



An
Bord
Pleanála

Inspector's Report

ABP-304349-19

Development	The construction of 2 no. ESB substations and other works.
Location	Cornagarvoige, Inniskeen, Co. Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	18563
Applicant(s)	McArdle Transport Ltd T/A McArdle Skeath
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	Third Party
Appellant(s)	Francis & Anne McArdle
Observer(s)	None
Date of Site Inspection	23 rd of August 2019
Inspector	Angela Brereton

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1.0 Site Location and Description

- 1.1. The subject site is located in the townland of Cornagarvoge in the rural area to the south of Inniskeen, and to the east of Carrickmacross Co. Monaghan. The boundary encompasses the established McArdle/Skeath site in Inniskeen. The existing warehouse and office buildings are located on the south side of the local road and access is to the north of the junction with the R178. There are two separate gated controlled vehicular accesses to the site, one to the office building and carparking area and the other to the yard and warehouse buildings. This is a large site with a number of warehouse type buildings and busy yard area. It is screened from the public road by a stone wall.
- 1.2. While on site I noted a number of transport HGV type vehicles entering and exiting the site via the gate controlled access. There is a manned security hut on site. I also noted some building works going on in and adjacent to the warehouse to the north west. There are external generators to the south of this unit which have some impact on noise and provide a continuous noise emission. The condensers are within the first floor roof level of the structure. There is an old single storey prefabricated building to the north west that is to be removed to facilitate the works.
- 1.3. There is an access road and a dwelling house and farmyard to the west of the site (Appellant's). This access road serves the house and farm buildings. The latter have separate gated access at the end of this lane to the south west. The entrance to the dwelling house is close to the public road and site frontage. There is an older house, adjacent to and condoned off from the McArdle Skeath site, but within the red line boundary. This did not now appear to be occupied. There is also a dwelling in separate ownership on the opposite side of the public road.
- 1.4. The McArdle Skeath site and associated warehouse buildings are visible in the surrounding landscape and from the R178. While the dominant surrounding use is agricultural, there are some scattered dwellings in the rural area. There are also some commercial activities, including Matthews Coaches, within 1.5km of the site.

2.0 Proposed Development

- 2.1. This is to consist of the following:

- The demolition of an existing disused single storey flat roofed office building;
- The erection of a 2.4m high boundary wall, adjacent to the demolished offices;
- The erection of a 9m high sprinkler fire water storage tank, with associated containerized sprinkler pump house and standby generator;
- Proposed platform to South-West of existing warehouse, to support Mechanical and Electrical equipment;
- The construction of 2No. ESB Substations with attached MV & LV switch rooms and transformer compounds to service existing site;
- Minor amendments to layout of existing boundary wall; together with all associated site works.

2.2. Drawings including a Site Layout Plan, Floor Plans and Elevations have been submitted.

3.0 Planning Authority Decision

3.1. Decision

On the 5th of April 2019, Monaghan County Council granted permission for the proposed development subject to 3no. conditions.

Condition no.1 concerns restriction on noise levels and is as follows:

Noise levels within the site shall not exceed 55dB(A) LAeq at any point along the site boundaries between 08.00 and 19.00, 7 days a week. At all other times noise levels shall not exceed 45dB(A) LAeq. At no time shall the noise levels exceed the background level by 10dB (A)LAeq.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report has regard to the locational context of the site, planning history and policy and to the submissions made and the interdepartmental reports. Their Assessment included the following:

- They have regard to planning policies and objectives and note that generally the expansion and development of existing rural based industrial type businesses, is acceptable provided they do not impact adversely on the residential amenity of existing properties.
- This is a long established site, generally the proposed development will tie into the existing development on site.
- They note noise concerns and had regard to the Environmental Health Officer comments and requested further information.
- The site is removed from Natura 2000 sites and there are no significant pathways in the vicinity. It is not necessary for an AA to be carried out.

Further Information request:

- The applicant was requested to confirm if the proposed development is (i) compatible with the adjacent land uses (single housing), (ii) will harm the amenity of local residents and (iii) satisfactorily deals with all emissions, especially noise.
- The submission of a Detailed Noise Assessment Report to confirm that the proposal will not generate cause noise nuisance in the immediate vicinity, specifically regarding the proposed condensing units and the adjacent third party house, immediately northwest of the site.
- A revised site layout drawing (1:500) indicating the precise location on the on-site wastewater treatment system serving the existing development.
- Design details of the on-site wwts and confirmation that it has been maintained/serviced in the past year.
- A response to the issues raised by the objector.

Response to Further Information:

- The planning application does not propose a change of use to the existing use for storage warehouse.
- The proposed development relates primarily to an internal fit out of the existing warehouse building.

- The proposed condensers will facilitate the desired temperature control. They will be internal whereas they were previously to be externally located and this will reduce noise issues.
- Revised drawings have been submitted showing amendments in response to the matters raised. They provide details of the revisions made.
- A Noise Impact Assessment has been submitted which has concluded that the proposed development will not have a detrimental impact on the residential amenity for the adjacent users.
- The height of the proposed water tank has now been reduced from 9m to 6m which will lessen its visual impact.
- They provide details of the existing wwts provided on site including regard to its location and capacity. They will continue their annual maintenance regime on the system.
- The enclosed NIA provides a detailed assessment of noise emissions including that received by a receptor close to the submitter's property.
- The NIA concludes that the noise emitted by the proposed development is below the levels set by the EPA and will not impact adversely on neighbouring properties.
- The proposed development will not lead to an intensification of use.
- The proposal complies with planning policies and objectives and will have negligible impacts on the amenities of the surrounding area.

