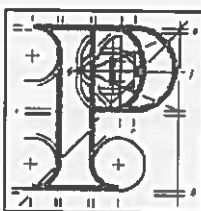


An Bord Pleanála



Inspector's Report

PL17.244473

DEVELOPMENT:-

Extension to Existing Meat Plant at
Painestown, Beuparc, Navan,
County Meath.

PLANNING APPLICATION

Planning Authority:

Meath County Council

Planning Authority Reg. No:

LB/140803

Applicant:

Dunbia (Slane)

Application Type:

Permission

Planning Authority Decision:

Grant

APPEAL

Appellants:

Gerry Frawley, Thor Bjorn Preisler
and Thomas Concannon

Types of Appeal:

3rd Party -v- Grant

Observers:

None

Date of Site Inspection:

6/5/2015

INSPECTOR:

Paul Caprani

1.0 INTRODUCTION

PL17.244473 relates to an appeal against the decision of Meath County Council to issue notification to grant planning permission for the extension and intensification of use at an existing meat processing facility in Painestown, a rural area between Navan and Slane in north-east County Meath. The third party appeal expresses concerns in relation to how the planning application was processed by Meath County Council. It is also argued that the EIS as submitted was fundamentally flawed and that the applicant failed to carry out a proper assessment of the application and its potential impact on the proper planning and sustainable development of the area. An EIS and a Natura Impact Statement Stage 1 Screening Assessment was submitted with the application.

2.0 SITE LOCATION AND DESCRIPTION.

The existing meat processing plant is located in Painestown, Beauparc, Navan, County Meath. The site is located approximately 5 kilometres due south of the village of Slane and 8 kilometres north-east of Navan Town. The site is c.1.7 km to the west of the N2 National Primary Route. The existing meat processing plant is located on the western side of a local road (locally referred to as the windmill Road) which links up with the N2 via another local road (the L1013) which runs in an east/west direction c.500 metres to the south of the site. The L1013 which runs generally in an east/west direction to the south of the site links N2 with the R153 (Kentstown to Navan Road) c.5.5 kilometres to the south-west of the site.

The site itself is roughly rectangular in shape and covers an area of 11.45 hectares. It is surrounded on all sides by good quality agricultural land. A single entrance road serves the site from the Windmill Road. The entrance leads to a cluster of buildings which are located in the southern portion of the site. These buildings include:

- **An existing old farmhouse and informal car parking area** located to the north of the access approximately 170 metres from its junction with the Windmill Road.
- Beyond the local farmhouse a cluster of buildings are located approximately 120 metres further west. These include **a large factory building** including cooling areas which is centrally located within the site.

- To the immediate north of the factory, a number of porta-cabins are situated which accommodate the **office and canteen areas**.
- To the south of the factory is the **main lairage area** where livestock is kept in pens prior to slaughter. An existing stomach press gantry is located in this area also.
- The lands to the north of the site comprise of open land with the exception of **two existing lagoons** which are located to the immediate north and west of the existing office buildings on site. These lagoons are large rectangular lagoons c.65 to 70 metres in length and c.20 metres in width. Other lands to the north and east of the lagoons within the site boundary are currently undeveloped. To the immediate north of the covered lagoons a series of ponds/ integrated wetlands are located on site. These according to the information on file, were used for the on-site treatment of wastewater and have been decommissioned and replaced by the covered lagoons. The lagoons are used for the storage of wastewater from the lairage area pending transfer off the site for landspreading or for treatment at a municipal wastewater treatment plant.

The landscape surrounding the site could generally be described as undulating pastureland. The application site is entirely under the ownership of the applicant. The surrounding area is sparsely populated and rural in character. There are no dwellings adjoining or in the immediate vicinity of the site with the exception of the existing farmhouse which is located within the confines of the site. The closest dwellings are located on the eastern side of the Windmill Road approximately 350 metres to the east of the existing factory on site. There are also a number of dwellings located to the north of the site along the Windmill Road the closest of which is located c.300 metres from the factory building adjacent to the north-eastern boundary of the site.

The existing buildings and structures have a total footprint of 2,374 square metres while the two lined storage lagoons cover an area of c.7,200 square metres. Hardstanding and parking areas cover approximately 5,500 square metres. Field boundaries demarcating the site are defined by hedgerows along the roadside northern boundary and western boundary of the site. A post and wire fence runs along the southern boundary of the site. Three groundwater boreholes located within the confines of the site are indicated on the drawings attached. A new pumphouse is proposed near borehole no. 3.

2.1 Designated Sites in the Vicinity

In terms of designated Natura 2000 sites, the appeal site is not located within any such designated area. However the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and Special Protection Area (Site Code: 004232) are located approximately 2½ kilometres to the north of the site. There are also a number of proposed Natural Heritage Areas in the surrounding area.

According to the information contained in the EIS there are no sites of archaeological or historical interest in immediate vicinity of the site.

3.0 EXISTING OPERATIONS ON SITE

The existing site is run by Dunbia (Slane) a Northern Ireland headquartered company which is the leading supplier of red meat products for national and international markets. The parent company has over 13 sites throughout Ireland and the UK including two in the Republic of Ireland. The existing slaughter facility at Painestown was originally developed in the 1980s and was acquired by the current applicants in 2001. According to the information contained on file, it is stated that over the previous decade the slaughtering facilities at Painestown have been subject to continual on-going improvement and upgrading in response to increased regulatory and customer demand. Currently approximately 200 cattle per day are slaughtered at the facility.

The site is operated as an abattoir and meat processing plant since the 1980s. The site also operates under an EPA Licence (P0811-01).

3.1 Description of Existing Processes on Site

Cattle are brought to the facility in livestock delivery trucks typically comprising of articulated HGVs. All livestock deliveries on site have to be scheduled. Livestock are then directed to the hardstanding area to the east of the existing lairage. The delivery of animals normally takes place between 0700 hours and 1700 hours Monday to Friday. The animals are then walked across to the lairage areas where they are cleaned and examined by the Department of Agriculture, Food and Marine staff. After the animals have been cleared for slaughter they are transferred to holding pens in accordance with age and size. Animals can be kept in the lairage area for up to and over 12 hours. The animals are then brought into the main factory in order to be stunned before

being slaughtered. Thereafter each animal carcass is dressed and eviscerated for meat produce. The major organs (heart, liver, kidney, tongue) are harvested as red offal for human consumption and this is stored in an offal chill room within the factory. Other organs from the digestive tract which are not harvested for human consumption are separated as green offal and stored separately in a building to the immediate north-east of the factory. The hide is also removed and forwarded to the hide store to the south of the existing factory where it is removed off-site for further processing.

Carcass preparation is also undertaken on site by splitting the carcass to create two sides of beef together with spinal cord removal and the removal of other by-products. All other materials not suitable for human consumption are designated as animal by-products and are separated from the animal carcass and sent for off-site processing. The final product comprises of a chilled side of beef which is ready for dispatch to the applicant's sister processing plants in Kilbeggan, County Westmeath or Dungannon, County Tyrone for final boning, processing and packaging. Currently the development employs 65 people.

In terms of existing traffic the development generates in the region of 122 daily trips (244 vehicle movements). The majority of these are car movements associated with the employees. Circa 45 trips (90 movements) comprise of HGVs either delivering cattle to the plant, taking chilled carcasses away for further processing or waste collection vehicles. The existing plant requires a water supply of approximately 120 cubic metres per day. Until recently this was provided by two on-site groundwater wells. An additional well (borehole no. 3 as indicated in the drawings) was provided in 2014 to supplement existing water supply. Approximately 50% of this water is required for washdown of the lairage and processing areas while the remainder is required in the cleaning down and washing of animal by-products and the slaughter process. It is only the wash-water from the lairage areas that is directed towards the storage lagoons. Any wash-down from the processing area is collected separately for treatment off site in accordance with the Animal By-products Regulations. The EIS indicates that the quality of groundwater abstracted is generally good, with little pollution detectable. Presently all water supply to the plant is treated prior to use. Details of the treatment are set out paragraph 2.9.9 of the EIS.

All clean surface water is collected and directed via a settlement tank and hydrocarbon interceptor into local drainage ditches which ultimately drain into the Boyne catchment to the north.

In terms of solid waste and by-product management the existing development generates significant quantities of solid waste principally animal by-products that require treatment and recovery all of which occurs off-site. The handling, storage, transport and treatment of animal by-products are subject to the European's (Animal By-Products) Regulations 2003 (S.I. 248 of 2003).

Wastewaters and slurry from the external dirty yard and lairage floor and the floor of the processing unit is flushed via existing foul drains to a large external underground effluent tank located in the south-west corner of the plant. The wastewater is then pumped to a drum screen located on sloping ground in a field to the north of the plant where fine screening takes place before being discharged into the wastewater storage lagoons which have an overall storage capacity volume of 7,500 cubic metres. These are suitably lined with an overall permeability of 1×10^{-9} metres/second in accordance with EPA requirements. All wastewater is collected by tankers and transferred off-site to a licensed municipal wastewater treatment plant at Navan, Dundalk, Drogheda or Ringsend. Any sludge is removed and spread on surrounding farmland in accordance with the Good Agricultural Practice Regulations. Presently the lagoons provide in excess of 10 week storage capacity and actual storage levels are maintained below 50% of the lagoonal volume at all times. These lagoons have replaced the integrated constructed wetlands further north which had previously provided partial treatment of the wastewater prior to its removal off-site.

