Inspector's Report
ABP-316213-23

Development	Construction of a offal processing factory with all associated site works. EPA License and EIAR submitted
Location	Corlattallan, Emyvale, Co. Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	22485
Applicant(s)	Silverhill Foods Unlimited Company
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Glaslough Tyholland Group Water Scheme.
Observer(s)	None
Date of Site Inspection	19th March 2024
Inspector	Ronan O'Connor

Contents

2.0 Site Location and Description

2.1. The site is located at Corlattallan, Emyvale, on the northern outskirts of the settlement limit of Emyvale. The site (existing factory) is partially located within the development limit of Emyvale, a Tier 4 settlement, as defined within the Monaghan County Development Plan 2019-2025, and partially located within the rural area.

3.0 Proposed Development

3.1.1. Development consisting of the construction of:

1. Part single storey/part two storey factory development incorporating chilling, plucking and processing areas, offices, plant rooms, lairage and loading and unloading areas, canteen and hygiene facilities and single storey conveyor linkage to existing factory facility.

2. Single storey skip storage and plant room.

3. 2 number underground water storage tanks

4. A single storey extension to the side of the existing storage shed to incorporate an offal processing facility with permission being sought for the change of use of the existing storage shed for use as an offal processing facility.

5. Provision of additional car parking facilities, security fencing and access roads.

6. Connection to existing on-site mains foul sewer, water and drainage services.

7. Partial removal of existing concrete yard areas and associated structures.

8. Installation of solar panels to roofs of structures.

9. Construction of underground attenuation drainage system.

10. Completion of all associated site structures and ancillary site works including a treated effluent wastewater drip irrigation system encompassing 9 plots of land spread over circa 15hectares with a total disposal volume of up to 480m3 per day. This application relates to a development which comprises an activity that holds an IED (Industrial Emissions Licensing) licence from the EPA. An Environmental Impact Assessment Report and Appropriate Assessment Screening Report have been submitted as part of this application.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. On 15th March 2023, Monaghan County Council decided to Grant permission for the proposed development. Condition 4 relates the drip irrigation system and the EPA licence.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The First Planner's Report [undated] is summarised below:

- Notes that the site is located within the development limit of the Tier 4 Village of Emyvale/notes that the use of the site is well established/coupled with the location of the site on the edge of the settlement/principle of the proposed expansion is acceptable.
- States that views of the proposed development will not be overly apparent from the public/proposed buildings are acceptable in principle in terms of form, height and external finishes.
- Additional car parking is acceptable/proposed quantum of parking considered acceptable.
- Revised Landscaping plan required.
- Note District Engineer and Roads Design Office have no objections to the development.
- Notes the contents of the TTA
- Notes no objection from the Westmeath National Roads Office (in relation to potential impact on the N2 Clontibret to Border Road Scheme).
- Notes contents of the SSFRA
- No objection to the proposed solar panels
- No objection to the demolition of the poultry house and meal bins

- Notes contents of the AA Screening Report/Concluded that a Stage 2 Appropriate Assessment is not required.
- Notes contents of the EIAR/Satisfied that the required factors have been addressed in the EIAR/note a number of anomalies which require clarification, relating to *inter alia* car parking spaces, sight lines and proposed staff numbers
- Number of issues which require clarification by way of Additional Information. Additional Information was requested on 17th January 2023 in relation to the following issues:
    - Site Boundary on site location plan differs from the site boundary on all other plans submitted
    - Anomalies in the EIAR
    - Applicant to review third party objection letter and submission from TIA and provide response to same.