Planner's Response

The Planner had regard to the F.I submitted and their Assessment includes regard to planning policy and the submission made and they considered the proposal as per the F.I submitted to be acceptable. They recommend that permission be granted subject to conditions. They noted that a *Community, recreation and amenity development* contribution is not due in this instance.

3.3. Other Technical Reports

The Environmental Health Officer

They recommended that F.I be sought to include a Noise Impact Statement. In response to the F.I submitted they recommended conditions to restrict noise levels and to avoid noise nuisance at neighbouring properties.

Environmental Report

They have regard to the site location and recommend a number of conditions

The Fire Officer

They recommend compliance with the requirements of the Fire Authority.

3.4. Third Party Observations

A Submission has been made by EHP Services on behalf of adjacent residents Francis and Ann McArdle. This has been noted and as they are the subsequent Third Party Appellants the issues raised are considered further in the context of their grounds of appeal below.

4.0 Planning History

The Planner's Report notes that the Development on-site is covered by several previous planning applications; the most recent was granted in 2014.

5.0 Policy Context

5.1. Monaghan County Development Plan 2019-2025

Noise

Section 8.40 has regard to the implications of Noise pollution, avoidance of adverse impacts when introducing noise sensitive uses, mitigation measures including relative to design and layout and compliance with current standards.

Policy NP1 seeks: *To promote the implementation of the Noise Directive 2002/49/EC and associated Environmental Noise Regulations 2006.*

Air Quality

Section 8.41 is concerned that developments not have a detrimental impact on the environment and comply with current standards, Policies AQP1&2 refer.

Policy AQP 2 seeks: *To contribute towards compliance with air quality legislation; greenhouse gas emission targets; management of noise levels; and reductions in energy usage.*

Residential Amenity

Section 15.13.7 has regard to impact on residential amenity and includes:

Policy RDP 24: Development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity of the development, by reason of overshadowing, overbearing, dominance, emissions or general disturbance shall be resisted.

Industrial & Commercial Developments

Section 15.14 is generally supportive of such and includes Policy ICP1 which promotes such developments to be located within or adjacent to settlements and includes that proposals for industrial and commercial developments will be permitted subject to a number of criteria (a to i). These include regard to impact on residential amenity, environment and visual impact, and the character of the rural landscape.

Sub-section (d) is relevant to Noise and includes the following:

The provision of a buffer zone up to 15m in width, or as otherwise determined by the Planning Authority according to the proposed operations, where industrial and other sensitive land uses adjoin, to ensure amenities of adjacent properties are not adversely affected and that there is no significant amenity loss by way of noise, smell or other nuisance to immediate neighbours or the area in general as a result of the proposed development, lighting and the amount of traffic generated or the servicing arrangements.

Section 15.31 has regard to the need for a Construction & Environmental Management Plan relative to large scale planning applications. This includes regard to noise mitigation measures during construction works.

5.2. Natural Heritage Designations

The site is not proximate to any Natura 2000 sites and there are no significant pathway connectors in the area.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development relative to the existing established light industrial/warehouse use, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Environmental Heritage Planning Services (EHP) have submitted a Third Party appeal on behalf of the adjoining local residents to the west, Francis and Ann McArdle. Their grounds of appeal include the following:

Siting and Noise

- The proposed development will create excessive and persistent noise, droning and humming that will have a direct and adverse impact upon their residential amenities and living conditions.
- Separation distance from the noise source or the extent of boundary planting provides no reassurance or effective mitigation of the negative impact and intrusion upon their residential amenities.
- There has been a lack of consideration in the siting of the proposed development relative to their residential amenities and proximate agricultural activities.
- The proposed development poses a threat to their dairy farm including by reason of noise emissions.
- The proposed development is contrary to a number of policies and guidelines in the Monaghan CDP and they provide details of these.

- The proposal will result in a depreciation of the value of their property, including their adjoining farmyard and will impact negatively on the viability of their dairy farm.
- The amendments submitted by way of further information do not address in any meaningful way the Appellant's fundamental issues of concern.
- This application represents an intensification of use, introducing cold storage on site and retrofitting the existing warehouse use to a highly specialised use.
- McArdle Skeath does not have the electrical capacity to operate a cold storage unit as proposed hence the proposed ESB substation. This represents an expansion of their business in their Hollystown, Dublin 15 premises.
- Both the internal and external elements of the revised proposal remain within the 15m buffer zone required under Policy ICP1(d).
- They are concerned that the NIA did not carry out an analysis of the noise mitigating properties of the warehouse relative to the impact on their property.
- They also note their concerns relative to the location of the remaining external plant machinery (generator, sprinkler pump and ESB substations).
- They question why the subject warehouse and surrounding land was chosen to accommodate the proposal as opposed to any number of other structures or sites within the wider complex.

Regard to the Applicant's NIA

- They consider that the information submitted is inaccurate and misleading and this proposal will negatively impact on their residential amenity.
- Other noise sensitive receptors in the surrounding area have not been properly assessed in the NIA submitted in response to the Council's F.I request.
- They query the methods used for noise sampling including the positioning of the first floor height of the monitoring microphone.
- They note the noise generating activities occurring in the yard area and within the warehousing on site.

