



An  
Bord  
Pleanála

## Inspector's Report

### ABP-304850-19

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<b>Development</b>	Erect a new 6 storey 42m high dryer plant (6,522m <sup>2</sup> ) adjoining the existing dryer facility and other facilities - EIAR and NIS submitted
<b>Location</b>	Burrenrea, Virginia, Co. Cavan
<b>Planning Authority</b>	Cavan County Council
<b>Planning Authority Reg. Ref.</b>	18184
<b>Applicants</b>	Glanbia Ingredients Ireland Ltd (GILL)
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	First / Third Party
<b>Appellants</b>	Ian & Sinead McMahon & others
<b>Date of Site Inspection</b>	9/10/2019
<b>Inspector</b>	Dolores McCague

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## 1.0 Site Location and Description

- 1.1.1. The site is located in the townland of Burrenrea, Virginia, Co. Cavan, approx. 3km south of the town of Virginia, along the N3, where it runs close to the eastern shore of Lough Ramor. The site extends from the N3 to the lake shoreline. There is a long established milk processing facility on the site, which includes substantial buildings close to the public road. The ground slopes down from the road to the lake shore, a fall of c 18.8m. On the opposite side of the N3, towards the southern end of the buildings on this site, there are three dwellings each directly accessing the N3. There are other dwellings in the vicinity of the site with direct access from the N3 and from local roads, including one immediately adjoining to the north.
- 1.1.2. This section of the N3 national primary road is one to which speed limits greater than 60kph apply.
- 1.1.3. The site is given as 6.730ha.

## 1.2. Background

- 1.2.1. The site was developed in 1966 by Ambrosia (Ireland) Ltd and commenced production of skim milk concentrate. It was purchased by Express Food Groups Ireland in 1971, changing the name to Virginia Milk Products Limited. In 1972 the first spray milk drier was granted planning permission and installed, and skim milk powder was produced. In 1973 another evaporator and spray drier were installed. Until 1976 the main products produced were skim milk powder and whole milk powder, with excess cream going to Killeshandra Co-Op for butter production. In 1976 a cream base production unit was installed to supply cream base to Gilbeys of Ireland Ltd for production of Baileys. In 1982 a major plant refurbishment was completed which saw the spray dryer revamped, a new evaporator installed and the Waste Water Treatment Plant (WWTP) upgraded. The onsite boilers were also modified to run on coal, due to increasing oil prices.
- 1.2.2. The facility purchased the Millac brand of fat filled milk powder and commenced production of this product on site in 1988. Virginia Milk Products was purchased by Waterford Foods plc in 1992, which merged with Avonmore to form Waterford Avonmore group in 1997. The company name changed to Glanbia plc in 1999, prior

to the Virginia facility becoming incorporated as Glanbia Ingredients Ireland Ltd (GIIL). GIIL are accredited with the BRC Quality Standards ISO14001 (Environmental Management System and ISO5001 Energy Management System. GIIL were first granted an integrated pollution control licence (IPPC licence No P0405-1) for the site by the EPA, in 2000. This licence was reviewed by the EPA in 2012 (IPPC licence No P0405-2). In January 2014, the EPA issued a Technical Amendment for the licence to bring it into compliance with the Industrial Emissions Directive (IED).

## 2.0 Proposed Development

2.1.1. The application, made on 9<sup>th</sup> May 2018, is for development consisting of extensions to the existing facility, the proposed works include:

- (1) erect a new 6 storey 42m high dryer plant (6,522m<sup>2</sup>) adjoining the existing dryer facility,
- (2) erect a 2 storey adjoining building (746m<sup>2</sup>) with changing facilities and canteen at ground floor with offices at first floor,
- (3) construct a new entrance on to and exit from the N3 including road improvement work to the N3 with a new right turning junction to access the facility,
- (4) construct a new single storey security hut (28m<sup>2</sup>) and reception (36m<sup>2</sup>),
- (5) construct 218 new car parking spaces,
- (6) construct a new milk intake building (487 m<sup>2</sup>),
- (7) alterations to the existing silo farm and construction of a single storey silo access building (112m<sup>2</sup>) between silos,
- (8) construct 4 no new storage silos,
- (9) other works:
  - upgrade works to the waste water treatment plant;
  - extension to administration building (20m<sup>2</sup>) and miscellaneous site works including
  - underground drainage,
  - landscaping,

provision of 2 no. new weighbridges,  
diesel fill area,  
truck wash and oil-water separators,  
internal road works,  
closure of existing entrance onto and exit from the N3 and  
removal of existing car parking spaces.

The site currently operates under EPA Licence Reg No. P0405-2.

An Environmental Impact Assessment Report (EIAR) was submitted as part of the application. Significant further information and revised plans (revised entrance design and location and revised car park layout) and a Natura Impact Statement have been submitted.

The proposed expansion will enable an increase in milk production capacity at the facility from current rates of approximately 11.5 million litres of milk per week to approximately 16.5 million litres of milk per week in peak season. This will primarily be achieved by the construction of a new state of the art, 7.5 tonne, dryer that will supplement the two existing dryers. The proposed increase in production will also require upgrades to other aspects of the existing facility that will include elements such as new entrance, an expanded milk intake area and an upgraded Wastewater Treatment Plant (WWTP).

It is estimated that the construction will be undertaken in two phases, the first will involve the construction of the proposed new entrance, internal roadways, new security hut, weighbridges, car parking, truck wash and diesel fill area to be completed over a period of 8 months. The second, will take place in approx. 3-5 year's time, over a 14 month period, to future proof the site for the continuation of operations in the region and will include the construction of the proposed new dryer, canteen and office building, reception building, new milk intake bays, installation of additional milk and cream silos, relocation of the existing silos and upgrades to the wastewater treatment plant.

#### 2.1.2. Individual elements:

- 2.1.3. The new dryer plant – the floor area at ground and first floor levels measure 1260m<sup>2</sup>. Floor levels 2, 3, 4 and 5 each measure 1032m<sup>2</sup>. The overall height will be 42m to parapet. Walls will consist of plastered solid masonry to a height of 4.5m above ground level; above this level the wall construction will consist of profiled insulated metal plastisol coated panels.
- 2.1.4. The new canteen and office building will be a two storey building with the canteen at ground floor level and offices at first floor (7.5m high); both floor areas are 425m<sup>2</sup>. The building will be linked to the proposed dryer building with a changing room, 9m high to ridge level. The façade will consist of profiled insulated metal plastisol coated panels, dark grey. Externally it will present as a number of simple interlocking rectilinear forms having a cumulative length north-south of approx. 99.1m. Building superstructures will comprise steel framework clad with insulated roof and wall cladding panels in a combination of simple profiled and flat cladding panels in varying shades of grey/metallic silver.
- 2.1.5. The new security hut will be 30m<sup>2</sup> and 4.88m high, consisting of rendered cavity blockwork and a stone coursing feature at the entrance. The render will be painted light grey.
- 2.1.6. The new reception will be an extension of the existing administration building and will have a footprint of 45m<sup>2</sup> and a height of 3.15m. It will be cavity wall construction with an outer leaf of 100mm coloured brick to match the existing building.
- 2.1.7. Three new milk intakes will be located in the northwest portion of the facility, to best suit the new truck route around the facility, which will improve safety. The canopy will be a steel framed structure clad in a single skin profiled powder coated metal sheeting, in goosewing grey, to blend in with the surrounding structures, and 10.9m high.
- 2.1.8. The new carpark arrangement will allow for a total of 212 car parking spaces. Carparks will be linked to the offices and production areas with footpaths and dedicated pedestrian routes; pedestrians and delivery trucks will be separated, which will improve safety. 8 disabled spaces will be provided close to the office/administration building.
- 2.1.9. Nine silos will have to be relocated as they are currently under the footprint of the proposed Dryer Plant. These will be relocated to the south of the proposed dryer

plant. Between the two lines of silos, a silo access building is proposed. This will provide safe access to the silos for sampling, maintenance and cleaning purposes. The silo building will be a blockwork structure with a concrete flat roof. The blockwork will be plastered and painted a grey colour to blend in with the surrounding buildings. Two additional milk silos (22m high) will be built adjacent to the proposed milk intake area, and two new cream silos (11m high) will be built adjacent to the existing cream silos.

2.1.10. New entrance and access road – the proposed works include a new entrance off the N3. It will have a right hand turning lane which will improve safety. The two existing entrances will be blocked off. The new access road within the site will comprise a one way route around the facility. The road separates staff cars from delivery trucks as much as possible.

2.2. Wastewater drainage – discharge of all surface water and wastewater is to Lough Ramor. The proposed development includes an increase in discharge and the expansion of the existing WWTP. Phase 1 will comprise converting the biological process to a Modified Ludzack Ettinger system which should reduce PO<sub>4</sub> by 80%. Sludge management improvements will be implemented, as well as improved fats, oils and greases (FOG) removal, and fine bubble aeration, which will also reduce energy demand. Phase 2 involves the conversion of the process to Advanced Biological Phosphorus Removal. Phase 3 is proposed in the event that wastewater production increases to 2700m<sup>3</sup>/day. This involves upgrading the hydraulic capacity and provision of additional tanks.

2.2.1. Storm water from existing and proposed clean areas will discharge via point EF6 (existing). The proposed development includes drainage of extended surfaced areas. Additional discharge from EF6 will include from the relocated truck wash via an oil interceptor, roof runoff, clean yard runoff, runoff from the proposed diesel fill area, cooling water and condensate. The storm water drain is equipped with a conductivity meter and a diversion valve, which allows diversion of storm water into the WWTP if the conductivity meter shows high readings.

2.2.2. The natural gas supply required is 3,200kW total, stated not to be a significant increase.

2.2.3. The ESB will be from existing supply, and stated not to be a significant increase.



- 2.2.4. Water Supply usage will increase from approx. 1,200m<sup>3</sup>/d, currently abstracted from Lough Ramor, to 2,000m<sup>3</sup>/d to be abstracted from Lough Ramor. The water is extracted, polished and processed in the services building.
- 2.2.5. External lighting will be designed to the appropriate light levels, with high uniformity to avoid excessive upward reflected light. It will consist of aluminium post top luminaires mounted on 10m columns, for access road and car park lighting; low level decorative bollards, typically 900mm high for walkways; and spot lights associated with entrances and signage. The layout has been designed to minimise light trespass and glare. Additional modifications post development can include a review of bulb wattage, luminaire type and placement. This will ensure that the mitigation measures within this EIAR are achieved and will avoid illuminating nearby residences.
- 2.2.6. Landscaping and built elements – the landscaping will involve ground shaping and contouring to create gentle mounding of the grassed landscaped areas. Parkland trees (85) including oak, beech, lime, alder, hornbeam, Norway maple and Sycamore, will be planted around the western and southern sides of the site. Decorative features will include groups of multi-stemmed trees including mountain ash, birch, maple, amelanchier and cherry, planted in mounds and low growing shrubs at the entrances and precincts of the car parks; and pedestrian paving. An informal hedge of hawthorn and holly will be planted along the western boundary.
- 2.2.7. Construction access - the existing access and egress points will continue to be used for day to day operations throughout the construction period. The construction entrance and the entrance for construction personnel, all of whom will be required to park their vehicles within the proposed expansion site, will be located at the proposed new site entrance, for the duration of the works. Warning signs will be erected during construction. A maximum of 200 construction jobs will be created, but not simultaneously. It is expected that a maximum of 50 vehicles will be on site at any given time during construction. A contractor's compound and welfare facilities will be provided.
- 2.2.8. Security –existing security is a comprehensive mixture of boundary fencing, security personnel and CCTV, proposed will be boom barrier access and a security hut on the main access road, similar to existing.

2.2.9. The application is accompanied by:

- An EIAR
- An Appropriate Assessment Screening Report
- A Traffic and Transport Assessment
- A Landscape and Ecological Enhancement Plan
- A Tree Survey Report
- A Road Safety Audit Stage 1/2
- An Engineering Design Report, and
- Drawings: including proposed landscaping layout, site sections 1 & 2; proposed elevations 1 & 2; building sections 1 & 2; proposed dryer tower elevations 1 to 4; proposed security building; proposed reception extension; proposed milk intake 1 to 3; proposed diesel fill; proposed effluent treatment expansion 1 & 2; proposed silo access room elevations 1 & 2; proposed milk silo elevations; proposed cream silo elevations; site development details 1 & 2.

2.2.10. The floor area of the existing buildings is given as: 13,500 m<sup>2</sup> and of the proposed works is given as 7,971m<sup>2</sup>.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided (11<sup>th</sup> July 2019) to grant permission subject to 10 conditions:

- 1) compliance with documents and conditions.
- 2) development contribution of €199,280.
- 3) archaeology.
- 4) prior to commencement of work on site, all details relating to improvement works on the N3 National Road to facilitate widening and provision of the right turning lane shall be agreed in writing with the planning authority. Details to be submitted for written approval include:

Detailed design drawings, documents and all proposed works on site shall be in accordance with the latest standards set out in TII publications including Pavement and Foundation Design Reference DN-PAV-03021.

All reports including ground investigation and topographical survey information pertaining to the design.

All construction stage management plans and traffic management plans for works affecting the National Road.

Prior to the commencement of work on site the developer shall submit details of the proposed Mobility Management Plan (for staff) to be implemented on the site to ensure that there are proactive methods of influencing travel behaviour and a shift to more sustainable travel modes such as walking, cycling, car sharing, public transport etc – see National Transport Authority document 'Achieving Effective Workplace Travel Plans: Guidance for Local Authorities'.

Details of the proposed implementation of a Vehicle Booking/ Scheduling for HGV's,  
Reason: In the interests of traffic safety.

5) At its junction with the public road, the gradient of the access road shall not be greater than 2% for a distance of 7 metres and not greater than 5% for the remainder of the first 20 metres.

Car and HGV parking shall be appropriately marked with thermoplastic road marking materials designating parking bays, circulation lanes and areas to be kept clear of parking. All roadways and junctions to have signage and road-markings in accordance with the 'Traffic Signs Manual'.

Car park, internal service road and entrance area shall be structurally designed taking into account ground conditions and proposed levels of use. Areas shall be surfaced using appropriate depths of bituminous bound materials.

No advertising signs or devices including those normally considered to be exempted shall be erected or displayed within 7 metres of the nearside edge of the N3 National Road.

On site lighting shall be appropriately designed and positioned so as it does not cause glare for motorists travelling on the National route. A detailed lighting scheme, details of which shall include the specification of downward and sensitive lighting

proposed, shall be submitted to the planning authority for written agreement, prior to the commencement of development.

A stage 3 Road Safety Audit of the development and its junction with the public road shall be carried out prior to opening of the development and shall be submitted for approval. Recommendations of the Audit shall be implemented by the applicant at full cost to the developer.

Reason: In the interests of traffic safety.

6) (i) During the construction phase the developer shall be responsible for ensuring that no pavement or structural damage occurs to the public road as a consequence of the works and any damage shall be repaired at full cost to the developer.

(ii) During the construction phase the developer shall be responsible for ensuring that public roads travelled by construction traffic are maintained in a clean and soil free condition at all times. Any costs incurred by Cavan County Council for cleaning the affected road system shall be borne by the developer.

(iii) Prior to operation of the proposed development, the developer shall carry out an assessment on the requirement for an electric cars charging point at the facility and submit same to the planning authority for approval. In the event that one is required on site the location of same shall be indicated on a revised site layout plan.

Reason: In the interests of traffic safety.

7) mitigation measures per EIAR and NIS.

8) noise levels during construction.

9) finishes, boundary treatment and signage to be agreed.

10) waste management.

3.1.1. The decision was in accordance with the planning recommendation.

## 3.2. **Planning Authority Reports**

### 3.3. Planning Reports

3.3.1. There are two planning report on the file.

The first, 27<sup>th</sup> June 2018, which recommends a further information request, includes:

- The planning history is given.
- Observations from prescribed bodies are cited.
- Internal reports are cited.
- Comments from MD (Municipal District Ballyjamesduff) Engineer are cited.
- Observations from third parties are cited.
- The facility is operating since 1972 and is supported by the County Development Plan (CDP).
- EIAR is required under Schedule 5 part 2 class 7 (c) – ‘installations for manufacture of dairy products, where the processing capacity would exceed 50 million gallons of milk equivalent per annum’. The facility currently produces approx. 11.5m litres of milk per week during peak season, over 375m litres was processed in 2017. The proposed expansion will increase milk production to approx. 16.5m litres per week in peak season. The 2017 production equates to approx. 99 million gals of milk annually.

The EIAR is summarised under the headings:

Alternatives considered, Population & Human Health, Biodiversity, Soils & Geology, Water, Air Quality, Climate, Noise & Vibration, Landscape & Visual, Cultural Heritage, Traffic, and Waste Management, and the planning authority carried out EIA under the following headings:

Population & Human Health – Noise, Landscape & Visual, Waste Management, Traffic, Air Quality.

Biodiversity

Land, Soil, Water, Air and Climate

Material Assets, Cultural Heritage and the Landscape.

The interaction between the factors above: Human Beings with Biodiversity, Soils, Cultural Heritage and Risk of Accidents and Disasters.

Conclusion of Environmental Impact Assessment: in their conclusion they state that the EIAR represents a robust and comprehensive analysis of potential significant environmental impacts which could arise as a result of the

proposed development and complies with the statutory requirements as set out in Art. 94 and Schedule 6 of the Planning and Development Regulations (as amended) and the EPA Guidelines as they relate to Environmental Impact Assessment. The planning authority (PA) have, where relevant and appropriate, identified, described and assessed the key likely significant effects in relation to the proposed development both during the construction and operational phase and are satisfied that, where appropriate, the EIAR has assessed the cumulative impacts arising from the proposed development. This is particularly the case in respect of noise, air quality and climate. The EIAR has also, where appropriate, identified direct and indirect impacts arising from the proposed development and has set out appropriate mitigation measures in relation to potential environmental impacts. However before a full determination is made, the PA consider that the applicant should provide further information with regard to the visual impact, to establish the reasoning for the height of the proposed expansion, detailing shadowing impacts on the properties opposite. The proposed access arrangements are not acceptable and a revised access arrangement will be required in the interests of traffic safety.

