

MEMORANDUM

From Marice Galligan A/Senior Planner	To EPA
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Date 10<sup>TH</sup> November 2015

I refer to your letter regarding Notification under Section 87(1E)(a) of the EPA Act 992, as amended for Bailieboro Foods Ltd. Bailieboro, Co. Cavan.

In relation to the activities applied for in the licence, I set out hereunder

1. Whether the activity has planning permission
2. EIA carried out
3. Any comments in relation to the licence

Class 7.2.1 *the treatment and processing of milk, the quantity of milk receive being greater than 200 tonnes per day (average on a yearly basis) and*

1. State if activity has planning

The Planning Authority can confirm that the activity for the treatment and processing of milk has planning permission under reg. No. 14/245. *Planning permission granted for (1) erect 5 storey extension to the existing Dryer facility to contain a new dryer plant, (2) erect 3 storey extension to the existing Dryer building to contain 2 no. evaporators, (3) erect 3 storey extension to the existing milk powder silo area to incorporate new milk powder silos and milk powder handling, (4) new car parking spaces (5) revised traffic arrangements (6) new security hut and (7) erect 2 storey extension to the existing bagging area to contain additional bagging area and electrical control panels together with associated local underground drainage and miscellaneous site works including a 480m3 covered water tank. The site currently has an EPA licence Reg. No. P0406/04. An Environmental Impact Statement (EIS) will be submitted as part of this application*

2. I attached planners report in relation to the above application in which an EIA was carried out on the EIS submitted.
3. From a planning perspective, the planning authority has no issues in relation to the granting of this license.

Class 2.1 *Combustion of fuels in installations with a total thermal input of 50MW or more under EPA Act 1992 as amended.*

1. The planning authority can confirm that the combustion of fuels is permitted under planning reference number 15/230

*Retention permission granted for an existing Combined Heat & Power (CHP) Plant with a floor area of 253m2 complete with a 25 metres high 1.4 metre diameter vent stack at the existing facility. Planning permission is also sought for a single storey extension at the front of the proposed new CHP Plant with a floor area of 21m2 to*

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## MEMORANDUM

**From** Marice Galligan  
A/Senior Planner

**To** John Brannigan –  
Director of Services:  
Planning Section

**Date:** 22<sup>nd</sup> September 2014

**Planning Reg. No:** 14/245

**Applicant:** Lakeland Dairies, Bailieboro

**Type of Application:** Full Permission

**Development Description:** (1) erect 5 storey extension to the existing Dryer facility to contain a new dryer plant, (2) erect 3 storey extension to the existing Dryer building to contain 2 no. evaporators, (3) erect 3 storey extension to the existing milk powder silo area to incorporate new milk powder silos and milk powder handling, (4) new car parking spaces (5) revised traffic arrangements (6) new security hut and (7) erect 2 storey extension to the existing bagging area to contain additional bagging area and electrical control panels together with associated local underground drainage and miscellaneous site works including a 480m<sup>3</sup> covered water tank. The site currently has an EPA licence Reg. No. P0406/04. An Environmental Impact Statement (EIS) will be submitted as part of this application

**Engineering Area:** Bailieboro

### **SITE LOCATION AND DESCRIPTION**

Site is located on the regional road R-178 between Bailieboro and Shercock. The proposed development is located within the confines of the existing Bailie Foods complex.

### **THE PROPOSED DEVELOPMENT**

The proposed development largely comprises of an extension to the existing dryer facility. This building will contain a new dryer plan and have a floor area of 3,516m<sup>2</sup> on 5 floors and

an overall height of 40m. This will include a full height fire escape and lift shaft. An extension to the existing dryer facility will contain 2 no. evaporators and will have a floor area of 1,325m<sup>2</sup> on 3 floors with occasional access platforms and an overall height of 31.27m. An extension to the existing milk powder silo area will incorporate new milk powder silos and handling and will have a floor area of 387m<sup>2</sup> on 3 floors and an overall height of 24.21m. The extension to the existing bagging area has a floor area of 170m<sup>2</sup> and an overall height of 10.96m. Other items proposed under this development include 480m<sup>3</sup> covered water tank, external cladding of extension to match existing cladding in colour and type, new additional car parking spaces, new security hut and revised traffic arrangements.

### SUBMITTED DOCUMENTATION/DRAWINGS

Submitted documentation and drawings pertaining to the proposed development have been noted. As per legal requirements these include location map, site layout plan, elevations, floor plans and 3D drawings.

### PLANNING HISTORY

File Number	Name	Description	App Status	App Type	App Decision	Decision Date
11/353	Baillie Foods	Demolish changing rooms and construct new changing rooms and storage processing room, relocate existing cream silos and erect 3 new cream silos.	Decision made	Permission	Conditional	3/4/2012
11306	Baillieborough Foods Ltd & Baillie Foods Ireland Ltd	Decommission existing 4 no. septic tanks and install 3 no. effluent treatment systems and soil polishing filters. Works to include installation of 2 no. pumping mains and site development works	Decision Made	Permission	Conditional	19/12/2011
011204	Baillie Foods Ltd	erect secondary means of escape from dryer & silo buildings	APPLICATION FINALISED	PERMISSION	UNCONDITIONAL	21/09/2001
01592	Golden Vale Foods	construct new security station and reposition existing gates	APPLICATION FINALISED	PERMISSION	CONDITIONAL	18/07/2001
05711	Lakeland Dairies Co-Op, Society	extend existing boiler buildings including associated control building and 24m high exhaust stack	APPLICATION FINALISED	PERMISSION	CONDITIONAL	29/07/2005
062083	Baillie Foods Ltd	erect an extension to the milk powder drying facility, this is an	APPLICATION FINALISED	PERMISSION	CONDITIONAL	22/01/2007

		IPC licensed facility, licence reference no PO406/01				
081112	Bailie Foods Ltd.	amendments to existing permission 06/2083 for erection of a 2432 sq. metre extension to their Milk Drying Facility including covered walkway and escape stairs. The application relates to a development which is for the purpose of a Milk Drying activity requiring an IPC Licence under part IV of the EPA (Licensing) Regulations 1994 to 2004. The existing facility has an IPC Licence Reference No. PO 406/02	APPLICATION FINALISED	PERMISSION	CONDITIONAL	25/11/2008
11306	Bailieborough Foods Ltd & Bailie Foods Ireland Ltd	decommission existing 4 no. septic tanks and install 3 no. effluent treatment systems and soil polishing filters. Works to include installation of 2 no. pumping mains and site development works	APPLICATION FINALISED	PERMISSION	CONDITIONAL	7/2/2012
647374	Bailieboro Co-Op & D.S. Ltd.	erect garage, canteen, toilets, laboratories, office, and new washing plant adjacent to existing.	APPLICATION FINALISED	PERMISSION	CONDITIONAL	04/06/1976
648776	Bailie Foods Ltd.	erect food processing factory with services.	APPLICATION FINALISED	PERMISSION	CONDITIONAL	03/05/1978
64/9136	Bailie Foods	Erect 3 new milk silos				
8414745	Bailieboro Co-Op Group	erect boiler house, install coal boilers (2) with storage leppers chimney, coal and ash handling equipment	APPLICATION FINALISED	PERMISSION	CONDITIONAL	21/11/1984
84152	Bailie Foods Ltd.	erect raw materials store	APPLICATION FINALISED	PERMISSION	CONDITIONAL	20/09/1984
8717125	Bailie Foods Ltd.	retain part of services and part of buildings	APPLICATION FINALISED	PERMISSION	CONDITIONAL	28/07/1988
8817535	Bailie Foods Ltd.	extend existing bogging room	APPLICATION FINALISED	PERMISSION	CONDITIONAL	19/10/1988
9119594	Bailie Foods	erect loading bay extension and enclosure	APPLICATION FINALISED	PERMISSION	CONDITIONAL	21/11/1991
94152	Bailie Foods/ Golden Vale	erect first floor extension to offices	APPLICATION FINALISED	PERMISSION	CONDITIONAL	18/05/1994
94153	Bailie Foods/Golden Vale	erect extension to processing building	APPLICATION FINALISED	PERMISSION	CONDITIONAL	18/05/1994

## **PRE-PLANNING CONSULTATIONS**

A number of pre planning meetings have taken place in relation to this proposed development.

**23<sup>rd</sup> July 2014** – Catherine Flynn and Nevin Traynor with Marice Galligan. Contents and update of EIS discussed. Timetable for lodgment of application was also discussed.

**8<sup>th</sup> August 2013** – Catherine Flynn and Nevin Traynor with Marice Galligan – scoping of EIS took place and proposal for extension to existing facility. The intake of milk will be greater than 50 million gallons and therefore EIS will be required. It arises from the increase in milk following the removal of milk quotas. There will be an increase of up to 10% in milk production up to 2018. Investment will be in the region of 20 to 30 million Euros. Following grant of permission to discharge to Castle Lake they will apply for IPPC licence to discharge to Castle Lake and this will probably be done in 2014.

