



Planning and Development Acts 2000 to 2022

Planning Authority: Monaghan County Council

Planning Register Reference Number: 22485

Appeal by Paul McGlade on behalf of Glaslough Tyholland Droup Water Scheme Limited of Office 1, The Rossmore Factory, Dublin Road, Monaghan, County Monaghan against the decision made on the 15th day of March, 2023 by Monaghan County Council to grant, subject to conditions, a permission to Silverhill Foods Unlimited Company care of Michael Hetherton of Cogan Street, Oldcastle, County Meath in accordance with plans and particulars lodged with the said Council:

Proposed Development: Development consisting of the construction of (1) of a part single-storey/part two-storey factory development incorporating chilling, plucking and processing areas, offices, plant rooms, lairage and loading and unloading areas, canteen and hygiene facilities and single story conveyor linkage to existing factory facility; (2) single-storey skip storage and plant room; (3) construction of two number underground water storage tanks; (4) a single-storey extension to the side of existing storage shed to incorporate an offal processing facility with permission being sought for the change of use of the existing storage shed for use as an offal processing facility; (5) provision of additional car parking facilities, security fencing and

access roads; (6) connection to existing on-site mains foul sewer, water, and drainage services; (7) partial removal of existing concrete yard areas and associated structures; (8) installation of solar panels to roofs of structures; (9) construction of underground attenuation drainage system; (10) completion of all associated site structures and ancillary site works including a treated effluent wastewater drip irrigation system encompassing nine plots of land spread over circa 15 hectares with a total disposal volume of up to 480 cubic metres per day, at Corlattallan, Emyvale, County Monaghan. The proposed development was revised by further public notices received by the planning authority on the 2nd day of February 2023, relating to a revised Environmental Impact Assessment Report, revised site layout plan and revised site boundaries. The application relates to a development which comprises an activity that holds an IED (Industrial Emissions Licensing) license from EPA (Environmental Protection Agency). An EIAR (Environmental Impact Assessment Report) and an AASR (Appropriate Assessment Screening Report) have been submitted as part of this application.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

In deciding this application the Board had regard to:

- (a) the Planning and Development Act 2000, as amended,
- (b) the Monaghan County Development Plan 2019-2024, including those pertaining to agri-food uses, industrial uses and commercial uses, noting, in particular, that the use is established on the site,
- (c) all information contained in the third-party appeal,

- (d) the application documentation, including the EIAR and supporting technical appendices
- (e) the information contained on the planning file including the report of the Planning Inspector.

Appropriate Assessment Screening

The Board considered the Appropriate Assessment Screening Report submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on Slieve Beagh Special Protection Area (Site Code 004167), Slieve Beagh-Mullaghafad-Lisnaskea Special Protection Area (Site Code UK9020302) and Lough Neagh and Lough Beg Special Protection Area (Site Code UK9020091). The Board agreed with the Planning Inspectors assessment that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on these sites or any European site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not therefore required.

Environmental Impact Assessment

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

- (a) the nature, scale, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application,

- (c) the grounds of appeal, the submissions from the planning authority, the prescribed bodies and third parties in the course of the application and appeal, and
- (d) the report and recommendation of the Planning Inspector.

The Board considered that the Environmental Impact Assessment Report (EIAR), supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

Reasoned Conclusions on the Significant Effects

Having regard to the examination of environmental information, including the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and public in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

Water Quality/Biodiversity/Human Health:

At operational stage, potential significant negative impacts on groundwater quality and surface water quality could arise from the discharge of treated effluent to land, in the absence of mitigation measures. At both construction and operational stages, significant negative impacts on surface water quality could arise from soiled surface water run-off from hardstanding on the site, in the absence of mitigation measures. In addition, any such impacts on groundwater and surface water quality could result in subsequent significant negative impact on human health, as a result of a reduction in drinking water quality, noting that Emy Lough is a source of drinking water, and noting the

hydrological connections from the site to same. Such impacts on surface water quality could also result in significant negative impacts on the habitat of water dependant species, and on species directly, including fish and aquatic invertebrate populations, downstream from the site. At construction stage, measures to avoid potential impacts on water quality include best practice construction measures, as set out in the EIAR and the Outline Construction and Environmental Waste Management Plan (CEWMP). At operational stage, and in relation to surface water run-off from areas of hardstanding within the site, attenuation tanks, and silt and hydrocarbon interceptors will ensure that surface water run-off from the site will not result in a reduction in water quality in surrounding surface water bodies. Also at operational stage, mitigation measures specifically related to the drip irrigation project are set out in detail in the EIAR and include inter alia monitoring of groundwater and surface water quality, and soil moisture probes which cease irrigation if the soils are saturated. Such measures will ensure that there will be no significant negative residual impacts on groundwater or surface water bodies, with no subsequent negative residual impacts on human health nor on biodiversity.

Significant positive impacts on surface water quality will result from the cessation of treated effluent to the unnamed stream to the site.

Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described, and assessed. Any negative residual environmental impacts identified are not significant over the long-term and would not require or justify refusing permission for the proposed development or require substantial amendments.

