



An
Bord
Pleanála

Inspector's Report ABP- 312576-22

Development	Construction of a farm distillery and farm shop, including retail area, café, exhibition space, associated parking, warehousing and all associated site works.
Location	Heronstown, Lobinstown, Navan, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	21/1166.
Applicant	Meade Potato Company.
Type of Application	Permission.
Planning Authority Decision	Grant of Permission.
Type of Appeal	Third Party v Grant of Permission.
Appellant	<ol style="list-style-type: none">1. Shay and Mandy Duff.2. McKeever Family.3. Berenice McKeever, George McKeever and Reuben McKeever.

Observer(s)

Philip and Karen Duff

Date of Site Inspection

9th June 2023

Inspector

Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is Heronstown, Lobinstown, Navan, Co. Meath. The site has a stated area of c. 4.02ha. and comprises a portion of an existing agricultural field which is currently under grass and its topography is gently undulating. The appeal site has a western boundary with the L-1603 (Ardee Road) and is located directly to the south and has an abuttal to the formal driveway serving the farm complex and the production facility to the east. The boundary to the L-1603 comprises a hedgerow which is interspersed by trees of a varying maturities. A hedgerow also forms the southern site boundary and there is no formal eastern boundary. There is an existing agricultural entrance located centrally within the site's northern boundary. Adjacent to this entrance and within the site is an existing pump house building. The single storey structure is currently the subject of a retention application with Meath County Council under Ref. 221511. There are also 2 no. bored wells located proximate to the southern site boundary which form part of the aforementioned retention application.

- 1.2.** The appeal site forms part of a production facility known collectively as Meade Farm which would appear to produce fruit, vegetables and associated biproducts on a commercial scale. The production facility is located further to the east of the appeal site and comprises storage and production facilities, toilets, offices and portacabins associated with the packaging and distribution of the agricultural produce. There are extensive areas of hardstanding surrounding the various buildings associated with Meade Farm and includes surface level lorry parking and car parking for employees of the operations.

- 1.3.** In terms of the site surrounds, lands are predominantly in agricultural use. However, there are a number of one-off dwellings located within the surrounds of the site, including detached bungalows to the immediate south of the site and on the western side of the L-1603, opposite the appeal site. There are also a number of residential properties further to the site's north.

2.0 Proposed Development

- 2.1.** The proposal seeks planning consent for the development of what is described as a

farm distillery and farm shop with an associated retail area, café, exhibition space, car parking and warehousing. The main distillery building is positioned around a central courtyard and comprises a production hall, offices, reception, product sales area and farm shop, café, kitchen, exhibition space, function room and toilets all at ground floor level. A function room and exhibition space is also located at first floor level. The proposed distillery building has a height that ranges from between c. 8m to 13.5m above natural ground level. The main volume of the building has a single storey form which is bookended on either side by two taller elements. The northern element comprises the distillery and has a hipped roof form with extensive glazing on its western elevation. The southern element comprises the exhibition space and has a gable front pitched roof. Materials and finishes comprise a combination of natural stone and cladding panels for the principal elevations with a metal panel finish for the proposed roof.

- 2.2.** A warehouse building is located to the east of the proposed distillery and farm shop and is connected via a covered walkway with a balcony above. The building has a total area of c. 745sq.m. and a maximum height of c. 7.4m above natural ground level. The structure is proposed to comprise cladding panels for the principal elevations with a steel roof.
- 2.3.** The main distillery and farm shopping building is set back c. 217m from the L-1603 and is served by 2 no. entrances from the existing formal driveway to the north which serves the larger farm complex. The western most entrance provides access to an area of surface level car parking which is located to the front of the distillery building and comprises a total of 45 no. surface level car parking spaces. The eastern most entrance provides access to the proposed warehouse building which is located to the distillery's rear.
- 2.4.** The proposed landscaping plans submitted with the application include a display potato field to the west and north of the distillery building and a new native hedgerow is proposed at a setback of c. 33m from the site's boundary with the L-1603. A children's play area and paved seating area is proposed to the south of the distillery

building and additional landscaping indicatively includes the planting of orchard trees, a wildflower garden or maize, a mound (min. 3m height) and native woodland planting all to the building's south.

- 2.5. Further to this, the proposed development includes a storm drainage and treatment infrastructure including retention pond, a proposed sewerage treatment system comprising of an advanced treatment unit and associated percolation area and all ancillary site development works.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council granted permission for the development subject to compliance with 26 no. conditions. Conditions of note include:

Condition No. 4 restricts the hours of operation.

Condition No. 16 requires the submission of a Construction Environmental Monitoring Plan (CEMP).

Condition No. 17 requires the submission of a Waste Management Plan (WMP).

Condition No. 20 restricts noise levels during the construction phase of the development.

Condition No. 23 requires the Applicant to undertake pre-development testing by a suitably qualified archaeologist.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Meath County Council Planning Reports forms the basis for the decision. The First Planning Report provides a description of the site and surrounds, an overview of

the policy that is relevant to the development proposal, and summaries of the site's planning history and the observations on the planning file.

In terms of their assessment, the Planning Authority deemed the proposal to constitute a farm diversification and tourism related proposal which includes an industrial use. The Planning Authority refer to the policy support for rural enterprise related development and deem the principle of development to be acceptable. In addition, the mass, form, height, materials and layout of the proposed development were considered appropriate in terms of design and integration into the surrounding landscape. Further information was requested with respect to the following matters:

- The submission of a new site characterisation form and any other relevant documentation which demonstrates that the site and the proposed wastewater treatment system is in full compliance with the EPA Code of Practice, 2021.
- Further details with respect to the proposed surface water drainage proposals.
- Proposals for the disposal of used wash water.
- Further information with respect to the proposed distillation process and the associated bonded warehouse. The submission of A Construction Environmental Management Plan for the construction phase of the proposed development.

Following the submission of the additional information, the Planning Authority was satisfied that the proposed development was acceptable, and a grant of permission was recommended, subject to compliance with 26 no. conditions.

3.2.2. Other Technical Reports

Water Services: Initial report received requesting additional information with respect to surface water treatment and disposal. Further report stating no objection to the proposed development subject to compliance with a condition.

Public Lighting Section: No objection to the proposed development.

Transportation Department: No objection to the proposed development subject to

compliance with a condition.

Environment Section: Initial received requesting additional information with respect to the proposed wastewater treatment system and waste generated through the distillation process. Further report stating no objection to the proposed development subject to compliance conditions.

Conservation Officer: Concerns raised by the conservation officer with respect to the size and scale of the building in a scenic rural setting. The Applicant was requested to provide a visual impact assessment of the proposed development.

3.2.3. Prescribed Bodies

Department of Housing, Local Government and Heritage: No objection to the proposed development subject to compliance with conditions relating to archaeological testing.

Inland Fisheries Ireland: Initial report received recommending the submission of additional information in relation to the proposed distillation process and the associated bonded warehouse. Further report on file indicating that the additional information submitted by the Applicant did not include sufficient details to fully assess the potential impact of the proposed development on the aquatic environment.

Irish Water: No objection subject to compliance with conditions.

Health and Safety Authority: No observations to make on the application.

3.2.4. Third Party Observations

A total of 5 (five) no. observations were received by Third Parties. A summary of the matters raised included:

- Concerns highlighted with respect to the principle of the proposed development at this location which was considered to be contrary to the policies of the county development plan.
- The proposed development is not considered to be in keeping with the

character of the surrounding area and will have a negative impact on the amenity of the surrounds.

- Concerns regarding the scale and form of the proposal and it was contended that it will negatively impact on the visual character and amenity of the surrounding area.
- Concerns highlighted with respect to the increase of traffic on the surrounding road network.
- Noise and order related concerns associated with the proposed development.
- Concerns highlighted with respect to the lighting and its impact within this rural setting.
- Proposed development results in an intensification in the use of the wider site.
- Concerns highlighted with respect to the advertisement of the application and it was contended that the application is invalid.
- Concerns highlighted that the minutes of the pre planning meetings were not publicly available.
- It is contended that the proposed development should be subject to mandatory EIA.
- Concerns highlighted with respect to the extent of unauthorised development carried out on the wider side.
- Concerns highlighted with respect to the amount of potato starch produced on site which will be increased as a result of the proposed development. It is stated that there are no details as to how the byproduct/waste produced by the distillery will be disposed of.
- The cumulative effects on the environment have not been addressed in any of the reports submitted by the Applicant.
- Concerns highlighted with respect to the disposal of wastewater on site.
- Concerns highlighted with respect to the demand the proposal would place and existing water supply in the area.
- Concerns highlighted with regard to the piecemeal nature of development on the appeal site and the legacy of seeking retention permission by the Applicant.

4.0 Relevant Planning History

4.1. Appeal Site

221511: Application currently at additional information stage which sought permission for the retention of a pump house and the boring of two wells as constructed and all associated works.

As noted in Section 1 of this report, an existing pump house and 2 no. wells are located within the boundary of the appeal site. The red line boundary associated with this application extends to the north and I observed an additional well which is located within the field to the north of the site.

LB200130: Application withdrawn following receipt of an additional information request which sought permission sought for a farm distillery & farm shop with associated retail area, café, exhibition space, associated parking, warehousing and septic tank system.

4.2. Site Surrounds

I note that there is an extensive history of planning applications on the lands within the surrounds of the site which appear to be within the control of the Applicant. A summary of these applications is included as follows:

22966: Application currently at additional information stage which sought permission for the retention of an extension to rear of existing potato/vegetable storage shed (originally granted under Ref. No. SA/100855) with associated existing extended ancillary concreted yard to access/service building extension as constructed, together with permission for proposed removal of existing proprietary effluent treatment system & polishing filter & provision of replacement proprietary effluent treatment system and polishing filter and all associated works.

21/1562 (ABP-311834-21): Retention permission granted by the Planning Authority for the demolition of 3 No. previous potato storage sheds & erection of replacement potato storage shed

The application is currently the subject of a Third Party appeal to the Board.

LB191460 (ABP-307042-20): Planning permission granted by the Planning Authority and the Board in September 2020 for the installation of 1,300 no. Solar PV panels on the roof of 2 no. existing potato storage sheds, and associated site works.

LB191307: Planning permission granted by the Planning Authority in August 2020 for an extension to the north west of the existing potato storage shed to consist of ancillary first floor office accommodation and all associated works.

LB190697: Retention permission granted by the Planning Authority in September 2019 for amendments to the development permitted previously under P.A. Ref. LB151080 (extension to side of existing potato storage shed). Amendments comprised the re-siting of the extension 18m to the south west (away from public road) on site and minor alterations as constructed, together with the retention of a previous extension to the south west of the existing potato storage shed as constructed and all associated works.

LB190700: Planning permission granted by the Planning Authority in September 2019 for the retention of extensions to the side of the existing potato/vegetable storage shed (granted under P.A. Ref. SA100855) as constructed and all associated works.

LB151080: Planning permission granted by the Planning Authority in January 2016 for an extension to the side of an existing potato storage shed and all associated works.

LB151079: Planning permission granted by the Planning Authority in January 2016 for an extension to the rear of the existing potato/vegetable storage shed revised, from that granted permission under Ref. No. LB/140987 and all associated works.

SA121026: Planning permission granted by the Planning Authority in May 2015 for a

potato/vegetable storage shed extension and associated covered yard to rear of existing building and all associated works.

LB140987: Planning permission granted by the Planning Authority in April 2015 for an extension to side and rear of existing potato/vegetable storage shed and all associated works.

SA100855: Retention permission granted by the Planning Authority in January 2011 for an existing car parking and lorry parking bays as constructed, together with permission for proposed potato/vegetable storage shed with attached 3 storey office block accommodating reception, offices, canteen, staff and toilet facilities to replace existing office/toilet accommodation on site with associated car parking and the provision of new proprietary effluent treatment system and soil polishing filter to replace existing septic tank on site and all associated works.