## **SUBMISSIONS**

### **Peter Sweetman and Associates**

It is a requirement that an EIA is carried out prior to any decision being made.

The only part of the development which an EIS has been carried out is the wastewater treatment plant.

No EIA has been carried out by An Bord Pleanála, Cavan County Council or the EPA.

### **Gabriel and Andrea O'Reilly**

Would like to make an observation/objection on the proposal and their concern is environmental grounds

## **EPA**

The most recent licence pertaining to Baillieboro Foods is Industrial Emissions (IE) Licence. This licence may need to be reviewed or amended to accommodate the expansion proposed in the planning application. The licensee has not yet applied to the Environmental Licensing Programme for a determination in this regard. The application was accompanied by an EIS which appears to address the key points in relation to the environmental aspects of the proposed activity which relate to the matters that come within the functions of the Agency. The EIS also appears to address the direct and indirect effects of the development on the aspects of the environment listed in section 83(2A) (a) of the EPA Acts.

As part of its consideration of any licence review application that may be received, the Agency shall ensure that before the revised licence is granted, the licence application will be made subject to an EIA as respects matters that come under the functions of the Agency.

#### **Department of Arts, Heritage and the Gaeltacht**

This submission relates to archaeology. The Department concurs with the recommendations contained in the Archaeological Section of the EIS. The Department recommends that predevelopment testing is carried out on this site as a condition of planning. A number of conditions have been attached to the report for insertion.

#### **REPORTS:**

##### **Environment Section**

This report has noted the submission of the EIS with the planning application. It has noted that mitigation measures have been outlined in the EIS for the protection of ground and surface waters during the construction as well as operation phase of this development. Water supply to the facility is an abstraction from Castle Lake and a less significant volume of water abstracted from a bored well on site.

The existing foul effluent and process wastewater arrangements in place on site will continue for the proposed development with all such wastes streams being directed to the on-site wastewater treatment plant with eventual discharge to Castle Lough. This wastewater treatment plant was upgraded in 2013.

The River Lear flows to the southern and eastern boundaries of the site. There will be no new emission points to surface waters as a result of the proposed development. Storm/surface water currently flows through 10 interceptors on site before discharge to the River Lear. There are 3 storm/surface water discharge points to the River Lear and these will remain.

A Construction Environmental Management Plan will be put in place during the construction phase of the proposed development.

Submissions received from An Taisce in relation to the scoping of the EIS document prior to the application being lodged, make reference to additional herds and the associated additional nitrogen loading, protecting water quality, catchment management, availability of spreadlands for the additional production, etc. It is considered that this is a national issue related to the 2015 quota lift as well as Harvest 2020.

Having assessed the Cavan Groundwater Protection Scheme Maps, prepared for Cavan County Council by the Geological Survey of Ireland, it is evident that proposed development is located in an area designated as a Poor Aquifer with varying degrees of Vulnerability.

The proposed development is located in the Eastern River Basin District, in the Blackwater North Water Management Unit; the water body is classed as Poor Ecological Status. This status must be improved to at least Good Ecological Status by 2015 in accordance with the requirements of the Water Framework Directive.

This class of activity at this location has already obtained an IED Licence from the Environmental Protection Agency -P0406-04 - granted on the 18/07/14 in accordance with Regulation 37 of the EPA (Industrial Emissions) (Licensing) Regulations 2013 based on Directive 2010/75/EU on industrial emissions.

The position is therefore as follows:-

- The planning authority in granting permission for a development requiring a license from the EPA may **not** impose conditions in relation to the environmental emissions from this activity.
- The planning authority may decide to refuse a grant of permission in respect of a development requiring a licence from the EPA on the grounds that the development would have a detrimental effect on the surrounding environment.
- The protection of visual amenity, archaeological sites, natural heritage areas and other special protection areas, etc., remain the responsibility of the planning authority in so far as these relate to the actual on-site development (as distinct from the waste disposal operation).
- The planning authority retains responsibility for access, transportation and road safety.

Insofar as the Council can make judgement on the environmental issues of the proposed development at this existing IED licensed facility, Environment Section have recommend approval unconditionally.



## **Waste Management**

From a waste management perspective, this proposed development does not involve any significant demolition works and the main issues therefore in the context of waste management arise from the construction elements of the proposal. The report in question has noted the Chapter on Waste Management contained in the EIS. The EIS has taken cognisance of the need for the preparation of a 'Site Specific Construction and Demolition Waste Management Plan' for the construction phase as well as an 'Operational Waste Management Plan' for the operational phase of the project. Waste Management have concluded the report by stating that they are satisfied that the EIS has adequately addressed any issues which arise from waste management perspective of both the construction and operational phase of the proposed development and the mitigation measures that have been supplied for same. The relevant waste management plans require to be submitted to the Planning Authority for written approval prior to the commencement of work on site, and it will be necessary for periodic inspections of this development to be carried out by Waste Management Personnel as the development progresses. Approval from a Waste Management perspective is recommended subject to conditions.

## **Road Design**

This report has noted that pre planning discussions have taken place with Road Design office prior to lodgement of the planning application. The Scoping of the Roads and Traffic Element of the EIS was agreed in principle between Traffic, Transport and Road Safety Associates Ltd and the Road Design Office prior to submission of the planning application. The application generally reflects the agreed scoping. The Traffic Impact Assessment generally conforms to the NRA Traffic and Transport Assessment Guidelines May 2014.

The Traffic Impact Assessment shows that existing L-3515 and R178 operates well under capacity which justifies the current proposal to remove the right turning lane and reduce carriageway widths with a view to reducing speeds in the area. The Road Design Engineer has indicated in his report that there are outstanding issues (which can be dealt with by condition) in relation to

- Parking
- Pedestrian/Cyclists
- Accessibility and Integration
- Access for People with Disabilities

The Stage 1 Road Safety Audit submitted with the EIS which generally conforms with the current NRA Standard HD 19/12 for Road Safety Audit. This Audit has made a number of

recommendation, however it is noted that the Designers Feedback form in Appendix B has not been completed. The Road Design Engineer has recommended approval subject to conditions of the proposed development.

**Planning Sections comment** - I have noted the conditions recommend by the Road Design Section. The Disability Access Certificate required for this development will deal with access for persons with disabilities and therefore planning conditions are not relevant for same. A grant of permission cannot attach conditions outside of the site and ownership of the applicant and therefore I do not consider that is relevant to attach a condition to provide a footpath over the frontage of the GAA grounds. I consider that Lakeland Dairies shall carry out an assessment for the need for an Electric Car Charger at this location.

## **NATIONAL AND REGIONAL POLICY**

### **Harvest 2020**

An Taisce in their Scoping submission have commented on the sustainability of the project proposed in terms of meeting the demands for the additional milk required and the travel distances of same to the plant. Environment Section have also commented in relation to additional herds and the associated additional nitrogen loading, protecting water quality, catchment management, availability of spreadlands for the additional production quota. Environment Section has noted that this is a national issue related to the 2015 quota lift as well as Harvest 2020. I am also aware from pre planning meetings that there will be no increase in the catchment area of milk supplies to the plant arising from the proposed development. The additional raw material required for the proposed extension will come from the lift of the milk quota in 2015.

The National Recovery Plan 2011-2014 sets out key actions to bring about national recovery and the Action Plan for Jobs seeks to reduce job losses and protect existing jobs. From a Regional Perspective the Border Regional Guidelines 2010-2022 includes 'Regional Economic Strategy' for the Border Region. This strategy sets out existing and potential future growth and development in the Border Region which includes the Agri-Food Sector.

## **DEVELOPMENT PLAN POLICY**

The proposed development is located outside of the town boundary of Baillieboro and is located in a rural area. Relevant Sections from the development plan include Chapter 3 Economic Development -3.6 Rural Enterprises.

It is an aim of the Cavan County Development Plan 2014-2020 to enable the provision of a sustainable level of economic activity within the county. Section 3.4 of the plan acknowledges the importance of agriculture and related processes and services as an important part of the economy of the county and notes its significance in its contribution to employment in the county. The plan has indicated that Cavan County Council will continue to support initiatives to promote agricultural enterprises. I have noted the policies and objectives in the development plan relating to new enterprises located in rural areas. Although this deals with new enterprises located in rural areas, I am satisfied that the proposed extension of this enterprise is linked to agriculture and thus deemed acceptable at the existing location.

Historically, this enterprise has been in existence at this location for some time. The principle of the development has been long established and as per the current development plan I am satisfied that this is linked to agriculture. From a planning perspective, the facility is in existence and therefore an extension of the landuse at this location, does not raise serious concerns and is consistent with the policies and objectives as set out in the current Cavan County Development Plan 2014-2020.