- AA Screening was carried out. It is noted within the submitted screening that there will be no direct discharges to the watercourse from the development. This is incorrect as waste water and surface water will both directly discharge to the lake. Having regard to the proposed mitigation measures outlined in the EIAR, the applicant is requested to submit a stage 2 NIS, addressing all relevant mitigation measures outlined.

### 3.4. Other Technical Reports

#### 3.4.1. Senior Executive Scientist, 28<sup>th</sup> May 2018, which includes:

- Recommending permission.
- In an area designated as a poor aquifer with high vulnerability.
- Blackwater (Kells) 080 river water body classed as poor ecological status. This status must be improved to at least good ecological status by 2021, in accordance with the requirements of the Water Framework Directive. Lough Ramor is classed at bad ecological status.

- Current abstraction from Lough Ramor is 1423m<sup>3</sup> / day and 519,294m<sup>3</sup> / year.
- The proposed development will increase the daily abstraction rates from Lough Ramor to 1800-2000m<sup>3</sup> / day.

3.4.2. Roads Design, 20<sup>th</sup> June 2018, which includes:

- This development will involve intensification of existing operations on this site which is currently located in a 100kph speed limit area. In accordance with the spatial planning guidelines, intensification should be avoided unless exceptional circumstances apply, as outlined in S2.6 of the Guidelines.
- There have been a number of reported accidents in the vicinity of the existing access into Glanbia since 1999. The proposed new access arrangement will do little to improve road safety at this location so an alternative arrangement needs to be considered. If the proposed arrangements were implemented, vehicles exiting the premises would find it more difficult to do so as the main line speeds would likely be higher and right turning vehicles exiting the property would have two lanes to cross. In addition, the proposed arrangement with a dedicated right turning lane for Glanbia would greatly restrict access to the 3 no. dwelling houses opposite the development site.
- Although the parking complies with the development plan, Roads Design needs to know how many staff will be employed at this site and the maximum number of staff that could potentially be on site at any one time, e.g. the worst case may be at a shift change when staff from both shifts are parked on-site waiting to hand over. The width of car parking spaces has not been specified.
- Recommending a further information request:
  - a) A statement from the applicant outlining why this development should be considered to be exceptional circumstances per S2.6 of the Spatial Planning and National Roads Guidelines for Planning Authorities, DoECLG (2012).
  - b) A revised access proposal which will improve Road Safety for all vehicles and which does not impede or restrict access to the 3 no. dwelling houses opposite the development site.
  - c) Details of the number of staff currently employed at this site and the proposed increase in staff as a result of this expansion and the maximum number of staff

that could potentially be on site at any one time. e.g. the worst case may be at a shift change when staff from both shifts are parked on-site waiting to hand over

d) The width of car parking spaces, which shall be 2.7m.

### 3.5. Prescribed Bodies

3.5.1. IW, 21<sup>st</sup> May 2018, which includes:

- Conditions

3.5.2. EPA, 28<sup>th</sup> May 2018, which includes:

- Glanbia Ingredients (Virginia) Limited was issued an IPPC licence Register No: P0405-02 for the following activity: the treatment and processing of milk, the quantity of milk received being greater than 200 tonnes per day (average value on a yearly basis). A Technical Amendment to this licence issued on 3 October 2013.
- In accordance with the 2013 amendment of the EPA Act and Waste Management Act, and to give effect to the Industrial Emissions Directive, the licence was amended on 6 January 2014 to incorporate the requirements of an Industrial Emissions Licence.
- The IE Licence P0405-02 was transferred from Glanbia Ingredients (Virginia) Limited to Glanbia Ingredients Ireland DAC on 22 November 2016. This can be viewed on the agency's website.
- The licence may need to be reviewed or amended to accommodate the changes proposed in the planning application.
- As part of its consideration of any licence review application that may be received which addresses the changes proposed, the Agency shall ensure before the revised licence is granted, the licence application will be made subject to an Environmental Impact Assessment as respects the matters that come within the functions of the Agency and in accordance with S83(2A) and S87(1G)(a) of the EPA Act. In addition, consultation on the licence application and EIAR will be carried out in accordance with S87(1B) to (1H) of the EPA Act as appropriate. They wish the PA to note that they will be requested to provide the documentation relating to the EIA they have



carried out to the Agency under S173A(4) of the Planning and Development Act 2000 as amended.

- Should a licence review application be received by the Agency, all matters to do with emissions to the environment from the activities proposed, the licence review application documentation and EIAR will be considered and assessed by the Agency.
- Where the Agency is of the opinion that the activities, as proposed, cannot be carried on, or cannot be effectively regulated under a licence then the Agency cannot grant a licence for such an activity. Should the Agency decide to grant a licence in respect of the activity, as proposed, it will incorporate conditions that will ensure that appropriate National and EU standards are applied, and that Best Available Techniques (BAT) will be used in carrying on of the activities.
- In accordance with S87(1D)(d) of the EPA Act, the Agency cannot issue a Proposed Determination on a licence application which addresses the development until a planning decision has been made.

3.5.3. Inland Fisheries Ireland (IFI) 7<sup>th</sup> June 2018, which includes:

- The EU Water Framework Directive requires the protection of the ecological status of river catchments – this encompasses water quality and requires the conservation of habitats for ecological communities. One of the primary objectives is to establish a framework which prevents further deterioration and protects and enhances the status of aquatic ecosystems. This requires that river systems be protected on a catchment basis. Article 5 of the 2009 Surface Water Regulations requires that a public authority, in performance of its functions, shall not undertake those functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status of a body of surface water. Article 28(2) of the regulations states that a surface water body, whose status is determined to be less than good, shall be restored to at least good status not later than the end of 2015 and any water body of good status should remain at least this status. The wastewater will be discharging directly to Lough Ramor,
- Lough Ramor is currently at bad status and should be restored to at least good by the end of 2015. The lake is a prominent coarse fishing lake with prominent stocks of bream, roach and pike. It also contains stocks of Brown Trout.

- IFI notes the following and seeks further clarification:
  - Section 3.2.5 of the EIA 'Wastewater Treatment Plant', outlines that the proposed expansion will double volume of effluent. Phase 1 upgrade: using the Modified Ludzack Ettinger system which consequently should reduce PO<sub>4</sub> by 80%. They request confirmation of how this is possible as they understand from the literature that the Ludzack Ettinger mainly removes nitrogen.
  - With regard to section 3.2.7 of the EIA, 'Discharge to Lake', they request clarification of what current model the developer will be using to position the diffuser in order to maximise the assimilation capacity within Lough Ramor.
  - They note in Section 3.2 of the AA re. proposed development, it is stated that some minor in-lake works will be required to install a diffuser to the current combined discharge line. Any such works should be carried out with minimal environmental disruption as per their Guidelines, attached.

3.5.4. Development Applications Unit Department of Culture, Heritage and the Gaeltacht re Archaeology, 13<sup>th</sup> June 2018, which includes:

- Given the location, scale and extent of the proposed development it is possible that subsurface archaeology remains could be encountered during the construction phases that involve ground disturbance. Recommending pre-development testing per their draft condition.

3.5.5. TII, 20<sup>th</sup> June 2018, which includes:

Regarding:

- Road safety considerations
- Policy
- Strategic context of the N3.

Road safety considerations:

Any safety improvements are welcome. TII are seriously concerned that significant road safety issues remain to be addressed. There is a high AADT on this stretch of the N3 with a number of collisions identified in the vicinity of the facility; a high number involving commercial vehicles; there are a number of direct access properties and other laneways in the vicinity of the proposed access.

The junction layout proposed does not satisfy standards included in TII Publications having regard to the relationship of the proposed access and road layout with the existing accesses opposite, the nature of the proposal and the function of the N3. Accordingly, TII advises that the junction design requires further significant consideration in the interests of road safety.

TII notes with concern that the Road Safety Audit identifies private dwellings and accesses on the opposite side of the N3 and provides comment on access to these properties. However these accesses have not been addressed in a Road Safety Audit despite being impacted by the proposed junction design approach. This is a serious oversight.

TII considers that an integrated approach to the design of the access needs to be developed to consider direct implications for other properties and accesses in the vicinity as well as all road users of the N3 and Glanbia itself. The authority is concerned with the potential for road safety issues to remain unaddressed if considering the access to Glanbia in isolation.

TII is of the opinion that critical road safety issues remain outstanding in the application as currently proposed and such road safety issues may be compounded by the proposed intensification of use of the existing access to the N3, resulting from the current application.

Policy:

They refer to Spatial Planning and National Roads Guidelines for Planning Authorities, DoECLG (2012) and Sec 2.5, that the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kph apply.

The application indicates, in the Traffic and Transport Assessment, an intensification of use of the direct access to the N3.

No measures have been provided to address this policy conflict, for example, mobility management / travel planning / vehicle booking strategy etc, to ensure no intensification of this direct access occurs.

Although the Guidelines allow for exceptional circumstances this must be plan led and included in the relevant development plan. These circumstances do not currently apply to the subject site.

The proposal conflicts with official policy and the CDP.

Re Strategic context of the N3:

This is an important strategic link between Dublin and the North west serving important urban centres and rural catchments in between, and providing access to national and international markets through airport and port connections.

The strategic function is acknowledged in Project Ireland 2040. Strategic outcome 2.

Improving sections of the M3/N3 is identified in Strategic outcome 2, and in the NDP 2018-2027 which identifies the N3 Virginia Bypass as a scheme at pre-appraisal / early planning.

Pending any improvements to the N3, there is a critical need to maintain the strategic capacity and safety of the national roads network in accordance with the NPFS Strategic outcome 2; the Spatial Planning and National Roads Guidelines; and the CDP. As currently proposed, it does not satisfy the policy requirement to maintain capacity and safety of the national road.

### **3.6. Third Party Observations**

- 3.6.1. Observations on the file have been read and noted. Issues raised include: height of dryer plant, visual impact and shadowing; new entrance / exit and additional traffic; creation of extra lane on the N3, safety, glare from vehicle lights and noise; parking; lakeshore access – these green fields are used by residents to fish the lakeshore; and EIAR should be carried out.

### **3.7. Further information**

- 3.7.1. A further information request issued, 28<sup>th</sup> June 2019, on three points:
- 1) the PA notes that the height of the existing facility will increase from 26m to 42m
    - a) Provide justification.

- b) Submit a plan and report detailing the extent of shadowing of neighbouring residential properties.
- c) Submit a further viewpoint and photomontage assessing the visual impact of the development from Loughcrew Cairns.
- d) Explore the enhancement of the external finishes of the existing structures on site, which in the opinion of the PA would enhance the aesthetics of the overall site.

2) The PA has concerns re. the proposed entrance layout, submit:

A statement from the applicant outlining why this development should be considered to be exceptional circumstances per S2.6 of the Spatial Planning and National Roads Guidelines for Planning Authorities, DoECLG (2012).

- a. A revised access proposal which will improve Road Safety for all vehicles and which does not impede or restrict access to the 3 no. dwelling houses opposite the development site.
- b. Details of the number of staff currently employed at this site and the proposed increase in staff as a result of this expansion and the maximum number of staff that could potentially be on site at any one time. e.g. the worst case may be at a shift change when staff from both shifts are parked on-site waiting to hand over.
- c. The width of car parking spaces, which shall be 2.7m.
- d. Updated Road Safety Audit and Traffic and Transport Assessment.
- e. Address comments raised by TII.

3) Submit a stage 2 NIS.

### **3.8. Further Information Response**

3.8.1. A response to the further information request was received, 5<sup>th</sup> April 2018, which includes:

- 1) The proposed building height is determined by the milk drying process equipment design, prepared by a specialist global milk processing equipment supplier.

Shadow analysis provided shows residential amenity of neighbouring properties will not be significantly impacted.

Additional photomontage provided. Impact is not significant.

An upgrade of the existing cladding finishes will be carried out as part of the proposed development, shown on drawing A16011-P820-Rev P1.

2) The proposed site entrance design has been reviewed and an alternative has been developed. Revisions are submitted. Drawings attached to the response include:

existing entrance layout; existing entrance longitudinal and vertical sections, line of visibility; proposed entrance layout; proposed entrance longitudinal and vertical sections, line of visibility; proposed overall site layout plan; proposed entrance arrangement; proposed entrance longitudinal section and vertical line of visibility; and proposed elevations.

A letter of consent from Larry Mulvaney to modify the boundary hedge of his lands is attached.

2a) The proposed junction may be considered exceptional circumstances, based on the following:

- The nature of development is an expansion of an existing business. All existing processing facilities and utilities are in existence at the current facility, which will facilitate the sustainable growth of this Agri Business sector, as encouraged by recent development plans, planning guidelines, sectoral strategies issued by county, state and semi-state bodies.
- The proposed development facilitates growth of the agri-food sector at National Planning Context, Regional Planning Context and Local Planning Context as outlined in details within Section 2.4 of the EIAR, submitted with the planning application. The local economy will benefit with its contribution through employment opportunities, both directly and indirectly in associated service industries.
- A balance needs to be struck between the important transport functions of national routes supporting social and economic development of rural areas with the update of the proposed entrance to facilitate the business expansion.

- In their opinion the volume of traffic generated by this development is negligible in comparison to the existing traffic movements currently experienced along this national route.

The Traffic and Transport Assessment prepared by Roadplan and submitted with the original planning submission has identified the following traffic increase: Section 4.2.

#### Trip Distribution Extract

Predicted Turning Flows from development			
	From Glanbia to N3 north	From Glanbia to N3 south	Totals
AM Peak	2	2	4
PM Peak	6	4	10

Predicted Turning Flows to development			
	From N3 north to Glanbia	From N3 south to Glanbia	Totals
AM Peak	6	4	10
PM Peak	3	3	6

Based on this information they understand the traffic increase generated by the proposed development has a negligible impact on the N3 traffic capacity or efficiency. The number of vehicles which cross the carriageway in the AM peak is 6 no. entering the facility and 2 no. exiting the facility: 8 no. vehicles in a period of one hour. In the AM peak the number of vehicles which cross the carriageway is 7.

The flow of HGVs is spread more evenly throughout the day, based on the nature of the milk deliveries into the facility and transportation of finished product from the facility. The speed of traffic travelling north on the M3 is controlled by removing the left slip lane at the entrance. The right turning lane into Glanbia provides a safe right turning facility for vehicles entering the Glanbia site and maintains traffic flow on the N3 south.

Vehicles exiting Glanbia are not directly opposite the entrances to private residences.

The hard shoulder is retained to the N3 in the proposed design.

A 15 m dwell area is provided immediately adjacent to the major road carriageway. The gradient will be 2.5% in this dwell area.

All drivers emerging from the direct access have adequate visibility in each direction to see the oncoming major road traffic in sufficient time to permit them to make their manoeuvres safely in accordance with Table 5.5 of TII publication DN-GEO-03060.

Drivers approaching the junction from the direct access have unobstructed horizontal visibility of 215m from a distance of 4.5m back from the road edge, as described in DN-GEO-03031. Drawing A16011-P860-Rev- P1 demonstrates the boundary relocation and the required clear line of visibility.

The vertical alignment visibility of 215m is provided in their proposed junction design as demonstrated on Drawing A16011-P861-Rev- P1.

They have demonstrated the poor visibility of the existing entrance and exit on Drawing A16011-SK1 and A16011-SK2, included in appendix 3 of their report (90m and 185m line of visibility currently exists) the proposed junction upgrade provides a much safer junction for all users.

2b) A revised junction design is provided on Drawing A16011-P860-Rev- P1. Safer means of access is provided to private residences. Space is provided in the right turn ghost island for vehicles turning into the residences.

2c) Staffing level is summarised as:

	Existing	Proposed
Office staff	30	40
Production staff	40	50
Contractor staff	20	30
Visitors	20	30

The maximum number of staff that could potentially be on site at any one time, i.e. shift change, is estimated to be 150, however this could increase with Contractor



work on occasion to 180. The revised car park layout, as indicated on Drawing A16011-P803-Rev- P1, has 177 spaces with 25 visitor/ temp set-down spaces.

2d) The car parking space of 2.7m width is a specific request of the client, based on specific requirements of staff and contractors. Their revised car parking layout has been developed to include this size.

2e) A new Road Safety Audit was carried out for the revised entrance design. The recommendations from the Road Safety Audit are incorporated in A16011-P803-P1 and A16011-P860- P1. The Road Safety Audit is included in appendix 4.

As the proposed junction is a priority junction, they have utilised the original Traffic and Transport Assessment. Their revised carpark or access does not change any traffic volumes associated with the proposed development.

2f) Following their review of the TII submission they confirm that they have revised their design as detailed in this response. Within this response they have addressed the following concerns:

Road safety considerations:

- The proposed access is relocated to avoid any direct interface with the existing accesses opposite the site. These accesses are identified in their drawings which were subject to the Road Safety Audit.
- The principle of replacing the existing substandard entrances to the Glanbia Facility, with one new junction, designed to standards set out in TII publications, significantly improves the road safety for all users.
- The required line of visibility of 215m in both the horizontal and vertical alignment scenarios have now been demonstrated in the revised design proposal.

Official Policy on Access to National Roads and Strategic Context of the N3, National Primary Route:

- In their review of the DoECLG Spatial Planning and National Roads Guidelines they note that the proposed development reduces the number of access points to the Glanbia Facility from two to one which now complies with current TII standards.
- As previously demonstrated they note that the generation of increased traffic from existing accesses is negligible compared to the current N3 AADT.

- They acknowledge the policy of the planning authority, where it is critical to maintain the capacity, efficiency and safety of the national roads network.
- In order to mitigate against the increase in traffic generation associated with the development, some measures, which have been discussed within the Glanbia organisation, can be implemented as part of the delivery of this project.
- These mitigation measures, the development and implementation of the following traffic management tools assist in reducing vehicle movements into the site, and ensure the movements are more evenly spread throughout the day.
- Mobility Management Plan (Staff)
- Vehicle Booking / Scheduling (HGV Deliveries)

#### Outline Mobility Management Plan (MMP):

Glanbia have reviewed the possibility of using MMP as a management tool that will bring together transport and other staff and site management issues in a co-ordinated manner; it is a package of measures and a dynamic process.

