

P0792-01

(026)41343

Sub (2)

Ms Ann Kehoe,  
Env. Protection Agency,  
P.O. Box 3000,  
Johnstown Castle Estate,  
Co. Wexford.

**Environmental  
Protection Agency**

24 JUL 2007

Toames East,  
Macroom,  
Co. Cork.

RE: Planning Ref. 06/8531 - Dairygold Food Ingredients LTD. Inchinashingane,  
Macroom.

Dear Madam,

The attached submission dated 15<sup>th</sup> July submitted on behalf of the residents of the Castlevue area outlines the concerns of all the residents of the area adjacent to the existing Dairygold facility, the subject of the above Planning Application, all such concerns I fully concur with. I would in addition to this submission like to outline some of my own personal experiences since this factory commenced operations in the early 1980's.

I own a 212 acre farm which abuts the factory and my property is marked on the attached map.

The major issues of concern to me over the years have been the excessive levels of noise and the regularity of unpleasant odours. Both issues are of course contingent on the direction of the winds, the north wind accentuates the problem.

The fact that my property is one of the nearest to the factory and in particular to the Treatment Plant is a major issue having regard to the use the sirens and alarms and the ambient noise levels of the factory over a 24 hour period. My dwelling house is located at a higher level than the factory and the transmission of sound from the factory and plant from my experience has been appalling and intolerable on a regular basis.

With regard to the odours, my experience is similar once the wind is from the North. We regularly experienced smells similar to sour milk and I can only conclude that this occurred and continues to occur due to the operation and location of the treatment Plant. Out of office hours, night time and weekends including bank holiday weekends regularly resulted and continue to result in odour discharges which are unacceptable under normal circumstances for humans and livestock.

To conclude some of these incidences were reported to the factory but over the years little was done to the address these matters and I became frustrated with the poor response. I am now appealing to you as the regulatory body to regulate the proposed developments suggested in the attached submission and to ensure proper compliance going forward.

Yours sincerely,  
Patrick O'Mahony.

*Patrick O'Mahony*





Issued by the

DEPARTMENT OF  
AGRICULTURE,  
FOOD AND FORESTRY

for Area Aid purposes only.  
Scale: 1:5000

Townland Code: D25520  
Townland Name: TOOMSEAST  
Parcel Number Gross Area  
D255200005 1.71 Ha  
D255200009 2.49 Ha  
D255200030 36.51 Ha