SA100520: Retention permission granted by the Planning Authority in September 2010 for a storage/packing area to rear of premises (previously in open yard area), primary treatment and storage unit for potato wash water, placement on site of 4 portacabin type structures and smoking area and their use in connection with Meade Potato Company all as constructed, and all associated works.

SA901253: Retention permission refused by the Planning Authority in October 2009 for a storage/packing area to rear of premises (previously in open yard area) primary treatment and storage unit for potato wash water, placement on site of 4 portacabin type structures and smoking area and their use in connection with Meade Potato Company all as constructed and all associated works.

SA802918 (ABP Ref. PL.17.232871): Planning permission granted by the Planning Authority and the Board for a proposed private roadway to be used by agricultural and commercial vehicles from existing premises at Braystown Lobinstown to proposed new junction at Bob's Cross, Heronstown, Lobinstown, construction of piers and walls to form new entrance onto public road from private road, together with realignment of

existing public roads (L-1603/L-5601) to facilitate the proposed private road/junction and all associated works.

SA802526: Planning permission granted by the Planning Authority for an ESB substation/customer switchroom building to existing premises and all associated site works.

SA95122: Planning permission granted by the Planning Authority in March 1995 to construct a potato refrigeration store.

SA70499: Planning permission refused by the Planning Authority for the construction of a three-storey office unit to include staff facility areas for canteen toilets, locker rooms ,also to include shelf life test area and reception area to rear of existing vegetable store, to remove pre-fabricated units, to install an Oakstown BAF wastewater treatment system and to retain storage/packing area to rear of premises(previously in open yard area), and primary treatment and storage unit for potato wash water.

SA50447: Planning permission granted by the Planning Authority for the construction of a three storey office unit to include staff facility area for canteen, toilets, locker rooms, also to include shelf life test area and reception area to rear of existing vegetable store, and to install Oakstown BAF wastewater treatment system.

SA70499: Planning permission granted by the Planning Authority in August 2007 for the construction of a three-storey office unit.

SA901317: Planning permission granted by the Planning Authority in December 1990 to erect a potato packaging and storage unit.

SA20301 (ABP Ref. PL.17.202572): Planning permission granted by the Planning Authority and the Board for the construction of potato and vegetable store and for retention of loading bay and store to rear of premises.

5.0 Policy and Context

5.1. National Policy

5.1.1. Project Ireland 2040 National Planning Framework (NPF)

Section 5.4 (Planning and Investment to Support Rural Job Creation) of the NPF highlights that ‘creating the environment to support job creation in rural areas will be a key enabler to rejuvenating rural towns and villages, sustaining vibrant rural communities and reversing population decline’. In terms of agriculture, the agri-food sector continues to play an integral part in Ireland’s economy and is Ireland’s largest indigenous industry, contributing 173,400 direct jobs and generating 10.4% of merchandise exports in 2016. The NPF notes that much of the economic benefits in the agri-food sector are dispersed throughout the country making it particularly vital to rural areas and economic development generally. National Policy Objective (NPO) 23 if relevant to the consideration of the appeal which seeks to ‘facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.’

5.1.2. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

Section 4.8 (Rural Places: Towns, Villages and the Countryside) of the RSES recognises the major contribution that rural places make towards regional and national development in economic, social and environmental terms. Rural areas in the region, including the Gaeltacht area, contribute to Ireland’s unique culture and identity, and provide significant natural resources, biodiversity, environmental qualities and landscape features.

Regional Policy Objectives (RPO) that are relevant to the development proposal include:

RPO 4.79: Local authorities shall identify and provide policies that recognise the

contribution that small towns, villages and rural areas contribute to social and economic wellbeing. As part of this policy provision that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agri-business, renewable energy, tourism and forestry enterprise is supported.

Agriculture RPO 6.24: Support the Departments of Agriculture, Food and the Marine, and Communications, Climate Action and Environment to enhance the competitiveness of the agriculture sector with an urgent need for mitigation as well as real and effective and adaptation mechanisms for the long-term sustainability of the agri-sector.

5.1.3. **EPA, Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021).**

5.1.4. **EPA, Wastewater Treatment Manuals, Treatment Systems for Small Businesses, Leisure Centres and Hotels, 1999.**

5.1.5. **EPA, Best Available Techniques for Brewing, Malting and Distilling Sector, 2008.**

5.2. Local Policy

5.2.1. **Meath County Development Plan (CDP), 2021-2027**

The appeal site is located within a rural area of Co. Meath and within the 'North Navan Lowlands' landscape character area which has a moderate character value and a medium sensitivity as specified in Appendix 5 (Landscape Character Assessment) of the current CDP.

Given the nature of the proposal and the established use on site, Section 4.11.1 (Rural Enterprise) of the current CDP is relevant to the consideration of the appeal and the Plan accepts that there is a need to develop a rural economy that offers viable and

sustainable employment for existing communities. There is also a need to strengthen the provision / retention of services, regenerate rural communities and promote the economic development of rural areas. This manifests itself in the need to both acknowledge the need for, and promote the development of, small scale enterprises in rural areas.

It is also the policy of the Council to support the location of once off medium to large-scale rural enterprise if it is demonstrated, to the satisfaction of the council, that the enterprise can be more readily accommodated in a rural setting than provided in a designated settlement centre and subject to standard development management considerations being applied. It is equally accepted that there are certain types of rural enterprises, especially those that involve processing of natural resources, which serve rural communities which have a critical role to play in sustainable rural development. It is stated that there are already a number of successful enterprises of this nature existing in the County in the food processing and development areas, as well as the extractive industry.

The following policies of the CDP are relevant to the consideration of the appeal:

- **ED POL 16:** To support the location of a once off medium to large-scale rural enterprise only in instances where it is demonstrated, to the satisfaction of the Council, that the enterprise can be more readily accommodated in a rural setting than in a designated settlement centre and subject to standard development management considerations being applied.
- **ED POL 19:** To support and facilitate sustainable agriculture, agri-food, horticulture, forestry, renewable energy and other rural enterprises at suitable locations in the County.
- **ED POL 23:** To support the development of activity tourism facilities, in appropriate locations, within the County subject to standard development management considerations being applied.
- **ED POL 26:** Meath County Council shall positively consider and assess development proposals for the expansion of existing authorised industrial or business enterprises in the countryside where the resultant development does

not negatively impact on the character and amenity of the surrounding area. In all instances, it should be demonstrated that the proposal would not generate traffic of a type and amount inappropriate for the standard of the access roads. This policy shall not apply to the National Road Network.

In terms of the Rural Development Strategy (Chapter 9), policies of note include:

- **RUR DEV SO 7:** To support the continuing viability of agriculture, horticulture and other rural based enterprises within rural areas and to promote investment in facilities supporting rural innovation and enterprise with special emphasis on the green economy, in the context of sustainable development and the management of environmental resources.
- **RUR DEV SO 8:** To support and protect the existing economic base and seek to diversify the economy through both inward investment and the promotion of agriculture, forestry and tourism related industries in rural areas.

In terms of 'Employment in Agriculture' (Section 9.7.1), the 'goal' is 'To maintain a vibrant and healthy agricultural sector based on the principles of sustainable development whilst at the same time finding alternative employment in or close to rural areas to sustain rural communities.' Policies of note include:

- **RD POL 10:** To encourage and facilitate agricultural diversification into agri-businesses such as organic foods, rural tourism and small to medium sized enterprises subject to the retention of the holding for primarily agricultural use and the proper planning and sustainable development of the area.
- **RD POL 11:** To protect the economic and social benefits of local country markets devoted to the sale of local agricultural and craft produce and to support their role as visitor attractions.
- **RD POL 12:** To facilitate the development of agriculture while ensuring that natural waters, wildlife habitats and conservation areas are protected from pollution.
- **RD POL 13:** To protect agricultural or agri-business uses from unplanned and/or incompatible urban development.

Section 11.6.8 (Agricultural Buildings & Structures) of the CDP notes that the design, scale, siting and layout of agricultural buildings should respect, and where possible, enhance the rural environment.

MOV OBJ 13 of the Plan seeks 'To require Mobility Management Plans and Traffic and Transport Assessments for proposed trip intensive developments, as appropriate. Please refer to Chapter 11 Development Management Standards and Land Use Zoning Objectives.'

Other policies and objectives relevant to this appeal include:

- **Policy INF POL 31:** To protect and develop, in a sustainable manner, the existing groundwater sources and aquifers in the County and to manage development in a manner consistent with the protection of these resources.
- **Policy INF POL 33:** To protect recognised salmonid water courses (in conjunction with Inland Fisheries Ireland) such as the Boyne and Blackwater catchments, which are recognised to be exceptional in supporting salmonid fish species.
- **Objective INF OBJ 36:** To protect and develop, in a sustainable manner, the existing groundwater sources and aquifers in the County and manage development in a manner consistent with the sustainable management of these resources in conformity with the EU Environmental Objectives (Groundwater) Regulations 2010 and the second cycle National River Basin Management Plan 2018-2021, and any subsequent plan and the Groundwater Protection Scheme'.

5.3. Natural Heritage Designations

- 5.3.1. There are no European designated sites within the immediate vicinity of the site. The nearest designated sites are the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232) which are located to also located c. 9.4km to the south of the appeal site.

5.4. EIA Screening

- 5.4.1. An Environmental Impact Assessment Report (EIAR) is required to accompany planning applications for a class of development set out under Schedule 5 of the Planning and Development Regulations 2001, (as amended) (referred to herein as the Planning Regulations). A screening determination must be carried out by the Planning Authority to determine whether a proposal is likely to have significant effects on the environment and as such, whether an EIA must be carried out. The Planning Authority must also undertake a screening determination for 'sub-threshold' development if Schedule 7A information is submitted by the Applicant, which is the case in this instance. 'Sub-threshold development' comprises development of a type that is included in Part 2 of Schedule 5, but which does not equal or exceed a quantity, area or other limit (the threshold).
- 5.4.2. In support of the planning application, the Applicant has submitted an EIA Screening Report prepared by Boylan Engineering and I have had regard to same. The Applicant notes that the proposed development is not listed as a development that requires mandatory EIAR as outlined in Schedule 5, Part 1 of the Regulations. However, the Screening Report acknowledges that an EIA is required under Schedule 5, Part 2 of the Regulations under Class 7(d), as follows:

(d) Installations for commercial brewing and distilling; installations for malting, where the capacity would exceed 100,000 tonnes per annum.

The Applicant in their Screening Report confirms that the total annual production capacity for the proposed distillery is 370 tonnes per annum and therefore, the mandatory threshold requirement does not apply in the case of the subject proposal.

- 5.4.3. As indicated within their grounds of appeal (see Section 6.0), the appellants have claimed that the Meade Farm complex is already undertaking activities at Part 2 of Schedule 5 of the Planning Regulations as follows:

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(b) Installations for packing and canning of animal and vegetable products, where the capacity for processing raw materials would exceed

100 tonnes per day.

(g) All industrial starch manufacturing installations.

It is further submitted that the development of the current application site from rural greenfield to brownfield, taken together with the existing Meade Farm industrial complex of buildings will generate a development that should be subject to EIA having regard to the following provisions of Schedule 5, Part 2 of the Planning Regulations:

10. Infrastructure projects

(a) Industrial estate development projects, where the area would exceed 15 hectares.