- They consider that such noise sampling of ambient noise is deficient and should have been carried out over a longer period.
- The NIA has no meaningful reassurances that even the revised proposal will properly mitigate against the potential for any detrimental effects on the Appellant's residential amenities and quality of life.
- In view of these issues the Appellants commissioned Q.E.D. Engineering Ltd. to carry out a separate NIA to present a more comprehensive and representative picture of the proposal's true impact – Appendix 2 refers.
- They provide details of the findings of the QED report and note that it concluded that the NIA report did not accurately reflect the ambient noise levels in the surrounding area and specifically the Appellant's property.
- They ask that the Board consider in particular Sections 5 and 6 of the QED report in detail as it effectively undermines the credibility of the NIA report submitted to the Council.
- The QED report effectively establishes that despite the amendments proposed in the FI submitted that the proposal will have a demonstrable and negative impact that is contrary to planning policies and the principles of proper planning and sustainable development.
- While they do not object to the proposal being sited elsewhere away from their property they consider that the current proposal should be refused.

6.2. Applicant Response

A First Party response on behalf of the Applicants has been received from Future Analytics and this includes the following:

- A description of the proposed development relative to the north western corner of the site and the proximity to the neighbouring property (Figures 1-2 refer).
- They note the changes in the F.I submitted to the Council in response to the neighbour concerns and consider that they have proactively demonstrated their willingness to mitigate potential or perceived adverse effects.

- Section 3.0 provides their response/rebuttal to the Third Party grounds of Appeal and these are considered under the following headings:

Noise impacts to residential and general local amenity and flawed NIA

- The NIA provided by Byrne Environmental Consulting in March 2019 provided a detailed assessment of noise emissions including that received by a receptor close to the submitter's property.
- This noted that the relocation of the condensers within the existing warehouse will reduce noise to a negligible level.
- The NIA by Byrne Environmental concludes that the noise emitted by the proposed development is below the levels set by the EPA and adopted by MCC.
- They consider that the QED Report is a noise survey report rather than a Noise Impact Assessment as carried out on behalf of the applicants.
- In response to the QED 'Report on Noise Assessment' the Applicant has commissioned an additional noise assessment to technically evaluate both the Byrne Environmental NIA and the QED Report.
- The TMS Environmental Ltd, technical evaluation (included in Appendix A) concurs with the conclusions of this NIA and noting the concerns of the Appellant was unable to find any such deficiencies in its review of the NIA.
- The activity in the yard area was permitted through various previous permission and is not the subject of the current proposal.
- The end users of this facility, a multinational global company commissioned by Moloney & Associates, Acoustic & Environmental Consultants Ltd to undertake a review and provide an expert opinion on the environmental noise matters associated with the development.
- This review is contained in Appendix B and concluded that there should be no reasonable grounds for noise complaint and/or grounds for disturbance due to noise.

Policy Inconsistency

- They have regard to compliance with planning policy and note that the Council did not have concerns in this regard.
- The Applicant concurs that the FI response including the NIA will satisfactorily deal with emissions especially noise. It demonstrates that the proposed development as amended in response to concerns by the Appellants cannot exceed EPA limits.
- The condition of the Council's permission clearly sets out enforceable limits on noise generation for the proposed development.
- This condition clearly safeguards the neighbouring residential amenity regarding noise and the Applicant intends to fully and proactively comply with this condition during their 24/7 operations.

Impact on Dairy Farm and Property Value

- The Applicant's Noise Report confirms that the noise associated with the proposed activity will not be elevated beyond permitted levels.
- In terms of the proximity of the McArdle Skeath storage facility to that of the dairy farm, it should be noted that the proposed development will not change this arrangement.
- The McArdle Skeath site as a storage, transport and warehousing facility has remained as such since the 1960's. The longevity of this use adjacent to an operational dairy farm in itself is testament to the uses successfully co-existing for decades.
- They include Figures 3 to 6 showing that the subject site's development since the 1970's, with the neighbouring dairy farm and residential dwelling shown alongside the storage activity.
- They consider that the installation of such minor additions and alterations to the storage facility as proposed in this application should not provoke concern regarding impact on residential and farming activities.
- They also query devaluation against such a long standing neighbour arrangement and consider that given that the NIA shows that noise will not

affect neighbouring amenity and this should be set aside in the determination of this application.

6.3. **Planning Authority Response**

There has been no response from the Planning Authority to the grounds of appeal.

6.4. **Further Responses**

EHP Services have regard to the First Party response prepared by Future Analytics Consulting and their response includes the following:

- The provision of two additional purposefully commissioned opinions is an attempt to discredit the noise report prepared on behalf of the Appellants by QED Engineering and does not invalidate or discredit their noise impact assessment report.
- There is a growing disconnect between the information and narrative presented by the Applicant to the Board and what is occurring on site.
- The Applicant currently has generators located next to the old house within the compound running 24/7. They are connected to a condenser serving the freezer room which has been installed within the warehouse.
- They are also concerned that a section of roof was removed in order to provide sufficient ventilation for the condenser to work normally.
- They consider this to be a material alteration to the proposed development that has not been referenced in any of the reports or illustrations in the Applicant's response.
- The extent of works being carried out prior to a decision being made by the Board demonstrates a considerable disregard and disrespect for the appeal process and contributes to the applicant's growing concerns about their residential amenities.
- Despite the length and detail in the appeal response the Applicant has not provided a single justifiable reason as to why this warehouse was selected

over any of the other buildings or potential development plots within the McArdle Skeath compound.