Key objectives: a reduction in car journeys to and from the site; an increase in the number of people who share their journey by car; a review of the working hour / shift change over times to allow for a reduction in the need to travel during the rush hour; and enabling staff to use alternative modes of transport.

The implementation strategy will require the following action items to be addressed by Glanbia: appoint a dedicated co-ordinator, ensure a dedicated steering group is appointed within the organisation to assist in the development of the MMP and promote its implementation, all hard and soft measures identified and agreed by the steering group need to be implemented. Typical short terms goals could include: construct a new bicycle parking area for staff, construct a covered shed for bicycles in a secure area, encourage the promotion of the bike to work scheme and promote the tax incentives associated with this scheme to employees, encourage car sharing for staff and like-minded people, provide dedicated preferential parking space for car sharers (e.g. located close to the building entrance), offer emergency ride home service for those who have signed up for car sharing, promote walking, and promote sponsored PPE/ Hi Vis for walkers and cyclists.

#### Outline Vehicle Booking / Scheduling:

The management team have currently developed a HGV schedule which has encouraged a spread of HGV movements in and out of the Glanbia facility at Virginia.

The scheduling of HGVs has provided the benefit of improved traffic management within the facility with particular reductions in the waiting times prior to unloading or loading on site for all HGVs. Due to the nature of the three main operations on site, the Transport Manager has focused on ensuring that the movements on-site are evenly spread across the day. Based on discussion with Glanbia management the following objectives have been agreed:

- Milk tanks:

Encourage the even spread of HGV milk tanker deliveries entering the facility. Current peaks of 6am to 7.30am, 12pm to 1.30pm, and 4pm to 5pm. This can be spread more evenly to avoid peak traffic movements on the N3.

Ensure that unloading times are consistent (40-60 minutes) so that drivers can manage their time management and site visits.

It should be noted that collecting milk from dairy farms in the region is seasonal, with peak milk volumes and associated deliveries from May to July each year.

- Finished Product Powder Deliveries:

Finished product is loaded into containers for transport off site for export. The loading of trucks should take place from 8am to 12 noon. These HGV loads depart for the port in Dublin over a period of 2 hours.

- Cream Tanker Deliveries:

All cream tanker deliveries are scheduled for transport offsite during the periods where milk deliveries are at a minimum on site. Currently this is scheduled for the period of 9am to 11 am on site to assist in the HGV traffic management within the facility, and to arrive in Dublin Port for export via ferry transport.

These measures require close co-ordination with the drivers. Taking account of the current short term mitigation measures along with possible future infrastructural upgrades to the N3, they envisage the traffic generated by the proposed expansion can be accommodated without causing any negative impact on the N3.

They understand that a consultant is to be commissioned to develop the Virginia Bypass scheme, design stages 1 to 4. They are also aware that a possible safety upgrade project is likely to be progressed for the section of the N3 from Virginia to Mahera. Both these projects will assist in improving the safety for all users of the N3. In regard to safety concerns raised by TII they trust the improved junction design submitted will address those concerns.

3) A NIS addressing all relevant mitigation measures outlined in the EIAR is provided in appendix 6. The conclusion is that the proposed expansion, either alone or in combination with other projects or land uses, will not have any direct or indirect adverse impacts on the conservation objectives of the River Boyne and River Blackwater SAC and SPA or any other Natura 2000 site.

4) Glanbia have confirmed that they are not aware of any legal right of way through their property connecting the N3 to the lake. Malone O'Regan have checked with the Property Registration Authority and confirm that they could find no evidence of the right of way referred to in a third party submission on the planning application.

3.8.2. Documents accompanying the submission include:

3.8.3. A Road Safety Audit stage 1/2 – which identified and made recommendations regarding the 3 identified problems: 1) High sided vehicles using the right turn exit from Glanbia may obstruct the line of sight of a vehicle exiting in the left turn masking approaching vehicles from the south. This may lead to side swipe or rear end collisions. – recommendation – provide a single exit lane. 2) The second right turn arrow is located opposite the exit lane from Glanbia. This may result in drivers of vehicles entering to the incorrect side of the splitter island leading to head on collisions with possible injury to vehicle occupants. The continuous line across the right turn lane exacerbates the problem – recommendation – move the right turn arrow forward so that it points to the correct side of the splitter island and omit the continuous line across the right turn lane. 3) The plans provided indicate that the hard shoulder on the west side of the N3 is dropped through the site access. This puts cyclists and pedestrians, who use the hard shoulder, at risk of collision with motorised vehicles – recommendation – maintain the existing hard shoulder width on both sides of the N3.

- 3.8.4. Shadow Assessment - there are 4 residential properties within 70m of the site boundary: 1 & 2 are semi detached bungalows east of the N3, 3 is a detached bungalow south of 1 & 2, and 4 is a detached two storey residence immediately north. The analysis shows the shadows generated by the main dryer building and other existing and proposed buildings and structures. The only discernible difference in shade experienced for the summer solstice is at residence no. 3 from 8pm onwards (rather than 9pm at present). At the equinoxes at No 1 & 2 from 6pm onwards. At 6pm the most northern tip of the northern dwelling will be in shade, at most 10% of the building, and on the north-facing side. By 7pm all of these dwellings will be in shade. At the winter solstice the proposed development is likely to affect residence no 4 for 1-2 hours between the hours of 11am and 1pm. It will be marginally more shaded at 3pm than it is at present. Some of the shading will be absorbed by the existing roadside vegetation. The residential amenity of the neighbouring properties is not considered to be significantly impacted.
- 3.8.5. Visual Impact - a further visual impact photomontage is presented for the view from the Loughcrew Cairns. While the Glanbia buildings are visible, as are the buildings of Erin Farm Foods and Virginia International Logistics in Maghera, 1.7km to the south of the site, they may not be noticed by a casual observer upon this panoramic hilltop. As the buildings and structures on the Glanbia site represent such a minute parcel of the available visual spectrum from this elevated eyrie, at this distance the new dryer plant is challenging to locate. Consequently, the visual presence of the proposed development can be considered minimal. The new building's anthracite grey tone is submerged by dark green tones to most sides, although raised, the finished roof level still resides some distance below the skyline. The eye of the viewer is more likely to navigate to the rolling foreground or the more distant skyline or multiple other competing features. The magnitude of visual impact is deemed negligible.
- 3.8.6. An NIS is submitted, this is referred to under the heading Appropriate Assessment in the Assessment Section.

### 3.9. Further Reports

- 3.10. The second roads design report, (although indicated as a draft report), 5<sup>th</sup> June 2019, includes:

3.10.1. Prior to submission of the further information the applicant's agent held discussions with the Roads Section in relation to the information requested, at which meetings the Council's requirements were further outlined and agreed. The further information submitted by the applicant has been reviewed by Roads Design and there are no objections in principle to the proposal.

2a) Acceptable.

2b) The revised design drawings are considered acceptable. The revised proposal relocates the proposed access approx. 130m south of the location originally proposed. The effect is that the proposed entrance is no longer directly opposite the private residences off the southbound carriageway, therefore avoiding any direct interface. Furthermore, the revised right turning lane design allows facilitation of spaces in the right turning ghost island, for motorists turning right into the dwelling houses.

It is also noted that the applicant has demonstrated 215m sightlines. This will be facilitated by works to third party lands south of the new entrance, and written consent has been submitted.

The applicant has also confirmed adequate vertical lines of visibility at the proposed entrance, through submission of longitudinal section, details of which were agreed during discussions with Roads Design.

2c) The car park will facilitate the maximum staff with spare capacity. The TTA indicates that development flows from the facility will increase the AADT flows on the N3 by less than 1%, which is negligible in terms of operational capacity. Junction analysis also demonstrated its operation within capacity with no queues and minimal delays up to 15 years following construction.

2d) Parking spaces are designed to 2.7m width. Furthermore the new access road and parking areas allow for segregation of car and HGV traffic on site.

All the issues raised in the previous Roads Design report have been adequately addressed. It is a significant improvement on current layout in terms of road safety:

- Improved definition of the access.
- Reduction in the number of access points.

- Provision of a new single access, designed to modern DMRB design and safety standards, and removal of current substandard accesses.
- Provision of a right turning lane with safety and capacity benefits.
- Allowance for spaces in the right turning ghost island for motorists turning right into the dwelling houses opposite, aiding the right turn from the national road.

They note the proposed mitigation: Mobility Management Plan (Staff) and Vehicle Booking / Scheduling (HGV Deliveries).

The proposed development is considered to provide an overall benefit in terms of safety and capacity at this location.

Recommending permission with the following conditions:

All details relating to improvement works on the N3 National Road to facilitate widening and provision of the right turning lane shall be agreed in writing with the roads authority prior to commencement of work on site. Details to be submitted for written approval include, but are not limited to, the following:

- Detailed design drawings, documents and all proposed works on site shall be in accordance with the latest standards set out in TII publications.
- All reports including ground investigation and topographical survey information pertaining to the design.
- All construction stage management plans and traffic management plans for works affecting the National Road.
- With regards to the foregoing the applicant shall facilitate meetings as required with Cavan County Council (a minimum of 2 no.) prior to the commencement of works.
- At its junction with the public road, the gradient of the access road shall not be greater than 2% for a distance of 7 metres and not greater than 5% for the remainder of the first 20 metres.
- Car and HGV parking shall be appropriately marked with thermoplastic road marking materials designating parking bays, circulation lanes and areas to be kept

clear of parking. All roadways and junctions to have signage and road-markings in accordance with the 'Traffic Signs Manual'.

- Car park, internal service road and entrance area shall be structurally designed taking into account ground conditions and proposed levels of use. Areas shall be surfaced using appropriate depths of bituminous bound materials.
- No advertising signs or devices including those normally considered to be exempted shall be erected or displayed within 7 metres of the nearside edge of the N3 National Road.
- On site lighting shall be appropriately designed and positioned so as it does not cause glare for motorists travelling on the National Road.
- A stage 3 Road Safety Audit of the development and its junction with the public road shall be carried out prior to opening of the development and shall be submitted for approval. Recommendations of the Audit shall be implemented by the applicant at full cost to the developer.

3.11. The second planning report, 10<sup>th</sup> June 2019, which recommends permission, includes:

1a) The justification of the additional height is considered reasonable.

1b) The shadow analysis results are: summer solstice – at 8pm the proposed extension will impact on residence no. 3; autumn equinox at 6pm residences no. 1 and 2 will be marginally shadowed and by 7pm these will be fully shaded; winter solstice at 12pm residence no. 4 will go from being partially shaded to being fully shaded and at 3pm this dwelling will be marginally more shaded than previously. The analysis does not consider the existing mature roadside vegetation. The analysis has concluded that the residential amenity of the 4 neighbouring properties is not significantly impacted.

It notes the Roads Design acceptance of the Further Information received and their recommended conditions, in relation to items 2 a) to d).

It notes the further observations.

It notes the TII submission.

It notes and accepts the EIAR and concludes that having regard to the mitigation measures proposed, the environmental effects are acceptable and the development



would not have any unacceptable direct or indirect effect on the environment, and the proposed development contributes as an overall benefit to the site and adheres to national, regional and local policies.

It includes appropriate assessment, and concludes that the implementation of best practice construction methodologies and the proposed mitigation measures and based on the information on file which is adequate to carry out a stage 2 appropriate assessment that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the River Boyne and Blackwater SAC and the River Boyne and Blackwater SPA.

The development contribution, based on the Development Contribution Scheme 2017-2020 at a rate of €25 per square metre is  $25 \times 7,971 \text{m}^2 = \text{€}199,275$ , rounded to €199,280.

### 3.12. Further Reports from Prescribed Bodies

#### 3.13. TII, 15<sup>th</sup> May 2019, which includes:

Official Policy on Access to National Roads:

Increased turning movements onto and off the N3 national road associated with the proposed development are outlined in the Transport Assessment submitted with the initial application and comprise a 60% increase in HGV trips and a 10% increase in staff trips. The Council will be aware that the guidelines, S 2.5; policy will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kph apply. Policy is reflected in the CDP.

It is noted that the applicant's response indicates that to mitigate against the increase in traffic generation some measures have been discussed within Glanbia and can be implemented, but not committed to as part of the project, including Mobility Management Plan (Staff) and Vehicle Booking / Scheduling (HGV Deliveries).

TII advises that while increasing road safety for all road users arising from improvements to the access junction proposed is welcome, there is a need to ensure that any road safety improvements should not be potentially offset by increased turning movements at the direct access onto the N3. Therefore, it is essential that

mitigation measures are formulated, implemented and monitored to address traffic associated with the subject site and also to augment the road safety benefits proposed.

TII notes that the FI response outlines that a key objective of the MMP would include a reduction in car journeys and an increase in car sharing. Such measures have the potential to reduce turning movements onto / off the N3.

The details forwarded do not quantify the potential to address the matter, nor is there a time related commitment to the preparation, implementation and monitoring of a Mobility Management Plan provided. There is also no similar commitment by the applicant to implement the Vehicle Booking / Scheduling (HGV Deliveries) discussed.

TII considers that the proposed development has not demonstrated with confidence that intensification of direct access to the N3 will not arise, nor is traffic associated with the subject facility to be actively managed at this sensitive location on the national road network.

Although the proposals outlined by the applicant offer the potential to address the policy conflict that arises from the intensification of use of the direct access to the N3, TII considers that this matter requires further elaboration and commitment to demonstrate that the proposed development can proceed consistent with the objectives of official policy. TII recommends clarification and resolution of this matter prior to any decision in the interests of safeguarding the safety, capacity and operation of the national road at this location.

#### Road Safety Considerations:

i) there is a high AADT on this stretch of N3 with a number of collisions identified in the vicinity of the Glanbia facility. This is acknowledged in S 7 of the Traffic and Transport Assessment submitted with the application. It is noted that a high number of collisions identified involve commercial vehicles. In addition, there are a number of direct access properties and other laneways in the vicinity of the proposed access. It is therefore essential that the roads/planning authority ensure road safety issues are addressed as part of this planning application.

The new layout is acknowledged. In relation to the proposed new junction arrangement, improvements include proposals to widen the N3. Such improvements

to a national road are required to comply with all standards outlined in TII publications and are the responsibility of the road authority (Cavan County Council).

TII is of the opinion that the following matters require clarification prior to any decision:

- The drawings detailing the new access proposal indicate the area of land to be acquired to accommodate road widening and the provision of sightlines. However, it is unclear that the works proposed are within the control of the applicant to deliver. The letter of consent does not confirm that lands are to be acquired per the drawings. There is also no commitment or clarity on the future maintenance and ongoing provision of sightlines which are essential for road safety at this location.
- An incomplete Road Safety Audit accompanied the further information response referral documents received by TII and is not in accordance with TII Publications standards.

Pavement design – the following requirements apply:

- Proposals shall be designed to TII publication Pavement and Foundation Design Reference DN-PAV-03021, for a design life of 20 years,
- The existing pavement shall be strengthened for design life of 20 years,
- Strengthening of the existing pavement will be subject to a Pavement Asset Repair and Renewal Proposal,
- The Pavement Asset Repair and Renewal Proposal will require the approval of TII Network Management,
- All pavement proposals and works shall comply with the requirements of TII Specification for Roadworks.

As currently proposed the national policy requirement to maintain the capacity and safety of the National road is not satisfied, and issues in relation to mitigation of the intensification of use of a direct access to the national road and the identified road safety concerns require demonstration of resolution prior to decision.

### 3.14. Further Third Party Observations

- 3.14.1. Observations subsequent to the further information response have been read and noted. Issues raised are similar to those raised previously. In relation to the revisions to the proposed development, issues raised include: the 20% shading is of concern and they consider the photomontage is not a true indication of how close the proposed development will be to their homes. Re. the proposed ghost islands and filter lanes, in two cases they consider them adequate, but in the third case they consider the lane is non-existent and a danger for a car to wait in. They question how safe it would be for employees to walk or cycle to Glanbia. The site is not similar to the others where Glanbia has carried out similar development, and they request refusal on the grounds of visual overbearing impact and shadowing.
- 3.14.2. Photographs depicting the proposed development are included with the observations.

## 4.0 Planning History

Given in planning report as:

14210 Glanbia Ingredients Ireland Ltd was granted permission for the construction of a new boiler house and associated infrastructure, including a 32m tall exhaust stack. The development accommodated the installation of a new bio-mass fuelled combined heat and power plant to replace the existing steam boilers at the site. Existing activities at the site operated under an EPA industrial emissions licence, ref. no. P0405-02.

071628 Glanbia Ingredients Virginia Ltd was granted permission to place a condenser unit on the roof of the existing plant.

002120 Glanbia Ingredients Ltd was granted permission to construct new loading bay and canopy roof.

001438 Glanbia Ingredients Ltd was granted permission to construct a new co-generation plant.

991233 Glanbia Ingredients Ltd was granted permission to construct a monolith sign.

98542 Virginia Milk Products Ltd was granted permission for extension including new floors to the existing dryer no 1 building to house new dryer and plant.

98288 Virginia Milk Products Ltd was granted permission for additional milk powder storage silos.

94372 Waterford Foods PLC was granted permission to erect signage on an existing building.

9320603 Virginia Milk Products Ltd was granted permission to extend and develop mezzanine offices and provide a link bridge from new office building.

9119615 Virginia Milk Products was granted permission to erect a one storey building to house an industrial gas turbine and generator set.

PL2/5/86147, PA Reg Ref 9119275 Virginia Milk Products Ltd, the Board granted permission to construct a dry goods store with access from existing site, provide landscaping and tree planting (file attached to the subject file).

9119193 Virginia Milk Products Ltd was granted permission to erect a new administration and service building, reposition front boundary fence, carparking and landscaping.

8817519 Virginia Milk Products Ltd was granted permission to construct office block, car parking and security hut.

871770 Virginia Milk Products Ltd was granted permission to extend existing powder storage and bagging area.

8616355 Virginia Milk Products Ltd was granted permission for a new building for milk evaporators.

8414622 Virginia Milk Products Ltd was granted permission to erect effluent treatment plant extension.

8314481 Virginia Milk Products Ltd was granted permission to extend milk evaporator plant.

8314202 Virginia Milk Products was granted permission to extend existing office accommodation.

811343 Virginia Milk Products Ltd was granted permission to provide new boiler house, flue, intake pit, bar stockpile and ancillary, extend boiler house and provide ancillary plant.