13. Changes, extensions, development and testing

(a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:

- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and*
- (ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.*

5.4.4. I note that there is no empirical evidence that the rate of packed potato and other vegetables within the existing farm complex is in excess of the thresholds listed in Schedule 5, Part 2, 7 (b) (i.e. in excess of 100 tonnes per day) of the Planning Regulations. The appellants have also raised concerns that the production of starch within Meade Farm is unauthorised and has never been subject to EIA. In terms of allegations of unauthorised development, I note that Planning Enforcement is the role of the respective Planning Authority, and An Bord Pleanála has no role in this particular matter. It is evident from the Applicant's documentation that potato starch is produced on Meade Farm and there is an intention for this product to be utilised in the distillation process associated with the proposed development. Notwithstanding this, I would concur with the Applicant that whilst this is an input material, in principle, this input

could be obtained from sources elsewhere and the distillery does not rely on the existing facility for the proposed development to function. Therefore, the proposed development does not follow on as an intrinsic consequence of the existence of the processing facility (i.e. Meade Farm), or vice versa. The Applicant has also confirmed that the proposed development will not lead to any increase in processing activity within the existing facility (i.e. no additional requirement to produce potato starch as a result of the proposed development). I note that the appeal site is located c. 750m to the west of the main complex of buildings associated with Meade Farm. Whilst the proposed development is located within the larger landholding of Meade Farm and the proposal partially comprises an industrial use (i.e. distilling), it is evident that the development for which planning permission is sought constitutes an agricultural diversification and tourism related development and I do not consider the proposal to constitute an 'industrial estate' under Class 10(a) as contended by the appellants.

5.4.5. As noted in the foregoing, it is confirmed that the total annual production capacity for the proposed distillery is 370 tonnes per annum and is therefore, well below the mandatory threshold requirement as specified under Class 7(d). I note that the appeal site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as discussed below in Section 7.6). An Appropriate Assessment Screening Report was submitted with the application which notes that the proposed development individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites and that associated environmental impacts on these sites, by reason of loss of protected habitats and species, can, therefore, be ruled out. Subject to compliance with suitable conditions, the proposed development would not give rise to waste, pollution or nuisances that would have a significant effect on the receiving environment. It would also not give rise to a risk of major accidents or risks to human health.

5.4.6. I do not consider there to be any significant environmental considerations arising from the development that were not raised by the Planning Authority and addressed by the applicant following the submission of additional information. However, as the

application was accompanied by an EIA Screening Report which was prepared in accordance with the requirements of Schedule 7A of the Planning and Development Act, I have carried out an EIA screening determination as set out in Appendix A of this report.

- 5.4.7. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects, the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 and 7A, to the proposed sub-threshold development, demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's report. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A total of 3 no. Third Party appeals have been submitted by:

- Shay and Mandy Duff.
- McKeever Family.
- Berenice McKeever, George McKeever and Reuben McKeever

6.1.2. Shay and Mandy Duff.

A Third Party appeal has been prepared by Shay and Mandy Duff, with an address at Lobinstown, Navan, Co. Meath. The grounds of appeal can be summarised as follows:

- The appellant highlights that this is an excessive development in a rural area which is not connected to an agricultural process. The scale of the proposed building is excessive with an enormous footprint in a rural area.
- It is stated that this is unzoned land and the development is proposed on an

elevated part of the field which will leave it as a prominent obscurity on the landscape when viewed from the north, south, east and west. The highest part of the structure measures 13m and will be visually obtrusive and will break the skyline when viewed from the west and north-west. It is also highlighted that this structure will be visible from the National Monument to the south-east within the Slieve Breagh complex. It is stated that the structure will also create glint and glare due to the excessive amount of glazing proposed.

- Concerns are highlighted with respect to traffic intensification on the site. It is stated that traffic to the site is currently on a 24 hour basis and this will be further intensified by the proposal which will be in operation at weekends also. References are made to the planning history of the appeal site and it is contended that the existing operations do not comply with the conditions attached to the various permissions. Concerns are also highlighted with respect to the intensification of use on the appeal site.
- The Board is requested to recognise the enormous risk to ground water supplies due to the potential risk of contamination from this industrial process. Further to this, the proposal poses a very real threat of complete water depletion to private wells. It is stated that there are no alternatives for water supply to the existing residential homes in the area should supplies be polluted or depleted and therefore this is this very valuable and necessary commodity that should be protected at all costs.
- In terms of environmental impacts, it is stated that the distillation and cooling process will release emissions into the air, the cooling fans will emit constant noise, the holding pans will create the risk of waste discharge to groundwater and the traffic intensification will add noise and air pollution to the immediate area.
- Concerns are highlighted with respect to the backland nature of the development. In addition, it is considered that the proposal will create an extremely damaging planning precedent and should be refused permission.

6.1.3. *Berenice McKeever, George McKeever and Reuben McKeever*

A Third Party appeal has been prepared by Berenice McKeever, George McKeever

and Reuben McKeever with an address at Braystown House, Braystown, Lobinstown, Navan, Co. Meath. The grounds of appeal can be summarised as follows:

- The appellant refers to the extensive planning history of the appeal site and the quantum of unauthorized developments carried out by the Applicants. Further to this, it is highlighted that the Applicant has never conducted an EIA or be required to install noise monitors on the appeal site. It is stated that the Applicant continues to conduct itself in breach of the planning laws and in defiance of law generally.
- It is respectfully submitted that there are a range of issues and flaws in the decision of the Planning Authority.
- It is noted that a mandatory EIA is triggered pursuant to law where starch production is involved. The appellant notes that there has never been an EIA regarding the starch production operation on the larger landholding. This is because the Applicants have never made a planning application regarding this use and instead sought permission for a potato storage shed which immediately when built was turned into a starch production installation. It is stated that this unlawful starch production hanger is immediately adjacent to the appellant's home, and they are suffering constant noise related impacts as a consequence. Should permission be granted, it is apparent that the Applicant would need to produce starch to further meet demands of the volumes of vodka they wish to make. This would require an enormous increase in the starch production yield and would require the installation of double or treble of the same equipment and therefore exacerbate the impact on adjoining properties.
- As there is no reference to the use of potato starch in the development description, the Planning Authority have incorrectly determined that EIA is not required. This contradicts the various material in the application documents which clearly stipulates this link.
- The Planning Authority failed to have regard to the policies of the current CDP (2021-2027) which was operational at the time of the Planning Authority's decision. The failure of the Planning Authority to consider the proposed development in light of the recently adopted Plan renders the decision as invalid.

- The appellant highlights the Planning authority made the decision on the basis of an application which was missing critical information such as:
 - o An EIA of the overall development including the proposed site.
 - o Information as to the types and volumes and chemical composition of all wastewater streams going into the wastewater treatment system.
 - o Details of the size and type of the proposed wastewater treatment system.
 - o An established and definitive water source location for the proposed development, a report on whether said well could meet the proposed developments demands and a report on the impact of the proposal on other local wells of extracting large volumes of water.
- Concerns are highlighted with respect to noise impacts and by reason that the Planning Authority has not required a noise assessment for the main complex of buildings on the larger landholding.
- Concerns are highlighted with respect to the lack of information in terms of the purpose or numbers for the two function rooms and the large exhibition space. It is highlighted that the Planning Authority sought no information about the purpose, use or frequency of use of said functioning and exhibition rooms or the basis for the asserted maximum numbers as specified by the Applicants.
- It has highlighted that the Planning Authority has not at any stage of the application had regard to contamination issues in the direct vicinity of the proposed development which currently a matter that Inland Fisheries Ireland (IFI) is investigating.
- The decision of the Planning Authority does not engage with or scrutinise the various reports in any detailed way and they do not consider the reports in light of the many submissions regarding the said reports. The Board is requested to have regard to all of said submissions in respect of this appeal.
- In terms of the applicant's EIA screening report, it is highlighted that this does not consider the known contamination of the groundwater at this site. This therefore renders it incomplete and / or invalid, particularly regarding its conclusions. It also fails to consider the existing operations on the larger landholding or make any cumulative assessment, contrary to the requirements

of such an assessment. Further to this, instead of assessing the impact on habitats, water courses and special areas of conservation, it relies upon the submitted ecology report which of itself is fundamentally flawed. Of particular note, the report indicates that there are no water courses on the appeal site. It is stated that this is incorrect as can be noted from both the Applicant's site assessment and the commentary of IFI which refer to the presence of water courses.

- In terms of the Envirollogic Report, it is noted that this report did not consider the impact of the proposal on other domestic wells, it noted there was no bored well, no well that was found to be productive, no well that could be said to be able to satisfy the water demand of the proposal and accordingly no protection zone could be drawn up as there is no identified water source for this development. It is therefore submitted that the application is premature and incomplete.
- It is submitted that the application is in contravention of the Board's previously imposed conditions regarding opening hours of the gate, noise levels, lighting and that permission was not to permit further intensification. It is stated that the Applicant has had no regard to conditions of permissions and the gates are kept open 24/7 with full lights on.
- The appellant notes that if permission were ultimately granted for a distillery at this location, the Applicant must not be permitted to locate any starch production unit to supply it beside the appellant's home. A condition must be that such a unit be installed on the east side and that noise monitors must be installed at the appellant's home and noise kept below the previous maximum values set by the Board in 2009.
- Included as appendices to the appeal were the appellant's original observation to the application, the observation at additional information stage, IFI documents and site photographs.

6.1.4. McKeever Family

A Third Party appeal has been prepared by Cunnane Stratton Reynolds on behalf of the McKeever Family, with an address at Braystown, Lobinstown, Navan, Co. Meath.

The report provides a detailed overview of the proposed development and development details, the operations on the larger landholding and a summary of the statutory consultees, interdepartmental and Local Authority planning reports. The grounds of appeal can be summarised under the following headings.

EIA Screening

- It is contended by the appellant that the requirement arises for EIA in this instance due to the nature, size and location of the proposed development. Though the development on its own is below the threshold for automatic EIAR, it is submitted that the EIA requirement arises having regard to the nature of the proposed and existing Meade Farm complex activities and the combined extent that the current proposal should be subject to EIA. It is noted that the existing Meade Farm operations of packing vegetables and fruit and starch production have not been subject to EIA. Starch production, upon which the proposed development relies, automatically generates an EIA requirement. It is submitted that the development of the current application site, taken together with the existing Meade Farm industrial complex of buildings, will generate a farm complex development that should be subject to EIA, having regard to the following provisions of Schedule 5, Part 2 of the Planning Regulations.

10. Infrastructure projects

- (a) Industrial estate development projects, where the area would exceed 15 hectares.*

13. Changes, extensions, development and testing

- (a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:*
 - (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and*
 - (ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold,*

whichever is the greater.

- Although it is acknowledged by the appellant that the development on its own is below the threshold for automatic EIA, it is submitted that EIA is required having regard to the high water supply burden, proposed working and visiting population numbers in a rural area that will generate traffic and wastewater treatment, hydrological connections and the cumulative impact of development and the fact that the development will utilise potato starch produced in the Meade Farm facility.
- It is submitted that the Planning Authority did not undertake screening for EIA as there is an absence of a demonstration of the consideration of the development against the Planning Regulations Schedule 7 criteria for determining whether development listed in Part 2 of Schedule 5 should be subject to an EIA.
- It is submitted that the Office of the Planning Regulator Planning Advice Planning Practice Note No. 2, Environmental Impact Assessment Screening, June 2021, provides EIA screening process and requirements. It is submitted that the advice in this practice note has not been followed by the local competent authority in this case. It is contended that the Planning Authority appear to have accepted the EIA Screening Report without any interrogation of the proposal against Schedule 7 of the Planning Regulations. In particular, the information supplied by third parties with respect to third party existing water supply and wastewater treatment systems.
- It is submitted that the absence of a screening by the competent authority, and its uninterrogated acceptance of an applicant supplied EIA screening report, has meant that a subthreshold EIA was not required where it should have been. Where EIA is not determined to be required, the appellant notes that it is incumbent on the authority to be satisfied of the protection of the environment and avoidance of material negative impact on existing land use amenities in the vicinity of the site. It is contended that the Planning Authority did not have sufficient information to be so satisfied in this instance.

