

Comhairle Contae Chorcaí Cork County Council

An Rannóg Pleanála,
Halla an Chontae,
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Suíomh Gréasáin: www.corkcoco.ie
Planning Department,



Irish Distillers Limited,
C/O HW Planning,
5 Joyce House,
Barrack Square,
Ballincollig,
Cork.

County Hall,
Carrigrohane Road, Cork T12 R2NC

31st March, 2023

REF: D/219/23
LOCATION: Midleton Distillery, Park North, Midleton, Co. Cork.

**RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 - 2010.**

Dear Sir,

On the basis of the information submitted by you on 8th March, 2023 the Planning Authority, having considered the question whether the construction of a single storey extension to the Reverse Osmosis structure within the existing complex at **Irish Distillers Ltd., Park North, Midleton, Co. Cork** is or is not development and is or is not exempted development has declared that it **is development and is exempted development**.

Reason for Decision

The Planning Authority in considering this referral had particular regard to:

- Sections 2(1), 3(1) and 4 and 5 of the Planning and Development Act 2000 (as amended)
- Articles 3, 6, 9 and Schedule 2, Part 1, Class 21 of the Planning and Development Regulations 2001 (as amended)
- The particulars received by the Planning Authority on 8th March, 2023

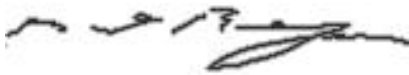
And Whereas Cork County Council has concluded that –

The construction of a single storey extension to the Reverse Osmosis structure within the existing complex at **Irish Distillers Ltd., Park North, Midleton, Co. Cork** is **development and is exempted development**.

This exemption does NOT itself empower a person to carry out a development unless that person is legally entitled to do so.

Please note that under Section 5 Subsection 3(a) where a declaration is issued under this section, any person issued with a declaration under subsection 2(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.

Yours faithfully,



**KEVIN O'REGAN,
SENIOR EXECUTIVE OFFICER,
PLANNING DEPARTMENT.**

In order to process your query, it may be necessary for Cork County Council to collect Personal information from you. Such information will be processed in line with our privacy statement which is available to view at <https://www.corkcoco.ie/privacy-statement-cork-county-council>

Reference Number	D 219/23
Applicant's Name	Irish Distillers Limited (IDL)
Section 5 question	Whether the construction of a single storey extension to the Reverse Osmosis structure within the existing complex at Irish Distillers Ltd. Midleton Distillery is or is not development and is or is not exempted development.
Location	Irish Distillers Limited, Midleton Distillery, Park North, Midleton, Co. Cork.

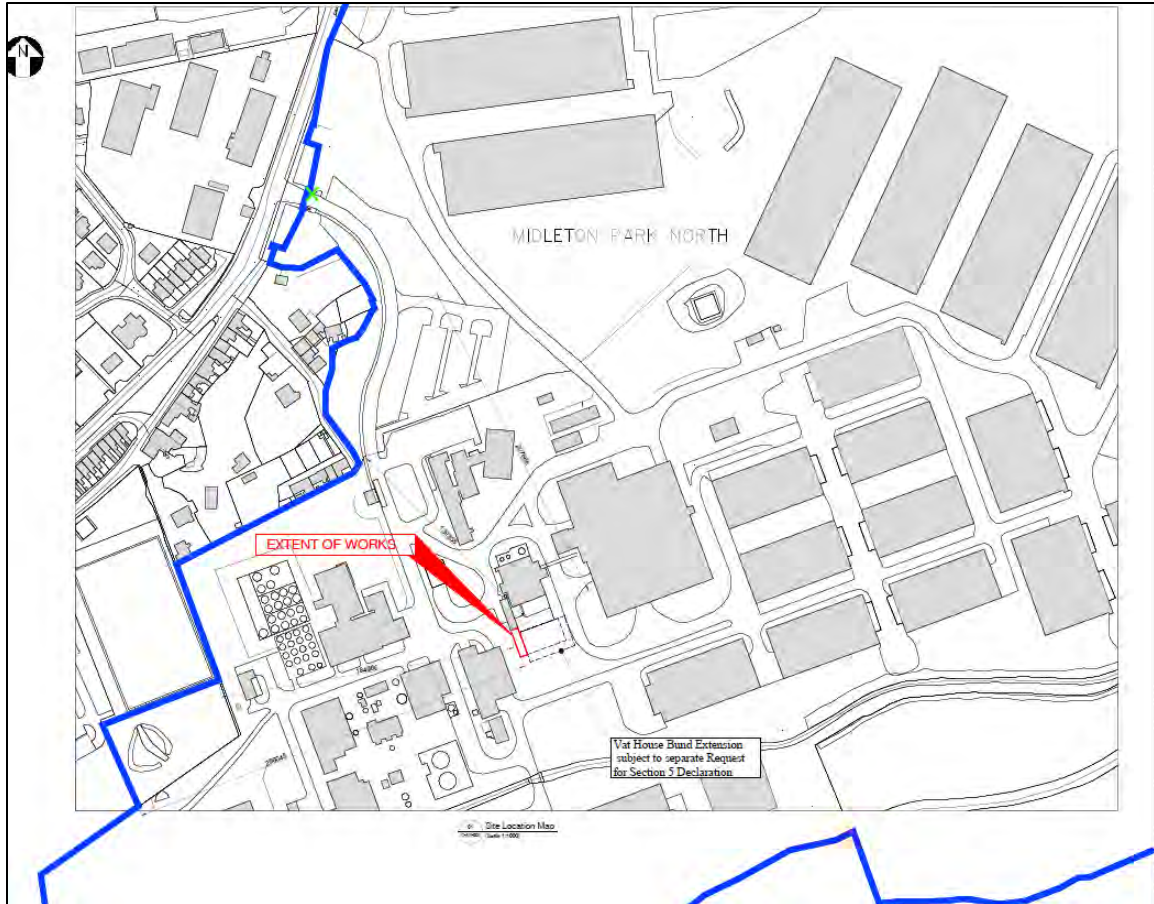
Section 5 Request

HW Planning on behalf of the applicants (Irish Distillers Ltd.) are requesting a declaration of exemption in accordance with Section 5 of the Planning and Development Act (2000, as amended), querying whether the construction of a single storey extension to the Reverse Osmosis structure within the existing complex at Irish Distillers Ltd. Midleton Distillery, Park North, Midleton, Co. Cork is or is not development and is or is not exempted development.

the construction of a single storey extension to the Reverse Osmosis structure within the Irish Distillers Limited complex, Midleton is or is not development and is or is not exempted development.

Site Description

The subject site forms part of the newer section of buildings towards the rear of the established Irish Distillers Ltd. complex in Midleton. It is situated to the south of the existing Reverse Osmosis (RO) structure and relates to a proposed extension to same.



Planning History

Section 5 History

D 220/23 – concurrent Section 5 application by IDL questioning whether the construction of an extension to an existing bund and provision of 8no distilling vats is or is not development and is or is not exempted development.

D 236/22 – determination by CCC that the construction of a Mechanical Vapour Recompression (MVR) Building at Irish Distillers Midleton Distillery, Park North, Midleton, Co. Cork is **development** and is **exempted development**.

Site History

There have been numerous recent applications across the wider site as detailed below.

23/4101 – permission granted to Irish Distillers Ltd for A two-storey extension to the rear of an existing office building and all ancillary site development works. The proposed extension will accommodate a canteen, staff welfare facilities, meeting/office space,

service and plant areas. The proposed development is a change of plan from that previously permitted by Cork County Council planning reference 21/6788. The proposed development is for modifications to an establishment to which the Major Accident Directive applies and is for the purposes of activity requiring an integrated pollution control licence [Industrial Emission Directive (IED) licence]

20/6009- Permission granted to Irish Distillers Ltd for Retention of 4 no. pot still vents and 4 no. associated lightening masts to the roof of an existing still house. The proposed development is for modifications to an establishment to which the Major Accident Directive applies and is for the purposes of activity requiring an integrated pollution control license [Industrial Emissions Directive (IED) License].

20/4811 (Heritage section of the site)- Permission granted to Irish Distillers Ltd for the refurbishment, modification and change of use of existing warehouse buildings (Buildings 19, 20, 21) to form part of the Jameson Experience at The Jameson Experience Heritage Centre. The proposed works will include alterations to the existing facades and internal layout to facilitate the temporary relocation of the existing visitor centre which will consist of reception area, auditorium, whiskey tasting rooms and retail shop including off-trade whiskey sales. The temporary heritage centre will be a licensed premises, including bar, cafe/restaurant with covered outdoor seating area and a temporary structure to accommodate public toilets adjacent to the existing warehouses. The building will continue to form part of the Jameson Experience and be used for tourism uses once the temporary use ceases. The proposed development consists of the carrying out of works to a protected structure.

19/4381- Permission granted to Irish Distillers Ltd for construction of a single storey forklift charging building and all ancillary site development works. The proposed development is for modifications to an establishment to which the Major Accident Directive applies and is for the purposes of activity requiring an integrated pollution control licence [Industrial Emissions Directive (IED) Licence].

PI Ref no. 17/7446 -permission granted to Irish Distillers for The construction of a new Mechanical Vapour Recompression (MVR) Evaporator Unit with ancillary fan house, 2 no. electrical switch rooms, 2 no. stillage tanks and a caustic tank. The proposed development makes provision for the relocation of existing chemical tanks, removal of existing access stairs, the provision of new access stairs and platforms and all ancillary site works

PI Ref No. 16/5553- Retention of the installation of roof level ventilation and planning permission for modifications to the micro distillery permitted by ref. no. 14/5429. The proposed modifications to the buildings include elevational changes to facilitate an increase in the roof height consisting of the installation of louvered ventilation to the

external walls and the replacement of the roof; the provision of a plant room at first floor level; internal modifications; and all ancillary site development works. The proposed development consists of the carrying out of works to a protected structure.

16/6280- Permission granted to Irish Distillers for a A 316.68kW solar photovoltaic (PV) array to be mounted on the roof of two existing warehouse buildings. The solar array will generate on site green electricity which will be used to help reduce the company's energy costs.

The main Distillery Complex and associated warehouse development were permitted under governing permission 72-1237.

Relevant An Bord Pleanála Referrals

No relevant An Bord Pleanála Referrals.

Legislation Context

Planning and Development Act (2000, as amended)

Section 2 defines 'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles, or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 (1) of the Act states:

In this Act "Development" means, except where the context otherwise requires, the carrying out of any works on, in, over, or under land or the making of any material change in the use of any structures or other land.

Section 4 of the Act sets out developments which shall be exempted development for the purposes of the Act.

Section 4(4) Notwithstanding..... any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning and Development Regulations (2001, as amended)

Section 5 (1) sets out definitions in the context of interpreting Exempted Development. Definitions of relevance to this case are set out below.

“Industrial building” means a structure (not being a shop, or a structure in or adjacent to and belonging to a quarry or mine) used for the carrying on of any industrial process;

"industrial process" means any process which is carried on in the course of trade or business, other than agriculture, and which is-

(a) for or incidental to the making of any article or part of an article, or

(b) for or incidental to the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article, including the getting, dressing or treatment of minerals, and for the purposes of this paragraph, "article" includes-

(i) a vehicle, aircraft, ship or vessel, or (ii) a sound recording, film, broadcast, cable programme, publication and computer program or other original database;

“industrial undertaker” means a person by whom an industrial process is carried on and “industrial undertaking” shall be construed accordingly;

<i>Description of Development</i>	<i>Conditions and Limitations</i>
CLASS 21	
(a) Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of, any industrial process, or on land used as a dock, harbour or quay for the purposes of any industrial undertaking— (i) the provision, rearrangement, replacement or maintenance of private ways or private railways, sidings or conveyors, (ii) the provision, rearrangement, replacement or maintenance of sewers, mains, pipes, cables or other apparatus,	1. Any such development shall not materially alter the external appearance of the premises of the undertaking. 2. The height of any plant or machinery, or any structure in the nature of plant or machinery, shall not exceed 15 metres above ground level or the height of the plant, machinery or structure replaced, whichever is the greater

<p>(iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery.</p> <p>(b) Any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the industrial process carried on in the building.</p>	
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Article 6(1) of the Regulations states as follows:- *“(a) Subject to article 9, development consisting of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.*

Article 9 sets out restrictions on exemption to which article 6 relates. It states that development to which article 6 relates shall not be exempted development for the purposes of the Act in a number of specific instances.

Consultees

Health and Safety Authority (HSA) – does not advise against the development in the context of major accident hazards as per submission received on the 28/03/2023.

EIA

Having reviewed the documentation submitted (including the points set out in the EIA Screening document I am satisfied that an EIA is not required having regard to the nature/scale of development proposed and relevant provisions set out under Schedules 5 and 7 of the Planning and Development Regulations (2001, as amended).

Appropriate Assessment

An AA Screening report has been prepared and submitted with the Section 5 documentation. The relevant European sites for consideration are the Cork Harbour SPA (Site Code 004030) and the Great Island Channel SAC (site code 001058) which are located approximately 1.1km away from the site. The Screening Report ultimately concludes that no significant effects from the development are likely to occur in relation to identified Natura 2000 sites, there is no hydrological links and it will not cause

disturbance/displacement impacts on SCI due to its urban setting and distance from the SPA/SAC.