## **Designations as per current Cavan County Development Plan 2014-2020**

### **National Monuments**

I have examined the planning GIS register in relation to the proximity of National Monuments to the development site in question. CV1297 (ringfort/rath) is located less than 1km from the site in question in a westerly direction. CV1316 (ringfort/rath) is located approximately 1.3km from the site in a North East direction and CV1569 (ringfort/rath) is located 0.78km from the site in a south west direction towards Baillieboro Town. Although referenced differently (with different reference numbers) these recorded national monuments as well as other archaeological monuments have been clearly documented in the EIS document submitted. The EIS has also noted that several archaeological sites are located within the study area and include prehistoric, early medieval, medieval and post-medieval sites. The pre-historic remains include flachtaí fia, the early medieval remains include several ringforts, the medieval remains include a possible church and graveyard and a motte and the post medieval remains include a Castle and Bawn site and a plantation town. Section 14.3 of EIS.

The archaeological and cultural heritage chapter of the EIS was carried out by Wolfhouse Archaeology. An area identified as within 1.9km of the development site was identified and a list of all sites of Cultural Heritage was listed. A site walkover concluded the majority of the proposed development would occur on brownfield site and that for most part, the proposed development would have no Cultural Heritage Significance. A pair of rectangular structures (CHC No.9) will be directly impacted upon – but these are no longer extant at ground level and are not recorded in the County Development Plan. This chapter of the EIS has recommended that topsoil stripping of construction phase will be archaeologically monitored by a licensed archaeologist.

I am satisfied that the proposed development from information contained within the EIS as well as the Planning Authority's search will have no impact on National Monuments or other cultural heritage impacts.

The Archaeological Section of the Department of Arts, Heritage and Gaeltacht are also satisfied with the information contained in the EIS and have recommended approval of the proposed development

#### **Protected Structures**

The nearest Protected Structures are in Baileborough town and therefore I consider there is no impact on any protected structures arising from the proposed development

#### **National Heritage Areas**

There is no National Heritage Area impacted upon from the proposed development.

#### **Special Areas of Conservation Areas and Special Protection Areas**

The impact of the proposed development on Natura 2000 sites will be dealt with in the EIA section of this report

#### **High Landscape Areas**

The nearest High Landscape Area designated in the current plan is Lough an Leagh. I am satisfied that there is sufficient distance of the proposed project which ensures there will be no impact of the proposed development on this area of High Landscape.

### **Major Lakes and Lakeside Areas**

The nearest designated Major Lake and Lakeside Area is Lough Skeagh which is approximately 3.5km from the site. I am satisfied there are no issues arising having regard to this distance.

### **Special Heritage Sites**

Dunaree Forest Park (11km), Moybologue Church (6km) Cavan County Museum and Mullagh Lough are all of sufficient distance from the site which ensures that there is no negative impact arising from the proposed development on Special Heritage Sites.

### **Scenic Routes**

There are no Scenic Routes affected by the proposed development.

### **Walking Routes**

Castle Lake and Forest Walk and Lough an Leagh are the nearest walking routes and these will not be affected by the proposed development.

### **Forest and Other Parks**

Castle Lake Forest Park is designated in the development plan and the amenities of same will not be affected by the proposed development.

### **Scenic Viewing Points**

Lough an Leagh is the nearest Scenic Viewing Point and this will not be affected by the proposed development.

### **Geological Heritage Sites**

Carrickallen Quarry is the nearest Geological Heritage Site and having regard to the distance of same from the development, there will be no impact of the proposed development on same.

## **9.0 ENVIRONMENTAL IMPACT ASSESSMENT**

### **9.1 Introduction**

In accordance with the requirements of European Directive 2011/92/EU and Section 171A of the Planning and Development Act 2000 as amended, this process requires the Planning Authority, as the competent authority, to identify, describe and assess in an appropriate manner, in light of each individual case, and in accordance with Articles 4 to 11 of the

Environmental Impact Assessment Directive, the direct and indirect effects of the proposed development on the four indents listed in Article 3 of that Directive as set out below:

- a) Human Beings, flora and fauna
- b) Soil, water, air, climate and the landscape
- c) Material assets and the cultural heritage
- d) The interactions between the factors (a), (b) and (c)

#### **9.4.1 Impact on Human Beings**

In relation to impact of the proposed development on human beings the proposed development is located within an existing Industrial/Enterprise site outside the development envelope of Bailieboro. The site is unzoned but has long established use at this location. The site has been in existence for numerous years as depicted in the planning history on the site as well as older OS maps available. The site is divided by the regional road. It is proposed to extend the eastern side of the plant where the existing dryer facility is situated. Adjoining the site in a southerly direction, is Bailieboro GAA grounds and the remainder of adjoining uses to the site is agricultural lands. The landscape is typical drumlins lands. Chapter 4 of the EIS has outlined in detail the impact of the proposed development on Human Beings. This EIA will assess the impact on human beings under the following headings

- Employment
- Landuse Zoning and Housing
- Visual Impacts
- Traffic
- Odour

#### **Employment**

This EIS has contended that increased employment is a positive outcome of the proposed development which will include an increase in employment opportunities and local revenue. This will be for both construction and operation phase of the development. The majority of employment to be generated by the proposed development is not expected to be at the facility itself post development but will be in the farming hinterland by providing the additional milk by dairy farmers in the region. The construction period has been estimated at 18-24 months and during this time approx 150-200 workers will be employed on the site. The construction phase of the development will have a significant positive impact on employment

in the area. During operational phase there will be approx 31 additional persons employed at the facility.

### **Landuse, Zoning and Housing**

Existing land uses in the vicinity of the site are agriculture, the existing factory site and one off rural dwellings. Adjoining the site there is also the local GAA grounds. This will remain unchanged post development. The footprint of the proposed extension is mainly within the already developed hardcore area to the rear of the existing plant. Post construction there will be a larger footprint of developed land than pre construction. It is not considered that there will be a negative impact of the proposed development on landuse zoning in the vicinity of the site.

### **Visual Impact**

I have noted the locations of existing houses in the vicinity of the site. Directly south of the site on the Bailieboro Road there is an existing bungalow (permission granted to Patrick Maguire -reg. No. 8011837). This dwelling faces the regional road and there are no windows on the Lakeland Dairies side of the dwelling. Across the road from this dwelling there are 2 number dwellings (granted to Brendan Kennedy and John and Patricia Kennedy) which will be able to view the proposed extension from their dwellings. These dwelling are located on elevated sites and are orientated in the direction of the factory. I have no concerns in relation to the impact of the dwelling directly south of the site in terms of visual amenities. There will be a visual impact of the proposed development from the existing dwellings (Kennedy) due to their elevated nature and orientation. I have examined carefully the visual impact on these dwellings, and consider that the impact is acceptable. The existing plant on the site is of the same height and finish and although the proposed extension increases same, I consider that within the confines of the industrial site, that the impact is acceptable. I have examined the dwellings located off L-3515 west of the proposed site and do not consider that there is a visual impact of the proposed development on these dwellings. I have also examined the visual impact of the proposed development from dwelling located on L-7530 and consider that there is none. In summary I have examined all dwellings in the vicinity of the site and consider that the visual impact of the developments on same are acceptable and negative in most instances.

In relation to the visual impact of the proposed extension upon the site in question as opposed to dwellinghouses in the vicinity of the site, I note the photomontages of the extension submitted in Chapter 5 and Appendix G of the EIS. The proposed extension is recessed from the existing factory and located on the left hand side of same (north). The



extension is the same height as the existing dryer facility and it is proposed to finish the extension with the same material. The photomontages submitted are from various views and these are the development as constructed. I have noted an error in the EIS page 31 in relation to the photomontages – these have been indicated with the incorrect locations.

**Shercock Road** – in my opinion is where the proposed extension will be most visual. Having regard to existing nature of the site, I consider that the site can accommodate this extension from this viewpoint. Indicated on EIS as Slight to Moderate visual impact.

**Knockbride Road** – impact in my opinion is slight and is deemed acceptable.

**Bailieboro Road** – there will be an alteration in the view from the Bailieboro Road and the extension will be evident, however having regard to the nature of the site and the setting at this location, I deem the impact acceptable. Indicated on EIS as None to Slight visual impact.

**Entrance to GAA grounds** – due to the existence of existing buildings within the GAA, this view has been broken up. The extension is screened by walls and buildings in the GAA site and the visual impact from this location is deemed acceptable. Indicated on EIS as Slight to Moderate visual impact.