Water Supply

- The appellant highlights that the proposed development requires a significant volume of water for its operations. It is noted that the applicant's hydrogeological assessment is a desktop study relying on publicly available information. This report has been reviewed by Golder Associates Limited on behalf of the appellant for the purposes of this appeal. It is stated that the applicant's report estimates a Zone of Contribution for two theoretical trial well locations and the likelihood of those Zones of Contribution intersecting with local surface waters. The appellant notes that this is an entirely theoretical exercise that does not prove that this level of abstraction can be accommodated on the site or that existing wells will be unaffected. The appellant notes that this report does not:
 - Take account of the impact of existing rates abstraction of groundwater by private wells in the area to the west and south-west of the application site.
 - Establish zones of protection for wells in the area.
 - Take account of the impact of existing rates of abstraction of groundwater by wells in use by the Meade Farm facility to the immediate east of the site
 - Present any information as to the quality of the groundwater to be abstracted. The water to be abstracted is to be utilised as potable water for visitors and staff and in the distillation process.
- It is submitted that it is inappropriate to allow the development to proceed without the exact location of the proposed supply well defined. The two theoretical well locations considered within the Applicant's assessment are outside the application red line boundary and it is submitted that their location should be part of the proposed application site. It is respectfully submitted that the permission should be refused on the basis that the proposal does not include the proposed water supply source for a development that requires significant water supply. The installation of the supply wells outside the application site boundary by way of condition is also contrary to the guidance for appropriate conditions of planning permission in the Development

Management Guidelines for Planning Authorities, 2007.

- The appellant's review of the Applicant's report contends that to prove the ability of the lands to supply the level of water required, trial wells are required and a full seasonal profile of the abilities of those wells should be obtained. In addition, a hydrogeological profile of the lands would be required to be developed. This baseline monitoring and associated modelling is essential to not only prove the availability of the required water but also to assess the likely impact of the proposed well source on existing private wells in the area.
- It is submitted that it is entirely inappropriate and a significant risk to existing private water supplies in the area to allow the development to proceed on foot of a desktop study, especially where the report indicates that there may be difficulty in the production of the significant level of water.
- In terms of Appropriate Assessment, it is stated that the presence of a groundwater pathway to hydrogeological and hydrological features that are connected to or necessary for the Natura 2000 network cannot be excluded, especially when considered in combination with other existing Meade Farm operations. On this basis, it is submitted that Appropriate Assessment should proceed to stage two.

Principle of Development

- Concerns are highlighted by the appellant with respect to the principle of the proposed development at this rural location. It is submitted that the Applicant does not demonstrate the need for a proposal of this nature, consisting of a retail, cafe, distillery and warehouse elements at the proposed location. Not only does the proposal consist of a distillery but it proposes to co-locate a cafe, shop and exhibition hall which will attract visitors where none have been planned and no attractions currently exist.
- It is submitted that the application should be refused planning permission, having regard to the rural designation of the subject lands and the policy of the County Development Plan which identifies urban locations close to the appeal site that would better accommodate the proposal in accordance with national planning policy.

6.2. Planning Authority Response

A response has been received from the Planning Authority dated 17th February 2022 which summarises the grounds of appeal and notes that they are satisfied that all matters outlined in the appellant's appeal statement were considered in the course of its assessment of the planning application as detailed in the planning officer's reports. The Board is requested to uphold the decision to grant permission.

6.3. Observations

An observation has been received by Philip and Karen Duff, with an address at Lobinstown, Navan, Co. Meath. The matters raised within the observations can be summarised as follows:

- The overall scale of development is excessive for this rural area.
- The appeal site is situated on an elevated exposed site which is openly visible from neighbouring dwellings. Photographs have been included which were taken from vantage points around the site.
- Concerns are highlighted with respect to the impact of the proposal on water supply to nearby private wells. It is stated that there is also a real risk of further deterioration in the water quality of the Dee, Killary and Syddan Rivers where the headwaters of this system border the site. It is stated that these rivers are important spawning and nursery habitat for salmon and lamprey both of which are listed as Annexed II European Union Habitat Directive.
- Concerns raised with respect to noise pollution from the industrial process and increased traffic which currently operates on a 24 hour basis which will be a constant nuisance. Concerns also raised with respect to illumination of the development. Photographs are enclosed of the light pollution of the existing Meade Farm complex showing the impact on 'dark rural skies'.

6.4. Third Party Response to Appeal

A response to the Third Party appeals has been prepared by Berenice McKeever, George McKeever and Reuben McKeever.

Response to McKeever Family Appeal

The following matters were raised within the appellant's response:

- The reference within the appeal to a liquid byproduct is incorrect and it is confirmed that it is starch powder that is used in the distillery process which is produced by the Meade Potato Company (MPC).
- In terms of water demand, the figures provided by MPC cannot be relied upon as they are not worked and established figures. It is highlighted that there is no detail whatsoever regarding water consumption or demand at any stage of the proposed development. The appellant notes that there is water demand for the following processes (however, the quantities of water required for any of these specific processes have not been addressed in the application):
 - o Water to produce starch.
 - o Water to turn powdered starch into liquid starch which is proposed to be used.
 - o Water for cooking the starch product before the addition of enzymes/fermentation.
 - o Water required to generate steam for heating of the stills.
 - o Water to cool the still/condensing stage.
 - o Water to add to dilute the vodka from pure alcohol to the finished product.
 - o Water to wash all the tanks/vessels after use.
- It fails to note that the liquid byproduct is part of the waste from the existing unlawful starch production facility and fails to consider the further exponential waste streams to be created if starch production to meet needs of a distillery was to be permitted. It is clear that it takes 7 tonnes of potatoes to make one tonne of starch. This is six tonnes of waste for every one tonne of starch and where this waste goes, has not been addressed by the applicant. The applicant also fails to note that the starch waste liquid is spread on lands to the north of the appeal site and that IFI found direct contamination of nearby river courses. It is unclear whether starch waste is an improver for grass and crop growth as stated by the Applicant or whether its high BOD and COD values negate any other positive values it may have.
- Concerns are highlighted with respect to the output and production figures for

the volume of alcohol the applicant proposes to produce as varying figures are cited throughout the applicant's documentation. The applicant provides vastly different figures which demonstrate a capacity to generate huge weekly and annual quantities and thus creates an enormous potato starch and water demand. Given the entire absence of specific figures regarding the volume of starch required to produce any given quantity, there will be no way to control, assess or police the amount produced if permission was to be granted. Therefore, it is imperative that the maximum potential production be assessed.

- It is incorrect by the Applicant to describe potatoes as a 'co product' of an existing business. They are not 'co products' but products that are used as the base material for the manufacture of starch. It is stated that it is incredible to suggest that the volume of leftover chips and or peeled potatoes would fuel a distillery. Or indeed, these leftover potatoes are not already being used along with other imperfect potatoes to produce starch for the MPC. It is stated that proposed development would generate an overall demand for the creation of a second entirely separate starch processing plant, absent of any additional planning application for starch production.

Response to Shay and Mandy Duff Appeal

- It is stated that it is absolutely correct by the other appellant to highlight the traffic impacts associated with the proposed development. The roads are unsafe and overwhelmed with articulated lorries and employees of the existing development. It is contended that the roads are currently overwhelmed and not equipped for this type or volume of traffic.
- It is stated that the Environment Protection Agency is currently investigating waste and other environmental issues regarding MPC and exercising its oversight role in this regard with the Local Authority. This may be relevant in respect of considering this appeal viz-a-viz the overall environmental concerns in relation to the existing plant, including its starch production and waste streams.

6.5. First Party Response

A response to the Third Party appeals has been prepared on behalf of the Applicant. A summary of the matters discussed is included under the following headings.

Environmental Impact Assessment

- It is stated that the proposed development comprises a specific class of development specified under Part 2 of schedule 5 of the Planning Regulations, namely Class 7(d) installations for commercial brewing and distilling and it is stated that the proposed development is far below the relevant threshold of 100,000 tonnes per annum for mandatory EIA under Class 7(d).
- It is stated that the proposed development is not considered to comprise an industrial estate under Class 10(A), as purported by the appellants.
- In addition, the development is not considered to comprise any extension under Class 13(a) to the existing Meade Farm produce processing facility. In this regard, the proposed development is not considered as integral to the existing facility for the purposes of EIA nor is the existing facility integral to the proposed development, unlike for example the wind turbines and grid connection as considered in the high court case of *O’Grianna v An Bord Pleanála*. While located within the larger Meade Farm development context, it is stated that the proposed distillery is a standalone project for the purposes of EIA. While the proposed distillery will use starch produced by the produce processing facility as an input material, in principle, this input could be obtained from other sources. In relation to the existing produce processing facility, this does not rely on the operation of the proposed development (i.e. distillery) for it to function. The existence of the proposed development does not follow on as an intrinsic consequence of the existence of the produce processing facility, or vice versa. It is also stated that the proposed development will not lead to any increase in processing activity at the produce processing facility. It is stated that the proposed development is considered as a standalone project for the purposes of EIA and for the avoidance of doubt it is considered that the concerns raised by the appellants with respect to project splitting should not arise in respect of the development.

- The existing Meade Farm produce processing facility is not considered to comprise an industrial estate under Class 10(a) of the Planning Regulations, and as the proposed development comprises a diversification project for Meade Farm, as opposed to the development of an industrial estate, it is considered that the proposal does not comprise any change or an extension to an industrial estate under Class 13(a). In view of the foregoing, it is considered that the proposed development is clearly not subject to any requirement for mandatory EIA, whether under Class 10(a) and or Class 13(a), or any other classes as set out within Schedule 5 of the Planning Regulations.
- It is highlighted that the proposed development was accompanied by an EIA screening report. It is also highlighted that the Planning Authority's planners report on the application set out a comprehensive assessment of the development proposals, including having regard to the EIA screening report, all submissions and observations received and the relevant criteria within Schedule 5 of the Planning Regulations, and includes a section setting out the conclusions in respect of EIA screening. This sets out that the proposed development is not likely to have significant effects on the environment, either by itself or in combination with other projects, and that EIA is not required.

Principle of Development

- The appellant refers to the assessment of the proposal undertaken by the Planning Authority which concludes that the details and principle of the development is acceptable. It is noted that the proposed development is a diversification project for Meade Farm and there is policy support at national, regional and local levels for development of this nature. The appeal submission provides an overview of the policy that is relevant to the development proposal.

Groundwater supply and peer review of report from Golder and Associates.

- In response to the appellant's and observer's concerns with respect to the impact of the proposed development on groundwater availability, it is estimated that the development will require 100m³ per day of water to cater for all operations at the development. It is stated that ongoing groundwater

investigations on the site and surrounding lands have estimated that this volume can be sustainably abstracted from the local groundwater table without negative effects on the surrounding domestic wells. The submission refers to an attached hydrogeological report prepared by Dr. Robert Meehan.

Distillery wastewater disposal.

- In response to the suggestion that the proposed wastewater treatment system would not be sufficient to cater for distillery water, it is noted that all wash water that is used, is recirculated until it has lost its washing capabilities. Once water is deemed unsuitable for cleaning use, it is discharged to an effluent tank with a storage capacity of 25 cubic metres. Once this is full, it is proposed to be collected and sent for land spreading on the surrounding lands in accordance with 'Best Available Techniques for Brewing, Malting and Distilling Sector' recommendations and according to the Nitrates Directive. It is stated that the frequency of spreading will be dependent on the condition of material and intensity of manufacturing. In addition, it is stated that wastewater occurring from the distillery operations will not be discharged to the proposed developments domestic foul water system which has been designed to cater for the toilet and sink facilities of the distillery and showroom guests and staff.

