

A Chara,

On behalf of the Killough Community Group TPPN- 01760 and the wider community, I wish to place on the file a short note on the Aarhus Convention and how its understanding of sustainable development sits uneasily with the proposed biomethane (AD) plant at Killough Quarry.

The Aarhus Convention's objective is set out in Article 1: *"In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making and access to justice in environmental matters."* That statement does two things that are central to sustainable development: it recognises the intergenerational dimension for present and future generation, and it makes procedural environmental rights a legal guarantee so that development choices are made transparently, with informed public input, and subject to effective review. (Full convention text available from UNECE at <https://unece.org/environment-policy/public-participation/aarhus-convention/text>; see also the EU's overview at https://environment.ec.europa.eu/law-and-governance/aarhus_en.) As the applicant has failed in the public participation in the decision making, Aarhus has been flagrantly disregarded. The public consultation that we requested in our previous submission has not been adequately addressed in the FI or in any actions associated with it.

UNECE's own materials explain that Aarhus adopts a rights-based approach in which those three procedural rights are the *means* by which authorities deliver the Convention's objective for current and future generations. In other words, sustainable development under Aarhus is not a slogan; it is delivered through concrete duties on public authorities to inform, involve and be accountable, precisely so that environmental decisions are higher quality, more legitimate and better implemented. (See UNECE "Content of the Convention" Article 1 and the general features, at <https://unece.org/environment-policy/public-participation/aarhus-convention/content>; see also the consolidated EU-Lex text and Preamble references to "sustainable and environmentally sound development" at <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A22005A0517%2801%29>.) [unece.org], [eur-lex.europa.eu] On that footing, a project is compatible with Aarhus-style sustainable development only if (a) the public can meaningfully access all relevant environmental information early enough to influence the outcome, (b) the public can participate effectively in decision-making on the project and related plans and programmes, and (c) there is access to justice to test both information and process where necessary. These are not optional extras; they are the three "pillars" of Aarhus and are transposed in EU and Member State law through instruments such as Directive 2003/4/EC on access to environmental information and Directive 2003/35/EC on public participation, alongside the EIA and SEA Directives. (See the European Commission's summary page, which links the pillars to the implementing directives, at https://environment.ec.europa.eu/law-and-governance/aarhus_en; see also the Maastricht Recommendations on effective participation under Aarhus at

https://unece.org/fileadmin/DAM/env/pp/Publications/2015/1514364_E_web.pdf)
[environmen...europa.eu], [unece.org]

Applying those requirements to Killough Quarry, there are three reasons why the application does not align with Aarhus's understanding of sustainable development.

Firstly, on information adequacy and quality, the hydrogeological context is an extremely vulnerable karst aquifer draining toward the Lower River Suir SAC. Aarhus demands that decisions likely to affect the environment be taken on the basis of full, accessible environmental information so the public can understand risks and propose alternatives. In a karst setting, that implies transparent, quantitative worst-case modelling of spill migration through conduits and pathways to protected waters, not generic text. Where such modelling and fail-safe analysis are incomplete or inaccessible, the Convention's information pillar is not being honoured in spirit or practice, and the preconditions for sustainable development are missing. (Convention text: <https://unece.org/environment-policy/public-participation/aarhus-convention/text>; UNECE explanation of Article 1 and general features: <https://unece.org/environment-policy/public-participation/aarhus-convention/content>.) [unece.org], [unece.org]

Secondly, on meaningful public participation, Aarhus expects participation early and effectively, while options are open and before key choices harden. It is designed precisely to avoid "decide–announce–defend" dynamics around environmentally significant projects. In a case like Killough, with complex groundwater pathways and a European site downstream, effective participation requires that the community can interrogate inputs, assumptions, and alternatives with sufficient time and technical clarity to influence outcomes, not merely comment on fixed proposals. The Maastricht Recommendations, prepared under the auspices of the Aarhus Convention, are explicit that participation must be timely, inclusive and capable of affecting the decision. (See the Commission's overview at https://environment.ec.europa.eu/law-and-governance/aarhus_en and the Recommendations at https://unece.org/fileadmin/DAM/env/pp/Publications/2015/1514364_E_web.pdf) [environmen...europa.eu], [unece.org] In fact, who is going to run the facility is still unknown. As aforementioned, Aarhus-style sustainable development only if (a) the public can meaningfully access all relevant environmental information early enough to influence the outcome.

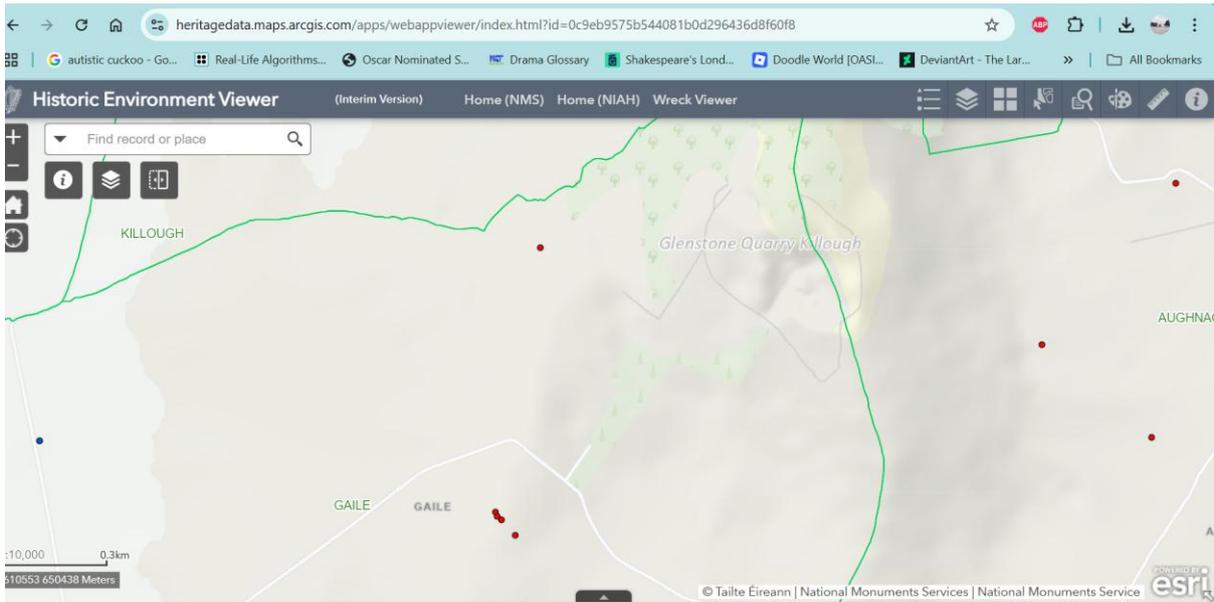
Thirdly, Aarhus ties intergenerational equity directly to the procedural guarantees. Sustainable development under Aarhus is the outcome of a process that respects the rights of present and future generations by ensuring decisions are taken with full public scrutiny and accountability. Where credible scientific doubt remains about deterioration of water status or adverse effects on a European site, and the information/participation processes have not dispelled that doubt, proceeding would run counter to the Convention's articulation of sustainable development. (See Article 1 as presented by UNECE at <https://unece.org/environment-policy/public-participation/aarhus-convention/text> and the EU-Lex publication of the Convention, including the Preamble language, at [Page 2](https://eur-lex.europa.eu/legal-</p></div><div data-bbox=)

content/EN/TXT/HTML/?uri=CELEX%3A22005A0517%2801%29.) [unece.org], [eurlex.europa.eu]

In short, Aarhus operationalises sustainable development by requiring that environmental decisions be transparent, participatory, and reviewable in a manner that actively protects the rights of both present and future generations. On the facts of the Killough proposal: karst vulnerability, downstream SAC, and unresolved worst-case hydrogeological risk, the project does not meet that procedural and intergenerational standard. On that basis, it is not compatible with the Aarhus conception of sustainable development and should not be permitted.