- This warehouse appears to have been purposely selected despite its proximity to the Appellant's dwelling and regardless of consideration towards the impacts from noise, vibration/droning and general disturbance and disruption.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. The subject site encompasses a logistics and warehouse facility including large warehouse units, offices, car-parking and truck parking bays. It is submitted that this long-standing business has operated since the 1960's. Also, that McArdle Skeath are an award winning business providing a supply chain management portfolio in the areas of transportation, refrigeration and product storage. Therefore, there is an established light industrial and associated warehouse use on this site, albeit outside zoned land and in the rural area.
- 7.1.2. The recently adopted Monaghan County Development Plan 2019-2025 includes Section 15.14 and Policy ICP1 which are generally supportive of Industrial & Commercial Developments, particularly in or close to settlements and regard is also had to the expansion of such existing established uses. This includes a number of criteria relative to the impact of development on the residential, visual and environmental amenities of the area.
- 7.1.3. This acknowledges that the impact of noise pollution is an important consideration in assessing all new development proposals. Section 8.40 includes regard to the assessment of the impact of noise pollution on people's quality of life and health. Policy NP1 seeks to comply with current standards relevant to Environmental Noise Regulations. Development Management criteria in the CDP aims to take account of and mitigate noise and/or vibration at site boundaries or adjacent to noise sensitive locations in particular residential properties with reference to layout, design and/or noise attenuation measures.

- 7.1.4. It is of note that the Third Party concerns are mainly regarding the negative impact of noise generation/ emissions from the proposed development on their residential amenity and on their livestock and agricultural holding located to the west of the McArdle Skeath site. They consider that the proposed plant should be relocated elsewhere in the site away from the north western site boundary and their property.
- 7.1.5. The First Party provide that the proposed development will have a negligible impact on noise, vibrations and visual amenity in the surrounding area and that all matters raised have been sufficiently addressed in the Further Information including the Noise Assessment Report and in the First Party response to the grounds of appeal.
- 7.1.6. While it is considered that the principle of development is acceptable, having regard to the long-established use of the site, regard is had to the issues raised relative to the current proposal and to the documentation submitted, including relative to the noise related issues in my Assessment below.

7.2. Rationale for Proposed Development and Usage

- 7.2.1. The First Party response to the appeal notes that presently, McArdle Skeath use the site at Cornagarvogue for activities associated with storage of commercial products and has a capacity of over 21,000 pallet spaces. The company offers storage and transport for a range of products. Their warehouse buildings at Inniskeen are serviced by truck movements using the hardstanding areas, which also incorporate fueling and truck washing facilities.
- 7.2.2. It is provided that the proposed development is to allow McArdle Skeath to incorporate a temperature controlled environment into an existing warehouse building, to store a wide range of goods for its clients; however it will not change the present use of the facility as a warehouse for the storage and distribution of goods. As the use of the warehouse will remain unchanged, they provide that the proposed development is considered to remain compatible with the adjacent land uses.
- 7.2.3. The details submitted note that the proposed development relates primarily to the internal fit out of an existing warehouse building. Amendments have been included in the drawings submitted at F.I stage. They provide that the proposed condensers will facilitate the desired temperature control, rather than constitute an expansion or intensification of the existing use. While they were previously proposed to be located

externally they will now be located in the existing warehouse thereby significantly reducing their potential to reduce noise effects on the wider area.

- 7.2.4. They note that post development the use of the warehouse will remain unaltered from the current use (i.e storage of goods) and is therefore considered to be an upgrading of the existing technology, which will not result in any expansion or intensification of its current use. The proposed development will result in a portion of the warehouse footprint being used to accommodate the condenser units, and therefore there will be less overall storage space and less vehicular movements associated with the facility.
- 7.2.5. The Third Party considers that the proposed development represents an intensification of use from the existing warehouse use. They note that there is presently no cold storage on site and new equipment and plant machinery will be required to retrofit the warehouse beyond its current function and facilitate its transformation to a highly specialised use. They consider that this will be in comparison to the negligible impact the current use as warehouse has on the Appellant's residential amenities. They also refer to the need for the ESB substation to operate the cold storage unit and to expansion of the McArdle Skeath facility in Hollystown, Dublin 15.

7.3. Design and Layout

- 7.3.1. McArdle Skeath propose to develop a temperature controlled warehouse at their existing facility on site. This proposal seeks to upgrade an existing warehouse into a refrigerated storage unit to be accomplished mainly by internal fitouts, although there will be some elements of infrastructure associated with the development located externally. It is noted that the existing warehouse building is used for non-refrigerated storage. The overall development includes the fit-out of this warehouse building at the facility which will also require condensers, ESB substation and transformer, sprinkler pump system and standby generator to be installed in an external location adjacent to the subject temperature controlled warehouse structure.
- 7.3.2. The proposed external developments includes; 2No. separately located ESB substations and transformers, the erection of a fire water storage tank, a standby power generator, a deck for plant such as a fan unit and associated mechanical and

electrical equipment. It is noted that all of these external additions are to be located over 11.5m from the western boundary of the property and concealed behind a proposed 2.4m high masonry wall. Also, that these external additions will be located approx. 40m from the boundary of the closest neighbouring residents (the Objector and subsequent Third Party) and shall be substantially screened by the proposed masonry wall and the existing warehouse building.