4.2.2. **Additional Information** was requested on 17th January 2023. Additional Information was received on 2nd February 2023, and was deemed to constitute **significant additional information.**

4.2.3. The Second Planner's Report in relation to same [dated 15th March 2023] is summarised below:

- Note that revised plans have been submitted which now show the definitive red line boundary/plans now correspond and are considered acceptable.
- A revised EIAR has been submitted/No objections are raised in relation to contents or conclusions of same, subject to conditions and adherence to the terms and conditions of the EPA Industrial Emission Licence.
- Notes the applicant's response to the third party objection.
- Notes a revised Traffic and Transport Assessment was submitted in response to issues raised by TII
- Recommendation was that permission be **Granted subject to conditions**

Other Technical Reports

Environment Section

[report dated 13th December 2022]

- Notes *inter alia* that part of the site drains towards Emy Lough/imperative that surface and wastewaters are adequality treated to prevent any deterioration in ground and surface water quality
- Is likely there are pathways to surface waters/vital that the system is installed, operated and monitored effectively to prevent any indirect discharges of treated effluent from the drip irrigation system to the Blackwater, Mountain Water or Emy Lough
- Note that the introduction of the drip distribution system, properly installed, maintained and operated, should be a considerable improvement in comparison to the direct discharge to the Corlattan Stream
- Conditions recommended

[report dated 27th February 2023]

- Recommend FI is referred to the EPA/Recommend additional condition in relation to the operation of the drip irrigation scheme
- Noted that treated effluent rather than slurry is being distributed in Plots 1 – 9

Project Liaison Officer - N2 Clontibret-Border Road Scheme [14th December 2022] – No objections

E.H.O. [20th December 2022] – Condition recommended in relation to noise levels.

Roads Design [20th December 2022] – No Road Safety Audit (Stage 1 and 2) has been provided/Note TII objections/Consider this to be a limited level of direct access/already established business/note one minor collision in the past 10 years/No objection subject to conditions [report dated 14th February 2023] – confirmed sightlines in place

Roads Section [2nd December 2022] – No objections

Water Services [3rd January 2023] – No objections

Fire Section [report dated 16th January 2023] – No objections subject to conditions

Monaghan MD [report dated 13th January 2023] – Concur with comments made by the Road Section - No objections subject to conditions

4.3. **Prescribed Bodies**

Department of Housing, Local Government and Heritage [report dated 16th January 2023] – Recommend conditions in relation to Archaeology

Irish Water [report dated 3rd January 2023] – Irish Water are agreeable in principle to accept up to 250m^3 per day of treated effluent at Monaghan WWTP under a tankered wastewater agreement as part of a facility backup contingency plan.

Transport Infrastructure Ireland [report dated 12th December 2022} – would create an adverse impact on the nation road (as relates to proliferation of entrances within transitional speed limit zones)/could prejudice design for the future road scheme/insufficient data submitted in relation to impact on the road network.

[Report dated 13th February 2023 – after submission of FI] – Position remains the same as per original submission

EPA [report dated 8th December 2022] –

- Notes any review of license will be subject to an EIAR /should a licence review application be received, all matters to do with emissions to the environment from the activities proposed, the licence review application documentation and EIAR will be considered and assessed by the EPA
- Where the Agency is of the opinion that the activities, as proposed, cannot be carried on, or came for effectively regulated under a licence then the Agency cannot grant a licence/Should the Agency decide to grant a licence in respect of the activity, as proposed, it will incorporate conditions that will ensure that appropriate National and EU standards are applied, and that Best Available Techniques (BAT)will be used in the carrying on of the activities
- Should an IE licence review application be received on foot of the changes proposed in the planning application, it will define the site boundary/In the current licence (P0422-03) the site boundary only relates to the site of the poultry rearing and directly associated activities which occur within that defined site boundary. Activities such as the processing of animal feed, use of organic fertiliser as fertiliser beyond the site boundary etc. cannot be controlled by a condition of an IE licence which may be granted for the poultry rearing activity because they do not occur within the defined site boundary/In relation to the management and use

of organic fertiliser, when it leaves the installation (poultry rearing activity), the IE licence cannot specify conditions governing, and making the licensee liable for, the use of organic fertiliser by, or the actions of, the subsequent holder of the organic fertiliser generated.

- The recipient of organic fertiliser is responsible for the management and use of the organic fertiliser in accordance with the applicable regulations (European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 and Animal By- Products Regulations (Regulation (EC) No. 1069/2009))/Agency cannot issue a Proposed Determination on a licence application which addresses the development above under a planning decision has been made.