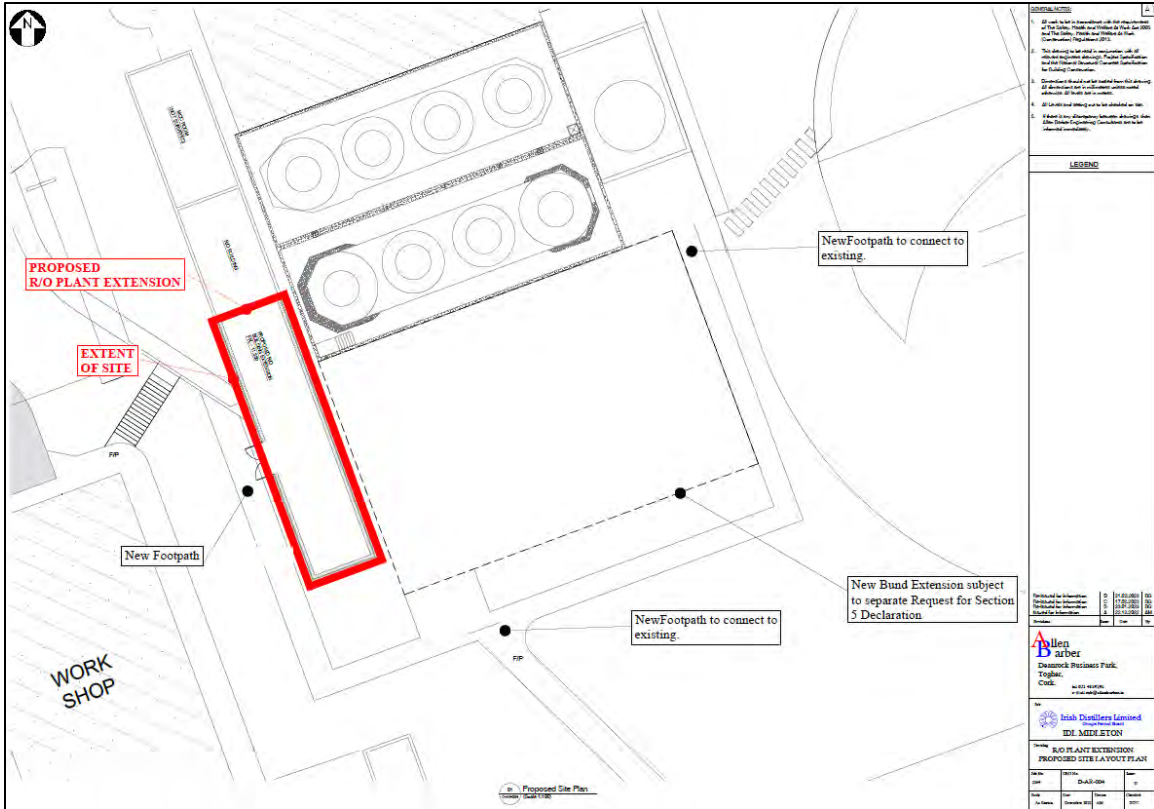
It is noted that no service connections are proposed as part of the development proposal. Having regard its nature, scale and location I am satisfied that the proposed development would not affect the integrity of the Natura 2000 sites referred to and a Stage 2 AA is not required in this case.

Assessment

This section 5 declaration queries whether the querying whether the construction of a single storey extension to the Reverse Osmosis structure within the Irish Distillers Limited complex, Midleton is or is not development and is or is not exempted development.

Description of Proposed Works

The rationale for and details of the proposed development have been outlined in the documentation submitted as summarized below. It is stated that the extension is required to accommodate plant and machinery for industrial processing purposes. The structure will accommodate the new RO filtration system along with ancillary support equipment. Post installation and operation, the current RO unit is to act as a standby unit. The new RO building is for process equipment only and will not a permanently occupied space. The proposed development will not connect to the public sewer network and will not have any impact on the Midleton WWTP. Extracts of the drawings submitted with the Section 5 application are outlined below.



- NOTES:**
1. All work shall be in accordance with all applicable provisions of the Building Regulations, Planning and Building Act 2000 and the Building Regulations, Planning and Building Act 2000 (as amended).
 2. This drawing shall not be used for any other purpose without the written consent of the author.
 3. The drawing shall not be used for any other purpose without the written consent of the author.
 4. All work shall be done in accordance with the Building Regulations, Planning and Building Act 2000 (as amended).
 5. All work shall be done in accordance with the Building Regulations, Planning and Building Act 2000 (as amended).

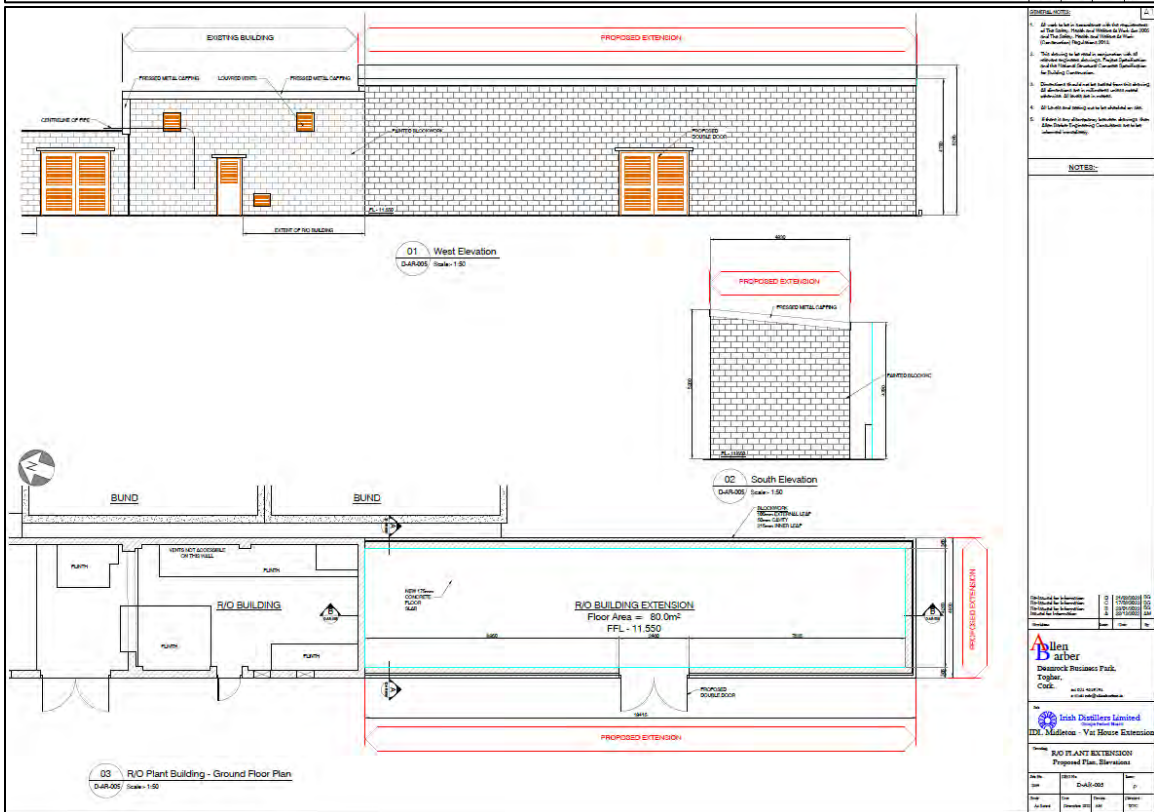
LEGEND

Revised by	Revised on	Revised for

Allen Barber
 Design & Planning
 Design & Planning
 Design & Planning

Irish Distillery Limited
 IDL MUSEUM
 R/O PLANT EXTENSION
 PROPOSED SITE LAYOUT PLAN

Scale: 1:500
 Date: 2023-08-08
 Drawn: [Name]
 Checked: [Name]
 Approved: [Name]



- NOTES:**
1. All work shall be in accordance with all applicable provisions of the Building Regulations, Planning and Building Act 2000 and the Building Regulations, Planning and Building Act 2000 (as amended).
 2. This drawing shall not be used for any other purpose without the written consent of the author.
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NOTES:

Revised by	Revised on	Revised for

Allen Barber
 Design & Planning
 Design & Planning
 Design & Planning

Irish Distillery Limited
 IDL MUSEUM - VOT HOUSE EXTENSION
 R/O PLANT EXTENSION
 Proposed Plan, Elevation

Scale: 1:500
 Date: 2023-08-08
 Drawn: [Name]
 Checked: [Name]
 Approved: [Name]

Is the Proposal Development?

On the basis of the information submitted it is considered that the proposal amounts to 'works' as defined by Section 2 (1) of the Planning and Development Act (2000, as amended) and therefore the comes within the meaning of 'development' in accordance with Section 3 of the Planning and Development Act 2000 (as amended). The question at hand, therefore, is whether the development is exempted development.

Is the Proposal Exempted Development

It is considered that the key legislative provision for determining the query raised is set out under Schedule 2, Part 1, Class 21 of the Planning and Development Regulations (2001, as amended) as put forward by the applicant.

Having regard to the nature of the processing/business being carried out by the applicants, Irish Distillers Ltd. as detailed in the application, and to previous determinations by the Planning Authority I am satisfied that the applicant can be deemed an "*industrial undertaker*" for the purposes of the legislation and the process involved relates to an industrial undertaking.

The scale and nature of the proposed extension is consistent with the neighbouring structure and is not considered to materially alter the external appearance of the premises as per condition/limitation no. 1. Furthermore, it does not exceed the 15m height limitation (c.5.26m at highest point) and therefore also complies with the parameters of condition/limitation no. 1.

Therefore, having regard to nature of the development proposed and the relevant legislative definitions/parameters I am satisfied that the proposal comes within the scope of Class 21 of the Planning and Development Regulations (2001, as amended).

Restriction on Exemption

I have reviewed the proposal against potential restrictions on exemption as set out under Article 9 of the Planning and Development Regulations (2001, as amended). The key relevant potential restrictions on exemption are discussed below.

Article 9, S9(b)(1)

d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.

The applicants have submitted a Significant Modifications Risk Assessment (required for submission by FI in assessment of D236/22) for the subject and concurrent development proposals which are the subject of the Section 5 applications at hand. I have liaised with the relevant HSA Inspector and on the basis of the formal submission received from the HSA they does not advise against the development proposal in the context of major

accident hazards. As such it is therefore concluded that there is no restriction on exemption having regard to Article 9, S9(b)(1) of the Regulations.

Works affecting character of protected structures or proposed protected structures.

57.—(1) F403[Notwithstanding section 4(1)(a), (h), (i), F404[(ia)](j), (k), or (l) and any regulations made under section 4(2),] the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

(2) An owner or occupier of a protected structure may make a written request to the planning authority, within whose functional area that structure is situated, to issue a declaration as to the type of works which it considers would or would not materially affect the character of the structure or of any element, referred to in subsection (1)(b), of that structure

The site is close to/ within the curtilage of a protected structure. The Conservation Officer (CO) was unavailable for comment at the time of reporting. It is however noted that the CO had no objection to a recent nearby Section 5 determination (D236/22) within the complex and was satisfied that the proposal did not materially affect the character of protected structure. Having regard to this, the location of the proposal within the newer section of the site and the scale/nature of the development proposal I am satisfied that the proposed works would not materially affect the character of the nearby protected structure.

Recommendation

Accordingly, whereas a question has been raised regarding whether the construction of a single storey extension to the Reverse Osmosis structure within the existing complex at Irish Distillers Midleton Distillery, Park North, Midleton, Co. Cork is or is not exempted development and having had regard to:

- the details submitted to the Planning Authority on the 08/03/2023
- Sections 2 (1) 3(1), 4 and 5 of the Planning and Development Act (2000, as amended)
- Article 3, 6, 9 and Schedule 2, Part 1, Class 21 of the Planning and Development Regulations (2001, as amended)

it is concluded by the Planning Authority that:

whether the construction of a single storey extension to the Reverse Osmosis structure within the existing complex at Irish Distillers Midleton Distillery, Park North, Midleton, Co. Cork is **development** and is **exempted development**.

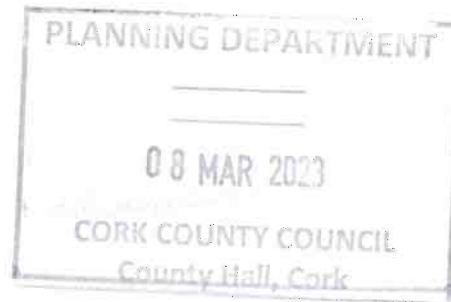
The Planning Authority had regard to the following:

- the details submitted to the Planning Authority on the 08/03/2023
- Sections 2 (1) 3(1), 4 and 5 of the Planning and Development Act (2000, as amended)
- Article 3, 6, 9 and Schedule 2, Part 1, Class 21 of the Planning and Development Regulations (2001, as amended)



John Lalor
Executive Planner
30/03/2023

The Secretary
Planning Department
Cork County Council
County Hall
Carrigrohane Road
Cork
T12 R2NC



8 March 2023

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Directors:
Harold Walsh
Conor Frehill

Company Reg. No.
486211

Re: Request for Declaration under Section 5 of the Planning and Development Act 2000 for a single storey extension to an existing Reverse Osmosis (RO) structure to accommodate plant and machinery for industrial the purposes at Midleton Distillery, Park North, Midleton, Co. Cork,

Dear Sir/Madam,

We act on behalf of Irish Distillers Limited (IDL), who request a declaration from Cork County Council on whether a single storey extension to an existing Reverse Osmosis (RO) structure to accommodate plant and machinery for industrial the purposes, is or is not exempted development.

The following plans and particulars accompany this request:

- 4 no. copies of completed application form
- 4 no. copies of site location map prepared by prepared by Allen Barber Consulting Engineers.
- 4 no. copies of site layout plan prepared by prepared by Allen Barber Consulting Engineers.
- 4 no. copies of plans, sections and elevations prepared by Allen Barber Consulting Engineers.
- 4 no. copies of AA Screening Report prepared by HW Planning.
- 4 no. copies of Significant Modifications Assessment prepared by Byrne O' Cleirigh.
- Statutory fee of €80

Development Context

IDL are seeking a single storey extension to an existing Reverse Osmosis (RO) structure at Midleton Distillery to assist in meeting the growing global demand for their various whiskey products. The structure will accommodate the new RO filtration system along with ancillary support equipment. Post installation and operation, the current RO unit is to act as a standby unit.

The new RO building is for process equipment only and will not be a permanently occupied space. The proposed development will not connect to the public sewer network and will not have any impact on the Middleton WWTP.

A separate request for declaration under Section 5 for the extension of the existing bund and provision of 8 no. distilling VATs to the east is also being submitted, which will also form part of an extended spirit tank farm.

Legislative Context

Planning and Development Act 2000 (as amended)

Section 3 of the Planning and Development Act 2000 defines development as:

In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 2 of the Planning and Development Act, 2000 defines a structure as follows

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined,

Planning and Development Regulations, 2001 (as amended)

Schedule 2, Part 1, Class 21 of the Planning and Development Regulations 2001 specifies that the following development for industrial purposes is exempted development.

