



An
Bord
Pleanála

Board Direction
BD-006055-20
ABP-304850-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/07/2020.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the Project Ireland 2020 | National Planning Framework, the Capital Investment Plan 2016-2021, the Border Regional Authority Regional Planning Guidelines (2010 – 2022), Food Wise 2020, Spatial Planning and National Roads Guidelines for Planning Authorities (2012), Cavan County Council County Development Plan 2014 – 2020 and the policies to implement the provisions set out in 'Harvest 2020', the Environmental Impact Assessment Report submitted, the Natura Impact Statement submitted, the long established enterprise in the area, and the Inspector's report, it is considered that subject to the following conditions, the proposed development would not have an adverse impact on the biodiversity of the area, the carrying capacity of the N3 or on traffic safety, would not have a significant impact on residential amenity, and would have an acceptable impact on visual amenity, and would otherwise be in accordance with the proper planning and sustainable development of the area.

Stage 1 Appropriate Assessment Screening

The Board completed a Stage 1 Screening for Appropriate Assessment in relation to the potential effects of the proposed development on designated European Sites,

taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European sites, in view of the site's Conservation Objectives other than the River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 004232) which are the European sites for which there is a likelihood of significant effects.

Stage 2 Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 004232) are European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for the River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 004232), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European sites in view of the sites' conservation objectives

Environmental Impact Assessment

The Board completed, in compliance with s.172 of the Planning and Development Act 2000, an Environmental Impact Assessment of the proposed development, taking into account:

- The nature, scale, and extent of the proposed development,
- The Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- The submissions from the applicant, Planning Authority, the observers, and the prescribed bodies in the course of the application, and
- The Planning Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the EIAR, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

Reasoned Conclusions on the Significant Effect

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts below:

- Traffic effects arising from additional traffic on the N3 and additional traffic turning movements to and from the facility. These effects would be mitigated by the reduction in access points from two accesses to a single access, significant improvements in the location and design of the access, a Vehicle Booking/ Scheduling for HGV's, and a Mobility Management Plan for staff.

- Effects on Biodiversity including aquatic and terrestrial ecology. Those arising during the construction phases would be mitigated by timing the removal of existing vegetation, implementing landscaping proposals, implementation of a CEMP and standard operating procedures for works near water including Guidelines on Protection of Fisheries during Construction works in or adjacent to Waters' (IFI, 2016). Those arising during operational phase would be mitigated by the WWTP upgrade, the measures proposed to collect and treat surface water, and satisfactory proposals to deal with the containment of all fire-water within the site.
- Effects on Water which are similar to the foregoing and which would be similarly mitigated.
- Potential indirect impacts on the climate arising from association of the proposed development with activities in the dairy sector, which activities are given recognition in the targeted measures outlined in the Climate Action Plan such as the positive engagement of farm enterprises in sustainability initiatives and making food production more efficient and enhancing environmental outcomes.

The Board concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not have an adverse impact on the biodiversity of the area, the carrying capacity of the N3 or on traffic safety, would not have a significant impact on residential or visual amenity in the vicinity, would facilitate necessary expansion in dairy production in the region in line with national policy and would otherwise be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to commencement of work on site, all details relating to improvement works on the N3 National Road to facilitate widening and provision of the right turning lane shall be agreed in writing with the planning authority. Details to be submitted include:</p> <ul style="list-style-type: none"> - Detailed design drawings, documents, and all proposed works on site in accordance with the latest standards set out in TII publications, including Pavement and Foundation Design Reference DN-PAV-03021. - All reports including ground investigation and topographical survey information pertaining to the design. - All construction stage management plans and traffic management plans for works affecting the National Road. <p>Reason: In the interests of traffic safety.</p>
3.	<p>All necessary consents shall be in place prior to the commencement of works on the public road.</p> <p>Reason: In the interests of orderly development</p>