Blood from the slaughter process is collected and channelled to blood storage tanks located in the central yard area from where it is collected daily for further processing for pet food production. There are relatively minor quantities of hazardous waste liquid generated at the plant. These are stored in containers and bunded areas in accordance with IPPC requirements.

Sewage from the toilet block on site is discharged to a foul drain and to an underground wastewater treatment plant located in the south-western corner of the site. After passing through a drum screen the effluent is discharge to the adjoining wastewater storage lagoons where it is tankered off-site to a municipal wastewater treatment plant.

4.0 PROPOSED DEVELOPMENT

Planning permission is sought for the following:

- Planning permission is sought for the intensification of the slaughtering activity on site increasing the cattle throughput from 200 cattle per day presently, to 350 cattle per day.
- In addition the following physical works are to be undertaken on site.
 - The demolition and removal of existing offices as required under Condition No. 3 of planning permission SA1402010. These offices are currently located across the hardstanding area from the existing factory adjacent to the eastern boundary of the site.
 - The replacement of the existing office facility to the north of the factory and its replacement with a similar size structure containing similar office and ancillary type facilities associated with the meat processing plant. Details of the existing offices and proposed offices are indicated on drawings 5 and 6 respectively submitted with the application on the 10th September, 2014.
 - A change of use of the existing farmhouse as additional office space. This two-storey structure currently accommodates living accommodation. Under the current application it is proposed to retain the existing structure in its entirety and provide for additional office space together with meeting rooms and a kitchen. It is proposed to provide new windows on the external elevations to the structure.
 - The construction of an additional 112 square metres of lairage facilities to accommodate cattle prior to slaughtering. The additional lairage facility is to be located adjacent to the existing lairage area and is indicated in green on drawing 03 submitted with the original application.
 - It is proposed to construct an additional green offal processing room abutting the eastern elevation of the main factory. The single storey structure is indicated in purple in drawing 03 submitted with the main application.
 - It is proposed to provide an additional gantry in the southern portion of the site for a stomach press. This gantry is to be

located to the south of the additional lairage and is to replace the existing gantry on site.

- Finally it is proposed to provide a new pumphouse to cover borehole no. 3 along the northern boundary of the site approximately 400 metres north of the offices on site. The proposal is for a small single storey structure with a concrete block wall and nap plaster finish.

The intensification of use is expected to result in an additional water demand of 50 cubic metres per day giving an overall requirement of 110 cubic metres per day. The increased throughput of animals will also give rise to increased waste generation. Overall the proposal is likely to result in an increase in 10 trips for employees and approximately 33 additional HGV trips per working day.

5.0 PLANNING AUTHORITY'S DECISION

Documentation Submitted With Application

A planning application form together with drawings, an EIS and a Natura Impact Statement Stage 1 Screening Assessment was submitted on 10th September, 2014.

5.1 Planning Authority's Initial Assessment

A report from the Meath County Fire and Rescue Service states that a fire safety certificate application is required under Part 3 of the Building Control Regulations.

A report from the Department of Arts, Heritage and the Gaeltacht states that a condition should be attached in relation to archaeological monitoring.

A report from the Meath County Council Road Design Office states that the entrance is located in the inside of a bend where sightlines are extremely poor. It is stated that no further development should be permitted until this entrance is improved to an acceptable standard.

A number of letters of objection were also submitted expressing concerns in relation to noise, odour and impact on general residential amenity.

A submission from An Taisce states that the proposal should be assessed in the context of Policy EDPOL17 and Policy EDPOL18 set out in the development plan which relates to extensions/expansions on existing authorised industrial and business enterprises.

A report from the HSE states that there is no objection to the proposal subject to two conditions regarding consultation and demolition.

A report from the EPA notes that there is an existing IPPC licence issued on 5th March, 2010 for the operation of slaughter houses on site. In accordance with the 2013 amendment of the EPA Act, the above activity is now covered by the Industrial Emissions Directive and the licence was amended on the 18th December, 2013 to incorporate the requirements of an IE licence. It notes that the application was accompanied by an EIS and that this statement appears to address the key points in relation to the environmental aspects of the proposed activity which relate to matters that come under the functions of the Agency. The licensee has not yet applied to the environmental licensing programme for a determination as to whether or not the existing licence may need to be reviewed or amended to accommodate the expansion proposed. Before any revised licence is granted, the licence application will be made subject to an EIA with respect to matters that come within the functions of the Agency. Where the agency is of the opinion that the activities as proposed cannot be carried on or cannot be effectively regulated the agency cannot grant a licence. The Agency also points the Planning Authority to a number of BREF documents.

5.2 Additional Information Request on 31st October 2014

Meath County Council requested the following additional information.

- Further details with regard to the proposed entrance and sightlines in relation to the proposed entrance. The applicant is requested to submit proposal whereby suitable access/egress arrangements can be put in place.
- The applicant is requested to note that any information considered to be significant may require new public notices.

5.3 Additional Information Submission

Additional information was submitted on 19th November, 2014. The applicant stated that having contacted Meath County Council Road Design Office, the developers were advised that it would be necessary to remove setback hedges at either side of the road entrance. While these hedges are not under the ownership of the applicants, the applicant has been given consent from the adjoining landowners to remove hedges in order to achieve requisite sight distances of 90 to 100 metres. It is further proposed to reinstate hedges behind this sightline.

Another option proposed is to cut down the hedges to a height of 1.05 metres and to remove ivy covered overhanging trees which interfere with the sightlines at either side of the entrance. Drawings are submitted indicating both options.

Revised public notices were also submitted on 28th November, 2014.

Further letters of objection were submitted on foot of the additional information submitted. Again these submissions express concerns in relation to environmental and amenity issues. A further planner's report prepared on foot of the additional information stated that the applicant has responded in full to the FI request and to the satisfaction of the Planning Authority. It is therefore recommended that planning permission be granted for the proposed development.

In its decision dated 22nd January, 2015 Meath County Council issued notification to grant planning permission subject to 11 conditions.

6.0 PLANNING HISTORY

Details of four planning applications are contained in a pouch at the rear of the file. These are briefly summarised below.

Under **Reference No. SA/20110**, planning permission was granted for a two-storey extension to the front and rear of the existing abattoir and all ancillary site works and services. Planning permission was granted by Meath County Council subject to 21 conditions on the 20th June, 2003.

Under **SA/30332** planning permission was granted to Newgrange Meats Limited for the construction of an integrated constructed wetlands to treat wash waters and yard waters from the existing Newgrange Meats process facility. Planning permission was granted subject to 7 conditions on 19th March, 2004.

Under **SA/801209** planning permission was granted for two effluent aeration tanks, controlled building and an additional smaller storage tanks for effluent treatment purposes on the appeal site. This application was also the subject of an integrated pollution control licence. Planning permission was granted subject to 12 conditions on the 16th July, 2008.

Under **SA/140210** Meath County Council granted planning permission to the applicant on the subject site for the retention of extensions to the side-chill and extension to the existing lairage area. Permission was also granted for the retention of a change of use of a separate lairage extension from agricultural use to commercial use and the retention of ancillary development comprising of a trailer port together with green offal chills, and existing office and staff welfare facilities and surface parking areas to accommodate 51 surface car park and 6 delivery dispatch vehicles together with a lairage yard extension and associated site infrastructural works. Planning permission was also sought and granted for works required to facilitate rainwater harvesting, enhancement of water supply and the upgrading of the on-site drainage and surface water management infrastructure. The application also relates to development for the purposes of an activity requiring an integrated pollution prevention and control licence. Meath County Council granted planning permission subject to 10 conditions on 20th June, 2014.

7.0 GROUNDS OF APPEAL

The decision was appealed by Frank Burke on behalf of three residents in the vicinity. The grounds of appeal are outlined below.

- By way of a preamble, concerns are expressed that the Planning Authority only addressed some of the issues set out in the letters of objection to the original application. Furthermore the applicant was permitted by the Planning Authority to address many of these issues by way of unsolicited additional information. No opportunity was afforded to the objectors to respond to this unsolicited information.

- The appellants question the validity of the application and note that the applicant in many instances had to apply for retention of planning

permission for works already undertaken. This point appears to have been ignored by the Planning Authority.

- It is stated that the pumphouse has already been built and is operational and therefore an application for retention of planning permission as opposed to full planning permission should have been made with regard to the pumphouse.

- It is noted that there is a loss of a residential unit and it would be normal for the local authority to require the replacement of this residential aspect of the proposed development. The loss of the residential unit and its change of use to offices have not been taken into consideration in the traffic assessment of the application. Additional traffic would also be generated from the displaced workers currently living in the residential unit which has not been taken into consideration.

