

NEW APPEAL FORM

044473

Section 26 Appeal

Section 37 Appeal

Lodged: 17/02/15 Dev. Type: 01 No:
 Case Type: Class: 50
 EO: Rob Forde Category: 52
 Development: EXTENSION TO EXISTING MEAT PLANT

PAINSTOWN, BEAUPARC, NAVAN, COUNTY MEATH

PA Code: 17 Reg.Ref: LB 140803 Applic. Type: 03 Applic. Lodged: 10/09/14
 PA Dec: 05 PA Dec Date: 22/01/15 OH Request Date:

Issue Code: Priority No: NIS: Y/N EIS: Y/N Size:
 Correct Fee: Y/N Fee Type: S (m) to (x) Name/Address Appellant: 3rd Party Ack:

Appellant: DUNBIA (SIANE) GERRY FRAWLEY & ORS
 Address/Agent: FRANK BURKE
BO713

Applicant: DUNBIA (SIANE)
 Address/Agent: MURTY HANLY ASSOCIATES, ARDFEVIN, MULLINGAR, COUNTY WESTMEATH

MS CLARKE

PA notified by phone Email
 Yes ☒ No ☐ EO: Rob Forde
 Date: 17/02/15

PA Contact: EIMEAR

Appeal on Surfboard: ☒
 EO: Rob Forde Date: 17/02/15

Comments:

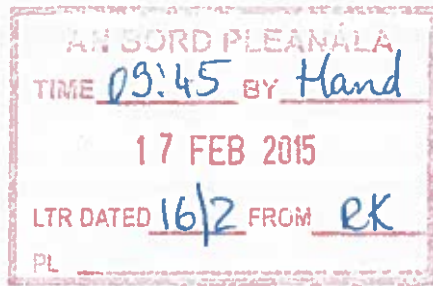
1. Acknowledge with: BP 01

Merge: (1) psplit ☐ (4) omitdoc ☐
 (2) msplit ☐ (5) info ☐
 (3) revplan ☐ (6) xmas ☐

2. Issue appeal to: (a) PA: BP07
 (b) Applicant: BP05

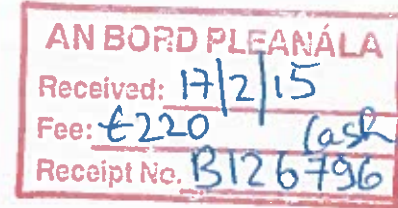
3. Return appeal with: 4. Return to prepare exp.ltr:

Appeal Number on Surfboard: ☐
 AA: Shan Date: 18/02/15



Baldara
Trim Road
Navan
Co. Meath

To Secretary
An Bord Pleanála
64 Marlborough St.
Dublin 1
16-2-2015



Re: - Appeal in respect of Meath County Council File LB 140803 - Submission for Gerard Frawley, Thor Preisler & Others in respect of a planning application submitted by Dunbia (Slane) that was granted by Meath County Council for a development consisting of: -

- (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 pump house
- (9) Addition of 5 new ancillary car parking spaces

at Painstown, Beauparc, Navan, Co. Meath.

Dear Sir,

Further to the grant of planning issued to Dunbia (Slane), Painstown, Beauparc, Navan Co. Meath by Meath County Council on the 22/1/2015 last, in respect of the above mentioned development. I, on behalf of the following: -

- 1) Gerry Frawley of Greenhills, Beauparc, Navan, Co Meath
- 2) Thor Bjorn Preisler of Ashfield Cottage, Beauparc, Navan, Co Meath
- 3) Thomas Concannon, Windmill Road, Beauparc, Navan, Co. Meath

now wish to lodge with An Bord Pleanála an appeal in respect of the said grant.

As a preamble to this submission, we would indicate that we have serious issues with the way this application was dealt with by the Meath County Council. In this regard, we would indicate that my clients and others raised a very extensive list of concerns they had with the proposed