4.	<p>a) At its junction with the public road, the gradient of the access road shall not be greater than 2% for a distance of 7 metres and not greater than 5% for the remainder of the first 20 metres.</p> <p>b) Car and HGV parking shall be appropriately marked with thermoplastic road marking materials designating parking bays, circulation lanes and areas to be kept clear of parking. All roadways and junctions to have signage and road-markings in accordance with the 'Traffic Signs Manual'.</p> <p>c) Car park, internal service road and entrance area shall be structurally designed taking into account ground conditions and proposed levels of use. Areas shall be surfaced using appropriate depths of bituminous bound materials.</p> <p>d) No advertising signs or devices including those normally considered to be exempted shall be erected or displayed within 7 metres of the nearside edge of the N3 National Road.</p> <p>e) On site lighting shall be appropriately designed and positioned so that it does not cause glare for motorists travelling on the National route. A detailed lighting scheme, to include the specification of downward and sensitive lighting, shall be submitted to the planning authority for written agreement, prior to the commencement of development.</p> <p>Reason: In the interests of traffic safety</p>
5.	<p>A stage 3 Road Safety Audit of the development and its junction with the public road shall be carried out prior to commencement of phase 2 of the development and shall be submitted for the written agreement of the planning authority. Recommendations of the Audit shall be implemented by the developer.</p> <p>Reason: In the interests of traffic safety.</p>
6.	<p>Prior to the commencement of work on site the developer shall submit details of the proposed Mobility Management Plan (for staff) to be</p>

	<p>implemented on the site to ensure that there are proactive methods of influencing travel behaviour and a shift to more sustainable travel modes such as walking, cycling, car sharing, public transport etc per National Transport Authority document 'Achieving Effective Workplace Travel Plans: Guidance for Local Authorities'; and details of the proposed implementation of a Vehicle Booking/ Scheduling for HGV's, for the written agreement of the planning authority.</p> <p>Reason: To mitigate the impact of increased traffic on the N3, national primary road.</p>
7.	<p>During the construction phase the developer shall be responsible for ensuring that no pavement or structural damage occurs to the public road as a consequence of the works and any damage shall be repaired at full cost to the developer.</p> <p>Reason: In the interests of traffic safety.</p>
8.	<p>During the construction phase the developer shall be responsible for ensuring that public roads travelled by construction traffic are maintained in a clean and soil free condition at all times. Any costs incurred by Cavan County Council for cleaning the affected road system shall be borne by the developer.</p> <p>Reason: In the interests of traffic safety.</p>
9.	<p>A minimum of 10% of all proposed car parking spaces shall be provided with functioning electrical vehicle charging stations/points and ducting shall be provided for all remaining proposed car parking spaces to facilitate the installation of electric vehicle charging points/stations at a later date.</p> <p>Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed provisions shall be carried out and completed prior to occupation of the proposed development.</p>

	Reason: In the interest of sustainable transport.
10.	Detailed proposals for the containment within the site of all fire-water which would be likely to be required for fire-fighting, in the event of a fire occurring on site, and including a schedule for implementation of works, prior to the commencement of phase two of the proposed development, shall be submitted for the prior written agreement of the planning authority. Reason: In the interest of protecting the lake.
11.	Prior to commencement of work on site, the developer shall submit for the written agreement of the planning authority, details of external finishes of buildings and structures, boundary treatment and signage and a schedule for the implementation of the landscaping proposals. Reason: In the interests of orderly development.
12.	Prior to commencement of work on site the Construction Environmental Management Plan, which in relation to the development taking place within the lake shall adhere to the Guidelines on Protection of Fisheries during Construction works in or adjacent to Waters' (IFI, 2016), shall be submitted for the written agreement of the planning authority. Reason: In the interests of orderly development.
13.	All mitigation and monitoring measures outlined in the Environmental Impact Assessment Report, the Natura Impact Statement and the CEMP, shall be carried out in full, except where otherwise required by conditions attached to this permission. Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment and European sites.
14.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by

or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member

Date: 08/07/2020

Stephen Bohan