Description of Development	Conditions and Limitations
<p><i>Development for industrial purposes</i></p> <p>CLASS 21</p> <p>(a) Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of, any industrial process, or on land used as a dock, harbour or quay for the purposes of any industrial undertaking—</p> <p>(i) the provision, rearrangement, replacement or maintenance of private ways or private railways, sidings or conveyors,</p> <p>(ii) the provision, rearrangement, replacement or maintenance of sewers, mains, pipes, cables or other apparatus,</p>	<p>1. Any such development shall not materially alter the external appearance of the premises of the undertaking.</p> <p>2. The height of any plant or machinery, or any structure in the nature of plant or machinery, shall not exceed 15 metres above ground level or the height of the plant, machinery or structure replaced, whichever is the greater.</p>

(iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery.

(b) Any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the industrial process carried on in the building.



Article 5 of the Planning and Development Regulations 2001 defines an industrial process and industrial undertaker as follows

"industrial process" means any process which is carried on in the course of trade or business, other than agriculture, and which is-

(a) for or incidental to the making of any article or part of an article, or

(b) for or incidental to the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article, including the getting, dressing or treatment of minerals,

"industrial undertaker" means a person by whom an industrial process is carried on and "industrial undertaking" shall be construed accordingly;

Article 9 (1)(viiB) and Article 9 (1)(d) of the Planning and Development Regulations 2001 outline the following restrictions on exemptions in respect of development which would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site and establishments to which the Major Accident Directive applies

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.

Precedent

We note the decision of Cork County Council dated 16th September 2022 where it was concluded that the construction of a Mechanical Vapour Recompression building at the distillery where the Planning Authority concluded that the building is development and is exempted development. Cork County Council Reference D/236/22 refers. In the stated reasons for their decision the Council has regard to Sections 2(1), 3(1), 4 and 5 of the Planning and Development Act (2000, as amended) Article 3, 6, 9 and Schedule 2, Part 1, Class 21 of the Planning and Development Regulations (2001, as amended).

Similarly, to the proposed RO extension, the MVR building was for the purposes of accommodate plant, machinery and equipment in the operations of the wider distillery.

Assessment

We consider that the issues to be considered when assessing whether a proposed development complies with Class 21, and these are as follows

1. Is the proposed development to be carried out by an industrial undertaker and on land used by the undertaker for the carrying on of an industrial process.
2. Can the proposed development be defined as plant and machinery or structures of the nature of plant and machinery to be used for the purpose of an industrial process.
3. Does the proposed development materially alter the external appearance of the premises of the undertaking.
4. Does the proposed development exceed 15 metres above ground level or the height of plant, machinery or structure to be replaced.

In accordance with Article 9 (1)(viiB) and Article 9 (1)(d) of the Planning and Development Regulations 2001 whether the proposed development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site, must be considered.

As Midleton Distillery is an establishment to which the Major Accident directive applies the potential repercussions on major accident hazards must also be considered in accordance with Article 9(1)(d) of the Planning and Development Regulations, 2001.

Is the proposed development to be carried out by an industrial undertaker and on land used by the undertaker for the carrying on of an industrial process;

IDL own the Midleton Distillery complex which produces Irish Whiskey. The process of producing Irish Whiskey is most easily divided into two distinct phases both of which are undertaken on the Distillery site.

1. The Production of spirit from cereals (Distillation).
2. Spirit Ageing in oak casks over time into whiskey (Maturation).

Phase 1 is essentially the conversion of sugars naturally present in cereals (barley, malt and maize) into a potable alcohol. The unit processes involved include milling, mashing / cooking, fermentation and distillation. This process takes approximately four days after which the spirit is filled into oak casks of approximately 200 litres in capacity.

Phase 2 is the maturation of the immature spirit into Irish Whiskey over time in oak casks (by law a minimum of three years). This typically takes five years. Aged premium whiskeys can take 12 years, 18 years or even longer to mature. During the maturation period the casks of whiskey

remain undisturbed in a maturing warehouse. A complex interaction develops between the spirit, oak wood and oxygen from the air to produce the unique flavour and colour associated with a mature Irish Whiskey.

Therefore, given the nature of the process we consider that IDL produce an article being alcohol they can be defined as an industrial undertaker as defined by the Planning and Development Regulations. The area utilised for the intended RO extension will be located on land used by the undertaker for the carrying on of an industrial process.

Can the proposed development be defined as plant and machinery or structures of the nature of plant and machinery to be used for the purpose of an industrial process;

The purpose of the development is to accommodate a new RO filtration system in the distilling of whiskey. The structure will contain plant/process equipment and will not be a permanently occupied space.

We note that Section 2 of the Planning and Development Act, 2000 defines a structure as follows

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined,

The proposed structure can be defined as a structure of the nature of plant and machinery and comply with Class 21.

Does the proposed development materially alter the external appearance of the premises of the undertaking;

The proposed structure is consistent with the nature of plant and machinery and other structures currently on site. The structure will be invisible from public roads, and we do not consider that the proposed development will materially alter the external appearance of the existing Distillery.

Does the proposed development exceed 15 metres above ground level or the height of plant, machinery or structure to be replaced

The RO extension of circa 5.2 metres in height will not exceed 15 metres above ground level.

Is an Appropriate Assessment (AA) Required

This request is accompanied by an AA Screening Report which determines that AA can be excluded through screening as the proposed development would not be likely to have a significant effect on any Natura 2000 site.

Are there potential repercussions on major accident hazards, given Midleton Distillery is an establishment to which the Major Accident Directive applies

A Significant Modifications Assessment prepared by Byrne O’Cleirigh has been prepared which assesses the [potential repercussions of both the VAT Expansion and RO extension and concludes.

The findings of this assessment show that the risks associated with the proposed vat house expansion are low, due to the controls that will be put in place. The highest level

of individual risk to any operator from this new development will be of the order of 2.5×10^{-7} per annum, i.e. less than one in one million.

- *The highest level of individual risk presented to any personnel in the vicinity will be less than 1-in-1-million per annum, which is broadly acceptable, based on the HSA's criteria.*
- *The increase in EV for the proposed development is calculated to be 18.64, which is significantly below the threshold figure of 450 from the HSA's guidance.*
- *Comparing the sensitivity level of the personnel with the level of risk to which they would be exposed, the development satisfies the HSA's LUP criteria also.*

Conclusion

Having regard to:

- Section 2 of the Planning and Development Act 2000
- Section 3 of the Planning and Development Act 2000;
- Schedule 2, Part 1, Class 21 of the Planning and Development Regulations 2001; and
- Planning precedent established by Ref D/236/22.

we consider that the extension to an existing Reverse Osmosis (RO) structure is development and is exempted development.

Please do not hesitate to contact us if you have any queries.

Yours Sincerely



Harry Walsh
HW Planning



CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST

(Please tick ✓)

- 4 No. Copies of Application Form:
- 1 No. Copy of Contact Details:
- 4 No. Copies 6" O.S. Maps:
- 4 No. Copies 25" O.S. Maps:
- 4 No. Copies of Site Layout Plan:
- 4 No. Copies Scaled Drawings of Development:
- €80 Application Fee:



FOR OFFICE USE ONLY

Receipt No.	P12-0002230
Cash/Cheque/ Credit Card	Cheque
Date	10/03/2023
Declaration Ref. No.	D/219/23

DATE STAMP HERE

You should make sure that you are satisfied that any information/documentation that you submit is appropriate to be viewed by the public. Please do not submit any information that you do not want 3rd parties to view.

In the case of a Declaration of Exemption for Land Reclamation, the following additional information is required:

- A copy of the details submitted to the Council's Environment Department (Inniscarra) for a Waste Licence Permit
- Correspondence from Teagasc (detailing how the land reclamation would benefit the land in question for agricultural purposes)
- Details of existing and proposed levels
- Details of fill material and duration of fill.

DATA PROTECTION

The planning process is an open and public one. In that context, all applications for Declarations of Exemption are made available for public inspection.

Personal information collected by Cork County Council is done so in order for us to process your application for a Section 5 Declaration of Exemption. Legally we can process this information as it is necessary for us to comply with our statutory/legal obligations. The protection of our personal data is a key priority for the Council and your data will be processed in line with our Privacy policy which is available at <http://www.corkcoco.ie/Privacy-Policy> or hardcopy from our offices at County Hall, Carrigrohane Road, Cork, Ireland. Should you have any questions about our privacy policy or the information we hold about you, please contact us by email to dpo@corkcoco.ie or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.

4. APPLICATION DETAILS:

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square metres (m²)

(a) Floor area of existing/proposed structure(s):	80 sqm
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 st October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas (m ²) and previous planning reference(s) where applicable:
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use N/A	Proposed use N/A
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

5. LEGAL INTEREST OF APPLICANT IN THE LAND/STRUCTURE:

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:		
If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):		

6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

Is this a Protected Structure/Proposed Protected Structure or within the curtilage of a Protected Structure: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority: Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please state relevant reference No. _____
Is this site located within an Architectural Conservation Area (ACA), as designated in the County Development Plan? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

7. APPROPRIATE ASSESSMENT:

Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes No

8. DATA PROTECTION DECLARATION:

In order for the Planning Authority to process the personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council’s Privacy Policy available at <http://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

Processing of your Declaration of Exemption application by the Planning Authority

I give permission for my personal information to be processed for the purpose stated above

Signed (By Applicant Only)	Paul Wickham
Date	8th March 2023

GDPR Special Categories of data / Sensitive Personal data - Explicit Consent

Where Special Categories of personal data / sensitive personal data are provided as part of / in support of a declaration application, **explicit consent** to the processing of the special categories of data must be given by the person to whom the data refers, namely the Data Subject.

Special Categories of data / Sensitive Personal data include:

- Race
- Ethnic origin
- Political opinions
- Religion
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data
- Concerning a natural person's sex life
- Sexual orientation

In order for the Planning Authority to process the sensitive personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council’s Privacy Policy available at <https://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

Sensitive personal data being submitted in support of Declaration of Exemption Application

I give permission for my sensitive personal data submitted to the Planning Authority to be processed for the purpose stated above.

Signed	Paul Wickham
Date	8th March 2023

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: planninginfo@corkcoco.ie or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: westcorkplanninginfo@corkcoco.ie However if consent to the use of personal data is withdrawn during the declaration of exemption decision-making process this information cannot be considered as part of the decision making process. Once a decision has been made, an applicant is not entitled to withdraw consent, as the right of erasure does not apply to a situation where processing is required for compliance with a legal obligation or for the performance of a task carried out in the public interest.

Please note that all information / supporting documentation submitted will be available publicly to view at the Planning Authority offices.

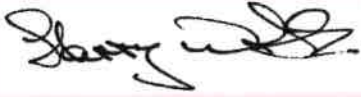
ADVISORY NOTES:

The application must be accompanied by the required fee of €80
The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.
Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.
The application should be sent to the following address:
The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and on which the Declaration of Exemption is sought.
- Any person issued with a Declaration of Exemption may on payment to An Bord Pleanála refer a Declaration of Exemption for review by the Board within 4 weeks of the date of the issuing of the Declaration of Exemption decision.
- In the event that no Declaration of Exemption is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a Declaration of Exemption was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations, 2001, as amended.

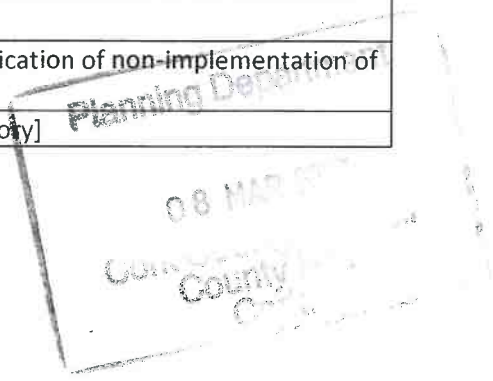
9. **I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the Planning and Development Acts 2000, as amended and the Regulations made thereunder:**

Signed (Applicant or Agent as appropriate)	
Date	8th March 2023

Appendix 4 – Communicating Risk Analysis to CCA

This form has been completed following conclusion of the risk analysis (document ref. 527-21X0156). The risk falls within Section 1 of the table below.

Section 1 - Risk is broadly acceptable: on and off-site risk less than 1×10^{-6} per year without application of additional technical measures (ATMs) <input checked="" type="checkbox"/>		
The highest level of Individual Risk to any operator on site as a result of this development is much less than 1×10^{-6} per annum. The risk to operators in the closest building is calculated to be 2.5×10^{-7} per annum.		
The risk value off site is negligible.		
Further ATMs are not required		
Section 2 – Onsite risk is in the tolerable range of 1×10^{-4} to 1×10^{-6} per year (including following implementation of ATMs) <input type="checkbox"/>		
Individual on-site risk	[Enter risk values before ATMs]	[Enter risk values after ATMs]
Societal risk	[Enter increased Expectation Value]	
Were ATMs required to achieve this?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Brief description of ATMs	
	Attach full detail of ATMs, demonstration that risk is ALARP, justification of non-implementation of ATMs – CBA etc.	
Environmental risk	[Enter environmental risk category]	
Section 3 – Onsite risk is greater than 1×10^{-4} per year <input type="checkbox"/>		
Individual on-site risk	[Enter risk values before ATMs]	[Enter risk values after ATMs]
Societal risk	[Enter increased Expectation Value]	
Additional Technical Measures	[Provide summary of ATMs implemented and those considered and not implemented]	
	Attach full detail of ATMs, justification of non-implementation of ATMs – CBA etc.	
Environmental Risk	[Enter environmental risk category]	
Section 4 – Offsite risk greater than 1×10^{-6} per year and/or EV increase >450 <input type="checkbox"/>		
Individual on-site risk	[Enter risk values before ATMs]	[Enter risk values after ATMs]
Societal risk	[Enter increased Expectation Value]	
Additional Technical Measures	[Provide summary of ATMs implemented and those considered and not implemented]	
	Attach full detail of ATMs, justification of non-implementation of ATMs – CBA etc.	
Environmental Risk	[Enter environmental risk category]	



