

Meath County Council
Planning Department
Buvinda House
Dublin Road
Navan
Co. Meath
Phone: 046 909 7000 Fax: 046 909 7001

Planning Reference Number: LB/140803

Date: 13/10/2014

Gerard Frawley & Thor Preisler,
c/o Frank Burke & Associates,
Baldara,
Trim Road,
Navan,
Co. Meath.

**Re: Planning & Development Regulations 2001 to 2013
Acknowledgement of receipt of Submission or Observation on a Planning Application for a
proposed development by Dunbia (Slane)**

Dear Sir/Madam,

I wish to acknowledge receipt of your Submission/Observation made in writing to this office on 10/10/2014 to the proposed development described as development will comprise the following: (i) Intensification of livestock slaughtering activities at the existing meat plant; (ii) Demolition and removal of existing offices as required under Condition no 3 of planning permission SA/140210; (iii) Construction of 210m² of new offices, staff welfare and storage facilities at the location of the demountable structure referred to in (ii) above; (iv) Change of use of an existing farmhouse from residential use to office use (153m²); (v) Construction of 112m² of additional lairage facilities; (vi) Construction of a 18m² green offal processing room abutting the main factory building; (vii) Construction of an external gantry to support a stomach press (20m²); (viii) Construction of a 4m² pumphouse; (ix) Additional of 5 no. new ancillary car parking spaces. An Environmental Impact Statement (EIS) will be submitted with the planning application to the Planning Authority. The application is in respect of an activity which requires an Integrated Pollution Prevention and Control Licence (IPPC)..

The appropriate fee of €20 has been paid. (not applicable to prescribed bodies).

The Submission/Observation is in accordance with the appropriate provisions of the Planning & Development Regulations 2001 to 2013 and will be taken into account by the Planning Authority in its determination of the Planning Application.

You will be notified of the Planning Authority's decision in due course.

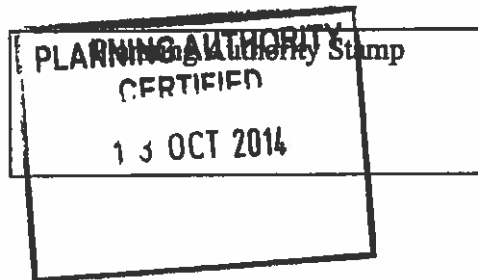
Yours faithfully,


On behalf of Meath County Council

cc Gerard Frawley, Greenhills, Beauparc, Navan, Co. Meath and Thor Preisler, Ashfield Cottage,
Greenhills, Beauparc, Navan, Co. Meath

THIS IS AN IMPORTANT DOCUMENT

Keep this document safely. You will be required to produce this acknowledgment to An Bord Pleanála if you wish to appeal the decision of the Planning Authority. It is the only form of evidence which will be accepted by An Bord Pleanála that a Submission/Observation has been made to the Planning Authority on the Planning Application.



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Frank Burke & Associates
Baldara
Trim Road
Navan
10/10/2014

RECEIVED
PLANNING DEPT.

10 OCT 2014

Counter ☒ Valued ☐ old
Reference No. 104014

To/
Secretary
Meath County Council
Planning Department
Buvinda House
Dublin Road
Navan

RE: - Submission in respect of an application by Dunbia (Slane), Painstown, Beauparc, Navan, Co. Meath for a development comprising: -

- (1) Intensification of livestock slaughtering activities at the existing meat plant
- (2) Demolition and removal of existing offices as required under condition 3 of planning permission SA 140210
- (3) Construction of 210m² of new offices staff welfare and storage facilities at the location of the demountable structure mentioned in (2) above
- (4) Change of use of an existing farmhouse from residential use to office use (153m²)
- (5) Construction of 112m² of additional lairage facilities
- (6) Construction of 18m² green offal processing room adjoining the main factory building
- (7) Construction of a 4m² gantry to support a stomach press (20m²)
- (8) Construction of a 4m² pumphouse
- (9) Addition of 5 new ancillary car parking spaces

at Painstown, Beauparc, Navan, Co. Meath.

Meath County Council file LB 140803 refers

Dear Sir,

I have been asked by a number of local residents, namely

- 1) Gerard Frawley of Greenhills, Beauparc, Navan, Co Meath
- 2) Thor Preisler of Ashfield Cottage, Greenhills, Beauparc, Navan, Co Meath

to lodge a submission on the application submitted to Meath County Council on the 10/9th last by Dunbia (Slane) for the intensification of livestock slaughtering activities and associated works at their existing plant at Painstown, Beauparc, Navan. Planning file LB 140803 refers.

