application will be deemed to be withdrawn if all the further information as requested above is not submitted **within 6 months** of the date of this letter.

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View of site (on far side of tree line) from entrance to Barryshall House Site

Site located on far side of mature tree stand

View of site from L-4021-0

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Other views towards site from L-4021-0

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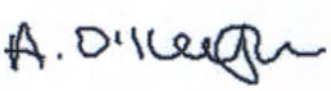
Defer Application



Annie O'Keeffe
08/04/2013

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PLANNER'S REPORT
FURTHER INFORMATION ASSESSMENT

APPLICATION NO.	00083/13
APPLICANT	Timoleague Agri Gen Ltd
DESCRIPTION	Construct a Biogas Plant consisting of 2no. Digester Tanks, 2no. validation Tanks, 1no. Homogenising tank, 3no. Geo-Membrane lined manure storage tanks, 1no. Fibre Store, 1no. Feed Tank, Reception Building, Plant Building, Pasteurisation Tanks, Weighbridge and associated site works including an Integrated Constructed Wetlands to produce renewable energy and fertilizer
LOCATION	Barry's Hall Timoleague Bandon Co. Cork
DUE DATE	29/07/2013

FURTHER INFORMATION REQUEST

Please refer to previous reports by the Area Planner (dated 08/04/2013), Senior Executive Planner (dated 09/04/2013), Area Engineer (dated 04/04/2013), Archaeologist's report (dated 27/03/2013), Environmental reports (dated 03/04/2013 and 09/04/2013) and Heritage Unit report (dated 09/04/2013).

The application was deferred for further information on 09/04/2013. The Planning Authority requested the applicant to address the following key matters:

It is considered that the information submitted with the application is not sufficient to enable the Planning Authority to make a decision in this case, for the following reasons:-

- Concerns about the adequacy of the EIS.
- Concerns about possible impact on nearby Natura 2000 sites.
- Concerns about possible impact on nearby Recorded Monuments.
- Lack of clarity about the process and raw material input.
- Inconsistencies and discrepancies in the submitted documents.

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Therefore, to enable the Planning Authority give further consideration to your application, you are requested to submit **six copies** of the following further information:

1. The EIS refers throughout to the proposed piping of pig manure to the Biogas facility from Mr. O'Donovan's pig unit to the north. However, no reference is made to such a pipeline in the submitted public notices, no details of the proposed pipeline have been submitted and the written consent of relevant landowners has not been submitted.

   The Planning Authority is, therefore, precluded from considering a slurry pipeline as part of the proposed development. Consequently, the required pig manure will need to be delivered to the facility by road. A fully revised EIS is, therefore, required based on ALL organic raw material arriving to the facility by road. A revised traffic impact assessment should be submitted based on the combined impacts of the development proposed under 13/83 and 13/90. The revised EIS should also include a 6 inch site location map identifying all residential dwellings within a 500m radius of the proposed development.

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2. The description in the EIS of the main alternatives considered and the main reasons for the choice, taking into account the effects on the environment, is inadequate. You are requested to provide precise details of the main alternatives considered, including details and location of alternative sites and indicate the main reasons why these alternatives were rejected and why the subject site was selected.

3. The site area is referred to as 1.73ha, 2.26ha, 3.67ha. Please clarify the precise site area.

4. The EIS interposes m3 with tonnes. Please clarify the total organic matter in both tonnes and m3 and indicate the breakdown between pig manure and other organic matter in both tonnes and m3 (including per annum details).

5. There is a lack of detail regarding how it is proposed to convert the biogas produced into energy both to supply energy to the facility and to export excess power to the grid as is the stated intention of the facility. Please submit detailed information regarding this process and also indicate how the biogas generated is intended to be stored on site.

6. Please indicate the estimated level of projected heat and energy production. You should indicate how it is proposed to connect to the national grid and submit details of consultation with the relevant energy supply network.

7. It is noted that the Description of Development submitted under concurrent application 13/90 states that 1.2W of heat and CO2 from this biogas facility will be provided to the proposed glasshouse facility. The current application, however, makes no reference to exporting power to the development currently proposed on the adjacent site. Please clarify whether it is intended to power the glasshouse sought under 13/90 with power generated by the proposed biogas facility.

8. The EIS states that the facility will be accessed from Regional road R601. This is incorrect as access is from local road L-4021-0. The EIS also indicates contradictory levels of traffic movements - referred to as 10-15 per week in the non-technical summary and 25 loads per week in section 6.9. Please clarify the total predicted number of daily traffic movements at the site and relate this to the maximum operating capacity (tonnes & m3 per annum). The revised details should take into account all organic matter arriving to the site by road.

9. Submit a visual impact assessment of the impact of the proposed development on Barryshall House (CO136-016). Views to and from Barryshall House should be assessed in the context of the proposed development and views from all adjacent roads and approach roads to the house should be assessed in relation to the impact of the proposed works on the house. The visual assessment should include a 3D photomontage or annotated photomontage overlaid with the proposed development. The location from which photographs were taken should be clearly indicated.

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10. Submit a detailed landscaping site layout plan indicating the location and height of the proposed berms. Details of numbers and species of tree planting on top of the berms should be submitted. Clarification is also required as to whether it is intended to retain the existing mature trees and historic wall along the northern site boundary.

11. Submit proposals for improving public road width adjoining the site. This should include a consideration of carrying out works to improve road width in the section of land in your control between the proposed entrance and Ballinadroum Bridge and agreement to cede the land to Cork County Council for any works that may be required to improve road width. It would be envisaged that there would be a road surface width of 7.5m with associated watertables, drainage and boundary treatment.

12. Submit clarification of surface water discharge route and monitoring chamber SW1 location.

13. Indicate noise monitoring locations.

14. Submit details of other organic wastes which are to be accepted at the facility.

15. Submit approximate quantities of pig manure and each other organic waste which are to be accepted at the facility annually.

16. Submit details of any quality controls to put in place for feedstock materials and the handling of out-of-specification batches.

17. Clarify whether pig manure or liquid digestate is to be stored in the proposed uncovered geomembrane lined basins and proposals for the mitigation of odour from these storage basins.

18. Submit confirmation that the construction, certification and leak detection systems for the geomembrane lined basins will comply with the Department of Agriculture & Food Specification S126 of November 2002: Minimum Specification for Geomembrane Lined Slurry/Effluent Stores, and Ancillary Works.

19. Submit details of all products, by-products and wastes likely to be produced in the facility and how it is proposed to dispose of wastes. Is there to be a flare-off facility to burn off low grade or surplus gas?

20. Submit details of all measures to be put in place for the control of noise, odour and dust from the proposed facility.

21. Submit details of external bunding or other measures for the containment of uncontrolled discharges from overground tanks.

You are advised that the formal response to this request for further information is likely to be deemed to be significant.

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FURTHER INFORMATION RESPONSE

A reply to this request was received on 24/05/2013. This response was deemed to contain significant additional data and revised public notices were received on 04/06/2013.

Item 1 – It is submitted that the proposed pipeline will be dealt with under a separate application. It is indicated that an updated traffic impact assessment has been submitted and a map indicating dwellings within a 500m radius of the proposed development.

Item 2 – It is submitted that a number of alternatives were examined including a site owned by the applicant at Cooligboy. The site was deemed unsuitable on the basis of the road network. The remainder of the landholding was examined but no suitable sites were available. The subject site was selected as there is an adequate road network and as the mature parkland screening mitigates the visual impact of the proposed development.

Item 3 – The applicant has clarified the site area to be 3.67ha.

Item 4 – It is stated that all organic material will be referred to in tonnes – 23,000 tonnes pig manure and 25,500 tonnes other organic matter.

Item 5 - More detailed information on the production process for biogas has been submitted. The gas produced is stored at the top of the primary and secondary digester tanks and piped to the CHP unit where conversion of the gas to heat and electricity takes place.

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Item 6 – Details of projected heat and energy production have been submitted.

Item 7 – It is indicated that heat produced by the CHP Unit at the biogas facility will be used to provide process heating for biogas production and will be exported to the adjoining glasshouse facility (Reg. Ref. 13/90) using insulated water pipes to heat exchangers at the glasshouse complex.

Item 8 – It is indicated in the submitted cover letter that typical daily movements will amount to 93 movements a day (186 movements a day in total).

Item 9 – A visual impact assessment has been submitted.

Item 10 – A landscaping plan has been submitted.

Item 11 – It is submitted that the demolition of the existing stone walls on both sides of the road for road widening purposes would be undesirable due to their heritage value. It is therefore proposed to maintain the foliage on top of the walls and carry out improvements to sightlines at the proposed entrance to the site.

Item 12 - Clarification of surface water discharge route and monitoring chamber SW1 location has been submitted.

Item 13 – Noise monitoring locations have been indicated.