648978 Virginia Milk Products was granted permission to erect extension to factory.

648154 Virginia Milk Products was granted permission to extend milk powder room.

649490 Virginia Milk Products was granted permission to raise part of factory roof for installation of evaporator plant.

647989 Virginia Milk Products Ltd was granted permission to erect extension to office building.

647669 Sean O'Callaghan was granted permission for serviced bungalow.

645534 Abbot Ireland Ltd was refused permission to construct simclar plant.

644194 Virginia Milk Products was granted permission to erect extension to factory.

643554 Bovril Ireland Ltd was granted permission to erect factory.

## 5.0 **Policy Context**

### 5.1. National Policy

### 5.2. **Capital Investment Plan 2016-2021**

#### 5.2.1. Capital Investment Plan 2016-2021 – Building on Recovery Infrastructure and Capital Investment (Department of Public Expenditure Reform, 2015).

The capital program aims to provide for major infrastructure projects, €1.25 billion will be invested in the agriculture sector, to advance major development programs, including Food Wise 2025.

### 5.3. **Food Wise 2025**

#### 5.3.1. Published in July 2015, by the Dept of Agriculture Food and the Marine, Food Wise 2025 identifies ambitious and challenging growth projections for the industry over the ten years. It underlines the sector's unique and special position within the Irish

economy, and it illustrates the potential which exists for this sector to grow even further.

2025 targets:

- 85% increase in exports to €19 billion;
- 70% increase in value added to €13 billion
- 65% increase in primary production to €10 billion and
- The creation of 23,000 additional jobs all along the supply chain from producer level to high-end value-added product development.

5.3.2. Demand for dairy products will continue to expand at a rapid rate through the next decade. Per capita consumption of dairy products in developing countries is expected to increase by 1.2% to 1.9% p.a., with the expansion in demand, reflecting robust income growth and further globalisation. By contrast, per capita consumption in the developed world is projected to increase by between 0.2% and 0.9%.

5.3.3. The abolition of the EU Milk Quota regime presents the Irish dairy sector with the freedom to realise its full potential in terms of output, export earnings, rural employment and investment, but this growth must be undertaken in a sustainable manner and not at the expense of the environment and our natural resources.

5.3.4. The increased availability of high quality and safe raw material provides great potential for further developing the dairy processing industry and expanding its capabilities to deliver innovative product solutions to address the demand from global consumers.

5.3.5. DAFM to work closely with responsible agencies to monitor potential localised/regionalised impacts of dairy herd expansion on water quality and to develop mitigation measures, in conjunction with the scientific findings from the Agricultural Catchments Programme.

#### 5.4. **Food Harvest 2020**

5.4.1. Published by the Dept of Agriculture Fisheries and-Food in July 2010, Food Harvest 2020 sets out a vision for Irish agri-food and fisheries. Included in its vision is efficient, environmentally sustainable production that delivers significant growth,

benefiting primary producers, processors and the food-manufacturing sector. Achieving this vision will allow the sector to play its part in Ireland's economic recovery by 2020,

- 5.4.2. Climate change is recognised as the biggest environmental challenge that we collectively face, in relation to both reducing GHG emissions and addressing the adverse impacts of future climate conditions. A 12% rise in GHG emissions could result from the increased output envisaged in the national dairy herd. This increase in emissions can only be moderated through 'research investment' and by the improved transfer of technologies to farm, including research and advice on management interventions to enhance carbon uptake in soils.
- 5.4.3. Prospects for the dairy sector in the medium to long term are positive. Given projections for significantly increased demand, the abolition of EU milk quotas in 2015 presents a real opportunity for the Irish dairy sector, with a significant potential for increased milk production. The sector also possesses a significant cost advantage in the form of an environmentally sustainable grass-based production system, which allows milk to be produced efficiently for much of the year.
- 5.4.4. The target of a 50 per cent increase in milk production by 2020 (using the average of the years 2007 to 2009 as a baseline) would be realistic and achievable, and this will set the foundation for further expansion in subsequent years.

## **5.5. Project Ireland 2040 | Building Ireland's Future | National Planning Framework**

- 5.5.1. Published by the Government of Ireland in 2018, this is a development strategy to shape our national, regional and local spatial development in economic, environmental and social terms to 2040. It includes:

Ireland's natural resources are some of our greatest assets and through the development of the agriculture, food, forestry, tourism and renewable energy sectors, this will not only sustain rural employment, but also contribute to driving the national economy.

- 5.5.2. The agri-food sector continues to play an integral part in Ireland's economy and is our largest indigenous industry, contributing 173,400 direct jobs and generating 10.4% of merchandise exports in 2016. Agriculture has traditionally been the most important contributor to rural economies and it remains important as a significant



source of income and both direct and indirect employment. However, it must adapt to the challenges posed by modernisation, restructuring, market development and the increasing importance of environmental issues.

#### **5.6. Regional Policy - The Border Regional Authority Planning Guidelines 2010 – 2022.**

- 5.6.1. Published by The Border Regional Authority in 2010, included are:
- 5.6.2. The Agriculture sector, although it remains a significant sector in the Region, has been in decline for the last number of years. The majority of agricultural activity in the Region is based around small dairy and cattle farms, followed closely by fringe farming in the North West of the Region.
- 5.6.3. The agricultural sector will remain an important contributor to the local economy of the Border Region, although its activity base must diversify to respond to wider changes in national and world markets.
- 5.6.4. The diverse make-up of the Border Region, its cross-border relationships and potential opportunities, and its challenging, yet attractive, physical environment, underline the importance of connectivity in support of maximising the economic development potential of the Region.

#### **5.7. Spatial Planning and National Roads Guidelines for Planning Authorities**

- 5.7.1. Published by the Department of Environment, Community and Local Government January 2012 to ensure that development which would impact on national roads is plan-led so that investment in the capacity of national roads is protected through appropriate policies and local planning and collaboration between planning authorities and the National Roads Authority.
- 5.7.2. (2.5) Lands adjoining National Roads to which speed limits greater than 60 kmh apply: The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply.

5.7.3. (2.6) Exceptional Circumstances - Notwithstanding the provisions of Section 2.5 above, planning authorities may identify stretches of national roads where a less restrictive approach may be applied, but only as part of the process of reviewing or varying the relevant development plan and having consulted and taken on board the advice of the NRA and having followed the approach outlined below.

(1) Developments of National and Regional Strategic Importance

A less restrictive approach may be adopted in the case of developments of national and regional strategic importance which by their nature are most appropriately located outside urban areas, and where the locations concerned have specific characteristics that make them particularly suitable for the developments proposed. Such proposals must be in accordance with the National Spatial Strategy, Regional Planning Guidelines and other Guidelines issued by the Minister for the Environment, Community and Local Government under the provisions of section 28 of the Planning Acts.

In considering whether exceptional circumstances arise in the development plan and local area plan context, the planning authority and the NRA should take the following matters into account:

- (1) the relevance and appropriateness of proposed development in supporting the aims and objectives of the National Spatial Strategy and Regional Planning Guidelines;
- (2) the requirements of other planning guidelines issued under section 28 of the Act including the Retail Planning Guidelines (2005), which include a general presumption against large retail centres being located adjacent or close to existing, new or planned national roads, including motorways;
- (3) the nature of proposed development and the volume of traffic to be generated by it,
- (4) any implications for the safety, capacity and efficient operation of national roads;
- (5) any plans for future upgrades of national roads and other transport infrastructure/services;
- (6) the suitability of the location compared to alternative locations;
- (7) the pattern of existing development in the area;
- (8) satisfactory details of the proposed demand management measures;

(9) acceptable funding and delivery proposals for any road improvements required, and,

(10) the precedent that could be created for cumulative development in the area and the potential implications for the national road network.

## 5.8. Development Plan

5.8.1. Cavan County Council County Development Plan 2014 – 2020 is the operative plan, relevant provisions include:

EDP1 Policy to implement at county level provisions set out in ‘Harvest 2020’ subject to environmental carrying capacity constraints.

EDO13 Objective to promote the growth of rural enterprises whilst ensuring the protection of the environment and our natural assets. Individual projects shall be accessed on a case by case basis in line with best practice and in compliance with all sections of this plan.

PIO22 Policy to restrict accesses onto National Roads along sections of road where the speed limit exceeds 60km per hour and to restrict the intensification of any existing accesses in such locations, except in exceptional circumstances, as defined by Section 2.6 of the DECLG ‘Spatial Planning and National Roads Guidelines,’ in line with DECLG policy and as supported by the NRA.

PIO36 Policy to ensure that Road Safety is an integral part of all new planning applications and to ensure that formal Road Safety Audits are included in Planning Applications, as appropriate in line with requirements of NRA, DMRB HD 19/12 ‘Road Safety Audit.’

NHEP29 Policy to achieve good status in all our waterbodies and prevent the deterioration of existing quality status in all waterbodies in accordance with the requirements of the Water Framework Directive (WFD) and to any development where the potential adverse effects are not fully understood, in which case the development shall not proceed. The ‘burden of proof’ shall be solely with the applicant to ensure that the proposed activity will not cause significant environmental harm.

Lough Ramor Area 3 Lake Catchments of South Cavan, although not in an area of High Landscape Value or Special Landscape Interest, it is a major lake.

NHEO33 Objective to maintain the amenity value of major lakes and their environs within a landscape, recreational and ecological context by restricting and regulating development that would prejudice use and enjoyment of the areas, give rise to adverse visual impacts or threaten habitats through disposal of effluents.

## 5.9. Natural Heritage Designations

- 5.9.1. The nearest Natura sites are River Boyne & River Blackwater SAC site code 002299 & River Boyne & River Blackwater SPA site code 004232, c2km straight line distance from the subject site, and Kilconny Bog (Cloghbally) SAC site code 000006, c 5.5km straight line distance from the subject site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. An appeal against the planning authority's decision has been submitted by Ian & Sinead McMahon & others. The issues raised include:
- Excessive scale – the 6 storey, 42m high dryer plant directly across from their bungalows, on an elevated crest which will give the impression of being much larger, will be unpleasant and not in keeping with its rural surrounds. It will impact by overlooking, overshadowing and excessive bulk and scale on the residences. Part of it should be placed underground. It is creating an industrial location on the banks of Lough Ramor and with its dark colouring will be visible for miles.
  - Increased traffic – it will increase traffic on an already overburdened national primary route and is contrary to National Roads Guidelines. It processes approx. 11.5million litres of milk per week and if this development proceeds this will increase to 16.5million litres, a 50% increase in the number of HGV's entering and exiting. All the HGV's will enter from the north, passing directly outside their homes, creating an extra risk to them exiting their homes. The increased use and new entrance is contrary to the Cavan Development Plan 2014-2020.

- The grounds includes a request for an oral hearing, (already been considered by the Board).
- Enclosed with the grounds are copies of submissions made to the planning authority, during the course of the application.

## **6.2. Applicant Response**

6.2.1. The applicant did not respond within the time available to the grounds of appeal.

## **6.3. Planning Authority Response**

6.3.1. The Planning Authority has responded to the grounds of appeal, which includes:

- Excessive scale – the site has been in existence since 1971 (reg ref 64/3554). The need for expansion has been detailed in the EIAR and includes compliance with Food Harvest 2020, that has a focus on expansion of the dairy volume output of the country. Milk quotas were removed in 2015 with an objective to increase milk production by 50% by 2020. This will help to meet increasing demand for milk. The justification of the overall height has been submitted. The height is determined by the milk drying process equipment, using best available technology. The planner's report dealt with visual impact, examined photomontages, assessed daylight and shadow and has concluded that the visual impact is satisfactory.
- Traffic – traffic has been dealt with in detail following the further information request. Notwithstanding the increase in traffic movements, the traffic arrangements are an improvement on the current access and exit arrangements. The roads design report concludes that it is a significant improvement on the current layout in terms of road safety. The new layout improves definition of access to the site, reduces the number of access points, provides a new access, new right turning lane and a right turning ghost island.
- They request that their decision be upheld.

#### **6.4. Board Correspondence**

- 6.4.1. The Board wrote to the EPA inviting comments on the EIAR submitted, no response was received.

#### **7.0 Assessment**

- 7.1. The issues which arise in relation to this appeal are: the principle of the development, residential amenity, visual amenity, traffic safety / national roads policy, appropriate assessment and environmental impact assessment and the following assessment is dealt with under these headings.

#### **7.2. The Principle of the Development**

- 7.2.1. The site is a long established enterprise in a rural area. It is supported by national policy on increasing dairy output, county development policies to implement the provisions set out in 'Harvest 2020' subject to environmental carrying capacity constraints, and to facilitate and encourage the sustainable development of agricultural enterprises. Subject to traffic considerations and the protection of the environment, the proposed development is acceptable in principle.

#### **7.3. Residential Amenity**

- 7.3.1. Impact on residential amenity is raised in the grounds of appeal. The excessive scale is of concern. It is stated that the 6 storey, 42m high dryer plant directly across from their bungalows, on an elevated crest which will give the impression of being much larger, will be unpleasant and not in keeping with its rural surrounds. It's height will impact by overlooking, overshadowing and excessive bulk and scale, on the residences.
- 7.3.2. The proposed development constitutes an increase in scale over that existing on this site. The proposed new dryer plant will have a height of 42m above ground and will comprise a significant feature in visual terms at this location. In addition to the proposed new dryer plant other elements will be significant visual features. Two additional milk silos, each 22m high, and two new cream silos, each 11m high, will be erected, in addition to relocating nine silos. A two storey building comprising

offices, canteen wc and changing facilities, will be constructed north west of the subject dwellings, partly obscured by the silos.

- 7.3.3. Overlooking - The only potential for overlooking would be from the office / canteen building but it is shown in excess of 60m from the road edge, and therefore overlooking is not considered to be a reason to refuse or modify the proposed development.
- 7.3.4. Overshadowing – in response to the further information request a shadow study was submitted and an accompanying analysis, which states that the proposed development will have no impact or negligible impact on the adjacent dwellings to the east.
- 7.3.5. Tables 1 to 3 of the shadow study set out the differences between conditions existing and proposed, for the 4 dwellings analysed being: semi-detached bungalows east of the N3 (no.s 1 & 2), the detached bungalow further south (no. 3) and the detached two storey residence immediately to the north of the site (no. 4).
- 7.3.6. The only discernible difference in shade experienced for the summer solstice is at residence no. 3 from 8pm onwards (rather than 9pm at present). At the equinoxes at No 1 & 2 from 6pm onwards. At 6pm the most northern tip of the northern dwelling will be in shade, at most 10% of the building, and on the north-facing side. By 7pm all of these dwellings will be in shade. At the winter solstice the proposed development is likely to affect residence no 4 for 1-2 hours between the hours of 11am and 1pm. It will be marginally more shaded at 3pm than it is at present. The study considers that the residential amenity of the neighbouring properties will not be significantly impacted.
- 7.3.7. In my opinion overshadowing is not likely to be a significant impact and should not be a reason to refuse or modify the proposed development.
- 7.3.8. Overbearing Impact - the grounds of appeal considers that the proposed height is excessive and that the bulk and scale will have an overbearing impact on the residences opposite.
- 7.3.9. Although there is established development on this site, the proposal development, and in particular the proposed new dryer plant, represents a considerable increase in height to that existing. The EIAR includes a visual impact assessment, in which a

viewpoint 15m from the site, looking north west towards the site, is assessed. While this is not as direct as the view from the dwellings on the opposite side of the road, it is not dissimilar to that view. The receptor sensitivity is deemed to be low, based on the fact that the view is from the roadway. The visual impact as set out (P146) in the EIAR, includes:

The intensity of industrial development within this scene is substantially increased: not only is a sizeable proportion of the existing Glanbia buildings now more visible but so too are the proposed extensions and additions to the facility; most notably the large new drier. Moreover, the extent of visual absorption has dramatically decreased owing to the removal of intervening, mature vegetation. Consequentially, the visual presence of the proposed development from this location can be considered dominant. When factoring in the proximity of the site and the removal of most of the existing vegetation in the intervening distance, this viewpoint is unquestionably representative of the worst-case visibility of the proposed development, signifying a considerable increase of industrial development within the rural context. Whereas the motorway previously governed the foreground of the vista, the proposed development will tend to draw the eye towards it to a far greater degree than at present. The proposed dryer dominates the field of vision, owing to its voluminous block-like appearance, dark tone and angular roofline. However, the new dryer's form and material are similar to and compatible with, those of the existing facility. The proposed buildings and structures will reduce the rural amenity enjoyed by the residents, though the development will also provide increased rural views from what had previously been confined to a roadside ditch. In fact, the development should serve to open partial lake views to the residences, as well as road users on the N3. Neither does the proposed development at any stage screen the view of any sensitive landscape features beyond or behind the site. For the reasons outlined the magnitude of visual impact is deemed to be high. The significance of the visual impact is considered moderate.

7.3.10. The significance of the visual impact is based on the combination of scale / magnitude of the impact and the sensitivity of the receptor, is set out in a matrix in table 12-3: Low sensitivity and high magnitude results in moderate significance of



visual impact. A high impact and high sensitivity of the receptor would result in a visual impact of substantial significance. Residents at home are more sensitive receptors than road users, as referenced in the visual assessment criteria (12.2.2) and therefore the significance of the impact would not be moderate. If the scale and magnitude of the impact is high, and the receptor sensitivity is high, the significance would be substantial (per table 12-30). I note that Cavan County Council has not prepared a Landscape Character Assessment, which could be used to inform visual impact assessment. A Landscape Character Assessment might include provisions in relation to impact, such as in other Landscape Character Assessments (Kildare is one such), that the degree of public benefit of development is taken into account, on the basis that landscape impacts of developments that serve the greater public good are perceived to be acceptable, in instances where development is not solely for private gain.

- 7.3.11. In the subject case having regard to the longstanding association of Glanbia with the area and the farming community in particular, the proposed development would be perceived as serving the greater public good and would therefore be more acceptable.
- 7.3.12. It is also the case that there is an established industrial development on the site and that the impact of the overall development will be mitigated by improvements to the visual appearance of the existing facility, where a general upgrade in finishes is proposed, together with proposed landscaping. therefore notwithstanding substantial visual impact on the residences opposite, I consider that the proposed development is acceptable and that an overbearing impact on the residences opposite should not be a reason to refuse or modify the proposed development.