As a preamble to this submission, the bona-fides of the applicant in respect of both compliance with planning regulations and their contribution to the local community must be taken into question in that: -

- a) In their own words In March 2014, Dunbia sought and obtained "retention permission for

Incremental development which had taken place at the site in preceding years". In essence, the company demonstrated that they had little or no regard for the planning process from the time they acquired the Painstown facility. SA 140210 refers. We would further point out that there was also retention application made in 2010, SA 100576 refers. This application was for an extension to the side chill section and lairage area at the plant. Further information was sought by the Council, none was submitted and the application was deemed to be "withdrawn". It would appear that no follow-up action was taken by the Council, notwithstanding the fact that they had clear evidence of the breach of the Planning Acts by the applicant.

- b) My clients were assured by local management at the time of the recent retention application that no other major development would take place on site, yet less than a year later, there is an application to increase the through-put at the plant by some 75%.
- c) We are also advised that an agreement was reached with a local resident of the Windmill Road in respect of the recent retention application and his submission on same. Our understanding is that the terms of this agreement have not yet been carried out by the company.
- d) Dunbia are part of an industry that have a very poor public profile, as a result of events over the years, the most recent been the "horsemeat" scandal

In respect of this application, we would like to draw to the attention of the Council to the following points for their consideration in respect of the validity of the application: -

1. We note that there is a loss of a residential unit yet there are no proposals by the applicant to replace this unit.
2. The overall development at Painstown resulted in the creation of a non-residential farming unit, which has added to the traffic movements generated at Painstown, this issue has not been taken into consideration in the assessment of recent planning applications. .
3. There are rumours that the residential unit is already in Dunbia use as either residential accommodation for staff and/or office use. If the former is correct it would mean that these "displaced workers" would have to find other accommodation and travel to work. This would add to the trip generated numbers in the future, while the latter if correct would mean that both the description of the development and the fee submitted are incorrect, as such the development would be invalid.
4. In respect of the validity of the application, it is stated in the EIS that the wastewater from the plant is disposed of in municipal wastewater treatment plants at Navan, Dundalk and Ringsend. There are no letters of consent from any of the Local Authorities consenting to the use of their plants for the stated purpose. There will be a significant increase in the wastewater produced. It must be stressed that all of these facilities were funded by the tax payer and were designed to serve their respective towns and environs. In such circumstances, the granting of part of an asset of the local authority to an outside party, namely allowing Dunbia a share of the design loading for both organic load and volumetric loading "ad-indefinitum" in a municipal sewage treatment plant, is in our view, a reserved function of the Members of the Council. To our knowledge, no such motion was put before any of the Local Authorities in whose jurisdiction the plants in question are located. Further, the capacity of at least two of the receiving plants listed is such that in the short to medium term their ability to treat the load and volume of effluent associated with a meat plant from outside their jurisdiction with a through put of 350 cattle per day is questionable. We would point out that a meat plant catering for 350 cattle would in terms of design loads equate to that generated by a small town.
5. We understand that the plants in question now fall under the jurisdiction of Irish Water. Again, there is no letter from Irish Water indicating their agreement to accept wastewater on a long-

term basis from Dunbia.

In essence, we believe that the application as currently submitted is invalid.

The proposed development at Painstown also requires an IPPC licence, there is no evidence on file to suggest that an IPPC licence was granted or indeed applied for, one that would cover the 75% increase in through-put sought under the current planning application. We believe that the prior granting of an IPPC licence for the increased through-put should be a fundamental requirement by any Planning Authority before any positive consideration is given to the granting of permission for the development. We note that the existing licence for Painstown was granted in 2013 and as such would not cover the proposed increase in through-put.

In respect of the detail of the submission and in particular the various sections of the associated EIS is lacking, as such we are of the opinion that the EIS is fundamentally flawed. In this regard, we draw the attention of the Council to the following points: -