Inland Fisheries Ireland [report dated 16th December 2022]

- Notes EPA's observations on the Drip Irrigation Pilot Project were not submitted with the planning documents/proposed discharge necessitated the need to carry out a Tier 2 Assessment of the drip irrigation plots which is included in the planning documents/note the contents of the Hydrological & Hydrogeological Qualitative Risk Assessment (for Plots 1 – 9) which concludes that there is no direct pathway to ground or surface waters/given the ground conditions described in the report, IFI do not concur with same/however the proposed mitigation measures which include soil moisture probes/inclusion of buffer zones/surface water and groundwater monitoring programme should address these issues
- IFI recommends that the drip irrigation should be carried out in accordance with the current Good Agricultural Practice Regulations
- Detail of monitoring programme should be agreed with MCC/should include weekly physico-chemical monitoring and daily visual inspections
- Proposed discharge (as a backup option) to Emyvale WWTP will require a review of the current IEL Licence/Should be clarified by the applicant and/or the EPA
- Recommends that the proposed oil and silt interceptors should be of sufficient size to treat all potentially contaminated waters during the construction phase
- Note that surrounding watercourses contain valuable fisheries habitats/imperative that the proposed development does not impact negatively on the current

Ecological Status of these watercourses or impede the achievement of Good Status in accordance with the Water Framework Directive.

4.4. Third Party Observations

4.4.1. The report of the Planner notes that one objection letter from Glaslough Tyholland Group Water Scheme (GTGWS) was received [received by the PA on 16th December 2022] and this is summarised in the Planner's Report. The issues raised therein are broadly similar to those raised in the grounds of appeal which are summarised below.

4.4.2. I note a submission from Emy Anglers was also received after the submission of significant Further Information [received by the PA 10th February 2023]. This raises concerns in relation to water quality in the Mountain River and Emy Lake/it is stated that further phosphate loading will result in Emy Lake being un-fishable/stated that further spreading of slurry will result in further diminution of water quality in Emy Lake.

4.4.3. I have considered all of the issues raised in Section 8 of this report.

5.0 Planning History

ABP Ref 311130-21 (PA Ref 213) – Permission refused by the Board (following a grant by the PA) for 'Construction of a two-storey factory development to existing poultry rearing and processing facility. The application relates to a development which comprises an activity that holds an IED licence from the EPA'.

There were two reasons for refusal as follows:

1. Having regard to the scale and nature of activities carried on and to be carried on at the application site, and on the basis of the information submitted with the application and appeal, the Board cannot be satisfied that the proposed development is not likely to have a significant impact on the environment, by reference to potential impact from the volume and strength of wastewater arising from the proposed development and the proposed mechanisms to manage such wastewater arisings, including precise detail regarding the capacity of wastewater treatment at the site and the efficacy of the proposed drip irrigation system. In the

absence of such information the Board is unable to assess the likely impact of the proposed development on the locality and the wider environment and cannot be satisfied that the proposed development would not be prejudicial to public health in this regard, the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information submitted with the application and appeal, the Board cannot be satisfied that the proposed development is not likely to cause a deterioration in the chemical or ecological status of the receiving surface water body. In such circumstances the Board is precluded from granting permission.

17/204 - Permission to construct an extension to the rear of existing factory to include 1) additional cooking areas, 2) internal modifications to existing factory, 3) retaining walls and all ancillary site works; withdrawn.

14/145 - a) to demolish 1) existing single storey office building consisting of 162m22) portion of existing feather plant building consisting of 227m2 3) existing control building consisting of 35m2 and 4) existing skip house building and lairage building consisting of 214m2 b) to construct 1) new two storey over basement centre of excellence office building and connection to existing facility 2) extension to rear of existing feather plant consisting of 196.92m2including 2 no. loading docks and underground feather holding tank, 3) new skip house building and lairage building 4) new car parking area to include palisade 2.2m high fencing surrounding car park, 5) removal of existing weigh bridge and re-location of weigh bridge 6) placement of new façade consisting of architectural panel over existing buildings along public road, 7) two no. lift barriers and entrance gates, 8) sewage holding tanks and pumping station with connection to mains supply along public road, c) removal of temporary accommodation units d) and complete all ancillary site works; granted.