The FI failed to adequately address the submissions re the local history and archaeology at the site. Indeed, A medieval church and rath at the entrance to the quarry have not been referenced adequately in the application:

<https://www.tippstudiesdigital.ie/items/show/8534> There are four antiquities less than a two hundred metres from the entrance to the quarry which are valuable when considering Cashel's future UNESCO heritage and potential tourist application.



archaeology.ie/app/uploads/2025/03/Archaeology-RMP-Tipperary-SR-Manual-1998-0048.pdf

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MON. NO.	SR/PL/TR	NAT. GRID	TOWNLAND	CLASSIFICATION
TI047-03003-	047-/05/3	20906/15409	HOLTCROSS	BRIDGE
			GRAIGUENOE	
TI047-049---	047-/09/6	20853/15209	GRAIGUENOE	RING-BARRON (S)
TI047-056---	047-/10/5	21032/15175	KILLOUGH (GAILE PR)	ENCLOSURE
TI047-057---	047-/10/6	21097/15178	KILLOUGH (GAILE PR)	TOWER HOUSE
TI047-058---	047-/10/6	21163/15168	SALLQUARTER	ENCLOSURE
TI047-081---	047-/13/1	20689/15122	GLENBANE LOWER	MOATED SITE
TI047-082---	047-/13/4	20711/15036	GLENBANE LOWER	ENCLOSURE SITE
TI047-083---	047-/13/5	20804/15074	GLENBANE LOWER	RINGFORT (RATH \ CASHEL)
TI047-084---	047-/13/6	20876/15055	GLENBANE UPPER	ENCLOSURE
TI047-085---	047-/14/5	21043/15070	GAILE	ENCLOSURE
TI047-086---	047-/15/1	21219/15088	AUGHNAGOALIN	RINGFORT (RATH \ CASHEL)
TI047-087---	047-/15/4	21182/15043	AUGHNAGOALIN	RINGFORT (RATH \ CASHEL)
TI047-088---	047-/15/4	21212/15017	AUGHNAGOALIN	MOATED SITE
TI047-089---	047-/15/5	21307/15028	AUGHNAGOALIN	ENCLOSURE
TI047-097---	047-/14/6	21160/15002	AUGHNAGOALIN	ENCLOSURE POSSIBLE
TI047-098---	047-/10/6	21128/15182	KILLOUGH (GAILE PR)	ENCLOSURE POSSIBLE
TI047-107---	047-/15/5	21278/15019	AUGHNAGOALIN	ENCLOSURE SITE

VISIONS OF THE PAST

Gaile Church, Tipperary, Ireland

Posted on March 26, 2025 by Ed Hannon - Visions of the Past



Gaile Church is probably one of those cases where its forgotten history and position in the landscape leads to more



Aerial view of Gaile Church and surrounding rath and later medieval settlement.

In addition to the archaeological, environmental and hydrogeological concerns of the community, I wish to highlight that the proposed biomethane/AD plant at Killough raises significant licensing and compliance issues under Irish and EU law. These matters are not optional “future” considerations: they go directly to whether the application before the planning authority is complete, transparent, and lawful. Under the Environmental Protection Agency’s Industrial Emissions licensing regime, any anaerobic digestion facility that treats more than 100 tonnes per day of non-hazardous waste requires a full Industrial Emissions (IE) Licence (see EPA licensing guidance at <https://www.epa.ie/our-services/licensing/industrial/>). This licence must be secured where the activity presents inherent environmental risks. For such a licence to be granted, the operator must demonstrate compliance with Best Available Techniques (BAT), including alignment with European Commission BAT reference (BREF) documents—standard technical benchmarks that set the measurable performance expected of high-risk installations (see BREF information at <https://eippcb.jrc.ec.europa.eu/reference/>). The planning application does not show how BAT will be met on this extremely vulnerable karst site, and it cannot be assumed after permission is granted.

An Industrial Emissions Licence also obliges the operator to maintain a full Environmental Management System (EMS), including continual environmental performance assessment, monitoring, and reporting (see EPA EMS expectations within IE licensing at <https://www.epa.ie/our-services/licensing/industrial/>). None of these requirements are meaningfully addressed in the application. Without this, it is impossible for the public, or the planning authority, to understand how environmental protection obligations would be met on a site with extreme karst vulnerability and direct hydrological connectivity to the Lower River Suir SAC.

Regarding the proposed waste inputs (feedstocks), any IE licence strictly defines types and tonnages of waste accepted. Typical feedstocks include agricultural slurries, food-processing wastes and energy crops, but the EPA requires clear specification and full compliance with segregation requirements for bio-waste to ensure stable AD operation and prevent contamination (EPA bio-waste guidance at <https://www.epa.ie/our-services/monitoring--assessment/waste/bio-waste/>). If animal by-products are included, the facility must comply with separate Department of Agriculture, Food and the Marine controls under Animal By-Product Regulations (DAFM information: <https://www.gov.ie/en/publication/68f71-animal-by-products/>). The application does not contain sufficient clarity or analysis on these inputs, nor their storage, nor risk management, which is again inconsistent with Aarhus’s requirement that the public have access to clear, complete and comprehensible environmental information before decisions are made.

Moreover, the management of emissions and discharges is governed by strict EPA licensing requirements. As odour and air quality is poor and locals complained about the tarmac plant odour, this was not significantly addressed by the FI submitted by the applicant. Air emissions, including fugitive methane and odour, must comply with BAT and be monitored to prevent nuisance or environmental harm. Water discharges from such facilities generally must not enter surface waters; any discharge to sewer requires consent from Uisce Éireann and must comply with Water Framework Directive obligations not to cause deterioration of

status. EPA enforcement records show that odour and emissions non-compliance are among the leading causes of complaints and legal action at AD plants, including at the Timoleague facility (EPA enforcement archive: <https://www.epa.ie/our-services/compliance--enforcement/>). On a karst aquifer with mapped conduits and the Suir SAC downstream, the risk is amplified and cannot simply be deferred to post-planning licensing.

The proposed location at Killough, Holycross, Co. Tipperary is rural residential area with a cool, wet, low-cloud climate which is unsuitable for the dispersion of aerosol pollutants of an AD installation and there is a major concern about the risk- management of the proposed development. Peer-reviewed studies consistently demonstrate that AD facilities can significantly degrade air quality, increase bioaerosol exposure, and create hydrological and safety hazards when placed near residential areas (Kiely, 2017). These risks are amplified in climates of low atmospheric mixing. The fact that there is no regulation for the commissioning, operation, maintenance, decommissioning, or emergency procedures of such enterprises at either local or national governmental levels, or from the Environmental Protection Agency (EPA) itself, should be considered a red flag that represents a serious concern to anyone living in the vicinity of such a commercial venture. This report sets out to highlight the risk of harm that the Killough bio-renewables production facility represents. Environmental and Public Health Risks Associated with Anaerobic Digestion AD facilities are known to emit ammonia, hydrogen sulphide, volatile organic compounds (VOCs), methane, particulates, and bioaerosols. Manure storage, agitation, digestate handling, and feedstock transport are also hotspots for emissions. These aerosol effluents released to local rural and towns of Moycarkey Village, Holycross, Horse & Jockey, Boherlahan, Thurles and Cashel, and their hinterlands represents a threat to the health and well-being of large rural populations.