- In relation to the treatment of wastewater off-site, it is stated that there are no letters of consent from any of the local authorities stating that they will accept the wastewater from the processing plant. Furthermore there is no evidence that the existing plant can cater for the increased wastewater load resulting from the intensification of use. No allowance has been made in the surrounding municipal wastewater treatment plants' ability to cater for wastewater associated with the slaughtering facility. The ability for municipal wastewater treatment plants to accommodate additional loading from the proposed development is a reserved function from members of the Council. To the appellants' knowledge no such motions were put before any of the local authorities in whose jurisdiction the MWWT plants are located. Furthermore there is no letter from Irish Water indicating their agreement to accept the wastewater either on a temporary or long term basis from the plant in question. Thus the application currently as submitted is invalid as the necessary consents are not included.

- There is no evidence on file to suggest that an IPPC licence was applied for the intensification of use.

It is argued that the EIS is lacking technical detail and is fundamentally flawed for the following reasons:

- No baseline data of cattle throughput or volume of meat produced was submitted as part of the EIS.

- In relation to a previous application on site, it is stated that kill numbers in September, 2013 was 400 per day. If this claim is correct, the company would have been in breach of regulations. The appellants contend that the current kill rate is in the order of 350 to 450 cattle per day.
- The traffic survey undertaken as part of the EIS relates to a day where the cattle throughput was only 186 and not 200 therefore the traffic figures in the EIS are understated. The EIS did not take into consideration the total trip assignment and it is stated that many of the local farmers bringing cattle to the facility will use the northern section of Windmill Road. The Windmill Road North and the Yellow Furze/Beauparc Roads were not included in the traffic impact assessment. All routes impacted are likely to be impacted upon should have been assessed in the EIS.
- It is stated that much of the HGV traffic takes place outside normal business hours (before 7 am and as late as 2 am) and these have a significant negative environmental impact on the local community particularly in respect to noise. The noise impact assessment did not cover these times. No proper scientific structural survey of the condition of the local roads was carried out. HGV loading is the single biggest issue affecting the road structure. And the roads in question, particularly local roads in the vicinity, are seriously under stress. Meath County Council in their assessment gave no consideration to this issue and has not asked the developer to contribute towards the upkeep of the road network.
- Concerns are expressed that sightlines at the main entrance, and to a lesser extent, at the junction of the Windmill Road and the L1013 are substandard when compared to the requirements set out in the NRA's Design Manual for Roads and Bridges. The existing HGV levels on the road network presents a traffic hazard and the additional HGV traffic resulting from the proposed intensification will exacerbate this hazard. The trip rate per employee as set out in the EIS is also considered to be underestimated. The concerns raised above in relation to traffic would imply that the proposal is contrary to Policy ED-POL-17 as set out in the development plan.
- In relation to the issue of water supply no details are provided in relation to the characteristics of the existing wells on site and wells in the vicinity of the site. It was suggested in the grounds of appeal that there are at least two wells in the vicinity of the site that are in

daily use. Pumping tests should have been carried out for at least a 24 period. One of the wells is located within 200 metres of the proposed new borehole and it is imperative that all sources of drinking water must be protected into the future. Full details of water quality should have been included in the EIS.

- In terms of water demand on site it is noted that no allowance was made for an increase in potable water demand for the additional workers. It is also suggested in the long term, the water supply may need to be further supplemented and this is a critical issue which Council failed to assess in determining the application.

In relation to the landspreading of waste generated by the proposal on adjacent lands, no details are provided of where, how and when this spreading will be done. The long-term disposal of wastewater must be satisfactorily addressed by the applicant. It is noted that in relation to previous applications on site, concern was expressed with regard to the lack of detail on the capacity of the lagoons and the ability of the same to cater for the volume of waste and wastewater generated by the facility. Where there is no definite proposal in relation to wastewater, the development should be deemed premature pending the provision of a viable long-term solution for the disposal of wastewater. This issue alone could warrant a refusal of permission. No assessment has been undertaken of the municipal wastewater treatment plant's ability to discharge effluent from the proposed development together with municipal effluent during periods of extreme drought. None of the municipal wastewater treatment plants were designed to cater for wastewater from outside their catchments.

In relation to surface water run-off there is no information on the quality of the receiving water above and below the discharge point or indeed the composition of the surface water discharge to conclude that the run-off will have no impact on the Boyne or its tributaries.

It is not considered that the impact of the development on human beings would be minor to moderate given the scale of the proposed throughput. It is contended that the impact of the proposal will negatively affect all residents on the various haul routes particularly from HGV traffic.

No information is contained in the EIS to suggest that the soils of the surrounding area where landspreading is to take place has been assessed in the context of the soil's ability to receive the material

without causing environmental damage. All such spreading activity should be carried out in accordance with a detailed nutrient management plan.

Monitoring for air quality along the site boundary should have been carried out particularly on boundaries in close proximity to residents.

The noise assessment submitted in the EIS is inadequate as it did not cover either the critical times when the maximum impacts on the residents of the area takes place in particular the issue of HGV movements at times outside normal working hours.

There are residents in much closer proximity to the facility than those surveyed for the purposes of the air quality section in the EIS. A location should have been selected where traffic noise and air quality would have the maximum impact.

Concerns are expressed that there are no proposals for future monitoring.

The existing and proposed development will adversely impact on the visual environment giving the elevation of the plant relevant to the adjoining area. While landscaping has been approved under SA1402010 this has not been implemented. It is also noted that the lighting of the plant is left on all night.

It is also noted that the sister plant at Kilbeggan was refused by the Board for two reasons in relation to non-compliance with the County Development Plan and cumulative adverse impacts associated with noise, odours and traffic on local residents. It is contended that the same reasons are applicable in this case. And in particular the proposed development will be contrary to Policy EDPOL17 of the Development Plan.

8.0 APPEAL RESPONSES

8.1 Applicants Response to the Grounds of Appeal

A response on behalf of the applicant was received from Murty Hanly and Associates, Consulting Engineers and Project Managers. A covering letter submitted with the response to the grounds of appeal suggest that the grounds of appeal are based on ulterior motives, the details of which are set out in the covering letter and the Board is

respectfully requested to dismiss the appeal on these grounds. A detailed response to the grounds of appeal is submitted by SLR Global Environmental Solutions in a separate document.

In relation to the unsolicited additional information submitted to Meath County Council (dated 23rd October, 2014) the applicant states that the nature of this additional information was in response to defamatory statements made in the original letter of objection to the Planning Authority by the appellants. The applicant requested that certain information that appeared on the Planning Authority's website be redacted. It is further stated that additional information was submitted formerly in response to the AI request and that the applicant's response to the further information was subject to public notices.

In relation to the validity of the application reference is made to Articles 18, 19 and 22 of the Planning and Development Regulations 2001 as amended. It is stated that all the requirements of the above articles were adhered to by the applicant where relevant. As a result Meath County Council confirmed the validity of the client's application under Article 26 of the Planning Regulations.

With regard to the well and pump house near the northern boundary of the site, it is stated that the third groundwater supply well is not the subject of this planning application and has already received consent under SA14/02010. The EIS adequately identifies and assesses other wells in the vicinity and the potential impact of the well on groundwater reserves. It is stated that a hydrogeological assessment incorporating the results of a 7 day pump test was provided in support of that planning application (Reg. Ref. SA14/02010). It is the report indicates that in a worst case scenario, the nearest existing groundwater well at a residential property 130 metres away would be drawdown of just 0.4 metres on the basis of groundwater being extracted from the well no.3 at a rate of 60 cubic metres per day. The effect of this potential drawdown is considered insignificant. The impact on other private wells is deemed to be less than this. Notwithstanding the fact that the well or the additional abstraction do not form part of this application, a copy of the hydrogeological report in relation to the previous application is attached as Appendix A for the Board's information. Since the submission of the previous planning application in March, 2014 no new wells have been recorded in the vicinity of the site. Furthermore the majority of proposed new residential or commercial development in the vicinity of the site will be connected to the mains water supply and that

any new developments sourcing water via new on-site wells will be located well beyond 130 metres from the well serving the development.

With regard to the issue of water quality it is stated that Section 2 of the EIS discusses the existing site infrastructure and notes the quality of groundwater. Further information is also contained in Section 6 of the EIS. Again reference is made to the full hydrogeological report attached as Appendix A. The projected increase in water demand associated with the proposed development includes an allowance for increased human consumption (see paragraph 2.166 of the EIS). It can be comfortably supplied from the existing groundwater well capacity. With regard to the security of water supply, the Board will note that planning permission has previously been obtained for a rainwater harvesting system and it is the applicant's intention over the short to medium term to install rainwater harvesting facilities to collect and use untreated rainwater to wash down the external yard areas and lairage facilities. The harvesting of grey water will supplement the existing supply from the groundwater well. When the rainwater harvesting infrastructure is installed it will reduce the demand for and the cost of groundwater pumping and treatment.

With regard to the issue of wastewater, it is stated that the increase in wastewater production will generate two to three additional movements of 25 cubic metres tankers in and out of the site per day. The implications of this are discussed in Section 12 of the EIS. The lined on-site lagoons have the capacity to handle the expected increase in wastewater generated by the proposed intensification of activities. The on-site lagoons will provide at least five weeks of emergency storage for wastewaters generated on site. Wastewater and sludge disposal are regulated by the EPA who is the competent authority for this matter under the IED licensing regime. Sludge disposal is addressed by way of a nutrient management plan which is regularly revised and updated. The disposal of wastewater to municipal wastewater treatment plants is the subject of commercial arrangements with Irish Water and there is sufficient capacity provided across the greater Dublin/North-East Region for the foreseeable future. There are commercial agreements in place with the various municipal wastewater treatment plants. There are sufficient outlets and storage capacity provided on site to ensure that wastewater can be transferred off-site where treatment capacity is available. Landspreading of wastewater does not constitute part of the existing or proposed development and as such was not considered part of the EIS. The existing wastewater management practices are considered to be appropriate and robust.

