



Comhairle Contae Thiobraid Árann
Tipperary County Council

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Ref:2660031

03/03/2026

Andrew Kiely & Nephin Renewable Gas - Ballynilard Ltd.
John Spain
John Spain Associates,
39 Fitzwilliam Place,
Dublin 2
D02 ND61

A Chara,

With reference to your application for PERMISSION for RED III application for development which comprises the construction of an anaerobic digestion facility to produce renewable biomethane, CO₂ (which will be captured), and a bio-based fertiliser from organic material. The total gross floor area of the proposed development (including internal plant areas and ancillary structures) will be c. 3,301 sq.m. The development will consist of the following: • 3 no. digesters (all c. 15.5m in height), 2 no. digestate storage structures (c. 15.5m and c. 12m in height), a liquid feed tank (c. 4m in height) and a pump room and O₂ generation structure (with a GFA of c. 27 sq.m. and a height of c. 2.6m), located in the northern section of the site. • 4 no. pasteurisation tanks (each c. 6m in height), a post pasteurisation cooling tank (c. 4m in height) and a pre fertiliser manufacturing tank (c. 4m in height), located to the southeast of the main digesters. • A part single-storey and part two-storey reception hall (with a gross floor area (GFA) of c. 1,964 sq.m. and an overall height of c. 16.5m) to accommodate a laboratory, panel room, tool store, workshop, and storage areas, with a liquid feed intake adjacent to the reception hall, located to the centre of the site. • Two pump house structures, each with a height of c. 2.6m and GFAs of 14 sq.m. and 21 sq.m., will be provided to the west and east of the reception hall building respectively. • A single-storey solid digestate storage and a nutrient recovery building (with a GFA of c. 880 sq.m and an overall height of c. 12.4m) located to the east of the reception hall, in the central portion of the site. • Odour abatement plant (with an overall height of c. 7m) and equipment and a digestate offtake area will be provided to the east of the solid digestate storage and nutrient recovery building. • Construction of an ESB substation (with a GFA of c. 27 sq.m and a height of c. 3.4m), a grid injection unit (with a GFA of c. 22 sq.m and a height of c. 2.8m) (which will be connected to the

gas grid by way of an underground connection by Gas Networks Ireland), a GNI / grid offtake skid, and a fire water storage tank (with a height of c. 7.7m) in the southern portion of the site. • Construction of 2 no. CO2 tanks (c. 10.7m in height), a CO2 loading pump (c. 2.6m in height), CO2 auxiliaries (c. 2.6m in height), CO2 liquefactor (with an overall height of c. 8.2m), a CO2 compressor (with an overall height of c. 5.9m) and a CO2 pre-treatment skid (c. 3.5m in height), located in the western portion of the site. • Construction of an emergency biogas flare (c. 11.3m in height), a biogas treatment skid (with an overall height of c. 4.1m), 2 no. biogas compression structures (with a height of c. 2.6m), a biogas upgrading module (with a maximum height of c. 4.6m and a GFA of c. 28 sq.m), a combined heat and power unit and panel room (with a height of c. 10m to top of flue), a fuel storage tank (c. 1.6m in height), a biomethane boiler (c. 5.6m in height to flue stack), and 2 no. propane tanks (c. 1.3m in height), located to within the western section of the site. • Construction of a two-storey office and administration building (with an overall height of c. 8.7m and a GFA of c. 305 sq.m), located within the southeast section of the site, adjacent to the main site entrance. • Associated works including parking (6 no. standard, 2 no. EV, and 1 no. accessible parking spaces; and bike storage), access arrangements (including new access and entrance road to the site from the adjacent road to the south, with setting back of boundaries along the R662), a weighbridge, provision of solar panels (roofed mounted solar arrays), wastewater treatment equipment, attenuation pond in the northern portion of the site, boundary treatments, lighting, services, lightning protection masts, drainage, landscaping, and all associated and ancillary works at Ballynilard Tipperary Co. Tipperary received on 19/01/2026 I am to inform you in accordance with Section 34D (b) of the Planning and Developments Act 2000, as amended, that this planning authority is not satisfied that your application is complete. It is incomplete due to the reasons detailed on the enclosed Notice.

You are requested to remove the site notice or notices erected or fixed pursuant to article 17(1)(b).

Arrangements have been made to refund your application fee. To enable you to prepare your new application you can clone this one on <https://planning.localgov.ie/>

You are requested to submit a complete application without undue delay.

