



An
Bord
Pleanála

Inspector's Report PL19.248139.

Development	Material alterations and revisions to a meat factory cold storage facility previously approved.
Location	Carrick Road, Edenderry, Co. Offaly.
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	16/415
Applicant(s)	Rosderra Irish Meats Group
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	Third Party vs. grant
Appellant(s)	Michael and Josephine Bergin Kathleen and Oliver Burke
Observer(s)	None.
Date of Site Inspection	1 st June 2017
Inspector	Ciara Kellett

1.0 Site Location and Description

- 1.1. The appeal site is located on the northern side of Edenderry Town. The site is accessed off the R402 Carrick Road. A large meat factory has been located on the site in excess of 25 years and employs 500 plus staff. The existing factory is subject to an Environmental Protection Agency (EPA) Industrial Emissions Directive (IED) licence.
- 1.2. A GAA pitch is located to the north-west of the site, also accessed off the R402 road. Low density dwellings are located to the north of the GAA facility and to the north-east of the facility.
- 1.3. It is proposed to build a new distributor road in lands to the south-east of the site and bounding the proposed location of the new facility.
- 1.4. The new cold storage facility, which has already been granted planning permission, is to be located to the east of the existing factory. This new facility will be closer to the Clonmullen Road to the east, and the two appellants who reside in dwellings to the north-east of the site.
- 1.5. The site is c. 600m south of the River Boyne and c.650m north of the Main Street of Edenderry.
- 1.6. Appendix A includes maps and photos of the site.

2.0 Proposed Development

- 2.1. The proposal consists of modifications and changes to a previously approved development for cold storage incorporating cold store rooms, offices, loading bay etc. The original permission was granted in June 2016. The development included an extension of the access road and a concrete yard and twelve parking spaces to the south.
- 2.2. The applicant states that this application is for a revised layout incorporating internal layout changes, consisting of alterations in size of the two original cold store rooms, a new forklift charging room, relocation of first floor office, addition of 6 freezer rooms, relocation and enlargement of plant and electrical rooms, addition of external

services catwalks and alterations to elevations to match new internal layouts. Three car parking spaces are identified on the drawings to the north of the cold store.

- 2.3. It is stated that the gross floor area of the proposal is 4,567.38sq.m. The overall height of the building is c.15m from yard level to ridge height. The building runs in a north-south direction and is c.94m in length and c.45m in width.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 4 standard conditions, including a condition stating that the proposal will be carried out in accordance with the relevant particulars and conditions of the previously approved planning permission, except for the changes approved in this revised application.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority decision. It includes:

- The application is considered to be in accordance with County Development Plan policy and Edenderry Local Area Plan policy.
- Considers parking for 46 cars would normally be required to comply with car parking standards, however notes that there will be no additional traffic associated with the proposed development, as the product lines are going to be stored onsite as opposed to offsite. The production capacity of the factory will not be increased and there are a total of 213 car parking spaces already provided.
- The proposed development will use the existing factory entrance which is considered acceptable. Roads Design seek the preservation of a potential link to the proposed distributor roadway in the south-east of the site.
- Notes that the activities being carried out in the existing factory are the subject of an Integrated Pollution Prevention Control Licence ref. P0180-02 issued by the EPA. Notes that the control of emissions is a function of the EPA.

- Carries out an EIA screening under Class 7(f) and Class 13(a), and states that a request for observations was made to the EPA to assist the Planning Authority to make a determination as to whether an EIA may be required. The EPA concluded that an EIA may be required, if the proposed development is considered likely to have significant effects on the environment.
- Considers that the application is for cold storage and will not lead to an increase in the slaughter capacity of the plant. Considers that as the proposed development is not development of a class listed in Part 1, or paragraphs 1 to 12 of Part 2 of the Planning and Development Regulations, Class 13(a) does not apply. Considers that the development of cold storage facilities would be unlikely to have significant effects on the environment and will therefore not require an EIS.
- Considers that the principle of development was established by the grant of permission under PL2/15/362, and that this application is for an alteration, and recommends a grant of permission.

The decision was in accordance with the Planner's recommendation.

3.2.2. Other Technical Reports

- **Area Engineer:** No objection subject to conditions
- **Environment & Water Service:** No objection subject to conditions
- **CFO:** No objection subject to conditions
- **Roads Design:** Seek the preservation of a potential link to the proposed roadway at the south eastern boundary of the site.

3.3. Prescribed Bodies

- **Health Service Executive:** No objection subject to conditions
- **Irish Water:** No objection subject to compliance with emission limits established in EPA Licence.
- **EPA:** File referred for EIA Screening. EPA note that the existing factory is now the subject of an IED licence and was amended on 19th December 2013. Notes that the activity may be of the type listed in Class 7(f) of the

Regulations and if so, an EIA may be required. Notes that should Offaly County Council determine that an EIA is required, the agency will require that the associated EIS is submitted in support of any licence review application.