06/329 - to erect: 1) three number duck houses and associated hardstanding yard area, 2) new entrance onto existing company private access road, 3) upgrading of existing rising main and connection into existing company foul sewer network and storm water collection network and all associated site development and drainage works; granted.

05/750 - erect three number duck houses and associated hardstanding yard area, new entrance onto existing company private access road, upgrading of existing

rising main and connection into existing company foul sewer network and storm water collection network and all associated site development and drainage works; granted.

03/674 - erect an effluent treatment plant and anaerobic digester plant consisting of a main processing and storage building, a chemical store and polymer makeup building, 500 cubic metre effluent day tank, 100 cubic metre underground anaerobic digester feed tank and ancillary biogas handling facility, 100 cubic metre underground polymer mixing tank, process cooling tank, 145 cubic metre bunded digester containment tank and permission to erect 1147 cubic metre balance tank and 517 cubic metre anoxic tank and ancillary site works; granted.

02/657 - erect new storey over existing duck processing unit, new canteen area and single storey spice store; granted.

99/420 - erect new office building, car parking area and septic tank; granted.

96/402 - construct an ESB medium voltage substation metering room and extend existing low voltage distribution room at premises; granted.

6.0 Policy Context

6.1. Section 28 Guidelines

Spatial Planning and National Roads – Guidelines for Planning Authorities (January 2012)

6.2. Development Plan

The Monaghan County Development Plan 2019-2025 is the operative plan. Relevant provisions include:

Industrial Policies:

Section 4.5 Industry. Sets out a number of key aims which include *inter alia* to promote the County's thriving agri-food sector with a view to using indigenous resources.

INDP 1 The Planning Authority will encourage industrial development at appropriate scales and locations in line with the County's settlement strategy. Generally, where the proposed development is considered to be a significant employer and/or intensive in nature, such developments shall preferably locate within the settlement envelope for Monaghan Town or the Core Strategy's Tier 2 or 3 towns. In exceptional circumstances industries that are tied to a fixed resource and/or require extensive sites or specific settings, to permit their location in rural areas subject to normal planning criteria and environmental legislation requirements.

INDP 2 To assist anyone who wishes to establish or expand industrial, commercial or other such endeavours that will provide increased employment opportunities in the county, subject to normal development management requirements and technical criteria.to create new enterprise and employment opportunities and explore opportunities to further develop competitive advantage in such areas.

INDP 9 To require proposals for industrial and commercial purposes to be designed to a high standard in accordance with the specific provisions set out in the Development Management Chapter to provide quality environments with adequate allowance where necessary for landscaping, machinery parking and circulation, and the appropriate disposal of foul and surface water.

IEO 2 Facilitate the growth and/or expansion of existing industrial enterprises where appropriate, subject to development management guidelines as set out in Monaghan County Development Plan 2019-2025 218 Objectives for Industry, Enterprise and Employment Development Management Guidelines, Monaghan County Development Plan 2019- 2025. Such developments should not unduly impact on the residential amenity of existing residential properties.

IEO 5 Ensure that a high standard of design, layout and amenity is provided and maintained in all new industrial developments.

Emmyvale is a Tier 4 settlement:

VIL 3 To consider applications for industrial and commercial development which cannot be accommodated within the village envelopes due to conflict of land uses or amenity on the fringes of the village envelope. Sites on the edges of the village envelopes shall be given preference over those located in the open countryside and any proposal shall comply with all other relevant policies set out in this Plan.

Section 15.13.7 Residential Amenity All developments must have regard to the potential impact upon the residential amenity of existing and permitted residential land uses in the vicinity of the development.