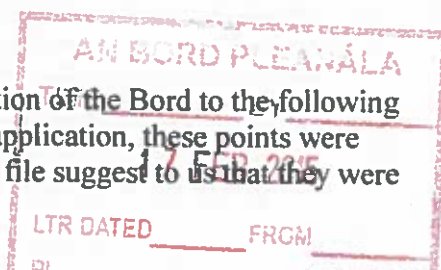
development by way of submissions to the Council. The content of these submissions indicated in Section 4.0 of the planner's report of the 20/1/15 only lists some of these items. Of more serious concern is the fact that both internal memo on the "unsolicited further information" and the wording of the report in question suggest that the Planning Authority allowed the agent for Dunbia to address some of these issues by the people who made submissions by way of unsolicited further information and further considered the agent's submission. My clients and indeed the other people who made submissions were not afforded the opportunity to respond to this unsolicited further information. Clearly this approach is against natural justice, particularly in a situation where all of the issues raised in the submissions do not appear to have been considered. The Bord should note that the FI requested by the council referred only to the issue of sightlines at the entrance and my clients would have had only the opportunity to comment on the FI submitted. In taking this approach to the "unsolicited further information" submitted the council, in our opinion, breached both the spirit and the regulations concerning the assessment of planning applications, as such the validity of the assessment process must be questioned.

We would further point out that we raised issues with the validity of the application as submitted, which were not in our view addressed by the planner. The validity of the application was not listed in Section 4.0 of the planner's report as part of the content of the submissions. Surely, the submission of a valid application would be a primary consideration for the Planning Authority and should be the first issue assessed. Clearly this should have been done in a situation where the bona-fides of the applicant with respect to their record in respect of compliance with planning regulations. In this regard, "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 2016, SA 100576 refers. This application was for an extension to the side chill section and the 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 by way of the retention application of a breach of the Planning Acts by the applicant.

In relation to Item 8 of the list of works, pump house, this has already been built and to our knowledge is in operation. Clearly, if this is the case, the applicant's would need to amend their application to cover the "retention" of this pump house.

In respect of this application, we would like to draw the attention of the Bord to the following points for their consideration in respect of the validity of the application, these points were previously made to Meath County Council, but the reports on file suggest to us that they were ignored: -

1. We note that there is a loss of a residential unit yet there are no proposals by the applicant to replace this unit as part of the application, it would be normal for the local authority to require the replacement of the residential aspect of a proposed development.
2. The overall development at Painstown resulted in the creation of a non-residential



farming unit, which is not in the ownership of Dunbia. The loss of the residential element of a working farm will added to the traffic movements generated at Painstown. This issue has not been taken into consideration in the traffic assessment of the application.

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 and included in the traffic section of the EIS. While if the latter is correct would mean that a retention application is required. In that regard both the description of the development and the fee submitted are incorrect, as such the application as submitted 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 off offsite, namely in municipal wastewater treatment plants at Navan, Dundalk and Ringsend. ***There are no letters of consent from any of the Local Authorities mentioned consenting to the use of their plants for the stated purpose.***
5. There will be a significant increase in the wastewater produced as a result of the proposed increase in the daily kill rate from 200 to 350 and as such these plants need to be assessed as to their ability to cater for the increased load. We believe the kill-rates are already at the higher level (see comments later). All 3 plants have in recent times experienced difficulties in producing satisfactory effluents.
6. It must be stressed that the construction of all of these facilities mentioned in 4 above were funded by the tax payer and were designed to serve their respective towns and environs and no allowance in the design loading was made for a slaughtering facility at Painstown.
7. We would point out that the granting of part of an asset of the local authority to an outside party, namely allowing Dunbia a share of the 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 motions were put before any of the Local Authorities in whose jurisdiction the plants in question are located. Further, the capacity of all 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 service area 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.
8. We understand that the 3 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 either a temporary or a long-term basis from Dunbia.***

In essence, the above would indicate that ***the application as currently submitted is invalid as the necessary consents are not included.***

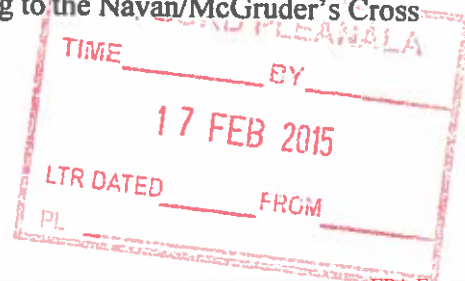
The proposed development at Painstown also requires an IPPC licence, there is no evidence on file to suggest that an IPPC licence was applied that covers the increase in kill rate. A new IPPC licence would see approval for a 75% increase in through-put, yet no reference was made to this issue in the current planning assessment. 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 they give a grant of permission. We note that the existing licence for Painstown was granted in 2013 and as such would not cover the proposed increase in through-put. We are

TIME _____	BY _____
17 FEB 2015	
LTR DATED _____	FROM _____

concerned that in the conditions of the grant that the applicant was not required to produce the new IPPC licence before development commenced.