**View from Treatment Plant** – the treatment plant is located across the road on a more elevated site than the proposed extension. There are a number of Bailie Foods buildings in the vicinity. These aid to screen the proposed extension from the development and the visual impact from same is deemed acceptable. Indicated on EIS as Slight visual impact

The submitted EIS has assessed and outlined in detail the visual impact of the development under construction. There will be a visual impact of tower cranes, scaffolding, hoarding etc. I concur with the findings and conclusions in the EIS which state that the character of visual impacts during construction phase is likely to be wholly negative at first, becoming neutral to positive as work proceeds and the new structure becomes apparent. I note that these visual impacts however will be temporary and therefore deem same acceptable.



#### **9.4.1.3 Traffic**

Chapter 6 of the submitted EIS has dealt with Roads and Traffic. The element of the EIS was carried out by Traffic Transport and Road Safety Associates Ltd. The methodology used includes the following

- Traffic counts of local traffic volumes
- Factoring traffic data using NRA growth factors
- Assessing the impact of the development on the road network of the locality
- Reviewing the environmental impact of traffic related to the construction and operation of the proposed development including road safety
- Developing a mitigation strategy to ensure that any potential roads and traffic
- Narrowing regional road to 7m along factory frontage
- Provision of 2 metre footpath
- Narrowing of local road and reducing width of T junction of local road with regional road and provision of footpath in this vicinity
- Minor revisions to existing factory access points

The increase in traffic movements has been detailed in the EIS. The construction phase will result in increase of 150 approx workers to the site on a daily basis. It is intended to provide access for construction workers through the existing access off R178 to the south of the sports field. The operational phase will result in increase of approx 30 members of staff divided between 3 shifts. There are currently 9 HCV movements in and out of the site and this will increase by 4 per day. The EIS has concluded that the proposed development will not generate any noticeable impact on traffic noise. There is also no measurable impact in terms of local air pollution. Mitigation measures have been detailed to reduce the impact of construction traffic impacts and the EIS has recommended the development and implementation of a Mobility Management Plan which will reduce the potential traffic and road safety impacts associated with the operation of the development. The EIS has concluded that with Mitigation Measures there will be no significant adverse roads and traffic related environmental impacts. There will be ongoing monitoring of traffic on the site and if collisions occur a Stage 4 Road Safety Audit should be undertaken.

#### **Odour and Air Quality**

Odour and air quality has been dealt with in Chapter 11 of the EIS. Section 11.3.1. outline that Lakeland Dairies implemented an Odour Management Plan in January 2013 as a response to three odour complaints received in relation to the onsite Waste Water Treatment Plant. The Odour Management Plan provides information on the potential odour impacts

from the Wastewater Treatment Plant facility and Wetland Area and not for the rest of the site, where odour is not considered to be an issue. Odours from wastewater treatment plants arise mainly from uncontrolled anaerobic biodegradation of wastewater to produce unstable intermediates. The balance tank at the wastewater treatment plant has been covered and a Carbon Filter has been installed to reduce odour issues arising. It is not anticipated that the addition of the new dryer building will give rise to odour problems as there have never been any odour issues arising from the existing dryers on site.

There is the potential of the new development to result in an increase in air emissions leading to exceedences of the ambient air quality standards. Construction dust has the potential to cause local impacts through dust nuisance at the nearest receptors. There will be air emissions from the proposed dryer, however this has been designed to ensure that ambient air quality remains well within the ambient air quality standards with the new development in place. A Dust Control Management programme for the control of fugitive dust emissions shall be established and implemented for the duration of the construction phase.

### **Flora and Fauna**

The impact of the proposed development on flora and fauna has been dealt with in Chapter 8 of the EIS. Noreen Mc Loughlin of Whitehall Environmental and Dr. Tina Aughney of BAT Eco Services were commissioned to undertake an Ecological Impact Assessment. The Zone of Influence was set at radius of 2km. The area of the proposed development is classified as BL3- Buildings and Artificial Surfaces. It has been extensively disturbed with a much reduced cover of vegetation. The degree of vegetation cover varied from nearly zero in the west to a full cover of meadow grassland in the east. No rare or protected plants were noted and despite the habitats present are unlikely to harbour such species. The wetlands at Lakeland Dairies were recently decommissioned when the company upgraded their treatment system. This effluent is now discharged under licence to Castle Lough. As part of the ecological survey carried out there was monitoring of the River Lear – just upstream of the proposed site, close to constructed pond and wetland area. The results indicate that the river, at this point, is of good ecological status. As part of their Water Monitoring Programme certain stations along the River Blackwater are monitored. For this there are 3 stations along the River Lear with the following status – good status at station north east of Bailieboro, moderate status at Lear Bridge and poor status at footbridge just upstream of Castle Lough.

There was no evidence of Badger, fox or Irish Hare –however it is likely that same are found in the grassland habitat adjoining the development. The bats are using the site for commuting and foraging but the study concluded that there are no bats roosting on the site, however due to their nature it can be possible that they may use the mature trees in the surrounding area. Grey Squirrel was not recorded. Mammals present included Otter, Hedgehog, Pygmy Shrew, Woodmouse and Brown rat. The site is considered to be of Local High Importance for invertebrate species due to the range of habitats present for invertebrates.

The construction of the proposed development will result in a negligible loss of habitat – this is due to the brownfield nature of the site. Wildlife in the immediate vicinity of the proposed construction site are likely to be disturbed as a result from machinery and general activity. Construction could result in increase in siltation levels of local watercourses or result in pollution of water. The Construction Waste Management Plan has been developed as part of the Contractors Construction Environmental Management Plan which defines a structured approach to the management and recycling of water on-site and identifies best practices recommended for the protection of the environment.

Dust deposition can cause localised impacts on vegetation- but this effect will be localised and temporary in nature.

There will be no removal of vegetation for the construction of the proposed development and the use of heavy machinery will not result in the mortality of any wildlife or animals. The guidance for lighting from Bat Conservation Ireland will be adhered to.

#### **Other Matters – Health and Safety, Amenities and Tourism and Waste Management**

All of the above issues have been dealt with in the EIS. Health and Safety has been detailed in Chapter 4 of the EIS. It details that Health and Safety Management will be proactively managed on the site, both during construction and operation of the proposed development. The air emissions, traffic, noise, effluent and wastes generated will not give rise to a significant impact on the environment and are not considered hazardous to health of the local population.

The impacts of the proposed development on amenities and tourism is considered minimal in the EIS and I concur with these findings. The Castle Walk and adjoining GAA grounds are the nearest facilities and I consider that the proposed development will not impact on Castle Walk and will impact in a visual manner on the GAA grounds, however having regard to existing landscape and the development being an extension of an existing facility, I consider that same is acceptable.

The EIS has taken cognisance of the need for the preparation of a 'Site Specific Construction and Demolition Waste Management Plan' for the construction phase as well as an 'Operational Waste Management Plan' for the operational phase of the project. Waste Management Section of Cavan County Council has raised no concerns in relation to waste management arising from the proposed development.

### **Soils, Geology and Hydrology**

Soils, Geology and Hydrology are contained in Chapter 7 of the EIS. As part of the Industrial Emissions Directive Application, an intrusive investigation of the site was carried out to assess the impact of the development on soils, geology and groundwater. This study was from both desktop and site investigation work. There was no indication of significant pollution of soil at the current site, consistent with the current land use and historic land use as understood. The groundwater of the site was found to be of good quality with no evidence of pollution. There is also a low risk of soil and groundwater pollution arising from the operation of the proposed development, as materials handling will be carried out indoors. The EIS has acknowledged the risks as; contamination of surface water or soil, loss of containment from storage tanks or sanitary system and run off in the event of a fire. The IED licence requires a Closure Plan in this eventuality. The impact of long term activities on the site is considered insignificant. Surface water currently flows through 10 number interceptors prior to discharge to the River Lear.

The EIS has outlined in detail the impact of construction works on soils, geology and hydrology and has concluded that the risk is moderate. This is because though excavations are required, most of this material will be levelled, reused and re-emplaced on site. Groundwater vulnerability at the site is currently classified as Extreme. The addition of the new dryer is unlikely to have any significant adverse impacts on the local geological/hydrological environment once operation is up and running. Groundwater Monitoring is required to be carried out annually as part of the EPA Licence. I have noted and consider the Mitigation Measures proposed in the EIS appropriate for the Construction and Operation Phase of the proposed development. Having regard to the nature of the construction works, the proposal for a co-ordinated Construction Plan and identification of mitigation measures, I am satisfied that there is a significant reduced risk to water arising from the proposed development.