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

Section 15.14 and Policies ICP 1 to 9 - Industrial and Commercial Development

Traffic and Transport

Chapter 7 Transport & Infrastructure

Section 7.8 National Roads

Section 15.27 Road Access Standards and Policy RAS1 'Policy for Access Details'

15.27.1 Minimum Visibility Standards for a new access or intensification of an existing Access onto Non-Urban Roads (Intensification is considered to occur where a proposed development would increase the traffic flow using an access by

5% or more)

Section 15.28 Car Parking Standards and Policy CP1 'Policy for Car Parking'

Policy TP 5 To ensure that all new developments and extensions to existing developments have adequate car parking provision.

Other Relevant Provisions

Section 15.19 Landscaping (Urban and Rural) and Policy LCP 1 'Landscaping Policy'

Section 8 and Objective EECS01 'Environment, Energy and Climate Change Strategic Objective

Section 15.20 Renewable Energy and Policy ENP1 'Renewable Energy'

Chapter 6 Heritage, Conservation and Landscape - Section 6.4 Landscape Character Assessment/Policies HLP 8, 9 and 11

Chapter 8 Environment, Energy & Climate Change

Policy WPP 1 – in relation to surface water/WPP 3 in relation to groundwater/WPP 11 – in relation to impacts on the water environment

Table 8.1 Sensitive Surface Waters (and Map 8.1) – including Emy Lough

6.3. Natural Heritage Designations

6.3.1. The nearest protected site is Emy Lough pNHA, located approximately 0.8km straight line distance to the east. The nearest Natura site is Slieve Beagh SPA site code 004167, located c 6km straight line distance to the south-west.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. 1 no. third party appeal has been received from Glaslough Tyholland Group Water Scheme Ltd. The grounds of appeal are summarised below:

- The Glaslough Group Water Scheme currently abstract water from Emy Lough
- Provide drinking water to 4,500 people in the surrounding area
- Concerned in relation to the risk to drinking water source in particular by the proposed drip irrigation system
- Nowhere within the EIAR or within other documentation is the drinking water at Emy Lough identified as a potential receptor/As such the risk to same has not been addressed
- Article 8 of Directive (EU) 2020/2184 on the quality of water intended for human consumption, which is due to be transposed into Irish Law in January 2023 requires that risk assessment and risk management of the catchment areas for abstraction points of water intended for human consumption is completed
- Note that permission was granted in July 2001 for development which included *inter alia* a drip irrigation system/was overturned by ABP/doubts over the efficiency of the proposed drip irrigation system
- This current application proposes a drip irrigation system

- Don’t believe that the EIAR has adequately established that there will not be an environmental risk
- The conceptual site model (CSM) has not been updated to address the comments of the EPA (as included within Appendix A of the Updated Hydrogeological Assessment Report (June 2022)/It is still proposed to dispose of the treated effluent at a rate of 3l/m^2/day
- Does not address need for variability of disposal rates to account for gleyed areas/or where groundwater is shallower
- Question as to whether the proposed drip irrigation system can be scaled up based on the pilot study results
- Appears to be relatively shallow perched groundwater onsite/risk to such needs to be adequately assessed
- Sampling of the shallow well did not commence until December 2021/a number of months after the commencement of the pilot project/baseline conditions of this receptor have not been established/therefore an assessment of the impact on same cannot be made/is an omission particularly in light of the elevated total ammonia and total phosphorus concentrations presented in Table 7.2 of the Updated Hydrogeological Assessment Report (June 2022)
- Downgradient receptors (drainage channels and streams) which may receive water via the subsurface flow pathway have not been adequately addressed
- Given the proposed disposal quantities (480 sq. m), argue that a Tier 3 Risk Assessment should be completed, with reference to EPA Guidance.
- Concern that the pilot project has not demonstrated that the lands can take soiled water applications in the region of the maximum proposed
- Results of the extended trial period (Nov 2022 to Jan 2023) were not submitted to the Planning Authority, despite the fact that the applicant submitted their additional information in February 2023

Enclosure includes submissions made at application stage.

7.2. **Applicant Response**

7.2.1. A First Part Response to the Third Party appeal was received on 25th April 2023. The contents of same are summarised below.