- 1) Notwithstanding that the Dunbia operation at Painstown has been ongoing for well in excess of 10 years, no records of cattle through-put or volume of meat produced, volumes of wastewater and other waste outputs were submitted with this application. We would expect that such details would be readily available to the company. Details covering the month of maximum production should have been included with this application as basic background material. This type of information is the type fundamental (baseline) data needed for both the preparation of and the assessment of an EIS.
- 2) We would point out that in a submission on SA 140210, it was claimed that "the kill numbers in September 2013 was 400/day" and had dropped at the time of that application to 200. If this claim was correct, the company would have been in breach of regulations. This issue was not investigated by the Local Authority or any other statutory body.
- 3) The background data in the traffic survey submitted does not relate to a day of maximum allowable kill-rate or all of the routes traversed by plant generated traffic and in particular some HGV traffic. In respect of the latter, the traffic survey covers a day when the cattle throughput was 186 and not 200 (see section 12.86 of the EIS), as such the traffic figures in the EIS are understated. In respect of the latter, we would point out that some the cattle are brought to the plant by local farmers etc. These will use the routes that minimise their travel time or distance. Clearly, farmers in the Yellow Furze, Beuparc, Wigger's Cross, Kilberry area etc. will use the northern section of the Windmill Road. Further, tankers drawing wastewater from the plant to the Navan Wastewater Treatment Plant at Farganstown will also use the northern section of the Windmill Road and the local road leading to the Navan/McGruder's Cross Road at Beuparc. The Windmill Road (north) and the Yellow Furze/Beuparc roads were not included in the traffic impact assessment.
- 4) We would point that some of the HGV traffic, delivering cattle, arrive in the morning (from 7am) and in evening (5pm to 2am) and there is product dispatched from the plant also in the evening (7pm to Midnight). These movements take place after normal working hours for an industrial plant (see Section 2.81). HGV traffic movements as these hours has negative environmental impacts on the local community particularly with respect to noise.

- 5) A visual survey of some of the haul routes only was carried out, as such no proper scientific structural survey of the condition of the pavements of the local receiving roads (assessment of foundation, drainage etc.). This visual survey was confined to the southern section of the Windmill Road and the L1013. The northern section of the Windmill Road was excluded from this survey, notwithstanding the fact that it carries some of the HGV traffic generated by the plant. It is in very poor condition and the carriageway width and alignment are very substandard.
- 6) It must be stressed that HGV loading is the single biggest issue affecting the road structure. It is very clear, even from a visual survey that the pavements for both CR381 and the L1013, particularly the former, are seriously under stress. Indeed the pavement has failed in many locations. We would comment that in order to cater for the projected volumes, i.e. a project increase of 88% based on the 186 baseline that, in our view, the Windmill Road needs a major repair over its full length, as does but to a lesser extend some 2.5km of the L1013, while the "good" sections of the L1013 need an overlay. This is particularly the case if the local road system is going to cater for the projected HGV loading in the long-term. We would estimate the cost of this improvement at c. E1m, indeed if the network were to be improved to an LR1132 standard design the costs would be significantly more. An LR 1132 standard improvement would mean that the road structure would require an overhaul in 20 years' time but this "repair" would not be major.
- 7) Arising from the increase in traffic and projected traffic on the system and in particularly the HGV element, we would comment that the level of service experienced by local traffic is substantially lower than similar areas without a similar industrial plant.
- 8) Indeed the sightlines at a number of junctions traversed by plant traffic, as is the forward visibility along sections of the haul roads, are substandard. In respect of egress sightlines, the main entrance and to a lesser extent the junction of the Windmill Road and the L1012 are substandard, when compared to the requirement of NRA DMRB (160m at a set-back of 3m for an 85km/hr design). Indeed the junctions to the north of the plant entrance and the road alignment are poorer. note: - see comment on existing sightlines given in the traffic section of EIS.
- 9) It could be reasonably concluded that existing HGV levels on the network presents a traffic hazard and the additional HGV traffic will exacerbate this hazard. It will continue to do so, particularly for locally generated traffic due to the poor alignment and very poor condition of the pavement surface unless major improvements are carried out. Further, the poor state of the roads will increase car maintenance costs on the local community. These issues have not been addressed in the traffic section of the EIS.
- 10) The employment level (65 + 15 others), visitors etc. and the overall working hours (6am to 2am the following morning) are such that the volume of non HGV traffic generated by the plant and quoted in the EIS must be open to question. We would point out that the trip rate quoted per the EIS is less than 1/employee. This is very low, we would expect a trip rate of nearer 2 for a rural facility.
- 11) In relation to water supply, again there is limited information on plant wells in the EIS and there is no detailed background information on any of the domestic wells in the area. A proper assessment of the wells in the zone of influence of the plant should been carried out and included details on water levels and quality of all wells submitted. We would contend that this should have been carried out when the "new" well was been tested and in addition to the latter information also included details on water levels before, during and after the pump test. The latter test should have been carried out for

at least a 24 hr. period, and preferably a 3-day one. We would comment that the information in the EIS indicates that the company was aware of the existence of non-company wells but choose to ignore same

