

# Attachment 1

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# Comhairle Contae Chorcaí Cork County Council

Planning Section, Norton House,  
Cork Road, Skibbereen,  
Co. Cork.

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Web: [www.corkcoco.ie](http://www.corkcoco.ie)

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Bóthar Chorcaí, An Sciobairín,  
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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

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*

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Margaret Corcoran  
Senior Staff Officer





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

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 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.



## 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.

There 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.**

### 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 & DEVELOPMENT ACTS 2000 - 2010**  
**NOTIFICATION OF DECISION TO GRANT Permission**  
**(with conditions)**

Reference No. in Planning Register **13/00083**

Timoleague Agri Gen Ltd  
C/O NRGE Ltd  
Moonesfort  
Lattin  
Co. Tipperary

In pursuance of the powers conferred upon them by the above mentioned Act and for the reason set out in the First Schedule hereto, the Council of the County of Cork has by Order dated **29/07/2013** decided to **GRANT Permission** for the development of land namely:

**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**

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

In accordance with the plans and particulars submitted 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 23/7/2013

And subject to the conditions (30no.) set out in Column 1 of the Second Schedule attached hereto. The reasons for the imposition of the said conditions are set out in Column 2 of the schedule.

An appeal against a decision of the Planning Authority may be made to An Bord Pleanála by any authorised person before the EXPIRATION of the period of FOUR WEEKS beginning on the day of the giving (i.e. Date of Order) of the decision of the Planning Authority. (SEE NOTES ATTACHED)

If there is no appeal against the said decision, a grant of Permission in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanála. It should be noted that until a grant of Permission has been issued the development in question is NOT AUTHORISED.

Signed on behalf of the said Council

*Bernie Ryan*

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Bernie Ryan  
Administrative Officer  
Date: 30/07/2013

SEE NOTES ATTACHED

Please note that pursuant to S.34(3) of the Act, the Planning Authority has had regard to submissions or observations received in accordance with these Regulations.

In accordance with Article 20, site notice shall be removed on receipt of this notification.

## 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 the Environmental Impact	To ensure that no ecological damage occurs within Courtmacsherry Special Area of Conservation and Special Protection

	Statement received by the Planning Authority on 24/05/2013.	Area.
6	<p>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.</p> <p>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."</p> <p>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.</p>	To protect the local environment.
7	<p>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.</p>	To protect the local environment.
8	<p>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</p>	To ensure the protection of water quality during the construction phase.



	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 1m 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	To prevent flooding of the public road.

	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. The bunded area shall be fitted with	To prevent water pollution.



	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 in writing, the developer shall pay a	It is considered appropriate that the developer should contribute towards these specific exceptional costs, for works which will benefit the proposed development.



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:

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(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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