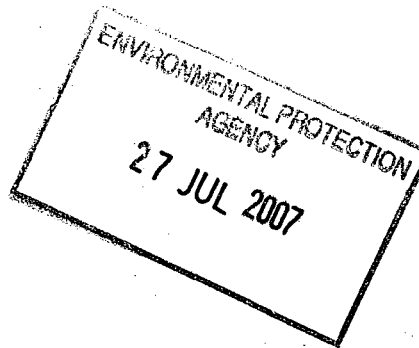


Inchinashingane,
Castleview,
Macroon,
County Cork



To: - Ms. Ann Kehoe,
Environmental Protection Agency,
PO Box 3000,
Johnstown Castle Estate,
Co. Wexford

July 15th 2007

**Re. IPPC Licence Application - Register Number P0792-01 – Nutricia Infant
Nutrition Limited, Castleview, Macroon, Macroon, County Cork**

Dear Ms. Kehoe,

I refer to the above application for an IPPC licence for an activity comprising "*the treatment and processing of milk, the quantity of milk received being greater than 200 tonnes per day (average value on a yearly basis)*". I also attach as Appendix 1 to this submission, a copy of the text of a submission made to Cork County Council as part of the planning process, some of which is also relevant to this submission, but which shall be included in totality as part of this submission on the licence application. I also attach as Appendix 2, a copy of a further submission made to An Bord Pleanala, some of which is also relevant to this submission, but which shall be included in totality as part of this submission on the licence application.

At the very outset, we wish to highlight the fact that the local residents are not opposed to development in the locality and on the subject site, so long as any development does not have a detrimental effect on the quality of lifestyle, lifestyle of the residents or the rural character of the area. However, the local residents believe that we have endured enough adverse impact with regard to dust emissions, malodours emanating from the plant itself and the on-site wastewater treatment plant and the noise and other high pitched hums emanating from the facility as well as noise due to the current levels of road traffic.

Article 17(1) Response by Applicant to the Agency dated June 22nd 2007

Item No. 1:- The planning decision has been appealed by Nutricia to An Bord Pleanála (ABP) as well as by the local residents. Our understanding is that despite being “.. *a reputable, long established and financially viable business.... With sales of €2.6 billion and operating profit of €429 million in 2006*”, they have appealed the requirement of Condition 29 to “.. *pay a contribution of €778,055..... in respect of public infrastructure and facilities...*”.

Item No. 2:- We ask the Agency to undertake its own independent noise monitoring at locations N1 – N6 inclusive, day and night. Initial monitoring undertaken for compilation of the EIS was undertaken, to our knowledge, when the plant was in a maintenance phase and was not operational. We also dispute some of the findings therein.

We also contend that as the “*direct noise contribution of the site was not measured*” that the Agency requests it in adjudicating on this application and prior to any proposed decision. Given that the site operates 24 hours a day, we question the significant difference in noise levels at N1-N6 inclusive when comparing the day and nighttime results as shown in the EIS (Section 3.3.).

We would respectfully ask the Agency, given that some residents reside within 50 metres of the site boundaries to:-

- Ensure the use of BAT given the companies stated financial position with respect to cooling towers, driers, biofilters etc.
- The imposition of a 55dB(A) noise limit between the hours of 08:00 and 18:00 and 45dB(A) between the hours of 18:00 and 08:00 including Saturdays, Sundays & all Bank Holidays.
- Clarification on noise levels at N6 given its elevated height over surrounding lands and issues with noise in the past in certain weather conditions at this location.
- Bi-monthly noise monitoring at N1-N6 as part of the conditions attached to the IPPC licence, when issued.
- Request the applicant to show the additional contribution to the background noise levels from the operation of the proposed extension.
- Request that noise levels at N1 & N6 be repeated due to weather conditions as per foot note of page 7 of the Article 17(1) response to the Agency dated June 22nd 2007, in order to assess true levels and comment appropriately.
- Request that the specification of the Kingspan cladding material including its technical specifications and associated data referred to on page 8 of the above submission made by the applicant, used to predict noise with mitigation measures in place, be submitted to the Agency and thereafter its utilisation on site, be conditioned by the Agency.
- Request the applicant to clarify the comment “.. *or equivalent acoustic performance...*” (page 10 of the submission).

undertaken again, taking the above comments into consideration. Indeed, clarification should be requested of the figures referred to in Table 2.1, Page 21.