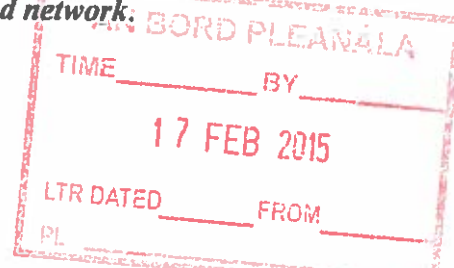
In respect of the submission and in particular sections of the associated EIS is lacking in technical detail, as such we believe that the EIS as submitted was fundamentally flawed. In not addressing our concerns, we believe the assessment carried out by the Meath County Council was also flawed. In this regard, we draw the attention of the Bord 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 or indeed sought by the Council. 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. In their grant, the Council put no requirement on the company to keep daily records of through-put for spot checking etc.
- 2) We would point out that in a submission on SA 40210, it was claimed that in one of the submissions 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 at the time. Further, no check was made for this application and as pointed out in 1) above, the company were not asked to keep records as part of the recent grant. Dunbia have not addresses the issue of historic kill rate in their submission. Our current understanding is that the current kill-rate is of the order of 350-450 cattle per day, given the traceability protocols in the industry this can be checked by the Bord, indeed it should have been done by Meath County Council. If our contention is correct, then the application as submitted is invalid, as the details given in the submission (EIS etc.) on this critical issue are incorrect. In essence, the intensification listed as item 1 in the description has already taken place and the proper application was one for retention.
- 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. Clearly if the kill-rate is higher than the 200 the figures for HGV's are very wrong.
- 4) In respect of the access routes, we would point out that some of 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, Beauparc, 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

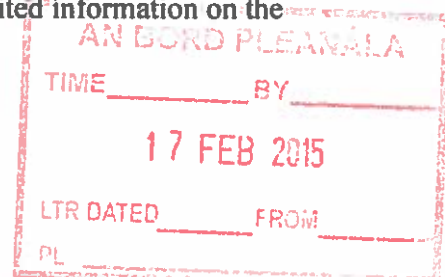


Road at Beuparc. *The Windmill Road (north) and the Yellow Furze/Beuparc roads were not included in the traffic impact assessment. The former is in very poor condition.* We note the presence of the recently erected "all heavy vehicles turn right sign" but this does not reflect the actual haulage route situation on the ground. Again we would contend that all routes impacted or likely to be impacted upon should have been assessed in the EIS, as such the traffic section of the EIS is flawed.

- 5) We would point that some of the HGV traffic, cattle deliveries, arrive in the morning (before 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 the normal working hours for an industrial plant (see Section 2.81). HGV traffic movements at these hours have a negative environmental impact on the local community particularly with respect to noise. The noise impact assessment did not cover these times. Prior to the recent application and indeed since the grant, my clients have observed HGV deliveries have taken place before 7am etc., indeed some *as early as 4am.*
- 6) A visual survey of some of the haul routes only was carried out by the applicant's consultant, as such no proper scientific structural survey of the condition of the pavements of the local receiving roads (assessment of foundation, drainage etc.) was done. 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 clearly carries some of the HGV traffic generated by the plant.* As indicated above, this road is in very poor condition and the carriageway width and alignment are very substandard. Given the volume of HGV generated by the plant and the projected increase, their impact on the structure of the local road pavements should have been fully assessed and would have included a detailed assessment of their pre-application condition.
- 7) 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 pavements in questioned have failed in many locations. We would comment that in order to cater for the projected volumes, i.e. a projected increase of 88% based on the 186 baseline, it is our view that the Windmill Road needs a major repair over its full length. As does but to a lesser extend some 2.5km of the L1013. 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 these improvements at c. E1m, indeed if the pavements of the haul route network were to be improved to an LR1132 standard design the improvement 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. Clearly this is not an issue that could be properly dealt with by way of an on-going "maintenance" programme as suggested by the applicant. *Meath County Council, in their assessment give no consideration to this issue and have not asked the developer to contribute towards the upkeep of the road network.*