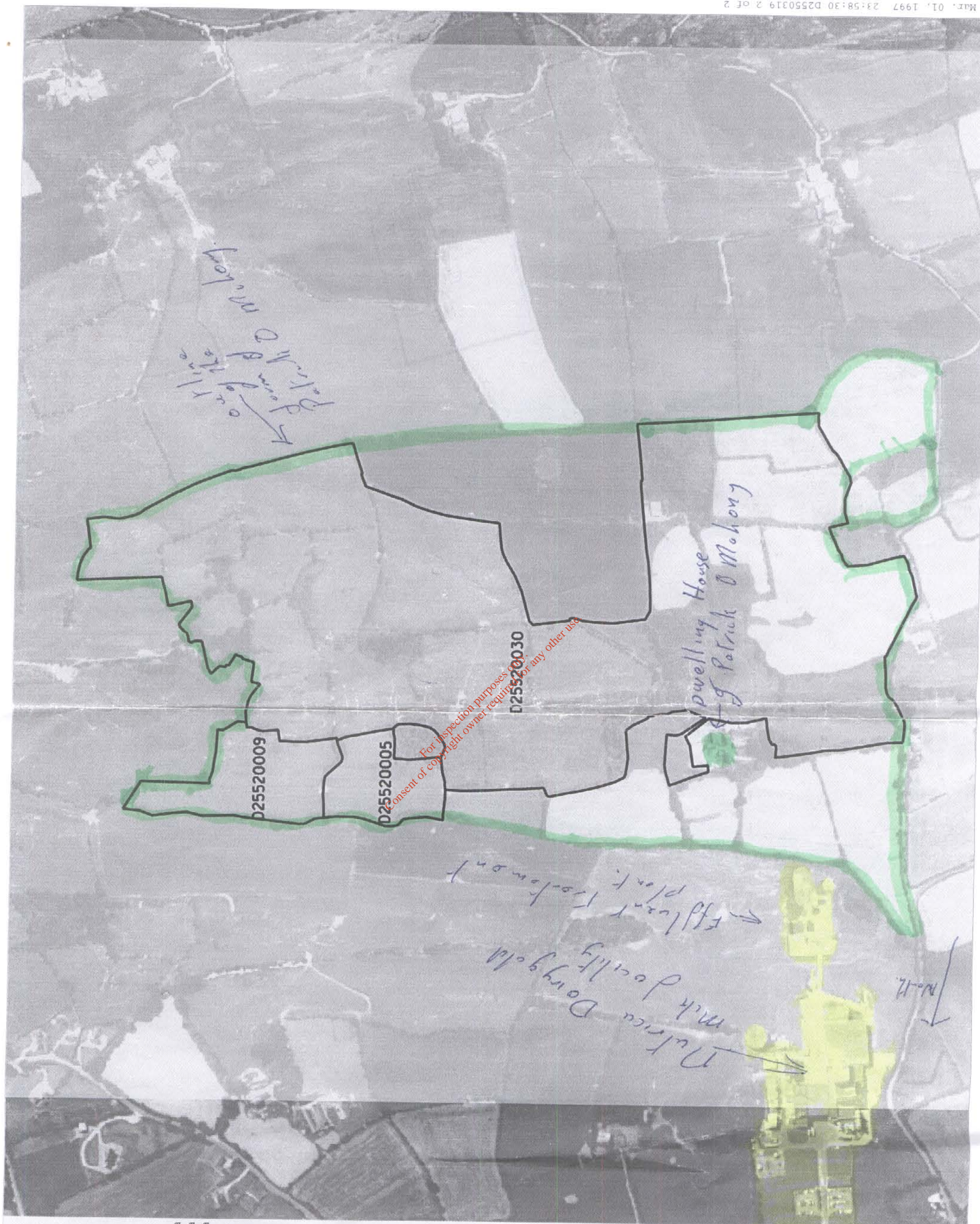
\* Areas shown above are gross areas  
in hectares. Deductions should be  
made for non-agricultural areas  
in Area Aid Applications.

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D2550319





To: The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1,

May 21<sup>st</sup> 2007

**Environmental  
Protection Agency**

24 JUL 2007

**Re: Planning File 06/8531 – Cork County Council and Conditional Permission dated April 30<sup>th</sup> 2007**

**Proponent:** Dairygold Food Ingredients Ltd  
Marian House, New Square,  
Mitchelstown, Co. Cork

**Location of Development:** Inchinashingane, Macroom,  
Co Cork.

**Development Comprising:** Extension to existing Nutricia Milk processing and baby food production facility consisting of second drying tower and evaporator building, extension to existing powder storage building, extension to existing laboratory and employee services area (canteen), upgrade and extension to existing effluent plant to include new balance tank and settling tank, re-creation of existing boiler stack, construction of vegetable oil intake area, storage sites and bund construction of new bund and relocation of existing sites and same.

Following the decision of Cork County Council and its role as Planning Authority to grant permission for the above on April 30<sup>th</sup> 2007 subject to 29 no conditions, the local residents wish to appeal this decision to the Planning Appeals Board.

At the outset, it should be noted that a significant number of detailed submissions (5+) were made to the Planning Authority prior to its decision to grant permission. Further, the board should also be aware that the proposed development requires an IPPC licence from the EPA, an application for which has been received by the Agency.

The Board should further note that the local residents are not opposed to development in the area and on the subject site in particular, so long as it does not interfere with the quality of life currently enjoyed (though intruded upon by Dairygold) or the rural character of the area.

However, given the various issues and concerns raised by the locals during the planning process, the apparent lack of consideration of these issues by Cork County Council in determining this application, the residents feel that they have no other option but to appeal the decision.