Noise Monitoring Issues: - We also draw the Agency's attention to the fact that no noise monitoring was undertaken at the nearby noise sensitive receptors – dwellings immediately west of the proposed development in the establishment of current baseline / ambient background levels. We further draw your attention to the fact that **Table 3.3 is not submitted** which sets out the **daytime noise levels** (Page 46 of EIS) to the Planning Authority. We further wish to highlight that no consideration of the noise impacts of piling during construction nor the vibration effects thereof have been addressed in the EIS (Section 3.3).

Section 1.9.2 & Table 1.2 – refers to suitable air abatement technologies as per the appropriate BREF note. The proponent proposes the utilisation of existing technology in association with a to be installed “bag house filter.” This solution is not referred to in Table 1.2 and is not in accordance with BAT – Best Available Technology.

Attachment H1 –of the IPPC Licence Application:-

We refer to **hydrostatic testing of bunds** at the subject site undertaken on February 6th 2006 on behalf of the applicant. We note that this testing was not carried out in accordance with the appropriate **British Standard, namely BSXXXX**,

Caustic Soda Bund:-

We note that the caustic soda bund is constructed of concrete but has only been lined utilising stainless steel for a height of 250 millimetres. We contend that this should be totally lined with stainless steel in order to ensure the long-term integrity of the bund and that the current effective capacity of this bund is just 11.25 m³. In order to provide 110% capacity, the stainless steel lining should comprise the necessary prerequisite height, excluding the physical presence of the tank itself within the bund. We note the dimensions of this bund as being 9x5x1.4 meters high(63m³).

The volume of the bund is 63 m³, as stated above. Two tanks each being 2.9 metres in diameter and being 5 metres high are situated in this bund. The volume of these two tanks is 33 m³ each or 66m³ in total. We note that the bund should have a capability of storing 110% of all liquids held in other structures within the bund or 70 m³ and that therefore **the existing bunds are wholly unsuitable in the event of a spillage**. We note that the calculations therein considered only 1 tank and not the two tanks. In the event of a spillage, this bund is wholly unable to prevent a discharge of caustic soda to ground or surface water or other receiving media.

Oil Bund:-

With regard to the Oil bund, we wish to comment that we as residents are not aware of any coal boiler being on site or of the importation of coal to site. We therefore contend that in this area the maximum amount of fuel that might be stored at any time on site is 500,000 gallons of oil (2270 m³) and 50,000 gallons of diesel (227m³).

As we are not told the height of this bund, we cannot estimate the volumetric capacity of the bund and request the Agency to seek clarification of this matter. We also ask the Agency to examine the likely scenario in the event of a spillage given the consulting engineers concerns that *".. the empty oil tank might float or damage could be caused to the outflow heaters."* We seek clarification of the likely outcome if this liquid material should escape either over the top of the bund or by way of through the outflow heaters.

The REACH DIRECTIVE:-

The above directive has been implemented by EU member states to regulate the usage of approximately 30000 chemicals in the EU.

We ask the Agency to clarify if the applicant is utilising any of these prescribed chemicals on site and if so, what measures are in place for their safe management on site and what steps are being implemented to substitute them with safer alternatives.

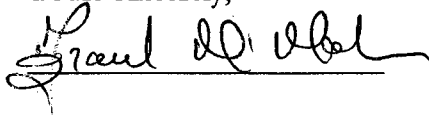
Concluding Remarks:-

We have formed the opinion that the proposed development potentially impacts on residential property in the immediate environs of the facility arising principally from a combination of visual, air, noise, odour and traffic effects. We have concerns about the manner of existing operations on site and suggest that there is a comprehensive need to ensure that the applicant is called upon to minimise emissions limits in accordance with best practice.

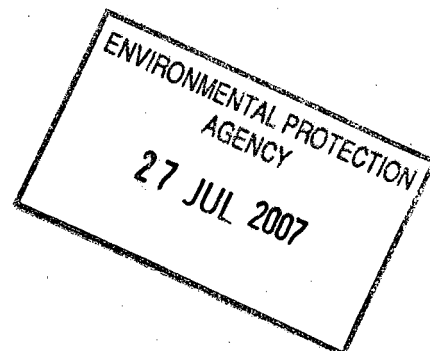
We also request the Agency to consider, if it issues a proposed decision, to consider the requirement as part of the management of the activity for a community consultative forum to be established as has been required with other licences issued by the Agency, e.g. Bottlehill Landfill, Carrignavar & Incinerator at Carranstown, Duleek, Co. Meath for example.

I trust that you will take into consideration the content of the foregoing. I would be obliged for written correspondence confirming receipt of this submission and consideration of its contents.