### **Air Quality and Climate**

Climate and Air Quality has been detailed in Chapter 11 of the EIS. It has also been considered in relation to impact on Human Beings. Missions from the proposed facility have been modelled using the AERMOD dispersion model. This has concluded that the scenario modelled will lead to ambient PM10 concentrations, including background, which are in compliance with the relevant limit values reaching at most 94% of the 24 hour limit value and 62% of the annual limit at the worst case receptor. With regard to PM2.5, the scenario modelled will lead to ambient PM2.5 concentrations, including background which, are in compliance with the relevant limit values reaching at most 60% of the annual limit value at the worst case receptor.

In relation to climate, due to the nature and scale of the development, the impact of the proposed new dryer on climate and Irelands obligations under the Kyoto Protocol is not significant.

### **Landscape**

I consider that the visual impact has been satisfactorily dealt with and assessed in the impact on human beings. The landscape or setting of the proposed site will be considered in this section. The site is approximately 1.5km from Bailieboro Town located on the Regional Road linking Bailieboro to Shercock. The Lakeland Diaries facility straddles either side of the Regional Road and a further section (Butter Plant) located off a minor local road (Knockbride Road). The site is bounded by the Regional Road on the northeast of the site and the River Lear to the southeast. There is a number of one off dwellings in the vicinity of the site, but none adjoin the site. The Bailieboro GAA grounds are located south of the site and the remainder of lands are in agricultural use. The lands are not particularly elevated at the development site, but the landscape in general comprises of typical Cavan drumlin landscape. There are no scenic areas or designations affected by the existing or proposed factory. The site is not visible from Bailieboro town. I consider having regard to the nature of the existing site and the presence of similar structures and industrial use of same, that the landscape has the capacity for the proposed development without having a negative impact on the landscape in the vicinity.

### **Material Assets and Cultural Heritage**

Material Assets comprise of the physical resources in the environment which may be of human or natural origin. The natural assets have been listed as

Geological Resource – Chapter 7

Natural Amenities – Chapter 4

Designated Areas – Chapter 5 and 8

Scenic Routes – Chapter 5

The Human assets have been listed as

Public Utilities - Chapter 2

Transportation Infrastructure- Chapter 6

Landuse, Property, Recreation Facilities and Amenities – Chapter 4

Cultural Heritage - Archaeology and cultural Heritage

The assets assessed in Chapter 13 include

- Ownership and Access
- Local Settlement
- Electricity Supply
- Transport
- Water Supply and Sewerage
- Waste Management
- Agriculture
- Tourism
- Natural Resources

Most of these have been dealt with previously in this assessment apart from

**Electricity supply** – CHP is plant used on site to provide heat and power under normal conditions. Four boilers will be required to run both dryers simultaneously in the event of malfunction of the CHP plant. The electricity for construction works will be provided by Lakeland Dairies.

The proposed development will not have a significant impact on material assets including public utilities and natural resources. The overall predicted impact of the proposed development in the EIS can be classed as long term and negligible with respect to material assets. The EIS has stated that the site is designed for and has the infrastructure for an industrial development of this nature.

I am satisfied that that there are no negative impacts arising from the proposed development on Material Assets.

### **Cultural Heritage**

The impact of the proposed development has been dealt with in Chapter 14 of the EIS.

Wolfhound Archaeology carried out an assessment on the potential impact of the proposed development on features of Cultural Heritage significance on or adjacent to the proposed development area. The study involved examination of policies in County Development Plan, a desktop study of archaeological and cultural heritage sites within the area of the proposed development and a site walkover which was carried out on Monday 3<sup>rd</sup> February 2014. This chapter has concluded the requirement for a programme of archaeological testing to determine the presence/absence of archaeological features and that topsoil stripping phase of the construction should be archaeologically monitored by a licensed archaeologist.

### **Interactions and Cumulative Effects**

This assessment of the EIS is carried out in Chapter 15. The operation of the proposed extension, including the use of utilities, and the generation of waste and wastewater, will result in cumulative impacts with the existing demands on these utilities and services by other facilities in the locality. Anticipate demands on these services are not considered excessive. The traffic generated both during construction and operational phase will result in cumulative impacts with existing and planned developments in the locality, however the road network has sufficient capacity and the Traffic Impact Assessment has concluded that the cumulative impact can be accommodated and a significant negative impact on local road use will not result.

The operation of the proposed facility will result in a cumulative impact on air quality – however the emission stack will be 47m above ground level. Both construction and operation phase, will have a cumulative impact on noise, but construction phase will be temporary and certain machinery shall only be used at appropriate times. The EIS considers that there will be no significant impacts on the environment arising from the proposed development. This chapter has also assessed landscape, visual impact, human beings, traffic, air, water and noise and I concur with the findings that there is no significant negative impact of the interaction of these impacts on the proposed development, that would warrant the proposed development unacceptable.

### **Other matters in relation to Environmental Impact Assessment**

I have noted the 2 third party submissions in relation to the proposed development.

In relation to the submission from Mr. Peter Sweetman, I have noted the court case mentioned and am aware of the requirement of the Planning Authority to carry out an



Environmental Impact Assessment on the proposed development, as part of the assessment of the application. The planning authority notes the history on the site in question.

In relation to the submission from Gabriel and Andrea O'Reilly I have noted the content. The objection is on environmental grounds – however this has not been expanded upon and third parties are not permitted to submit details past the 5 week deadline for submissions. I would consider environmental grounds have been sufficiently dealt with both within the EIS submitted and the EIA of this report. It is difficult to second guess concerns, but I am satisfied that the EIS has outlined the potential impacts, arising from the proposed developments on the following environmental factors and the cumulative impacts of these

- Landscape
- Visual impact
- Noise
- Human Beings
- Roads and Traffic
- Soils Geology and Hydrology
- Flora and Fauna
- Noise and Vibration
- Climate and Air Quality
- Waste Management
- Material Assets
- Archaeology and Cultural Heritage

Overall I consider that the environmental impacts of the proposed development is acceptable and that subject to compliance with the mitigation measures set out in the EIS, that the proposed development would not have an unacceptable adverse impact on the environment and is acceptable in terms of the proper planning and sustainable development of the area.

#### **SCREENING FOR APPROPRIATE ASSESSMENT**

A separate Screening for Appropriate Assessment has been carried out by Noreen Mc Loughlin, MSc Environmental Consultant, Whitehall Environmental, as part of the proposed development. The Natura 2000 sites within 10km of the proposed development have been identified and described according to their site synopsis, qualifying interests and conservation objectives. There are no Natura 2000 sites within 10km of the proposed development. The screening report however has correctly noted that the proposed development is adjacent to a water body which eventually becomes a Natura 2000 site. At the closest direct point, these sites are approximately 16km south of the proposed site but the appropriate measurement of distance is the downstream distance, along the river and



this is 28km. A full description of River Boyne and Blackwater SAC and SPA has been documented as well as qualifying interests and conservation objectives. An assessment of the proposed development has been carried out on the Natura 2000 site. A Finding of No Significant Effects has been documented. The Screening for Appropriate Assessment has concluded that should this development be granted planning permission, that there will be no impacts upon the integrity or the conservation objectives of the River Boyne and Blackwater SAC or SPA.

#### **DEVELOPMENT CONTRIBUTION**

The Development Contribution Scheme adopted in 2013 applies to the proposed development. The rate for the proposed development is €35 per square metre of proposed development. This equates to 3516m<sup>2</sup> plus 1325m<sup>2</sup> plus 387m<sup>2</sup> plus 170m<sup>2</sup> which is a total floor area 5398m<sup>2</sup> multiply by €35 which is total contribution of €188,930. Irish Water Element to be omitted is 28% which gives overall contribution of €136,030.

#### **RECOMMENDATIONS:**

The proposed development is primarily an extension to Lakeland Dairies comprising of a new dryer facility on 5 floors with an overall height of 40 metres and extension to the existing dryer building to contain 2 no evaporators on 3 floors with an overall height of 31.27metres.

Arising from my assessment above and based on the information available, therefore, I conclude that the proposed development will not give rise to significant adverse effects on the environment and that ongoing impacts are limited in terms of scale and significance and can be remediated.

It is considered appropriate to condition the mitigation measures outlined in the EIS to ensure the short and long term protection of environment.

I am satisfied with the outcome of the Screening for Appropriate Assessment which has concluded that there is no requirement for a Natura Impact Statement for the development proposed.

I recommend approval of the proposed development based on the Reasons and Considerations set out and the conditions set out below.

## REASONS AND CONSIDERATIONS

Having regard to

- The Regional Planning Guidelines for Border Region 2010-2022
- Cavan County Development Plan 2014-2020
- The pattern of existing development and land uses within the vicinity of the site
- The nature of the proposed development and the existing established uses on the site
- The submissions and reports made in connection with the planning application

It is considered that subject to compliance with the conditions set out below, that the proposed development, would not seriously injure the amenities of the area or the properties in the vicinity and would be acceptable terms of traffic safety and convenience.