Appropriate Assessment.

- In response to the suggestions that a Stage 2 Natura Impact Statement should have been completed, it is stated that following a review of historic maps for the development and surrounding lands, no presence of any historic drains have been identified in the area. It is stated that the hydrological properties of any such historic drains in the area would be lost once any drains had been infilled, thus not posing any additional risk to potential sensitive receptors.

Odour and Noise.

- In terms of potential odour impacts, it is stated that the distilling process is carried out indoors, within sealed food grade vessels and the process is not known to be odour generating. It is stated that through appropriate waste

material handling and operation, it is not envisaged that nuisance odours will occur, and all operations will be in accordance with the EPA BAT guidance 'Brewing Malting and Distilling Sector'.

- In terms of noise impacts, the appellant refers to the Applicant's noise assessment which reported noise levels in the area in terms of cumulative effects and recorded that levels were deemed to be insignificant in the area.

6.6. Third Party Responses to First Party Response

A Third Party response to the First Party Response has been prepared by Cunnane Stratton Reynolds on behalf of the McKeever Family. A summary of the matters raised is set out under the following headings.

Environmental Impact Assessment

- In response to the applicant's claims that the proposed development is not integral to the existing facility for the purposes of EIA and vice versa, it would appear that the entire rationale for this development being in this particular location is that it will use the starch from the potatoes which is a defining feature of the existing farm operation. If there were no potato farming at this location, the proposed distillery would be located in an urban and a more sustainable and appropriate location than what is proposed in this instance. It is highlighted that the Applicant wants a separation of the distillery and the farm for the purpose of EIA. However, they want the two components combined for the purposes of planning and rural planning policy in terms of support for the principle of the proposed development at this location.
- The Applicant's response fails to mention the issue of starch generation and use which is clearly a prominent feature of the existing farm operation. It is stated that starch production at this location is unlawful and unauthorised and there has never been a planning application for a starch plant. It is highlighted that starch production is operating in a shed for which retention permission was sought for but as described in this application as a potato storage shed. There is now a large steel chimney on its roof and all the starch producing equipment operating therein.

- The Applicant in their EIA screening report notes that the main driver of the application is that the primary raw material (potato starch) is a core product from the existing operations. The issue of starch production generating a mandatory requirement for EIA under the Planning Regulations is not addressed in the applicant's response. Taken together with the existing Meade Farm complex of buildings, the proposed development should be subject to EIA in accordance with the provisions of Schedule 5, Part 2 (10) and (13) as set out in the original appeal.
- It is the appellant's view, that the applicant in their response has attempted to move away from the requirement to use starch from the existing Meade Farm facility to avoid mandatory EIA. It is therefore contended that the distillery does not depend on being at the farm to use that starch and therefore it should be located in a more sustainable location such as in an urban serviced location where any starch that may need to be consequently imported can better be located. It is the appellant's view that the Applicant's operation has been project split and the various components of the development 'sliced or diced' to avoid EIA.

Principle of Development

- The appellant's response refers to the various national, regional and local policy that may be considered relevant to the development proposal. It is contended that the proposal is ill suited to this location and a rural area generally, and it is considered that the proposed development should be located in an urban area where services are located and where like impacting developments can be located together where impacts can be minimised.

Groundwater supply and peer review of report from Golder Associates.

- It is highlighted that the Applicant has no identified water supply for the development and all proposed or potential well locations are outside the site and have also not been evaluated. It is questioned whether a distillery is a reasonable or sustainable prospect for the appeal site if there is either an established or potential water source. It is questionable whether there can be

either a valid or sustainable proposal for distillery at this location without an identified water source. It is stated that this is a fundamental concern for a use like a distillery and would be dependent on water supply. This is yet a further reason for considering this rural location unsuited to the proposed use. A response has also been prepared by Golder Associates to the Applicant's response and is attached.

Distillery wastewater disposal.

- It is highlighted that the Applicant's response does not address wastewater beyond asserting that the distillery wastewater will not be discharged to the domestic foul water system. It is stated that the impact of this proposed development cannot be assessed due to the identified failures.

Appropriate Assessment.

- It is highlighted that a number of additional surface water features in the vicinity of the proposed development have been identified on the EPA maps website these include a number of open drainage ditches, piped drainage dishes and includes an area of historical wetland. It is noted that IFI revealed that the quality of the stream in the vicinity of the existing Meade Farm facility was of poor quality and that Meath County Council are currently in communication with the Applicant to address this issue. It is stated that the issue of poor water quality in the adjacent stream has not been mentioned in the EIA screening report for the proposed development and this should be included in the overall site conceptual model for the site. It is not clear how surface water emanating from the proposed development will be dealt with and a drainage ditch to the north of the site flows in a northerly direction and converges with the river Dee north of the existing Meade Farm processing facility. The absence of baseline data and a site conceptual model makes it difficult to predict the potential impacts of water abstraction will have on the hydrogeological and hydrological regime of the area, including neighbouring private water supply wells.

A Third Party response to the First Party Response has also been prepared by Shay

and Mandy Duff. A summary of the matters raised is set out under the following headings.

Principle of Development

- The development is not in a suitable location due to its vast site area, the excessively tall structures proposed on elevated lands and on lands without any services.
- The appellant notes that the lands cannot be classified as a farm complex. It is stated that it is an industrial packaging development with no farming practices on its lands and it does not produce any crops.
- Concerns are highlighted with respect to the inadequacy of infrastructure. It is stated that there is no public water supply to serve the demand and therefore abstraction of water is proposed which threatens the existing local private wells. In addition, wastewater from the distillation process cannot be discharged to public sewers and therefore it is proposed to be stored in a lagoon style design.

Environmental Submissions

- Concerns are highlighted with respect to estimations provided by the applicant for water demand generated by the proposed development. The report provided by Dr Robert Meehan does not provide any definitive statements. Concerns are highlighted with respect to the term 'less likely' being used and whether the enormous abstraction of water for a distillery will interfere with private wells adjacent to the proposed site.

Wastewater Disposal

- It is stated that the existing processing and packaging plant belonging to MPC already uses this land for the spreading of wastewater through a jet dispenser system and also by the use of slurry tankers where the water is liberally discharged over the same lands. It is now proposed to spread additional wastewater generated by the proposed distillery on the same lands. The frequency of spreading and the condition of material being spread will be another uncontrolled exercise which will put local water sources at high risk due

to the volume of wastewater being generated.

Appropriate Assessment

- In response to the applicant's claims that a review of historic maps has not revealed the presence of any historic drains within the area, the appellant attached historic maps and Google imagery from the early 2000s which clearly showed the presence of a significant drain as it flowed through the site. The appellant notes that they witnessed this open drain which provided an ideal wetland environment for feeding and breeding Curlew. It is stated that this drain was piped by MPC using 2 no. twin walled PVC pipes and covered in with material from an unknown source.

Odour

- The distillation process involves liquids being heated to extremely high temperatures. Distillery buildings are highly ventilated to control the moisture levels within the building, and to vent any spilled ethanol which is heavier than air. Any gaseous matter, steam or spilt chemicals produced by this process will therefore be released into the environment by vented means and will be a constant nuisance to local residents. Air pollution and nuisance orders must be prevented from developing because, like the land spreading of wastewater it will be unmonitored and uncontrolled.

Noise

- It is stated that the chiller units used in the distillation process will be a continuous noise source and once again should be prevented from being constructed as it will be an uncontrolled source of pollution. It is stated that at the time of the noise assessment undertaken by the Applicant, the traffic flow to the main plant along the access road had been reduced. Soon after noise survey was completed and the monitoring equipment was removed, it was noted that traffic volumes and traffic speeds were restored to their normally use.

6.7. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the appellant's grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Visual Impact & Residential Amenity
- Site Access & Traffic
- Water Supply
- Wastewater Treatment
- Appropriate Assessment

7.1. Principle of Development

7.1.1. The proposal seeks planning consent for the development a farm distillery and farm shop with an associated retail area, café, exhibition space, car parking and warehousing. It is evident that the site forms part of the overall Meade Farm complex. From reviewing the website for Meade Fame, it would appear that the Meade Farm is involved in the growing, packing and distribution of potatoes, fruits, vegetables and salads and prepared foods. In addition, it confirms that the potato starch is produced at the facility. I note that it is not specified what is grown on the existing farmlands or what is delivered to the site for packaging and further distribution. The Applicant's Design Statement confirms that the proposed distillery will produce spirits from the starch that is produced at Meade Farm which they describe as a 'co-product' of the farm's potato processing business. It is contended that the construction of a craft distillery at this location will provide an opportunity for local enterprises and the Local Authority to promote the area as a food and drink destination. In terms of the justification for the location, the design statement notes that in locating the development here, logistics and management are logical, clear and simplified and 'food miles' are reduced. The Applicant's EIAR Screening Report also notes that the

proposal will allow Meade Farm to diversify its product range and will allow the company to continue to develop. In addition, the development will invite the public to engage with the storey of Meade Farm through the visitor experience, the retail area and shop which will also showcase other local food and drink produce.

7.1.2. In terms of their assessment of the application, the Planning Authority noted that the proposed development essentially constituted a farm diversification and tourism related development with the aim of building on the existing farm/agricultural use on the site. Whilst having regard to the relevant policies of the Meath County Development (2013-2019), the Planning Authority formed the view that the proposed development would enable, facilitate and encourage the growth and sustainability of the tourism sector through the provision of tourism enterprise developments in rural areas. Under the current CDP (i.e. 2021-2027), Section 4.11.1 (Rural Enterprise) accepts that there is a need to develop a rural economy that offers viable and sustainable employment for existing communities. There is also a need to strengthen the provision / retention of services, regenerate rural communities and promote the economic development of rural areas. The goal for 'Employment in Agriculture' (Section 9.7.1) is 'To maintain a vibrant and healthy agricultural sector based on the principles of sustainable development whilst at the same time finding alternative employment in or close to rural areas to sustain rural communities. Policy RD POL 10 of the CDP is therefore relevant in this instance as it seeks 'To encourage and facilitate agricultural diversification into agri-businesses such as organic foods, rural tourism and small to medium sized enterprises subject to the retention of the holding for primarily agricultural use and the proper planning and sustainable development of the area.' In addition, Objective RUR DEV SO 7 seeks 'To support the continuing viability of agriculture, horticulture and other rural based enterprises within rural areas and to promote investment in facilities supporting rural innovation and enterprise with special emphasis on the green economy, in the context of sustainable development and the management of environmental resources'.

7.1.3. Whilst it is evident from my observations on site that a portion of the lands are farmed, it would appear that the primary use on the larger landholding is now of a commercial

nature associated with agriculture, i.e. the packaging/processing and distribution of fruits and vegetables and the production and distribution of potato starch. The appellants have raised significant concerns with respect to the principle of proposed development given the site's rural location and the overall scale of development which is considered to be detrimental to the character of the area. It is also submitted that the Applicant does not demonstrate the need for a proposal of this nature, which includes ancillary retail, café and exhibition space. Given the nature of the proposed development, I am satisfied that the proposal constitutes an agricultural diversification project which generally accords with the pertinent policy of the current CDP. It is evident that the existing operations are currently a significant source of employment, and a development of this ilk has the potential to further add to the range of employment opportunities in a rural area such as this. In addition, the nature of proposed development will attract visitors to the site and surrounding area. I would therefore concur with the Planning Authority that the provision of tourism enterprise development such as this can encourage the growth and sustainability of the tourism sector which can have spin-off benefits for the local economy. For these reasons, I am satisfied that the principle of the proposed development is acceptable at this location.