Allen Barber
Consulting Engineers

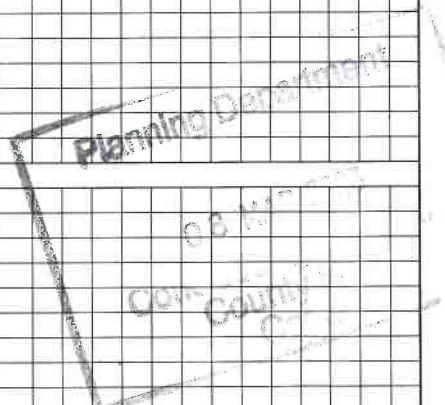
Deanrock Business Park,
Togher, Cork
tel: (021) 4319291

e-mail: tom@allenbarber.ie

JOB NO: 2264
CLIENT: IDL Middleton
PROJECT TITLE: VAT House Bund Extension

Drawing Register and Issue Schedule- SHEET 1 OF 1

DRAWING REGISTER		T01	T02	T03	T04	T05	T06	T07	T08	T09	T10	T11	T12	T13	T14	T15	T16	T17
Drawing No.		Site																
		24/02/2023																
2264-D-AR-001	Site Location Map 1-10560 (RO Building)	A3	A															
2264-D-AR-002	Site Location Map 1-1000 (RO Building)	A1	A															
2264-D-AR-003	Existing Site Plan (RO Building)	A1	A															
2264-D-AR-004	Proposed Site Plan (RO Building)	A1	A															
2264-D-AR-005	RO Plant Extension - Plan and Elevations	A1	A															
2264-D-AR-006	RO Plant Extension - Sections	A1	A															
2264-D-AR-007																		
2264-D-AR-008																		
2264-D-AR-009																		
2264-D-AR-010	Site Location Map 1/10560 (Bund Extension)	A3	A															
2264-D-AR-011	Site Location Map 1/1000 (Bund Extension)	A1	A															
2264-D-AR-012	Existing Site Layout Plan (Bund Extension)	A1	A															
2264-D-AR-013	Proposed Site Layout Plan (Bund Extension)	A1	A															
2264-D-AR-014	Proposed Bund Floor Plan	A1	A															
2264-D-AR-015	Proposed Upper Level Platform Plan	A1	A															
2264-D-AR-016	Existing Western and Eastern Elevations	A1	A															
2264-D-AR-017	Existing Southern Elevation	A1	A															
2264-D-AR-018	Proposed Western and Eastern Elevations	A1	A															
2264-D-AR-019	Proposed Southern Elevation	A1	A															
2264-D-AR-020	Bund Plan - Upper Platform																	
Distribution: ED: e-mailed drawing; EP: e-mailed pdf; 1, 2, etc: No. of Paper Copies																		
Client	Barry O'Driscoll (IDL)																	
Planning Consultant	Harry Waish	6																
Purpose of Transmittal (X)																		
Preliminary																		
Information																		
Approval																		
Pricing																		
Construction																		
Comment																		
Planning Application		X																
Issued By		BG																





Appropriate Assessment Screening

A single storey extension to an existing Reverse Osmosis (RO) structure to accommodate plant and machinery for industrial the purposes at Midleton Distillery, Park North, Midleton, Co. Cork

Prepared on behalf of Irish Distillers Limited

March 2023

Connecting people.
Connecting places.

Appropriate Assessment

The Habitats Directive (Council Directive 92/43/EEC) requires that plans and projects be screened for potential impacts on Special Areas of Conservation (SACs) or Special Protection Areas (SPAs). An Appropriate Assessment (AA) Screening pro-forma is included in this report with relevant site information to assist Cork County Council in the completion of the AA process.

Site Location Relative to Designated Natura 2000 Sites

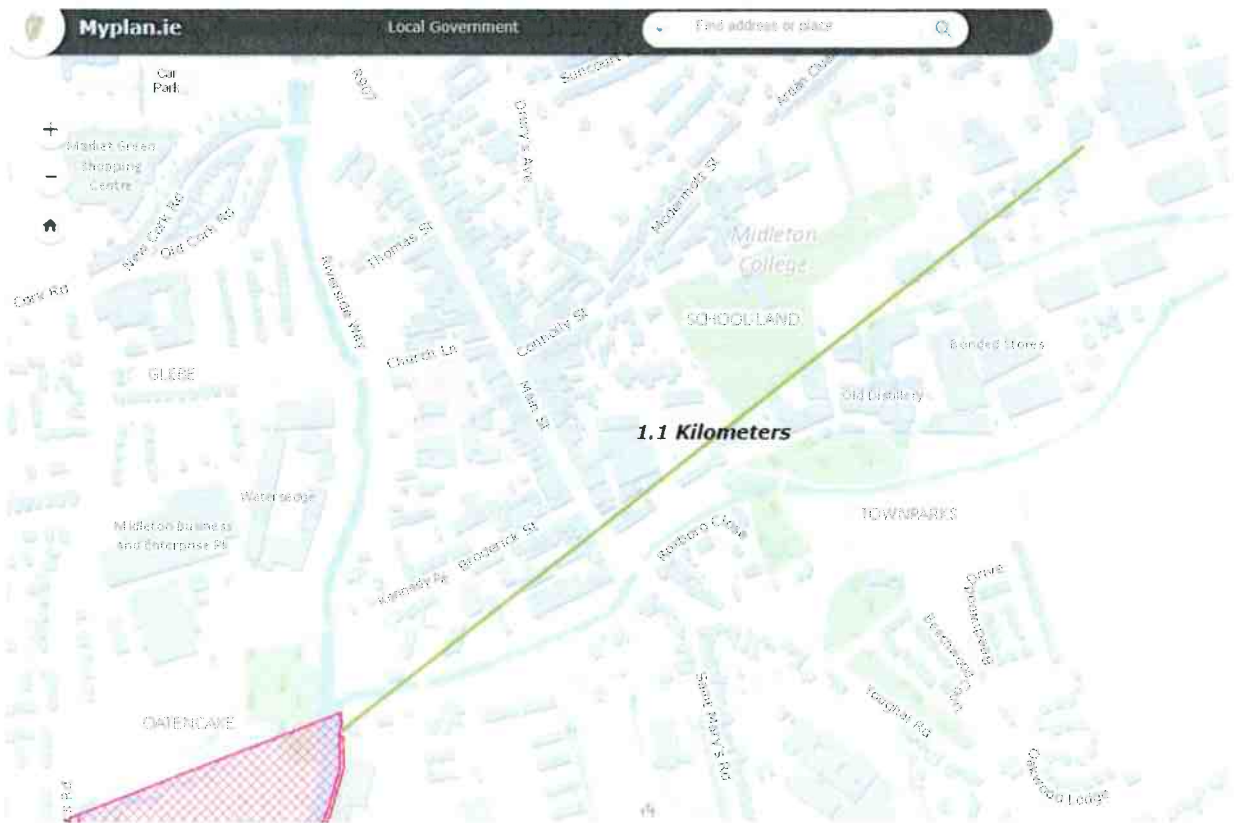


Figure 1: Location of Subject Site in Relation to Cork Harbour SPA and Great Island Channel SAC

The map above highlights that the closest Natura 2000 sites are the Cork Harbour SPA and Great Island Channel SAC both located approximately 1.1 kilometres to the southwest of the development site. It is separated by areas of the existing Midleton Distillery, housing developments, industry, utilities and road infrastructure networks. It is objectively concluded that no significant effects from the development are likely to occur in relation to identified Natura 2000 sites. The development is not part of any designated Natura 2000 site and does

not overlap with them, thereby ruling out any direct habitat loss. No indirect hydrological impacts on the Natura 2000 sites are expected as a result of the proposed development due to the absence of any hydrological links. The development will not cause disturbance/displacement impacts on species that form qualifying interests of the Cork Harbour SPA due to its urban setting and distance between the development site and SPA.

Appropriate Assessment Screening Pro-forma

European Site Data

Great Island Channel Candidate Special Area Of Conservation (site code 001058)	
Conservation objective	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
Qualifying interests	Annex I listed habitats: mudflats, sandflats not covered by seawater at low tide, estuaries, spartina swards, Atlantic salt meadows.
References and further information	Conservation Objectives for Great Island Channel SAC [001058] (NPWS), Natura 2000 Standard Data Form (NPWS), Site Synopsis Great Island Channel Site Code 001058 (NPWS) (see www.npws.ie for further details)
Cork Harbour Special Protection Area (site code 004030)	
Conservation objective	To maintain or restore the favourable conservation condition of the bird species listed as special conservation interests for this SPA.
Qualifying interests	Annex I-listed bird species: bar-tailed godwit, common tern (breeding), golden plover, ruff, whooper swan. Other birds of special conservation interest include black-headed gull, black-tailed godwit, common gull, curlew, dunlin, great crested grebe, grey heron, grey plover, lapwing, lesser black-backed gull, little grebe, oystercatcher, pintail, red-breasted merganser, redshank, shelduck, shoveler, teal, and widgeon. This site is an internationally important wetland site supporting > 20,000 wintering waterfowl.
References and further information	Conservation Objectives for Cork Harbour SPA [004030] (NPWS), Natura 2000 Standard Data Form (NPWS),

Details of Proposed Development

Development location	Midleton Distillery, Midleton, Co. Cork
Approx Distance from cSAC	1.1km
Distance from SPA	1.1km
Description of development	a single storey extension to an existing Reverse Osmosis (RO) structure to accommodate plant and machinery for industrial the purposes.
Relevant strategies or policies	Cork County Development Plan 2022
EIS submitted?	No
Screening report/NIS	No

Assessment of Likely, Direct, Indirect and Cumulative Effects

Is the proposed development directly connected to or necessary for the conservation management of the SPA and/or cSAC? (If yes, no further assessment required. If no, screening required.)	No
Is the proposed development located within or partly within the SPA?	No
Is the proposed development located within 100m of the SPA?	No
Does the proposed project involve the development, extension or upgrade of a cycleway or walkway within 200m of the SPA?	No
Does the proposed development involve development in the intertidal or coastal zone within the potential impact zone of the SPA?	No
Could the proposed project increase the level of recreational or other use of marine or intertidal areas within the potential impact zone of the SPA?	No
Does the proposed development involve the excavation of previously undeveloped land within an area that has been identified to be at risk of flooding within the potential impact zone of the SPA?	No
Does the proposed development involve the removal of significant amounts of topsoil within 100m of the SPA?	No
Does the existing wastewater treatment system have the capacity to treat any additional loading?	N/A
Would the proposed development result in direct surface water or other discharge to water bodies in or feeding into the SPA or cSAC?	No
Would the proposed development involve dredging or could it result in the mobilisation of marine sediments in the Harbour area?	No

Could the proposed development give rise to increased risk of oil or chemical spillage or leaks within the marine environment or watercourse within the potential impact zone for the SPA or cSAC?	No
Are there relevant plans or projects which, in combination with the proposed development, are likely to give rise to any cumulative effects?	No

Screening Conclusion Statement

In view of the above it is considered that (tick one box only):

Appropriate Assessment is not required. The proposed development is directly connected / necessary to the conservation management of a site.

Appropriate Assessment is not required. It can be excluded through screening. The proposed development would not be likely to have a significant effect on any Natura 2000 site.

Further information is required. Potential impacts have been identified through initial screening and/or there is insufficient information to enable the planning authority to screen out impacts, but on balance it is determined that the issues could be resolved through minor modifications to the proposed development or by appropriate conditions. The information required is specified below.

Appropriate Assessment is required. Significant issues have been identified and/or significant effects are certain, likely or uncertain, and the submission of a Natura Impact Statement (NIS) is required, or the proposed development must be rejected.

Name: Harry Walsh

Position: Director, HW Planning

Date: 8th March 2023

Note: This statement has been prepared based on a review of available development information shared by the project design team at the time of its preparation.



Significant Modifications Risk Assessment for Vat House & RO Plant

Prepared for:

Irish Distillers Pernod Ricard



Ref: 458-23X0046, Rev.1

20th February 2023

Byrne Ó Cléirigh, 30a Westland Square, Pearse Street, Dublin 2, D02 PN76, Ireland.
Telephone: + 353 – 1 – **6770733**. Facsimile: + 353 – 1 – **6770729**. Email: Admin@boc.ie. Web: www.boc.ie

Directors: LM Ó Cléirigh BE MIE CEng FIEI FIMechE; LP Ó Cléirigh BE MEngSc MBA CEng FIEI FEI; ST Malone BE MIE CEng FIEI;
JB FitzPatrick FCA. Registered in Dublin, Ireland No. 237982.

DISCLAIMER

This report has been prepared by Byrne Ó Cléirigh Limited with all reasonable skill, care and diligence within the terms of the Contract with the Client, incorporating our Terms and Conditions and taking account of the resources devoted to it by agreement with the Client.

We disclaim any responsibility to the Client and others in respect of any matters outside the scope of the above.

This report is confidential to the Client and we accept no responsibility of whatsoever nature to third parties to whom this report, or any part thereof, is made known. Any such party relies upon the report at their own risk.