- 7.3.3. In summary, as per the F.I submitted there were two significant changes made; 1) a reduction in height of the proposed water tank by 33% and 2) the relocation of the condensers to within the existing warehouse building. The height of the proposed water tank has been reduced from 9m to 6m to reduce its overall visual impact. This is to be substantially concealed from view from the main road by the existing warehouse, which is approx. 10m in height. It is provided that the 6m water tank will in view of its location not impact on views and will not result in any emissions or other operational impacts on local amenity. It is considered that this additional plant including the ESB substations will be seen in context of the existing warehouse buildings.
- 7.3.4. A more detailed description of the proposed development and accompanying drawings is provided in the TMS Environmental Ltd Technical Evaluation submitted in response to the grounds of appeal. This includes that the warehouse will be refitted to contain 4 no. refrigerated compartments with adjoining refrigerated access corridor. It is provided that each refrigerated unit will be built using insulated panels which are designated for thermal insulation but also have significant insulation properties, inside each freezer room will be two evaporators mounted at the roof level of the compartment at the ends of the compartments.
- 7.3.5. It is noted that this application relates primarily to activities within or proximate to the existing warehouse the north western corner of the site, relative to internal/external plant and refit of the warehouse building and to the provision of 2no. new ESB substations. Extensions to the warehouse building are not proposed. Changes are also proposed proximate to the north western access to facilitate ESB substation no. 1. It is considered that as per the amendments in the F.I submitted and also the details in the Applicant's response to the Appeal that the design and layout of the proposed development is acceptable subject to consideration of noise issues.

7.3.6. This warehouse and surrounds have the advantage of being located closer to the site entrance. However, it is noted that the request of the Appellants to relocate the proposed development elsewhere in the site away from their property has not been considered or addressed in this application.

7.4. **Noise Impact Assessment**

7.4.1. A Noise Impact Assessment by Byrne Consulting Ltd has been submitted with the application. The introduction of the new plant and equipment will generate noise and as such, this report has assessed the predicted operational noise impact to determine how the closest residential noise sensitive receptor may be impacted. The proposed plant to be located at the facility is shown in Figure 2. The NIA assessed the baseline (ambient) noise of the existing operational facility and assessed the likely impacts of the proposed development on the surrounding area. This provides that the operation of the McArdle Skeath facility does not generate high levels of noise as all noise generating activities occur within the warehouse buildings or elsewhere on site.

7.4.2. As per current standards the EPA Noise Limits for Commercial and Industrial Activities are as follows: Daytime 55dB(A) LAeq,T, Evening 50dB(A) LAeq,T, Night-time 45dB(A) LAeq,T. The nearest receptor (NSR1 – the Appellant’s property) is located 40m to the northeast of the location of the proposed plant and is screened by the existing warehouse structure. The operating acoustic specification of the plant is detailed in the Report. The predicted noise levels consider that the continuous and simultaneous operation of all proposed plant represents a worst-case scenario.

7.4.3. The NIA seeks to demonstrate that the noise impact on local receptors post development at night-time is below the 45dB(A) limit set by the EPA. However, to mitigate any potential impact on the amenity of the local residents, the development proposals have been amended so that all condenser units associated with the refrigeration are to be located internal to the building. They note that the condensers are the primary source of noise associated with the development, and therefore being relocated inside the building will dampen the noise levels even further than the EPA guidelines outlined in the NIA. The calculation of the predicted noise level at NSRI when all plant has been operating simultaneously has been calculated as

being lower than the design limit of 45dB(A). It is provided that the proposed plant will not generate tonal noise therefore the predicted value does not have to be weighted to account for tonal or impulsive noise.

- 7.4.4. The generator is proposed to remain outside the warehouse building, however this is a standby unit and will only come into operation in the rare event of a power outage. They note that the generator is highly unlikely to be in regular use and they provide that therefore noise emissions and from the stand by generator and vibrations associated with the plant, are considered to be negligible.
- 7.4.5. The sprinkler pump system is to remain outside the building and will only be in operation in the event of fire. It is to be housed in a container unit which will minimise any potential noise associated with the pumps in the unlikely event they become operational. Therefore, it is provided that the sprinkler pump system is unlikely to cause any noise pollution or vibrations that will affect local receptors.
- 7.4.6. The noise associated with the ESB substation is generated by the operation of circuit breakers, disconnects and alarms. The noise associated with this equipment are typically of short duration and individually they would be unlikely to cause annoyance. The noise associated with the transformer has been assessed as part of the NIA and it has been concluded that it will be unlikely to cause any noise pollution or vibrations.
- 7.4.7. The NIA concludes that the proposed development will not have a detrimental impact on the residential amenity for the adjacent users. The Applicants consider that it has been clearly demonstrated that the proposed development will not impact on the amenity of local residents and satisfactorily deals with any potential noise emissions. Consideration has been given to the potential impact of noise and vibrations on sensitive receptors and they provide that appropriate mitigation will be put in place. Also, that the operation of the plant will not generate levels of noise that will cause an unacceptable increase in existing local ambient noise levels at the amenity of the closest residential noise sensitive receptor or have an impact on local livestock or on the local receiving agricultural environment.