AD installations, and the associated near-environment air pollution located near residential areas will certainly have negative impacts on respiratory health and the quality of life of the people living nearby. The negative air pollution will affect young and old in all directions of the site, particularly those downwind of this site in all directions, refer to Figs. 1-4 (below), depending on the wind direction, affecting Moycarkey, Holycross, and Boherlahan, and the hundreds of families, and thousands of people living locally, rurally, in the hinterlands of these communities and nearby towns and in the vicinity of this proposed development.

Unsuitability of the Local Climate and Geography: the proposed location of this AD Biogas plant is in an area that experiences persistent low cloud, wind movement, and high rainfall. These create conditions favourable for the accumulation rather than dispersion of pollutants, in comparison with, for example, a site where traditionally power stations were located at coastal locations, such as Moneypoint in Co Clare. The lack of EPA regulation, or any other governmental regulations, for this sector of waste disposal, and energy generation as a by-product, is a significant concern, considering that it creates a pollutant that carries a serious and unmonitored risk to the near-environment which will affect the respiratory health and well-being of all of the people living and working nearby.

See below Figures 1-4 for demonstration of areas affected during times of different wind directions.

Fig. 2: Easterly wind pattern (indicated by purple arrows) placing Holycross and Moycarkey in close proximity and surrounding rural hinterland downwind of industrial effluent from proposed anaerobic digestion biogas plant at Killough, Holycross, Co Tipperary. (www.windy.com) [Location of Killough Biogas site highlighted in red]

Fig. 3 : Westerly wind pattern (indicated by purple arrows) placing the Horse & Jockey and Thurles in close proximity, and surrounding rural hinterland, downwind of industrial effluent from proposed anaerobic digestion biogas plant at Killough, Holycross, Co Tipperary. (www.windy.com) [Location of Killough Biogas site highlighted above]. Typical cloud-cover and precipitation events for the area (www.windy.com)

[Location of Killough Biogas site highlighted]. This is potentially the normal dispersion area based on the predominant South to Westerly wind system

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Fig. 1: 1.1 & 1.2 Southerly wind pattern (indicated by purple arrows) placing the Horse and Jockey, Holycross in close proximity, plus Thurles, Cashel (proposed UNESCO World Heritage Site) and surrounding rural hinterlands downwind of industrial effluent from proposed anaerobic digestion biogas plant at Killough, Holycross, Co Tipperary. (www.windy.com) [Location of Killough Biogas site highlighted above]

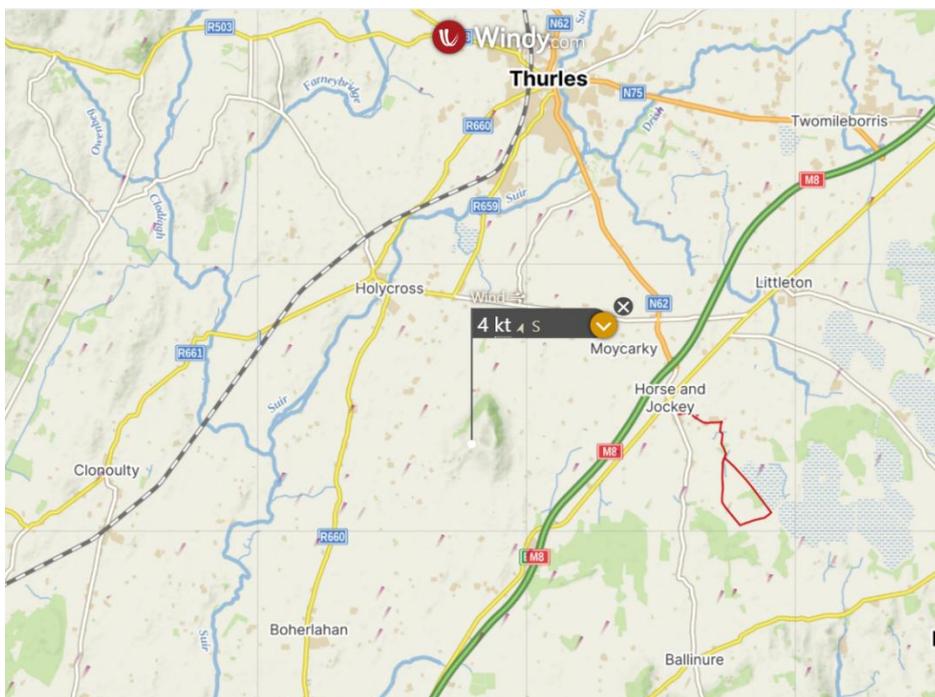


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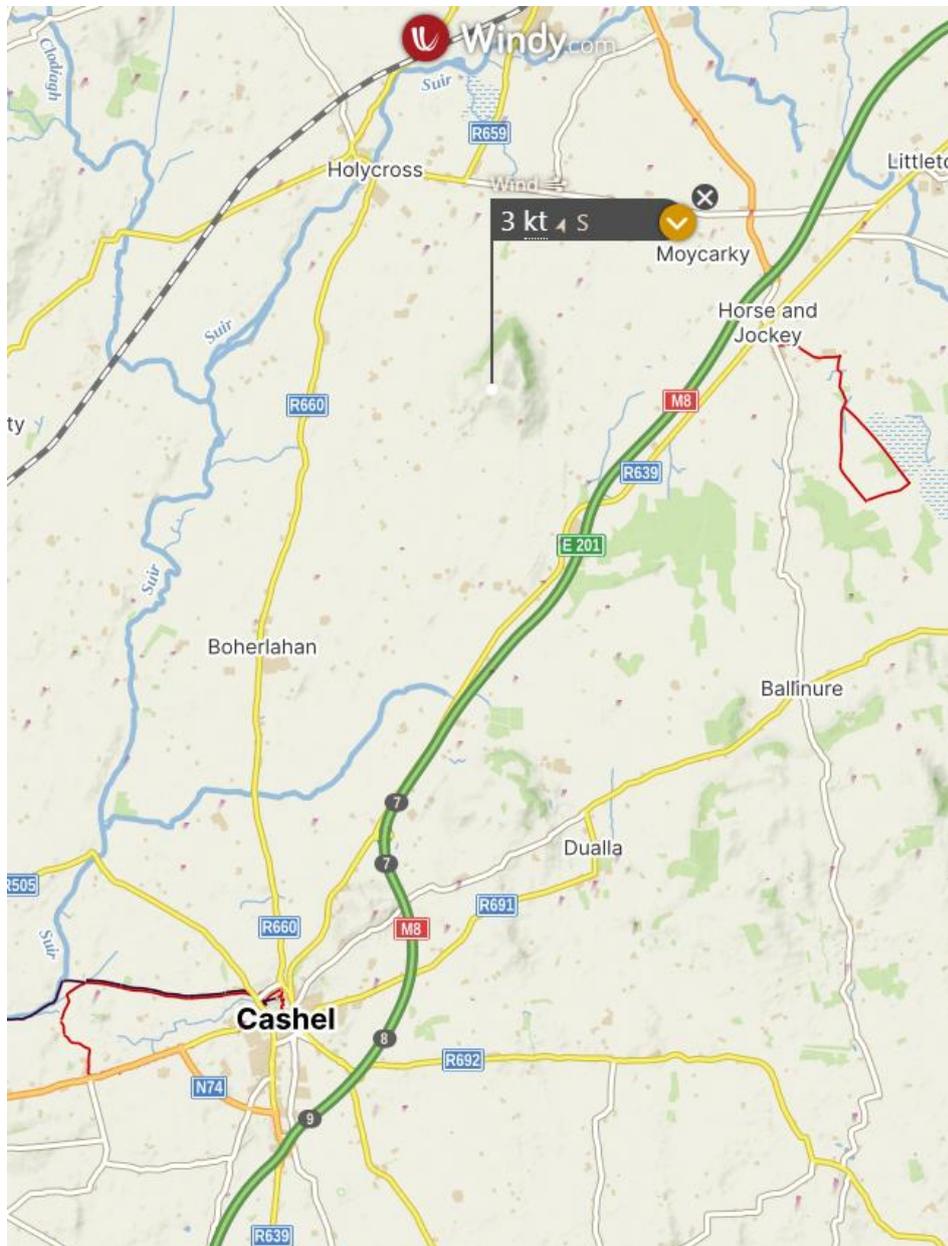