Yours Sincerely,



To: - The Secretary,
Cork County Council,
Planning Department,
County Hall,
Victoria Cross,
Cork City



February 16th 2007

**Re. Planning Application 06/8531 on behalf of Dairygold Food Ingredients
Limited at Inchinashingane, Macroom, County Cork**

A Chara,

I refer to the above application and the Environmental Impact Statement (EIS) received by Cork County Council on December 22nd 2006 in connection therewith, from the applicant on foot of submissions made by the local residents. In accordance with the Planning & Development Act, 2000 and associated Regulations of 2001, we wish to submit our observations with respect to the contents of the EIS.

At the very outset, we wish to highlight the fact that the local residents are not opposed to development in the locality and on the subject site, so long as any development does not have a detrimental effect on the quality of lifestyle, lifestyle of the residents or the rural character of the area.

We wish to draw your attention to the fact that it is our considered opinion that the public notices – newspaper adverts of 29/06/2006 and 20/12/2006 as well as the site notice erected on 30/06/2006 – are not in accordance with Section 18(1)(d)(iv) of the Planning & Development Regulations, 2001. This section, which deals with the format of newspaper, notices states:

“ Where the application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact...”

This is also a requirement for the site notice of June 30th 2006 as per Section 19 (1)(a) and Form No. 1 of the 3rd Schedule of the Regulations as per Item 6(e) of said 3rd Schedule (Page 201, 2001 Regulations).

We therefore respectfully submit to you that the current application is invalid as the public notices are inadequate as per Section 26(3) (b) (Page 29, 2001 Regulations). Accordingly, we request that the Planning Authority instructs the applicant, to resubmit the necessary documentation in order to validate the application and that the period for public consultation and submission would run for 5 weeks from said date of validation and a decision thereafter, 8 weeks from the date of validation of the application.

We also content that the proposed intensification of use is premature development pending a decision on the final route for the N22 road realignment and widening

project. At this time, the final route has not been selected although we understand that the preferred route is the **"Yellow Route."** Said yellow route, we are aware, based on the public consultation process, impact on the existing junction known locally as Castlevue Cross where the N22 and L 3422 intersect. The public consultation process advised that on completion of the new N22, that there would no longer be direct access to the N22 at this location – Castlevue Cross. Local traffic would be required to travel westwards on the L 3422 to the junction with L3420 and then northwards along L3420 over Macloneigh bridge to the R584 and then travel eastwards to rejoin the N22 / Macroom Town Bypass.

Given that this alignment / construction of Macroom Town Bypass has not been finalised and given the potential impact on the local road infrastructure and in particular on Macloneigh Bridge which was not constructed in 1956 to cater for such loads, we respectfully submit that this application should be deferred pending the outcome of the above mentioned road project. Further, we would request that Cork County Council would undertake (a) a full structural assessment of Macloneigh bridge to establish its safe limit capacity; (b) undertake a horizontal and vertical alignment study over the L3422 and L 3420 to include a pavement structural analysis to establish the suitability of the road network to carry the loads proposed and the increased volumes thereof.

Previous planning law cases by way of the Courts have established a **right to light** and a **right to privacy**. We respectfully suggest that the proposed development will impact on these rights for a certain number of local residents and their properties in the immediate neighbourhood of the proposed development. Furthermore, in the case of local planning file 04\9714 (Dwelling House & Garage @ Inchinashingane, Macroom), the apparent right of a 3rd party objector to a view was upheld in the decision of the Planning Authority to request a revised site layout including a lowered final floor level and a change in the orientation of the dwelling. Given the scale of the proposed development as per the photomontages shown in the EIS, we feel that the Planning Authority must equally uphold the same right to a view for all local residents impacted by the visual impact of the proposed development.

The EIS submitted by the applicant's agents, whilst thorough, contains a number of misleading statements, comments and other inaccuracies, which we will highlight later to you in this submission. However, we would ask that if the development is granted, that the conditions attached to any grant of permission would specifically include reference to **all mitigation measures proposed in the EIS** by the applicants technical advisors to **be included in the schedule of conditions** attached to any grant of permission.

With respect to conditions and compliance with conditions, we respectfully request that the **necessary enforcement** would be taken as applicable, given the proponents **lack of compliance with planning conditions in the past**, their lack of compliance with Discharge Licences and their admission contained therein in the EIS of non-compliance with the discharge requirements thereof.

Traffic Analysis: -

The current level of materials intake at the existing facility is as set out in the table hereunder, based on data supplied by the applicant in the EIS submitted on 22/12/2006.