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Items 14 and 15 – A table indicating the breakdown and approximate quantities of organic wastes to be accepted at the facility has been submitted.

Item 16 – Details regarding quality controls to be put in place for feedstock materials and the handling of out-of-specification batches have been submitted.

Item 17 – It is indicated that only liquid digestate will be stored in the proposed membrane lined basins. In order to minimise odours it is now proposed to cover the basins with a floating cover.

Item 18 – The applicant has confirmed that the basins will comply with the Department of Agriculture & Food Specification S126 of November 2002: Minimum Specification for Geomembrane Lined Slurry/Effluent Stores, and Ancillary Works.

Item 19 – Details of all products likely to be produced in the facility and their disposal (digestion, land spreading etc) have been submitted. It is stated that gas flare will be incorporated as a precautionary measure but should not normally be required.

Item 20 – Details for the control of noise, odour and dust have been submitted.

Item 21 – Details of bunding and containment measures have been submitted.

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UNSOLICITED FURTHER INFORMATION

Unsolicited FI was submitted on 23/07/2013. This information makes clear that all liquid material for the proposed digester, including pig slurry, will be delivered to the site by road and delivered directly into sealed storage tanks or mixing tanks (Item 1 of FI request).

The unsolicited FI also contains further details regarding management and containment of potential effluent spillages and the handling of rainwater on yard areas (Item 21 of FI request).

INTERNAL REPORTS ON FURTHER INFORMATION

Area Engineer: Report (dated 02/07/2013) recommends permission. The report recommends a condition requiring a special development contribution of €37,500 for road improvements to the road between Ballinadroum bridge and The Garage at Timoleague.

Council Archaeologist: Report (dated 28/06/2013) states that the submitted visual impact assessment is acceptable and permission is recommended.

Environmental Officer (Skibbereen): Report (dated 24/06/2013) recommends permission.

Environmental Officer (Iniscarra): Report (dated 08/07/2013) is satisfied that the issues raised in the RL regarding feedstock, covering of geo-membrane lined tanks, leak detection, odour control, waste management, noise, dust, surface water discharge and proposed constructed wetlands have been adequately clarified. However the report

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indicates that insufficient proposals have been submitted with regard to how it is proposed to contain liquid digestate discharged as a result of catastrophic failure of an overground tank so as to prevent the contamination of groundwater or the surface water drainage system. The Environmental Officer's report recommends clarification is sought. Subsequent to this report unsolicited FI was submitted on 23/07/2013. The Environmental Officer's report dated 25/07/2013 on foot of this unsolicited FI states no objection to the proposed development on environmental grounds subject to specific conditions. The report notes that as the proposed activity requires an IPPC licence from the EPA no conditions in relation to control of emissions have been recommended as this is an issue for the EPA.

Heritage Officer: Report (dated 04/07/2013) states that the submitted EIS and AA Screening report have been reviewed and concludes that sufficient information has been submitted to complete a Habitats Directive Screening. The site is located outside any potential flood risk zone. The Heritage Officer's report includes a detailed Screening Assessment of the potential of the proposed development to impact on European Sites – see assessment below.

To date, the following third party submissions/observations have been referred to me on foot of FI received:

NAME(S)	MAIN POINT(S)	INITIAL COMMENTS
An Taisce	*States that an integrated assessment of the application is required with the continued operation of the O'Donovan pig farm*	*Noted*
HSE	*Additional information has been submitted and no further comment*	*Noted*

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ASSESSESMENT AND RECOMMENDATION

The principle planning issues to be considered are:

- National, regional and Local Policy
- EIA
- AA
- Built Heritage Impacts
- Visual Impacts
- Traffic Impacts
- Noise and Odour

It should be noted that the proposed development comprises an activity in relation to which an IPPC licence is required from the Environmental Protection Agency. The EPA were consulted in accordance with EU (Environmental Impact Assessment) (Waste) Regulations 2012 (S.I. No. 283 of 2012).

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Policy Context

My report dated 08/04/2013 sets out the national, regional and local policy framework within which the proposed development should be considered. The biological treatment of organic waste through anaerobic digestion is supported in principle in national and local waste management strategies for preventing, reducing and recycling waste and in supporting the development of sustainable energies. The subject site is located in a rural area close to an existing meat processing plant and where the expansion and diversification of agriculture is supported through Development Plan policies.

It is considered, therefore, that the proposed development accords with existing national, regional and local policies governing treatment of waste and development of renewable energies, with the Skibbereen EA LAP 2011 and Cork County Development Plan 2009.

Environmental Impact Assessment

Compliance with the requirements of Articles 94 of the Planning and Development Regulations 2001, as amended

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Schedule 5 of the Planning and Development Regulations, 2001, as amended, sets out those developments which require the submission of an Environmental Impact Statement under Section 176 of the Planning and Development Act, 2000, as amended. With regard to the proposed development Schedule 5, Part 2, Subsection 11(b) specifies that installations for the disposal of waste with an annual intake greater than 25,000 tonnes, not included in Part 1 of this schedule, trigger the requirement to prepare an Environmental Impact Statement.

Paragraphs 1 and 2 of Schedule 6 of the Planning and Development Regulations, 2001, as amended, set out the information to be contained in an EIS. The applicant has submitted a revised EIS (amended to take into account all organic matter arriving by road). This EIS submitted as FI on 24/05/2013 consists of the following:

1. A non-technical summary
2. Introduction
3. A detailed description of the project
4. Description of alternatives considered
5. Description of existing environment
6. Description of impacts and mitigation measures
7. Inter-relationship between factors
8. Monitoring
9. Environmental management programme
10. Measures envisaged to avoid, reduce and if possible remedy significant adverse effects

In accordance with the requirements of Section 171A of Planning Act 2000 (inserted into the Planning Act by S. 53 of the Planning and Development (Amendment) Act 2010) I propose to carry out an environmental impact assessment of the direct and indirect effects of the proposed development under the appropriate headings and the interaction between the factors and giving full consideration to the submitted EIS.

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Category	Likely effects identified
Human beings	• Provision of direct and indirect employment • Significant positive economic impact on the area
Flora	• No specific habitats, flora or fauna • Site 450m from Natura 2000 sites • AA Screening (Attachment 6 of EIS) concludes no significant or long term impacts on the Natura 2000 sites
Soil and geology – Construction Phase	• Removal of vegetation, landscaping • Heavy equipment resulting in soil compaction • Accidental spills and leaks • **Mitigated through landscaping, confining of machinery to access roads and emergency response procedure for spillages**
Soil and geology – Operational Phase	• Pollution of surface soil • Pollution of underground soil • **Mitigated through leak detection, regular monitoring and best managerial practices**
Water – Construction Phase	• Risk to watercourses from elevated silt loading in surface water discharge due to construction activities • Risk from accidental spillages • **Mitigated through actual distance of site to watercourse, installation of oil interceptors and spill contamination facilities, use of best practices to minimise potential contamination from all possible sources and implementation of emergency response plan**
Water – Operational Phase	• Potential threat to ground water from storage of large volume of liquid digestate in geo-membrane lined basins • **Mitigated through construction of tanks to current standards, provision of excess digestate storage capacity, digestate spreading in accordance with Nitrates Directive regulations (S.I. No. 610 of 2010), leak detection system to all structures and facilities**
Air Quality – Construction Phase	• Minimal impact from odours arising during construction

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	• Dust • **Dust mitigated through wheel wash, cleaning, dampening, covering of trucks where required**
Air Quality – Operational Phase	• Odour arising from digestion of waste • **Mitigated by no odour sensitive locations within 200m, delivery of material in covered containers and tankers, negative air pressure within the building, handling of material by pump and pipework, sealed digetster tanks, floating cover to digestate storage basins, exhaust system to prevent odour escape** • Odour from land spreading of digestate • **Spreading of liquid digestate will reduce odour impact by 80% compared to traditional land spreading of pig manure resulting in major reduction in the current level of emissions from the associated pig farm, no spreading within 100m of a dwelling without approval, no spreading in windy conditions** • Dust • **Mitigated through maintenance and washing of vehicles, washing, cleaning, covering of delivery vehicles**
Climate	• No impact
Landscape	• Impact on views • Impact on setting of Barryshall House • **Mitigated through low visual vulnerability of landscape, use of existing screening and careful selection of external finishes**
Material assets	• No impact
Cultural heritage - Archaeology	• No recorded monuments or features of archaeological interest within the site boundary • Surrounding area is of rich archaeological heritage • **Mitigated through archaeological testing, archaeological monitoring, location of proposed haul route away from sites of cultural importance, correct construction practices**
Cultural heritage – Protected Structures/built environment	• No impact
Traffic – Construction Phase	• Traffic volumes similar to existing

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Traffic – Operational Phase	• 93 trip movements per day (186 in total) reduced to 45 trip movements per day during closed period for land spreading (mid October to mid-January • **Mitigated through trimming of vegetation along road boundaries and improvements to sightlines at entrance**
Noise – Construction Phase	• No significant impact due to low population density and remote location of site
Noise – Operational Phase	• Main source of noise will generated by vehicles using the site • Noise from digestion process is limited to pumps and ventilation systems and should not cause complaint • **Mitigation through noise reduction measures, bunding, planting, maintenance of vehicles, distance of site from noise sensitive locaitons**

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Interaction Between Factors

The main areas of interaction are identified as follows in the EIS:

Human Beings

The EIS identifies an interaction between human beings and water, air, noise, climate, landscape and traffic. In terms of the interaction between human beings and climate it is put forward in the EIS that the proposal will result in an overall reduction in emissions of greenhouse and acidifying gases as the Biogas produced is a renewable energy and displaces the use of fossil fuel. It is also concluded that the air quality will improve significantly as a result of the production and spreading of digestate as opposed to traditional land spreading of pig manure.