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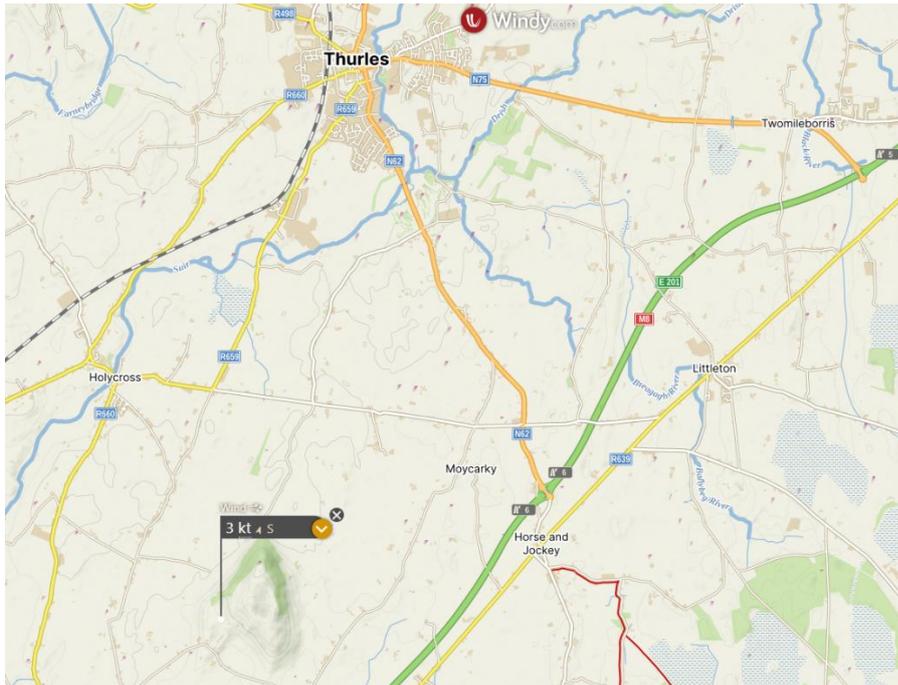


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Evidence from Atmospheric Science:

Low atmospheric mixing increases ground-level concentrations of odorous and hazardous gases. According to Monn (2001), stagnant, humid conditions significantly increase the residence time of ammonia and bioaerosols and temperature inversions further trap pollutants close to ground level.

Studies show that odours and industrial emissions persist longest in cool, wet climates due to low photochemical degradation and atmospheric stagnation (Brancher et al., 2017).

This is particularly pertinent where the mild and relatively humid Atlantic air flows up the flat lands around the Killough until it meets the relatively cold hill of Killough creating a climate that is prevalent in low cloud and precipitation. Mix in a noxious industrial-scale pollutant to the area and the result could be acid rain in the worst-case and smog at the least-worse case.

Public Health Implications

It is our community objection that this proposed industrial development is located at a site in an area where poor atmospheric dispersion is most likely to occur.

Evidence shows that poor atmospheric dispersion increases:

- Odour annoyance (Brancher et al., 2019)
- Respiratory irritation from ammonia (Sundblad et al., 2004)
- Increased exposure to microbial aerosols (Nair, 2021)

This proposed development will have a detrimental effect on the health and wellbeing of the people in its vicinity.

Odour and Volatile Emissions

We are very concerned about the potential for odour and volatile aerosol emissions based on the deleterious material that will be disposed at this plant, its decomposition process, and the noxious gases that will be given off during the decomposition, added to the burning-off of waste matter. This is a very significant concern based upon industrial level emissions into the atmosphere of our local rural environment. This level of environmental pollution is not acceptable to the people that live in this area.

Odour Chemistry and Impacts

Odour compounds from AD operations can include hydrogen sulphide, mercaptans, amines, and VFAs (volatile fatty acids). Even low concentrations have been known to cause physiological stress. Chronic odour exposure is associated with headaches, nausea, mood disruption, and sleep disturbance (Nordin et al., 2013). This is not an acceptable risk to local residents.

Influence of the Local Climate

Damp, low-wind environments promote:

- Greater perceptibility of odours (Brancher, 2016)
- Reduced atmospheric oxidation of sulphur compounds
- Trapping of VOCs in near-surface air layers

Odour complaints around AD facilities in similarly sited operations are well documented (Kiely et al., 2017).

Anyone who lives in the area of Holycross, Moycarkey, Boherlahan and Killough knows the unique weather system that exists here. This is the point where the relatively mild air from the Atlantic meets the cold air of the hills. This results in a microclimate of low cloud and rain. To site a biogas plant in this location will create a smoggy atmosphere.

Bioaerosols and Pathogen Dispersion

Bioaerosols from manure-handling and AD systems may contain bacteria (e.g., *E. coli*, *Campylobacter*), fungal spores, endotoxins, and microbial fragments. These bacteria have the potential to enter local hydrological sources such as groundwater and wells.

Bioaerosols Persist Longer in Wet Climates

- Humidity prolongs airborne survival of microbes (Tang, 2009).
- Low wind speeds lower natural dilution
- Both conditions apply to the proposed site at Killough.

Air Quality Degradation

Ammonia Emissions

Ammonia emissions are linked to:

- Respiratory irritation (Sundblad et al., 2004)
- Formation of PM_{2.5} particulate matter
- Habitat nitrogen loading

AD plants processing manure are major point sources of ammonia, especially during storage, pasteurisation, and digestate handling. This is not an acceptable risk to the local residents, particularly since there is no governmental regulation, at local or national level, for the monitoring or control of such levels. This is an environmental and public health disaster waiting to happen.

Methane Leakage

Methane leakage could potentially undermine the supposed climate benefits.

Hydrogen Sulphide (H₂S)

H₂S exposure, even at low concentrations, causes:

- Eye, nose, and throat irritation
- Fatigue and neurological symptoms
- Death
- Its dispersal is limited in cool, humid air.

This could affect workers at the plant or residents in the near vicinity. There is currently no governmental regulation about the control of these substances or mitigation in the event of emergency procedures.

Water Quality Risks

Digestate Leaching and Nutrient Runoff

Digestate contains high levels of nitrogen, phosphorus, and pathogens. Studies document frequent contamination events linked to digestate spills, tank failures, or rainfall-driven runoff. There is currently no governmental regulation about the control of these substances or mitigation in the event of emergency procedures. This is a serious concern.