With regard to surface water run-off it is stated that there will be no change in the volume of surface water run-off to the drainage ditch to the south-west of the plant. All existing and proposed development areas are currently paved and drained. Details of surface water run-off arrangements are set out in the response. The assessment of the impacts on air quality including the consideration of the effects on odour is set out in Chapter 7 of the EIS. Under the existing and on-going measures, odour generation will be monitored and controlled to a series of abatement measures as part of an odour management plan which will be the subject of an EPA licence.

In terms of visual impact there will be minimum change and will not have any adverse impact on the visual amenities of the area.

With regard to traffic roads and sightlines it is stated that there are currently no residents at the residential farmhouse. There will therefore be no increase or change in existing traffic levels associated with any change of use in the farmhouse. The assumed employee trip rates set out in the EIS are deemed to be accurate and appropriate. In terms of the traffic survey, it is acknowledged that on the day the survey was undertaken precisely 200 cattle were not slaughtered. However the baseline traffic flows have been adjusted on a pro-rata basis to facilitate the impact assessment for an increase in the slaughter rate from the permitted maximum of 200 to 350.

With regard to the northern section of the Windmill Road it is stated that the road to the north of the existing site access is only very occasionally used by farmers to bring cattle to the plant (survey indicates three vehicles over 24 hours survey period). The applicant considers that there will be little or no increase in the number of cattle sourced locally for slaughter. Traffic will be brought in for more distant locations. When dealing with suppliers the applicants specifically instruct suppliers to approach the plant from the L1013 and not to use the northern section of Windmill Lane.

With regard to the condition of the road it is stated that the impact of the proposed development on local road is assessed in Section 12 of the EIS and in particular Appendix 12.1 of the EIS. It was not considered necessary to carry out a detailed scientific structural survey of the southern arm of Windmill Lane nor is it conventionally undertaken for such assessments. Section 12 of the EIS indicated that the section of Windmill Lane from the L1013 to the facility requires a structural overlay

at a number of locations where it has deteriorated. Any improvement works referred to by the appellant is not within control of the applicant and must be directed by Meath County Council as the owner of the public road.

With regard to the level of service experience by public traffic it is stated that there are variable factors which influence the level of service along roads these include, capacity, safety, horizontal and vertical alignment, intensity of residential development, pavement quality etc. The information contained in the EIS adequately demonstrates that the Windmill Road/L1013 priority junction operates comfortably under current conditions. The link capacity assessment on the N2 route also operates comfortably within conditions.

With regard to sightlines and traffic safety it is contended that this issue was adequately assessed and addressed during the scrutiny of the application by the Planning Authority. The proposed development will not compromise the safety of other road users.

Section 3 of the EIS adequately assesses the impact on human beings and residential amenity. The EIS recognises that there are potential adverse impacts arising from the proposed development and seeks to quantify these and recommends mitigation measures where appropriate.

In terms of noise generation the noise surveys indicate that much of the noise in the general area can be attributed to intermittent traffic and there is no tonal or impulsive noise generated by the existing site activities. The noise assessment undertaken indicates that an additional 15 HGV movements per hour will be barely imperceptible at the nearest noise sensitive receptors. The issue of noise has been adequately addressed in condition no. 8 of the grant of permission issued by Meath Co Council. An additional noise survey was carried out in February, 2015 and this is attached as Appendix C of the appellants' response. This confirms the previous conclusion that noise generated by the proposed facility will operate below EPA limits of 55 dB(A) for daytime and 45 dB(A) for night-time.

EPA correspondence contained on file clearly indicate that all matters to do with emissions to the environment from the activities proposed will be considered and assessed by the EPA and that the IE licence may need to be amended or revised to accommodate the expansion. This is not a matter for the Planning Authority but a matter for the EPA.

The EIS submitted with the application is deemed to be adequate and all relevant information in relation to resource consumption, waste quantity, discharges, emissions, traffic volumes etc. arising from the intensification of use is set out in the EIS. For commercial sensitivity reasons the applicant has not provided records of the volume of meat which it produces or the cattle throughput. It is noted that the EPA consider that the EIS is generally adequate. With regard to landspreading it is stated that the applicant does not currently undertake or manage any landspreading activities on lands within its control or surrounding the facility nor does it intend to do so in the future. A licensed waste contractor removes all waste from site and the contractor is responsible for the subsequent transport handling and recovery of this particular waste stream. Spreading of slurry on land is subject to control by regulation and must comply with such regulations. The proposed development would be subject to comprehensive environmental monitoring and control measures established under the existing and any future licensing provision.

In terms of development plan compliance it is stated that the proposal will not generate traffic of a type or amount inappropriate for the access road and is therefore fully acceptable in accordance with EDPOL17 of the County Development Plan.

With regard to the loss of the farmhouse there is no provision or requirement to replace this change of use with an additional dwelling. The current residential use is at odds with the nature of the established use in the vicinity of the site.

The pumphouse is not being constructed on site and permission is being sought for the same as part of the application. A wellhead was constructed following successful well tests and a temporary protective cover was put in place pending the grant of planning permission for the pump house in order to protect the well water source.

With regard to development contribution schemes, it is stated that Meath County Council's Development Contribution Scheme exempts development contributions for expansions of existing authorised industrial and manufacturing operations.

In conclusion therefore it is argued that the proposed development is fully in accordance with the proper planning and sustainable development of the area and development plan policy and the Board is

therefore requested to uphold the decision of Meath County Council and grant planning permission for the proposed development.

8.2 Meath County Council's Response to the Grounds of Appeal

The Planning Authority's response is as follows:

Meath County Council is satisfied that the impacts on groundwater wells in the vicinity of the subject site was considered in the EIS and adequately addressed any concerns that may arise.

The Roads Design Section had no objection to the proposal from a traffic perspective and has no concerns in relation to the increased volume arising from the intensification of use. The Planning Authority is satisfied that further information submitted addressed issues in relation to access to the site. In this regard the Planning Authority considers that the proposed development fully accords with Policy EDPOL17.

It must be highlighted that the proposal large relates to an improvement of on-site facilities through the provision of new offices, lairage facilities etc. The increase in the slaughter numbers necessitated the submission of an EIS which forms part of the application.

The site is controlled by licence from the EPA and thus matters relating to noise, odour and dust etc. would be assessed in this regard. Likewise matters in this relation to wastewater disposal at licenced facilities are a matter for the EPA. The Planning Authority therefore respectfully requested An Bord Pleanála to uphold its decision.

8.3 Further Submissions on behalf of the Appellants

The further submission comprises of two separate documents, a general objection from Frank Burke on behalf of the Appellants and a separate Hydrogeological Report prepared by Malcolm Doak Consultant.

Concerns in relation to how Meath County Council dealt with the initial application are reiterated, as are concerns in relation to the unsolicited additional information and the overall validity of the application.

Issues regarding the treatment of waste off-site and municipal wastewater treatment plants are again highlighted and it is questioned whether or not the municipal wastewater treatment plants are licensed

to receive and treat industrial wastes from outside the catchment area of the plants. It is also suggested by way of a third party in relation to a previous application on site, that up to 400 cattle per day were slaughtered on site and if this claim is correct the company would have been in breach of both planning and licence regulations. This issue should be followed up and cannot be dismissed on the grounds of commercial sensitivity. Any decision on the application should be deferred until then. The appellants have initiated a freedom of information request from the Department of Agriculture regarding same. Other points raised in the response are as follows:

- The facility is an industrial plant and there is no need to locate it in a rural area and should in fact be located in an industrial zone.
- The proposal offers no benefits to the rural community. Most of the employees are foreign nationals and do not live locally.
- The size of the development is totally out of character and scale for prevailing residential and farming activity in the area.
- The proposal creates an environmental and traffic hazard and is non-compliant with the development plan.
- The traffic generated by the activity is detrimental to the structural capacity and carrying capacity of the local road network.
- It is reiterated that there is no detailed background information on any of the domestic wells within the zone of influence of the plant. The applicant entirely relies on data from the GSI and the EPA. Concerns are expressed that discharge from the plant will seep into groundwater. One of the appellant's wells (Thomas Concannon) constitutes the sole water supply for his dwelling and is located 200 metres from the new well. Concerns are reiterated that the new well could impact on groundwater supply in the wider area. It is suggested that the harvesting of rainwater as previously granted on site has very limited benefit and only aids the water supply in the initial stages. The Annual Environmental Report for 2013 submitted by the applicant to the EPA indicates that there are significant levels of groundwater pollution on the site specifically close to well no. 2. There was also limited progress on the remediation of the wetland lagoon and potential major pollution of groundwater.
- In relation to wastewater, it is suggested that urban plants including Ringsend, Navan and Dundalk do not meet nutrient quality

standards. It is again reiterated that the volume of storage is totally inadequate to cater for drought conditions particularly in a situation where entry to receiving WWTP plants is refused.