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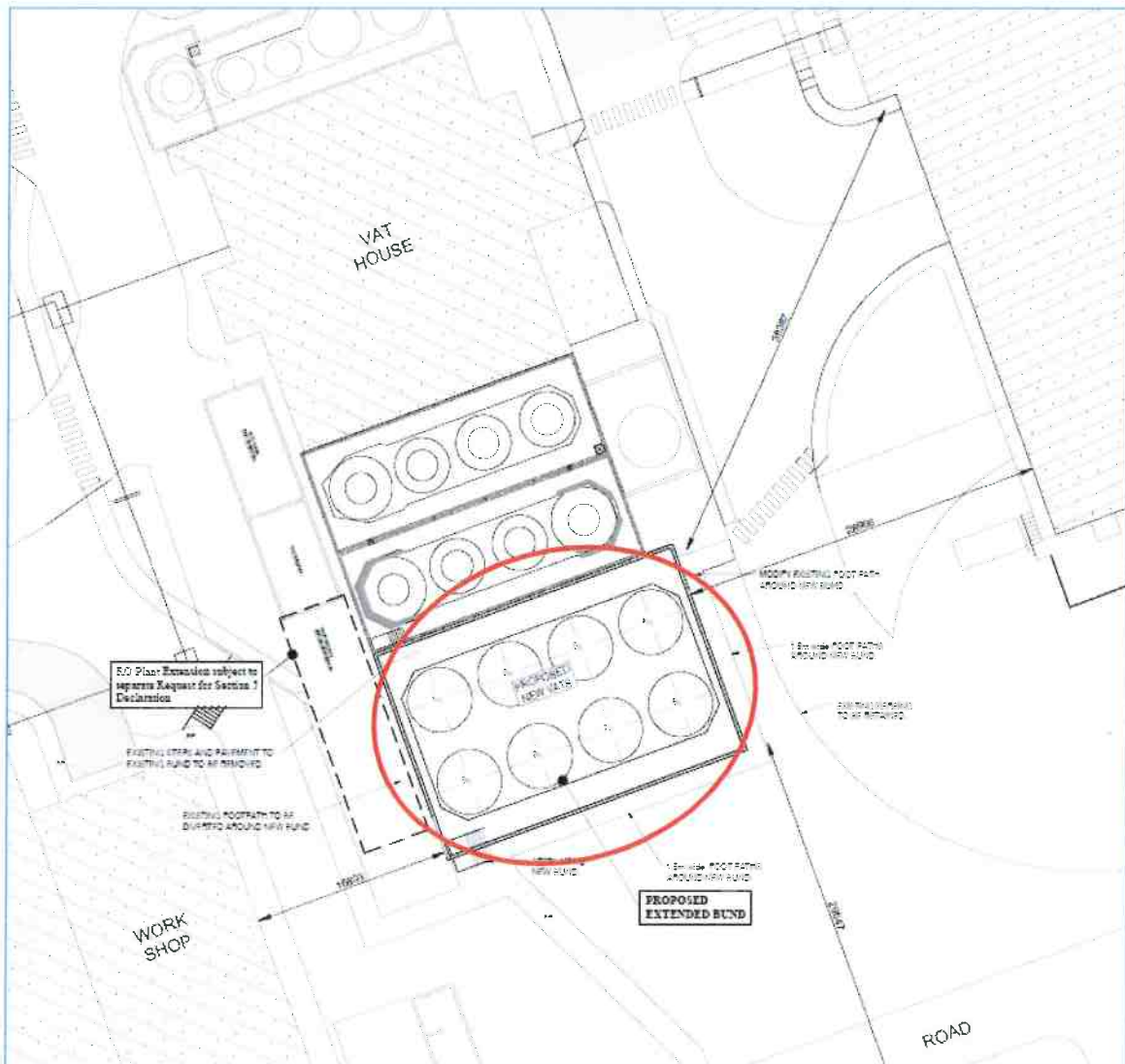
1 INTRODUCTION

This report sets out the findings of a risk assessment of the proposal to expand the vat house at the Irish Distillers site in Midleton. The development will involve the following modifications:

- Installation of 4 no. new vat vessels, containing spirit (60% alcohol) at the Vat House. This expansion will take place adjacent to the southern elevation of the existing Vat House building. The Vat House currently has 8 no. vessels containing spirit alcohol in two bunds. The proposal is to install 8 no. new vessels in a new concrete bund, adjacent to the existing vessels. Each of the new vessels will have a capacity of 180 m³.
- Expansion of Reverse Osmosis (RO) plant building, which is located on the western side of the Vat House.

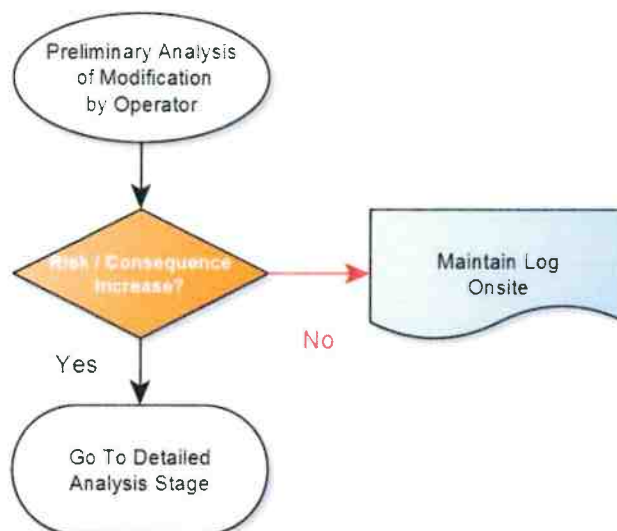
The new construction is illustrated in Figure 1.

Figure 1: New Vat House Development



2 SIGNIFICANT MODIFICATIONS

The HSA's guidance sets out the approach and the criteria when assessing proposed changes at a COMAH establishment such as the IDL site. The first step is to conduct a preliminary analysis to determine whether the change could result in a change in the risk or consequence associated with a major accident at the site.



If the accident consequence zone will increase as a result of the modification, or if more receptors will be exposed or will be subject to increased risk, then this indicates a detailed analysis should be undertaken by the operator.

The guidance sets out the following endpoints for assessing the impacts of a variety of major accident scenario types:

- Fire: thermal radiation to 6.8 kW/m²
- Explosion: overpressure to 168 mbar (lower thresholds apply for people indoors)
- Toxic release: Threshold of fatality (1% using the probit function for toxic dose)
- Environmental damage: increase in the number of receptors affected or more severely affected or more likely to be affected

The changes at the vat house will result in the storage of additional quantities of ethanol at the site. This is a flammable liquid and so presents a fire risk. The change will therefore introduce potential new major accident scenarios at the site.

The changes at the RO plant will not involve the storage, handling or processing of any materials that qualify as dangerous substances under the COMAH Regulations. As such this does not introduce new major accident hazards. However, the use of this plant will require operators to enter an area in the vicinity of the existing (and new) Vat House vessels and so we have included this consideration in the assessment also.

The assessment of the risk presented by the new development is set out in Section 3.

3 HAZARD IDENTIFICATION AND RISK ASSESSMENT

3.1 Hazardous Properties

As shown in Figure 1, the proposed changes will introduce 8 no. new vessels for spirit storage. This material is flammable under the CLP Regulation. When assessing the risks associated with flammable liquids, the HSA's Land Use Planning (LUP) guidance identifies a series of ignition categories, as shown in Table 1.

Table 1: Ignition categories of flammable liquids

Ignition Category	Flash Point / Boiling Point
0	FP < 0°C; BP ≤ 35°C
1	FP < 23°C; BP ≤ 35°C (excluding category 0)
2	FP < 23°C; BP > 35°C
3	FP ≥ 23°C and ≤ 60°C

The spirit stored at the Vat House is ignition category 2 based on these criteria.

The LUP guidance identifies the following major accident scenarios for bulk storage of flammable liquids of ignition category 2. These are shown in Table 2.

Table 2: Major accident scenarios and frequencies for bulk storage of spirit

Scenario	Frequency	Consequence	Frequency
Instantaneous failure	5×10^{-6}	Pool fire	5×10^{-8}
		None / Toxic / MATTE	4.95×10^{-6}
Failure over 10 minutes	5×10^{-6}	Pool fire	5×10^{-8}
		None / Toxic / MATTE	4.95×10^{-6}
10 mm pipe leak over 30 minutes	1×10^{-4}	Pool fire	1×10^{-6}
		None / Toxic / MATTE	9.9×10^{-5}

The scenarios each have two potential outcomes, one with ignition and one without ignition.

Each scenario will give rise to a different scale of release, as follows:

- Instantaneous failure: This scenario involves catastrophic mechanical failure of a vessel whereby the resulting rapid release of liquid can potentially overtop the bund, resulting in a release to an unbunded area.
- Failure over 10 minutes: In this case the full contents of the vessel are released, but it is a more gradual release than the instantaneous failure. In this case the released liquid will be retained in the bund, provided it is sized appropriately.
- 10 mm pipe leak over 30 minutes: This is a smaller release event to the bund ignition in this case will result in a pool fire but not one which covers the full floor of the bund.

Where ignition of the release occurs, this will give rise to a pool fire. The severity of this event will vary, depending on the quantity released and on the resulting pool area.

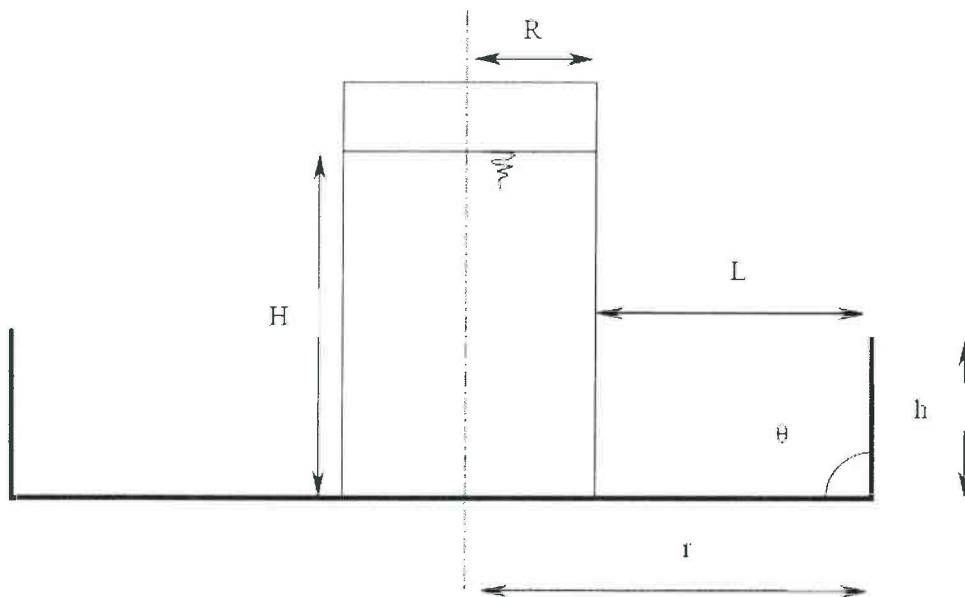
Where the release does not ignite, the impacts will depend on the hazardous properties of the material and on its environmental fate. There are three outcomes shown in the table:

- Toxic: Ethanol is not classed as toxic. There is no toxic hazard to the surroundings associated with evaporation of vapour to atmosphere following an unignited release.
- MATTE (major accident to the environment): For the scenarios in which the release is retained in the bund, there is no pathway for the release to escape offsite. Section 3.4 provides a discussion on the risks associated with an unbunded release or from release of contaminated fire-fighting water in the event of a fire at this area.
- None: For a release of non-hazardous materials.

3.2 Bund Overtopping

In the event of catastrophic tank failure, the momentum of the released liquid can overtop the bund wall, resulting in an unbunded release. The quantity that could escape the bund as a result of bund overtopping is dependent on the tank and bund dimensions. The key dimensions are illustrated in Figure 2.

Figure 2: Key Tank and Bund dimensions for calculation of bund overtopping



The OVERTOP routine is summarised using the following correlation, which has been derived by Liverpool John Moores University (LJMU) on behalf of the UK HSE as a best-fit to a range of laboratory scale tests.

$$\begin{aligned} \text{Overtopping Fraction} = & 1.0255 - 0.1886 (r/H) - 2.9951 (h/H) + 0.3842 (R/H) \\ & + 0.0140 (r/H)^2 + 2.7535 (h/H)^2 - 0.0637 (R/H)^2 \\ & - 0.0005 (r/H)^3 - 0.8595 (h/H)^3 \end{aligned}$$

The equation calculates the amount of material that could overtop the bund wall based on worst case conditions, i.e. that the tank is full at the time, failure is instantaneous and the direction of failure is such that the released material impacts the closest bund wall at right angles.

The overtopping fraction is therefore dependent on a variety of ratios relating to the tank and to the bund dimensions, the most significant of which is the ratio of the bund height to the liquid level in the tank (h/H). For the new vat house bund, the wall height is 1.5 m at the north end (adjacent to the existing bund) and 1.2 m at the south end.

We have calculated the maximum volumes for a catastrophic vessel resulting in overtopping of the north, south, east and west bund walls. The results are summarised in Table 3.

Table 3: Bund overtopping calculation following catastrophic failure at Vat House

	Overtopping to North	Overtopping to South	Overtopping to East	Overtopping to West
Liquid level in tank (H)	8.65 m	8.65 m	8.65 m	8.65 m
Tank Radius (R)	2.58 m	2.58 m	2.58 m	2.58 m
Bund Height (h)	1.5 m	1.2 m	1.35 m	1.35 m
Distance from tank centre to bund wall (r)	2.5 m	2.5 m	1 m	1 m
Overtopping Fraction	59%	66%	66%	66%
Overtopping Volume	106 m ³	120 m ³	118 m ³	118 m ³
Pool Area	184 m ²	5,972 m ²	5,728 m ²	5,728 m ²

The bund wall is 1.5 m at its highest point, where the floor slopes downwards towards a sump at the north end of the bund. The wall is 1.2 m at its lowest point, to the south. The wall height to the east and west is taken as the average of these values.

The results indicate that between 59% and 66% of the tank contents could overtop the bund wall. For a release to the north, it would be retained within the existing Vat House bund, to the north of the proposed new bund. For a release in any other direction, it would be an unbunded release.

The size of the resulting pool will be dependent on the volume released and on the ground conditions. The scenarios have been modelled as liquid releases to grassy areas in each case, to determine the resulting pool area.

For a smaller loss of containment event (i.e. not an instantaneous release), the material would be retained within the bund.

3.3 Consequence Modelling

For pool fires, a two-layer solid flame model is considered to better represent the effects of pool fires than the single-point model. However, there is quite a lot of variation in methods for determining flame height, effect of soot, and the effective SEP of flames. This approach is in accordance with the HSA guidance.

The consequence modelling results for a fire in the new bund are shown in **Error! Reference source not found.**. The consequence modelling results for the overtopping scenarios (resulting in an

unbunded fire or a fire in the existing Vat House bund, north of the proposed development) are shown in **Error! Reference source not found.**

Table 4: Fires in Proposed New Bund

Spill fire following 10mm release over 30 minutes		Bund Fire following 10-minute release	
Endpoint	Distance	Endpoint	Distance
25.6 kW/m ²	8 m	25.6 kW/m ²	29 m
12.7 kW/m ²	10 m	12.7 kW/m ²	33 m
6.3 kW/m ²	11 m	6.3 kW/m ²	40 m
4 kW/m ²	13 m	4 kW/m ²	46 m

The distances are expressed as distances from the centre of the pool in each case.