- 8) 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. We agree with the comment that the level of service experienced over time by the local residents will fall, but the presence of a slaughtering facility at Painstown has meant that the level of service experienced by them is now substantially lower than residents of a compatible area without the facility. The proposed increase in through-put will further decrease this. Further the increase in HGV's on a road network with poor alignment and structure increases the hazard for road users.
- 9) 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 also poor. We would refer the Bord to the comments on existing sightlines given in the traffic section of EIS.
- 10) We would comment that the only requirement imposed on the applicant by the Council was the provision of a new entrance. Indeed the required sightlines to be provided at the entrance are substandard when compared to the recommendations of NRA DMRB. We would comment that a facility generating the volume of HGV movement associated with that projected at Painstown should be required to fully comply with NRA DMRB.
- 11) As indicated 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 and their further deterioration will increase car maintenance costs on the local community. These issues have not been addressed in the traffic section of the EIS or by the Council.
- 12) 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 trip rate is very low for an industrial facility. We would expect a trip rate of nearer 2 for such a facility in a rural area.
- 13) ***ED POL 17 of the County Development Plan*** states that "to normally permit development proposals for the expansion of existing authorised industrial or business development in the countryside It should be demonstrated that the proposal would not generate traffic of a type or amount inappropriate for the standard of the access roads". ***We would contend that the applicant has not done this, as such the development would be contrary to ED POL 17 and as such the development plan.***
- 14) In relation to water supply, again there was limited information on the



characteristics of the existing plant wells in the EIS. Further, there is no detailed background information on any of the domestic wells in the area of the zone of influence. A proper assessment of all the wells in the zone of influence of the plant *should have been carried out*, including details on water levels and quality and the findings submitted as part of the EIS. We are aware of at least two wells that are in current daily use, both in close proximity to the complex.

- 15) We would contend that this testing should have been carried out on the “new” well and in addition to the water output/quality information also covered water levels before, during and after the pump test on the subject well and adjacent wells. 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 not to assess same as part of the EIS. Again the EIS submitted to the Council was flawed.
- 16) In their assessment the Council ignored the issue of wells in the area, including the well at Thomas Concannon’s house. With particular reference to the Concannon well, this well is the sole water supply for his dwelling and is located within 200m of the new well. Indeed the well contractor moved the location of this latter well further from the Concannon than was originally planned. Clearly Dunbia and their agents were aware of adjacent wells at the time of the planning application. *The output of our client’s (and others) source of drinking water must be protected into the future.*
- 17) Further, there is very limited information on water quality on any of the existing wells on site. 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 both human consumption and product production, the provision of full details on water quality should have been included in the EIS. From the limited information available on well water quality, we also note that high levels of iron and manganese were present but no again details were provided.
- 18) The limited information in the EIS on well output would indicate to us that the available/required water balance is “knife edge” in that a “new” 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 proposed expansion is 55m³. We note that no allowance for an increase in potable water demand for additional workers was included. 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. Given the knife edge position, as indicated by the 2013 shortage + 60m³ compared to maximum current usage +55m³, it is our view that for the long-term the supply may need to be further supplemented. Only proper testing of yields will indicate if this is the position. Again the Council in their assessment failed to investigate this critical issue.
- 19) 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

AN BORD PLEANÁLA	
TIME _____	BY _____
17 FEB 2015	
LTR DATED _____	FROM _____
PL	

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.

- 20) 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.
- 21) 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 satisfactory by the applicant.***
- 22) 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 yet in the current application it is proposed to increase the loading by 55m³/day.
- 23) We have voiced our concerns in relation to the long-term disposal of waste water and we would comment ***that the granting of a planning permission for a major increase in production in a case where there is no definitive proposal should be refused or deemed 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 an applicant for a dwelling with a wastewater treatment system and an effluent storage tank but no percolation area or equivalent. This effluent would be collected daily by tanker for disposal elsewhere, such as in a neighbour's percolation area. No local authority in the country would grant permission for this dwelling, yet Meath County Council have given permission for a major industrial development without definitive proposals for final effluent disposal.
- 24) In relation to the latter issue, in their own words Dunbia have only a "commercial" arrangement to dispose of their waste water with the various councils. Clearly from a planning aspect, this arrangement has no long-term standing.
- 25) 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 would 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 agrees to accept wastewater from Painstown ad-indefinitum, it is our view that the capacity of their treatment plants to act as "wastewater receivers" must also be assessed. We would point out that none of these plants were designed to deal with

AN BORD PLEANÁLA

TIME _____ BY _____

17 FEB 2015

LTR DATED _____ FROM _____

PL _____

waste from outside their designated catchments.