- The applicant does not address the issues raised in respect of odours and visual impact in her submission.
- The same points in relation to traffic impact, haulage routes, the structural condition of the local road network and inadequate sightlines at the access are reiterated.
- In relation to noise it is again suggested that the noise analysis undertaken on behalf of the applicants did not cover the critical times when the maximum impacts on residents of the area takes place.
- It is reiterated that An Bord Pleanála need to seek the Industrial Emissions Licence prior to any grant of permission. It is suggested that under a recent Memorandum of Understanding, agreed between the Board and the EPA, An Bord Pleanála may refuse planning permission and approval or limit the scale of the development where it considers that wastewater would cause serious water pollution or exacerbate breaches to water quality etc.
- Concerns in relation to landspreading, monitoring and development plan compliance together with the change of use of the farmhouse to office are reiterated.
- Also attached to the submission is a separate observation by Malcolm Doak Consultant which specifically deals with the issues of water/wells wastewater and hydrogeology associated with the development.
- It is stated that the HDPE liners associated with the lagoons have not been completed and their final sign off has not been agreed with the EPA. Furthermore no consideration has been given to the current integrated constructed wetland arrangements on site.
- In terms of the hydrogeological report submitted as an Appendix to the applicant's response to the grounds of appeal, it is stated that there is no detailed discussion or text on the underlying groundwater quality of the site nor on the impact of the site and the local groundwater quality in future years. There is still a requirement to ascertain what impact the extension will have on the underlying

groundwater quality both in terms of future impacts and present impacts. It is suggested that the existing Annual Environmental Report for 2013 indicates that there is significant levels of groundwater pollution on site already and that the new lagoons for the storage of wastewater have not been completed or signed off by the EPA.

- A view of the files at the offices of Environmental Enforcement of the EPA clearly shows that the underlying groundwater is not good with levels of groundwater contamination particularly in relation to ammonia pollution in the vicinity of borehole 2.
- In relation to wastewater, reference is made to Article 43 of the Waste Discharge Authorisation Regulations (SI 681 of 2007) where the Board must consider the discharges of a wastewater from the proposed development taken in conjunction with existing or already approved discharges which would cause non-compliance with the combined approach. The applicant does not resolve the impacts which the site and its wastewater intensification will have on the underground water quality.
- Also attached is an article from the Irish Times which indicates, based on the 2013 EPA Urban Wastewater Report, that some of the municipal wastewater treatment plants which the applicant relies on to export wastewater from the site do not meet current EPA requirements in relation to discharge standards.

8.4 Submission from the EPA

A submission from the EPA states that the applicant was granted a licence in 2010, and this licence was revised as part of the Industrial Emissions Directive in December 2013. The nature of the works to be carried out as part of the current application may also necessitate a review of the licence. The applicant has contacted the EPA with regard to a determination in relation to this issue. The EIS appears to address the key points in relation to the Environmental aspects of the proposed Activity. If and when a licence is received by the Agency all matters to do with emissions will be assessed accordingly. Where it is considered that the activity cannot be effectively regulated, the Agency cannot grant a licence in respects of the activity. The submission also refers the Board to BREF Guidance Documents in relation to the activity proposed. EPA cannot issue a determination on a licence until a decision on the planning application has been made.

9.0 DEVELOPMENT PLAN PROVISION

The site is governed by the policies and provisions contained in the Meath County Development Plan 2013-2019. The following strategic policies within Chapter 10 of the County Development Plan are set out below.

- RUR-DEV-SO1 – To support the continued vitality and viability of rural areas environmentally, socially and commercially by promoting sustainable, social and economic development.
- RUR-DEV-SO4 – To recognise the strategic roles the county will play in the regional and national context in terms of recreation, heritage, conservation, natural resources and food production.
- RUR-DEV-SO7 – To support the continuing viability of agriculture, horticulture and other rural based enterprises within rural areas and promote investment and facilities supporting rural innovation and enterprise with special emphasis on the green economy in the context of sustainable development and the management of environmental resources.
- RUR-DEV-SO8 – To support and protect the existing economic base and seek to diversify the economy through both inward investment and the promotion of agriculture, forestry and tourist related industries in rural areas. Section 4.4.1 of the Plan relates to rural enterprise and states that policies are included that support and protect the existing economic base where it occurs and promote the diversification of the economy through inward investment at key growth centres and the parallel promotion of agriculture, forestry and tourism related industries in rural areas.

Section 4.4.1 of the Development Plan sets out policies in relation to rural enterprise. The Development Plan accepts that there is a need to respond to the restructuring of the agricultural sector and the loss of traditional opportunities arising from the decline of traditional manufacturing and construction sectors by developing a rural economy that offers viable and sustainable employment for existing communities. Once-off medium to large-scale rural enterprise can only be located in the open countryside if it is demonstrated to the satisfaction of Meath County Council that the enterprise can be more readily accommodated in a rural setting than provided in a designated settlement centre subject to standard development management considerations being applied.

EDPOL14 seeks to promote rural economic development by recognising the need to advance the long-term sustainable social and environmental development of rural areas and encouraging economic diversification and facilitating growth of rural enterprises.

EDPOL16 seeks to recognise the contribution of rural employment to the overall growth of the economy and to promote this growth by encouraging rural enterprises and diversification generally and to promote certain types of rural enterprises especially those activities which are rural resource dependent including renewable energy production, food production/processing and the extractive industries.

EDPOL17 seeks to normally permit development proposals for the expansion of existing authorised industrial or business enterprises in the countryside where the resultant development does not negatively impact on the character and amenity of the surrounding area. In all instances it should be demonstrated that the proposal should not generate traffic of a type and amount inappropriate for the standard of the access roads. This policy shall not apply to the national road network.

EDPOL18 – To permit development proposals for industrial or business enterprises in the countryside where generally the following criteria are met.

- The proposed use has locational requirements that can be more readily accommodated in a rural location than an urban setting and this has been demonstrated to the satisfaction of Meath County Council.
- The development will enhance the strength of the local rural economy.
- The resultant development of the size and scale which remains appropriate and which does not negatively impact on the character and amenity of the surrounding area.
- The proposal demonstrates that it has taken into account traffic, public health, environmental and amenity considerations.
- The proposal is in accordance with the policies and requirements and guidance contained in the Plan.

- It is demonstrated to the satisfaction of Meath County Council that the proposal would not generate traffic of a type and an amount inappropriate for the character of the access roads or would require improvements which would affect the character of these roads. This policy shall not apply to the national road network.

10. PLANNING ASSESSMENT

I have the entire contents of the file including the EIS and have inspected the site and I consider the following issues to be the most pertinent and relevant issues in determining the application and appeal before the Board.

- Procedural Issues
- Residential Replacement
- Unauthorised Development
- Impact on Groundwater
- Reliance on External Municipal Wastewater Treatment Plants
- Prematurity Pending the Grant of an IPPC Licence
- Adequacy of EIS
- Traffic Issues
- Impact on Human Beings

10.1 Procedural Issues

The appellant argues that a number of procedural issues arose in Meath County Council's assessment of the planning application which should have invalidated the application. In particular reference is made to the planner's report and it is contended that all issues raised in the various observations submitted by 3rd Parties on the planning application to the Planning Authority where not addressed in the planner's report. The planner's report prepared on behalf of Meath County Council is a matter for Meath County Council not a matter for An Bord Pleanála. The relevant concerns and issues in relation to the current application as set out comprehensively in the grounds of appeal and all the relevant and pertinent issues as they relate to the application and appeal will be assessed below.

With regard to the issue of unsolicited additional information submitted by the applicant, the reasons why such information was submitted as unsolicited additional information is set out in the applicant's response to

the grounds of appeal. Whether or not such solicited additional information is accepted is a matter for the Planning Authority in determining the application. The Board cannot revisit the validity of the application in these circumstances. While the appellant challenges the validity of the planning application on foot of these procedural issues, Meath County Council in issuing a decision have de facto validated the planning application. The Board does not have authority to invalidate a decision made by the Planning Authority. While the Board may overturn a decision issued by the Planning Authority on foot of grounds of appeal, it cannot invalidate a decision by the Planning Authority. This is a matter for a Court of law. Finally in relation to issues of validity it appears that the applicant has fully complied with the requirements set out under Article 22 of the Planning and Development Regulations (which relates to the contents of planning applications generally), and has also fully complied with the public notice requirements set out under Articles 18 and 19 of the said Regulations.

10.2 Change of Use from Residential to Office

The grounds of appeal suggest that it would be normal for the local authority to require a new residential use to replace the change of use of the existing dwelling on site from residential to office use. There is no legal requirement to replace the existing residential unit on site. I can find no such reference to any such policy contained in the Meath County Development Plan. Both the Planning Authority in the case of the original application and the Board in the case of a planning appeal is required to evaluate any such change of use on its merits. I would consider the proposed change of use appropriate in this instance as the reuse of the structure to accommodate office use represents a more sustainable approach in terms of refurbishing and reusing existing building stock and office as opposed to residential use in such close proximity to a processing plant.