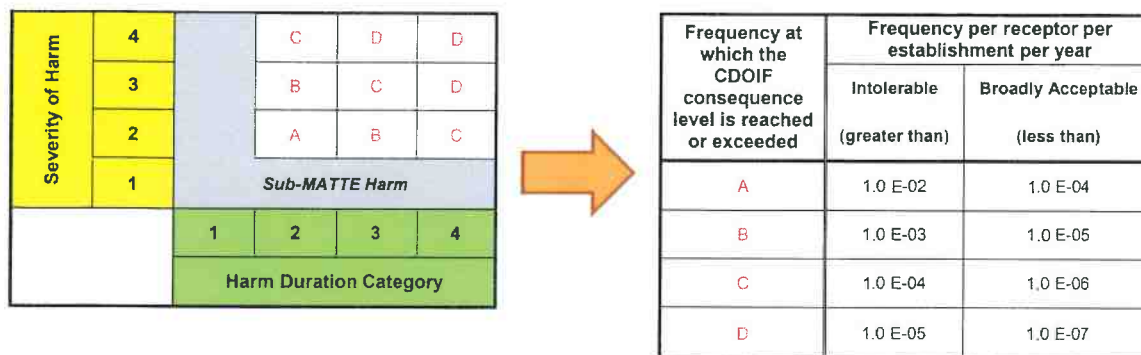
Overtopping North (Existing Bund)		Overtopping South		Overtopping East		Overtopping West	
Endpoint	Distance	Endpoint	Distance	Endpoint	Distance	Endpoint	Distance
25.6 kW/m ²	19 m	25.6 kW/m ²	100 m	25.6 kW/m ²	98 m	25.6 kW/m ²	98 m
12.7 kW/m ²	22 m	12.7 kW/m ²	120 m	12.7 kW/m ²	117 m	12.7 kW/m ²	117 m
6.3 kW/m ²	27 m	6.3 kW/m ²	144 m	6.3 kW/m ²	142 m	6.3 kW/m ²	142 m
4 kW/m ²	31 m	4 kW/m ²	170 m	4 kW/m ²	166 m	4 kW/m ²	166 m

3.4 Environmental Release

The new vessels will be housed within a bund and there is no pathway for a loss of containment to the bund to escape offsite to the drainage system.

In the event of catastrophic failure of a tank and bund overtopping, the release could find its way to a contained area or to a grassy area, depending on the direction of failure and overtopping. In this scenario, the released material could find its way to groundwater. The HSA's recent guidance on COMAH related topics advises on using the approach set out in guidance published in the Chemical and Downstream Oil Industries Forum's (CDOIF) *Guideline Environmental Risk Tolerability for COMAH Establishments*. This provides a framework and screening methodology for assessing the impacts of environmental releases. The CDOIF provides guidance on the process for identifying and examining potential MATTE scenarios (major accidents to the environment).

Table 4.3 of the CDOIF guidance provides a matrix for deriving the receptor tolerability for MATTEs, based on severity of harm, the duration of harm and the probability of occurrence. The matrix is replicated below:



The CDOIF guidance applies two scales for assessing the impacts of an environmental release. One scale is used to judge the extent of damage caused and the other is to judge the persistence of this damage.

For a release to ground 'widespread habitat – non designated land', the CDOIF guidance advises that a scenario giving rise to damage of less than 10 ha, this has a Severity rating of 1 on the CDOIF scale. Similarly, where a release to land results in damage for less than 3 years (or 2 growing seasons for agricultural land), it has a rating of 1 on the Duration scale. Ethanol is not classed as an environmentally hazardous material and so it is considered that a release of up to 120 m³ of this material to ground would not result in a significant enough impact to be classed as a major accident to the environment (MATTE) under the CDOIF scale.

The most significant environmental risk associated with the storage and use of ethanol at the site arises from the potential release of contaminated fire fighting water run off following a fire event. As noted in the safety report, the site already has fire water retention in place. This is sized to deal with the run-off from the largest fire-fighting event at the site, such as a major warehouse fire event. This is much larger than would be required to deal with a fire at the new vat house bund. As such the installation of the new plant will not have any significant implications for fire water retention at the site.

3.5 Probabilities

The HSA's guidance provides details on the probabilities for the various events discussed and assessed in this report.

The pool fire scenarios associated with a 10 mm release from one of the tanks is shown as having a probability of 1×10^{-6} per vessel per annum. As the new bund will have 8 no. vessels, each in flammable service, this gives a total probability of occurrence of 8×10^{-6} per annum.

The bund fire scenario associated with a 10-minute release from one of the tanks is shown as having a probability of 5×10^{-8} per vessel per annum. As the new bund will have 8 no. vessels, each in flammable service, this gives a total probability of occurrence of 4×10^{-7} per annum.

The pool fire resulting from catastrophic failure of one of the tanks is shown as having a probability of occurrence of 5×10^{-8} per vessel per annum. This will result in an unbunded fire if the direction of failure is towards one of the bund walls. For this assessment of the new bund, the following figures apply:

- North bund: There are 4 no. tanks facing the north bund wall. If any of these tanks fail in a northerly direction, this would overtop into the vat house bund to the north of the new bund. Each tank is taken as having a $\frac{1}{4}$ chance of failing to the north. The probability of this occurring is therefore $(4) \times (5 \times 10^{-8}) \times (1/4) = 5 \times 10^{-8}$ per annum.

- South bund: There are 4 no. tanks facing the south bund wall. If any of these tanks fail in a southerly direction, this would overtop to an unbunded area to the south of this bund. Each tank is taken as having a $\frac{1}{4}$ chance of failing to the south. The probability of this occurring is therefore $(4) \times (5 \times 10^{-8}) \times (1/4) = 5 \times 10^{-8}$ per annum.
- East bund: There are 2 no. tanks facing the east bund wall. If any of these tanks fail in an easterly direction, this would overtop to an unbunded area to the east of this bund. Each tank is taken as having a $\frac{1}{4}$ chance of failing to the east. The probability of this occurring is therefore $(2) \times (5 \times 10^{-8}) \times (1/4) = 2.5 \times 10^{-8}$ per annum.
- West bund: There are 2 no. tanks facing the west bund wall. If any of these tanks fail in a westerly direction, this would overtop to an unbunded area to the west of this bund. Each tank is taken as having a $\frac{1}{4}$ chance of failing to the west. The probability of this occurring is therefore $(2) \times (5 \times 10^{-8}) \times (1/4) = 2.5 \times 10^{-8}$ per annum.
- Remaining within bund: For the other events associated with catastrophic failure (based on the location of tank and direction of failure), the release would be retained within the bund. The probability is 2.5×10^{-7} per annum. Combined with the 10-minute release probabilities, this means that the overall probability of the bund fire scenario is calculated to be 6.5×10^{-7} per annum.

3.6 Risks to Occupied Buildings

The site layout map illustrates several buildings in the vicinity of the development which are habitually occupied or periodically occupied. We have therefore examined the impacts of these fire events on these buildings and the associated risks.

The buildings which we have assessed are as follows:

- Engineering Workshop: This is located to the west of the proposed new development. It is currently occupied, but these personnel will be relocated to a new workshop facility at WH11. This was previously used as a maturation warehouse but which will be repurposed as a new workshop. The risks associated with this proposal have been assessed separately, in accordance with the HSA's guidance for significant modifications (report ref. 458-23X0032).
- Supervisors room: This was formerly a locker room and is located 42 m NE of the bund. This will typically have 3 no. people present during normal working hours (Monday to Friday 07:00 to 15:00).
- Vat House: This area is immediately to the north of the proposed new bund.
- Contractors' compound: This is a series of portacabins to the south of the proposed new bund. The closest of these cabins is approximately 35 m south of the bund.
- Cask store: Located to the east of the proposed new bund. This could have up to 5 no. people present during normal working hours.

Table 5 examines the impacts of these scenarios on these buildings.

Table 5: Impacts of fire scenarios at occupied building at Midleton site

Building	10 mm leak	10-minute release	Instantaneous Failure
Engineering Workshop	Max heat flux is less than 1 kW/m ² in each case. No significant impacts.	Heat flux >25.6 kW/m ² . Immediate escalation risk.	Overtopping of west wall would result in direct engulfment. Overtopping of south wall would give heat > 25.6 kW/m ² .
Supervisors Room		Heat flux of 2.7 kW/m ² . No significant impacts.	Overtopping of west bund would give heat > 25.6 kW/m ² .
Vat House		Heat flux >25.6 kW/m ² . Immediate escalation risk.	Overtopping in any direction could give heat > 25.6 kW/m ² .
Contractors Compound		Heat flux of 4 kW/m ² . No significant impacts.	Overtopping of south wall would result in direct engulfment. Overtopping of east or west wall would give heat > 25.6 kW/m ² .
Cask Store		Heat flux of 6 kW/m ² . No significant impacts.	Overtopping of east wall would result in direct engulfment. Overtopping of south wall would give heat > 25.6 kW/m ² .

For risk assessment purposes, we have conservatively applied the HSA's guidance to determine the impacts of major accident scenarios for personnel in these buildings. This is summarised as follows:

- Great than 25.6 kW/m²: Building conservatively assumed to catch fire quickly, and therefore there is a 100% fatality probability.
- Between 12.7 kW/m² and 25.6 kW/m²: People are assumed to have escaped outdoors, and therefore have a risk of fatality corresponding to that of people outdoors.
- Less than 12.7 kW/m²: People are assumed to be protected, and therefore there is a 0% fatality probability.

Combining the consequences above with the probabilities for the various accident scenarios as discussed in Section 3.5, the location-based risks at these buildings as a result of the proposed development are set out in Table 6. These figures represent the level of individual risk that an individual would be exposed to if they were present in one of these buildings for 100% of the time.

Table 6: Risk to buildings from Vat House Development

Location	Spill Fire	Bund Fire	Overtopping N	Overtopping S	Overtopping E	Overtopping W	Total
Engineering Workshop	0	4E-07	0	2E-07	0	1E-07	7E-07
Supervisors Room	0	0	0	0	0	1E-07	1E-07
Vat House	0	4E-07	2E-07	2E-07	1E-07	1E-07	1E-06
Contractors Compound	0	0	0	2E-07	1E-07	1E-07	4E-07
Cask Store	0	0	0	2E-07	1E-07	0	3E-07

The highest level of occupancy for an individual in any of these locations would be for someone based there at all times during normal working hours, conservatively taken as an occupancy of 0.25. The highest level of individual risk to any operator in the vicinity as a result of the new vat house extension is $0.25 \times (1 \times 10^{-6})$ at the vat house, or 2.5×10^{-7} per annum.

When assessing the levels of individual risk with the HSA's criteria, Table 7 is used.

Table 7: HSA criteria for Individual Risk zones

	Zone 1 (Inner)	Zone 2 (Middle)	Zone 3 (Outer)
Level 1	✓	✓	✓
Level 2	✗	✓	✓
Level 3	✗	✗	✓
Level 4	✗	✗	✗

This table shows that, for example, populations can be accommodated within the Outer Zone (Zone 3), if they are considered to be Sensitivity Level 1, 2 or 3, but not Sensitivity Level 4. Workers using these buildings at IDL are employees and so are classed as Sensitivity Level 1, based on the criteria in the guidance. They are therefore in accordance with the HSA criteria.

The societal risk associated with the development is calculated using the expectation value, which is shown in the HSA guidance as follows:

$$EV = \Delta R \times N$$

Where ΔR is the change in risk from the development and N is the number of people exposed to that risk. The calculation for the vat house development is shown in Table 8.

Table 8: Societal Risk Calculation

Building	Location based risk	Occupancy	Risk (cpm)	No. people ¹	EV
Engineering Workshop (normal hours)	7E-07	0.25	1.75E-01	57	9.98
Engineering Workshop (weekend)	7E-07	0.1	7E-02	6	0.42
Engineering Workshop (offpeak hours)	7E-07	0.66	4.62E-01	2	0.924
Supervisors Room	1E-07	0.25	2.5E-02	4	0.1
Vat House (normal hours)	1E-06	0.25	2.5E-01	3	0.75
Vat House (other hours)	1E-06	0.25	2.5E-01	1	0.25
Contractors Compound	4E-07	0.25	1E-01	60	6.0
Cask Store	3E-07	0.25	7.5E-02	3	0.225
Total					18.64

The location-based risk at each location is as calculated in Table 6. The risk (cpm) figure shows the level of individual risk that an occupant would be exposed to, based on the location-based risk and on their occupancy factor. It is expressed in chances per million (cpm).

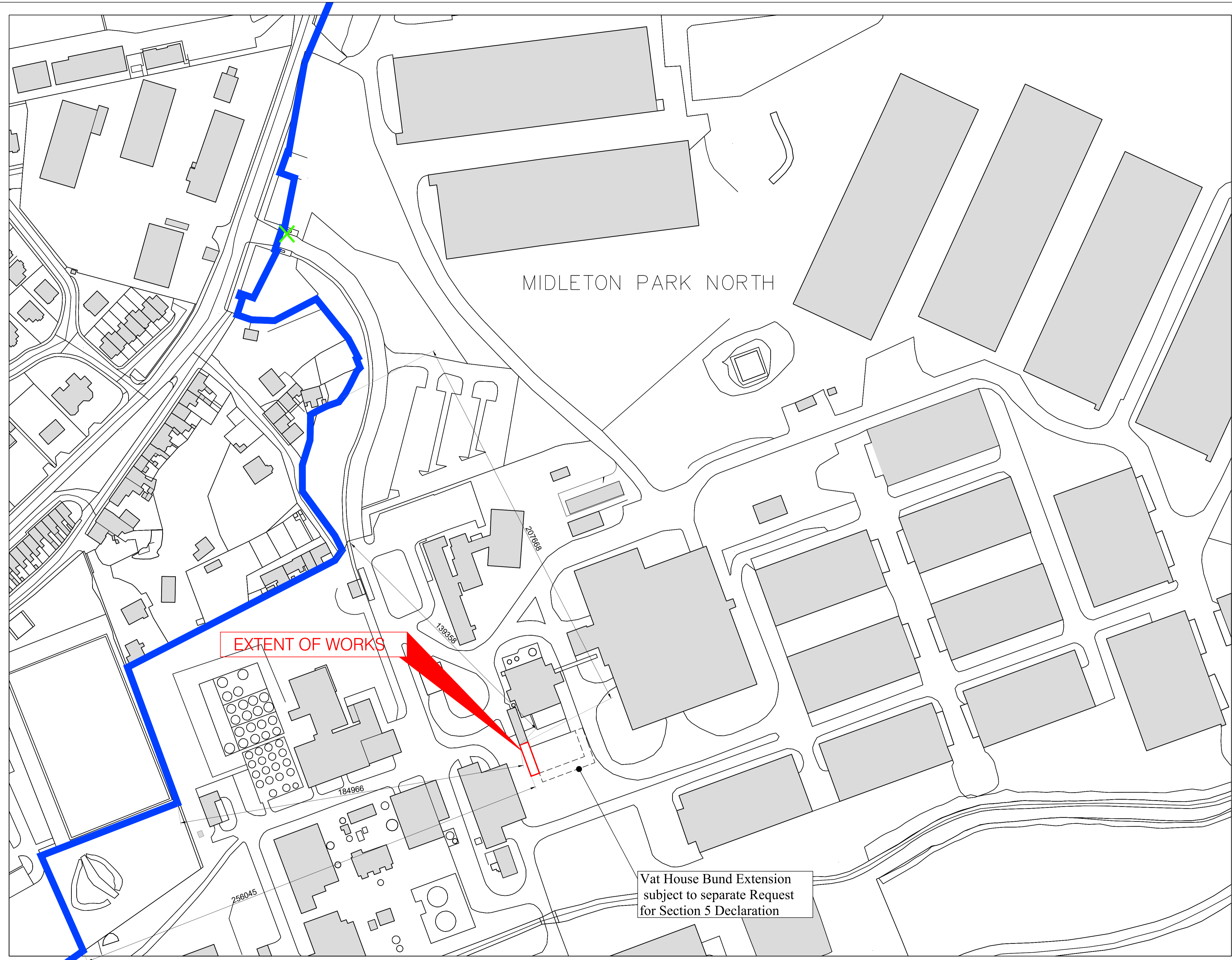
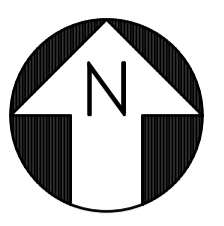
For reference, the HSA’s guidance advises that where the EV increases by more than a value of 450, then a more detailed assessment is required. The results of this assessment show that the increase in EV will be significantly lower than this value. The calculated EV, at 18.64, is much lower than this value.