- Note that the appeal concerns the Drip Irrigation System only/not any other aspects of the proposed development
- Are an EPA Licenced activity/only objection being made to An Bord Pleanála concerns solely the licenced emission of treated wastewater from our onsite EPA licenced waste water treatment plant
- Previously related treated effluent to an unnamed stream which joins the Corlattalan Stream (1km from site) under EPA licence
- Currently licensed to discharge from the Drip Irrigation System (DIS) under a revised EPA licence/GTGWS (appellant) did not object to the EPA licence review
- EPA have confirmed satisfaction in relation to the DIS/EPA requires implementation without delay
- Conditions are included on the revised EPA licence
- Consequently, the emission to which the appeal relates has already been assessed and regulated by the EPA
- No land use planning objection within the appeal submission
- Under the EPA Act 1992, the board is not entitled to subject a permission to any conditions which are for the purposes of in any way controlling the emissions form the operation of a licenced activity
- This is the sole and exclusive purposes of this planning appeal/which should be disallowed or dealt with expeditiously by the Board
- Invited GTWS to visit the site/did not accepted the invites
- IFI (who appealed the previous decision in 2021) engaged with Silver Hill and were satisfied
- Monaghan County Council properly considered and addressed all of the concerns before granting planning permission/including inserting a condition that

the DIS be installed, maintained and operated with the requirements of the EPA licence

- GTGWS does not mention the EPA approval in its appeal
- Reference is made to ‘soiled water’ in the appeal/this is not the case
- Data from the extended pilot was not requested as part of the planning application/data and report were not completed until Feb 2023/then submitted to the EPA who were satisfied with the results and then issued approval on March 10th.
- Request that the appeal is either invalidated as it is without substance/concerns a matter which is outside the jurisdiction of the Board (the control of an emission of wastewater)/EPA has already licenced the discharge
- Clear based on all the assessments and findings that there will be no impact on the source water or any deterioration on the status of the water quality

Enclosures: Appendix 1 to IX (also letter from Author Cox not numbered as an Appendix).

7.3. **Planning Authority Response**

7.3.1. None received.

7.4. **Observations**

7.4.1. None received.

7.5. **Further Responses**

7.5.1. A Further Response was received from Glaslough Tyholland Group Water Scheme Ltd (the appellant) on 2nd June 2023. The issues raised are summarised below:

- Met with applicant/were not aware that the plots marked 6, 7 & 8 on the enclosed map were to be included for drip irrigation/lands are even closer to Emy Lough
- Believe that this discharge poses a huge risk to a protected water source

- No evidence of a Tier 3 assessment or a soil/percolation test being carried out/should have been rejected by Monaghan County Council on this basis
- A single dwelling needs a soil characterisation report/why did this commercial activity not need one
- Concerns remain as per the original submission.

Encl: Map; Letters; Newletter; EIAR Non Technical Summary Copy; Previous Inspector's Report (311130-21)

8.0 Environmental Impact Assessment

8.1. Introduction

8.1.1. A Revised Environmental Impact Assessment Report (hereinafter referred to the EIAR) as the was submitted to the Planning Authority on 2nd February 2023, and I have had regard to same, as well as the Appendices document Volume 3 Parts 1 and 2, which was not revised at Further Information Stage.

8.1.2. The EIAR is structured into three parts, a Non-Technical Summary (Volume 1), the main report providing a technical assessment of environmental effects (Volume 2) and appendices (Volume 3 Parts 1 and 2). I have examined the contents of the report against the requirements of Section 94 of the Planning and Development Regulations, 2001 (as amended) and consider that it adequately contains:

- The information specified in paragraph 1 of Schedule 6, including a description of the proposed development, the likely significant effects on the environment, mitigation measures and reasonable alternatives for the following parameters:
    - population and human health,
    - biodiversity,
    - land, soil, water, air and climate,
    - material assets, cultural heritage and landscape and the interaction of these.