- 26) 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.
- 27) While some of these items fall into the area of interest of the EPA, they cannot be ignored in the planning assessment process.
- 28) 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.
- 29) 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 accessed 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.
- 30) 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.
- 31) 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 times when the maximum impact on the residents of the area takes place. We have raised the issue of HGV movements at times outside normal working hours.* Further the selection of the sensitive receiver locations used in the assessment left a lot to be desired. We would indicate that in respect of the former, the critical period for residents is early morning (4am to 8am) and in the evening (7pm to 12pm inclusive) when the background noise levels are low. Selected to coincide with the periods outside of working hours when cattle deliveries to the plant and dispatches from the plant are taking place.
- 32) In respect of the sensitive receiver issue, 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 HGV traffic generated by the plant pass this residence. We would comment that noise monitoring stations should have been selected at locations where traffic noise would have maximum impact, e.g. the residence nearest the plant entrance and at the junction of the Windmill Road and the

AN BORD PLEANÁLA

TIME _____ BY _____

17 FEB 2015

LTR DATED _____ FROM _____

PL _____

L1013. The survey period should have covered the full working day (4am to 2am the following morning).

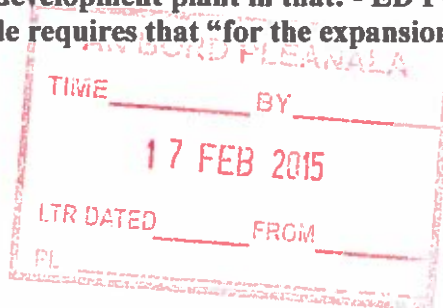
- 33) We are also concerned that there are no proposals for future monitoring. We would contend that any such testing and monitoring should be designed to cover sensitive receivers locations near the plant and along the various haul routes, particularly those residences located near to the plant entrance and at junctions.
- 34) 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. In regard to this issue for example: the lighting at the plant is left on all night
- 35) 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 was inadequate for a proper assessment of the application is to be carried out. In essence the EIS is inadequate and clearly Meath County Council in their assessment failed to consider or address all of the relevant issues associated with the development. In point 23 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 are also concerned that the Council ignored their own Development Plan and in particular ED POL 17 on the ability of the network to carry the additional traffic.

In an article from the Westmeath Examiner dated 21/07/2011 a senior Dunbia executive stated the following:

"If the material contravention is not granted, we will have no choice but to close our factory in Kilbeggan and transfer the 208 jobs to Slane within two years"

We would be of the view that the application at Painstown is a replacement development for one made by Dunbia (Ireland) that was refused by both Westmeath County Council and subsequently on appeal by An Bord Pleanála at Clara Road, Kilbeggan, Co. Westmeath. Westmeath planning file 10/4079 and Bord Pleanála file PL.25K.239436 refer. The Kilbeggan application was refused by the Bord for two reasons namely non compliance 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 regard to the plan, we would contend that the granting of planning would be contrary to the development plan in that: - ED POL 17 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.

Reference was made by Dunbia's agent in an unsolicited further information request that the main reason for some of my clients' submissions was to get Dunbia to purchase their dwellings at a grossly inflated price and as a quid-pro-quo that they would withdraw not submit their observations. A meeting took place, the Dunbia contention is entirely incorrect, however as the subject matter of the meeting is not a planning issue we would not propose to comment any further on this issue.

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 as submitted, if valid, should be refused.

I would be obliged if the Bord would acknowledge receipt of this appeal both directly to me and to my clients. In this regard, his address for correspondence is as listed above.

We enclose our fee of 220 Euro for this appeal, together with proof of my clients making a submission to the Meath County Council on LB 140803

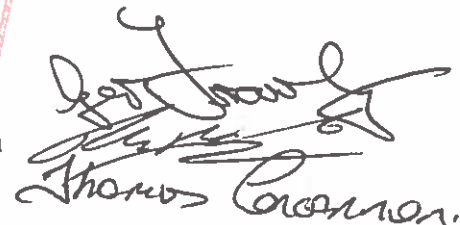
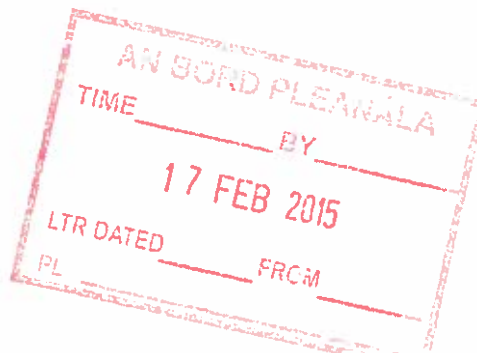
Yours Sincerely,



Frank Burke
Chartered Engineer

C.c.