The Planning Authority has completed an Environment Impact Assessment of the proposed development, which considered the Environmental Impact Statement submitted with the planning application. This has concluded that the proposed development is acceptable and that subject to compliance with Mitigation Measures set out in the EIS and further conditions that the development would not have unacceptable adverse impacts on the environment.

I consider that the proposed development is acceptable in terms of the proper planning and sustainable development of the area.

## CONDITIONS:

1. Development shall be carried out in accordance with plans and particulars submitted to and received by the Planning Authority on and 1<sup>st</sup> August 2014 and 19<sup>th</sup> August 2014 subject to the requirements of the following condition(s):

In the interest of proper planning and sustainable development.

2. The developer shall pay the sum of €136,030 (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office) to the Planning Authority as a contribution towards expenditure that was and /or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefiting

development in the area of the Authority, as provided for the Contributions Scheme for Cavan County made by the Council.

With reference to Section 48 of the Planning & Development Act 2000.

3. (i) The developer shall engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930-2004) to carry out pre development testing at the site. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.  
  
(ii) The archaeologist shall notify the Department of Arts, Heritage and Gaeltacht in writing at least 4 weeks prior to the commencement of site preparation. This shall allow the archaeologist sufficient time to obtain a licence to carry out the works.  
  
(iii) The archaeologist shall carry out all relevant documentary research and may excavate test trenches.  
  
(iv) Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the Department of Arts, Heritage and Gaeltacht.  
  
(v) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required and the Department of Arts, Heritage and the Gaeltacht shall advise in relation to this eventuality.  
  
(vi) No site preparation or construction works shall be carried out until after the archaeologists report has been submitted and permission to proceed has been received in writing by the Planning Authority, following consultation with the Department of Arts, Heritage and Gaeltacht.
- To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.
4. Prior to the commencement of work on site the developer shall submit
    - (i) a detailed car parking plan for the entire site. This shall include details and calculations for parking facilities for commercial vehicles, service vehicles, cars and bicycles that meets the requirements of the parking standards outlined in the current

Cavan County Development Plan 2014-2020. The parking facilities agreed with the Planning Authority shall be put in place and be operational prior to operation of the proposed development.

(ii)a Mobility Management Plan to ensure that there are proactive methods of influencing travel behavior and a shift to more sustainable travel modes such as walking, cycling and public transport – see National Transport Authority document 'Achieving Effective Workplace Travel Plans; Guidance for Local Authorities'.

In the interest of traffic safety.

5. (i) Recommendations of the Stage 1 Road Safety Audit contained in Appendix H of the EIS shall be incorporated into the design and carried out at full expense to the developer.

(ii) Stage 2 and Stage 3 Road Safety Audits of the development and its junctions shall be carried out and submitted to the Planning Authority for written approval. The recommendations of these audits shall be carried out in full, at full cost to the developer.

In the interest of traffic safety.

6. (i) All improvement and alteration works to the R178/L3515 public roads shall be carried out at full expense to the developer including re-surfacing, footpaths, kerbing, drainage and re-lining of the R-178 over the entire frontage of the property owned by the applicant. The exact specification of works shall be agreed in writing with Road Design Section of Cavan County Council.

(ii) All proposed footpaths shall be separated from the road carriageway by a 1 metre (min) wide grass verge.

(iii) During the construction phase, the developer shall be responsible for ensuring that no pavement or structural damage occurs to the public road as a consequence of the works and any damage shall be repaired at full cost to the developer.

(iv) During the construction phase, the developer shall be responsible for ensuring that public roads travelled by construction traffic are maintained in a clean and soil free condition at all times. Any costs incurred by Cavan County Council for cleaning the affected road system shall be borne by the developer.

(v) Prior to operation of the proposed development, the developer shall carry out an assessment on the requirement for an Electric cars charging point at the facility and

submit same to the Planning Authority for approval. In the event that one is required on site, the location of same shall be indicated on a revised site layout plan.

In the interests of traffic safety.

7. All Mitigation Measures from the submitted Environment Impact Statement shall be carried out in full and in strict accordance with the submitted EIS.

In the interests of protection of the environment and in the interests of proper planning and sustainable development.

8. The proposed development shall be finished in a manner that is consistent in appearance to the existing structure.

In the interests of visual amenity.

9. No signs to be erected without the prior approval of the Planning Authority.

In the interests of proper planning.

10. (i) Prior to the commencement of work on site, the developer shall submit for written approval from the Waste Management Section of Cavan County Council, a site specific Construction Waste Management Plan.

(ii) Prior to operation of the proposed development, the developer shall submit for written approval from the Waste Management Section of Cavan County Council an Operational Waste Management Plan

In the interests of ensuring the proper management of wastes and in the interests of the proper planning and sustainable development of the area.

  
PLANNERS SIGNATURE:

23/9/14  
DATE:

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**MEMORANDUM**

**From** Marice Galligan  
A/Senior Planner

**To** John Brannigan – *J Brannigan*  
Director of Services:  
Planning Section

**Date:** 23<sup>rd</sup> July 2015

**Planning Reg. No:** 15/230

**Applicant:** Lakeland Dairies, Bailieboro

**Type of Application:** Full Permission

**Development Description:** for permission for an existing Combined Heat and Power (CHP) Plant with a floor area of 253m<sup>2</sup> complete with a 25metres high 1.4m diameter vent stack at the existing facility. Planning permission is also sought for a single storey extension at the front of the new CHP plant with a floor area of 21m<sup>2</sup> to facilitate the installation of a new Combined Heat and Power Plant complete with the installation of a new vent stack 1.4metres in diameter through the roof of the existing boiler house to a height of 25 metres. The site currently has an EPA IED Licence Reg. No. P0406-04 (currently under review P0406-05) AT Lear Bailieboro, Co Cavan.

**Engineering Area:** Bailieboro -Cootehill

**SITE LOCATION AND DESCRIPTION**

Site is located on the regional road R-178 between Bailieboro and Shercock. The proposed development is located within the confines of the existing Bailie Foods complex.

**THE PROPOSED DEVELOPMENT**

The proposed development comprises of the relocation of the existing CHP plant which is situated on site. The development also comprises of the change of use of an existing pallet store to a new CHP plant with a small extension to the front elevation of the CHP plant

**SUBMITTED DOCUMENTATION/DRAWINGS**

Submitted documentation and drawings pertaining to the proposed development have been noted. As per legal requirements these include location map, site layout plan, elevations, floor plans.

## PLANNING HISTORY

File Number	Name	Description	App Status	App Type	App Decision	Decision Date
14/245	Lakeland Dairies	erect 5 storey extension to the existing Dryer facility to contain a new dryer plant - EIS submitted	Decision Made	Permission	Conditional	28/10/2014
14/417	Lakeland Dairies	the construction of an extension to the existing facility. The proposed works include for the raising of the existing single storey office and welfare area to a two storey structure. The proposed first floor will contain a mixture of office space and change room facilities.	Decision Made	Permission	Conditional	19/3/2015
11/353	Baile Foods	Demolish changing rooms and construct new changing rooms and storage processing room, relocate existing cream silos and erect 3 new cream silos	Decision made	Permission	Conditional	3/4/2012
11306	Baileborough Foods Ltd & Baile Foods Ireland Ltd	Decommission existing 4 no septic tanks and install 3 no effluent treatment systems and soil polishing filters. Works to include installation of 2 no pumping mains and site development works	Decision Made	Permission	Conditional	19/12/2011
011204	Baile Foods Ltd	erect secondary means of escape from dryer & silo buildings	APPLICATION FINALISED	PERMISSION	UNCONDITIONAL	21/09/2001
01592	Golden Vale Foods	construct new security station and reposition existing gates	APPLICATION FINALISED	PERMISSION	CONDITIONAL	18/07/2001
05/11	Lakeland Dairies Co. Op. Society	extend existing boiler buildings including associated control building and 24m high exhaust stack	APPLICATION FINALISED	PERMISSION	CONDITIONAL	29/07/2005
062083	Baile Foods Ltd	erect an extension to the milk powder drying facility this is an IPC licensed facility, licence reference no PO406-01	APPLICATION FINALISED	PERMISSION	CONDITIONAL	22/01/2007