Current Traffic@ Current Production Levels	Proposed Future Traffic @ Proposed Production Levels
Milk In – 18.6 million gallons of milk; Assume 6000 gallons of milk per load (i.e. all bulk vehicles are full) & Plant in Operation 46 weeks per annum \Rightarrow 68 loads per week or 12 per day or 1 load per hour. (2 movements / hour)	Milk In – 40.0 million gallons of milk; Assume 6000 gallons of milk per load (i.e. all bulk vehicles are full) & Plant in Operation 46 weeks per annum \Rightarrow 145 loads per week or 25 per day or 2.1 loads per hour. (6 movements / hour)
Powder Out – 26000 tonnes in 2006 from 9600000 gallons or 1 tonne of IMF from 370 gallons of raw milk; 20 tonnes of finished IMF per load; Plant in Operation 46 weeks per annum \Rightarrow 29 loads per week or 1 movement per hour	Powder Out – based on 40,000,000gallons of raw milk processing \Rightarrow 108,108 tonnes of IMF; 20 tonnes of IMF per load; Plant in Operation 46 weeks per annum \Rightarrow 20 loads per day or 4 movements per hour
Milk Out – 5,100,000 gallons in 2006 Assume 6000 gallons of milk per load (i.e. all bulk vehicles are full) & Plant in Operation 46 weeks per annum \Rightarrow 19 loads per week or 1 movement per hour	Milk Out – unknown – no information provided on this item in EIS, reasonable to assume none given applicants references to need for increased IMF production in EIS.
Oil In – No data contained in the EIS on consumption rates; Our survey of traffic to the site indicates two deliveries of oil per day – 4 movements per day (0.67 movements / hour)	Oil In – Based on a doubling of production and a lack of data in the EIS we assume this to increase to four deliveries of oil per day – 8 movements per day (0.67 movements / hour)
Diesel In – No data provided in the EIS, our surveys indicate two deliveries of diesel per week or 4 movements per week (0.05 movements / hr)	Diesel In – Based on a doubling of production and a lack of data in the EIS we assume this to increase to four deliveries of diesel per week – 8 movements per week (0.11 movement / hour)
Dry Bulk Ingredients In – 21000 tonnes (Table 2.2); 20 tonnes of ingredient per load; Plant in Operation 46 weeks per annum \Rightarrow 4 loads per day (0.67 movements / hour)	Dry Bulk Ingredients In – Based on a doubling of production and a lack of data in the EIS we assume this to increase to - 8 loads per day (1.34 movements / hour)
WWTP Treated Sludge Out – 550 tonnes (TDS) per annum (11% m.c.) – assume 8 tonnes per load & 46 weeks of operations \Rightarrow 1.5 loads per week or 0.5 movements per day (0.04 movements / hour)	WWTP Treated Sludge Out – no data in EIS, based on future production increase of 2.15, assume sludge out will be 1183 tonnes (TDS) per annum (11% m.c.) – assume 8 tonnes per load & 46 weeks of operations \Rightarrow 3.2 loads per week or 1.07 movements per day (0.09 movements / hour)

Other Services – Assume Veolia – 2 movements per week; Other waste services 2 movements per week; Hygiene Services & Catering Supplies etc – 2 movements per week; \Rightarrow 1 movement per day (0.08 movements / hour)	Other Services – no data in EIS; based on future production increase of 2.15, Assume Veolia – 4 movements per week; Other waste services 4 movements per week; Hygiene Services & Catering Supplies etc – 4 movements per week; \Rightarrow 2 movement per day (0.16 movements / hour)
Cars to Site – 69 staff at two movements per day = 138 movements / day or 11.5 movements per hour	Cars to Site – 100 staff at two movements per day = 200 movements / day or 16.7 movements per hour
Total Movements per Hour (Current) = <u>5.51 movements / hour for Heavy Goods Vehicles and 11.5 movements per hour for Cars.</u>	Total Movements per Hour (Proposed) = <u>12.37 movements / hour for Heavy Goods Vehicles and 16.7 movements per hour for Cars.</u>

Table 1: Estimation of Current & predicted Traffic Usage

We would ask that the Planning Authority compare these results to those of the traffic survey, which was undertaken when the plant was undergoing scheduled maintenance and therefore distorted. The above table assumes that production will be consistent throughout the year and that each week will be no busier than the previous. In addition, the above table assumes that milk requirements will not vary and that ability to supply the production unit will be constant though milk yield is reduced in wintertime due to cows in calf etc. We would suggest that this is not so, requiring a greater number of bulk transporters to deliver the required volume though each tanker would not be carrying 6000 gallons each which would imply increased traffic movements, not considered above. We suggest that the Council request the undertaking of a properly conducted traffic survey in summer time when the site is in full production to gauge current traffic levels due to the facility and to clarify the information as set out in the above table, not previously provided.