It should be noted that the risks associated with this development will reduce with the planned relocation of personnel using the Engineering Workshop to WH11. The assessment of this relocation is also in accordance with the HSA criteria, as set out in report ref 458-23X0032.

4 CONCLUSIONS

The findings of this assessment show that the risks associated with the proposed vat house expansion are low, due to the controls that will be put in place. The highest level of individual risk to any operator from this new development will be of the order of 2.5×10^{-7} per annum, i.e. less than one in one million.

- The highest level of individual risk presented to any personnel in the vicinity will be less than 1-in-1-million per annum, which is broadly acceptable, based on the HSA’s criteria.
- The increase in EV for the proposed development is calculated to be 18.64, which is significantly below the threshold figure of 450 from the HSA’s guidance.
- Comparing the sensitivity level of the personnel with the level of risk to which they would be exposed, the development satisfies the HSA’s LUP criteria also.



MIDLETON PARK NORTH

EXTENT OF WORKS

Vat House Bund Extension
subject to separate Request
for Section 5 Declaration

01 Site Location Map
D-AR-002 (Scale 1:1000)

GENERAL NOTES:-

- All works to be in accordance with the requirements of The Safety, Health and Welfare at Work Act, 2005 and the Safety, Health and Welfare at Work Act (Construction) Regulations 2013.
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- All levels and setting out to be checked on site prior to construction.
- If there is any discrepancy between drawings then Allen Barber Engineering Consultants are to be informed immediately.

NOTES:

File Format:
Autodesk AutoCAD (DWG_R2013)

File Name:
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URX,URV= 588910.0,573971.0

Projection / Spatial Reference:
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Centre Point Coordinates:
X,Y= 588744.0,573848.0

Reference Index:
Map Series | Map Sheets
1:1,000 | 6343-16
1:2,500 | 6343-C

Data Extraction Date:
Date= 12-Dec-2022

Source Data Release:
DCMLS Release V1.158.114

Product Version:
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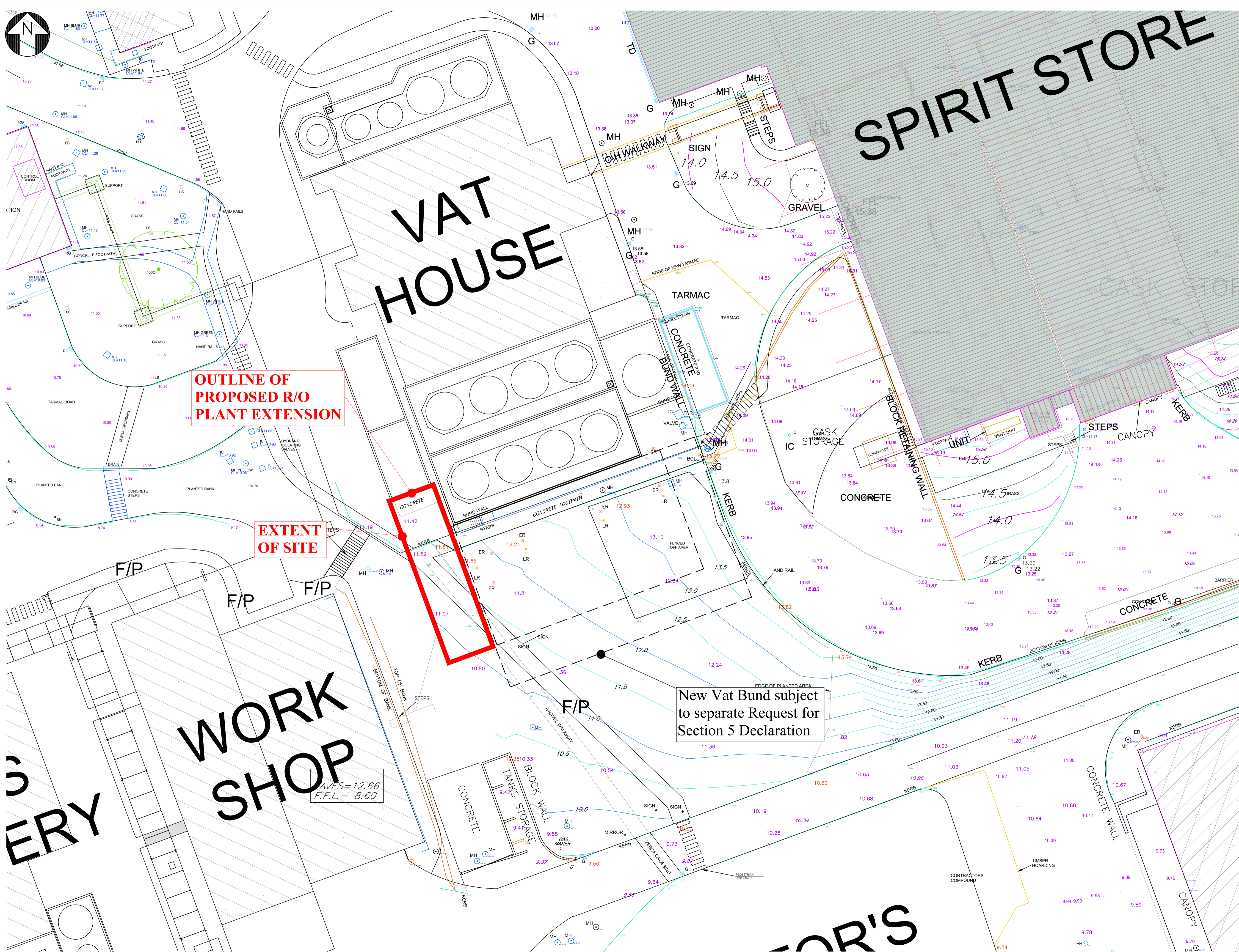
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Re-issued for Information	B	23.01.2023	BG
Issued for Information	A	22.12.2022	AM

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Job
Irish Distillers Limited
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IDL MIDLETON

Drawing
**RO PLANT EXTENSION
SITE LOCATION PLAN**

Job No. 2264	DRG No. D-AR-002	Issue c
Scale 1/1000	Date December 2022	Checked TOC



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LEGEND

Revisions	Issue	Date	By
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Issued for Information	B	23.01.2023	BG
	A	22.12.2022	AM

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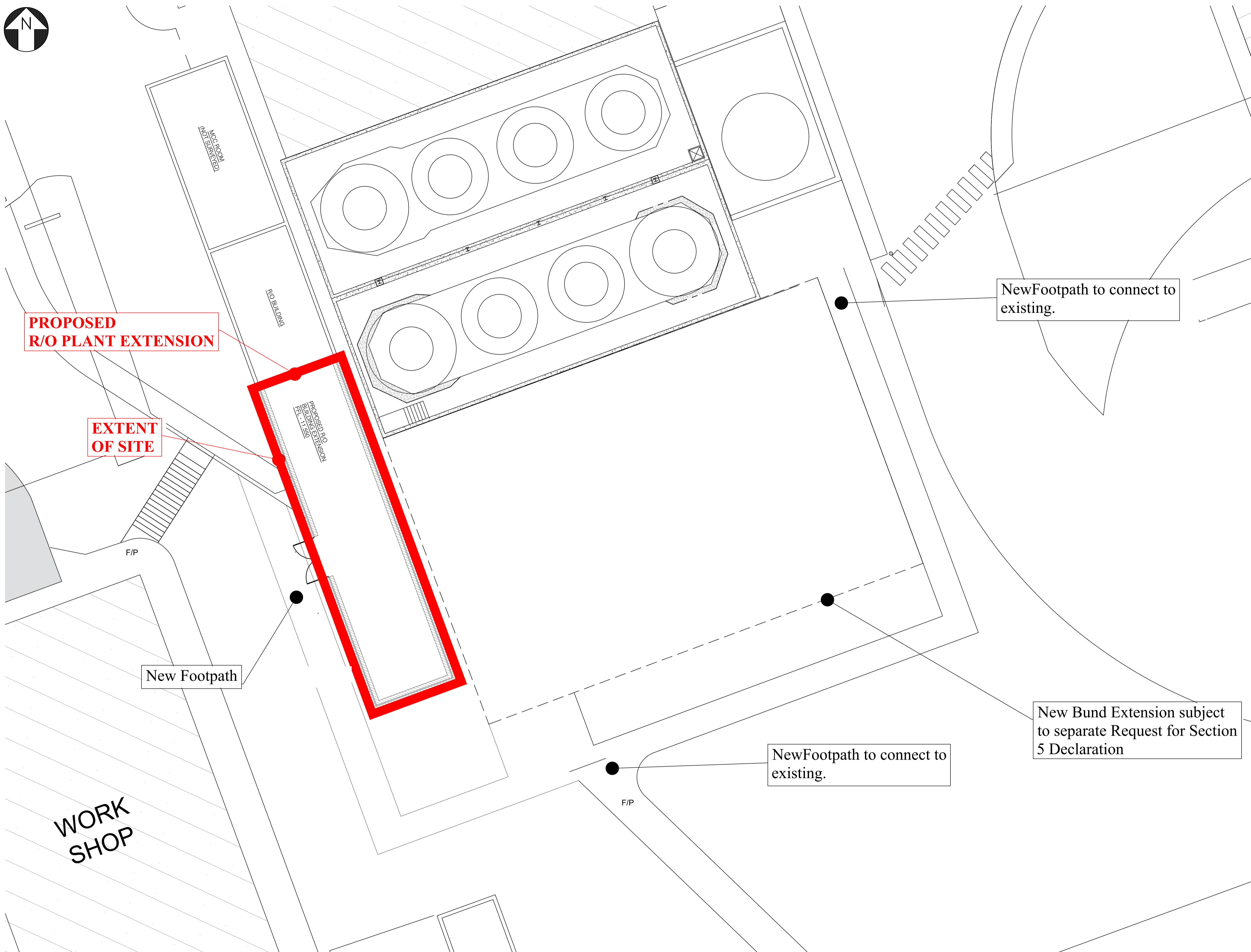
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 EXISTING SITE LAYOUT PLAN**

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LEGEND



PROPOSED R/O PLANT EXTENSION

EXTENT OF SITE

New Footpath to connect to existing.

New Footpath

New Bund Extension subject to separate Request for Section 5 Declaration

New Footpath to connect to existing.