The grounds of appeal also suggest that the change of use from residential to office would increase traffic generation in the Painestown area. While the issue of traffic is dealt with further below in my assessment, it may be sufficient to note at this point that the applicant in his response to the grounds of appeal points out that the proposed office use in this building will replace existing office space currently accommodated in the administration building to the immediate north of the factory and as such the proposal will not give rise to any appreciable increase in traffic generation.

10.3 Retention of the Pumphouse

The grounds of appeal suggest that the pumphouse has already been constructed on site. Having inspected the site I note that this is not in fact the case. The applicant has incorporated some protective wooden casing around the wellhead to ensure that no contamination of groundwater occurs. The site inspection and the photographs attached confirm this (see photo no. 13).

10.4 The Impact of the Proposal on Groundwater

The grounds of appeal suggest that opening up of an additional borehole near the northern boundary of the site could adversely impact on the watertable and as such impact on the viability of existing wells in the vicinity. It should be noted that in the first instance that under planning permission Reg. Ref. SA/140210 that planning permission was granted inter alia for works required to facilitate rainwater harvesting, the enhancement of water supply and the upgrading of on-site drainage and surface water management infrastructure. It appears from the planner's report in relation to this application (see details on file – P6) that *"the applicant has submitted comprehensive documentation with the application in respect of potential environmental issues and includes matters such as noise, odour, flood risk, flora and fauna and impacts on ground water"* etc. While all this information has not been made available on file, the applicant has submitted as an appendix, (appendix 6C) to his response to the grounds of appeal providing details of the groundwater studies undertaken in relation to the previous application. It appears from the information contained on file therefore that in granting planning permission for the previous application SA/140210, the applicant has already obtained the required development consent to supply the plant with additional water reserves required.

It also appears based on the hydrogeological report submitted with the previous application that the additional water supply can be derived on site without adversely impacting on wells in the vicinity to any appreciable extent. The report notes that the site overlies a locally important aquifer which is generally moderately productive. Within this aquifer there are pockets of regionally important confined aquifer dominated by diffuse flow and also generally unproductive areas except for local zones. The report also notes that both the GSI National Well Database and the EPA Abstractions Register do not record any private wells in the vicinity of the site. There are however a number of private wells serving the properties along the public road immediately east of

the site. It is acknowledged that the eastern edge of the site may be within the supply zone for wells serving the properties to the east. Section 3.7.4 of this report sets out the potential impact of the proposed additional well on nearby wells and surface water features. Assuming a pumping regime of 120 cubic metres per day for 2 hours the maximum predicted theoretical drawdown influence at a distance of 200 metres (the distance of the closest off-site well – that of Mr. Tom Concannon) is estimated to be less than 0.1 metres. It is also noted that based on available published information the private wells outside the site are located within a different groundwater body. However assuming that there is some hydraulic continuity between the two groundwater bodies and the potential drawdown to the nearest private well c.130 metres away is estimated to be 0.4 metres. This according to the information contained on file represents a worst case scenario.

Based on the information contained on file therefore I can only conclude that the applicant by virtue of the previous grant of planning permission has already obtained planning permission for additional groundwater abstraction to serve the facility. Furthermore and that based on the hydrogeological investigations carried out in relation to the previous application, the additional borehole will have a negligible impact on private wells in the vicinity in terms of altering the groundwater reserves and water supply to these wells.

Other concerns in relation to the groundwater supply include the contention that the pumping tests carried out were not sufficiently long in order to ascertain the long-term impact on groundwater drawdown. Again I refer the Board to the hydrogeological report submitted as part of the applicant's response to the grounds of appeal. It is clear from the pumping test programmes contained in Section 2.3 of this report that the pumping tests were carried out for a period of 7 days which is well in excess of the suggested requirement set out in the grounds of appeal (3 days). The Board should also note that much of the information contained in the hydrogeological report in relation to the previous application on site is also contained in Section 6 of the EIS and in particular Appendix 6(c) which sets out details of the aquifer test analysis undertaken on site.

The grounds of appeal also suggest that there is very limited information on water quality from the groundwater on the wells on site. Further to this, the submission from Mr Doak suggests that the AER submitted to the EPA in 2013 show groundwater pollution with excessive ammonia concentrations in the vicinity of Well no.2. Section 3.7.5 of the

hydrogeological report prepared in relation to the previous application sets out details of the raw water quality results from the pumping tests. It states that the groundwater quality is generally very good for both samples. There are no indications of any surface contamination or faecal coliforms detected in either sample. And further details are contained in Appendix F of this report. Appendix F provides detailed analysis of various groundwater parameters. This conclusion is reflected in a number of statements contained in the EIS as indicated by the applicant in his response to the grounds of appeal. In particular reference is made to Section 6.125 of the EIS (pg. 6.21) and Section 2.98 of the EIS. Furthermore Section 2.99 of the EIS states that all water supply to the plant is treated prior to use. It is first passed through a water softening plant which allows for calcium and magnesium ion exchange which reduces the total hardness of the water. Water stored on site is also dosed with sodium hypochlorite to reduce any bacterial contamination.

Any potential contamination of the groundwater is a matter for the EPA and not Board in the case of a grant of planning permission where a licence is also required. It is open to the Board to refuse planning permission where it concludes that an unacceptable impact arises from the development on environmental grounds. The pollution concerns highlighted in the grounds of appeal relate to elevated ammonia levels in the groundwater and pump no. 2. It is not altogether clear as to the cause of these elevated levels. It could be attributed to effluent seepage associated with the integrated wetlands to the north-east of the site or indeed it could equally be attributable to septic tank pollution from the houses nearby. Much would depend from the level of drawdown and the sphere of the cone of depression associated with well no.2. The source of the pollution has not been identified and it may not be attributable to the integrated wetlands on site. More importantly, this in my view is a legacy issue and it not one which is strictly germane or pertinent to the application currently before the Board as set out in the public notices. The current drainage arrangements pump effluent into the geotextile lined lagoons before transporting the effluent off site for treatment. There is no evidence to suggest that the lagoons in question are giving rise to groundwater pollution. While the lagoons may be the subject of a EPA licence review, as suggested in the grounds of appeal, this does not imply that the integrity of the lagoons are faulty and contributing to groundwater pollution. The lining of the lagoons have a permeability of 10^{-9} m/s which is in accordance with EPA standards for lining on a municipal landfill liner. As indicated in the EPA's submission on file, where the technical standards cannot be met, a licence will not be

issued. Based on the above assessment I do not consider it appropriate to refuse permission for the proposal on the grounds that it poses an unacceptable threat to groundwater pollution.

The grounds of appeal also suggest that the additional workforce (15 employees) arising from the proposed development have not been factored in in calculating water requirements. The EIS indicates that the existing plant requires a water supply of 120,000 litres or 120 cubic metres per day. The response to the grounds of appeal indicates that the potable water demand for an additional 15 workers amounts to approximately 750 litres per day. This amounts to a little over half of 1% of the water demand requirements. According to the applicant's response to the grounds of appeal, this can comfortably be supplied from the existing groundwater well capacity.

10.5 Municipal Wastewater Treatment Capacity

Concerns are expressed throughout the grounds of appeal that the applicant is relying on external municipal wastewater treatment plants in order to cater for the wastewater generated from the proposed development. It is reasonable in my view, having regard to the volume and nature of the wastewater produced, that it be transferred off-site for specialist treatment such as that provided at a municipal wastewater treatment plant. It is unusual or indeed inappropriate that private enterprises would come to contractual and commercial agreements with municipal wastewater treatment plants for the treatment of wastewater. Many such arrangements exist where private companies would tanker wastewater off site for treatment. There is no specific obligation on a municipal wastewater treatment plant to only treat municipal wastewater within its own or any specific catchment area. The key requirement for any municipal wastewater treatment plant is to ensure that it fully complies with its waste discharge authorisation requirements issued by the EPA. There is no prohibition on municipal wastewater treatment plants from receiving wastewater, based on commercial contracts provided conditions associated with any discharge authorisation licence is fully complied with. The applicant suggests that the MWWTP's referred to do not comply with the licence requirements, although how exactly the WWT licences are in breach of the Waste Discharge Authorisation Regulations is not set out in the grounds of appeal. If the Board have any concerns in this regard, I would recommend that it seeks further clarification from the applicant in the form of written consents that the MWWT plants in question are agreeable to accept waste from the facility and that waste from the facility can be accepted

without breaching the licence. It is likely that the EPA may also address this issue in assessing any technical amendment to the IE licence for the facility.

Furthermore I can find no reference in any of the legislation which suggests that the acceptance of wastewater from any commercial enterprise at a municipal wastewater treatment plant constitutes a reserved function. The Board will be fully aware that all municipal wastewater treatment plants in the country are now under the auspices of Irish Water and as such are no longer a matter for the local authority.

Concerns are expressed that municipal wastewater treatment plants may not be able to accept waste from the existing and proposed development during periods of drought and low river flow. The Board will be aware that discharge licenses are issued on the basis of 95%ile flows in receiving waters and therefore all assimilative capacity calculations associated with municipal wastewater treatment plants are calculated on the basis of very low river flows. Again it is a matter for Irish Water as to whether or not the various municipal wastewater treatment plants referred to in the EIS (Navan, Dundalk, Ringsend and Leixlip) are available to take the wastewater in question. As already stated this is a commercial agreement between the parties concerned and can be only undertaken where the municipal wastewater treatment plant complies with its discharge licence.