Flood Risk and Rainfall Interaction High rainfall increases the chance of:

- Tank overtopping
- Contaminant mobilisation
- Soil saturation leading to infiltration of pollutants into groundwater

This poses a real risk to the local hydrology, including wells and drinking water.

Nuisance:

This development will cause many issues of nuisance to local residents, including:

- Traffic and Transport Impacts
- Noise Pollution
- Visual and Landscape Impacts of an industrial nature, not conducive to the rural area

Safety and Explosion Risks

There is a real risk of explosion at the proposed Biogas plant, including accidents through:

- Over-pressurisation
- Gas-holder ruptures
- Methane ignition
- Hydrogen sulphide corrosion failures
- Multiple incidents globally have been documented.

Proximity to residential areas increases unacceptable risk.

Ecological Impacts: Ammonia and Nitrogen Deposition

- Nitrogen deposition reduces species richness and leads to loss of sensitive plants.
- Even small increases in ammonia can shift entire ecosystems .

To Summarise: Cumulative Impact Assessment At the proposed Killough AD LNG site there is:

- Low atmospheric dispersion
- High rainfall
- Residential proximity
- A large population potentially negatively affected

- Ecologically sensitive surroundings

Digestate management also raises concerns. To be used as fertiliser without being considered a waste, digestate must meet strict End-of-Waste criteria, including limits on metals and contaminants and ongoing monitoring (EPA end-of-waste guidance at <https://www.epa.ie/our-services/licensing/waste/>). At Timoleague, for example, zinc limits of 400 mg/kg applied. The spreading of digestate is regulated by the Nitrates Directive through Good Agricultural Practice Regulations to protect water bodies from nutrient runoff (see DAFM nitrates information at <https://www.gov.ie/en/publication/cf21b-nitrates/>). In a sub catchment already showing ecological decline and downstream SAC sensitivity, introducing large volumes of nutrient-rich digestate is incompatible with the Water Framework Directive's anti-deterioration obligation and with the Aarhus Convention's conception of sustainable development, which requires decisions be taken to protect the rights of both present and future generations.

Any facility of this type must provide a Closure, Restoration and Aftercare Management Plan (CRAMP) along with an Environmental Liability Risk Assessment (ELRA), demonstrating secure financial provision to remediate environmental damage if contamination or structural failure occurs (EPA ELRA/CRAMP guidance at <https://www.epa.ie/our-services/licensing/licence-transfer--revocation/financial-provisions/>). None of this is transparently presented. In a karst quarry, where even a single structural or containment failure could result in rapid and irreversible groundwater pollution, the absence of clearly identified operators, financial provision and decommissioning plans is unacceptable.

The EPA also requires that any applicant for an IE licence be a proven "Fit and Proper Person" with the financial, administrative and technical capacity to operate the facility safely (EPA guidance: <https://www.epa.ie/licensing/licences/industrial-emissions-/fit-and-proper-person/>). Roadstone has not identified any operator, instead indicating an intent to engage or possibly sell to a third party. This denies the local community their right to understand who will operate the installation, how it will be managed, and whether the operator can demonstrate capacity to prevent environmental pollution. It is entirely inconsistent with Aarhus principles of transparency and public participation (see the Aarhus Convention text at <https://unece.org/environment-policy/public-participation/aarhus-convention/text>). Sustainable development under the Aarhus Convention requires decisions to be taken with full information about environmental risks and with meaningful opportunities for the public to scrutinise the actual operator and operational model. That is not the case here and was a specific request of the FI, which has not been completed. Please see 'Box Ticking' article attached.

On the 15/01/26 in the Horse and Jockey hotel it was confirmed that 'a Management Company' would run the plant, financed by Utopia X and Roadstone. Based on the two documents attached, accessed on 15/01/2026, Utopia Mother X is the Irish Subsidiary of the Utopia Group. Utopia Mother X Limited and its associated group indicate the following: Operator suitability: Utopia Mother X Limited presents red-flag financial risk indicators incompatible with a high-hazard, capital-intensive plant.

On 15/01/26 The credit report for Utopia Mother X Limited (No. 728231) shows: a credit score of 11/100 (classified “Very High Risk”), a recommended credit limit of €0, negative net assets (−€30,821), current and quick ratios of 0, and a probability of failure of 8.8% ($\approx 6\times$ the contemporary Irish company average of 1.5%). The company also relies on audit exemption (no auditor listed), and the filings are flagged as beyond the grace period—all classic predictors of distress. These are not qualitative impressions; they are specific metrics taken directly from the latest filed accounts and analyst commentary.

Separately, the District Court order (Record No. 2025/06122) extended the time allowed to file the company’s 2024 annual return to 19 January 2026 under Companies Act 2014 s.343, with conditions on delivering a certified copy to the Registrar. The need to seek a court extension, coupled with the credit file’s “out of date” accounts and elevated failure probability, reinforces concerns over governance reliability and compliance culture, critical for an operator entrusted with a Seveso-adjacent process risk profile (pressurised gas, hazardous atmospheres, digestate handling).

Planning implication: An AD plant demands sustained capex, robust OPEX discipline, specialist maintenance, continued capital investment, environmental monitoring and contingency funds for incident response. A promoter with very-high-risk credit status, negative equity, and late filings is statistically less likely to maintain asset integrity, staff competencies, spare-parts inventories, and emergency preparedness over decades, heightening public-safety and environmental-liability risk to the county if the operator fails or abandons the site.

As mentioned, on the 15/01/26 in the Horse and Jockey it was confirmed that ‘a Management Company’ would run the plant, financed by Utopia X and Roadstone. Considering the recent abysmal failures of AD plants in Ireland, we would urge caution with the Management of this plant. In terms of the Aarhus convention, this information should have been shared with local communities prior to the application. We would like surety that previous failures could not be allowed here. It is with concern that we reviewed the failures Timoleague plant and see how individuals who advised in that plant are now involved in new ventures in our own county. The Enforcement Record and Prosecution (2019–2025): Repeated Serious Breaches. On 4 February 2025, the EPA prosecuted Timoleague Agri Gen Ltd at Clonakilty District Court. The operator pleaded guilty to multiple breaches of its IE Licence P0986-01, including:

- Failing to conduct monthly digestate analysis in December 2022 where production exceeded 10,000 t/yr (Condition 8.9.2).
- Failing to ensure digestate met quality standards on or about 30 November 2022 and 31 March 2023—the impurity content exceeded the licence Schedule E limit (Condition 8.8.1).
- Failing to treat off-spec digestate as waste or reuse it in the process in the same periods (Condition 8.8.3).
- Failing to ensure required records were accessible at site on 13 July 2023 (Condition 11.6).

Judge Cody convicted the company and imposed €15,000 in fines (€2,500 per count), plus costs. Source (EPA official prosecutions page): <https://www.epa.ie/our-services/compliance--enforcement/whats-happening/prosecutions-and-penalties/prosecutions-2025/epa-prosecutes-timoleague-agri-gen-limited-p0986-01.php>
Independent media coverage (Agriland): <https://www.agriland.ie/farming-news/epa-fines-agri-company-e15k-for-industrial-emissions-breaches/>

The prosecution record confirms systemic non-compliance around the plant's core output (digestate). Under an IE Licence, off-spec digestate cannot be dispatched or used as fertiliser; it must be treated as waste or reprocessed. Continuing normal operations when you cannot produce compliant digestate would breach the licence; the only lawful course is to halt or curtail operations until compliance is regained. EPA source: prosecution summary (above) and licence conditions cited therein.).