With regard to the other interactions it is submitted that subject to implementation of mitigation measures no negative interaction is anticipated.

Flora and Fauna and Water

The spreading of digestate has the potential to impact on water quality and therefore it is essential that correct procedures for land spreading are followed.

Other interactions examined in the EIS are:

- between flora and fauna and landscape
- between soils and geology and water
- between soils and geology and cultural heritage
- between air and climate
- between air and traffic
- between traffic and noise

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The EIS finds no significant interactions between these factors.

Assessment of the likely significant effects identified, having regard to the mitigation measures

I consider the revised EIS, submitted on 24/05/2013, complies with Article 94 of the Planning and Development Regulations, 2001, as amended. It is considered that the submitted EIS identifies and adequately describes the direct and indirect effects on the environment of the proposed development and the interaction between the factors. There is an adequate summary of the EIS in non-technical language and an adequate description of alternative sites examined.

The nature of the development is such that the significant potential impacts are related to water quality, traffic, and odour. The EIS includes appendices covering water quality (Attachment 4) geological and hydro-geological report (Attachment 8), traffic impact assessment (Attachment 13).

I have considered these impacts and the proposed mitigation measures above. I also note the reports of the Area Engineer, Environmental Department, Council Archaeologist and Council Heritage Officer and their assessment of the submitted EIS and the likely risks to the relevant factors. I conclude that the nature of the impacts arising are amenable to mitigation and that the residual impacts arising can be assessed as not significant.

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Appropriate Assessment

An Appropriate Assessment Screening is included with the EIS under Attachment 6. The subject site is located 111m west of the SAC and SPA (measured from the site boundary to the Natura 2000 sites). The primary sources of potential impact arising from the proposed development are identified by the Heritage Officer as impacts on water quality and impacts on local biodiversity.

The Council's Heritage Officer's report includes a Habitats Directive Screening Report on the potential of the proposed development to impact on Courtmacsherry Estuary SAC (Site Code 001230) and Courtmacsherry Bay SPA (Site Code 004219).

In terms of potential impacts during construction the Heritage Officer notes that the applicants' propose a range of measures to manage surface water, protect water quality and deal with accidental spills. The report recommends specific conditions be attached to any decision to grant permission in order to ensure the protection of water quality during construction and these are included in the recommended schedule.

Potential impacts on water quality during operation of the proposed development have been identified as negligible on the grounds that no surface water or soiled water will discharge to ground water. The Heritage Officer's report also notes that the spreading of digestate in accordance with the Nitrates Regulations and Good Agricultural and Environmental Conditions (GAEC) should ensure the integrity of river water and ground water in the area.

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The Heritage Officer is satisfied, based on the submitted information and aerial photographs, that the proposed development avoids habitats of biodiversity value as the land take will be mainly on an existing barely field.

A detailed review and assessment of the proposed development, submitted AA Screening and EIS has been undertaken by the Heritage Officer and his report concludes that the potential for impacts on Courtmacsherry Estuary SAC (Site Code 001230) and Courtmacsherry Bay SPA (Site Code 004219) can be screened out.

Impacts on Built Heritage and Visual Impacts

The proposed development is close to the Zone of Archaeological Potential around the Recorded Archaeological Monument 136-019 (Shell Midden) and within the demesne of CO136-16 - County house (Barryshall House). The EIS includes an Archaeological Report (Attachment 7) and Visual Impact Assessment (Attachment 22) of the proposed development.

The maximum height of the proposed biogas complex is 18.7m (Digestser 1) with the proposed complex located c. 150m south east of Barryshall House. The report of the Council' Archaeologist dated 28/06/2013 concludes that the proposed development is adequately screened with mature trees and will have minimal visual impact on views to and from Barryshall House. The proposed retention of an historic estate wall on the NE and SW boundary is noted and additional planting proposals set down in Attachment 22 can be included as a condition attached to any decision to grant permission.

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It is noted that the Archaeologist's report of 27/03/2013 states that the Archaeology report submitted with the EIS is comprehensive and demonstrates that there is no early archaeology within the site of the proposed development.

The proposed development is set back from the public and benefits from existing mature tree screening. The height of the main digester is 18.7m which cannot be entirely screened. However it is proposed by the applicants to minimize the visual impact of this element by means of additional screen planting and careful selection of external finishes to the development. Having regard to the submitted Visual Impact Assessment and Archaeological Report, to the report of the Council's Archaeologist and having visited the site, I am satisfied that the proposed development will not impact unduly on the Recorded Monuments in the vicinity of the site or on the visual amenities of the area.

Traffic

The revised EIS is based on all organic matter for the biogas facility being delivered by road and includes an amended Traffic Impact Assessment (Attachment 13). The applicants have clarified that the proposed biogas facility and concurrent proposal for a large glasshouse development (recently permitted under Reg. Ref. 13/90) will generate a combined total of 111 daily vehicular movements (222 movements in and out). This figure amounts to a 15-20% increase of traffic on this local road.

The applicants have established that road widening in the vicinity of the site is not a viable option due to the existing historic walls which it is agreed should be retained. The A/E is satisfied with the alternative proposals to ensure that vegetation is kept trimmed back during the appropriate period and with the road improvements proposed in the TIA

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(drawing no. 33). The A/E recommends a condition requiring a special development contribution for improvements to the road width of the stretch of road from Ballinadroum Bridge to the petrol station in Timoleague which will be part of the main haul route to the site. The estimated cost of improvements is stated to be €75,000 and on this basis the A/E recommends a special development contribution of €35,000.

Noise and Odour

These issues are dealt with in the EIS submitted on 24/05/2013. In terms of odour there should be a positive improvement in air quality through the reduction in odour from traditional land spreading methods which will be replaced by the spreading of digestate produced by the proposed facility.

The EIS includes a Noise Monitoring Report (Attachment 5) which concludes that the distance of the proposed development from the public road and the nearest dwelling will ensure that the facility is not a source of noise nuisance at local noise sensitive areas and that noise emissions from the facility will not be audible outside the site boundary.

It is noted that the Environmental Officer's report dated 08/07/2013 is satisfied that these issues have been dealt with satisfactorily.

CONCLUSION AND RECOMMENDATION

Having considered the submitted documentation including the revised EIS and Appropriate Assessment Screening, the internal reports and external submissions and having regard to the provisions of the Cork County Development Plan 2009 and Local Area Plan 2011 and taking into account national and local policies governing waste management and renewable energies the proposed development is considered to be acceptable and permission is recommended.

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Special Development Contribution for road widening between Ballinadroum Bridge and the Petrol Station in Timoleague €35,000

On the basis of the above assessment, I recommend PERMISSION in accordance with the proposed conditions given below:

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Conclusion

Grant

Conditions/Reasons

No.	Condition	Reason
1	The proposed development shall be carried out in accordance with plans and particulars lodged with the Planning Authority on 14/02/2013, Further Information received on 24/05/2013 and unsolicited Further Information received on 02/04/2013 and 23/07/2013 save where amended by the terms and conditions herein.	In the interests of clarity.
2	Before development commences, details of the materials, colours and textures of all external finishes to the proposed development shall be submitted and agreed in writing with the Planning Authority. In this regard, sample panels of the materials, colours and textures of all the external finishes shall be erected on site for inspection by the Planning Authority during its consideration of the relevant submission.	In the interests of visual amenity.
3	The site shall be landscaped in accordance with Attachment 14 of the revised EIS submitted to the Planning Authority on 24/05/2013. The said scheme shall be carried out in the first planting season following completion of the proposed structures.	In the interests of visual amenity.
4	Before development commences, the developer shall provide, to the satisfaction of the Planning Authority, security in the amount of €4000 to guarantee the satisfactory completion of tree and shrub planting and all other landscaping	To ensure the satisfactory completion of the development.