Gerard Frawley, Greenhills, Painstown, Beauparc, Navan, Co. Meath
Thor Bjorn Preisler of Ashfield Cottage, Beauparc, Navan, Co. Meath
Thomas Concannon, Windmill Road, Beauparc, Navan, Co. Meath



Encl.: - (1) Fee of E220

(2) Letters of proof for submission to Meath County Council

**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: 23/09/2014

Thomas Concannon,
Windmill Road,
Beauparc,
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 23/09/2014 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)..

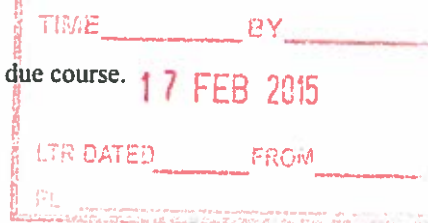
The appropriate fee of €20 has been paid. (not applicable to prescribed bodies).

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,

B. Conway
On behalf of Meath County Council



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.

PLANNING AUTHORITY
CERTIFIED

23 SEP 2014

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

AN BORD PLEANÁLA	
TIME _____	BY _____
17 FEB 2015	
LTR DATED _____	FROM _____
PL	

**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).

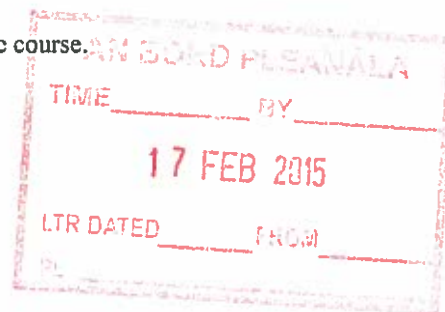
The Submission/Observation is in accordance with the appropriate provisions of the Planning & Development Regulations 2001 to 2013 and will be taken into account by the Planning Authority in its determination of the Planning Application.

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

Yours faithfully,

B. Rancey

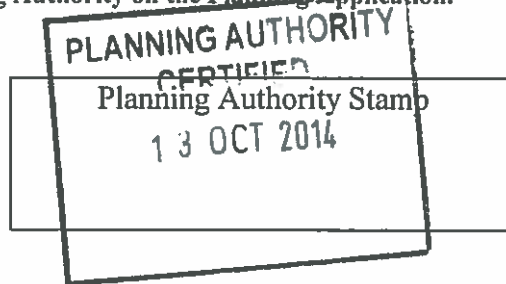
On behalf of Meath County Council



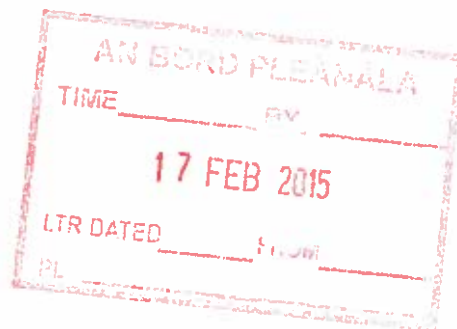
cc Gerard Frawley, Greenhills, Beauparc, Navan, Co. Meath and Thor Preisler, Ashfield Cottage,
Greenhills, Beauparc, Navan, Co. Meath

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.



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



ity Council

Department

Dublin Road,

Co. Meath

Fax: 046 - 9097001

Website: www.meath.ie

PLANÁLA
BY 10/10/14

B 2015

FROM

for LB140803

re:ds

Alison



PLANNING DEPARTMENT
MEATH COUNTY COUNCIL
BUVINDA HOUSE
DUBLIN ROAD
NAVAN
CO. MEATH
10/10/2014 14:47:29

Receipt No.

AN BORD PLEANÁLA
TIME 17 FEB 2015
CY
LTR DATED FROM
SUBMISSION LB140803

GERARD FRAWLEY & THOR PREISLER
GREENHILLS
DEAUPARC
NAVAN
CO MEATH
SUBMISSION LB140803

PLAN SUBMISSION RECEIPTS NAVAN 20.00
GOODS 20.00
VAT Exempt/Non-vatable

Total 20.00 EUR

Tendered : 20.00
CASH

Change : 0.00

Issued By : ALISON RYAN
From : PLANNING DEPARTMENT

For inspection purposes only
Consent of copying is not required for other use.