EPA Site Visit SV27047 and the Follow-Up Remedial Works: Evidence of Operational Halt

Following an EPA site inspection on 10 May 2023 (Site Visit SV27047), the Agency issued a site report through its EDEN portal (23 June 2023). In direct response, the operator's consultants filed a Remedial Works report detailing an extensive programme to address critical compliance failures, including:

- Digestate analysis non-compliances.
- Odour abatement infrastructure deficiencies.
- Lined lagoon integrity and construction quality assurance issues.
- Leak detection for liquid feedstock pipelines.
- Wastewater treatment plant deficiencies.
- Integrity assessments across containment systems.
- Flare operations concerns.
- Connections/pipework to lined basins requiring corrective action.

The report explicitly notes that the Board of Timoleague Agri Gen Ltd determined that a "substantial capital" injection was needed over a short period to address the EPA's findings and that it had engaged with a multinational company with significant AD experience to resolve problems. Source (EPA-hosted remedial works PDF): <https://leap.epa.ie/docs/b58fb914-0f7e-42a9-bab1-582289a2d8d9.pdf>

The nature of these failures: odour abatement, lagoon integrity, pipeline leak detection, digestate quality, is such that lawful production and dispatch of digestate could not continue. Under IE Licence rules, non-compliant digestate must not be used on land, and off-spec or inadequately controlled emissions/odours must be abated before operations resume at normal capacity. That is functionally a shutdown until fixes are in place. Source: remedial works document (above). Background on EPA compliance/enforcement framework: <https://www.epa.ie/our-services/compliance--enforcement/>

Access to Enforcement Records (AIE): Corroborating the Compliance Picture

Additional access to information on the environment (AIE) requests collate enforcement correspondence and records for P0986-01, showing a pattern: repeated EPA engagement, directions, and documentation of persistent issues. This would be catastrophic for water courses at Killough, and the precautionary principle indicates planning should not be granted.

Examples (collation site linking to EPA records):

<https://irishriverproject.com/2023/05/02/timoleague-agri-gen-ltd-decision-letter-records/> <https://irishriverproject.com/2025/12/14/aie-request-oe-aie-2025-37-timoleague-agri-gen-limited-p0986/> While these pages are not themselves the EPA, they host or link to EPA-released documents under AIE and help verify the enforcement timeline.

The legal and technical implications of the recorded breaches mean:

- When digestate analysis is not performed as required (Condition 8.9.2), compliant production cannot be assured; dispatch is unlawful until sampling/quality is back within limits. Source: prosecution page (EPA) — December 2022 breach of 8.9.2 <https://www.epa.ie/our-services/compliance--enforcement/whats-happening/prosecutions-and-penalties/prosecutions-2025/epa-prosecutes-timoleague-agri-gen-limited-p0986-01.php>
- When digestate fails impurity limits (Condition 8.8.1) and is not treated as waste/reused in process (Condition 8.8.3), landspreading must cease and outflow from the process must be contained. Standard AD operations become untenable until corrective actions succeed. Source: same EPA prosecution page (above).
- When odour abatement is inadequate, lagoon integrity is unverified, or pipeline leak detection is missing, the plant cannot meet BAT-level emission controls under its IE Licence. Continuing to operate at normal throughput would risk additional breaches (odour nuisance, emissions, seepage), so production must be halted or cut back until abatement and integrity are proven.
Source: EPA-hosted remedial works report (SV27047 follow-up): <https://leap.epa.ie/docs/b58fb914-0f7e-42a9-bab1-582289a2d8d9.pdf>

Taken together, the prosecution findings and the remedial works obligations show that the Timoleague plant was, in effect, shut down at points in 2023–2024 while it attempted to fix non-compliances, and that serious licence breaches persisted through to 2025, culminating in criminal convictions and fines. The root causes were failures in digestate quality assurance, monitoring, record-keeping, abatement performance, and containment integrity: all core to lawful AD operation under an Industrial Emissions Licence. Can the council please search the applicant's licences and compliance to check whether they are suitable applicants for responsible administration of an AD plant? Moreover, the Utopia investment company and its subsidiaries have zero experience in 'Managing' an AD plant in Ireland and the applicant needs to provide assurances that the Management company and its employees have not been affiliated with the failures of other AD plants or have acted in any advisory roles in Timoleague or other plants. Environmental failure is the biggest concern for Killough Community Association, however, financial failure is also a genuine risk. Investment companies do not have the interests of a community at heart, they are motivated

purely by profit and are incentivised by the 'Greenrush' of AD plants. I respectfully request conditions that secure demonstrable and continuous financial capacity and technical competence for the full lifecycle of the installation. Suitable measures may include a performance bond, environmental impairment liability insurance, a ring fenced decommissioning fund, and a parent company guarantee where relevant. I also request conditions that secure full compliance with the Environmental Impact Assessment regime, air quality assessment and odour control consistent with Environmental Protection Agency guidance, hydrogeological protection aligned with Policy WS3 of the County Development Plan and the Water Framework Directive, and major accident prevention and emergency planning in accordance with Directive 2012 / 18 / EU and the COMAH Regulations 2015. Considering both Timoleague, Co. Cork's EPA failures and Clonbio Green Gas Ltd, trading as Green Generation in Nurney, Co. Kildare, collapsed into receivership in early March 2025, financial oversight is required to be monitored by the council.

Lessons from Timoleague:

Digestate quality is imperative. If digestate cannot consistently meet licence limits, operations must stop until compliant (Timoleague shows repeated failures and convictions).

1. Containment integrity and odour control are non-negotiable. Inadequate abatement/lagoon integrity forces operational halt pending major works.
2. Transparency and record-keeping matter. Missing mandatory records is itself a licence breach, undermining public trust and triggering enforcement.
3. High-risk hydrogeology makes failures more consequential. Where receptors are sensitive (e.g., karst aquifers, SAC catchments), any lapse demands even greater caution, consistent with the precautionary principle and WFD anti-deterioration obligations.
4. Ensure that those who were involved as advisors or investors in Timoleague are not rewarded with another chance to damage the financial or environmental assets of the Golden Vale.

According to the applicant:

<https://tipperarycoco.eplanning.ie/idocswebDPSS/ViewFiles.aspx?docid=869596&format=djvu> The odour abatement and pumping station building will be fully enclosed (gross floor area 448m² and 11.25m in height) as shown on planning drawing WEW 1905-DG-0009 to accommodate an odour abatement system area (412m²) and pumping station (36m²) with an emissions stack (Ø 2.6m x 17.5m height). The building will be a steel portal frame with the walls and roof consisting of Kingspan twin skinned insulated sheeting (goosewing grey colour). 2.35 The eradication of odorous emissions is necessary to achieve BAT design. During preliminary design stage works the sources of odorous emissions were identified and the constituents requiring specific removal from the diluted gaseous emissions comprise sulphides, ammonia, methane and related volatiles and micro solids. These will be removed and the gaseous emissions will comply with EU EN13725.2022. 2.36 Gaseous emissions from buildings will be evacuated and ducted via a ducting network to a modular air purification system using biofiltration and/or adsorption in the odour removal building. Air quality will comply with the guidance recommendations of the EPA Air Guidance Note AG

9, 2019. For Neighbours, and workers at the plant, these measures are not acceptable and need attention.

Operational Hours and Employment: As the current quarry has not respected its operation licences, locals are rightly concerned at the assertion “The facility will operate 24 hours per day, 7 days a week, as anaerobic digestion is a continuous biological process. However, transport of feedstock to the site and any products exported from the site will only be carried out between the hours of 0800 and 1800 Monday to Saturday. There will be no feedstock or product transport on Sundays or Bank Holidays.”