- 12) Further, there is very limited information on water quality for any of their wells. In respect of the limited information available, we note that chlorine is used to remove bacteria from well water, given that well water is used in the plant for human consumption, the provision of full details on water quality would be essential. From the limited information available, we also note that high levels of iron and manganese were present but no details were provided.
- 13) The EIS would indicate to us that the available/required water balance is "knife edge" in that a third well with an output of 60m³ was provided in order to overcome a shortage in 2013. The increased demand indicated in the EIS for wash water for the expansion is 55m³, without any allowance for an increase in potable water demand for additional workers. We would comment that a 40% plus increase in water for washing the yard and lairage area cannot be described as a "minimal" increase. In relation to the availability of ground water supplies in the area, we would indicate that conditions prevailing in 2013 would be far from representing critical drought conditions. Clearly the available water and potable/ wash water requirements needs to be further assessed. Given the knife edge position (shortage + 60 compared to Maximum current usage +55), it is our view that the supply needs to be further supplemented.
- 14) We are aware that in the past effluent from the plant was spread on the land surrounding the plant and close to both our client's residences. We note from the EIS (see Section 2.175) that currently some 270 tonnes of Category 2 material is land spread and this will increase to 475 tonnes in the future. There are no details of where, how and when in time this spreading will be done or interim storage etc. Information on this activity should have been included in the EIS. Further, any wells, drains etc. in the zone of influence of the land spreading operations should also have been assessed.
- 15) Given the dependence on municipal plants for the disposal of wastewater, a position which in our view cannot be taken as sacrosanct for the long-term. Alternative options including the possibility of reverting to the land spreading of wastewater must be included and assessed in any bona-fide EIS.
- 16) In relation to the latter point, Section 2.176 indicated that the waste water generated by the plant will increase by 55m³/day, this would indicate that the plant currently generates some 75m³/day of wastewater and in the future the plant will produce some 130m³ of wastewater. Given the sizeable volumes (18no. 7m³ tanker loads) involved the long-term disposal of wastewater must be addressed satisfactorily by the applicant.
- 17) The executive planner raised concerns in his report of the 15/5/12 last on SA 140210 about the lack of detail provided on the capacity of the lagoons and the ability of same to cater for the volume of waste and wastewater entering same. In the EIS, this issue has not been addressed and in the current application it is proposed to increase the loading by 55m³/day.
- 18) We have voiced our concerns in relation to the long-term disposal of waste water and we would comment that the granting a planning permission for a major increase in production in such a case would be premature pending the provision of a viable long-term solution to the disposal of wastewater. In our view this issue alone would warrant a straight refusal, notwithstanding the other issues raised. The granting of permission in this case would equate to the granting of permission to me for a dwelling with a wastewater treatment system and an effluent storage tank. My effluent would be

collected daily by tanker for disposal elsewhere, such as in my neighbour's percolation area. No local authority in the country would grant permission for this dwelling.

- 19) We would also indicate that there is no technical assessment of the storage capacity of the lagoons to cater for a drought scenario where the volumetric discharge from the external municipal treatment plants could be restricted by low flows in the receiving rivers e.g. Boyne, Castletown River etc to the extent that tankers from Painstown are restricted in number or indeed entry for disposal refused. In this regard, we would indicate that if Irish Water/Local Authority agree to accept wastewater from Painstown, it is our view that the capacity of these treatment plants to act as "wastewater receivers" must also be assessed. Particularly when none of these plants were designed to deal with waste from outside their designated catchments.
- 20) 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 and its tributaries. It must be remembered that the intake for the Drogheda Supply is at Roughgrange, close to the junction of the Roughgrange River (the receiving water for the runoff) with the Boyne.
- 21) We would have to take issue with the contention that the impact of the development on human beings would be "minor to moderate" given the scale of the proposed increase in throughput with the associated increase in HGV traffic and its impact on pavement structure of local roads, traffic noise, safety etc. We would contend that the impact will negatively affect all residents on the various haul routes and particularly those erected close to the road edge and at locations where there will be regular breaking, stopping and starting movements of HGV's such as the plant entrance and junctions.
- 22) There is no information in the EIS to suggest that the soils in the surrounding area where land spreading of Category 2 material takes place has been assessed with a view to their ability to receive the material without causing environmental damage. These details should have been included in the EIS. We would contend that all such spreading activity should be carried out in accordance with a detailed nutrient management plan and monitored. In essence, best practice procedures implemented.
- 23) The EIS informs us that the air quality assessment was done on the basis of a desk study, as such no on-site testing for air quality was carried out or are there or any proposals for future monitoring. We would contend that monitoring for air quality along the site boundaries should have been carried out, particularly those boundaries in close proximity to residences.
- 24) There is a noise assessment submitted in the EIS, it is our view that this assessment is inadequate as it did not cover either the critical time when the maximum impact on the residents of the area takes place and the selection of the sensitive receiver locations left a lot to be desired. We would indicate that in respect of the former, the critical period for residents is in the evening (7pm to 12pm inclusive) when the background noise levels are low and during the period when cattle deliveries to the plant and dispatches from the plant are taking place. In respect of the latter, we note from the Air Quality section of the EIS that there are residences much nearer the plant (DR15 to 17) than the ones selected, the nearest of which (RA2) is 250m north of the site. The traffic section of the EIS suggests that no traffic generated by the plant pass this residence. We would comment that noise monitoring stations should have been select at locations where traffic noise could have maximum impact, e.g. near the plant entrance and at the