It is also clear from the information contained on file that the existing storage lagoons on site are properly constructed so as not to pose a threat to groundwater and have sufficient capacity to cater for 5 week storage in the event that treatment at the municipal wastewater treatment plants becomes temporarily unavailable due to license breaches or inadequate flow on the receiving waters. Having inspected the site, I estimated that only c.25% of the capacity of the lagoons were filled. In fact it is apparent from the photographs that lagoon No. 1 was empty at the time of site inspection.

I can only conclude therefore that the proposed development should not be refused on the grounds that inadequate infrastructure exists off site to cater and treat for wastewater generated on site.

10.6 Prematurity Pending a Granting of an Industrial Emissions Licence

The grounds of appeal argue that the proposal is premature pending a grant of a new IE licence by the EPA and that such a licence should be granted prior to a grant of planning permission.

The Board will be aware, as indicated in the EPA letter contained on file, that the Agency cannot issue a proposed determination on any industrial emissions licence application until a planning decision has been made in accordance with Section 87(1d)(d) of the EPA Act therefore it is incumbent upon the applicant to lodge a planning application with the planning authority prior to seeking any licence review from the Agency. Likewise a decision from the EPA in relation to a licence can only be issued after a decision have been made in relation to the application.

10.7 Adequacy of EIS

The grounds of appeal contend that the Environmental Impact Statement submitted with the planning application is inadequate in a number of respects and these are set out and commented upon below.

Baseline Studies

It is argued that notwithstanding the fact that the facility has been in operation for in excess of 10 years no records of cattle throughput or volume of meat produced is contained in the EIS. I do not consider that such information is necessary in order to assess the potential environmental impact arising from the proposal. The EIS clearly indicates that presently a maximum of 200 cattle per day is processed at the plant. It is proposed under the current application to increase this amount to 350. The impacts resulting from this increase in throughput have been identified in the EIS in terms of additional traffic generation, additional water requirements, additional facilities required etc. The potential impacts arising from the increase in throughput have in my view being clearly identified and assessed. Additional information, which the applicant indicates may be commercially sensitive, is not necessary in my view in order to carry out an appropriate and comprehensive EIA.

Traffic Surveys

The grounds of appeal also argue in relation to the traffic survey undertaken that the survey was carried out on a day when cattle

throughput was 186 and not 200. Reference is made to Section 12.86 of the EIS. In this regard and based on this lower throughput it is suggested that traffic figures in the EIS are perceived to be understated. As an initial point I can find no reference in paragraph 12.86 of the EIS to a cattle throughput figure of 186. The applicant in its response to the grounds of appeal states that the traffic survey was not undertaken on a day when precisely 200 cattle were slaughtered. However the baseline traffic flows have been adjusted on a pro rata basis to facilitate the impact assessment for an increase in the slaughter rate from the permitted maximum of 200 to 350. In relation to this point it should be noted that even where the throughput was underestimated by c.7%, this would have a negligible impact in terms of traffic congestion. It is clear from Table 12.6 and Table 12.7 that the existing road junctions in the vicinity of the site have ample capacity to cater for traffic generated by the proposal. Even under a scenario where baseline through traffic was underestimated somewhat, it is abundantly clear from the analysis carried out in the EIS that there are no capacity issues on the surrounding road network both in terms of junction capacity and link capacity. Any such underestimation by c.7% would have no material impact on the robustness on the conclusions drawn in relation to traffic impact contained in the EIS.

Haulage Routes

It is also argued that the EIS fails to adequately assess the impact of traffic exiting the facility and entering onto the northern section of the Windmill Road. The applicant points out and provides photographic evidence that all traffic exiting the site is requested to turn right towards the R135 and N2 while some traffic, particularly traffic associated with local farms in the vicinity, may access the site along the northern of section of Windmill Road. However the applicant in his response to the grounds of appeal indicates that traffic volumes associated with the site along the northern section of Windmill Road is negligible. The applicant has also undertaken a commitment to continue to ensure that vehicles, particularly HGVs exiting the site will turn in a southerly direction (right hand turn) away from the northern section of the Windmill Road and therefore traffic associated with the site will not exacerbate or contribute to the poor road conditions along this section of the road. In this regard I would refer the Board to Figure 12.3(b) of the EIS which clearly indicates that it is not anticipated that traffic associated with the proposed development will turn northwards onto the Windmill Road from the facility.

Structure and Condition of the Road Network

If the Board have concerns in relation to the road network in the vicinity of the site and particularly that the Windmill Road, in its present state, is not sufficient to cater for the traffic generated by the proposal it could consider attaching a special contribution condition towards the upgrading of the road in question under the provisions of Section 48(2)(c). This special contribution condition amount can be determined by Meath County Council and in the case of a non-agreement between the parties can be referred to An Bord Pleanála for determination. However the photos attached indicate the surface of the road or the integrity of the structure of the road appears to be fundamentally sound.

Delivery Times

The appellant also contends that HGV traffic including cattle deliveries can take place between 7 am and up to 2 am at night. If this is the case it is considered that this issue can be adequately addressed by way of condition limiting deliveries to and from the site to normal business hours (i.e. 7 am to 7 pm Monday to Friday and 8 am to 2 pm on Saturday).

10.8 Other Traffic Issues

The grounds of appeal make reference to inadequate sightlines at the entrance and exit of the existing facility and these inadequate sightlines could constitute a traffic hazard. The issue of inadequate sightlines was raised by the Planning Authority in it's assessment of the application. The applicant was specifically requested to liaise with the Roads Design Section of Meath County Council in respect of improving the sightlines at the entrance. In addressing this issue the applicant proposed to remove the existing hedges and fence and reinstate new hedging behind the existing hedging in order to improve sightlines. As some of these lands are located outside the control of the applicant a letter from the adjoining landowner was submitted consenting to these works being carried out and to maintaining the road verge to ensure that sightlines are in accordance with road safety requirements. This proposal was considered to be acceptable to the Roads Design Office. Having inspected the site I would agree that the setting back of the hedge as proposed would provide adequate sightlines in both directions from

vehicles exiting from the site. Subject to these improvements, I do not consider that the proposed development would represent a traffic hazard (see photo's attached).

The grounds of appeal also consider that the junction at the end of Windmill Road and the L1013 is also deemed to be substandard. Having inspected the site I do not consider this junction to be substandard and adequate sightlines are afforded in both directions. I further note that the Planning Authority did not raise any concerns in relation to restricted sightlines at this junction (see photos attached).

Finally concerns are also expressed that trip generation from employees was not adequately taken into account in the traffic impact assessment. Again I would refer the Board to the trip generation set out on Table 12.5 of the EIS (Page 12-22). It indicates that as a result of the proposal the development will generate an additional 43 trips each working day 33 of which will be classified as HGV. This equates to an additional 86 movements per day and over a 12 hour period this would result in circa an additional 7 trips per hour. Having regard to the junction capacity analysis and the link road analysis, it is clear that the existing road network and junction capacity from the site to the N2 is operating well within capacity and that even in a scenario where the EIS underestimated the number of trips generated by employees, this underestimation would not be such as to undermine the robustness of the conclusions set out in the EIS that the proposed development would have a minimal impact in road and traffic terms.

The grounds of appeal also suggest that the traffic implications for increased wastewater disposal have not been fully factored into the traffic assessment. The grounds of appeal suggest that the additional wastewater would be tankered off-site in 7 cubic metre sized tankers. Which would result in an additional c.18 tanker loads per day (based on the production of 130 cubic metres of wastewater). The applicant indicates the 25 cubic metre tankers will be used to take the wastewater off-site and thus only five trips as opposed to 18 trips per day would be generated in order to tanker wastewater off the site.

I can only conclude therefore that, contrary to the appellants assertion, the proposed development in my opinion would not contravene or be contrary to ED POL-17 of the County Development Plan which will only permit development proposals for the expansion of existing authorised industrial or business development in the countryside where it is

demonstrated that the proposal would not generate traffic of a type or amount inappropriate for the standard of the access road. I consider that the applicant has demonstrated that the proposed development would not generate traffic of a type or an amount which would be in appropriate for the road network serving the site.

10.9 Land- Spreading

Any farmers in the vicinity which are in receipt of wastewater or wastewater sludge for the purposes of fertiliser are required to fully comply with the requirements set out in S.I. 31 of 2014 (European Communities Good Agricultural Practice for the Protection of Waters) Regulations, 2014. As the Board are aware these Regulations are very prescriptive in relation to the handling, management and spreading of slurry. There is nothing to suggest that the applicant or the farmers in question will not comply with the lawful obligations as required under the above Regulations. It is not normally useful or appropriate for a planning decision to attempt to regulate matters for which a separate specific regulatory regime has been established by statute. In this regard landspreading and slurry application must comply with any statutory requirements set out under the Nitrates Directive.