#### **7.4. Visual Amenity**

- 7.4.1. Impact on visual amenity is raised in the grounds of appeal, which states that it is creating an industrial location on the banks of Lough Ramor, and with its dark colouring, will be visible for miles. It is suggested that part of it should be placed underground.
- 7.4.2. Chapter 12 of the EIAR deals with landscape and visual assessment. The chapter sets out the policy context and considers the predicted landscape impacts within a

5km study area, selecting 9 viewpoints as representative of the likely visual impact. Impact from these viewpoints is set out in table 12-6 and each is analysed under the heading of receptor sensitivity, existing view, visual impact of proposed development and impact significance. A photomontage, is provided for each. In response to the request for further information an additional photomontage was submitted, together with an analysis of the likely visual impact, under similar headings to the original 9 submitted with the application.

7.4.3. Receptor sensitivity ranges from very high to low. It is very high at the Loughcrew Cairns, high-medium at the lakeshore at the edge of the town of Virginia, at the lakeshore at Virginia golf club and at the car park at Lakeside Manor Hotel, medium at locations across the lake and at residences on the R194 to the east, medium-low at the N3, 300m south, and low at the other locations, including immediately north and south of the site. Taking account of the scale / magnitude of the impact, together with the receptor sensitivity in each case, (as set out in a matrix in table 12-3) the significance of the impact varies from slight/imperceptible to substantial–moderate. Impact categorised as slight/imperceptible includes the viewpoint at the Loughcrew Cairns, where notwithstanding the very high receptor sensitivity the magnitude of impact is negligible. The substantial–moderate significance refers to residences along the R194 (receptor sensitivity medium) because the proposed development breaks the treeline/skyline and therefore the magnitude of impact is high. In my opinion significance of the impact on the residences opposite the site would also fall into the category substantial.

7.4.4. In my opinion the viewpoints selected are from locations representative of the range of likely visual impacts, the photomontages accurately depict the proposed development from the various representative locations chosen, and the accompanying visual assessment is a reasonable assessment of the likely impact. It is of significance that the proposed development serves the rural agricultural community, both local and regional, and that the existing processing plant on the site has been in this location for over fifty years. The established facility at this location and other industrial type developments in the vicinity are considerations. The existing visual presence of the established industrial complex is an important factor in the assessment of visual impact. I acknowledge that the proposed extension will be a development of substantial scale in a rural area. In my opinion the visual impact is

acceptable and visual impact should not be a reason to refuse or modify the proposed development.

- 7.4.5. The suggestion that part should be placed underground is neither reasonable nor feasible.

## **7.5. Traffic Safety/National Roads Policy**

- 7.5.1. Concerns regarding traffic safety and impact on the national road have been raised by the third party.
- 7.5.2. The site is located along a section of the N3 national primary road to which speed limits greater than 60kph apply. There are two access/egress points to the existing site. That nearest Virginia is used as access only. That nearest Mahera is used as exit only. The proposed development includes a proposal to alter the access arrangements to utilise a single access/exit at a new location. The proposal was modified during the course of the application and significant revisions were made in response to the further information request. The proposal includes widening the N3 and providing a ghost island.
- 7.5.3. There are reports on the file from the Roads Design Section of Cavan County Council and observations from TII.
- 7.5.4. The grounds of appeal state that the development will increase traffic on an already overburdened national primary route and is contrary to National Roads Guidelines. The existing development processes approx. 11.5million litres of milk per week and if this development proceeds this will increase to 16.5million litres, a 50% increase in the number of HGV's entering and exiting. All the HGV's will enter from the north, passing directly outside their homes, creating an extra risk to them exiting their homes
- 7.5.5. TII in their second report considered that further clarification was required regarding the control by the applicant of lands where works are proposed and regarding the Road Safety Audit which was incomplete and not in accordance with TII standards; and also to satisfy TII that proposed mitigation in relation to the issue of intensification of use of a direct access to a national road would be resolved.

- 7.5.6. In their initial report TII pointed out that although the Guidelines (Spatial Planning and National Roads Guidelines for Planning Authorities) in the general restriction to development accessing national roads allow for exceptional circumstances, this must be plan led and have been included in the relevant development plan process, and these circumstances do not currently apply to the subject site.
- 7.5.7. It is worth noting that the policy to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads, to which speed limits greater than 60 kmh apply, as set out in the document Spatial Planning and National Roads Guidelines for Planning Authorities, allows for exceptional circumstances to be considered in the development plan review process, and in this regard developments of national or regional strategic importance may be considered exceptional. Although such a process was not implemented in relation to the county development plan, the proposed development would in my opinion constitute such an exceptional circumstance.
- 7.5.8. TII accepts the traffic safety improvements being achieved in the proposed access alterations, but remains concerned regarding increased traffic. They note that a reduction in car journeys and an increase in car sharing, which is a key objective of the Mobility Management Plan, has the potential to reduce turning movements, but they require details to quantify this matter and a time related commitment to the preparation, implementation and monitoring of a Mobility Management Plan. A similar commitment to implement the Vehicle Booking / Scheduling (HGV Deliveries) is required.
- 7.5.9. The decision of the planning authority, which relies heavily on the report of the Roads Design Section, includes conditions related to the road safety, the national road and traffic impact:
- Condition no. 4 which has multiple requirements, including regarding the widening of the N3 and provision of the right turning lane to be further detailed and agreed in writing with the planning authority, and in compliance with TII publications; also requiring the submission of details of the proposed Mobility Management Plan (for staff) to be implemented; and requiring the submission of details of the proposed implementation of a Vehicle Booking/ Scheduling for HGV's.

Condition no. 5 which also has multiple requirements, includes the requirement that a stage 3 Road Safety Audit of the development and its junction with the public road be carried out prior to opening the development and submitted to the planning authority for approval; recommendations of the audit to be implemented by the applicant.

- 7.5.10. The existing development has an inadequate access to the public road with inadequate sightlines. There is a continuous white line along the centreline of the N3 at this location, which makes turning movements associated with the proposed development and the dwellings opposite problematic. The proposal to provide a right turning lane into the proposed development and the provision of a ghost island with gaps to allow motorists to access the dwelling houses opposite, is a significant improvement on the existing situation. The proposal to reduce the number of access points from 2 to 1 also brings safety improvements.
- 7.5.11. In my opinion the proposed Vehicle Booking/ Scheduling for HGV's, will ease the traffic impact of the proposed development. The proposed Mobility Management Plan also offers significant potential improvements in reducing the potential traffic impact.
- 7.5.12. In my opinion the proposed development, subject to the conditions in the planning authority's decision, will not impact adversely on the capacity or safety of the national road, but will achieve improvements in safety, and in particular, will achieve safety improvements for the residential properties in the vicinity.
- 7.5.13. I am satisfied that the increase in traffic generated will be adequately mitigated by the Vehicle Booking/ Scheduling for HGV's and the proposed Mobility Management Plan for staff.
- 7.5.14. In my opinion traffic safety, traffic impact and national roads policy are each adequately addressed in this application and none of these issues should be a reason to refuse or modify the proposed development.

## 7.6. Appropriate Assessment

### Screening Report

- 7.6.1. An Appropriate Assessment Stage 1 Screening Report was submitted with the application. A NIS was submitted in response to a further information request.
- 7.6.2. The Screening Report was prepared by Malone O'Regan Environmental and identified the River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 004232), located c 1.8km from the subject site, as requiring screening. The SAC, comprises the freshwater element of the River Boyne as far as the Boyne Aqueduct, the River Blackwater as far as Lough Ramor and the Boyne tributaries including the Deel, Stoneyford and Tremblestown Rivers, with qualifying interest habitats – alkaline fens and alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* and with qualifying interest species - river lamprey, atlantic salmon and otter. The SPA covers the same area with the species of interest – kingfisher. Generic conservation objectives apply to both sites.
- 7.6.3. The Annex I habitats are not present in the immediate vicinity and the habitats on the site are unsuitable for the Annex II species for which the protected sites are designated.
- 7.6.4. The Screening Report concluded that the construction works will be confined to daylight hours and therefore otters, which are crepuscular with activity peaks at dusk and dawn, are highly unlikely to be impacted; and noted that two otter holts will be constructed within one of the areas to be planted up with native broadleaved woodland, with positive impact.
- 7.6.5. Salmon are known to pass through the lough on their way up to spawning grounds further up the river catchments. River Lamprey are known to occur within the River Boyne system and, similarly to salmon, return from the sea to freshwater spawning grounds. They are known to occur within the lough however poor water quality is considered to be negatively impacting on their distribution. Neither will be directly or indirectly impacted, given adherence to an approved comprehensive Construction Environmental Management Plan (CEMP). Although production will increase at the facility, the nutrient loading will reduce compared to the existing discharge, which is regulated by the Industrial Emissions Licence (elsewhere referred to as an IED Industrial Emissions Directive licence) issued by the EPA. The decrease in nutrient

loading in the WWTP discharge will have a slight positive effect on water quality and the River Blackwater.

- 7.6.6. Field surveys did not identify any suitable nesting habitat for Kingfisher.
- 7.6.7. Regarding the potential disturbance during construction: construction will take place a significant distance from the water's edge. They would be habituated to increased ambient noise levels and if temporarily displaced there is an abundance of suitable habitats in the immediate and wider area. Any temporary displacement would not negatively impact on the species.
- 7.6.8. Regarding potential impairment of water quality during the construction phase: The existing facility is separated from Lough Ramor by an area of marshy grassland and semi-improved grassland, contaminated run-off from construction could potentially reach the surface water or groundwater and flow into the lough which would adversely affect water within the river, subsequently impacting protected habitats and species. There will be no direct discharges during construction and a minimum 50m setback will be maintained. A comprehensive CEMP will be put in place as detailed. Potential impacts are considered highly unlikely to occur.
- 7.6.9. Regarding potential impairment of water quality during the operational phase. the water quality within Lough Ramor is classified as at risk of not achieving good status and highly / strongly eutrophic on the EPA Envision Mapping System. Numerous sources contribute to nutrient loading, most notably from agriculture and further up the catchment.

Surface water discharge is expected to increase due to the new car park and will include condensate and cooling water, stormwater from roofs, clean yard, car parks, truck wash and diesel refuelling area. There will be 3 new oil interceptors for the car park, truck wash and diesel refuelling area. Surface water is monitored for conductivity and can be diverted to the WWTP if the trigger level is exceeded. Significant upgrades planned for the WWTP will reduce the nutrient load from the effluent discharge into the lake. The reduction in the nutrient load, has the potential to have a slight positive effect on the water quality in the lough and river.

NIS

- 7.6.10. A Natura Impact Statement (NIS) was submitted in response to a further information request.

7.6.11. The NIS was prepared by Malone O'Regan Environmental. The development description includes: as part of the upgrade works to the WWTP a diffuser will be installed at the outfall location in order to increase mixing of treated effluent resulting in more effective dilution and dispersion of the discharge. Some minor in-lake works will be required to install a diffuser to the current combined discharge line. The overall proposal will enable an increase in production onsite, an ability to accommodate an increase in delivery and product dispatch from the facility, allow for improved security on the site and safer access / egress from the site. The proposed expansion will result in an increase in milk acceptance at the facility to approximately 16.5 million litres of milk per week during the peak season.

#### 7.6.12. Construction phase

Methods of working will comply with all relevant legislation and best practice in reducing the environmental impacts of the works. Although generally short term and localised, the impacts will be reduced as far as practicable through compliance with current construction industry guidelines. All potential construction phase environmental impacts will also be addressed through the implementation of a comprehensive CEMP in accordance with current best practice guidelines; prepared by the main contractor in advance of any works commencing; and will include procedures for monitoring.

7.6.13. Maintenance of machinery and equipment during construction will adhere to the CEMP, and fuel storage and refuelling areas will be adequately bunded. With the exception of some minor works required within the lake for the installation of a diffuser at the end of the outfall line, as requested by IFI, all construction works will take place a minimum of 50m from Lough Ramor. All personnel will be trained. CIRA (2001) C532 – Control of Water Pollution from Construction Sites, Guidance for Consultants and Contractors, and IFI (2016) Guidelines on Protection of Fisheries during Construction Works in and adjacent to Waters (Inland Fisheries Ireland, 2016), will be followed.

7.6.14. A Landscaping and Ecological Enhancement Plan has been prepared which includes retention, maintenance and strengthening of existing hedgerow, along with additional planting of screening hedgerows and planting of additional native woodland areas between the proposed car park extension and Lough Ramor and tree maintenance /



management. This has been developed to enhance biodiversity as well as provide mitigation for visual impacts.

- 7.6.15. Other than the River Boyne and River Blackwater SAC/SPA, sites occurring within 10km are screened out due to lack of hydraulic connectivity.
- 7.6.16. Potential impacts on the River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 004232), are assessed.
- 7.6.17. The SAC drains a considerable area of Meath and Westmeath and smaller areas of Cavan and Louth. Habitats of conservation interest: alkaline fens and alluvial forests. Some rare plant species such as wintergreen and swamp meadow grass are found within the protected site.
- 7.6.18. Species of conservation interest: River Lamprey, Atlantic Salmon and Otter.
- 7.6.19. Conservation objectives: to maintain or restore the favourable conservation condition of the Annex I habitat(s) and species for which the SAC has been selected.
- 7.6.20. The SPA, covering the same area, is of high ornithological importance because of the nationally important population of Kingfisher, a species listed on Annex I of the EU Birds Directive. Conservation objectives: to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
- 7.6.21. Each qualifying interest habitat and species is described in section 4.3.
- 7.6.22. Section 5 sets out in tabular form: each qualifying interest, the baseline condition, potential impacts, screening rationale and screening conclusion; arising from which the habitats are screened out and the species are screened in; based on the absence of the Annex I habitats in close proximity to the site and the nature and scale of the proposed expansion. The potential for disturbance to species in the absence of adequate mitigation is acknowledged. The potential for negative impact on fish species and food availability for otter and kingfisher, from construction and operational impacts, in the absence of adequate mitigation, is acknowledged.
- 7.6.23. The stage 2 appropriate assessment considers:
- Loss of or disturbance to species.
  - Potential impairment of water quality during construction, and

- Potential impairment of water quality during operation

7.6.24. NIS – Natura 2000 designated sites within 10km of the site are:

River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 004232), located c 1.8km from the subject site and Kilconny Bog (Cloughbally) SAC 5.3km to the south east.

Direct or indirect effects on Kilconny Bog or its designated features of interest are unlikely due to the scale and nature of the proposed expansion, the distance separating the site from the designated site and the lack of hydraulic connectivity; therefore Kilconny Bog is screened out.

7.6.25. The River Boyne and River Blackwater SAC (site code 002299) – the SAC drains a considerable area of Meath and Westmeath and smaller areas of Cavan and Louth.

7.6.26. The main habitats of conservation interest are alkaline fens and Alluvial forests (priority habitat) characterised by common alder and common ash and with qualifying interest species - River Lamprey, Atlantic Salmon and Otter; and the SPA covering the same area with the species of interest – Kingfisher. Generic conservation objectives apply to both sites. These are found along the fringes of the River Boyne and River Blackwater and on islands within the River Boyne. Other habitats of interest include marsh lands along the rivers with wet grasslands dominating. Some rare species such as wintergreen and swamp meadow grass are found within the site. The main species of conservation interest are Atlantic Salmon, River Lamprey and Otter. Salmon run the Boyne and its tributaries almost every month of the year and the headwaters provide important spawning grounds. It is still commercially fished within the SAC and fishing remains the primary tourism attraction to the Boyne. In the River Blackwater, salmon populations have never recovered from drainage works undertaken during the 1970s. Intensive agriculture is the primary land use along the banks of the river. The widespread use of fertiliser and slurry, which impair water quality, pose the greatest threats to the conservation status of the SAC.

Conservation objectives for the River Boyne and River Blackwater SAC are to maintain or restore the favourable conservation condition of the Annex I habitat(s) and species, and annex II species for which the SAC has been selected.

7.6.27. The River Boyne and River Blackwater SPA (site code 004232) covers much the same area, including the river channel and marginal vegetation. It is of high ornithological importance as it supports a nationally important population of Kingfisher, a species that is listed on Annex I of the EU Birds Directive.

Conservation objectives for the River Boyne and River Blackwater SPA are to maintain or restore the favourable conservation condition of the bird species listed as the Special Conservation Interest for this SPA.

7.6.28. Details of the qualifying habitats and species of interest for the River Boyne and River Blackwater SAC:

Alkaline Fens are typically calcareous basin or flush fen systems with large areas of species rich sedge communities. They are often a complex mosaic of habitats, including reedbeds, tall sedge beds, wet grasslands, springs and open water. This habitat requires a low nutrient water supply, a high water table and minimal water level fluctuation. Fen management through conserving mowing is very important for maintaining species richness. In Ireland alkaline fens predominantly occur in lowland basins underlain by limestone groundwater bodies, which includes areas in the midlands and west of the country. Within the River Boyne and River Blackwater SAC alkaline fens are concentrated in the vicinity of Lough Shesk, Freehan Lough and Newtown Lough.

Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*: riparian forests of ash (*Fraxinus excelsior*) alder (*Alnus glutinosa*) and willow (*Salix* spp) on flood plains in a range of locations from low-lying wetlands alongside river channels to islands in the river channels. This habitat has suffered significant historic losses and is highly fragmented. Invasive species including beech and sycamore, and problematic native species such as bramble, are considered the main pressures impacting this habitat.

River Lamprey – Lamprey are some of the world's most primitive vertebrates. River lamprey is intermediate in size between the other species found in Ireland, the large sea lamprey and smaller brook lamprey. It is jawless and boneless, instead possessing a round sucker-like mouth and cartilage. They migrate upriver from the sea/estuary and enter Irish freshwater rivers every year to spawn. Spawning, triggered by rising temperatures, typically occurs in spring, after which the adult fish die.

The species is commonly found spawning within the lower reaches of the River Boyne.