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for Director of Services

Tipperary County Council

PLANNING & DEVELOPMENT REGULATIONS 2001 (as Amended) ARTICLE 26A (1) NOTICE

Planning Ref. No: 26/60031

Following a review of the Plans & Particulars lodged with Register Reference 26/60031, the application it is deemed to be incomplete under **Section 34D** of the of the Planning & Development Act 2000 as amended for the following reasons:

The applicant should address same as part of any subsequent application:

- 1 no. landowner (Ms Fionnula English) has withdrawn consent since the making of the application therefore Article 22(2)(g) of the Planning and Development Regulations 2001, as amended, is not complied with.
- There is incomplete information provided with the application regarding Traffic and Transport Impacts for the following reasons;
 - The set back distance for sightlines does not comply with the requirements of Section 6 of Appendix 6 of the Tipperary County Development Plan 2022-2028 which requires a 4.5m sightline set-backs for a development of this nature.
 - The sightlines as indicated are not achievable owing to the withdrawal of consent referred to at item 1.
 - The Traffic and Transport Assessment (TTA) states that traffic volumes generated by the proposal will be low. This assertion requires evidence based support.
 - Turning lanes on the R-662 should be considered to minimise potential traffic impacts, especially relating to:
 - HGV deliveries entering the site,
 - Slow-moving vehicles exiting the site,
 - Associated road safety risks on the regional road.
 - The Road Safety Audit focuses primarily on the internal access road and site layout, with insufficient analysis of the R-662 interface, which is the critical risk point.
 - No pavement impact assessment has been carried out for the existing R-662. Consideration should be given to:
 - Resurfacing the section of the R-662 in front of the proposed entrance with HRA to limit the impact of heavy vehicles turning on the road while entering the site Assessment of long-term pavement deterioration arising from repeated HGV loading.

- Traffic distribution is averaged across 312 operational days, but no allowance is made for seasonal variation in feedstock supply patterns, which may cause significant fluctuations in traffic volumes.
 - The report indicates 23,200 total traffic movements, including:
 - 18,000 HGV movements,
 - With estimated average loadings of 30 tonnes or greater. The cumulative impact and peak-hour distribution require further analysis.
 - Feed materials are described as originating from local sources, but:
 - No assessment of external haul routes has been provided,
 - No pavement or structural impact assessment has been completed for the local road network serving these routes.
 - Requirement for Public lighting at the junction with the R-662 to be assessed
- There is incomplete information provided with the application regarding environmental impacts for the following reasons;
 - The CEMP (Chapter 5 p53 – Biodiversity) is incomplete. The full suite of biodiversity mitigation measures from the EIAR must be incorporated to ensure construction-phase impacts are effectively controlled.
 - The proposal should be assessed against Article 4 of the Water Framework Directive (WFD) to determine whether the project may cause a deterioration of the status of a surface or ground water body. WFD Cycle 3 data states that currently the Ara_020 is at risk and at poor status with Ammonia trending downwards and elevated concentrations of ortho-phosphorus.
 - Cumulative effects including discharges from Tipperary Co_OP and the WWTP serving Tipperary Town and its environs are also pressures on the Ara. This has not been mentioned in the EIAR and needs to be considered (Chapter 8 and 16).
 - The EIAR states that the proposed discharge will utilise up to 87% of the remaining assimilative capacity for ammonia. The EIAR does not clarify how this aligns with WFD no-deterioration requirements and how additional loading from potential DWWTs flows has been accounted for
 - Provide detailed invasive species control measures and best-practice riparian protection protocols given proximity to the River Ara.
 - Decommissioning phase not fully considered

In addition to the foregoing the applicant shall be made aware of the following and invited to comment on / address same as part of any subsequent application:

- The applicant has justified the requirement for the subject facility to be sited at this location
- The assessment of alternatives submitted does not include site specific details on the alternative locations considered and does not include a broad description of each main alternative and the key issues associated with each, showing how

environmental considerations were taken into account in deciding on the selected option.

- Confirmation from Gas Networks that it is feasible to connect into gas line at the proposed location.
- The EIAR states Reverse Osmosis treated water which is purified will be reused or released under discharge to surface water. The applicant is advised to re-evaluate ammonia, BOD, Total Oxidised Nitrogen and orthophosphate concentrations which will cause significant pressures on the Ara from the data submitted. The proposed discharge is estimated to utilise up to 85.9% of the available assimilative capacity for ammonia and 77.6% of the ortho-phosphate from a discharge volume of 71m³/day. These emissions limit values would not be acceptable to discharge into the Ara river. Revised lower emission levels are required.
- Applicant is advised to provide revised, significantly lower target discharge concentrations for Ammonia, BOD, and Phosphorus to reflect the limited assimilative capacity and Poor Status of the River Ara referred to above.
- Chapter 9 of the EIAR (Climate) stated that that the proposal "*will operate under a SCADA system, ensuring continuous 24/7 monitoring and control of all critical processes*". Clarification is required as to the proven efficacy of this technology for monitoring and managing fugitive methane leakage.
- The Planning Authority has concerns in relation to the AA Screening report noting the hydrological connection to the Lower River Suir Special Area of Conservation and the above mentioned concerns regarding impact on water quality.
- The applicant is advised to provide additional information on the source and nature of the crop based feedstocks

The applicant is advised that reports received from prescribed bodies i.e. Health & Safety Authority, National Environmental Health Service, An Taisce, Environmental Protection Agency and Department of Culture, Heritage & the Gaeltacht are available to view on line and the applicant should fully consider the matters raised therein and should be addressed in any subsequent application.