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	proposals for the site as required by Condition NO.3 The sum lodged pursuant to this condition shall be refunded only when it is certified by the Planning Authority that the planting and landscaping have been completed to its satisfaction.	
5	The developer shall adhere to the mitigation measures and environmental practices outlined in the Evironmental Imapct Statement received by the Planning Authority on 24/04/2013.	To ensure that no ecological damage occurs within Courtmacsherry Estuary Special Area of Conservation and Courtmacsherry Bay Special Protection Area.
6	Noise levels emanating from the proposed development when measured at noise sensitive receptors shall not exceed 55dBA (30 minute Leq) between 08.00 hours and 18.00 hours, and shall not exceed 45 dBA (15 min Leq) at any other time. All sound measurements shall be carried out in accordance with ISO Recommendations R 1996, "Assessment of Noise with Respect to Community Response" as amended by ISO Recommendations R 1996/1, 2 and 3, "Description and Measurement of Environmental Noise", as appropriate." If noise contains a discrete, continuous tone (whine, hiss screech, hum etc.), or if there are distinctive impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of + 5dbA will be applied to the measured noise level and this increased level shall be used in checking compliance with the specified levels.	To protect the local environment.
7	Any oil storage tanks area, chemical storage, drum storage area shall be rendered impervious to the materials stored therein. In addition, storage tank areas shall be bunded, either locally or remotely, to a volume of 110% of the largest tank within each individual bunded area. Drum	To protect the local environment.

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	storage areas shall be bunded to a volume equal to 110% of the sum of the volumes of the largest five drums likely to be stored therein. The height of the bund for any drum storage area shall be not less than 300 millimetres.	
8	A Construction Management Plan incorporating the water protection measures outlined in the planning application shall be submitted to and agreed by the Planning Authority prior to the commencement of any construction works.The Construction Management Plan shall set out the construction phases.	To ensure the protection of water quality during the construction phase.
9	Construction activities shall be carried out in accordance with good practise as set out in CIRIA Guidelines Control of Water Pollution From Construction Sites – Guide to Good Practice.	Protection of water quality.
10	The Intergrated Constructed Wetland shall be constructed prior to the construction of the Anaerobic Digester.	To ensure protection of water quality.
11	Entrance shall be recessed a minimum of 4.5m from front boundary fence and side walls shall be splayed at an angle of 45 dgs. and walls and piers shall not exceed a height of 1m over the level of the adjoining public road.	To provide proper sight distance for emerging traffic in the interests of road safety.
12	Entrance recess between public road edge and entrance gate shall be set level with public road surface edge to the Planning Authority's satisfaction and shall not extend beyond road surface edge.	In the interests of road safety.
13	Side walls and piers of entrance shall be of local natural stone or sod and stone construction.	In the interests of visual amenity.
14	Gates shall open inwards.	In the interests of road safety.
15	Sight distances of 120 metres, in both directions, at a point 4.5 metres back from the edge of the public road shall be provided in the centre of the vehicular entrance to the satisfaction of the Planning Authority prior to the commencement of any other	In the interests of road safety.

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	development on site.	
16	Vegetation or any structure shall not exceed lm in height within the sight distance triangle.	To provide proper sight distance for emerging traffic in the interests of road safety.
17	Details of the treatment of the front boundary of the site shall be agreed in writing with the Planning Authority before development commences and shall be designed to ensure sightlines at the entrance are maintained.	In the interests of road safety.
18	Existing inlets or drains taking surface water from the public road into the site shall be preserved and maintained.	To prevent flooding of the public road.
19	The developer shall provide and lay a concrete/upvc surrounded in concrete pipe drain of not less than 225 mm minimum internal diameter under the entrance from the public road, to the satisfaction of the Planning Authority.	To maintain proper roadside drainage and to prevent the flooding of the public road.
20	The developer shall ensure the provision of an adequate supply of potable water to serve the development.	In the absence of a public supply it is the developer's responsibility to provide an adequate water supply.
21	All surface water run-off from roofs, entrances and parking areas shall be collected and disposed of within the site to Integrated Constructed Wetland and adjacent watercourse as per submitted details and to the satisfaction of the Planning Authority. Surface water run-off from the site shall not be allowed to flow onto the public roadway, or to adjoining properties. A hydrocarbon interceptor is to be included in the system prior to disposal to watercourse. A monitoring procedure and record to be put in operation.	To prevent flooding and in the interests of public health.
22	A leak detection monitoring programme shall be implemented for the protection of groundwater. Monitoring points shall be installed as per submitted schedule . Storage tanks to have adequate bunding and freeboard with alarms. An emergency response plan to be in place and activated as necessary. The storage lagoons to be certified	To prevent water pollution.

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	in accordance with Department of Agriculture Food and Marine requirements. Loading and unloading of liquid waste to take place at bunded locations.	
23	All over ground tanks containing fuels shall be contained in a waterproof bunded area, the capacity of the bund is to be the greater of the following; 110% of the largest tank size or 25% of total volume stored in the bunded area. All valves on the tank shall be contained within the bunded area. The bunded area shall be fitted with a locking valve that shall be opened only to discharge storm water. The developer shall ensure that this valve is locked at all times	To prevent water pollution
24	No material from the site or the proposed development shall be carried onto the public road by wheels of vehicles exiting the site.	To safeguard the amenities of the area
25	Any land drains shall be stopped at least 10m on the upstream side of the facility and diverted around to re-connect with the drainage system at least 10m on the downstream side of the facility.	To prevent water pollution
26	Construction Stage operations on site shall be carried out in such a manner as to ensure that no polluting material or contaminated surface waters enters any watercourse or public roadway on site.	To protect the adjacent watercourses
27	All site operations shall be carried out in such a manner as to ensure that no odour or dust nuisance occurs off site. No burning of waste material shall take place on site.	To safeguard the amenities of the area
28	All solid wastes arising on the site during construction shall be recycled as far as possible. Materials exported from the site for recovery, recycling or disposal shall be managed at an approved facility and in such a manner to be agreed with the Planning Authority. Adequate on site arrangements shall be made to the satisfaction of the Planning Authority for the	To promote orderly development

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	storage of recyclable materials prior to collection.	
29	There shall be no interference with, bridging, draining or culverting of any watercourse, their banks or bankside vegetation and there shall be no abstraction from surface waters to facilitate the proposed development.	In order to protect watercourses in the vicinity of the site.

A. O'Keeffe

Annie O'Keeffe
25/07/2013

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SENIOR EXECUTIVE PLANNER'S REPORT
FURTHER INFORMATION ASSESSMENT

APPLICATION NO.	00083/13
APPLICANT	Timoleague Agri Gen Ltd
DESCRIPTION	Construct a Biogas Plant consisting of 2no. Digester Tanks, 2no. validation Tanks, 1no. Homogenising tank, 3no. Geo-Membrane lined manure storage tanks, 1no. Fibre Store, 1no. Feed Tank, Reception Building, Plant Building, Pasteurisation Tanks, Weighbridge and associated site works including an Integrated Constructed Wetlands to produce renewable energy and fertilizer
LOCATION	Barry's Hall Timoleague Bandon Co. Cork
DUE DATE	29/07/2013

Senior Executive Planner

I note the further information submitted, including the revised EIS and the supplementary inter-departmental reports. I also note the unsolicited further information submitted on 23/07/13 and the revised report of the Environment Officer (dated 25/07/13) in response to this information.

Having regard to the Planning and Development Regulations 2001, as amended and s.176 of the Planning and Development Act, 2000 (as amended by Planning and Development Act, 2010), the Area Planner has set out in detail the assessment of the revised EIS and its adequacy in respect to the effects on the environment of the proposed development. I concur with the conclusion of the Area Planner that the revised EIS identifies and describes adequately the direct and indirect effects on the environment of the proposal.

The Area Planner has assessed the application and has concluded that the proposed development is considered to be acceptable and permission is recommended. On the basis of the policies and objectives of the Cork County Development Plan, 2009 and Skibbereen Electoral Area Local Area Plan, 2011, the interdepartmental reports, including those of the Heritage and Environment Officers, the revised EIS and the conclusion of the Habitats Directive Screening report, I agree with this recommendation.

Permission is, thus, recommended as set out in the report of the Area Planner, dated 25/07/13 including the attachment of a special contribution of €35,000 for road widening between Ballinadroum Bridge and the Petrol Station in Timoleague, as recommended by the Area Engineer.