Atlantic Salmon spend their juvenile stage in rivers before migrating to the sea to grow and mature. The adult salmon spends the majority of its life at sea, only returning to rivers to breed. Atlantic Salmon run the Boyne almost every month of the year. In Ireland Atlantic Salmon are considered vulnerable due to declines in abundance, reduced survival at sea, habitat loss, water quality issues and over-fishing.

Otter are widespread throughout Ireland and commonly found along rivers, lakes and coasts where fish and other prey are abundant and where riparian vegetation offers plenty of cover for safe refuge.

They can be described as crepuscular. At night and in dark silty water they rely on their highly sensitive whiskers to detect their prey. In clear waters they utilize their strong eyesight to locate prey usually along the bottom of the waterbody. They are described as opportunistic predators with a broad varied diet, such as salmonids, eel, small fish species and invertebrates. Otter are found throughout the River Boyne and River Blackwater SAC.

7.6.29. Details of the qualifying habitats and species of interest for the River Boyne and River Blackwater SPA:

Kingfisher, widespread throughout Ireland commonly found along rivers, stream and canals, it is one of the country's most distinctive birds with its metallic blue and orange plumage.

Kingfisher are renowned for their hunting techniques, they sit still watching for the movement in a waterway from a perch such as an overhanging tree branch. Once it sets sight on its prey it plunges into the water and catches the fish with its dagger shaped bill.

7.6.30. The identification and assessment of potential impacts are set out in tabular form in tables 4-6 of the NIS.

7.6.31. Screening assessment River Boyne and River Blackwater SAC:

The 'habitats' are screened out due to the scale and nature of the proposed expansion, and the distance separating the site from the habitats.

River Lamprey – From the National Biodiversity Data Centre (NBDC), no records have been found within a 2km grid of the site. The location referred to in the site synopsis, the lower reaches of the River Boyne, is c30km southeast of the site. IFI holds records for River Lamprey in Lough Ramor, however poor water quality has negatively impacted on their distribution. Re. the potential impact from pollution / release of suspended solids, further assessment is required.

Atlantic Salmon - NBDC no records have been found within a 2km grid of the site. According to the SAC site synopsis Atlantic Salmon use the River Boyne and its tributaries as spawning grounds. The river is a designated Salmonid water under the EU Freshwater Fish Directive. IFI holds records for Atlantic Salmon in Lough Ramor, however poor water quality has negatively impacted on their distribution. Re. the potential impact from pollution / release of suspended solids, further assessment is required.

Otter - NBDC no records have been found within a 2km grid of the site. According to the SAC site synopsis, Otter can be found throughout the SAC. The 2016 site visit identified otter activity along the edge of Lough Ramor with a number of otter spraints and feeding remains noted along the shore line. No otter activity was identified during the 2018 site visit. Re. the potential impacts from disturbance and feeding / foraging, further assessment is required.

#### 7.6.32. Screening assessment River Boyne and River Blackwater SPA.

Kingfisher – NBDC - no records have been found within a 2km grid of the site. Surveys in 2016 and 2018 did not identify any signs. Re. the potential impacts from disturbance and feeding / foraging, further assessment is required.

#### 7.6.33. Potential Impacts – the proposed expansion will take place 1.8km north of the River Boyne and River Blackwater SAC/SPA. The proposed expansion will not result in any direct or indirect loss or disturbance to any of the Annex I habitats; based on the absence of the Annex I habitats in close proximity to the site and the nature and scale of the proposed expansion.

The potential exists, albeit it is extremely low, in the absence of adequate mitigation, for the proposed expansion to cause disturbance to the Annex II species and Annex I bird species for which the sites are designated.

These potential impacts are related to the water quality of L Ramor which is hydraulically connected to the SAC/SPA. Given that the Annex II fish species are known to use L Ramor, and that both Kingfisher and Otter are likely to use L Ramor and the adjoining lands for foraging and feeding, any impact on water quality may negatively impact on the fish species and in turn impact on food availability for otter and kingfisher.

However given the assimilative capacity of the lake and the implementation of mitigation measures to protect the water quality of the lake during both the construction and operational phase of the development, it is considered highly unlikely that significant negative impacts will occur on the Annex II species or Annex I bird species, and for which the SAC/SPA are designated.

7.6.34. Stage 2 assessment is considered necessary as a precautionary measure.

Stage 2 assessment of potential impacts:

7.6.35. In the absence of adequate mitigation, the following potential sources of impact are identified:

- Loss of or disturbance to species.
- Potential impairment of water quality during construction, and
- Potential impairment of water quality during operation

7.6.36. Loss of or disturbance to species:

Otter

Otter is the only species for which the SAC is designated with the potential to disperse outside the river as the other species are entirely aquatic. While the habitats onsite are of limited value to otter, the areas of land adjacent to L Ramor and L Ramor itself provide suitable habitat for foraging and sheltering otter. Otters are crepuscular with activity peaks at dusk and dawn, and are highly unlikely to be impacted by the construction works which will take place during daylight, because of this, and the presence of a significant buffer between L Ramor and any construction works (c50m), it is considered highly unlikely that impacts will occur on foraging and commuting otters. Otters utilising this area have become habituated to increased ambient noise levels from the existing facility. Landscaping works provide for

ecological enhancement of the site, including the construction of two otter holts within one of the areas to be planted up with native broadleaved woodland, with positive impact for otters within the wider area, by providing sheltering and birthing place for female otters.

River Lamprey & Atlantic Salmon: while they are known to occur in Lough Ramor poor water quality is considered to be negatively impacting on their distribution. The proposed expansion will not result in any direct or indirect impact, given that the appointed contractor will strictly adhere to an approved CEMP. This will ensure that no negative impacts on receiving water quality will arise during construction.

The existing WWTP will be significantly upgraded. This will ensure that although production will increase, the nutrient loading discharge into L Ramor will actually reduce compared to the existing discharge. The existing discharges from the facility are regulated by the Site's Industrial Emissions Licence (No P0405-02) issued by the EPA. The decrease in nutrient loading will have a slight positive effect on water quality in the lake and therefore the River Blackwater.

#### 7.6.37. Potential impairment of water quality during construction:

There is potential for contaminated run-off from construction, including suspended solids and diesel leaks or spills. There will be no direct discharge and there will be a significant buffer (c50m) between L Ramor and any construction works. Potential impacts on water quality in the lake are considered unlikely to occur. Measures will be put in place during construction to ensure that there are no impacts on either L Ramor or the river further downstream.

#### 7.6.38. Potential impairment of water quality during operation:

Water quality within Lough Ramor is at risk of not achieving good status and is highly/strongly eutrophic on the EPA Environ Mapping System. There are numerous contributing sources to the Lough with regard to nutrient loading, most notably from agriculture along the Lough and further up the catchment.

Surface water discharge is expected to increase due to the new car park and will include condensate and cooling water, stormwater from roofs, clean yard, car parks, truck wash and diesel refuelling area. There will be 3 new oil interceptors for the car park, truck wash and diesel refuelling area. Surface water is monitored for

conductivity and can be diverted to the WWTP if the trigger level is exceeded. Significant upgrades to the wastewater treatment plant at the site will reduce the nutrient load from the effluent discharge into the lake, with potential for slight positive effect.

#### 7.6.39. Mitigation measures:

Mitigation measures will form part of the CEMP.

No additional water abstraction points from L Ramor or any other surface water bodies will be put in place by the appointed contractor.

Effluent and groundwater monitoring will continue during the construction and operational stage and will be reported to the EPA by GILL as per the IE licence requirements.

Stockpiled materials will be stored in low mounds where possible and will be located as far as possible away from Lough Ramor.

During the final stages of construction, in order to prevent, potential water pollution risk, when drainage lines are in place but not fully commissioned, any gullies or drains will be prevented from discharging directly to Lough Ramor without prior monitoring and if necessary treatment. No discharges to the surface water drainage system will be made until all drains are fully connected to the proposed oil interceptor and on-site surface water monitoring chamber and diversion system.

Detailed measures in relation to oil storage and refuelling during construction are listed in section 6.4.2 of the NIS.

Detailed measures in relation to cement handling during construction are listed in section 6.4.3 of the NIS.

The WWTP System – (6.4.4 of the NIS) This is also dealt with in the assessment headed Environmental Impact Assessment. Re. the WWTP upgrade and protection of surface waters, the following will be adhered to:

Proposed Storm Water System:

- Installation will be in accordance with BAT.
  - Routine monitoring and metering of cooling water, storm water and condensate at EF6, in accordance with IED licence (condition B.2) will be



carried out; however, in the future condensate and cooling water will be separated from the storm water drainage.

- Routine monitoring of the receiving waters will continue in accordance with IED licence condition C.6.
- An in-line interceptor will be installed.
- Relocated truck wash will have an additional dedicated interceptor.
- Proposed diesel tank will be installed in accordance with BAT; fill area will be installed to the standards of a commercial forecourt including high grade bunding, impermeable hardstanding, aco-type drainage and a dedicated oil-water separator.
- Proposed Foul Water System
  - WWTP will be fully upgraded in accordance with BAT.
  - All foul effluent arising from the proposed additional welfare facilities will be treated via the proposed new septic tanks and upgraded WWTP; further details of this upgrade are presented in the EIAR.
  - Routine monitoring and metering of treated WWTP effluent at EF7, in accordance with IED licence (condition b.2.), will be carried out.
- Proposed Process Effluent System
  - Process effluent will be fully treated via the proposed upgraded WWTP.
  - In the future it is planned that the cooling and condensate water will be separated from storm water drainage system and routed via process drainage into the WWTP.
  - Routine sludge removal and disposal will be carried out in accordance with the relevant waste management legislation and the existing nutrient management plan (reviewed annually in accordance with IED licence (condition 8.12)).
  - Treated effluent and storm water will discharge to the lake via the existing combined outfall. A diffuser will be installed at the outfall location in order to increase mixing of treated effluent, resulting in more effective dilution and

dispersion of the discharge, which will be of a better quality than currently licenced emissions.

- The proposed dirty yard portions of the site i.e. proposed intake bays and silos, will drain to a closed drainage system prior to treatment in the upgraded WWTP.
- Discharges from the car park, truck wash, cooling and condensate wastewater, and treated effluent will be separated in order to allow for the monitoring of each, which will allow for the quick identification and resolution of any sources of contamination.
- All 3 proposed interceptors will be monitored and maintained on a regular basis in accordance with the IED licence, to ensure optimum performance.

#### 7.6.40. In-combination Effects

Due to the large size of both the River Boyne and River Blackwater SAC and SPA there are numerous projects and activities which have the potential to affect the conservation interests of both sites.

While the water quality in Lough Ramor is identified as at risk of not achieving good status, it is not considered that the project could have any significant bearing on this, either in-combination or alone.

#### 7.6.41. Appropriate Assessment

7.6.42. The issues set out above have been addressed in sufficient detail in the NIS and I find the conclusions arrived at acceptable. There are a number of other relevant issues which the Board should consider.

7.6.43. The proposal involves a large industrial development located at the edge of a lake where the risk of fire is a consideration. The risk of accidents and disasters is referred to in the EIAR: that a risk management program has been put in place to reduce the risks, and that a significant sum of money has been agreed with the EPA to set aside in order to cover environmental liabilities. However no proposals have been included regarding fire-water retention. I note that fire-water retention is referred to at item 3.9 of the IPPC/IED licence. It must also be considered by the Board in relation to Appropriate Assessment, and EIA. In the absence of information in this regard, I consider it sufficient to attach a condition requiring proposals to deal

with the containment of all fire-water within the site, that this should be submitted for the written agreement of the planning authority prior to the commencement of development; and that this measure will adequately mitigate the potential impact of such an occurrence.

7.6.44. In relation to the proposal to increase water abstraction from the lake, it is stated in the EIAR (8.2.4.3) that:

given that the estimated volume of the lake water body is approximately 26,237,200m<sup>3</sup>, it is highly unlikely the proposed average abstraction rate of between 1,800 to 2,000m<sup>3</sup>/d will impact on water levels within Lough Ramor. Nonetheless, a detailed hydrological assessment of the lake system has been undertaken for validation purposes. The conclusion of the assessment is that increasing abstraction from the lake by 600 to 800 m<sup>3</sup>/d will not impact water levels in the lake. Therefore, potential water resource effects during the operational phase as a result of increased abstraction from Lough Ramor will be imperceptible.

I am satisfied with this assessment, however, the Board may consider it necessary that the report of the detailed hydrological assessment of the lake system be provided.

## **7.7. Environmental Impact Assessment**

### **7.8. General**

7.8.1. This section sets out an environmental impact assessment (EIA) of the proposed project. A significant number of the environmental issues relevant to this EIA have already been addressed under separate assessment headings in this report. This EIA section of this report should therefore, where appropriate, be read in conjunction with the relevant parts of the foregoing assessment.

7.8.2. Regard should also be had to the fact that the proposed development comprises an activity for which an Integrated Pollution Prevention and Control Licence (IPPC licence, also termed an IED licence or IE licence) is required to be obtained from the EPA. The existing development on site is currently licensed by the EPA. The licence may need to be reviewed or amended to accommodate the changes proposed (EPA submission to the planning authority, (3.5.2) of this report). Any licence by the EPA

relating to this development will include conditions which restrict or limit environmental emissions from the site, and under section 175(10)(a) of the Planning and Development Act, 2000 as amended, a Planning Authority or the Board shall not attach conditions relating to the control of emissions to any grant of permission issued in respect of a licensable activity. This restriction only relates to the operational phase of an activity and the construction aspects of a licensable activity may be regulated by a Planning Authority or the Board by way of condition.

- 7.8.3. An EIAR was submitted with the application, prepared by Malone O'Regan Environmental. The list of persons involved in its preparation is set out in table 1-8 of the EIAR, together with their relevant qualifications; the list of external experts is set out in table 1-9.
- 7.8.4. The layout of the submitted EIAR follows a grouped format and the impact of the proposed development is addressed under all relevant headings with respect to the environmental factors as listed in Article 3(1) of the 2014 EIA Directive. Interactions are referred to under each category where relevant.
- 7.8.5. The EIAR clearly sets out a case regarding the background to and need for the project.
- 7.8.6. The EIAR submitted with the application is in two volumes; volume 1 being the non Technical Summary.
- 7.8.7. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2000, as amended.

## 7.9. **Need**

- 7.9.1. The GILL group processed 2.4 billion litres of milk in 2017 at their Irish facilities, four of which are identified in the report. This represented approx. 33% of all milk produced in Ireland that year.

The proposed development will assist in catering for the predicted increase in the volume of milk production, arising from the abolition of the milk quota system in

2015, which enables Ireland as a whole to produce significantly more dairy products. GILL as the largest dairy processor in Ireland intends to position its facilities to enable them to capitalise upon the increased milk production and thereby ensure local farmers continue to have a market for their product.

#### **7.10. Description of Development**

7.11. The development is described in chapter 3 of the EIAR and earlier, under section 2, of this report.

#### **7.12. Alternatives**

7.12.1. The alternatives considered are stated as:

alternative site locations and reasons for the selected site,

alternative locations for the dryer building, leaving a gap between the existing and proposed; construct directly adjacent to the existing dryer building. It was decided to integrate into the existing building to allow for the shape/size of dryer to fit into available space and provide corridor for access to existing buildings.

several arrangements for the new N3 access were considered. A three lane junction to allow for safe speeding up and slowing down of HGVs and safer access and egress for residents was chosen as the safest option.

allowing the site to remain in agricultural use was considered but it would not realise the benefits of increasing employment opportunities or improved supply of GILL dairy products and exports.

#### **7.13. Consultation**

7.13.1. Consultation engaged in in relation to the EIAR included non-statutory consultation with:

Geological Survey of Ireland

EPA

Department of Transport, Tourism and Sport

Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs

Department of Jobs, Enterprise and Innovation

Department of Housing, Planning and Local Government

Department of Agriculture, Food and the Marine

Department of Agriculture, Fisheries and Food

Border Regional Authority

Cavan County Council

Development Applications Unit

Bus Éireann

Bord Fáilte Ireland

An Taisce

IFI

IW

OPW

The Arts Council

The Heritage Council and

TIA

7.13.2. Public consultation – a letter was distributed to residents in the vicinity inviting them to a consultation event (27<sup>th</sup> July 2016). Specific concerns were then taken into account in the design and in preparing the EIAR, and include:

New access arrangements and the implications of accessing individual properties, impacts associated with increased traffic, health and safety considerations, potential visual impacts, and nuisance impacts during the construction phase.

Further meetings with the local residents were held (5<sup>th</sup> and 6<sup>th</sup> April 2018), at which final design was discussed. With the exception of construction impacts, the same concerns were raised together with: request for trees to be planted to provide screening, and potential noise impacts from the additional traffic and new dryer. All are addressed in the appropriate chapters.

### 7.13.3. **Population and Human Health**

7.13.4. Apart from the economic benefits to the region, from direct employment and indirect employment in agriculture, the issues which have a bearing on human health are dealt with in chapter 9 - air quality, chapter 11 - noise and vibration and chapter 14 -

material assets – traffic, of the EIAR; and are similarly referred to under these headings in this report.

7.13.5. The impact on population is largely beneficial. I am satisfied that there will be no significant negative impacts on human health.

7.13.6. **Biodiversity**

7.13.7. This aspect is set out in chapter 6. Issues in relation to protected sites have been referred to earlier in this report under the heading appropriate assessment. An ecological walkover survey was carried out in May 2016 and January 2018. No part of the site is within an area designated for nature conservation. The principle habitat that will be lost is improved grassland; not of significant conservation value. Some small areas of wet grassland/marsh immediately adjacent to Lough Ramor are of higher ecological value but will not be included within the construction area. A number of sections of hedge and a number of trees will be removed. Additional landscape planting will be undertaken, which will enhance habitats and local biodiversity. A detailed landscaping plan has been prepared.

7.13.8. Birds will experience a small loss of foraging and nesting habitat, however landscape planting will replace this loss. There will be some temporary disturbance during construction. Mitigation is proposed - the management of vegetation will be restricted to outside the bird nesting season.

7.13.9. Mitigation is proposed in relation to bats having regard to the presence of a number of trees that are considered suitable for roosting bats and the need for these trees to be removed - further bat surveys will be carried out and if necessary there will be consultation with the National Parks and Wildlife Service.