Airborne Dispersion of Milk Powder via Stacks: - Table 2.1 on Page 21 of the EIS indicates a potential for up to 100,000 gallons of milk per annum. Based on 1 tonne of final IMF product requiring 370 gallons of raw milk, **upwards of 270 tonnes of milk powder is dispersed to the atmosphere per annum**, far greater than the figures quoted in the EIS and its Appendices (**4 kilogram's per hour – 288 kilogram's per week or 13.25 tonnes per annum**). In addition, the manner in which dust and PM₁₀ monitoring was undertaken – one location north and south of the subject site, whilst the prevailing wind direction is south westerly and local knowledge indicates regular strong easterly winds, is questionable. Given the Council's concerns regarding the significant environmental impact of the proposed development this should be undertaken again, taking the above comments into consideration. Indeed, clarification should be requested of the figures referred to in Table 2.1, Page 21.

Noise Monitoring Issues: - We also draw the Council's attention to the fact that no noise monitoring was undertaken at the nearby noise sensitive receptors – dwellings immediately west of the proposed development in the establishment of current baseline / ambient background levels. We further draw your attention to the fact that **Table 3.3 is not submitted** which sets out the **daytime noise levels** (Page 46 of EIS). We further

wish to highlight that no consideration of the noise impacts of piling during construction nor the vibration effects thereof have been addressed in the EIS (Section 3.3). We respectfully suggest to the Local Authority that vibrographs be placed on the nearest dwellings during construction as well as monitoring of noise levels.

Time of Year Certain Monitoring Undertaken: - We wish to draw the Councils attention to the fact that ecology monitoring was undertaken at the wrong time of year. This is particularly important given the location of the development – adjacent to **The Gearagh, a candidate Special Area of Conservation**.

Furthermore, Dr. Brian Sheridan of Odour Monitoring Ireland, in his report states that the time of year at which Hydrogen Sulphide monitoring was undertaken in proximity to the existing onsite wastewater treatment plant was not appropriate though this is not referred to when summarised by Fehily, Timoney & Company. Dr. Sheridan identifies the need in his report in the Appendices, to undertake summertime (warm weather) monitoring of H₂S presence in the locality.

Other Issues / Observations / Comments on the EIS Content:

Section 1.1 refers to “minor commercial / infrastructural developments” and “forestry” as being portion of the surrounding land use. Applicant to be asked to clarify this.

Section 1.2 – we dispute the production and collection of milk from “500 farms in a 20 kilometre radius”. We note that there is no dairy herd within the 1 kilometre radius shown on some of the subsequent drawings in the EIS. We contend that following consultations with the Teagasc office in Macroom, that there are not 500 dairy farmers who are suppliers to Dairygold in the 20 kilometre radius nor is there 40 million gallons of milk produced in the entire area available to Dairygold. These inaccuracies suggest that milk from outside the area will be utilised and transported in smaller quantities thus increasing the level of traffic generation to levels higher than those predicted in the table above.

Section 1.4 – that the development is at variance with Section 1.4.1(b). The site is located in the administrative functional area of South Cork and not West Cork (page 6, Paragraph 2) as stated – the disparities referred to are not applicable in this situation. The County Development Plan (CDP) recognises the administrative divisional boundaries and therefore, the subject site is in South Cork.

Paragraph 5, Page 6, is emotive with respect to job losses and the underlying tone is that any job creation is good, be thankful for it etc. However, we contend that not all jobs will be provided for local people – only 2 people who reside in the 1 kilometre zone are employed at the factory.

Section 1.8. Pre Submission Consultations – there was no invitation for local residents to view proposals as evidenced in the correspondence between Dairygold and the residents – refer to letter contained in Appendix 1. Indeed the tone and manner of that letter as well as the underlying threat as per the phrase “timely outcome”. No reference to requirements to apply to EPA for IPPC licence.

Section 1.9.1 – bullet point 3 states, *“Its proximity to the Port of Cork is important as 95% of the finished product is exported.”* The local residents know of this statement to be misleading and erroneous as the final IMF product is transported via Downey Transport to Co. Wexford to a packaging plant and from there to Rosslare and not the Port of Cork. In addition bullet point 5 states *“licences are existing”* at the facility. This is again not factual, as the facility does not at this time possess an IPPC licence as issued by the EPA.