7.5. Acoustic Review – Third Party Considerations

- 7.5.1. The Appellants home is the closest residential receptor to the site and is located to the north west. They are concerned that the NIA includes a number of uncertainties and inaccuracies and unsubstantiated presumptions in favour of the proposal that results in a lack of confidence/justification in its conclusions. They consider that relative to noise receptors that there has been a narrow focus on the Client's property and other sensitive noise receptors, in the surrounding area, such as their property have not been adequately included. They have concerns about the portrayal of ambient noise levels and point out that the facility's expansive open yard is a source of constant activity and noise arising from the numerous entering/existing HGV's articulated lorries, forklifts and staff vehicles etc. They also provide that the NIA fails to demonstrate what methodology or standards were used to consider each item of plant or to itemise the manufacturer's acoustic emission data for each item.
- 7.5.2. Also, as submitted the NIA did not carry out an analysis of the noise mitigating properties of the warehouse so that the presumption the structure will provide attenuation is entirely unsupported and misleading. They are unconvinced that the F.I reassurance that all remaining external plant machinery (generator, sprinkler pump and ESB Substations) will only be operated when needed. They are concerned that the mitigation measures submitted have not included noise control measures such as acoustic panels etc to provide a dampening effect. They consider that it has not been demonstrated that the generator could not also be placed internally within the structures.
- 7.5.3. They are concerned about the proposed siting and impact on their residential amenities and on their working dairy farm. They consider that the proposed development would be better located elsewhere within the McArdle Skeath facility in any one of the numerous warehouses and parcels of ground, such as to a structure at the southernmost part of the complex and the furthest point away from the Appellant's property or some other such alternative location. They query why an alternative location for the proposed development was not chosen and consider that this has not been addressed and the current application should be refused in favour of the relocation of the plant elsewhere within the site.

- 7.5.4. In view of their concerns the Appellants commissioned Q.E.D Engineering to carry out a separate NIA and a copy of this is included in Appendix 2 of their Appeal. They carried out a baseline survey over a longer 10 day period rather than the Applicants 4 day period. Noise monitoring was taken from three locations (Figure 1 refers) along the adjoining farm access lane instead of the NIA's single point. They provide details of the Noise Monitoring carried out for each location in Appendix 1 of their Report.
- 7.5.5. They provide that the QED report establishes that the EPA's maximum decibel levels for an industrial site near to a dwelling were exceeded for the majority of the sampling period. Section 5 provides a discussion of findings for daytime (07.00 - 19.00), evening (19.00 -23.00) and night-time (23.00-07.00). They note that the Council's condition provides a night time limit of 45dBA for the period (19.00-08.00) which tables show are exceeded for the majority of the monitoring period. They note that the McArdle Skeath site does not operate at night and there was no noise audible from it during the night survey. They request that condition no.1 be clarified also in relation to the exceedance of background noise levels by up to 10dBA.
- 7.5.6. Section 6 of the QED Report provides that the NIA Report's results as submitted to the Council are not reflective of ambient noise in this area and specifically at the nearest dwelling house. A comparison is provided of Noise Readings between the two separate reports. They provide that the overall background noise level measured at this dwelling is lower than that cited in the Byrne Environmental NIA. While they note that tonal noise is not currently present they consider that it might be introduced as part of this application in a section of the site close to the dwelling.
- 7.5.7. They also note that weather data was not provided in the NIA report. The OED report considers that their results are more accurate and that the noise results in the NIA conducted for the Applicants is not reflective of the actual conditions currently existing at the nearest noise sensitive location beside McArdle Skeath. They consider that their results should be considered as baseline. Also, that the planning conditions should be amended to reflect concerns specified regarding tonal noise and background readings.

7.6. Noise Mitigation Measures

- 7.6.1. The First Party response to the grounds of appeal considers that the relocation of the condensers from an external location to within the existing warehouse will reduce noise impacts to a negligible level, thereby mitigating any potential perceived adverse noise emissions. They provide that the NIA submitted by the Applicant as F.I considers closely the noise mitigation properties of the storage warehouse within which the condensers are proposed to be installed stating that the condensing plant associated with the refrigeration will be located within the structure of the subject warehouse and *provide attenuation of noise of a minimum of 35dB(A) generated by the plant, thus reducing the noise impact at NSRI.*
- 7.6.2. In addition to the Byrne Environmental NIA and in response to the QED 'Report of Noise Assessment' the Applicant commissioned an additional noise assessment by TMS Environmental Ltd to technically evaluate and review both of these reports. It is provided that the available information together with concerns expressed by the Appellant are considered in this report together with consideration of the proposed limits on noise in the Monaghan Council decision. This report provides a more detailed analysis of the noise mitigation properties of the warehouse and concludes that the attenuation will be significantly greater than that considered in the initial assessment report.
- 7.6.3. The TMS Environmental Report provides that the noise impact assessed examines the potential impact on the closest residential receptor (the Appellant's dwelling). Figure no.1 shows the distances to the closest residential receptors, relative to the site. Regard is also had to the external plant and the 2no. ESB substations proposed. It notes that there are 10 no. condensers proposed as per the F.I submitted these are to be located inside the warehouse at the eastern end further from the Appellant. An Air Handling Unit (AHU) is required to provide ventilation for the warehouse building and this will be located indoors. This unit requires a chiller which is located outside the building. Both are as shown on the drawings submitted.
- 7.6.4. The TMS Report provides that the principal internally located noise sources are the Evaporators in the Refrigeration Units, the Air Handling Unit (AHU) and the Condensers. The externally located noise sources are the AHU Chiller, the Electrical substation buildings, the Transformers, the Standby Generator and the Sprinkler

Pump. Technical information about the specifications, operating details and potential noise emissions associated with these elements is presented in this Report.