7.13.10. Based on the field surveys carried out, which has recorded terrestrial habitats of low conservation value within the site, and the mitigation proposed, I am satisfied that there is limited potential for significant effect on terrestrial ecology.

7.13.11. The main issue with regard to biodiversity arises from the site's location on the lake shore. All construction work will take place a minimum of 50m from Lough Ramor, with the exception of some minor works required within the lake for the installation of a diffuser at the end of the outfall line, as requested by IFI.

- 7.13.12. Aquatic flora and fauna: there is potential for construction phase impacts on fish, invertebrates and plants within the lake and the aquatic habitats within the lake. A comprehensive CEMP will be put in place in accordance with current best practice guidelines, prepared by the contractor, in advance of the commencement of construction works, and implemented throughout the works.
- 7.13.13. There is potential for operational phase impacts from contaminants, if allowed to enter the watercourse in sufficient volumes.
- 7.13.14. As previously noted, no proposals have been included regarding fire-water retention. This is addressed further under the heading: land, soil, water, air and climate later in this EIA.
- 7.13.15. The proposal to increase water abstraction from the lake has been referred to previously under the heading AA and is addressed further under the heading: land, soil, water, air and climate, later in this EIA.
- 7.13.16. Cumulative Impacts – the sources of nutrient enrichment to the lake are not identified but likely contributors are the Irish Water WWTP, which discharges to the lake, and diffuse runoff from agriculture in the catchment of the lake and in the River Blackwater catchment upstream. Given that the lake is already of poor ecological status, any increase, specifically in nutrient loadings to the lake, would have the potential to result in further degradation of the ecological status of the lake. This has been referred to under the heading Appropriate Assessment earlier in this report and is dealt with further under the heading: land, soil, water, air and climate, later in this EIA. A significant upgrade to the onsite WWTP is proposed as part of the expansion. This will result in the overall reduction in the nutrient loading from the site, resulting in a neutral impact on aquatic flora and fauna.
- 7.13.17. As previously notes in relation to biodiversity and the proposal to increase water abstraction from the lake, a detailed hydrological assessment of the lake system which indicates that the increased abstraction is highly unlikely to impact on water levels within the lake, was not provided, and the Board may consider it necessary to have that report.
- 7.13.18. I am satisfied that potential impact on aquatic ecology during the construction phase will be adequately mitigated by best practice measures which will be outlined in the CEMP, and during the operational phase will be adequately mitigated by the WWTP



upgrade, the measures proposed to collect and treat surface water, and, as referred to under the heading AA, a further requirement for satisfactory proposals to deal with the containment of all fire-water within the site, to be put in place.

#### 7.13.19. **Land, Soil, Water, Air and Climate**

#### 7.13.20. **Land & Soil**

7.13.21. This is dealt with in chapter 7 of the EIAR: soils and geology. Although located in a rural area the site is mainly a brownfield site. The proposed development will include altering the contours of the greenfield portion to create a car-park. The maximum depth of excavation required during the development will be approx. 3.5mbgl and it is unlikely that excavation into the bedrock will be required. The soils beneath the existing site are made ground, the fields to the south are primarily underlain by soils derived from mainly non-calcareous material; they are well drained with largely acidic minerals. The proposed development will require excavation of concrete, made ground and soils. Cut and fill will be required for the new access road and carparks, and will result in temporary slight adverse impact. The excavation of approx. 6,500m<sup>3</sup> of green field soils and stones will be required. Approx 4,800m<sup>3</sup> of this material will be reused on site to fill lower areas. During the construction phase there is potential for contamination of soils from spillages which would result in a slight adverse effect on the receiving environment. The potential for contamination of soil will be minimised by the CEMP.

7.13.22. The operational phase will have no impact on Soils and Geology; GIIL will continue to operate a strict Environmental Management System (EMS). No significant adverse, long term impacts are likely.

7.13.23. Mitigation is proposed, in particular in relation to stockpiling of excavated material and control of run-off; oil storage and refuelling; and cement handling. These measures, which are largely best practice measures, will be included in the CEMP.

7.13.24. I am satisfied that the potential impact on land and soil during the construction phase will be adequately mitigated by best practice measures which will be outlined in the CEMP, and that impacts on land and soil during the operational phase will not arise.

#### 7.13.25. **Water**

7.13.26. Water is dealt with in chapter 8 of the EIAR. Issues in relation to potential impact via the lake on protected sites have been referred to earlier in this report under the heading appropriate assessment. Lough Ramor, within the Eastern River Basin District (ERBD) and part of the ERBD management plan, has a surface area of 7.37km<sup>2</sup> and a catchment of approx. 246km<sup>2</sup> incorporating 14 rivers and streams.

7.13.27. Potential impacts to surface water quality could arise during construction, including the potential release of sediment to water bodies and the potential release of sediment and cement from minor in-lake works. Specific mitigation measures will be included in the CEMP. Effluent and ground water monitoring will continue during the construction stage and will be reported to the EPA per licence requirements

7.13.28. Operational phase

7.13.29. Drainage: currently there are separate drains at the site as follows:

- Four process drains – collecting process effluent from the cream plant, milk intake, driers and evaporators.
- Surface water drain.

7.13.30. The four process lines merge at a point, route into the WWTP, and treated effluent is discharged into Lough Ramor through the EF7 emission point.

7.13.31. Wastewater treatment plant – currently wastewater discharges to the existing WWTP primarily from three main zones: cream plant, milk intake and driers. The effluent from each of these zones is monitored by a flow proportional sampler. The treatment process consists of grit removal, fats oils and greases (FOG) removal, flow monitoring, balancing, aeration and clarification. Phosphorus is removed through biological process. In 2016 an anoxic tank and an additional clarifier were installed; greatly improving the performance of the plant.

7.13.32. In 2017 further optimisation and improvements were implemented:

- dedicated staff and a lab for continuous monitoring of all input and output parameters and performance;
- improved SCADA control system;
- installation of aerators in the balance tank; and
- increased hydraulic capacity via 2<sup>nd</sup> clarifier.

These works have resulted in better settling capacity and improved control of total nitrogen in the final effluent; halving the concentrations of nitrogen. Phosphorous uptake is closely monitored and if increased levels occur, phosphorous is removed by dosing with a coagulant: aluminium sulphate.

Proposed development:

- 7.13.33. As outlined in 3.2.4, 3.2.5 and chapter 8 of the EIAR, in order to facilitate the proposed expansion and treatment of approx. double volume of effluent, further upgrade of the existing WWTP is proposed in phases: phase 1 will comprise converting the biological process to a Modified Ludzak Ettinger system which consequently should reduce PO<sub>4</sub> by 80%; additionally, sludge management improvements will be implemented, as well as improved FOG removal, and fine bubble aeration, which will also reduce energy demand. Phase 2 involves the conversion of the process to Advanced Biological Phosphorus Removal. Phase 3 is proposed in the event that wastewater production increases to 2700m<sup>3</sup>/day. This involves upgrading the hydraulic capacity and provision of additional tanks.
- 7.13.34. The proposal includes a new post aeration tank 4.2m high, 2 no new continuous wash filters & m high, proposed blowers 4m high, a new balance tank, below ground, 2 no. new sludge thickeners 5.6m high, a new dewatering press, a new float sludge thickener tank 5.6m high, a proposed DAF, ABPR and NaOH storage tank.
- 7.13.35. Storm Water Drainage (3.2.6 of the EIAR) - storm water from existing and proposed clean areas will continue to be discharged via EF6. Additional discharge from EF6 will include from the relocated truck wash via an oil interceptor, roof runoff, clean yard runoff, runoff from the proposed diesel fill area, cooling water and condensate. The storm water drain is equipped with a conductivity meter and a diversion valve; which allows diversion of storm water into the WWTP if the conductivity meter shows high readings.
- 7.13.36. A new cooling tower was installed at the site in 2017, which makes sure that the temperature of the discharged effluent is compliant with the license limit. Regular repairs are carried out to bunds and drainage, in order to protect water resources.
- 7.13.37. A Klargester NSBD Class 1 Bypass Interceptor will be installed on the outflow pipework before connection to the existing stormwater drainage network. Pipes were

designed for a rainfall intensity of 50mm/h which equates to the peak 1 hour rainfall with a 100 year return period, allowing 15% for climate change.

- 7.13.38. The proposed diesel tank will be installed in accordance with BAT: the fill area will be installed to the standards of a commercial forecourt, including high grade bunding, impermeable hardstanding, aco-type drainage and a dedicated oil interceptor. Potential contaminants such as oil spotting or grit will be collected by the interceptor and removed as needed.
- 7.13.39. The EF6 drainage line will continue to be monitored and metered per IED licence condition B2, prior to discharge to the lake via a single combined discharge outfall. The receiving waters will continue to be monitored in accordance with IED licence condition C6. In the future it is planned that the cooling and condensate water will be separated from EF6.
- 7.13.40. Discharge to Lake – treated effluent from both EF6 and EF7 will discharge to Lough Ramor via the existing combined outfall. As part of phase 3 of the upgrade works a diffuser will be installed at the outfall location in order to increase mixing of treated effluent, resulting in more effective dilution and dispersion of the discharge. The EF6 drainage line will continue to be monitored and metered per IED licence condition B2, prior to discharge to the lake via the combined discharge outfall. The receiving waters will continue to be monitored in accordance with IED licence condition C6. In the future it is planned that the cooling and condensate water will be separated from EF6.
- 7.13.41. Potential operational phase impacts include increased runoff from storm and foul water, mitigated by upgrade of the drainage system: 3 new oil-water interceptors, and the WWTP; although discharge volumes from the WWTP will increase, the higher standard of treatment will mean that the effect will be neutral.
- 7.13.42. The discharged effluent will be of a better quality than the currently licensed effluent, notwithstanding the significant increase in production. The system will be managed and maintained in accordance with best practice standards and IED licence requirements. All wastewater emissions will be discharged in accordance with revised emission limit values (ELVs) which will be agreed in advance with the EPA, and in accordance with IED licence conditions, which include a requirement for regular discharge monitoring (IED licence condition ref. B.2, C.2.2, C6).

- 7.13.43. Analytical data (2013-2017) made available by the EPA (EPA, 2016a; EPA, 2018) for Lough Ramor has been studied in order to calculate the assimilative capacity of the lake. However, a detailed study of the sources and pathways to nutrient loadings in the lake has not been done; it is assumed that 'diffuse agricultural pollution' is the primary source but further study is necessary. Another significant impact on the lake water quality is Irish Water's WWTP.
- 7.13.44. The proposed WWTP upgrade, required for the increase in production, will have an effect of reducing nutrient loading into the lake from the GILL facility. The measures proposed by GILL will effectively address GILLs contribution towards achieving good ecological status for the lake by 2017 as required under the Water Framework Directive. Potential water quality impacts during the operational phase, as a result of increased discharge to Lough Ramor, will be neutral.
- 7.13.45. Lough Ramor, within the Eastern River Basin District (ERBD) and part of the ERBD management plan, has a surface area of 7.37km<sup>2</sup> and a catchment of approx. 246km<sup>2</sup> incorporating 14 rivers and streams.
- 7.13.46. Potential impacts to surface water quality could arise during construction, including the potential release of sediment to water bodies and the potential release of sediment and cement from minor in-lake works. Specific mitigation measures will be included in the CEMP. Effluent and ground water monitoring will continue during the construction stage and will be reported to the EPA per licence requirements.
- 7.13.47. Potential operational phase impacts include increased runoff from storm and foul water, mitigated by upgrade of the drainage system: 3 new oil-water interceptors and the WWTP; although discharge volumes from the WWTP will increase, the higher standard of treatment will mean that the effect will be neutral.

#### Process water

- 7.13.48. Abstraction (8.4.2.5) rates are monitored and reported to the EPA as required by the current IED licence. From monitoring for the period 1<sup>st</sup> January 2017 to 31<sup>st</sup> December 2017 water levels in Lough Ramor (OPW station Ref. 07081) and in the River Blackwater, both upstream (OPW station Ref. 07033) and downstream of the lake (OPW station Ref. 07004) are stable. The information, presented as a chart in Figure 8-5, is stated to confirm that the 2017 average lake water abstraction rate of 1,423m<sup>3</sup>/d had no impact on lake water levels or downstream river levels.

- 7.13.49. The additional water resources required for the predicted increase in operations at the site is given in Section 8.4.2.3 of the EIAR. It is estimated that approximately 1,800 to 2,000 m<sup>3</sup> /per day will be required for process use via abstraction from the lake. This equates to approximately double the current lake abstraction. The EIAR states that given that the estimated volume of the lake water body is approximately 26,237,200m<sup>3</sup>, it is highly unlikely the proposed average abstraction rate of between 1,800 – 2,000 m<sup>3</sup>/d will impact on water levels within Lough Ramor. Nevertheless, a detailed hydrological assessment of the lake system was undertaken for validation purposes. The conclusion of the assessment is that increasing abstraction from the lake by 600 to 800 m<sup>3</sup>/d will not impact water levels in the lake, and therefore the potential water resource effects during the operational phase as a result of increased abstraction from Lough Ramor will be imperceptible.
- 7.13.50. I am satisfied with this reporting of the study, however the Board may require the report of the detailed hydrological assessment of the lake system.
- 7.13.51. The IFI submission to the planning authority of 7<sup>th</sup> June 2018 has been referred to earlier in this report. It points out that Lough Ramor is currently at bad status and should be restored to at least good by the end of 2015. Items on which they sought further information, were not included in the planning authority's request. No further report was submitted post receipt of the further information response.
- 7.13.52. Risk of accidents and disasters (Section 8.4.2.5 and Section 1.7.3 of the EIAR) includes risks that could potentially result in water contamination. The risk of fire water discharging into the lake is one of the risks identified. This has been referred to under the heading AA earlier in this report. In my opinion, having regard to the location of the development on the lake shore, it should be a condition of any permission that detailed proposals for the containment of fire water within the site, be submitted for the written agreement of the planning authority prior to the commencement of construction.
- 7.13.53. I am satisfied that the potential impact on water during the construction phase will be adequately mitigated by best practice measures, some of which are outlined in the EIAR and which will be detailed in full in the CEMP.
- 7.13.54. Potential impact on water during the operational phase will be adequately mitigated by the WWTP upgrade, the measures proposed to collect and treat surface water,

and satisfactory proposals to deal with the containment of all fire-water within the site, as referred to above and under the heading AA earlier in this report.

7.13.55. Cumulative impact

7.13.56. The current bad status of Lough Ramor is noted, however, I accept that the measures proposed by GILL address GILLs contribution towards achieving good ecological status for the lake by 2017 as required under the Water Framework Directive and that cumulative impact should not be a reason to refuse or modify the proposed development.

7.13.57. I accept that flooding is unlikely to occur and that the impact will be neutral regarding potential flood risk.

7.13.58. **Air**

7.13.59. Under this heading is included air quality, and odour, dealt with in chapter 9 of the EIAR; and noise and vibration dealt with in chapter 11.

7.13.60. Dispersion modelling for existing and proposed emissions of dust (PM<sub>10</sub> and PM<sub>2.5</sub>), carbon monoxide, and nitrogen oxides (NO<sub>x</sub> and NO<sub>2</sub>), was carried out. Emission points include two on-site natural gas-powered boilers, a proposed gas heater, two existing dryers and a proposed dryer. Model outputs show concentrations well below the relevant air quality limits, including baseline levels, at all locations. Significant impacts on sensitive receptors is highly unlikely.

A model (per DMRB) was run to predict the impact of additional vehicles using the road, on air quality. The impact of additional vehicles on air quality was shown to be imperceptible.

Mitigation for dust during construction will be included in the CEMP.

Air abatement technologies have been designed for the proposed new dryer in accordance with Best Available Technologies (BAT), monitoring will be carried out as required under the IED licence; impact will be insignificant.

An odour management plan has been implemented for the WWTP, this, in combination with in-process monitoring and strict process control, will result in an imperceptible odour impact on nearby receptors.

7.13.61. Noise & Vibration (chapter 11 of the EIAR)

- 7.13.62. The existing ambient noise environment is described as moderate to high with significant impact on noise sensitive receptors from traffic on the N3.
- 7.13.63. Construction phase – there will be minor short-term noise impacts on sensitive receptors. Best practice guidelines will be followed and will be detailed in the CEMP. Sound barriers/hoarding will be erected along the boundary with the N3, which will reduce potential noise impacts on sensitive receptors on the opposite side of the road.
- 7.13.64. Operational phase - operational impacts will principally arise from traffic and the proposed new drier. Noise modelling shows that the new dryer, from which noise will be significantly lower than the existing dryer, will not breach the existing IE licence or increase existing ambient noise at sensitive receptors and will not result in noise creep. Mitigation measures proposed in the Noise Management Plan, issued in December 2016, will reduce noise at sensitive receptors.
- 7.13.65. Traffic noise impacts will arise from alterations of the road layout to enable free flow of traffic on the N3 and idling HGV's and cars arriving from Virginia, in proximity to residences to the east. These impacts have opposing effects and the residual impact will be neutral. With the implementation of noise mitigation strategies the proposed development overall will have a neutral noise impact. Noise monitoring will be carried out during construction and operational (post new dryer operation) phases.
- 7.13.66. There is no potential for vibration impacts at sensitive receptors during construction due to distance, and there is no potential for operational vibration impacts.
- 7.13.67. Close process monitoring and control will ensure that odour issues will not arise. An Odour Management Plan has been prepared and implemented at the site.
- 7.13.68. **Climate**
- 7.13.69. Climate is dealt with in chapter 9 of the EIAR. The proposed expansion will lead to increased greenhouse gas (GHG) emissions in the construction phase: (vehicles, concrete and other energy intensive materials); and in the operational phase from increased transport and energy use and the expanded dairy herd. Global trends indicate an increase in consumption of milk, and this type of development is required. Ireland is well placed for such, having one of the lowest rates of greenhouse gas emissions per litre of milk in the world.



GILL has a number of initiatives which are reducing GHG emissions: a new high efficiency gas fired boiler and GHG emissions permit; and is a founder member of Origin Green, the sustainability programme initiated by Bord Bia.