- **Arts Council, DoAHRRGA, An Taisce, Heritage Council:** File Referred, no submission on file.

3.4. **Third Party Observations**

Five third party submissions were made. The submissions related to noise and odour pollution coming from the existing factory and will be dealt with in more detail in Section 6 below.

4.0 **Planning History**

There have been a number of planning applications associated with the existing factory. The key applications are:

- **Reg. Ref. 88280:** Permission for a meat processing plant/cold store/advance factory granted in September 1988.
- **Reg. Ref. 90108:** Permission granted for an effluent treatment plant in October 1990.
- **Reg. Ref. 081024:** Extension of an existing process corridor and new freezers, pallet and returnable packaging store, water storage tank (300m³) and pump house granted permission in June 2009. This development was subject to an EPA Integrated Pollution Prevention and Control licence.
- **Reg. Ref. 14268:** Retention for relocated security hut, lean-to, single storey stunner building and emergency response building and permission for new single storey chill extension and lairage extension, granted permission in February 2015.
- **Reg. Ref. 15258:** Construction of an extension (370sq.m) granted permission in November 2015.
- **Reg. Ref. 15362:** Construction of a new cold store building incorporating two cold store rooms, two storey offices, loading bay, refrigeration plant, storage

room and associated site works granted permission in June 2016. *This is the permission which is to be modified in the subject application.*

- **Reg. Ref. 1625:** Amendments to Ref. 14268 granted permission in March 2016.

In the vicinity there have been a number of planning applications associated with the GAA and the Edenderry Mart to the west of the site.

5.0 Policy Context

5.1. Development Plan

The site is subject to the policies and objectives of the Edenderry Local Area Plan 2011 - 2017. A Draft Local Area Plan 2017 – 2023 has been published and will be considered herein also. The Draft Plan is currently on display until 9th June.

5.1.1. Edenderry LAP 2011 - 2017

The site is in an area zoned for Industry on the Zoning Map accompanying the LAP. Chapter 3 of the Plan considers Employment and Chapter 9 considers Land Use and Zoning.

Section 3.6 of Chapter 3 states '*It is envisaged that there should be renewed emphasis on the creation of long-term sustainable employment in industry including production and manufacturing in Edenderry and the Service industry*'.

Policy **P03-01** states:

It is Council policy to ensure employment maintenance, generation and expansion as a key focus of the development of Edenderry.

Section 9.3.5 of Chapter 9 refers to areas zoned Industrial. It notes '*The use of land as 'Industry' shall be taken to include the use of land for industry manufacturing, repairs, warehousing, distribution, open-storage, waste materials treatment and recovery and transport operating centres. These uses are not always directly compatible with residential uses and their location in the plan generally reflects this. There is a significant supply of undeveloped serviced lands that are zoned industrial in Edenderry*'.

5.1.2. **Draft Edenderry Local Area Plan 2017 – 2023.**

There is no change proposed to the zoning of the lands in the Land Use zoning map. It is still zoned as Industrial. Chapter 6 refers to Achieving Goals. Section G1 of Chapter 6 refers to Employment and Enterprise.

Policy **EEP2** states:

There is a positive presumption towards employment and enterprise opportunities and development in appropriately zoned locations in Edenderry to create sustainable jobs and a strong and diversified local economy.

EEP3 states:

To protect employment zoned land from inappropriate development that would undermine future economic activity or the sustainable economic development and growth of the town.

Section G6 refers to Infrastructure. Objective **MT03** refers to distributor roads:

Deliver distributor roads in and around the town providing for an alternative route away from the town centre area and to open backland developments for further development potential as indicated on the landuse zoning map. The need for remedial works to safeguard existing residential areas adjoining distributor roads will be examined and provided where necessary for public safety.

5.2. **Natural Heritage Designations**

The site is located approximately 5km from the Long Derries SAC (Site Code 000925).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Two third party appeals have been submitted from residents in the locality. In summary, they state:

Michael and Josephine Bergin.

- Proposed development will be located 130m from their dwelling.
- On a vast number of occasions, they have contacted Rosderra Meats in relation to the growing level of noise coming from the plant during the night.
- Odours come from the plant all around the clock.
- There is little care for the residents, and an increase in the plant size will further diminish the quality of life due to noise and odours.
- They have made contact with Rosderra Meats on numerous occasions to no avail.

Kathleen and Oliver Burke

- Rosderra Meats has made life very difficult and planning permission granted on 01/06/16 has added to the problem.
- Under advice they have kept a diary of the noise nuisance and enclose a copy.
- The Noise Assessment Report commissioned by Rosderra Meats included a list of recommendations – very few, if any, have been carried out.
- Timelines to implement recommendations have been changed from month to month.
- The expansive development as proposed could make lives very difficult.