7.2. Visual Impact & Residential Amenity

- 7.2.1. The appeal site is located within the 'North Navan Lowlands' landscape character area which has a moderate character value and a medium sensitivity as specified in Appendix 5 (Landscape Character Assessment) of the current CDP. In terms of landscape capacity, Policy HER POL 52 of the current CDP seeks 'To protect and enhance the quality, character, and distinctiveness of the landscapes of the County in accordance with national policy and guidelines and the recommendations of the Meath Landscape Character Assessment (2007) in Appendix 5, to ensure that new development meets high standards of siting and design. Further to this, Objective HER OBJ 50 seeks 'To require landscape and visual impact assessments prepared by suitably qualified professionals be submitted with planning applications for development which may have significant impact on landscape character areas of medium or high sensitivity'. In terms of potential capacity, the Landscape Character Assessment notes that that there is high potential capacity to accommodate visitor

facilities, particularly if these would provide opportunities to improve the currently poor condition of the landscape.

7.2.2. The appeal site is located to the east of the L-1603 (Ardee Road) and is proposed to be accessed from the formal avenue (north) serving the Meade Farm complex. The western boundary to the L-1603 comprises a hedgerow which is interspersed by trees of a varying maturities and partially screens the site from the west. The main distillery building is set back c. 217m from the boundary with L-1603 and is positioned around a central courtyard and has a height that ranges from between c. 8m (southern end) to 13.5m (northern end). The main volume of the building has a single storey form, which is bookended on either side by two taller elements. The northern element of the building houses the tall copper stills and extensive glazing is proposed on the western elevation of the building, so they are visible as one approaches the site. The Applicant's Design Statement notes that the tall copper stills determine the height of the roof within this portion of the building. Materials and finishes comprise a combination of natural stone and cladding panels for the principal elevations with a metal panel finish for the roof which incorporates several rooflights. The proposal also includes the construction of a warehouse building to the east of main distillery. The proposed warehouse has a maximum height of c. 7.4m and materials and finishes comprise cladding panels for the principal elevations with a steel roof.

7.2.3. The appellants have raised concerns with respect to the potential visual impact of the proposed development which they note would be detrimental to the rural character of the site and surrounding area given its overall scale and height. As noted, the site is partially screened from the west by existing vegetation but is clearly visible when viewed from the surrounding road network to the north, north-west and south of the site. The appeal site and surrounding area currently comprises agricultural lands and I acknowledge that the proposal will permanently alter the landscape at this particular location. However, I note that the proposed distillery building is designed to a high standard and its overall form and massing is articulated through the variation in building heights and incorporation of varying roof forms. I also note the building has been designed to follow the topography of the site. The proposed palette of materials

and finishes are of a high standard and sympathetic to the rural character of the area and the warehouse building is proposed to be sited to the rear of the distillery building, within the least prominent area of the site. Although the proposal is not supported by a visual impact assessment, I note that the visual impact associated with the proposed development is localised and I am generally satisfied that the development does not unduly detract from the quality, character, and distinctiveness of the receiving landscape. I note that an indicate landscape plan has been prepared for the proposed development which includes the incorporation of native woodland planting and hedgerows which the Planning Authority deemed to be acceptable. However, the layout and siting of the development on the submitted landscape plan does not align with the layout of the development as detailed on the Site Layout Plan or the other various supporting documentation. Should the Board be minded to grant permission for the proposed development, I recommend the inclusion of a condition requiring the submission of a revised landscape plan for the written agreement of the Planning Authority. The revised landscape should also include the incorporation of more comprehensive tree planting along the site boundaries (particularly the southern, western and northern boundaries) which would filter views of the proposed development when maturity is reached and allow for the development to better assimilate within the receiving landscape. Subject to compliance with this condition, I am satisfied that the proposed development is in accordance with Policy HER POL 52 of the current CDP.

- 7.2.4. Although the appeal site is located within a rural area, there are a number of established residential properties located within the surrounds of the appeal site. The Third Party appellants reside in properties to the north-west of the appeal site and within a number of dwellings to the south-east of the site and proximate to the existing buildings associated with Meade Farm. Concerns have been highlighted with respect to the potential for adverse noise impacts associated with the operation of the proposed development. In support of the application, the Applicant has submitted a Noise Impact Assessment which examines the potential impacts associated with the construction phase, the distillery operational phase, the farm shop and visitor centre and traffic related impacts associated with the development. The noise survey was

located at a single location proximate to a cluster of noise sensitive receptors to the north-west of the appeal site (proximate to existing dwellings) and a noise limit of 55dBA (Daytime) and 45dBA (Night) was deemed to be appropriate for the site. The report concludes that the proposed development will not result in increased noise levels at nearby noise sensitive locations during daytime periods. Having examined the results of the Noise Impact Assessment, I am satisfied that the proposed development would not unduly diminish the residential amenity of properties within the vicinity of the appeal site. Should the Board be minded to grant permission for the proposed development, I recommend the inclusion of a condition which limits noise levels at nearby noise sensitive locations during both the construction and operational phase of the proposed development.

7.2.5. The appellants have raised concerns with respect to the potential for odours associated with a development of this nature. The Applicant's EIAR Screening Report notes that an odour assessment was not carried out as the proposal was not considered to be a high risk activity for giving rise to odour nuisance. The report notes that distilling is a closed process and the product itself is vodka which is odourless. The Applicant's Design Statement highlights that starch is to be tankered to the building and fermented in closed vessels. It states that it's highly unusual for ethanol to be spilled from the equipment, however floors beneath vessels will be bunded to contain any spills within the area. This submission also indicates that smells associated with malting buildings are sometimes confused with distilleries and the process in this application involves no malt. The Planning Authority have included a condition which requires the development to be constructed and operated such that there will be no emissions of odours or gases, such as would give reasonable cause for annoyance to any person in any residence, or public place in the site's vicinity which I deemed to be appropriate in this instance.

7.2.6. Third Parties have raised concerns with respect to the potential for light pollution associated with a development of this nature. Photographs have been included by an observer which shows the existing Meade Farm facility during the night time period and portrays the current extent of floodlighting. Whilst lighting within the existing farm

complex does not come within the scope of this assessment, I note that application is supported by an Outdoor Lighting Scheme for the proposed development and the consultant's covering letter notes that the scheme has taken mitigation strategies into account to minimise the impact of outdoor lighting upon bat populations. The proposal utilises LED type lanterns and it is stated that they provide directional light with minimal light spill into adjacent fields. It is noted within the submission that the lighting will be linked to a solar time clock and switched off outside normal working hours. The application is supported by an Outdoor Lighting Report and an Outdoor Lighting Layout (Drawing Ref. No. PL2104-E-100-12). I note that the Planning Authority's Public Lighting section have reviewed the proposal and raised no concerns with the development proposal. Overall, I am satisfied that the Applicant's proposals are acceptable in this instance.

7.3. Site Access & Traffic

- 7.3.1. Concerns have been raised by the appellants with respect to the impact of the proposal due to the intensification of traffic on the site. An appellant notes that traffic to the site is currently on a 24 hour basis and this will be further intensified by the proposal which will be in operation at weekends. Further to this, it is contended that the roads are unsafe and overwhelmed with articulated lorries and employees of the existing development and the roads are currently overwhelmed and not equipped for this type or volume of traffic. The proposed development is to be accessed from the existing avenue serving Meade Farm and includes 2 no. vehicular entrances. One entrance will provide visitor access which will lead to a surface level car parking area to the front of the proposed distillery. I note that a total of 45 no. car parking spaces are proposed, including 10 no. staff spaces and 35 no. visitor spaces. A second vehicular entrance to the site is provided towards the eastern end of the site's northern boundary for farm vehicles to deliver farm products to the distillery. The Applicant notes that there is a clear division between the visitor centre on the west and the working areas of the distillery to the east.
- 7.3.2. In terms of expected visitor numbers, the Applicant's EIAR Screening Report notes that c. 9,000 visitors are expected annually, and a year on year 10% increase on this

figure is projected, with the figures plateauing in year 3. Peak visitor numbers in the first year would be 90, which would increase to 109 in year 3. The report also notes that the facility must accommodate 24 visitors at any one time in year 1 and 29 visitors in year 3. Chapter 11 of the current CDP notes that Traffic and Transport Assessment (TTA), Road Safety Audits (RSA) and Road Safety Impact Assessments are required to accompany planning applications for major developments with significant potential to generate traffic and or which could create a significant hazard or safety performance impact on a major road, particularly national roads. The Plan notes that the requirement for a TTA is at the discretion of the Council but the following thresholds can be used for guidance purposes only:

- Traffic to and from the proposed development exceeds 10% of the traffic flow on the adjoining road;
- Traffic to and from the proposed development exceeds 5% of the traffic flow on the adjoining road where congestion exists;
- Residential development in excess of 100 dwellings (Applications for 100 or more dwellings are decided by An Bord Pleanála as an SHD);
- Retail and leisure development in excess of 1,000 sq.m.;
- Industrial development in excess of 5,000 sq.m.; and
- Distribution and warehousing in excess of 10,000 sq.m.

The Applicant notes that the total trips for the proposed development equates to 3% of the annual average daily traffic count for the adjacent road (L-1603) from which the site will be accessed. This is based on a 3 hour count, with the conversion of short period traffic count to 24 hour total as per 'TII Project Appraisal Guidelines for National Roads Unit 16.1 - Expansion Factors for Short Periods Traffic Counts (PE-PAG-02039). In coming to this figure, the Report notes that an additional 3 no. vehicles were included in the weekly total to account for waste management and external deliveries of raw materials or fuel as required.

7.3.3. I note that the Planning Authority's Transportation Department has reviewed the application and, in their report, have confirmed that they have no objection to the proposed development, subject to the annual and peak day visitor numbers not exceeding the projections as outlined in the Applicant's EIA Screening Report. I note

that the proposed development is below the recommended thresholds for TTAs as outlined in Chapter 11 of the current CDP. I also note that visitors to the site would not access the proposed development via the L-1603 to the east of the road. Whilst I acknowledge that the proposed development will intensify traffic at this location, having regard to the Applicant's documentation and having inspected the site and the surrounding road network, I am satisfied that the proposed development is acceptable in terms of access and car parking and it would not endanger public safety by reason of a traffic hazard.

7.4. Water Supply

- 7.4.1. The Third Party appellants and the observer to the appeal have highlighted significant concerns regarding a development of this nature given the reliance on private wells for domestic water supply in the surrounds of the appeal site. I note that this matter was also raised by the observers throughout the application stage of the proposed development. Following recommendations by IFI in their initial report on the planning file, the Applicant was requested to assess the potential impact, if any, of the proposed groundwater extraction on the nearby watercourses. In response to this, a Hydrogeological Assessment was prepared by Envirollogic which highlighted that the daily water demand associated with the distillation process was estimated to be 52m³, with an additional 2.6m³ per day generated by visitors and staff (total per day = 54.6m³). The report notes that majority of the Zone of Contribution (ZOC) is contained within lands under the control of the Applicant and notes that the ZOC does not intersect any mapped watercourse and the proposed abstraction will not have any impacts on the hydrochemistry of the flow regime or the local surface water network. Whilst this may address concerns regarding the impact of water abstraction on nearby watercourses, it did not address concerns regarding the impact of the proposal on private wells, a point which has been highlighted within the appellant's submissions. I also note that it does not appear that the Planning Authority have engaged in any detail with this particular issue within their assessment of the application.
- 7.4.2. As part of a Third Party appeal, the submission included a peer review of the Applicant's Hydrogeological Assessment carried out by Golder Associates Ireland Ltd.