Measures will be put in place including:

- Group wide goal to reduce carbon emissions by 10% by 2020 (2015 baseline), reducing energy consumption by 2% per tonne of product.
- Milk collection route optimisation.
- WWTP energy efficiency;
- Boiler efficiency monitoring.

7.14. The increase in greenhouse gas (GHG) emissions, particularly during the operational phase, is a significant issue. The degree to which the cattle herd contributes to national greenhouse gas emissions has been a matter for public debate over the recent past. The increase in the dairy herd, with which the proposed development is associated, will clearly make a considerable contribution to greenhouse gas emissions. This is of concern because of its impact on climate change and also because Ireland's failure to limit greenhouse gas emissions will incur financial penalties. It is likely that some of the increase in cattle associated with dairy production will be off-set by a decrease in cattle reared specifically for beef production and in any case this issue is not one that, in this instance, is amenable to consideration by the Board. Government policy is directed towards increasing dairy exports, as referred to in the various policy documents cited earlier in this report. It has also been noted in this regard that the Irish climate is particularly suitable for dairy cattle and that the grass-based milk production system in Ireland allows dairy products to be produced in a more environmentally sustainable manner than elsewhere in the world. In my opinion, notwithstanding the negative impact on climate that facilitating the increase in the national dairy herd will involve, in the context of government policy, which is to encourage increased dairy output, impact on climate should not be a reason to refuse or modify the proposed development.

#### 7.14.1. **Material assets, cultural heritage and the landscape**

#### 7.14.2. **Material assets**

7.14.3. Material assets is dealt with in chapter 15 of the EIAR under the heading waste management and chapter 14 Traffic.

7.14.4. **Traffic**

7.14.5. Traffic has been referred to earlier in this report under the heading Traffic Safety/ National Roads Policy. In the EIAR it is a heading only, 'chapter 14', but is dealt with in separate documents: Traffic and Transport Assessment (Roadplan Consulting) August 2016 and Road Safety Audit Stage 1/2 (Roadplan Consulting) July 2016, also submitted with the application. This is supplemented by revised proposals received as further information, including further drawings and reports: Road Safety Audit Stage 1/2 (Roadplan Consulting) March 2019, and Traffic and Transport Assessment (Roadplan Consulting) August 2016.

7.14.6. The proposals in relation to access/egress from/to the N3 have been revised during the course of the application with the most relevant drawings being no. P803 revision P, submitted 9<sup>th</sup> May 2018 and Sk001 Revision P1, Sk002 Revision P1, Sk003 Revision P1, Sk004 Revision P, P803 Revision P1, P860 Revision P1 and P860 Revision P1, submitted 5<sup>th</sup> April 2018.

7.14.7. I am satisfied that traffic impact is adequately addressed in the reports and other documents submitted on behalf of the applicant, the submissions from observers and prescribed bodies, and reports of the planning authority, such that the Board has sufficient information to enable it to carry out Environmental Impact Assessment in this regard.

7.14.8. As previously stated under the heading Traffic Safety/ National Roads Policy, the alterations to the road access arrangements bring significant traffic safety improvements for the development on this site and the dwellings on the opposite side of the N3. The proposed Vehicle Booking/ Scheduling for HGV's, will greatly ease the traffic impact of the proposed development. The proposed Mobility Management Plan also offers significant potential improvements in reducing traffic impact. In my opinion the proposed development will not impact negatively on the capacity or safety of the national road and the increase in traffic will be adequately mitigated by the Vehicle Booking/ Scheduling for HGV's and the proposed Mobility

Management Plan for staff, and therefore neither traffic impact nor national roads policy should be a reason to refuse or modify the proposed development.

#### 7.14.9. **Waste Management**

- 7.14.10. A list of the wastes arising on the site in 2017 is given in table 15-1 of the EIAR. GILL has mostly achieved their Zero Waste to Landfill initiative. The amount of sludge removed from the facility in 2017 was between 2,000 and 2,500 tonnes. A nutrient management plan (NMP) for the disposal of WWTP sludges from the site has been submitted to and agreed with the EPA in accordance with GILL's IED licence. This plan estimates that the relevant landholding has the capacity to receive 9,328 tonnes of sludge annually; well in excess of the amount currently being spread on these lands.
- 7.14.11. Construction phase – waste arising: site clearance material, excavated material, road works material and construction material, a small amount of liquid waste such as from disused oil drums, and a small amount of canteen and domestic waste. There is potential to encounter contaminated soils. It is estimated that approximately 1,700m<sup>3</sup> of clean topsoil and subsoil will require off-site disposal. All soil excavated during the first phase of new entrance, car parks access roads etc, will be used to fill other portions of the site. Any wastes requiring off-site disposal will be removed by a licensed waste contractor. There will be a short term negative impact during the construction phase. The CEMP will mitigate such impacts.
- 7.14.12. Predicted waste volumes during the operational phase are based on the existing facility. Projected operational wastes are listed in table 15-2. It is estimated that the amount of wastewater sludge could double in line with a doubling in production, to between 2,400 and 3,200 tonnes per annum, which would still remain well below the 9,328 tonne capacity agreed with the EPA in GILLs NMP. The management of this sludge is regulated by the EPA through the site's IED licence and an approved Nutrient Management Plan. Other wastes are expected to increase only marginally by approx. 10%, as these are not directly proportional to production. Mitigation measures, in relation to construction waste set out in paragraphs 15.5.1, and operational waste set out in 15.5.2, include zero waste to landfill programmes which will be put in place. There will be a slight negative impact on existing waste disposal sites.

7.14.13. Monitoring – waste records will be kept both during the construction and operational phases. Waste removed from the site will be reported annually to the EPA.

7.14.14. **Cultural Heritage**

7.14.15. In the EIAR cultural heritage is dealt with in chapter 13.

7.14.16. There are no known national monuments within or in the vicinity of the site. Recorded monuments (8 monuments) within 1 km of the site are listed in table 13-1. There are no sites with preservation orders within or in the vicinity of the site. There are no protected structures (or Architectural Conservation Area) within or in the vicinity of the site. One building, a lime kiln, in the National Inventory of Architectural Heritage, located approx. 0.63km to the south, is listed in table 13-2.

7.14.17. Given that the nature of archaeology is such that archaeological material can be present in any area despite no apparent indication, all areas are regarded as having archaeological potential. Criteria applied during the site study to help identify low visibility unrecorded archaeological sites, are referred to in section 13.3.8.

7.14.18. A considerable amount of the development will take place in a brownfield where no features were previously identified. The undisturbed section of the site is considered to have medium archaeological potential due to its proximity to Lough Ramor and it is proposed to carry out pre-construction, archaeological excavation in the form of controlled trail trenching under licence, in advance of the main construction works commencing. The results will determine whether full archaeological excavation and or monitoring of soil stripping will be required.

7.14.19. No operational phase impacts are envisaged.

7.14.20. **Landscape**

7.14.21. Landscape impact has been addressed under the heading visual amenity, earlier in this report. In the EIAR it is dealt with in chapter 12 under the heading Landscape and Visual Assessment.

7.14.22. Construction phase – the construction will take place in the grounds of the existing facility, which is a large and busy industrial facility. Construction landscape impacts are moderate and short-term.

- 7.14.23. The most notable landscape impacts during the operational stage will be the increase in maximum height from 26m (existing) to 42m, of the new dryer. Other new buildings and silos will have much lower landscape impact. The carparks and additional internal roads in the existing agricultural fields represent a continuation and intensification of landuse and landscape fabric on site.
- 7.14.24. An assessment, aided by photomontages, was carried out of 9 viewpoint locations which represent a range of viewing angles, distances and contexts, within 2km of the site. The development is not readily visible from further afield.
- 7.14.25. The Landscape & Visual Assessment concludes that: the impact at 1 one is substantial-moderate, at 4 moderate-slight; at 3 moderate, and at 1 slight. Mitigation measures are an integral part of the design. The development will result in 'substantial -moderate' and 'moderate' visual impacts at key receptors within the study area; not significant in EIA terms.
- 7.14.26. A further viewpoint location was assessed in response to the planning authorities further information request, from the Loughcrew Cairns, where the receptor sensitivity is very high but the magnitude of impact is negligible, and therefore the impact will not be significant.
- 7.14.27. As previously stated the proposed extension will be a development of substantial scale in a rural area, where there is an established industrial facility servicing the rural area in this region. In my opinion the visual impact is acceptable and visual impact should not be a reason to refuse or modify the proposed development.
- 7.14.28. **The interaction between the above factors.**
- 7.14.29. Interactions are considered in the EIAR under each heading where relevant. It is considered that the potential interactions arise include:
- Human Beings with Noise, Air, Soils, Geology and Hydrogeology. Landscape and Visual and Material Assets.
- Terrestrial Ecology with Aquatic Ecology, Landscape and Visual, Soils, Geology and Hydrogeology
- Aquatic Ecology with Terrestrial Ecology, Soils, Geology and Hydrogeology and Material Assets.

Soils, Geology and Hydrogeology with Ecology, Landscape and Visual and Material Assets.

Air Quality with Traffic, Human Beings and Material Assets

Noise & Vibration with Human Beings Landscape and Visual and Cultural Heritage.

Landscape and Visual with Terrestrial Ecology, Noise, Cultural Heritage and Human Beings.

Cultural Heritage with Noise & Vibration and Landscape and Visual.

Material Assets with Human Beings, Soils, Geology and Hydrogeology.

#### 7.14.30. **CEMP**

7.14.31. Potential construction impacts are addressed in (3.3.2 – 3.3.2.5 and) chapters 5-15 of the EIAR and will be addressed through implementation of a CEMP in accordance with current best practice guidelines. The CEMP will be prepared by the contractor and agreed with both Cavan County Council and the EPA prior to construction commencing. It will include procedures for monitoring the effectiveness of environmental protection measures.

#### 7.14.32. **Risk of Accidents and Disasters**

7.14.33. The risk of accidents and disasters (Section 8.4.2.5 and Section 1.7.3 of the EIAR), includes:

- A fire in the milk powder store that results in the generation of firewater with high organic load,
- Release of contaminated surface water to Lough Ramor,
- Leak to ground due to crack in concrete apron in process areas,
- Overfilling of milk storage silos,
- Overloading of ETP due to high BOD influent,
- Release of CIP (cleaning in place) rinse waters to ground from poor integrity pipelines, and
- Release to ground acid or alkaline solution during transfer.

7.14.34. The facility is regulated by the EPA under IED licence P0404-02 (Section 1.7.3 of the EIAR), an Environmental Liabilities Risk assessment (ELRA) has been conducted for the site in accordance with EPA guidance. The ELRA aims to identify and quantify potential environmental risks to operations at the site. It quantifies risks both in terms of risk of occurrence and the severity of potential impacts. A financial provision is then calculated for the potential worst-case scenario. This financial provision is then agreed with the EPA and set aside in case of a major incident or plant closure. Risks that have been identified as being of highest significance have been taken into account in the relevant chapters of the EIAR.

7.14.35. **Reasoned Conclusion on the Significant Effects**

7.14.36. Having regard to the examination of environmental information contained above, to the EIAR and supplementary information provided by the applicant and by Cavan County Council and the submissions from observers and prescribed bodies, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Traffic effects arising from additional traffic on the N3 and additional traffic turning movements to and from the facility. These effects would be mitigated by the reduction in access points from two accesses to a single access, significant improvements in the location and design of the access, a Vehicle Booking/ Scheduling for HGV's and a Mobility Management Plan for staff.
- Effects on Biodiversity including aquatic and terrestrial ecology. Those arising during the construction phases would be mitigated by timing the removal of existing vegetation, implementing landscaping proposals, implementation of a CEMP and standard operating procedures for works near water including Guidelines on Protection of Fisheries during Construction works in or adjacent to Waters' (IFI, 2016). Those arising during operational phase would be mitigated by the WWTP upgrade, the measures proposed to collect and treat surface water, and satisfactory proposals to deal with the containment of all fire-water within the site.
- Effects on Water which are similar to the foregoing and which would be similarly mitigated.

- Notwithstanding proposals to mitigate negative effects on Climate, the increase in the dairy herd, with which the proposed development would be associated, is not amenable to mitigation and is a matter of national policy.

Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the effect on climate it is considered that the environmental effects would not justify a refusal of planning permission having regard to overall benefits of the proposed development.

## 8.0 Recommendation

- 8.1.1. In the light of the above assessment I recommend that planning permission be granted for the following reasons and considerations and subject to the following conditions.

## 9.0 Reasons and Considerations

- 9.1.1. Having regard to the national, regional and local policy context, in which increased dairy production is encouraged and agricultural related development is acceptable subject to environmental safeguards, it is considered that subject to the following conditions, the proposed development would not have an adverse impact on the biodiversity of the area, the carrying capacity of the N3 or on traffic safety, would not have a significant impact on residential or visual amenity, would facilitate necessary expansion in dairy production in the region in line with national policy and would otherwise be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to commencement of work on site, all details relating to improvement works on the N3 National Road to facilitate widening and provision of the right turning lane shall be agreed in writing with the planning authority.</p> <p>Details to be submitted include:</p> <p>Detailed design drawings, documents and all proposed works on site in accordance with the latest standards set out in TII publications, including Pavement and Foundation Design Reference DN-PAV-03021.</p> <p>All reports including ground investigation and topographical survey information pertaining to the design.</p> <p>All construction stage management plans and traffic management plans for works affecting the National Road.</p> <p><b>Reason:</b> In the interests of traffic safety.</p>
3.	<p>All necessary consents shall be in place prior to the commencement of works on the public road.</p> <p><b>Reason:</b> In the interests of orderly development</p>
4.	<p>At its junction with the public road, the gradient of the access road shall not be greater than 2% for a distance of 7 metres and not greater than 5% for the remainder of the first 20 metres.</p> <p>Car and HGV parking shall be appropriately marked with thermoplastic road marking materials designating parking bays, circulation lanes and areas to be kept clear of parking. All roadways and junctions to have signage and road-markings in accordance with the 'Traffic Signs Manual'.</p>

	<p>Car park, internal service road and entrance area shall be structurally designed taking into account ground conditions and proposed levels of use. Areas shall be surfaced using appropriate depths of bituminous bound materials.</p> <p>No advertising signs or devices including those normally considered to be exempted shall be erected or displayed within 7 metres of the nearside edge of the N3 National Road.</p> <p>On site lighting shall be appropriately designed and positioned so that it does not cause glare for motorists travelling on the National route. A detailed lighting scheme, to include the specification of downward and sensitive lighting, shall be submitted to the planning authority for written agreement, prior to the commencement of development.</p> <p><b>Reason:</b> In the interests of traffic safety</p>
5.	<p>A stage 3 Road Safety Audit of the development and its junction with the public road shall be carried out prior to commencement of phase 2 of the development and shall be submitted for the written agreement of the planning authority. Recommendations of the Audit shall be implemented by the developer.</p> <p><b>Reason:</b> In the interests of traffic safety.</p>
6.	<p>Prior to the commencement of work on site the developer shall submit details of the proposed Mobility Management Plan (for staff) to be implemented on the site to ensure that there are proactive methods of influencing travel behaviour and a shift to more sustainable travel modes such as walking, cycling, car sharing, public transport etc per National Transport Authority document 'Achieving Effective Workplace Travel Plans: Guidance for Local Authorities'; and details of the proposed implementation of a Vehicle Booking/ Scheduling for HGV's, for the written agreement of the planning authority.</p>

	<p><b>Reason:</b> To mitigate the impact of increased traffic on the N3, national primary road.</p>
7.	<p>During the construction phase the developer shall be responsible for ensuring that no pavement or structural damage occurs to the public road as a consequence of the works and any damage shall be repaired at full cost to the developer.</p> <p><b>Reason:</b> In the interests of traffic safety.</p>
8.	<p>During the construction phase the developer shall be responsible for ensuring that public roads travelled by construction traffic are maintained in a clean and soil free condition at all times. Any costs incurred by Cavan County Council for cleaning the affected road system shall be borne by the developer.</p> <p><b>Reason:</b> In the interests of traffic safety.</p>
9.	<p>Prior to commencement of work on site, the developer shall submit proposals for the provision of electric cars charging points for the written agreement of the planning authority.</p> <p><b>Reason:</b> In the interests of facilitating electric car use.</p>
10.	<p>Detailed proposals for the containment within the site of all fire-water which would be likely to be required for fire-fighting, in the event of a fire occurring on site, and including a schedule for implementation of works, prior to the commencement of phase two of the proposed development, shall be submitted for the prior written agreement of the planning authority.</p> <p><b>Reason:</b> In the interest of protecting the lake.</p>

11.	<p>Prior to commencement of work on site, the developer shall submit for the written agreement of the planning authority, details of external finishes of buildings and structures, boundary treatment and signage and a schedule for the implementation of the landscaping proposals.</p> <p><b>Reason:</b> In the interests of orderly development.</p>
12.	<p>Prior to commencement of work on site the Construction Environmental Management Plan, which in relation to the development taking place within the lake shall adhere to the Guidelines on Protection of Fisheries during Construction works in or adjacent to Waters' (IFI, 2016), shall be submitted for the written agreement of the planning authority.</p> <p><b>Reason:</b> In the interests of orderly development.</p>
13.	<p>All mitigation measures, in the EIAR, NIS and CEMP shall be implemented in full.</p> <p><b>Reason:</b> In the interests of orderly development.</p>
14.	<p>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.</p>

	<p><b>Reason:</b> 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.</p>
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Planning Inspector

23<sup>rd</sup> December 2019

#### Appendices

Appendix 1 Photographs

Appendix 2 Climate Action Plan 2019 – To Tackle Climate Breakdown, extract

Appendix 3 Spatial Planning and National Roads Guidelines for Planning Authorities, extract.

Appendix 4 River Basin Management Plan for Ireland 2018-2021 extract.

Appendix 5 Catchments.ie extracts

Appendix 6 Cavan County Development Plan 2014-2020, extract

Appendix 7 Cavan County Council Development Contribution Scheme 2017-2020, extract.

Appendix 8 NPWS on-line mapping, extract.

Appendix 9 Site Synopsis River Boyne & River Blackwater SPA

Appendix 10 Site Synopsis River Boyne & River Blackwater SAC