G.O'Mahony
Senior Executive Planner
25/07/13

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Conclusion

Grant Application

Conditions/Reasons

No.	Condition	Reason
1	The proposed development shall be carried out in accordance with plans and particulars lodged with the Planning Authority on 14/02/2013, Further Information received on 24/05/2013 and unsolicited Further Information received on 02/04/2013, 23/07/2013 and 04/06/13, save where amended by the terms and conditions herein.	In the interests of clarity.
2	Before development commences, details of the materials, colours and textures of all external finishes to the proposed development shall be submitted and agreed in writing with the Planning Authority. In this regard, sample panels of the materials, colours and textures of all the external finishes shall be erected on site for inspection by the Planning Authority during its consideration of the relevant submission.	In the interests of visual amenity.
3	The site shall be landscaped in accordance with Attachment 14 'Landscaping Proposals' of the revised EIS submitted to the Planning Authority on 24/05/2013. The said scheme shall be carried out in the first planting season following completion of the proposed structures.	In the interests of visual amenity.
4	Before development commences, the developer shall provide, to the satisfaction of the Planning Authority, security in the amount of €4000 to guarantee the satisfactory completion of tree and shrub planting and all other landscaping proposals for the site as required by Condition NO.3 The sum lodged pursuant to this condition shall be	To ensure the satisfactory completion of the development.

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	refunded only when it is certified by the Planning Authority that the planting and landscaping have been completed to its satisfaction.	
5	The developer shall adhere to the mitigation measures and environmental practices outlined in the Evironmental Imapct Statement received by the Planning Authority on 24/05/2013.	To ensure that no ecological damage occurs within Courtmacsherry Special Area of Conservation and Special Protection Area.
6	Noise levels emanating from the proposed development when measured at noise sensitive receptors shall not exceed 55dBA (30 minute Leq) between 08.00 hours and 18.00 hours, and shall not exceed 45 dBA (15 min Leq) at any other time. All sound measurements shall be carried out in accordance with ISO Recommendations R 1996, "Assessment of Noise with Respect to Community Response" as amended by ISO Recommendations R 1996/1, 2 and 3, "Description and Measurement of Environmental Noise", as appropriate." If noise contains a discrete, continuous tone (whine, hiss screech, hum etc.), or if there are distinctive impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of + 5dbA will be applied to the measured noise level and this increased level shall be used in checking compliance with the specified levels.	To protect the local environment.
7	Any oil storage tanks area, chemical storage, drum storage area shall be rendered impervious to the materials stored therein. In addition, storage tank areas shall be bunded, either locally or remotely, to a volume of 110% of the largest tank within each individual bunded area. Drum storage areas shall be bunded to a volume equal to 110% of the sum of the volumes of the largest five	To protect the local environment.

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	drums likely to be stored therein. The height of the bund for any drum storage area shall be not less than 300 millimetres.	
8	A Construction Management Plan incorporating the water protection measures outlined in the planning application shall be submitted to and agreed by the Planning Authority prior to the commencement of any construction works.The Construction Management Plan shall set out the construction phases.	To ensure the protection of water quality during the construction phase
9	Construction activities shall be carried out in accordance with good practise as set out in CIRIA Guidelines Control of Water Pollution From Construction Sites – Guide to Good Practice.	Protection of water quality
10	The Intergrated Constructed Wetland shall be constructed prior to the construction of the Anaerobic Digester.	To ensure protection of water quality
11	Entrance shall be recessed a minimum of 4.5m from front boundary fence and side walls shall be splayed at an angle of 45 dgs. and walls and piers shall not exceed a height of 1m over the level of the adjoining public road.	To provide proper sight distance for emerging traffic in the interests of road safety.
12	Entrance recess between public road edge and entrance gate shall be set level with public road surface edge to the Planning Authority's satisfaction and shall not extend beyond road surface edge.	In the interests of road safety.
13	Side walls and piers of entrance shall be of local natural stone or sod and stone construction.	In the interests of visual amenity.
14	Gates shall open inwards.	In the interests of road safety.
15	Sight distances of 120 metres, in both directions, at a point 4.5 metres back from the edge of the public road shall be provided in the centre of the vehicular entrance to the satisfaction of the Planning Authority prior to the commencement of any other development on site.	In the interests of road safety.
16	Vegetation or any structure shall not exceed lm in height within the	To provide proper sight distance for emerging traffic in the interests of

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	sight distance triangle.	road safety.
17	Details of the treatment of the front boundary of the site shall be agreed in writing with the Planning Authority before development commences and shall be designed to ensure sightlines at the entrance are maintained.	In the interests of road safety.
18	Existing inlets or drains taking surface water from the public road into the site shall be preserved and maintained.	To prevent flooding of the public road.
19	The developer shall provide and lay a concrete/upvc surrounded in concrete pipe drain of not less than 225 mm minimum internal diameter under the entrance from the public road, to the satisfaction of the Planning Authority.	To maintain proper roadside drainage and to prevent the flooding of the public road.
20	The developer shall ensure the provision of an adequate supply of potable water to serve the development.	In the absence of a public supply it is the developer's responsibility to provide an adequate water supply.
21	All surface water run-off from roofs, entrances and parking areas shall be collected and disposed of within the site to Integrated Constructed Wetland and adjacent watercourse as per submitted details and to the satisfaction of the Planning Authority. Surface water run-off from the site shall not be allowed to flow onto the public roadway, or to adjoining properties. A hydrocarbon interceptor is to be included in the system prior to disposal to watercourse. A monitoring procedure and record to be put in operation.	To prevent flooding and in the interests of public health.
22	A leak detection monitoring programme shall be implemented for the protection of groundwater. Monitoring points shall be installed as per submitted schedule . Storage tanks to have adequate bunding and freeboard with alarms. An emergency response plan to be in place and activated as necessary. The storage lagoons to be certified in accordance with Department of Agriculture Food and Marine requirements. Loading and	To prevent water pollution.

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	unloading of liquid waste to take place at bunded locations.	
23	All over ground tanks containing fuels shall be contained in a waterproof bunded area, the capacity of the bund is to be the greater of the following; 110% of the largest tank size or 25% of total volume stored in the bunded area. All valves on the tank shall be contained within the bunded area. The bunded area shall be fitted with a locking valve that shall be opened only to discharge storm water. The developer shall ensure that this valve is locked at all times	To prevent water pollution
24	No material from the site or the proposed development shall be carried onto the public road by wheels of vehicles exiting the site.	To safeguard the amenities of the area
25	Any land drains shall be stopped at least 10m on the upstream side of the facility and diverted around to re-connect with the drainage system at least 10m on the downstream side of the facility.	To prevent water pollution
26	Construction Stage operations on site shall be carried out in such a manner as to ensure that no polluting material or contaminated surface waters enters any watercourse or public roadway on site.	To protect the adjacent watercourses
27	All site operations shall be carried out in such a manner as to ensure that no odour or dust nuisance occurs off site. No burning of waste material shall take place on site.	To safeguard the amenities of the area
28	All solid wastes arising on the site during construction shall be recycled as far as possible. Materials exported from the site for recovery, recycling or disposal shall be managed at an approved facility and in such a manner to be agreed with the Planning Authority. Adequate on site arrangements shall be made to the satisfaction of the Planning Authority for the storage of recyclable materials prior to collection.	To promote orderly development
29	There shall be no interference with,	In order to protect watercourses in

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	bridging, draining or culverting of any watercourse, their banks or bankside vegetation and there shall be no abstraction from surface waters to facilitate the proposed development.	the vicinity of the site.
30	At least one month before commencing development or at the discretion of the Planning Authority within such further period or periods of time as it may nominate in writing, the developer shall pay a special contribution of €35000.00 to Cork County Council, updated monthly in accordance with the Consumer Price Index from the date of grant of permission to the date of payment, in respect of specific exceptional costs not covered in the Council's General Contributions Scheme, in respect of works proposed to be carried out, for the provision of DESCRIPTION The payment of the said contribution shall be subject to the following: : - (a) where the works in question— (i) are not commenced within 5 years of the date of payment of the contribution (or final instalment if paid by phased payment), (ii) have commenced but have not been completed within 7 years of the date of payment of the contribution (or final instalment if paid by phased payment), or (iii) where the Council has decided not to proceed with the proposed works or part thereof, the contribution shall, subject to paragraph (b) below, be refunded to the applicant together with any interest which may have accrued over the period while held by the Council. (b) Where under sub-paragraphs (ii) or (iii) of paragraph (a) above, any local authority has incurred expenditure within the required period in respect of a proportion of the works proposed to be carried out, any refund shall be in proportion to those proposed works	It is considered appropriate that the developer should contribute towards these specific exceptional costs, for works which will benefit the proposed development.

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	which have not been carried out. (c) payment of interest at the prevailing interest rate payable by the Council's Treasurer on the Council's General Account on the contribution or any instalments thereof that have been paid, so long and in so far as it is or they are retained unexpended by the Council.	