6.2. Applicant Response

- Application is for a revised layout to an already permitted development.
- Due to internal design changes, it was considered best practice to submit a revised planning application which incorporates the exact layout.
- Comments in the appeal relate to a separate and different part of the facility which is controlled under an existing EPA licence.
- A number of independent surveys have been carried out in relation to noise and odour, and the results are in compliance with the EPA licence.

- The application relates to a new cold store which is a dry process – there are no odour generating activities.
- All recommendations in the Noise Report that Rosderra Meat provided, and made available to the appellant have been completed.
- Noise emissions will be in compliance with the EPA licence limits and there will be no additional traffic – the product will be frozen on site rather than sent out fresh for external freezing.
- Proposed project has considered existing properties and amenities while still complying with client's brief. Design techniques have been incorporated to reduce noise, and landscaping and embankments are proposed to minimise noise and visual appearance.
- The revised design has not exceeded the height or form of the building that was granted permission previously.

6.3. Planning Authority Response

The Planning Authority had regard to the contents of the appeal, and notes that the development is subject to a licence from the EPA, and the issues raised by the appellants relate to the existing plant.

7.0 Assessment

I consider the key issues to be addressed in this appeal are set out below and a new issue is included. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Noise and Odour
- Car Parking – New issue
- Appropriate Assessment

7.1. Noise and Odour

Both appellants refer to their concerns with noise and odour emissions from the existing factory. The existing factory is subject to an IED licence from the EPA, which conditions limits on noise and odour emissions during operational activities.

This application relates to modifications to a new, as yet unbuilt, cold storage facility. The applicant has advised that cold storage is required to allow the product to be frozen on site, rather than send it out fresh for external freezing before delivery to the customer. The cold storage facility is stated as being a dry process with no effluent. It is stated that there will be no odour generating activity because the product will be wrapped, sealed and frozen at all times. With respect to noise, it is stated that the new building will be in compliance with the IED licence noise limit, and that there will be no additional internal or external traffic.

The appellants are concerned that an increase in the plant size will further diminish the quality of life due to noise and odours. Section 34(2)(c) of the Planning and Development Act 2000, as amended, states that where an application relates to a development which is for the purposes of an activity where a licence is required, the control of emissions is a function of the EPA. The existing factory is subject to noise conditions in their IED licence and the site will have to continue to comply with those conditions.

With respect to noise and odour generated during construction, the original permission included a condition (no.7) which required that any environmental nuisance shall be contained at an acceptable level. I would consider that should the Board recommend granting permission, a condition requiring that the modifications are carried out in accordance with the conditions of the parent permission should be included.

In conclusion, emissions are subject to IED licence limits. Any noise or odours generated during construction must be contained at an acceptable level, and I would recommend that a Construction Management Plan is agreed in writing with the Planning Authority prior to commencement.

7.2. Car Parking – new issue

There is a change proposed in car parking - in both the layout and numbers - which has not been specifically identified on the public notices, albeit the public notices refer to all associated external siteworks. The original planning application (Reg. Ref. 15/362) indicated that 12 new car parking spaces were included as part of the development of the cold store – the 12 spaces were indicated on both the drawings and application form. The car parking spaces were located on the southern side of the development.

In the revised application before the Board, only three spaces are identified on the drawings, including one disabled space. The three spaces identified on the drawings, are now located on the northern side of the development.

With respect to the existing car parking to the north of the existing factory, there are differences between the plan layout drawings accompanying the parent application and subject application.

I note that the applicant states that there will be no increase in traffic with the addition of the cold storage facility. As such, I do not consider that parking changes in the existing car park form any part of the application before the Board.

Having regard to the fact that there are no changes in traffic proposed for the new cold store, I consider that the modification with respect to the reduction in new car parking proposed for the cold store, from 12 to 3 no. spaces, is acceptable.

7.3. Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Edenderry Local Area Plan 2011 - 2017, the nature and scale of the modifications proposed, the industrial zoning of the area which provides for such uses, and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposal would not seriously injure the residential amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. Apart from any departures specifically authorised by this permission, including only the changes in parking permitted being the reduction from 12 no. car parking spaces to 3 no., the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 01/06/2016 under planning register reference number PL2/15/362, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

2. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

3. The developer shall ensure that the location of the proposed attenuation tank, as detailed in drawing RIM-16-MAA01 shall be designed and located so that it does not prohibit future access onto the proposed road network at the south-east corner of the site.

Reason: In the interest of proper planning and orderly development.

4. 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.

Ciara Kellett
Inspectorate

2nd June 2017