081112	Baile Foods Ltd	amendments to existing permission 08/2083 for erection of a 2432 sq. metre extension to their Milk Drying Facility including covered walkway and escape stairs. The application relates to a development which is for the purpose of a Milk Drying activity requiring an IPC Licence under part IV of the EPA (Licensing) Regulations 1994 to 2004. The existing facility has an IPC Licence Reference No. PD 406/02	APPLICATION FINALISED	PERMISSION	CONDITIONAL	25/11/2008
11306	Baileborough Foods Ltd & Baile Foods Ireland Ltd	decommission existing 4 no. septic tanks and install 3 no. effluent treatment systems and soil polishing filters. Works to include installation of 2 no. pumping mains and site development works	APPLICATION FINALISED	PERMISSION	CONDITIONAL	7/2/2012
647374	Baileboro Co-Op & D.S. Ltd	erect garage, canteen, toilets, laboratories, office, and new washing plant adjacent to existing.	APPLICATION FINALISED	PERMISSION	CONDITIONAL	04/06/1976
648776	Baile Foods Ltd	erect food processing factory with services.	APPLICATION FINALISED	PERMISSION	CONDITIONAL	03/05/1978
6489136	Baile Foods	Erect 3 new milk silos				
8414745	Baileboro Co Op Group	erect boiler house, install coal boilers (2) with storage leppers chimney, coal and ash handling equipment	APPLICATION FINALISED	PERMISSION	CONDITIONAL	21/11/1984
84152	Baile Foods Ltd.	erect raw materials store	APPLICATION FINALISED	PERMISSION	CONDITIONAL	20/09/1984
8717125	Baile Foods Ltd.	retain part of services and part of buildings	APPLICATION FINALISED	PERMISSION	CONDITIONAL	28/07/1988
8817535	Baile Foods Ltd.	extend existing bogging room	APPLICATION FINALISED	PERMISSION	CONDITIONAL	19/10/1988
9115594	Baile Foods	erect loading bay extension and enclosure	APPLICATION FINALISED	PERMISSION	CONDITIONAL	21/11/1991
94152	Baile Foods Golden Vale	erect first floor extension to offices	APPLICATION FINALISED	PERMISSION	CONDITIONAL	18/05/1994
94153	Baile Foods Golden Vale	erect extension to processing building	APPLICATION FINALISED	PERMISSION	CONDITIONAL	18/05/1994

#### PRE-PLANNING CONSULTATIONS

None

## SUBMISSIONS

### EPA

Baillie Foods was issued with an IPPC Licence on 25<sup>th</sup> May 2000 and most recent licence was IE licence issued on 18<sup>th</sup> July 2014. Licence review and EIS were received on 13<sup>th</sup> May 2015 and this includes a proposal for new CHP plant. An EIS did not accompany the planning application and in the event that the planning authority intend to carry out an EIA determination then they must consult with EPA.

In light of above planning authority consulted with EPA outlining that they intended to carry out determination as to whether EIA was required and sought their views.

EPA responded stating that planning authority should consider Part 2, 7 (c) and Part 2, 13 (a) of the Planning and Development Regulations 2001.

### Eastern Regional Fisheries Board

Inland Fisheries Ireland have no objection to the application once any works pose no danger to the adjoining waters of the River Lear and the operations is carried out in accordance with 4.0 Best Practice Measures laid out on pages 21 to 22 of the submitted AA Screening Assessment.

## REPORTS:

### Environment Section

This planning application is for a facility with an Industrial Emissions Directive licence P0406-04 granted on the 18/07/14 in accordance with Regulation 37 of the EPA (Industrial Emissions) (Licensing) Regulations 2013 based on Directive 2010/75/EU on industrial emissions. A review of this existing licence was lodged with the EPA on 13/05/15

The application is for an existing Combined Heat & Power (CHP) Plant with a floor area of 253m<sup>2</sup> complete with a 25 metres high 1.4 metre diameter vent stack at the existing facility. Planning permission is also sought for a single storey extension at the front of the proposed new CHP Plant with a floor area of 21m<sup>2</sup> to facilitate the installation of a new Combined Heat & Power Plant complete with the installation of a new vent stack 1.4 metres in diameter through the roof of the existing boiler house to a height of 25 metres.

An Environmental Impact Statement (EIS) was not submitted as part of this application. Submissions received from the EPA make reference to same and **this is a matter for the Planner.**

The existing water supply and wastewater treatment facilities will be utilised.

The existing water supply for this facility is an abstraction from Castle Lake and a less significant volume of water abstracted from a bored well on site.

The surface waters from the facility will discharge to the watercourse. The River Lear flows to the southern and eastern boundaries of the site.

The proposed development is located in close proximity to the watercourse. Inland Fisheries Ireland has no objection to the development given that the Best Practice Measures specified in Section 4 of the Statement of Screening for Appropriate Assessment are adhered to.

An Air Modeling Assessment was undertaken and a report associated with same was included with the application documents. The conclusion of same is that the relevant concentrations monitored were found to be in compliance with the relevant emission limit values in all scenarios monitored.

The Statement of Screening for Appropriate Assessment for the proposed development concludes that there will be no impacts and furthermore, Section 4 of the document specifies Best Practice Measures that should be implemented.

Having assessed the Cavan Groundwater Protection Scheme Maps, prepared for Cavan County Council by the Geological Survey of Ireland, it is evident that proposed development is located in an area designated as a Poor Aquifer with varying degrees of Vulnerability.

The proposed development is located in the Eastern River Basin District, in the Blackwater North Water Management Unit; the water body is classed as Poor Ecological Status. This status must be improved to at least Good Ecological Status by 2015 in accordance with the requirements of the Water Framework Directive.

#### **IED Licensing Requirement**

This class of activity at this location has already obtained an IED Licence from the Environmental Protection Agency - P0406-04 - granted on the 18/07/14 in accordance with Regulation 37 of the EPA (Industrial Emissions) (Licensing) Regulations 2013 based on Directive 2010/75/EU on industrial emissions. This is currently being reviewed.

The position is therefore as follows:-

- The planning authority in granting permission for a development requiring a license from the EPA may **not** impose conditions in relation to the environmental emissions from this activity.
- The planning authority may decide to refuse a grant of permission in respect of a development requiring a licence from the EPA on the grounds that the development would have a detrimental effect on the surrounding environment.
- The protection of visual amenity, archaeological sites, natural heritage areas and other special protection areas, etc., remain the responsibility of the planning authority in so far as these relate to the actual on-site development (as distinct from the waste disposal operation).
- The planning authority retains responsibility for access, transportation and road safety.

#### **Assessment – General Environment.**

I refer to the planning section, for evaluation for potential conflict with designated natural heritage areas, archaeological sites/monuments, special protection areas, scenic viewing

points, scenic routes, riverside and lakeside amenity areas and areas of high landscape value, which are listed in the 2014-2020 County Cavan Development Plan.

Evaluation of access and road safety is a matter for Cavan County Council Roads Section and I therefore make no comment on this matter.

#### **Recommendation**

- Insofar as the Council can make judgement on the environmental issues of the proposed development at this existing IED licensed facility, I recommend unconditionally.

#### **DEVELOPMENT PLAN POLICY**

The proposed development is located outside of the town boundary of Bailieboro and is located in a rural area. Relevant Sections from the development plan include Chapter 3 Economic Development -3.6 Rural Enterprises.

It is an aim of the Cavan County Development Plan 2014-2020 to enable the provision of a sustainable level of economic activity within the county. Section 3.4 of the plan acknowledges the importance of agriculture and related processes and services as an important part of the economy of the county and notes its significance in its contribution to employment in the county. The plan has indicated that Cavan County Council will continue to support initiatives to promote agricultural enterprises. I have noted the policies and objectives in the development plan relating to new enterprises located in rural areas. Although this deals with new enterprises located in rural areas, I am satisfied that the proposed extension of this enterprise is linked to agriculture and thus deemed acceptable at the existing location.

Historically, this enterprise has been in existence at this location for some time. The principle of the development has been long established and as per the current development plan I am satisfied that this is linked to agriculture. From a planning perspective, the facility is in existence and therefore an extension of the landuse at this location, does not raise serious concerns and is consistent with the policies and objectives as set out in the current Cavan County Development Plan 2014-2020.

I have noted the previous applications approved on the site and especially the recent major extension of the development. I consider that this development as proposed is ancillary to the development previously approved.

## SCREENING FOR ENVIRONMENTAL IMPACT STATEMENT

### Determination on the Requirement of the preparation of an EIS:

#### Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development.

##### Mandatory Requirements

The proposed scheme will firstly be assessed in terms of the mandatory requirement for an EIA based on the nature or scale of the development, as addressed in EU Directive 85/337/EEC (as amended) and also Planning and Development Regulations, 2001. As the Combined Heat and Power Plant does not fall within the mandatory requirements category, an assessment of a requirement for EIA's for 'sub-threshold' developments will be undertaken. I have noted the EPA'S comment in relation to the following

1. Schedule 5, Part 2, 7(c) *Installations of dairy products, where the processing capacity would exceed 50 million gallons of milk equivalent per annum.*

In relation to the above, I consider that the increase in milk volumes was previous assessed under reg. no. 14/417 which was accompanied by an EIS and the planning authority carried out an EIA. I do not consider that an extension of a CHP plant can seek an EIS under Schedule 5, Part 2, 7(c).