- 7.6.5. Section 3.3 provides details of the construction and acoustic attenuation, including insulation of the re-fitted warehouse building. The loading bay doors are also to be insulated. They provide that the proposed new 2.4m boundary wall will provide a weighted sound reduction index.
- 7.6.6. They note that there are 2 no. substation buildings and transformers shown on the drawings. However, only one of these substation and transformer compounds is likely to be built when the ESB finalises their selection. They consider that the likely location is sub-station no. 2 which is closer to the Appellants property so their impact assessment is focused on this location. Details are given of the construction including relative to sound reduction measures. The Transformer is to be placed on a plinth in the yard. The Sprinkler Pump is to be housed in a container which will provide a weighted sound reduction.
- 7.6.7. While on site I noted that the existing generators are located externally to the east of the subject warehouse building and produced the most noise. However, it is noted that these are further away from the Appellant's property and are not part of the subject application. Details are also given of the Indoor Noise Sources and operating information for each noise source as well as technical information about acoustic emissions is provided for each source. Section 3.4 of the TMS Report provides that there are eight types of noise source associated with the operation of the proposed development and the relative locations of the principal noise sources are shown in Fig. 2. Operating details and acoustic information for each noise source is described. Details are given of the External Noise Sources. Technical information and acoustic performance information is presented in the various Appendices.
- 7.6.8. Section 4.0 refers to Existing noise levels in the area and to the Byrne Environmental Consulting Report submitted by the Applicant. Data was presented for daytime (07.00 -19.00), evening (19.00 -23.00) and night-time (23.00-07.00) measurement intervals. This also had regard to ambient noise levels in the vicinity. They note that the Appellant's house is influenced by traffic on the public road to the north of the site. Also, that truck movements associated with the McArdle Skeath facility exit and enter the site at the site entrance east of the Appellant's house and therefore do not

pass this property. They provide that in general the night-time levels were below 45dB(A) and the NIA was prudent to adopt a conservative assessment approach to examine the potential impact of the development on the closest residential receptor, the Appellant.

- 7.6.9. The Appellants in their appeal submission refer to the 15m buffer zone as set out in Policy ICP 1(d) relative to siting of Industrial & Commercial Developments, including regard to noise issues. It is submitted that as shown on the Site Layout Plan the Appellants residential dwelling is over 40m from the closest proposed plant (the ESB substation). As noted on site there is a former now unoccupied dwelling, more adjacent to the proposed plant, located within 15m of the proposed substation. However, this house is shown within the red line boundary of the subject site. Therefore, the Appellant's property on the opposite side of the lane is the closest residential property to the site.
- 7.6.10. The TMS Report has regard to the Noise Survey Report prepared by QED Engineering Ltd submitted by the Appellant. They provide an assessment of this and consider that the OED Report is flawed and provide details of such. It is noted that the response on behalf of the Third Party refutes this. They query the accuracy of the Byrne Environmental Consultants Ltd, report and the subsequent assessment and conclusions of TMS Environment Ltd and Moloney & Associates.
- 7.6.11. It is provided that the assessment of noise impact presented by the Applicant was based on a comparison of the predicted noise levels associated with the proposed development with the permissible limits normally applied to developments of this type. They refer to the EPA *Guidance Note for Noise: Licence Applications, Surveys and Assessment in Relation to Scheduled Activities (NG4)* which specified daytime, evening and night time noise limits which are routinely applied by Local Authorities to limit the impact of commercial and industrial noise on noise sensitive receptors.
- 7.6.12. The TMS Report notes that since the proposed Refrigerated Warehouse activity will operate on a 24 hour basis the appropriate limit and the design goal for the development was selected as 45dB $L_{Aeq,T}$. They note that the proposed development will operate 24 hours but the night time limit is lower than the daytime limit, the background noise levels during the night are lower than those during the day, so achieving the required performance at night time to ensure compliance with the

proposed limits at all times. They have regard to the noise limiting Condition (no.1) of the Council's permission and to the relevant Noise Standards and consider this deals adequately with noise setting out enforceable limits on noise generation for the proposed development. It is of note that the Third Party does not consider this condition adequate.