The proposed development will provide direct employment for 15 to 20 people. When Roadstone was contacted for further information about how these jobs would be deployed, and what they would be, no detailed or credible answer was given. It is unclear what these jobs will breakdown to be or will they be in the short or long term, or require any expertise or training.

It is claimed by the applicant “The proposed development has been designed to accept and treat up to 105,000 tonnes per annum of predominantly locally sourced cattle manures, slurries, and crop-based feedstocks along with a small quantity of brewery residues (pot ale and spent grain).” Unfortunately, the developer has failed to identify where these predominately locally sourced cattle manures are coming from, and it is clear that there is no sustainable action plan in place. This contravenes Aarhus.

The applicant asserts AD can process a broad spectrum of feedstock from various sources. In principle, any biodegradable organic matter can be anaerobically digested to produce biogas. Tipperary County Council needs to regulate exactly what can be used as an input, with no extensions or waivers for this.

How will Roadstone monitor airborne emissions in neighbours homes? “Airborne Emission Control 2.117 The eradication of odorous emissions is necessary to achieve BAT design. During the preliminary design the sources of odorous emissions were identified. The constituents requiring specific removal from the diluted gaseous emissions comprise sulphides, ammonia, methane and related volatiles and micro solids. These will be removed and the gaseous emissions will comply with EU EN13725.2022 with a design odour number not greater than C 98 5 OUE/m³. 2.118 Gaseous emissions from buildings will be evacuated and ducted via a ducting network to a modular air purification system using biofiltration and/or adsorption in the odour removal building. Air quality will comply with the guidance recommendations of the EPA Air Guidance Note AG 9, 2019. 2.119 Gaseous emissions from each operations building will be monitored for flow, ammonia, sulfides and methane (specific to the gas production and gas handling areas). The system will be automated with emergency alarms.” Residents in the area are concerned that recommendations on air guidance emissions are already breached by the applicant. The application area was previously assessed in 2007 by the author as part of the RFI for a semi-mobile asphalt/macadam mixing plant (Planning Reg. No. 07/412) and in 2013 by the author as part of an EIS for a proposed construction and demolition waste recovery facility (Planning Reg. No. 14600501) to determine the location, extent and ascertain the significance of any archaeological site. This plant has already impacted air quality and odour in the area. The proximity of a tar plant and methane plant is already dangerous, and considering quarry blasting on top of that makes catastrophe even more probable, yet blasting is not adequately addressed in the applicant’s FI.

In the applicant's own Environmental Impact Assessment Report (EIAR) "Water (Hydrology & Hydrogeology)" the EIAR confirms that the development footprint lies within a Regionally Important Karstified Aquifer (Rkd) and that the groundwater vulnerability on site is mapped as Extreme/X (rock at or near surface), with karst features in the immediate environs and a designated limestone pavement/pNHA at Killough Hill inside the wider landholding. Karst aquifers provide rapid, preferential pathways with little attenuation, so any loss of containment—whether fuel, process liquors, or digestate—has a direct and potentially sudden route to off-site receptors. Under the Water Framework Directive and its Irish transposition, competent authorities must prevent deterioration of groundwater status and protect groundwater-dependent protected areas; the statutory duty is proactive and precautionary (see Department of Housing, Local Government and Heritage overview of the WFD at <https://www.gov.ie/en/department-of-housing-local-government-and-heritage/publications/water-framework-directive/> and EPA groundwater information at <https://www.epa.ie/our-services/monitoring--assessment/freshwater--marine/groundwater/>). In this hydrogeological setting, the reliance on "no off-site discharge" and internal reuse does not neutralise the risk, because in karst a containment failure is, in practice, an off-site discharge via the ground.

The receiving environment compounds that legal sensitivity. The site drains to local watercourses (Lisnagonoge_010 and Suir_080) that connect to the Lower River Suir Special Area of Conservation. The applicant's own EIAR notes the SAC is approximately 3.3–3.8 km downstream and records that EPA biological quality at Holycross Bridge has declined to Q3 (poor) in 2023. Under Article 6(3) of the Habitats Directive and Part XAB of the Planning and Development Acts, consent may only be given after the authority is certain that the project, alone or in combination, will not adversely affect the integrity of the European site. Where reasonable scientific doubt remains, the project must be refused. This is the standard set out in national guidance for Appropriate Assessment published by the National Parks and Wildlife Service (<https://www.npws.ie/protected-sites/guidance-appropriate-assessment-planning-authorities>) and reinforced by the Office of the Planning Regulator's Practice Note on AA Screening (<https://www.opr.ie/wp-content/uploads/2021/03/9729-Office-of-the-Planning-Regulator-Appropriate-Assessment-Screening-booklet-15.pdf>). With karst connectivity, an at-risk downstream waterbody, and a designated SAC, a high level of certainty is required before permitting such a facility.

The applicant's groundwater monitoring records within the EIAR already shown quality concerns that argue against intensifying risk on this site. Across the 2022–2024 sampling rounds, there are repeated exceedances or marginal exceedances reported by the applicant for parameters such as sulphate (persistently high at GW2), nickel (GW2 and GW3), selenium (GW3 in 2024), and very high unfiltered aluminium and manganese. The field logs also note a hydrocarbon-like odour with a black substance on the GW2 logger line in 2024 and document very large, pumping-related groundwater-level fluctuations (a range up to ~48 m at PW06), demonstrating a highly dynamic flow regime that is characteristic of karst and particularly unforgiving of spills. The Water Framework Directive's anti-deterioration obligation, and Regulation 4 of the European Communities (Environmental Objectives) (Groundwater) Regulations as referenced by the EPA, expect consent to be refused where

there is credible risk of deterioration in status (see WFD overview at <https://www.gov.ie/en/department-of-housing-local-government-and-heritage/publications/water-framework-directive/> and EPA groundwater guidance at <https://www.epa.ie/our-services/monitoring--assessment/freshwater--marine/groundwater/>).

The proposal is also inconsistent with the Tipperary County Development Plan 2022–2028. The Plan requires the Council to protect surface and ground waters, to apply Groundwater Protection Schemes and Zones of Contribution when assessing development, and to embed nature-based water management/SuDS as a normal part of new development. These broad commitments are set out on the Council’s development plan page (<https://www.tipperarycoco.ie/planning-and-building/development-plan-consultation/tipperary-county-development-plan-2022-2028>) and within the adopted plan text. While the County supports climate action, that support does not and cannot override statutory duties under the Water Framework Directive and the Habitats Directive. A high-risk biological treatment use in an active quarry on an extremely vulnerable karst aquifer, draining to an SAC, fails those core water-protection objectives.

Beyond plan policy and AA/WFD compliance, the environmental assessment and permitting framework raises further issues. The EIA Directive, as amended by Directive 2014/52/EU and implemented in Ireland, requires a robust Environmental Impact Assessment Report that addresses accident risk, cumulative effects, worst-case scenarios, and reasonable alternatives (including site selection) before consent is given; planning authorities are guided by national EIA guidelines to insist upon that standard (see Government guidance at <https://www.gov.ie/en/department-of-housing-local-government-and-heritage/publications/guidelines-for-planning-authorities-and-an-bord-plean%20A11a-on-carrying-out-environmental-impact-assessment-august-2018/>). In a quarry-karst setting beside a European site, generic mitigation statements are not enough; the assessment must quantify transport via karst conduits, travel times and loads to receptors, and must test credible failure modes.