junction of the Windmill Road and the L1013. The survey period should have covered the full working day (7am to 2am the following morning). We would also comment that there are no proposals for future monitoring. We would contend that any such testing and monitoring should have also been extended to sensitive receivers located along the various haul routes, particularly residences located near to the plant entrance and at other junctions.

- 25) We would contend that both the existing and the proposed development impacts and will continue to impact negatively on the visual environment of the area given the elevation of the plant relative to the adjoining area. We note that a landscaping plant has been approved under the SA140210 grant, but no action has been forthcoming.
- 26) In relation to Material Assets, as we have pointed out above activities at the plant have clearly had a major impact on the local road structure, further the substantial increased in HGV traffic will accelerate the rate of deterioration of these roads. Further the availability of a plant or increased production facilities at Painstown will not increase agricultural production in the local area as claimed in the EIS, this activity will depend on the market place with particular reliance on demand and price. It would appear that the only benefit is 10 low level jobs.

Accordingly, we would contend that the detail of the submission and in particular the associated EIS is inadequate if a proper assessment of the application is to be carried out. In essence the EIS is inadequate. In point 18) above, we voiced our concerns in relation to the long-term disposal of waste water and made the comment that the granting a planning permission to Dunbia for a major increase in production at Painstown would be premature pending the provision of a viable long-term solution to the disposal of wastewater. In our view this issue alone would warrant a straight refusal.

We would be of the view that the application at Painstown is a replacement development made by Dunbia (Ireland) that was refused by both Westmeath County Council and subsequently on appeal by An Bord Pleanála at Clara Road, Kibeggan, Co. Westmeath. Westmeath planning file 10/4079 and Bord Pleanála file PL25K.239436 refer. The Kibeggan application was refused by the Bord for two reasons namely noncompliance with the County Development Plan and cumulative adverse impact associated with noise, odours and traffic on local residents. We believe that the same reasons for refusal are applicable in this case. In this regard, we would contend that the granting of planning would be contrary to the development plan in that: - ED POL 19 relates to business enterprises in the countryside requires that "for the expansion of existing authorised industrial or business enterprises" that "in all instances, it should be demonstrated that the proposal would not generate traffic of a type and amount inappropriate for the character of the access roads". Clearly the type and volume of traffic generated at Painstown is inappropriate for the Windmill Road and we have demonstrated above the cumulative negative impact of the development on local residents.

In conclusion, we believe the above points show this application in a different perspective from the position indicated by the applicant and their agent in their submission. Taking the above points into consideration, my clients believe that: -

- (1) The application as currently submitted is invalid
- (2) The application, when validated, should be refused.

I would be obliged if the Council would acknowledge receipt of this submission directly to Mr. Gerard Frawley, Thor Preisler and to me.

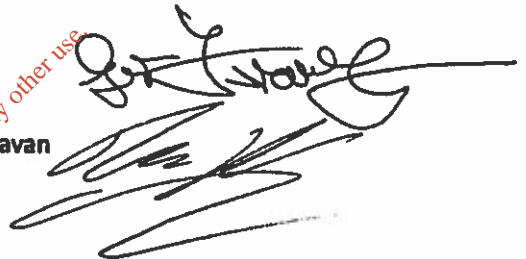
We enclose the fee of E20 for making the submission to Meath County Council

Sincerely,



Frank Burke
Chartered Engineer

C.c. Mr. Gerard Frawley, Greenhills, Beauparc, Navan
Mr. Thor Preisler, Ashfield Cottage, Greenhills, Beauparc, Navan



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