G. O'Mahony

Geraldine O'Mahony
25/07/2013

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APPLICATION NO.	13/00083
APPLICANT	Timoleague Agri Gen Ltd
DESCRIPTION	Construct a Biogas Plant consisting of 2no. Digester Tanks, 2no. validation Tanks, 1no. Homogenising tank, 3no. Geo-Membrane lined manure storage tanks, 1no. Fibre Store, 1no. no Feed Tank, Reception Building, Plant Building, Pasteurisation Tanks, Weighbridge and associated site works including an Integrated Constructed Wetlands to produce renewable energy and fertilizer
LOCATION	Barry's Hall Timoleague Bandon Co. Cork
DECISION DUE DATE	10/04/2013

Assessment

Senior Executive Planner

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I note the comprehensive report of the Area Planner and the reports from the Area Engineer (04/04/13), Archaeological Officer (27/03/13), Environment Officers (03/04/13 & 09/04/13) and Heritage Officer (09/04/13).

As set out in the public notices, the applicant is seeking permission for a development described as follows: 'Construct a Biogas Plant consisting of 2 no. digester tanks, 2 no. validation tanks, 1 no. homogenising tank, 3 no. geo-membrane lined manure storage tanks, 1 no. fibre store, 1 no. no Feed Tank, Reception Building, Plant Building, Pasteurisation Tanks, Weighbridge and associated site works including an Integrated constructed wetlands to produce renewable energy and fertilizer'. An EIS accompanies the subject application in addition to a Stage 1 screening report. No pre-planning consultations were held with the applicant in regard to the subject proposal.

The proposed development would be located within a predominately agricultural area close to the village of Timoleague. The site is located to the east of Barryshall House and forms part of an extended field which is bounded to the north by an existing stone wall and a stand of deciduous trees. The site is elevated above the adjacent local road L-4021-0 which runs to the east of the site. An existing meat processing plant, 'Stauntons Meats' is located close to the site (north-east). Courtmacsherry Estuary Special Area of Conservation (SAC site code001230) and Courtmacsherry Bay Special Protection Area (SPA site code004219) are located west of the site of the proposal (approx. 100m).

The biogas facility would be fuelled by pig manure from an adjacent piggery which would be supplemented by additional organic material which would be delivered by truck to the site. The EIS states that it is proposed to move the fresh pig manure from the piggery to the biogas facility by means of sealed pipes. No reference to the pipe or its route has been made in the public notices and no details of the sealed pipes, selected pipe route and landowner consent(s) have been provided in the application documentation. The EIS notes that it is proposed to abstract water from an existing well on the landholding (estimated abstraction rate of 7.6m3 per day) with surface roof water to be channeled to an existing stream on site which drains into Courtmacsherry Bay and storm water to be routed to an integrated constructed wetland (4 ponds) which, in turn, will discharge into the stream.

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Having visited the site and having examined both the application documentation and accompanying EIS, there are a number of significant deficiencies with the development as currently proposed. As set out in detail in the report of the Area Planner, these deficiencies relate to the description of the development in the public notices and the premise of the EIS being based on the acceptance of approx.47% of total material to the AD facility by means of a sealed pipe from an adjacent piggery which has not been included in the public notices or within the application site (red boundary). The pipe cannot, therefore, be considered as part of the current application.

The conclusions of the EIS in respect to significant affects on the environment may, therefore, be deficient as the EIS conclusions are based on minimal impacts, including low odour and low predicted traffic movements impact, arising from the delivery of almost half of all material to the AD facility by pipe. The traffic impact assessment is also based on the assumption of c.53% of total material arriving to the site by truck. On exclusion of the 'piped' delivery of pig manure, there is the potential for significant odour nuisance and traffic impacts/ safety implications. The EIS should, therefore, be revised to examine the potential for adverse impacts on the surrounding area and its amenities and demonstrate appropriate mitigation measures.

The absence of any detail relating to proposed energy generation and the consideration of alternative sites in the EIS is also significant.

In addition, there are numerous typographical errors throughout the EIS including incorrect site area, the interchangeable use of tonnage and cubic metre volumes, errors in the exact volumes of material to be accepted and incorrect labeling of roads in the EIS. The TIA prepared for the EIS indicates that the development would give rise to a predicted traffic generation equivalent to 10% additional traffic based on an imported capacity of 24,000 tonnes per annum (this figure excludes the additional capacity to be sourced from piped manure) equating to the generation of 50 trip movements per day. The EIS description of proposed development states a figure of 25 imported loads of feedstock per week (page 42), 24 imported loads per week in section 7.4 (page 52) and additional exported off-site loads of 36 per week (page 52). The non-technical summary states 10-15 loads per week based on an operating capacity of 25,000m3 (page 12).

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The Area Engineer and Agricultural Officer have both requested further information and the Heritage Officer has stated that an assessment of the potential impacts on the SAC and SPA cannot be completed until the issues raised by the Environment Officer are addressed. Having regard to the inconsistencies contained in the EIS and its deficiencies in respect of providing sufficient information in relation to key impacts, further information should be sought as set out in the report of the Area Planner dated 05/04/13.

G.O'Mahony
Senior Executive Planner
09/04/13

Further Information Request
It is considered that the information submitted with the application is not sufficient to enable the Planning Authority to make a decision in this case. This is because of:

- concerns about the adequacy of the EIS
- concerns about possible impact on nearby Natura 2000 sites
- concerns about possible impact on nearby Recorded Monuments

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- lack of clarity about the process and raw material input
- inconsistencies and discrepancies in the submitted documents

Therefore, in order to enable the Planning Authority give further consideration to the case, you are requested to provide six copies of the following further information:

1. The EIS refers throughout to the proposed piping of pig manure to the Biogas facility from Mr O'Donovan's pig unit to the north. However, no reference is made to such a pipeline in the submitted public notices, no details of the proposed pipeline have been submitted and the written consent of relevant landowners has not been submitted.
   The Planning Authority is, therefore, precluded from considering a slurry pipeline as part of the proposed development. Consequently, the required pig manure will need to be delivered to the facility by road. A fully revised EIS is, therefore, required based on ALL organic raw material arriving to the facility by road. A revised traffic impact assessment shall be submitted based on the combined impacts of the development proposed under 13/83 and 13/90.
   The revised EIS should also include a 6 inch site location map identifying all residential dwellings within a 500m radius of the proposed development.

2. The description in the EIS of the main alternatives considered and the main reasons for the choice, taking into account the effects on the environment, is inadequate. You are requested to provide precise details of the main alternatives considered, including details and location of alternative sites and indicate the main reasons why these alternatives were rejected and why the subject site was selected.

3. The site area is referred to as 1.73ha, 2.26ha, 3.67ha. Please clarify the precise site area.

4. The EIS interposes m3 with tonnes. Please clarify the total organic matter in both tonnes and m3 and indicate the breakdown between pig manure and other organic matter in both tonnes and m3 (including per annum details).

5. There is a lack of detail regarding how it is proposed to convert the biogas produced into energy both to supply energy to the facility and to export excess power to the grid as is the stated intention of the facility. Please submit detailed information regarding this process and also indicate how the biogas generated is intended to be stored on site.

6. Please indicate the estimated level of projected heat and energy production. The applicant should indicate how it is proposed to connect to the national grid and submit details of consultation with the relevant energy supply network.

7. It is noted that the Description of Development submitted under concurrent application 13/90 states that 1.2W of heat and CO2 from this biogas facility will be provided to the proposed glasshouse facility. The current application, however, makes no reference to exporting power to the development currently proposed on the adjacent site. Please clarify whether it is intended to power the glasshouse sought under 13/90 with power generated by the proposed biogas facility.

8. The EIS states that the facility will be accessed from Regional road R601. This is incorrect as access is from local road L-4021-0. The EIS also indicates contradictory levels of traffic movements - referred to as 10-15 per week in the non-technical summary and 25 loads per week in section 6.9. Please

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clarify the total predicted number of daily traffic movements at the site and relate this to the maximum operating capacity (tonnes & m3 per annum). The revised details should take into account all organic matter arriving to the site by road.

9. Submit a visual impact assessment of the impact of the proposed development on Barryshall House (CO136-016). Views to and from Barryshall House shall be assessed in the context of the proposed development and views from all adjacent roads and approach roads to the house shall be assessed in relation to the impact of the proposed works on the house. The visual assessment shall include a 3D photomontage or annotated photomontage overlaid with the proposed development. The location from which photographs were taken shall be clearly indicated.

10. Submit a detailed landscaping site layout plan indicating the location and height of the proposed berms. Details of numbers and species of tree planting on top of the berms shall be submitted. Clarification is also required as to whether it is intended to retain the existing mature trees and historic wall along the northern site boundary.

11. Submit proposals for improving public road width adjoining the site. This should include a consideration of carrying out works to improve road width in the section of land in the control of the applicant between the proposed entrance and Ballinadroum Bridge and agreement to cede the land to Cork County Council for any works that may be required to improve road width. It would be envisaged that there would be a road surface width of 7.3m with associated watertables, drainage and boundary treatment.