The local residents have endured a number of issues that have impacted on their quality of life whilst the existing plant has been in operation, including but not limited to:

- a) A significant increase in heavy goods vehicles on the local road network due to the

scale of the existing facility;

- b) The deposition of milk powder from the drying towers, that impacts on houses windows, cars, grass land and potentially public health – this being due to the poor technologies employed and a perceived lack of maintenance or attempt to ameliorate this situation; Dairygold's response to regular deposits of milk powder on windows and cars has been to issue car wash/window wash vouchers on request. This is totally unacceptable given modern technology to provide containment measures. Human & animal health are undoubtedly impacted upon as a consequence.
- c) The level of noise emanating from the facility which impacts on nearby residents, some of whom are located within 50m of the facilities existing boundaries;
- d) Issues regarding odours emanating from the main process stacks as well as the existing on-site waste water treatment plant have been a serious source of nuisance and annoyance to the residents over the last 20 years approximately.
- e) Deterioration in road safety whilst walking in a rural area due to the increased volume of traffic travelling over an inadequate road network in terms of road width, vertical and horizontal alignment and capacity to carry traffic volumes.

Given the above and the proposal to increase production from 18.6 million gallons to 40 millions (115% increase over current levels), the perceived weakness of the conditions attached, the proponents failure to comply with previous conditions, issues with the proponents environmental compliance with discharge to water licence and a lack of Planning Authority enforcement, we Castleview Residents wish to object to An Bord Pleanála and ask for the decision to be overturned / conditions be made more readily enforceable / development be brought more into line with that acceptable in a countryside and rural area.

#### **Reasons for objection:**

1. We attach a copy of our previous submission (February 2007) to the Planning Authority regarding this application – see appendix 1 attached. This submission sets out the concerns of the residents with respect to:
  - a) Premature nature of the development; having regard to the N22 Route (see conditions).
  - b) Lack of compliance in the past; re noise, odours, landscaping & discharge licences.
  - c) Lack of meaningful traffic study undertaken and volume of traffic on a rural countryside/residential road;
  - d) Airborne dispersion of milk powder on continuous basis on applicants own admission.
  - e) Noise monitoring issues include a lack of data on background noise not submitted to the Authority; Page 45 of EIS missing but sourced from EPA application.
  - f) Time of year monitoring undertaken; should have been summer months.
  - g) Discrepancies in the information submitted; i.e. 100,000 gallons milk unaccounted for and number of houses should be 44 not 35 etc.
  - h) Issues re BREF notes and the technology to be engaged not being referred to, in those notes;
  - i) Materials and specifications thereof to be utilised in the construction of the drying

towers; to deal with noise containment measures.

- j) Impact on humans and animals from a health perspective have regard to the airborne particles emanating from the development.

These concerns have not been addressed in either the Planners Final Report or in the conditions attached and the decision.

- 2. By way of review of the conditions attached to the decision, the concerns regarding a particular condition are set out here under:

**Condition 4:** surface waters to be conveyed away from an existing stream proximate to the proposed development and the second entrance in particular.

**Condition 7:** instead of sod and stone fences, this should comprise of stonewalls to match local stone in the interests of visual amenity, security and health and safety to prevent access to the facility as would be prescribed for a normal housing development.

**Condition 8:** the design of the second entrance should have been agreed prior to grant as the ability of locals to object to the detailed design has now been removed.

**Condition 11:** planting of indigenous species of trees has not taken place in accordance with previous conditions of Planning permission.

**Condition 13:** how to enforce "that no odour or dust nuisance occurs off site". Does this condition relate to the lifetime of the development or just to the construction phase of the development?

**Condition 12:** Whilst this is an existing facility the colour and specification of the proposed cladding has not been conditioned despite requests from the local residents by way of submissions. This is a major development in a scenic location located close to the Grenagh & SAC/SPA, no consideration of its impact on the landscape or environment is evident from an examination of the planning reports on file. (See attached photographs taking realistic locations. The residents are concerned about this approach. In addition, neither the scale of the development in terms of capacity (40m gallons of milk) nor its height has been conditioned in order to limit the consented scale of development.

**Conditions 19-21 inclusive:** What are the agreed background levels? Does this condition relate to the construction phase or the operational lifetime of the development?