Section 1.9.2 & Table 1.2 – refers to suitable air abatement technologies as per the appropriate BREF note. The proponent proposes the utilisation of existing technology in association with a to be installed “bag house filter.” This solution is not referred to in Table 1.2 and is not in accordance with BAT – Best Available Technology.

Section 1.12 on the scope of the EIS should also have included for Road Infrastructure & Capacity, Impacts on Tourism, Natural Heritage. We would ask that the Planning Authority request same from the applicant.

Section 2.1.2, Page 20 – the local resident shave concerns regarding the potential implications of 500000 gallons of oil and 50000 gallons of diesel being stored on site given the close proximity to **The Gearagh** – 250 metres West of the subject site. No emergency procedures have been provided in the event of a spillage to groundwater etc. We would ask if the requirements of the **Seveso Directive** are not applicable in this instance.

Section 2.1.5 – the second paragraph openly acknowledges **breach of conditions** attached to **current discharge licence**. What is the ability of the new plant to produce a **final effluent** in accordance with the current discharge licence / future IPPC license. There are existing concerns about water quality in the river in close proximity to **Bealnaglashin Bridge** already. The amount of **weed and algal bloom** immediately west and east of the bridge for a distance of 1 kilometre is of particular concern to local waster users and farmers alike.

Figure 2.3, Page 32 – is the proposed drying tower and evaporator building to be enclosed?? If so, what is the acoustic insulation value of the material to be incorporated? What will the external colour be?? How will the visual impact be negated??

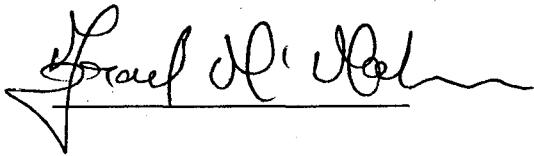
Page 2.3.4, Air Emissions – we would ask for quarterly monitoring of emissions and not annually. We also request a larger scale version of Figure 2.4, which sets out the proposed monitoring locations for the site.

Section 3.2, Human Beings in the Established Environment – Figure 3.1 indicates that there is 35 houses occupied dwellings with a 1-kilometre radius of the proposed development. This map is inaccurate and misleading. There are actually 44 houses in the 1 kilometre zone occupied and 1 under construction (04\9714). In addition, there are approximately 30 additional houses in the zone of 1- 1.5 kilometres from the proposed development.

Page 40, Section 3.3, Noise – when the noise monitoring surveys were undertaken, was the factory in production?? Was it in partial production?? Was it at full capacity?? The applicant needs to clarify these points and perhaps an independent noise survey needs to be undertaken by the Local Authority.

I trust that you will take into consideration the content of the foregoing. I would be obliged for written correspondence confirming receipt of this submission and consideration of its contents.

Yours truly,

A handwritten signature in black ink, appearing to read "David H. Bell", written over a horizontal line.

For inspection purposes only.
Consent of copyright owner required for any other use.

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



Inchinashingane,
Macroon,
Co. Cork.
087 - 2473536

May 21st 2007

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

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

Location of Development: Inchinashingane, Macroon,
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 in its role as Planning Authority to grant permission for the above on April 30th 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 in principle 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 and residential character of the area.

However, given the various issues and concerns raised by the locals during the planning process and 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 requirement by the Planning Authority to seek a sub threshold EIS and the necessity to re-advertise indicating that an IPPC Licence was being applied for only arose after these discrepancies were brought to the attention of the Planning Authority by the residents.

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 the availability of 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 with a consequent reduction in their quality of life.
- 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 regard to water discharge licence and a lack of Planning Authority enforcement, we Castlevew Residents wish to object to An Bord Pleanala 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/residential 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) Inadequate details on 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 having 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 to 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 stone walls 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 the 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 permissions.

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 Gearagh 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 heavy vehicles on a country road not exceeding 14 feet 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 Castlevue Cross;
- (b) the provision of a right turning lane at Castlevue 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.

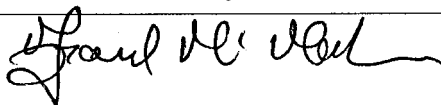
Consideration should also be given to placing public lighting in close proximity to the junction of the N22 & the local road.

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.

Yours sincerely,



Frank McMahon,
On behalf of Castlevue Area Residents.