Conclusions on Proper Planning and Sustainable Development

The proposed development is in compliance with the relevant policies as set out in the Monaghan County Development Plan 2019-2024 pertaining to agricultural uses, industrial uses and commercial uses, noting, in particular, that the use is established on the site. Specifically in response to the issues raised in the third-party appeal, the application documentation, including the Environmental Impact Assessment Report (EIAR) and supporting technical appendices, demonstrate that, subject to mitigation measures, the proposed drip irrigation scheme will not result in any significant negative impacts on groundwater or surface water receptors, and will therefore not have any significant impacts on the water quality of Emy Lough.

More generally, it is not considered that there will be any significant negative environmental impacts as a result of the proposed development, subject to compliance with the mitigation measures as set out in the EIAR, and subject to compliance with the conditions as set out below. It is also considered that the cessation of treated effluent discharge directly to the unnamed stream on site, which discharges to the Corlattalan Stream, will likely have a significant positive impact on the water quality in the surrounding surface water environment. The requirement for the facility to be subject to, and regulated under, an Industrial Emissions Licence to be issued by the Environmental Protection Agency is also noted.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety. 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 application, as amended by the further plans and particulars submitted on the 2nd day of February 2023, 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. All of the mitigation measures detailed in the submitted documentation, including the Environmental Impact Assessment Report (EIAR) and associated Appendices, shall be implemented in full within the timescales listed in those documents.

Reason: In the interest of protecting the environment and in the interest of public health.

3. (a) The drip distribution system shall be installed, maintained and operated in accordance with the requirements of the Environmental Protection Agency Licence.

(b) There will be no drip distribution of effluent except in accordance with the requirements of the Environmental Protection Agency licence and with the requirements of S.I. No. 113 of 2022 European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2022.

Reason: In the interest of protecting the environment and in the interest of public health.

4. (a) Prior to commencement of development, developer shall apply to the Environmental Protection Agency for a review of the existing Licence or as otherwise agreed in writing with the planning authority.
- (b) All sludges from the wastewater treatment plant shall be stored appropriately and collected, recovered or disposed of at an authorised facility in accordance with the Waste Management Act 1996, in accordance with the requirements of the Environmental Protection Agency licence and with the requirements of S.I. No. 113 of 2022 European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2022, as amended, and records of such shall be kept on site and made available for inspection. Any changes in outlet for the sludges arising onsite shall be agreed in writing with the planning authority.
- (c) All organic fertilisers, soiled waters, treated effluent, sludges where required shall be stored on site, in leak proof storage facilities and shall not be discharged directly or indirectly to any surface or ground waters.
- (d) Any construction and demolition waste or excess soil generated during the construction phase which cannot be reused on site shall be disposed/recovered at an appropriately permitted facility in accordance with the requirements of the Waste Management Act 1996 (as amended).
- (e) All waste oils and any other hazardous waste materials shall be stored appropriately and collected, recovered or disposed of in

accordance with the Waste Management Act 1996 (as amended) and records of such shall be kept on site.

- (f) All hazardous liquid waste or oil/fuel storage containers, temporary or otherwise shall be bunded. All bunds shall be designed to contain 110% of the capacity of the largest storage container located within the bund. There shall be no overflow drain facility from any bunds on site and all filling and off take points shall be located within a bund.
- (g) Facilities shall be provided for the collection and segregation of recyclable waste. Wastes shall be collected for recycling/reuse whenever feasible or otherwise disposed of in accordance with the Waste Management Act 1996 (as amended).

Reason: In the interest of protecting the environment and in the interest of public health.

- 5. Prior to the commencement of development, the applicant shall submit detailed proposals in relation to the proposed surface water/storm water drainage arrangements, and for agreement in writing with the planning authority. The submitted details shall ensure that there is consistency within all relevant documentation, noting in particular the attenuation requirements as set out in 'Attenuation Design Report' (dated 11th of November) which are not reflected in the drawings as submitted with the planning application.

These surface water drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works. These arrangements shall also provide for silt traps and petrol/oil interceptors, as appropriate.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

6. Water supply and the arrangements for the disposal of foul water, shall comply with the requirements of the Uisce Éireann for such works and services.

Reason: In the interest of public health and to ensure a satisfactory standard of development.

7. Site access arrangements, and the provision and maintenance of visibility splays, shall comply with the requirements of the planning authority for such works.

Reason: In the interest of road safety.

8. All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the planning authority. Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the planning authority.

Reason: In the interest of visual amenity and to integrate the development into its surroundings.

9. Any transport, disposal and or use of organic waste material, including by a third party by agreement, as fertiliser, shall be in accordance with the system of regulatory control in place by relevant national authorities, including in relation to regulations pursuant to Council Directive 91\676\EEC (Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Reason: In the interest of clarity, to ensure the satisfactory disposal of waste material, and to prevent pollution of water courses.

10. (a) The recommendations set out in the Stage 1/2 Road Safety Audit submitted on the 14th of November 2022 shall be implemented in full.
- (b) Within six months of completion of all works, a Stage 3 Road Safety Audit shall be submitted to the planning authority for agreement in writing.

Reason: In the interest of traffic safety and orderly development.

11. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist

within the site.

12. 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.



Liam Bergin

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 12th day of September 2024.