Indeed, can the Planning Authority clarify the following?

- a) Construction phase or development phase
- b) Enforcement
- c) Condition will be breached at +5dB @ N2 and N4 and at +10dB at N6 background levels
- d) Noise levels recorded at N2 and N5 – N5 is closer to the factory but noise levels at N2 are higher – refer to table 1.

Problematic locations are shown in red boxes and include N2 and N4 and N6.

Clarification of how these conditions will be enforced given the existing levels is requested given the existing operational noise levels as shown by the L10 monitoring assessments on pages 45 and 46 of EIS – see attached copy.

Noise Monitoring	Background	Background	Day	Night	+5dBA		+10dBA	
Location	Day	Night	Max	Max	Day	Night	Day	Night
N1	65	57	55	45	60	50	65	55
N2*	59	50	55	45	60	50	65	55
N3*	58	35	55	45	60	50	65	55
N4*	60	49	55	45	60	50	65	55
N5*	46	40	55	45	60	50	65	55
N6*	63	59	55	45	60	50	65	55

Table 1: Existing Background Noise Levels from EIS to EPA Pages 45 and 46 Referenced to Conditions 19-21

3. Report of Mr Michael O'Sullivan, Area Planner states ***"whilst the truck traffic will be increased, it will not be significantly greater than the traffic envisaged for the existing facility"***. On what figures does Mr. O'Sullivan base his comments?  
The existing facility will at a minimum increase from 18.6m gallons of milk input to 40 million gallons per annum. We understand however that the applicants intend to increase production up to 60 million in line with information made public by representatives of Dairygold at suppliers/shareholders meetings in the area. We would ask An Bord Pleanála to limit the production at a realistic level appropriate to a rural/residential/amenity area. This is a significant increase particularly in scale and indeed traffic. We would ask why a detailed traffic survey to include calculation of existing traffic flows was not requested in addition to the projected flows. By our estimation (see Appendix 1), the current HGV flow is of the order of 5.5 movements per hour and to increase to 12.37 movements per hour. Is this not a significantly greater number of vehicles on a country road not exceeding been in width at its widest point, having poor horizontal and vertical alignment?
4. Report of Mr Michael Moriarty, Senior Engineer, Infrastructure and Development in dealing with traffic assessment of the application (see copy of report attached) failed to consider the increase in traffic volumes that would be generated by the proposed development. It was further lacking with regard to its failure to address issues surrounding the physical state of the road network - poor vertical & horizontal alignment – and its failure to request an assessment of the existing pavement to determine its ability to support the proposed levels of heavy goods vehicles by way of falling weight deflectometer testing.

Furthermore, in the said traffic and transport report of Mr. Moriarty, he recommended approval subject to 5 no. conditions (as per the attached report). Said report recommended the levying of contributions to fund, inter alia

- (a) the improvement of the junction geometry of the local road that leads to the facility from the N22 at

- Castleview Cross;
- (b) the provision of a right turning lane at Castleview Cross to facilitate improved road infrastructure for vehicles turning right off the N22 on the local road (L3422);
  - (c) the widening/realignment of the local road leading from the facility to the N22.

The report further recommends a Construction Traffic Management Plan shall be agreed & implemented for the duration of the construction stage.

Absolutely none of these items were conditioned, a situation we find wholly unacceptable.

Consideration should also be given to placing public lighting in close proximity to the junction of the N22 & the local road.

Furthermore, we would further suggest that a footpath be constructed along the roadway as referred to in Mr. Michael O'Sullivan's report on this planning file.

5. Whilst the development charges in the sum of €778,055 imposed on foot of the decision to grant permission for the development appears to be considerable, the proposed use of these contributions by way of condition make no reference to the provision of any amenity to be provided in the vicinity of the development to offset the negative impact of the development. Precedent for such arrangements already exists for major developments in Bottlehill Landfill Site, Co. Cork and Indaver in Carranstown, Duleek, Co. Louth. The planning contributions should be revised upwards to reflect such an arrangement.

Enclosed please find cheque for €210.00 in respect of the appropriate Planning Appeal fee together with various attachments referred to.