10.10 Impact on Human Beings

As already highlighted the plant is governed by an Industrial Emissions Licence which may be the subject of a technical review on foot of the proposed changes to be undertaken under the current application, namely the intensification of use. The main potential adverse impacts on human beings as cited in the grounds of appeal relate to air quality (and in particular air quality monitoring) and noise. During the operational phase of the proposal these emissions are governed by the relevant EPA licence. Only noise and odour emissions arising during the construction phase of the proposed development need be assessed by the Board where it is minded to grant planning permission for the proposed development. The Board is prohibited from attaching conditions in relation to emissions for facilities which are also subject to licensing requirements. Having regard to the modest nature of the construction works to be undertaken on the site in question together with the separation distances between the site and the nearest noise and odour sensitive receptors, it is not anticipated that the construction aspects of the proposed development will give rise to significant amenity issues for residents in the vicinity of the site.

10.11 Visual Impact

Concerns were expressed that the proposed development will exacerbate the visual impact of the proposal which will adversely affect the amenities of the area. The photographs attached indicate that the site is set back a significant distance from the public road and natural screening occurs between the site and the surrounding visual receptors in the vicinity of the site. The nature of works to be undertaken on site are modest. They include a proposed change of use to an existing house from residential to office, the replacement staff canteen and offices with a structure of a similar size, scale and design and the provision of an additional lairage area adjacent to the existing factory on site and the construction of an additional 18 square metres for a green offal processing room. This new buildings are set back a considerable distance from the public road and in my view it cannot be conceivably argued that the proposal will have any material impact on the visual amenities of the area.

10.12 Monitoring

It is contended that there are no proposals for future monitoring associated with the site. The issue of monitoring of emissions is a matter for the Industrial Emissions Licensing regime which currently operates at the facility. This licence may be subject to a technical review due to the intensification of activities proposed to be undertaken on site. Any monitoring associated with emissions from the operation of the site is therefore a matter for the EPA and not An Bord Pleanála.

11.0 APPROPRIATE ASSESSMENT

It is worth noting that, of the 43 separate issues raised in the grounds of appeal, there is no specific reference to the potential impact of the proposal on conservation objectives associated with Natura 2000 sites in the vicinity. Point 26 of the grounds of appeal does refer to the possibility of contaminated surface run-off impacting on the River Boyne and its tributaries but there is no specific reference to adverse impacts on Conservation Objectives associated with the European Site. The applicant carried out and submitted with the planning application a Stage 1 Screening Report for Appropriate Assessment. This screening report identifies 2 Natura 2000 sites within a 15 kilometre radius of the application site namely the River Boyne and River Blackwater SAC (Site Code: 002299) and the River Boyne and River Blackwater SPA (Site

Code: 004232) both of which are located between 2½ and 3 kilometres north of the site. The qualifying interests associated with both sites are set out in the screening report along with the Conservation Objectives relating to the site. The potential threats or vulnerabilities associated with both sites are also set out and these include water pollution and human induced changes in hydraulic conditions including surface water drainage. The screening report notes that all surface water run-off from building roofs and clean pavement areas around the meat processing plant is discharged via a settling tank and hydrocarbon interceptor to a land drain that flows to the Roughgrange River, a tributary of the River Boyle. This is in accordance with conditions set out in the existing EPA licence issued in March, 2010 and amended on 14th January, 2013. All other wastewaters associated with the site are directed towards settlement lagoons which are, as already indicated in my assessment, tankered off-site for treatment at municipal wastewater treatment plants in the vicinity. Thus it is concluded that the intensification of slaughtering activities will not have any adverse effect on the baseline water quality in the receiving land drains, the Roughgrange River or the River Boyne. No further changes are proposed to the existing surface water management system to accommodate the intensification of slaughtering activities at the existing meat processing plant.

It is therefore reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans and projects would not be likely to have a significant effect on the River Boyne and River Blackwater SAC (Site Code: 002299) or the River Boyne and River Blackwater SPA (Site Code: 004232) or any other European site, in view of the site's conservation objectives, and a Stage 2 Appropriate Assessment (and a submission of an NIS) is not therefore required.

12.0 EIA ASSESSMENT

Notwithstanding the issues raised in the grounds of appeal regarding the inadequacies of the EIS, I have read the entire contents of the EIS and I consider that the EIS submitted complies with the requirements of Articles 94 and 111 of the Planning and Development Regulations 2001 in that it contains the information specified in Schedule 6 of the Regulations and that the information is presented in an adequate manner to allow an EIA to be carried out on the proposal. The EIS sets

out a description of both the existing facility and the proposed facility. Furthermore it identifies and describes the likely significant direct and indirect effects of the proposed works to be carried out and the proposed intensification of slaughtering of cattle on the existing environment under headings relating to:

- Human Beings.
- Ecology.
- Soils and Geology.
- Hydrology and Hydrogeology.
- Air Quality.
- Noise.
- Landscape and Visual.
- Cultural Heritage.
- Material Assets.

It assesses the likely effects on the environment under each of these headings and sets out specific mitigation measures in order to reduce and offset any potential environmental impacts and reaches adequate and formulated conclusions regarding any residual impacts. I am therefore satisfied that the EIA undertaken meets the statutory requirements as set out in Section 171A of the Act and Schedule 6 of the Planning and Development Regulations. I further consider that the likely residual effects identified are deemed to be acceptable in the context of potential environmental impacts. These likely impacts on the environment have already been identified, described, and evaluated in my above assessment particularly during the operational phase. The construction aspect of the proposal is modest and is unlikely to have a significant effect on the receiving environment. These residual effects include potentially slight increases in traffic, and noise and wastewater generation arising from the intensification of activities on site. Any potential impacts on groundwater have been assessed. And I reiterate that any increases in groundwater abstraction already have the benefit of development consent under a previous application on site. There will be no residual impacts in terms of cultural heritage, visual impact, ecology or on soils and geology. All issues in relation to emissions will be assessed as part of any technical review of the licence issued by the Agency. In summary I am satisfied there is sufficient information on file to carry out a full EIA in relation to the proposed development.

I further note that the EPA letter contained on file dated 16th October, 2014 stated that the EIS appears to address the key points in relation to

the environmental aspects of the proposed activity which relate to matters that come within the functions of the Agency.

11.0 CONCLUSIONS AND RECOMMENDATIONS

Arising from my assessment above therefore I consider the proposed development to be acceptable in principle and the environmental impacts associated with the development are also deemed to be acceptable. I further consider that the proposed development is not contrary to any of specific statements contained in the County Development Plan. I therefore recommend that planning permission be granted for the proposed development

12.0 DECISION

Grant planning permission for the proposed development in accordance with the plans and particulars lodged and based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the agricultural nature of the proposed development in a rural location together with the pattern of development in the vicinity and the provisions of the Meath County Development Plan 2013-2019, it is considered that subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of residents in the area or of property in the vicinity, would not give rise to an undue risk of water pollution and would not be prejudicial to public health and would be generally acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application as amended by further plans and particulars lodged on the 23rd day of October 2014, the 19th day of November 2014 and the 28th day of November 2014, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water shall comply with the requirements of the planning authority for such works and services. In this regard only uncontaminated surface water run-off shall be discharged off-site and all contaminated and soiled waters shall be directed to the storage lagoons located on site for suitable treatment by a licensed waste contractor off-site. All details shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of environmental protection and public health.

3. The daily kill rate shall not exceed 350 cattle per day in accordance with the documentation submitted to the planning authority on 10th day of September, 2014.

Reason: In the interest of clarity.

4. All mitigation measures set out in the environmental impact statement submitted with the planning application on the 10th day of September, 2014 and further information received by the planning authority shall be implemented in full except as may be required in order to comply with conditions set out hereunder.

Reason: In the interest of orderly development and environmental protection.

5. Any wastewater generated by the proposed development to be disposed of by spreading on land shall be agreed in writing with the planning authority. The location of rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Water) Regulations 2014 (S.I. No. 31 of 2014).

Reason: To ensure the satisfactory disposal of waste material in the interests of amenity, public health and to prevent the pollution of watercourses.

6. All was generated during the construction, including surface excavation material to be taken off-site, shall be only recovered or disposed of at an authorised site which has a current waste licence or waste permit in accordance with the Waste Management Acts 1996 to 2008. This shall not apply to the reuse of excavated material within the applicant's site boundary.

Reason: In the interest of public health and to provide for the protection of environment.

7. No advertising signs, symbols, flags, emblems or logos shall be erected externally on existing buildings or anywhere else on site whether or not such development would constitute exempted development without a prior grant of planning permission.

Reason: In the interest of visual amenity.

8. All car parking spaces shall have minimum dimensions of 2.5 x 5 metres and shall be marked with luminous road paint or other suitable material.

Reason: In the interest of traffic safety.

9. At the entrance to the site the existing hedgerow shall be removed and a new hedgerow shall be reinstated in order to improve sightlines for vehicles exiting the site. Details of the proposed works to be undertaken shall be agreed in writing with the planning authority prior to the commencement of development and shall comply with Option 2 of the additional information submitted to the planning authority on 19th day of November, 2014 as indicated on Drawing RFI-1.

Reason: In the interests of traffic safety


Paul Capran,
Senior Planning Inspector.

25th May, 2015.

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