The peer review contends that it is inappropriate and a significant risk to existing private water supplies in the area to allow the development to proceed on foot of a desktop study only to prove water capacity, especially when the report indicates that there may be difficulty in the production of the significant level of water to serve the proposed development. In response to the appellant's concerns, the Applicant now notes that 100m³ of water per day is estimated to cater for all operations at the proposed distillery. However, it is unclear from the documentation as to why the estimated daily demand has increased (i.e. from 54.6m³ per day). It is confirmed that on-going ground investigations on the site and surrounding lands has estimated that this volume of water can be sustainably abstracted from the local groundwater table without negative effects on surrounding domestic wells. A letter from Dr. Robert Meehan (Consultant Geologist) is enclosed within this response. The letter includes a conceptual model and confirms that 27 no. trial pits were opened with eight of these trial pits being dug into sorted sands and gravels. The report contends that there is potential for up to 180 cubic metres of water per day to be pumped from this sand and gravel aquifer, sustainably. However, it is stated that pumping tests following the sinking of a well are required to fully confirm this, empirically. In response to the Appellant's commentary, the Third Party appellant's consultant geologist (Golder Associates Ireland Ltd.) states that in this instance baseline information and a Site Conceptual Model should be established and developed so that a 'Water Balance' for the proposed development can be established. As well as predicted usage for the proposed development, the consultant geologist notes that a Water Balance should include current and future usage associated with the existing activities on the larger landholding (i.e. Meade Farm) and usage from private wells in the vicinity of the site. The response concludes that, only limited site investigation, in the form of trial pits, has been undertaken to date by the Applicant and no trial wells have been drilled or pumping tests taken place. In view of the lack of any meaningful hydrogeological and hydrological information, and the significant volumes of water required for the proposed development, the appellant recommends that investigations be undertaken to ensure that any ZOC will not significantly negatively impact existing or planned future groundwater users.

7.4.3. As outlined in Section 6.13 (Groundwater) of the current CDP, all abstractions from groundwater or surface water above 25m³ per day are required to be registered with the Environmental Protection Agency (EPA) which is relevant given the estimated daily demand (i.e. 100m³ per day) generated by the proposed development. For context, the EPA's website includes information with respect to water abstraction regulations and indicates that a well supplying a single household would typically abstract less than 1m³ of water per day. In terms of the policies of the Development Plan that are relevant in the context of this issue, Policy INF POL 31 seeks 'To protect and develop, in a sustainable manner, the existing groundwater sources and aquifers in the County and to manage development in a manner consistent with the protection of these resources'. Further to this, Objective INF OBJ 36 seeks 'To protect and develop, in a sustainable manner, the existing groundwater sources and aquifers in the County and manage development in a manner consistent with the sustainable management of these resources in conformity with the EU Environmental Objectives (Groundwater) Regulations 2010 and the second cycle National River Basin Management Plan 2018-2021, and any subsequent plan and the Groundwater Protection Scheme'. When examining the Geological Survey Ireland (GSI) database, it is evident that the appeal site and the lands within the control of the Applicant are located within an area identified as a 'Poor Aquifer – Bedrock which is Generally Unproductive (Pu)'. Section 5.5.2 of the Meath Groundwater Protection Scheme Report notes that well data for this unit are very poor and yields are generally less than 40 cubic metres per day. I note that the Site Location Map submitted at additional information stage identifies a total of 10 no. domestic wells which are located within 300m of the appeal site, many of which are located proximate to the location of the proposed trial wells (notably TW2). Given the location of the appeal site in an area identified as a 'Poor Aquifer – Bedrock which is Generally Unproductive (Pu)' and the lack of empirical evidence to demonstrate that a sustainable supply of water can be abstracted to cater to a development of this scale and nature, I am not satisfied that it has been adequately demonstrated that the proposed development would not have a negative impact on domestic water supplies in the surrounding area. This is also relevant in the context of the existing operations on the larger landholding (Meade Farm) and in the absence of information in terms of water demands generated by the existing development. I would

therefore concur with the appellants that the proposed development is premature pending further investigations. I am conscious that there is currently an application (Ref. 221511) on the appeal site which seeks the retention of a pump house and the boring of two wells. Notwithstanding this, the detail contained within this application is beyond the scope of this appeal and cannot be considered in the context of the subject proposal. I would also note that the proposed well should be included within the application red line boundary should a future application be forthcoming for a development of this nature. For these reasons, the proposed development fails to accord with Policy INF POL 31 and Objective INF OBJ 36 of the current CDP and I recommend that planning permission be refused.

7.5. Wastewater Treatment

- 7.5.1. In terms of waste generated by a development of this nature, it is necessary to examine waste streams associated with both the distillation process and the operations of the proposed facility i.e. waste generated by employees and visitors. The proposed development originally included the installation of a 23 PE secondary treatment system, including a sand polishing filter with a minimum area of 58sq.m. underlain by a 125sq.m. gravel distribution bed. This was to be located to the rear of the proposed distillery building, proximate to the eastern site boundary. Following a recommendation by the Planning Authority's Environment Section, an amended Site Characterisation Report was submitted which had regard to EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021). An amended proposal was submitted for a tertiary treatment system including a sand polishing filter with a minimum area of 58sq.m. underlain by a 345sq.m. gravel distribution bed. Following the submission of additional information, the Planning Authority's Environment Section raised no concerns with the proposed development subject to compliance with conditions.
- 7.5.2. The site is in an area with a poor aquifer of extreme vulnerability. The Site Characterisation Form notes that groundwater was not encountered in the 2.1m deep trial hole. Bedrock was not encountered at a depth of 2.1m. The soil was silt/clay with humus in the upper 300mm and sandy gravelly silt/clay with occasional pebbles and

cobbles within the remainder of the hole. Table E1 (Response Matrix for DWWTSs) of the EPA Code of Practice Domestic Wastewater Treatment (Population Equivalent ≤ 10), 2021, identifies an R21 response category i.e. 'Acceptable subject to normal good practice. Where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Chapter 6 are met and the likelihood of microbial pollution is minimised'.

7.5.3. In terms of loadings for the proposed development, the report submitted by Hydrocare Environment Ltd. are calculated as per the 'EPA Wastewater Treatment Manuals, Treatment Systems for Small Businesses, Leisure Centres and Hotels, 1999'. As detailed within the EIA Screening Report, peak daily visitors are estimated to be 109 no. visitors (18.16 PE) with a maximum of 13 staff (4.33 PE). The T-test (sub-surface) result was 43.22. A P-test (surface) was also carried out giving a result of 43.22. I consider the results to be generally consistent with the ground conditions observed on site. Section 3.1 of the Site Characterisation Form states the ground soft underfoot following wet weather. The ground condition was dry and firm under foot at the time my inspection. Although the trial hole and percolation test holes had been filled in, the site comprises an agricultural field with no indication of, for example, water ponding, outcrops etc. Section 4.0 (Conclusion of Site Characterisation) of the Site Characterisation form states that the site is suitable for development including a secondary treatment system and a tertiary treatment system, all of which are discharging to ground water. As noted previously, the proposal in this instance seeks to install a tertiary treatment system and percolation area. Having regard to the information on file and having inspected the appeal site, I am satisfied that the Applicant's proposals for the disposal and treatment of wastewater are acceptable. In the event the Board is minded to grant permission for this development, I would recommend the inclusion of a condition which shall require the design and installation of the proposed WWTS to comply with documentation as submitted by way of additional information.

7.5.4. The Third Party appellants and the observer to the appeal have raised significant concerns with respect to waste streams associated with the distillation process and

the potential impact of the proposal on existing watercourses and water supplies given the reliance on domestic wells in the surrounding area. A report was originally received from IFI which noted that the watercourses on the larger landholding are located in the upper reaches of the Killary River, which is a sub-catchment of the River Dee, both of which support stocks of salmon, trout, lamprey and other species. Further information was therefore requested with respect to the following matters:

- Volumes of raw material to be used.
- Potential impact, if any, of the proposed groundwater abstraction on nearby water courses.
- Quantity of spirits to be produced annually.
- Quantities of liquid waste streams arising from the distillation process.
- Details regarding the disposal of these waste streams.
- Mitigation measures proposed in the event of spillages/accidental discharges from the distillery and/or the associated bonded warehouse.

Further to this, the Planning Authority's Environment Section noted that the washwater from the distillery (caustic soda solution) is to be reused in washing until it has lost its cleaning effectiveness through neutralization and that this is to be collected in a separate 25m³ tank. However, the proposals for the disposal of the used washwater was not clear and the Applicant was requested to clarify the method of disposal for the used washwater material and the volumes arising.

- 7.5.5. In response to the concerns of the Planning Authority and IFI, the Applicant noted that it is intended to implement an appropriate environmental management system as a tool to manage issues and strive for continual improvement. It is indicated that all tank and drum storage will be bunded locally or remotely, to a volume not less than the greater of 110% of the capacity of the largest tank or drum within the bunded area, or 25% of the total volume of substance which could be stored within the bunded area. The production building is to be bunded to 125% of the volume of the largest vessel and this bunding will be built into the floor beneath the stills and the spirit tank. Further to this, the tanks for storage of processed waste and spent cleaning agent will be bunded to 110% of the storage capacity and the location tanks are included on the revised site layout plan. The Applicant notes that only potential spills will come from

the individual casks splitting in the warehouse building. A cask is 200L and spills in the warehouse are therefore manageable and can be mopped up. The Applicant notes that any loss of maturing spirit is significant to the business, therefore casks will be checked regularly. It is stated that the warehouse is an impermeable concrete floor and in the event of a cask leaking or splitting, it will not migrate from the warehouse.

7.5.6. A report by the distillery plant's supplier Spectac (15th September 2021) accompanied the additional information request and indicated that the amount of waste from the production is estimated to be 6,800L per day, whereas the cleaning is estimated to be 15,000L per day. It is stated that all the waste from the production will be transferred to a 25m³ stainless steel tank that is located within the external bunded area. Floor drainage is proposed to be installed in and around the fermenting area and is connected to an underground stainless steel tank of 10m³. The water used for the washing process, which in this case includes a caustic soda solution, will be drained to the underground stainless tank, then be transferred to a secondary 25m³ stainless steel tank which is located within the external bunded area. In the case of spillage and leaks, it is stated that the contents will be contained within the bunded area and should be disposed accordingly. The Applicant's response notes that bi-products from production are to go as animal feed and the liquid from cleaning will go for land spreading in accordance with the best practice outlined in the EPA guidance note 'Best Available Techniques for Brewing, Malting and Distilling Sector, 2008', Section 4.4.3 in accordance with the hierarchy of management.

7.5.7. An additional report is on the planning file from IFI which indicates that waste streams from the distilling process (wastewaters, solids and wash waters) can have high organic, inorganic and chemical loadings depending on the waste stream. It is contended that the additional information submitted by the Applicant did not include sufficient details to fully assess the potential impact of the proposed development on the aquatic environment. I am conscious of Policy INF POL 33 of the current CDP which seeks 'To protect recognised salmonid water courses (in conjunction with Inland Fisheries Ireland) such as the Boyne and Blackwater catchments, which are recognised to be exceptional in supporting salmonid fish species.' I note that the River

Dee is located c. 800m to the east of the appeal site. The appellants have inferred that drainage ditches connect further upstream to the River Dee. Although it would appear from aerial imagery that a drainage ditch may have bisected the appeal site in the past, from my observations on site and the surrounding, there is now no evidence to suggest that a hydrological connection to an existing water course exists as they have been infilled. Nonetheless, the Planning Authority has conditioned the requirement for a CEMP which will deal with waste management during the construction phase and the Applicant in their response to the additional information have outlined in detail, mitigation measures in the event of spillages/accidental discharges from the distillery and warehouse (see detail below). Having regard to the Applicant's Hydrogeological Assessment (Envirologic), I am satisfied that the ZOC does not intersect any mapped watercourse and the proposed abstraction will not have any impacts on the hydrochemistry of the flow regime of nearby water courses. In terms of waste streams, the draff, retentate and spent yeast from the distillation process is proposed to be recovered as by product for an animal feed and is proposed to be collected by a licensed trader from the Department of Agriculture which I deem to be acceptable. As noted, the Applicant has proposed that the liquid from cleaning will go for land spreading in accordance with the best practice outlined in the EPA guidance note 'Best Available Techniques for Brewing, Malting and Distilling Sector, 2008'. Given the concerns raised by IFI and the location of the Applicant's larger landholding (Meade Farm) relative to the River Dee, I am not satisfied that land spreading of this waste material is appropriate in this instance and should be avoided to ensure that there is no further diminishment or deterioration of the existing condition of this water body. Therefore, should the Board be minded to grant permission for the development proposal, I would recommend the inclusion of a condition which prohibited land spreading of the developments liquid waste and the Applicant should be requested to submit alternative proposals for its removal and disposal off-site.