- 7.6.13. Regard is had in the tables presented relevant to the Predicted noise levels. Table 3 provides an Assessment of Compliance with Limits and Standards which shows compliance relative to the combined predicted noise impact, the standby generator (continuous operation), the sprinkler pump (emergency).
- 7.6.14. They provide that there will be no droning or humming as shown in the technical information submitted with this assessment, no tonal noise sources are proposed and no tonal noise sources currently exert any influence. Also, that their assessment shows that noise levels will be low outside the warehouse and there is no cause for concern about the potential noise impact of the proposed development on the Appellant's property.
- 7.6.15. It is concluded that a comprehensive review of the proposed development and all reports submitted in connection with the proposed development has been undertaken. Also, that the noise impact assessments have shown that the proposed development will not have an adverse noise impact on the closest residential receptor, or any residential receptor in the area. The additional independent noise impact assessment carried out by TMS also concludes that the proposed development will comply with the relevant limits and standards and that therefore no adverse impacts will occur. The level of mitigation afforded by the building and other infrastructure means that the noise from various sources will not be audible above the background level at the Appellants property.
- 7.6.16. In view of the information/documentation submitted I would consider that it has been demonstrated that provided the detailed noise mitigation measures are included that the proposed development will not adversely impact on the Appellant's property. However, in view of the issues raised, I would recommend that if the Board decides to permit that an appropriate and more stringent condition relative to noise mitigation measures be included.

7.7. Access

- 7.7.1. It is proposed to use the existing gate-controlled access to the site from the local road network and the R178. The access to the north west is the current access that serves the warehouse buildings and the associated yard area. The access to the east provides access to the main car park and office areas. There is pedestrian access between the sites. There is a separate cul de sac access road to the north west of the site which serves the Appellant's property and this is outside of the site boundaries.
- 7.7.2. Details in the TMS Environmental Ltd Noise response include that currently product is delivered into the existing warehouse (proposed for the refrigeration refit) at the eastern side of the building. There are approx. 18 HGV Deliveries per week for the existing dry goods warehouse whereas the proposed refrigerated unit will have less i.e approx. 4HGV deliveries per week, representing a decrease in HGV movements of approx. 77% relative to the existing permitted activity. It is noted that there are a number of other warehouses on site, and there are vehicular/HGV movements associated with these. However, this is existing activity and is not part of the subject application.
- 7.7.3. The Site Layout Plan submitted shows that it is proposed to relocate the existing front boundary wall to the access to the warehouses and yard area. This is to be finished in stone to match the existing roadside boundary wall. This is to allow for a concrete hard stand in front of the proposed ESB substation and transformer compound no. 1. The width and set back from the public road of the existing vehicular entrance is to remain the same. The plans do not include any alterations to the separate entrance to the existing staff car parking area.
- 7.7.4. As shown on the plans access to the proposed ESB substation and transformer compound no.2 located to the north west of the site to the rear of the warehouse building is to be via the existing vehicular entrance to the site and concrete yard area. It is not considered that the use of existing vehicular access is of particular issue in this application.

7.8. Drainage

- 7.8.1. The Council's Environment Section notes that the proposed development lies in an area classified as extreme aquifer vulnerability, overlying a poor aquifer with bedrock that is generally unproductive except for local zones. The development is in the Ballykelly catchment which is in the Fane River basin and is classified as having a poor ecological status. The main risk from the proposed development is to the stream flowing to the south east of the site. They recommend a number of conditions relative to demolition and construction management and disposal of waste. These include the provision of bunded areas away from watercourses and that the material storage, fuel handling, parking areas and other yard activities shall be managed in a manner which prevents the discharge of polluting matter to ground or surface water.
- 7.8.2. The revised site layout plan indicates the location of the existing wastewater system in place on the opposite side of the site. The F.I submitted confirms that the design details of the system which is installed on site, is that of a 3,500l wastewater tank which has sufficient capacity to serve the present and proposed development. They provide that McArdle Skeath are committed to providing a quality management site including wastewater and will continue this annual maintenance regime on the system. It is not considered that drainage is of particular issue in this application.

7.9. Screening for AA

- 7.9.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European Site, 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 and projects on a European Site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development for works to the existing operations of McArdle Skeath in Cornagarvoige, to the planning history and the established light industrial and associated warehouse usage on site, the pattern of development in the area and to the proximity of the site to the regional and local road network, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 11th of March 2019 and by the further plans and particulars received by An Bord Pleanála on the 30th day of May, 2019, 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. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-
 - (i) An Leq,1h value of 55 dB(A) during the period 0800 to 1900 hours 7 days a week.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time.
- (b) No pure tones or impulsive characteristics shall be audible at any noise sensitive location in the vicinity of the development.

(c) At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

(d) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

(e) Noise monitoring shall be recorded and carried out at noise sensitive locations in accordance with details agreed in writing with the planning authority. Should the results of this monitoring show material exceedances of the limits set out in condition 2(a) above, the developer shall provide such further mitigation as the public authority may require, in writing.

Reason: To protect the residential amenities of property in the vicinity of the site.

3. A schedule of all materials to be used in the external treatment of the development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate standard of development.

4. No fans, louvres, ducts or other external plant other than those shown on the drawings hereby permitted for the proposed development, shall be installed unless authorised by a prior grant of planning permission.

Reason: In the interest of visual amenity.

5. (a) Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the planning authority for such works and services.

(b) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site.

Reason: In the interest of public health and to prevent pollution

6. The site and building works required to implement the development shall be carried out only between the hours of 0800 and 1900 from Mondays to

Fridays inclusive, and between the hours of 0800 and 1400 on Saturdays unless otherwise agreed in writing with the planning authority. No construction activity shall take place on site on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of residential amenity.

7. 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 health and safety and residential amenity.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

9. No additional signage, advertising structures/advertisements, or other projecting elements including flagpoles shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

10. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

Angela Brereton
Planning Inspector

2nd of September 2019