12. Submit clarification of surface water discharge route and monitoring chamber SW1 location.

13. Indicate noise monitoring locations.

14. Submit details of other organic wastes which are to be accepted at the facility.

15. Submit approx. quantities of pig manure and each other organic waste which are to be accepted at the facility annually.

16. Submit details of any quality controls to put in place for feedstock materials and the handling of out-of-specification batches.

17. Clarify whether pig manure or liquid digestate is to be stored in the proposed uncovered geomembrane lined basins and proposals for the mitigation of odour from these storage basins.

18. Submit confirmation that the construction, certification and leak detection systems for the geomembrane lined basins shall comply with the Department of Agriculture & Food specification S126 of Nov '02: Minimum Specification for Geomembrane Lined Slurry/Effluent Stores, and Ancillary Works.

19. Submit details of all products, by-products and wastes likely to be produced in the facility and how it is proposed to dispose of wastes. Is there to be a flare-off facility to burn off low grade or surplus gas?

20. Submit details of all measures to be put in place for the control of noise, odour and dust from the proposed facility.

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21. Submit details of external bunding or other measures for the containment of uncontrolled discharges from overground tanks.

The applicants are advised that the formal response to this request for FI is likely to be deemed to be significant.

This request for further information is without prejudice to any decision the Council may make, either to refuse or to grant permission, with or without conditions. It should be noted that the appropriate period for determining the application will only commence form the date that this request for further information is complied with. Please also note that your application will be deemed to be withdrawn if all the further information as requested above is not submitted **within 6 months** of the date of this letter.

Conclusion

Defer Application

Conditions/Reasons

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Geraldine O'Mahony

09/04/2013

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CORK COUNTY COUNCIL

ORDER NO: WCP/13/275 **O.S. NO.** CK 136 - 02

SUBJECT: Application Reg. Ref. No. 13/00083

for: Construct a Biogas Plant consisting of 2no. Digester Tanks, 2no. Validation Tanks, 1no. Homogenising Tank, 3no. Geo-Membrane lined manure storage tanks, 1no. Fibre Store, 1no. Feed Tank, Reception Building, Plant Building, Pasteurisation Tanks, Weighbridge and associated site works including an Integrated Constructed Wetland to produce renewable energy and fertilizer

at: Barry's Hall
Timoleague
Bandon
Co. Cork

ORDER: **Conditional Permission** is hereby GRANTED subject to the provision of Subsection 11 of Section 34 of the Planning and Development Acts, 2000 - 2010 for the reason set out in the First Schedule attached hereto.

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to: Timoleague Agri Gen Ltd

of: c/o NRGE Ltd
Mooresfort
Lattin
Co. Tipperary

for: Construct a Biogas Plant consisting of 2no. Digester Tanks, 2no. Validation Tanks, 1no. Homogenising Tank, 3no. Geo-Membrane lined manure storage tanks, 1no. Fibre Store, 1no. Feed Tank, Reception Building, Plant Building, Pasteurisation Tanks, Weighbridge and associated site works including an Integrated Constructed Wetland to produce renewable energy and fertilizer

at: Barry's Hall, Timoleague, Bandon, Co. Cork

in accordance with plans and particulars lodged by the applicant on 14/02/2013, as amended on 02/04/2013, as amended on 24/05/2013, as amended on 04/06/2013, as amended on 23/07/2013 and subject to the conditions (30 no.) set out in the Second Schedule attached hereto.

The **Permission** is to be granted subject to the conditions provided no appeal is made to An Bord Pleanála within the statutory time for the making of such appeals.

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SIGNED:

James Fogarty
Divisional Manager

Dated this 29/07/2013

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FIRST SCHEDULE

Planning Ref. No. 13/00083

Having regard to the development plan objectives for the area and the pattern of development in this rural area, it is considered that subject to compliance with conditions attached in the Second Schedule, the proposed development would not seriously injure the amenities of the area and would not be prejudicial to public health and, therefore, would be in accordance with the proper planning and sustainable development of the area.

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SECOND SCHEDULE

No.	Condition	Reason
1	The proposed development shall be carried out in accordance with plans and particulars lodged with the Planning Authority on 14/02/2013, Further Information received on 24/05/2013 and 04/06/2013 and unsolicited Further Information received on 02/04/2013 and 23/07/2013, save where amended by the terms and conditions herein.	In the interests of clarity.
2	Before development commences, details of the materials, colours and textures of all external finishes to the proposed development shall be submitted and agreed in writing with the Planning Authority. In this regard, sample panels of the materials, colours and textures of all the external finishes shall be erected on site for inspection by the Planning Authority during its consideration of the relevant submission.	In the interests of visual amenity.
3	The site shall be landscaped in accordance with Attachment 14 'Landscaping Proposals' of the revised EIS submitted to the Planning Authority on 24/05/2013. The said scheme shall be carried out in the first planting season following completion of the proposed structures.	In the interests of visual amenity.
4	Before development commences, the developer shall provide, to the satisfaction of the Planning Authority, security in the amount of **€4,000** to guarantee the satisfactory completion of tree and shrub planting and all other landscaping proposals for the site as required by Condition No.3. The sum lodged pursuant to this condition shall be refunded only when it is certified by the Planning Authority that the planting and landscaping have been completed to its satisfaction.	To ensure the satisfactory completion of the development.
5	The developer shall adhere to the mitigation measures and environmental practices outlined in	To ensure that no ecological damage occurs within Courtmacsherry Special Area of

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	the Environmental Impact Statement received by the Planning Authority on 24/05/2013.	Conservation and Special Protection Area.
6	Noise levels emanating from the proposed development when measured at noise sensitive receptors shall not exceed 55dBA (30 minute Leq) between 08.00 hours and 18.00 hours, and shall not exceed 45 dBA (15 min Leq) at any other time. All sound measurements shall be carried out in accordance with ISO Recommendations R 1996, "Assessment of Noise with Respect to Community Response" as amended by ISO Recommendations R 1996/1, 2 and 3, "Description and Measurement of Environmental Noise", as appropriate." If noise contains a discrete, continuous tone (whine, hiss screech, hum etc.), or if there are distinctive impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of + 5dbA will be applied to the measured noise level and this increased level shall be used in checking compliance with the specified levels.	To protect the local environment.
7	Any oil storage tanks area, chemical storage, drum storage area shall be rendered impervious to the materials stored therein. In addition, storage tank areas shall be bunded, either locally or remotely, to a volume of 110% of the largest tank within each individual bunded area. Drum storage areas shall be bunded to a volume equal to 110% of the sum of the volumes of the largest five drums likely to be stored therein. The height of the bund for any drum storage area shall be not less than 300 millimetres.	To protect the local environment.
8	A Construction Management Plan incorporating the water protection measures outlined in the planning application shall be submitted to and agreed by the Planning	To ensure the protection of water quality during the construction phase.

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	Authority prior to the commencement of any construction works.The Construction Management Plan shall set out the construction phases.	
9	Construction activities shall be carried out in accordance with good practice as set out in CIRIA Guidelines Control of Water Pollution From Construction Sites – Guide to Good Practice.	To ensure protection of water quality.
10	The Intergrated Constructed Wetland shall be constructed prior to the construction of the Anaerobic Digester.	To ensure protection of water quality.
11	Entrance shall be recessed a minimum of 4.5m from front boundary fence and side walls shall be splayed at an angle of 45 dgs. and walls and piers shall not exceed a height of 1m over the level of the adjoining public road.	To provide proper sight distance for emerging traffic in the interests of road safety.
12	Entrance recess between public road edge and entrance gate shall be set level with public road surface edge to the Planning Authority's satisfaction and shall not extend beyond road surface edge.	In the interests of road safety.
13	Side walls and piers of entrance shall be of local natural stone or sod and stone construction.	In the interests of visual amenity.
14	Gates shall open inwards.	In the interests of road safety.
15	Sight distances of 120 metres, in both directions, at a point 4.5 metres back from the edge of the public road shall be provided in the centre of the vehicular entrance to the satisfaction of the Planning Authority prior to the commencement of any other development on site.	In the interests of road safety.
16	Vegetation or any structure shall not exceed lm in height within the sight distance triangle.	To provide proper sight distance for emerging traffic in the interests of road safety.
17	Details of the treatment of the front boundary of the site shall be agreed in writing with the Planning Authority before development commences and shall be designed to ensure sightlines at the entrance are maintained.	In the interests of road safety.
18	Existing inlets or drains taking surface water from the public road	To prevent flooding of the public road.