7.6. Appropriate Assessment (AA)

- 7.6.1. The nearest designated sites are the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232) which are located c. 9.4km to the

south of the appeal site. As part of the development management process, it is necessary to determine whether the proposed development would be likely to have significant effects on those Natura 2000 sites, and therefore, whether an appropriate assessment is required.

7.6.2. The conservation objectives of the relevant sites are as follows:

European Site	Qualifying Interest	Conservation Objectives
River Boyne and River Blackwater SAC (002299)	<p>Alkaline fens [7230]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	<p>[7230] To maintain the favourable conservation condition of Alkaline fens in River Boyne and River Blackwater SAC.</p> <p>[91E0] To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)* in River Boyne and River Blackwater SAC.</p> <p>[1099] To restore the favourable conservation condition of River Lamprey (<i>Lampetra fluviatilis</i>) in River Boyne and River Blackwater SAC.</p> <p>[1106] To restore the favourable conservation condition of Atlantic Salmon (<i>Salmo salar</i>) in River Boyne and River Blackwater SAC.</p> <p>[1355] To maintain the favourable conservation condition of Otter (<i>Lutra lutra</i>) in River Boyne and River Blackwater SAC.</p>
River Boyne and River Blackwater SPA (004232)	A229 Kingfisher <i>Alcedo atthis</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

- 7.6.3. In support of the application, the Applicant has submitted an AA Screening Report. In terms of the receiving environment, the report notes that the site is located within a field of improved agricultural grassland and no water courses were recorded within or immediately adjacent to the site. It is stated that a culvert was present at the northern end of the site which goes under the road and there is a depression in the field at this location but there was no drainage ditch present and no standing water at the time of the site inspection. The report concludes that there are no likely significant effects on the qualifying interests or the special conservation interest species of any designated European site.
- 7.6.4. I note the un-serviced nature of this rural location which means that the site does not benefit from access to public mains drainage or water supply. I also acknowledge the prevalence of agricultural activities and a number of one-off dwellings in the immediate vicinity. Despite these factors, I am nonetheless of the opinion that taking into consideration the nature, extent and scope of the proposed development, the nature of the receiving environment, an agricultural field with no direct hydrological or ecological pathway to a European site and based on best scientific information, including the submitted Site Characterisation Report, that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site. Therefore, I do not consider the requirement for a Stage 2 Appropriate Assessment to be necessary in this instance.

8.0 Recommendation

I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The site of the proposed development is located within an area identified as a 'Poor Aquifer – Bedrock which is Generally Unproductive (Pu)', where the Meath Groundwater Protection Scheme Report (Section 5.5.2) notes that yields are generally less than 40m³ per day. Policy INF POL 31 of the Meath County

Development Plan, 2021-2027 seeks 'To protect and develop, in a sustainable manner, the existing groundwater sources and aquifers in the County and to manage development in a manner consistent with the protection of these resources'. Further to this, Objective INF OBJ 36 seeks 'To protect and develop, in a sustainable manner, the existing groundwater sources and aquifers in the County and manage development in a manner consistent with the sustainable management of these resources in conformity with the EU Environmental Objectives (Groundwater) Regulations 2010 and the second cycle National River Basin Management Plan 2018-2021, and any subsequent plan and the Groundwater Protection Scheme'. Having regard to the reliance on private wells for domestic water supply within the site surrounds and in the absence of empirical evidence to demonstrate that a sustainable supply of water can be abstracted to cater to a development of this scale and nature, the proposed development fails to accord with the aforementioned policy and objective of the County Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Enda Duignan

Planning Inspector

29/06/2023

Appendix A

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-312576-22
Development Summary		Planning permission is sought for the development of a farm distillery and farm shop with an associated retail area, café, exhibition space, car parking and warehousing.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	A Stage 1 AA Screening Report was submitted with the application.
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	No	

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)	Is this likely to result in significant effects on the environment?
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		(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Yes/No/Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	Yes	The development is located on a greenfield site in a predominantly rural area. Industrial scale buildings associated with Meade Farm are located further to the east of the site and are located within the Applicant's larger landholding. Although of a commercial nature, the proposed development is of a scale, form and design which does not detract from the rural character of the surrounding area and visual impacts are localised.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	Yes. The character of the land will be permanently altered from agricultural to a distillery and associated warehouse building. The proposed development is at a removed	No – the site is not visually sensitive and mitigation measures are

		<p>location from existing water courses and the appeal site has generally a low ecological value.</p>	<p>outlined to protect watercourses during the operational and construction phases as out in the submitted draft CEMP and the application documents. In the event of a grant of permission, a condition has been recommended to prohibit the land spreading of liquid waste associated with the distillation process.</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>The proposed development estimates that the development will require 100m³ per day of water to cater for all operations at the development.</p> <p>The Applicant's consultant geologist notes that majority of the Zone of Contribution</p>	<p>No</p>

		<p>(ZOC) is contained within lands under the control of the Applicant and notes that the ZOC does not intersect any mapped watercourse and the proposed abstraction will not have any impacts on the hydrochemistry of the flow regime or the local surface water network.</p>	
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>IFI have indicated that waste streams from the distilling process (wastewaters, solids and wash waters) can have high organic, inorganic and chemical loadings depending on the waste stream and can have negative impacts on water quality if released.</p> <p>The Applicant indicates that all tank and drum storage will be bunded locally or remotely. The production building is to be bunded to 125% of the volume of the largest vessel and this bunding will be built into the floor beneath the stills and the spirit tank.</p> <p>In terms of the warehouse, the Applicant notes that only potential spills will come from the individual casks splitting in the warehouse building. A cask is 200L and spills in the warehouse are therefore</p>	<p>No</p>

		<p>manageable and can be mopped up. The Applicant notes that any loss of maturing spirit is significant to the business, therefore casks will be checked regularly. It is stated that the warehouse is an impermeable concrete floor and in the event of a cask leaking or splitting, it will not migrate from the warehouse.</p> <p>In the event of a grant of permission, a condition prohibiting the land spreading of liquid waste would ensure that there are no significant adverse effects on the environment.</p>	
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>No significant risk identified.</p> <p>Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction.</p> <p>The draff, retentate and spent yeast from the distillation process is proposed to be recovered as by product for animal feed and is proposed to be collected by a licensed trader from the Department of Agriculture.</p>	<p>No</p>

		<p>Surface water drainage will be separate to foul services.</p> <p>Foul services will be treated by tertiary treatment system and percolation area with a 23 PE.</p> <p>No significant emissions during operation are anticipated.</p>	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p>Foul waste from the development will be treated onsite by tertiary treatment system and percolation area with a 23 PE.</p> <p>The draff, retentate and spent yeast from the distillation process is proposed to be recovered as by product for an animal feed and is proposed to be collected by a licensed trader from the Department of Agriculture.</p> <p>In the event of a grant of permission, a condition prohibiting the land spreading of liquid waste would ensure that there are no significant adverse effects on the environment.</p> <p>Surface water will be attenuated onsite in a bio-retention pond. The combined bio-</p>	<p>No</p>

		<p>retention pond and filter drains will provide total storage of 440.2m³ within the site boundaries and is greater than the rainfall volume which will arise in the peak event during the 1 in 100-year rainfall event.</p> <p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan.</p>	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Reports have been submitted that demonstrate that the proposed development will not give rise to adverse impacts in terms of noise or light. The Applicant has also confirmed that nuisances associated with odour are negligible given the nature of the development proposal.</p>	<p>No</p>

		Management of the scheme will mitigate potential operational impacts	
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Environmental Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated as outlined in the assessment of the application.</p>	<p>No</p>

1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	No
1.10 Will the project affect the social environment (population, employment)	Yes	<p>It is anticipated that 13 persons employed in the operational phase of the distillery development with additional jobs generated during the construction phase.</p> <p>The provision of a tourism enterprise development such as this can encourage the growth and sustainability of the tourism sector which can have spin-off benefits for the local economy.</p>	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	<p>The appeal site is located on the landholding of Meade Farm, an established agricultural development on a commercial scale involved in the growing, packing and distribution of potatoes, fruits, vegetables and salads and prepared foods. In addition, the potato starch is produced at the facility which is utilised in the distillation process. It is confirmed that no additional starch is required to be produced</p>	No

	to facilitate the proposed development. In addition, it is confirmed that the distillery can operate independently of the existing Meade Farm operations and source Potato Starch for alternative sources. Claims have been made by Appellants with respect to unauthorised starch production within the existing facility. Allegations of unauthorised development is a matter for the enforcement section of the Planning Authority and the Board has no role in this matter.	
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2. Location of proposed development

<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p>	No	The nearest designated sites are the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232) which are located c. 9.4km to the south of the appeal site. The assessment of this application highlights that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site. Therefore, the requirement for a Stage 2 Appropriate	No
<p>1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>			

		<p>Assessment is not deemed necessary in this instance.</p> <p>This site does not host any species of conservation interest.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	No	No such species use the site and no impacts on such species are anticipated.	No
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	No	A report from the Dept. of Housing, Local Government and Heritage indicates that the site is located in an area of high archaeological potential. Conditions with respect to pre-development testing have been recommended in the event of a grant of permission.	No
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	No	No such features arise in this location.	No

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>The development is not located within a flood zone and therefore the development would not increase the flood risk to other properties.</p> <p>The development will implement SUDS measures including attenuation of surface water, to control run-off.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No risks are identified in this regard.</p>	<p>No</p>
<p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by the L-1603 (Ardee Road) which connects to the N52, c. 3.8km to the north of the appeal site. No significant contribution to such congestion is anticipated.</p>	<p>No</p>

2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No		No
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3. Any other factors that should be considered which could lead to environmental impacts

3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	Yes	<p>As noted, the appeal site is located on the landholding of Meade Farm, an established agricultural development on a commercial scale involved in the growing, packing and distribution of potatoes, fruits, vegetables and salads and prepared foods. Meade Farm is also involved in the production of potato starch which is utilised in the distillation process. It is confirmed that no additional starch is required to be produced to facilitate the proposed development and it is confirmed that the distillery can operate independently of the existing Meade Farm operations and source Potato Starch for alternative sources.</p> <p>Foul waste from the development will be treated onsite will be treated by tertiary</p>	No
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		<p>treatment system and percolation area with a 23 PE.</p> <p>The draff, retentate and spent yeast from the distillation process is proposed to be recovered as by product for an animal feed and is proposed to be collected by a licensed trader from the Department of Agriculture.</p> <p>In the event of a grant of permission, a condition prohibiting the land spreading of liquid waste would ensure that there are no significant adverse effects on the environment.</p>	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No	No

C. CONCLUSION

No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	EIAR Required	Not
Real likelihood of significant effects on the environment.	No			

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) The nature and scale of the proposed development, which is below the threshold in respect of Class 7(d) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) The location and characteristics of the appeal site;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (e) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the draft Construction and Environmental Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: _____ Enda Duignan

Date: 29/06/2023