



OFFICE OF CLIMATE, LICENSING & RESOURCE USE

ADDENDUM TO AN INSPECTORS REPORT ON A LICENCE APPLICATION

To:	Directors
From:	Donal Grant - LICENSING UNIT
Date:	28/02/2013
RE:	Application for an IPPC Licence from Irish Biofuels Production Limited, Bollarney Murragh, Wicklow, Co. Wicklow, Licence Register No. P0950-01

Irish Biofuels Production Ltd. submitted an IPPC licence application to the Agency on 12th October 2011 for an activity listed under Class 5.12 of the First Schedule to the EPA Acts, 1992 to 2012. A very recent submission was received by the Agency on 28th February 2013 from An Taisce. As the Inspector's Report had been prepared for the Board meeting of 5th March, the ELP determined that the submission should be addressed by way of an addendum to the original Inspector's Report. The main points of the submission and the Agency's response to each individual point are detailed below:

Submission # 3. An Taisce

The submission raised 6 main points in relation to the IPPC licence application and the Environmental Impact Statement in particular.

1. *The proposed development is to be located within existing industrial building. The European Court of Justice Case C215-06 needs to be addressed with regard to existing development and status of structures on site.*

Agency Response:

In this case (C215-06), the ECJ held that the provision under Irish law for the granting of retention permission for development that should have been, but was not, subject to an Environmental Impact Assessment (EIA) was inconsistent with the EIA Directive. The EIA Directive provides for an obligation to screen projects and, where necessary, to carry out an EIA, *prior* to commencement of development. The ECJ held that where this obligation is not fulfilled, projects could be regularised (for example by granting retention permission) but this could only happen in "exceptional circumstances". On foot of this judgement, the Planning and Development (Amendment) Act, 2010, S.I. No. 30 of 2010 was enacted to address the deficiencies in the national planning legislation with relation to retention permission.

Planning permission was granted for the development of the Irish Biofuels Production site in 2011 by Wicklow County Council, following the publication

of the 2010 amendment act. Any issues relating to the application of planning law are a matter for the planning authority and are beyond the remit of the Agency.

In accordance with Section 87(2A) of the EPA Acts 1992-2012 and with regard to Section 87(1I) of the EPA Acts 1992-2012, the Agency has, as part of its consideration of the IPPC licence application, determined whether the application should be made subject to an Environmental Impact Assessment (EIA) as respects the matters that come within the functions of the Agency. An EIS was submitted by the applicant. The Agency determined that the proposed IPPC licensable activity falls under the scope of Part. 6(a) of Schedule 5(1) to the EIA Directive.

2. *The proposal is for processing of vegetable oil. Information is deficient on origin of material sourced in order to assess sustainability.*

Agency Response:

The exact origin of the feedstock will depend on market availability and the quality of the used vegetable oils available to the applicant. Feedstock sources may change during the course of the licensed activity. The applicant has stated that all feedstock will be used vegetable oils and that material for feedstock will only be purchased on foot of material quality acceptance tests.

3. *Section 3 on Flora and Fauna, Section 3.2 refers to the Murrough Special Protection Area 75m to the west and 100m to the east of the site. While an interceptor is proposed in a bounded area the spillage damage is comparable to any oil facility and needs to be properly risk evaluated.*

Agency Response:

A risk assessment of all bunding requirements was carried out by the applicant and submitted to the Agency with the licence application. The risk assessment concluded that the containment measures in place at the site, including internal and external bunding of raw material and finished product storage and loading/unloading areas, are adequate. All bunding at the installation was designed in accordance with the Agency publication '*Storage and Transfer of Materials for Scheduled Activities*'.

4. *Section 6 on 'Air' needs to address particulate emissions from production process. The information on 'Emissions to Air' in Appendix 4 is not integrated with the valuation required under the Environmental Impact Assessment Directive.*

Agency Response:

The applicant has stated that there will be no significant emissions to air from the production process and that only fugitive vapours from storage tanks may arise as a result of the biodiesel production process. In order to further reduce fugitive emissions from the production process, Condition 6.7 of the RD requires the licensee to prepare a programme, to the satisfaction of the Agency, for the identification and reduction of fugitive emissions using an appropriate combination of best available techniques.

The only significant emission to air from the installation shall arise from the on-site boiler. Schedule C1.1.1 of the RD requires the licensee to conduct biannual particulate monitoring at the boiler stack.

5. *Section 7 'Climate Factors' addresses local climate only. The Environmental Impact Statement fails to outline the origin, sourcing, processing and end use of the bio fuel proposed to be refined at the site.*

Agency Response:

Section 2 of the Agency's '*Advice Notes on Current Practices in the Preparation of Environmental Impact Statements*' states that '*Climate in an Environmental Impact Statement generally refers to the local climatological conditions or "microclimate" of an area, such as local wind flow, temperature, rainfall or solar radiation patterns*'. The applicant completed the EIS on the basis of guidance documents published by the Agency and therefore local climatic factors were given the most prominent consideration.

In Section 7.3 of the EIS, the applicant addresses the end use of the biofuel produced at the installation with respect to climatic factors on a national level. In Section 7.3 of the EIS, the applicant states that '*the proposed facility will be producing renewable fuel for the Irish market and reducing the amount of carbon being released into the atmosphere. The proposed facility will have an overall benefit to the climatic conditions*'.

6. *Further information is required on full carbon cycle of material input, procession and emissions from bio fuels use. The burning of bio fuels emits CO₂ which needs to be quantified and se[t] against inputs and procession impacts.*

Agency Response:

A full carbon cycle analysis on any proposed activity listed in Schedule 5(a) to the EIA Directive is not included in the scope of the Directive therefore the applicant was not required to undertake any such analysis. The Agency's '*Advice Notes on Current Practices in the Preparation of Environmental Impact Statements*' does not make reference to the evaluation of the sustainability of the activity with respect to the carbon cycle of the material inputs, production and emissions.

Signed



Donal Grant,
Inspector