2. Schedule 2, 13 (a) *any change of development which would –*
  - (i) *result in the development being of a class listed in part 1 or paragraphs 1 to 12 of Part 2 of this schedule*
  - (ii) *result in an increase in size greater than –*
    - 25per cent or
    - An amount equal to 50 per cent of the appropriate threshold, whichever is the greater

My interpretation of this is for an activity which listed in part 1 or paragraphs 1 to 12 of Part 2 and therefore as a CHP plant is not listed in Part 1 or Part 2 then this cannot be applied.

##### Sub Threshold Developments

The key issue in the context of the possible need for EIA of sub-threshold development is whether or not such development is likely to have significant effects on the environment. The 1997 amending Directive (97/11/EC) introduced guidance for Member States in terms of deciding whether or not a development is likely to have "significant effects on the environment". The guidance is provided by way of criteria set out in Annex III of the consolidated Directive. The criteria has been transposed in full into Irish legislation in the third schedule to the European Communities Environmental Impact Assessment (Amendment) Regulations 1999, (SI No.93 of 1999) and in schedule 7 to the Planning & Development Regulations 2001 (SI No 600 of 2001). The criteria are grouped under three headings and are used to help in the screening process to determine whether a development is likely to have a significant effect on the environment. The criteria for determining whether a development would or would not be likely to have significant effects on the environment are outlined in Table 1. As aforementioned, the criteria are taken from Annex III of the Directive, Section 2.

The criteria for examining whether a project will have a significant impact on the environment is examined as follows:

1. **Characteristics of the Proposed Development:**
  - Size of the proposed development - the proposed development in overall height is significantly less than the existing factory. The scale and size of the unit has been

assessed above and the justification for same has been given. The size is not considered excessive in terms of floor area that raise environmental concerns. All foundations works for this building have already been completed and the new extended CHP plant is within an existing pallet store.

- The Cumulation with other proposed development- the proposed development will be part of an existing factory and is considered an associated activity on the site. The core activity of milk processing on the site has approved permission and an EIA carried out. In terms of Cumulation with other sites, no issues or concerns arise.
- The use of natural resources The CHP plant is run on natural Gas and this is purchased via Bord Gais Networks. The CHP plant generates Electricity and the waste heat is used through a Boiler to generate steam for use on the production site - for the generation of steam we need water and approx. 95% of this water is from Condensate generated from site through Steam Condensate and Milk Condensate.
- Production of waste – There is no production of waste from CHP plants – air emissions are part of the air modelling completed for the planning application
- Pollution nuisances –
  - Air Quality – this has been address and is deemed satisfactory in the submitted Air Quality Assessment
- The Risk of Accident – this is not considered significant for a CHP plant.

## 2. Location of the Proposed Development:-

- The existing land use – The site currently consists of existing factory building.
- The relative abundance, quality and regenerative capacity of natural resources- The proposed development will not have an adverse effect upon natural resources in the area as the new extension will occur within an existing structure on site.
- Wetlands, coastal zones, mountain and forest areas, nature reserves and parks, areas classified or protected under legislation, including areas of special protection areas designated pursuant to Directives 79/409/EEC and 92/43/EEC. – non-applicable in this instance.
- Areas in which environmental quality standards laid down in legislation of the EU have already been exceeded – non-applicable in this instance
- Densely populated areas, - non-applicable in this instance
- Landscapes of historical, cultural or archaeological significance – these have been examined and impact on Natura 2000 site has been clearly detailed in the Screening for AA report.

## 3. Characteristics of Potential Impacts

The potential significant effects of proposed development as set out in paragraphs 1 and 2 above and having particular regard to:

- The extent of the impact (geographical area and size of the affected population). The site is currently a construction site with new extension and dryer being constructed at present. The proposed change of use for CHP will be minor works and not considered to have a negative impact on the local area.
- The Transfrontier nature of the impact Transfrontier impacts are not applicable for a development of this nature and scale in this location.
- The magnitude and complexity of the impact Impacts during the construction phase would be small scale and would relate to standard construction impacts such as noise and small vehicle movements that could be addressed through standard best practice operating procedures.



- The probability of the impact Construction related impacts such as noise are likely to occur to a limited extent but are easily addressed through appropriate construction site best practice measures. The character of the site will not change significantly as the CHP plant is considered to be minor in the overall scheme of the site.
- The duration, frequency and reversibility of the impact Any impacts linked to the construction period would be short term or temporary in nature. As such an EIA is not required to evaluate the reversibility of the impact.

I have noted that the proposed development will result in minor visual impact

#### **Concluding Planning Comments in relation to EIS:**

The proposed development of a new building/extension to the industrial plant is considered to be at a scale that is below the relevant threshold for the requirement of an EIS as defined in the Planning and Development Regulations (S.I. 600 of 2001 – 2012) as amended. It is further noted that in terms of the criteria for assessing Sub-threshold development for the necessity of preparing an EIS, I consider that the proposed development will not result in 'significant effects on the environment'.

#### **SCREENING FOR APPROPRIATE ASSESSMENT**

A separate Screening for Appropriate Assessment has been carried out by Noreen Mc Loughlin, MSc Environmental Consultant, Whitehall Environmental, as part of the proposed development. The Natura 2000 sites within 10km of the proposed development have been identified and described according to their site synopsis, qualifying interests and conservation objectives. There are no Natura 2000 sites within 10km of the proposed development. The screening report however has correctly noted that the proposed development is adjacent to a water body which eventually becomes a Natura 2000 site. At the closest direct point, these sites are approximately 16km south of the proposed site but the appropriate measurement of distance is the downstream distance, along the river and this is 28km. A full description of River Boyne and Blackwater SAC and SPA has been documented as well as qualifying interests and conservation objectives. An assessment of the proposed development has been carried out on the Natura 2000 site. A Finding of No Significant Effects has been documented. The Screening for Appropriate Assessment has concluded that should this development be granted planning permission, that there will be no impacts upon the integrity or the conservation objectives of the River Boyne and Blackwater SAC or SPA.

I am satisfied with the outcome of the Screening for Appropriate Assessment which has concluded that there is no requirement for a Natura Impact Statement for the development proposed.

#### **DEVELOPMENT CONTRIBUTION**

The Development Contribution Scheme adopted in 2013 applies to the proposed development. The rate for the proposed development is €35 per square metre of proposed development.

$253\text{m}^2 \times €35 \times 1.5 = 13,283$

$21\text{m}^2 \times €35 = 735$

Total = 14018

Irish Water 3925

Contribution Due = 10093

#### **Air Modelling Assessment**

This has been carried out by Dr. Edward Porter. This report has concluded in each of the scenarios that the modelling assessment has concluded that NO<sub>2</sub> are in compliance with relevant limit values.

#### **RECOMMENDATIONS:**

The proposed development comprises of the extension to the front elevation of an existing CHP plant, the retention of an existing CHP plant and the change of use of an existing pallet store for use as a CHP Plant. This use is considered to be ancillary to the existing development on site and screening for AA and EIS has been carried out and have concluded that there is no requirement for EIS or AA. Approval of the development proposed is recommended.

I recommend approval of the proposed development based on the Reasons and Considerations set out and the conditions set out below.

#### **REASONS AND CONSIDERATIONS**

Having regard to

- The Regional Planning Guidelines for Border Region 2010-2022



- Cavan County Development Plan 2014-2020
- The pattern of existing development and land uses within the vicinity of the site
- The nature of the proposed development and the existing established uses on the site
- The submissions and reports made in connection with the planning application

It is considered that subject to compliance with the conditions set out below, that the proposed development, would not seriously injure the amenities of the area or the properties in the vicinity and would be acceptable terms of traffic safety and convenience.

I consider that the proposed development is acceptable in terms of the proper planning and sustainable development of the area.

#### CONDITIONS:

1. Development shall be carried out in accordance with plans and particulars submitted to and received by the Planning Authority on 12<sup>th</sup> June 2015 subject to the requirements of the following condition(s):

In the interest of proper planning and sustainable development.

2. The developer shall pay the sum of €10093 (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office) to the Planning Authority as a contribution towards expenditure that was and /or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for the Contributions Scheme for Cavan County made by the Council.

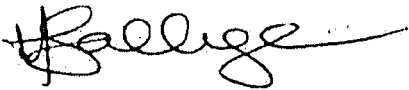
With reference to Section 48 of the Planning & Development Act 2000.

3. All Best Practice Measures shall be carried out in full and in strict accordance with the submitted Appropriate Assessment Screening report

In the interests of protection of the environment and in the interests of proper planning and sustainable development.

4. The proposed development shall be finished in a manner that is consistent in appearance to the existing structure.

In the interests of visual amenity.



**PLANNERS SIGNATURE:**

23/7/15

**DATE:**

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