The design premise of “no off-site discharge” and reuse via lined ponds does not, in itself, demonstrate protection of the environment in Ireland’s regulatory framework. EPA guidance for licensed activities expects licensees to show that controls prevent nuisance and pollution beyond the boundary under Best Available Techniques and that accident scenarios are credibly contained. This expectation is explicit in the EPA’s odour guidance (Air Guidance Note AG9) and in general licensing guidance (see EPA AG9 page at <https://www.epa.ie/publications/compliance--enforcement/air/air-guidance-notes/odour-emissions-guidance-note-air-guidance-note-ag9.php> and the EPA licensing overview at <https://www.epa.ie/our-services/licensing/>). In karst terrain, a breach of containment is, by definition, an off-site impact through the subsurface regardless of the absence of a surface outfall. That is why the WFD’s “no deterioration” rule and Article 6(3) AA certainty standard are so important here (WFD overview: <https://www.gov.ie/en/department-of-housing-local-government-and-heritage/publications/water-framework-directive/>; AA guidance: <https://www.npws.ie/protected-sites/guidance-appropriate-assessment-planning-authorities>).

Industrial regulatory overlays may also apply. Depending on daily throughput and whether the feedstocks are waste for the purposes of Irish law, an Industrial Emissions (IE) licence may be required, bringing the Industrial Emissions Directive permitting regime and sector BAT to bear. The EPA explains the IE licensing framework here: <https://www.epa.ie/our-services/licensing/industrial/industrial-emissions-licensing-ied/industrial-emissions-directive-faqs/>. If compressed biomethane, LPG or other dangerous substances inventories approach Control of Major Accident Hazards (COMAH/Seveso III) thresholds, land-use planning controls under that regime will apply; operators must be transparent about maximum inventories and aggregation and the HSA must be consulted, otherwise the Council risks granting consent contrary to major-accident land-use policy (see a plain-language overview of Seveso thresholds for flammables at <https://www.flogas.ie/help-centre/seveso-directives/> and the health sector's COMAH/Seveso explainer at <https://www.hse.ie/eng/services/list/5/publichealth/publichealthdepts/env/comah-seveso.pdf>).

I note that the EIAR chapter itself acknowledges credible spill pathways (fuels, bio-fuel storage, feedstock leachates, animal by-products, digestate, chemicals) that “could” enter the bedrock aquifer and indirectly impact local supplies and streams, including the SAC downstream, yet it proceeds to rate most impacts as “slight” or “not significant” based on qualitative judgements about duration or assumed small volumes. That approach does not meet the legal tests for Appropriate Assessment certainty or for the Water Framework Directive’s anti-deterioration requirement in an Rkd/X karst setting. In such terrain, even a single release can have serious off-site effects.

For all of the reasons above: extreme karst vulnerability and rapid pathways, an at-risk downstream waterbody and European site requiring Article 6(3) certainty, already observed groundwater quality issues in the applicant’s own data, inconsistency with the County Development Plan’s water-protection objectives, and an EIAR that does not yet provide the necessary quantitative, worst-case assessment, the only legally robust decision is to refuse permission for the proposed AD/biomethane plant at Killough.

The proposal fails to satisfy essential licensing, operational, public participation and environmental protection principles required under Irish law, EU law and the Aarhus Convention. The lack of an identified operator, absence of BAT demonstration, insufficient feedstock specification, inadequate emission control detail, and missing financial and decommissioning assurances are fundamentally incompatible with Aarhus’s vision of sustainable development as a transparent, participatory, rights-based process. The council needs to ensure the pNHA is protected and no further damage done to this area with immediate effect.

Thank you for considering these observations. I would be grateful if you could place this letter on the planning file and consider its contents into account and the wishes of a rural community who will not profit in any way from this development, neither see it as positive infrastructure, nor sustainable development when determining the application. Finally, in addition to the above, I object the applicant has not addressed Tipperary County Council’s

previous request for further information, as outlined throughout my submission and the HSA's correspondence with the Tipperary County Council, planning department.

Yours faithfully,

Alice Coman, Secretary to and compiled on behalf of Killough Community Association.

Please see attached files accompanying this email and view them as part of our community submission.

1. Tipperary County Council, "Tipperary County Development Plan 2022 to 2028, Volume 1 Written Statement, adopted 11 July 2022 and effective 22 August 2022". [[irishriver...roject.com](#)]
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4. European Union, "Convention on access to information, public participation in decision making and access to justice in environmental matters (Aarhus Convention), Official Journal of the European Union L 124, 17 May 2005, pages 4–20, Decision 2005/370/EC". [[lexology.com](#)]
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6. Court of Justice of the European Union, "Case C 127/02, Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw Natuurbeheer en Visserij, Judgment of 7 September 2004". [[epa.ie](#)]
7. Court of Justice of the European Union, "Case C 323/17, People Over Wind and Peter Sweetman v Coillte Teoranta, Judgment of 12 April 2018". [[leap.epa.ie](#)]
8. Court of Justice of the European Union, "Case C 461/17, Brian Holohan and Others v An Bord Pleanala, Judgment of 7 November 2018". [[www3.farme...journal.ie](#)]
9. Environmental Protection Agency, Ireland, "Odour Emissions Guidance Note, Air Guidance Note AG9, September 2019", and Environmental Protection Agency "Air Guidance Notes" index of guidance documents.
10. An Bord Pleanala, Ireland, "Addendum Inspector's Report PL04.243486, noting application of the O Grianna judgment to grid connection assessment", illustrating the single-project principle. [[services7.arcgis.com](#)]
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12. The Currency, “Receiver appointed to pioneering biogas business” (reporting on Clonbio Green Gas Limited, trading as Green Generation), 4 March 2025, and Irish Farmers Journal, “Kildare AD plant Green Generation enters receivership”, 4 March 2025. [tipperarycoco.ie], [ireland-live.ie]
13. Environmental Protection Agency, Ireland, “Industrial Emissions Licensing (IED), overview of licensing and fit and proper person requirements”, and Environmental Protection Agency, “Financial provision for environmental liabilities, Environmental Liability Risk Assessment and Closure, Restoration and Aftercare Management Plan”. EPA licensing (<https://www.epa.ie/our-services/licensing/>), EPA AG9 (<https://www.epa.ie/publications/compliance--enforcement/air/air-guidance-notes/odour-emissions-guidance-note-air-guidance-note-ag9.php>),
14. SoloCheck Ireland, “Credit Report for Utopia Mother X Limited, Company Number 728231, with credit score, recommended limit, net assets and failure probability, and filings timeline including District Court order of 22 December 2025 extending time to file the 2024 annual return to 19 January 2026”.
15. EPA prosecutions page (2025):
<https://www.epa.ie/our-services/compliance--enforcement/whats-happening/prosecutions-and-penalties/prosecutions-2025/epa-prosecutes-timoleague-agri-gen-limited-p0986-01.php>;
 EPA remedial works PDF (SV27047):
<https://leap.epa.ie/docs/b58fb914-0f7e-42a9-bab1-582289a2d8d9.pdf>;
 EPA compliance/enforcement portal:
<https://www.epa.ie/our-services/compliance--enforcement/>;
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19. EIA guidance (<https://www.gov.ie/en/department-of-housing-local-government-and-heritage/publications/guidelines-for-planning-authorities-and-an-bord-plean%C3%A1la-on-carrying-out-environmental-impact-assessment-august-2018/>), and
20. Seveso references (<https://www.flogas.ie/help-centre/seveso-directives/>;
<https://www.hse.ie/eng/services/list/5/publichealth/publichealthdepts/env/comah-seveso.pdf>).