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	into the site shall be preserved and maintained.	
19	The developer shall provide and lay a concrete/upvc surrounded in concrete pipe drain of not less than 225mm minimum internal diameter under the entrance from the public road, to the satisfaction of the Planning Authority.	To maintain proper roadside drainage and to prevent the flooding of the public road.
20	The developer shall ensure the provision of an adequate supply of potable water to serve the development.	In the absence of a public supply it is the developer's responsibility to provide an adequate water supply.
21	All surface water run-off from roofs, entrances and parking areas shall be collected and disposed of within the site to Integrated Constructed Wetland and adjacent watercourse as per submitted details and to the satisfaction of the Planning Authority. Surface water run-off from the site shall not be allowed to flow onto the public roadway, or to adjoining properties. A hydrocarbon interceptor shall be included in the system prior to disposal to watercourse. A monitoring procedure and record shall be put in operation.	To prevent flooding and in the interests of public health.
22	A leak detection monitoring programme shall be implemented for the protection of groundwater. Monitoring points shall be installed as per submitted schedule. Storage tanks shall have adequate bunding and freeboard with alarms. An emergency response plan shall be in place and activated as necessary. The storage lagoons shall be certified in accordance with Department of Agriculture Food and Marine requirements. Loading and unloading of liquid waste shall take place at bunded locations.	To prevent water pollution.
23	All over ground tanks containing fuels shall be contained in a waterproof bunded area, the capacity of the bund shall be the greater of the following; 110% of the largest tank size or 25% of total volume stored in the bunded area. All valves on the tank shall be contained within the bunded area.	To prevent water pollution.

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	The bunded area shall be fitted with a locking valve that shall be opened only to discharge storm water. The developer shall ensure that this valve is locked at all times.	
24	No material from the site or the proposed development shall be carried onto the public road by wheels of vehicles exiting the site.	To safeguard the amenities of the area.
25	Any land drains shall be stopped at least 10m on the upstream side of the facility and diverted around to re-connect with the drainage system at least 10m on the downstream side of the facility.	To prevent water pollution.
26	Construction Stage operations on site shall be carried out in such a manner as to ensure that no polluting material or contaminated surface waters enters any watercourse or public roadway on site.	To protect the adjacent watercourses.
27	All site operations shall be carried out in such a manner as to ensure that no odour or dust nuisance occurs off site. No burning of waste material shall take place on site.	To safeguard the amenities of the area.
28	All solid wastes arising on the site during construction shall be recycled as far as possible. Materials exported from the site for recovery, recycling or disposal shall be managed at an approved facility and in such a manner to be agreed with the Planning Authority. Adequate on site arrangements shall be made to the satisfaction of the Planning Authority for the storage of recyclable materials prior to collection.	To promote orderly development.
29	There shall be no interference with, bridging, draining or culverting of any watercourse, their banks or bankside vegetation and there shall be no abstraction from surface waters to facilitate the proposed development.	In order to protect watercourses in the vicinity of the site.
30	At least one month before commencing development or at the discretion of the Planning Authority within such further period or periods of time as it may nominate	It is considered appropriate that the developer should contribute towards these specific exceptional costs, for works which will benefit the proposed development.

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	in writing, the developer shall pay a special contribution **of €37,500.00** to Cork County Council, updated monthly in accordance with the Consumer Price Index from the date of grant of permission to the date of payment, in respect of specific exceptional costs not covered in the Council's General Contributions Scheme, in respect of works proposed to be carried out, for the provision of road widening between Ballinadroum Bridge and the Petrol Station in Timoleague. The payment of the said contribution shall be subject to the following: : - (a) where the works in question— (i) are not commenced within 5 years of the date of payment of the contribution (or final instalment if paid by phased payment), (ii) have commenced but have not been completed within 7 years of the date of payment of the contribution (or final instalment if paid by phased payment), or (iii) where the Council has decided not to proceed with the proposed works or part thereof, the contribution shall, subject to paragraph (b) below, be refunded to the applicant together with any interest which may have accrued over the period while held by the Council. (b) Where under sub-paragraphs (ii) or (iii) of paragraph (a) above, any local authority has incurred expenditure within the required period in respect of a proportion of the works proposed to be carried out, any refund shall be in proportion to those proposed works which have not been carried out. (c) payment of interest at the prevailing interest rate payable by the Council's Treasurer on the Council's General Account on the contribution or any instalments thereof that have been paid, so long and in so far as it is or they are retained unexpended by the Council.	

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CORK COUNTY COUNCIL
Planning & Development Acts 2000 – 2010

Timoleague Agri Gen Ltd.,
c/o NRGE Ltd,
Mooresfort,
Lattin,
Co. Tipperary

Planning Register No: 13/00083

Application by: Timoleague Agri Gen Ltd

Of: **c/o NRGE Ltd, Mooresfort, Lattin, Co. Tipperary**

On: **14/02/2013, as amended on 02/04/2013, as amended on 24/05/2013, as amended on 04/06/2013, as amended on 23/07/2013**

For: **Construct a Biogas Plant consisting of 2no. Digester Tanks, 2no. Validation Tanks, 1no. Homogenising tank, 3no. Geo-Membrane lined manure storage tanks, 1no. Fibre Store, 1no. Feed Tank, Reception Building, Plant Building, Pasteurisation Tanks, Weighbridge and associated site works including an Integrated Constructed Wetland to produce renewable energy and fertilizer**

At: **Barry's Hall, Timoleague, Bandon, Co. Cork**

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Further to Notice dated the 30/07/2013 Cork County Council hereby conveys a grant of **Permission** for the application described above subject to the conditions set out in the schedule attached to the said Notice dated 30/07/2013 of its intention to grant **Permission**

Signed on behalf of Cork County Council

Margaret Corcoran

Margaret Corcoran
DATE: 03/09/2013

NOTE FOR GUIDANCE OF DEVELOPERS

A grant of Planning Permission or Permission Consequent on the grant of Outline Permission does NOT of itself empower a person to carry out a development unless that person is otherwise legally entitled to do so. Unless otherwise stated or unless it is revoked a Permission or Permission Consequent on the Grant of Outline Permission is valid for a period of five years.

Any development which takes place prior to the payment of a financial contribution required by any of the conditions attached to a Permission or Permission Consequent on the grant of Outline Permission will be unauthorized until compliance with the

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condition or conditions.

Please note that there is an onus on developers to ensure that there is no danger to the public as a result of the proposed development.

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Timoleague Agri Gen Ltd.,
c/o NRGE Ltd,
Mooresfort,
Lattin,
Co. Tipperary

03/09/2013

Re: ***Construct a Biogas Plant consisting of 2no. Digester Tanks, 2no. Validation Tanks, 1no. Homogenising tank, 3no. Geo-Membrane lined manure storage tanks, 1no. Fibre Store, 1no. Feed Tank, Reception Building, Plant Building, Pasteurisation Tanks, Weighbridge and associated site works including an Integrated Constructed Wetland to produce renewable energy and fertilizer***

At: ***Barry's Hall, Timoleague, Bandon, Co. Cork***

Reg. No. 13/00083

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A Chara,

I enclose grant of **Permission** in connection with the above.

Your attention is drawn to Condition Nos. 4 and 30 of the **Permission**, which require that before any work commences on the site, you pay financial contributions and a bond to the Council. Otherwise, the **Permission** granted is of no effect.

Is mise, le meas,

Margaret Corcoran

Margaret Corcoran
Senior Staff Officer

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Important Notice for Developers – Conditions Precedent

The enclosed grant of permission may not automatically entitle you to commence the authorised development. This is because many permissions contain "Conditions Precedent" i.e. conditions which must be complied with before development commences. (Such conditions usually contain the phrase 'before development commences' and may require further details to be submitted to and agreed with the Planning Authority). If there are such conditions on your permission please read on.

1) **Early Submission Of Details**

Where compliance proposals are required by condition you should make them as far in advance of your anticipated commencement date as possible. This is to enable adequate time for the Planning Authority to consider and, when satisfactory, agree the details. Such proposals may need to be revised before agreement can be reached or, in the absence of agreement, may need to be referred to An Bord Pleanala. These potential delays to starting a development can be mitigated by early submission of proposals in the first instance.

These is no statutory timeframe for responding to such compliance proposals and on an ongoing basis the Planning Authority will be dealing with other priorities including current Planning Applications with statutory decision deadlines. **Therefore submit as early as possible and do not commence development until agreement of the Planning Authority has issued in writing.**

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2) **Development Commenced In Advance of Compliance Proposals/Agreements**

Any development commenced in advance of full compliance with such conditions (including conditions requiring financial contributions, bonds, securities) is unauthorised and leaves a developer liable to **enforcement proceeding** and **heavy penalties**. Simply submitting a proposal may not in itself be sufficient compliance if the condition also requires the Agreement/Approval of the Planning Authority. This will also apply where the Planning Authority becomes aware that a development is about to start (e.g. Commencement Notice) and conditions precedent have not been complied with.

3) **Submission Should Be Addressed As Follows:**

Compliance with Conditions
Planning Department West, Norton House, Skibbereen, Co. Cork.

The above information is intended for your assistance and guidance in avoiding a situation of unauthorised development and the Planning Authority wishes you every success with the development.

Cork County Council, Planning Department 2013

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