WORK SHOP

Re-Issued for Information	D	21.02.2023	BG
Re-Issued for Information	C	17.02.2023	BG
Re-Issued for Information	B	23.01.2023	BG
Issued for Information	A	22.12.2022	AM

Revisions	Issue	Date	By
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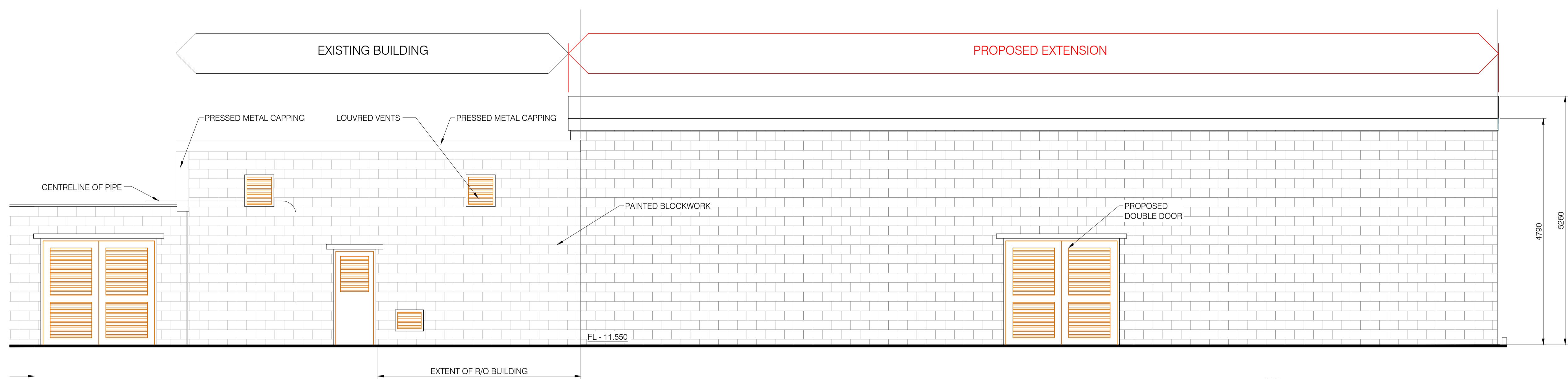
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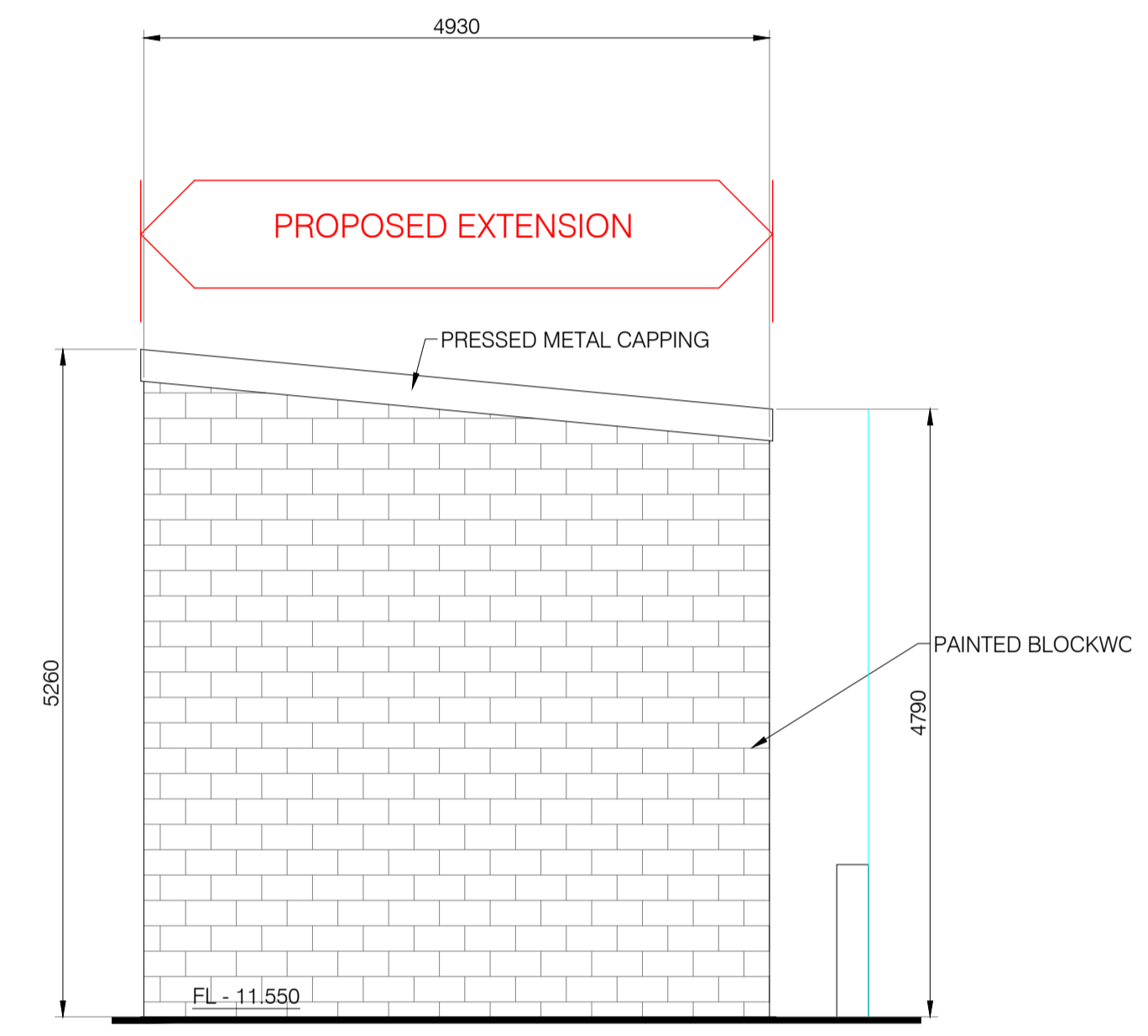
Drawing
**R/O PLANT EXTENSION
 PROPOSED SITE LAYOUT PLAN**

Job No. 2264	DRG No. D-AR-004	Issue D
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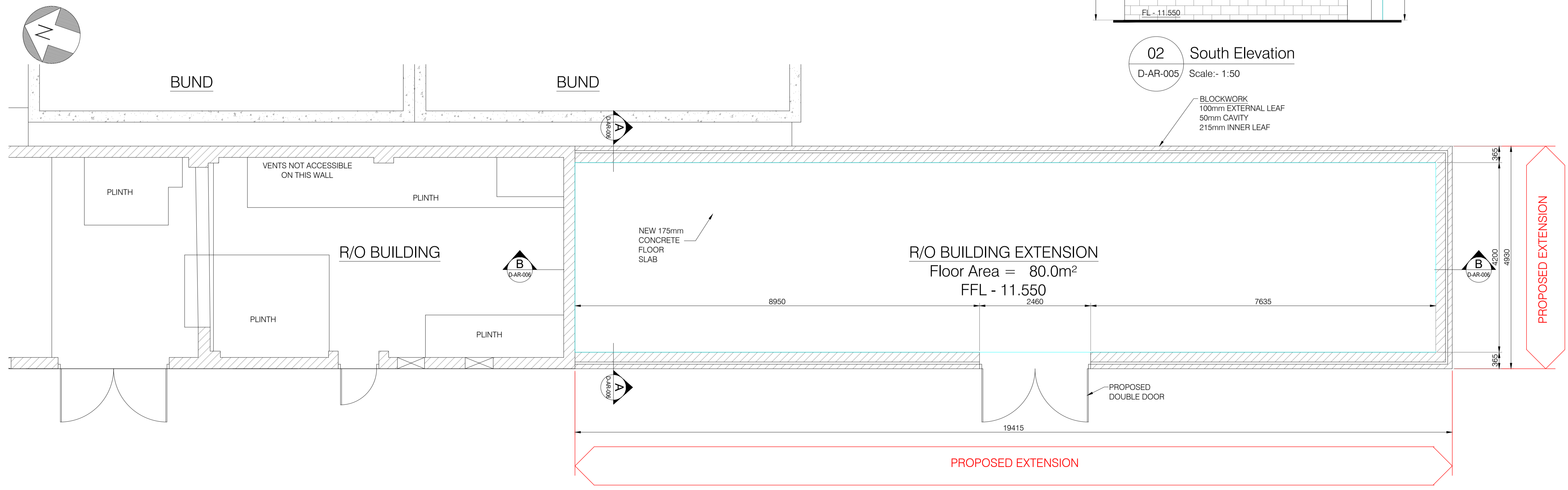
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01 West Elevation
D-AR-005 Scale:- 1:50



02 South Elevation
D-AR-005 Scale:- 1:50



03 R/O Plant Building - Ground Floor Plan
D-AR-005 Scale:- 1:50

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NOTES:-

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Revisions

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Job

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IDL Middleton - Vat House Extension

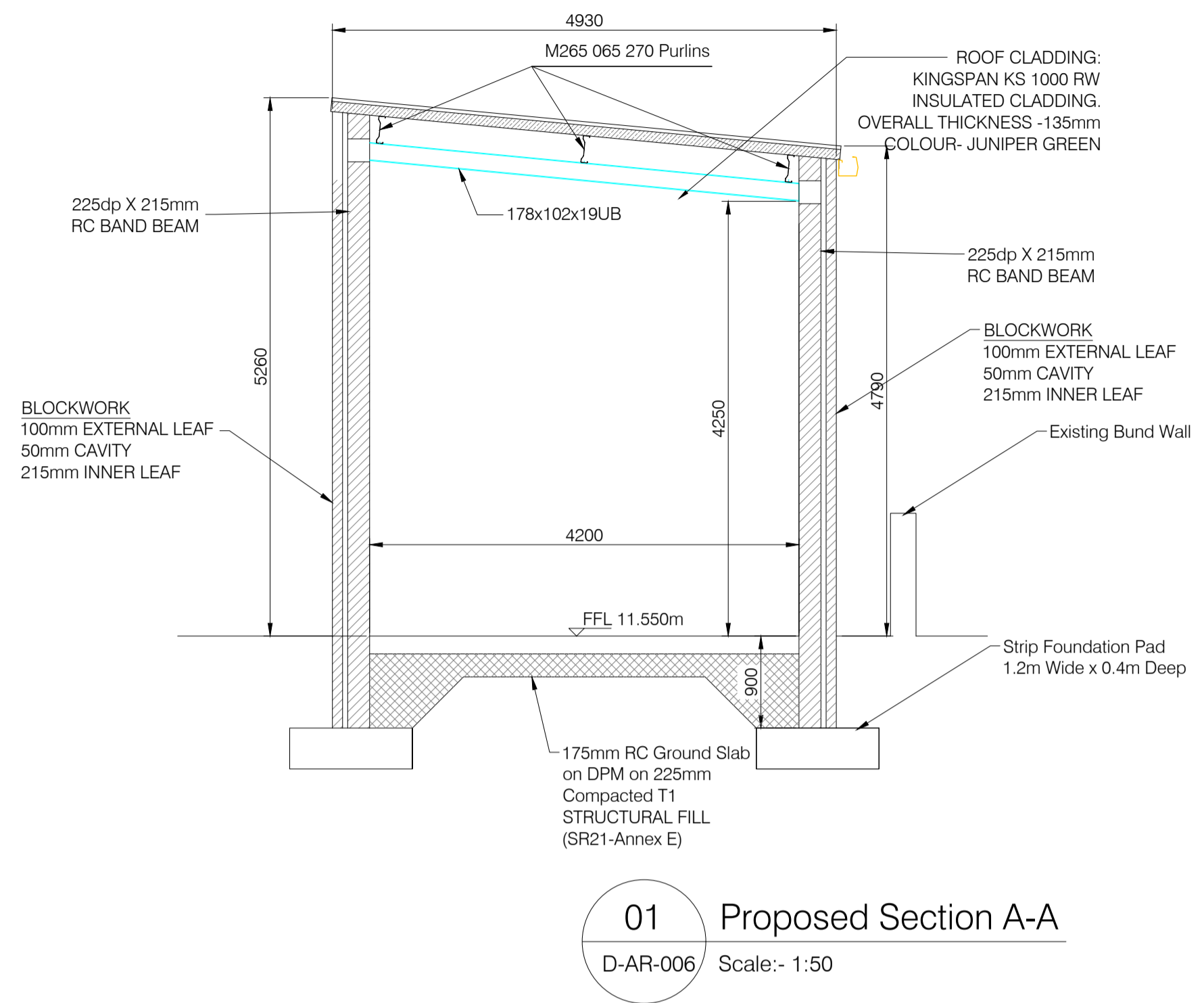
Drawing
R/O PLANT EXTENSION
Proposed Plan, Elevations

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Scale As Stated	Date December 2022	Drawn AM
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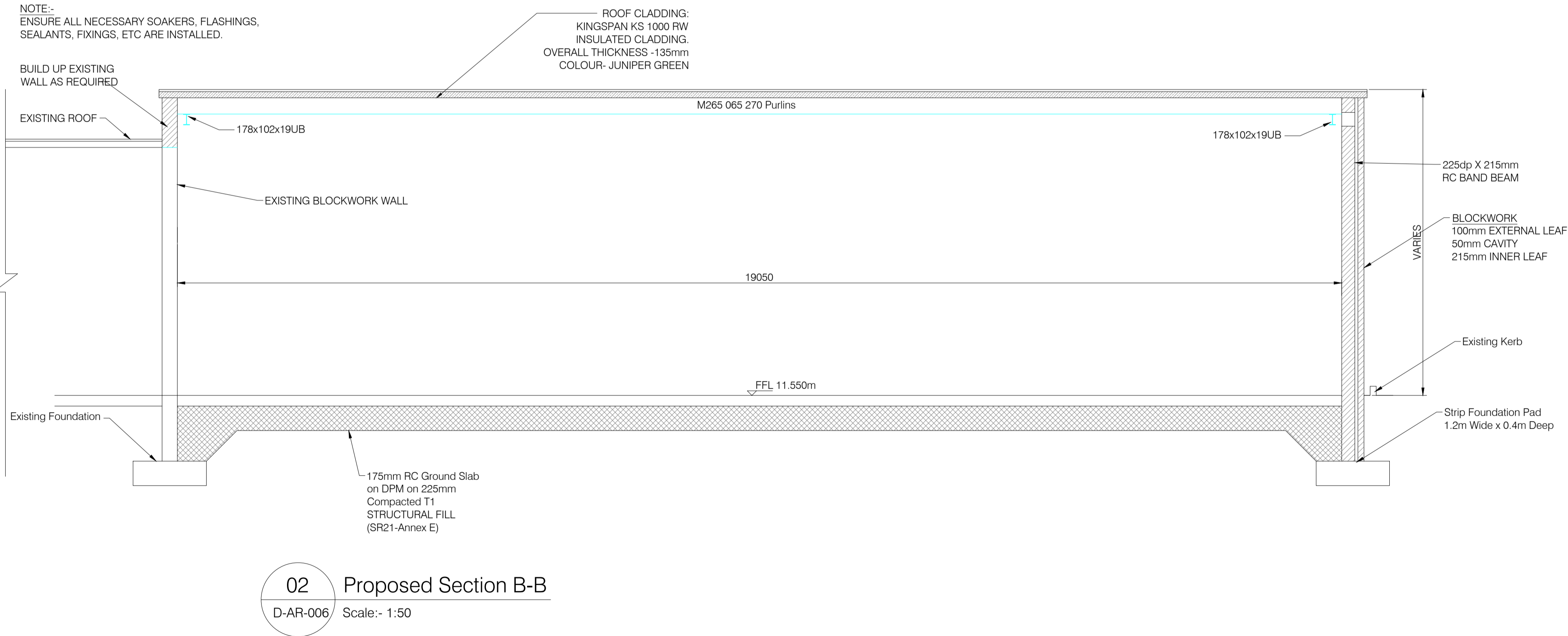
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NOTES:-



01 Proposed Section A-A
D-AR-006 Scale:- 1:50



02 Proposed Section B-B
D-AR-006 Scale:- 1:50

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Re-Issued for Information	C	17/02/2023	BG
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Issued for Information	A	22/12/2022	AM

Revisions	Issue	Date	By
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Job

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Drawing
R/O PLANT EXTENSION SECTIONS

Job No. 2264	DRG No. D-AR-006	Issue D
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