- As necessary, additional information specified in paragraph 2 of Schedule 6, relevant to the specific characteristics of the development and to the environmental features likely to be affected.
- A summary in non-technical language, and
- References detailing the sources used for the descriptions and assessments included in the report.

8.1.3. The description of development on the Public Notices note that this application relates to a development, which is for the purposes of an activity requiring a licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013.

8.1.4. The EIAR includes various appendices relating to supporting information and studies, as well as a separate non-technical summary.

8.2. **Existing Facility and Processes/Proposed Processes**

8.2.1. As described in the EIAR the site encompasses approximately 35 ha and is accessed via the N2 (Dublin to Derry Road). The site is set out over a number of levels with the main processing and facilities area on the higher part of the site, with the lower part of the site encompassing the waste-water treatment plan (WWTP) and environmental management area

8.2.2. The site includes the following infrastructure:

- Administrative Building;
- 8 Unit Growing Facility (decommissioned);
- Processing plant consisting of areas for preparation, processing, cooking, storage/ refrigeration, loading, feather processing, waste handling;
- Carparks;
- WWTP and other site utilities; and
- Drip Irrigation Pilot Plot.

8.2.3. The plant process on site are described in the EIAR and involves a number of stages including:

- Transport and receiving of birds to the site

- Bird processing.
- Retaining the plumage and transport to offsite processing.
- Preparation and cooked products
- Separation of food waste for export. The new facility will reuse the carcase food waste into pet food processing and production

8.2.4. These processes are described in detail in the EIAR and related appendices.

8.2.5. The facility processes up to 75,000 birds per week with plans to increase up to 120,000 ducks a week with the development of a new air chill system and production plant. It is noted that all the processes described may not be in operation at the site at any one time.

8.2.6. The EIAR considers the processing facility to which the EIAR relates and the Associated Facilities, such as the Contract growers that supply the birds. These Associated Facilities are not directly part of this EIAR, but are linked to the processing facility from a cumulative impacts perspective and were therefore considered in this context of cumulative impacts only.

8.2.7. Of note, in the context of this appeal, is that the site has an on-site Waste Water Treatment Plant (WWTP) to treat the process water. This treated effluent is currently discharged to the surface water network, but it is proposed to redirect this treated effluent to a new drip irrigation network (as proposed under this application).

8.2.8. A sludge sump is used to separate sludge and direct to a dewatering unit. The dewatering unit compresses the material ready for transport by a contracted waste hauler to an Anaerobic Digestor facility (Offsite - Associated Facility).

8.2.9. As part of the site upgrade for the pet food production facilities the capacity of the WWTP production will be increased from 230m^3 (volume requirement at 80,000 ducks) to 480m^3 (volume requirement at 120,000 ducks).

8.2.10. This application is for site alterations and inclusion of additional process namely;

1) Redevelopment onsite for the inclusion of an offal processing facility for pet food product production

2) Site alterations to include a chiller tunnel for improved efficiency

3) Installation of a drip irrigation system for the treated wastewater to phase out the discharge to stream

4) Installation of roof top solar panels for delivery of energy onsite as part of Silver Hill

8.2.11. The proposed site alterations will be phased over a period of 5-17 months. The proposed site alterations include;

- Construction of a part single storey/part two storey factory development incorporating chilling, plucking and processing areas, offices, plant rooms, Lairage and loading and unloading areas, canteen and hygiene facilities and single storey conveyor linkage to existing factory facility
- Single storey skip storage and Plant room
- Construction of 2 no. underground water storage tanks,
- a single storey extension to side of existing storage shed to incorporate an offal processing facility with permission being sought for the change of use of the existing storage shed for use as an offal processing facility,
- Provision of additional car parking facilities, security fencing and access roads,
- Connection to existing on-site mains foul sewer, water, and drainage services,
- Partial removal of existing concrete yard areas and associated structures,
- Installation of solar panels to roofs of structures
- construction of underground attenuation drainage system
- Completion of all associated site structures and ancillary site works including a treated effluent wastewater drip irrigation system encompassing 9 plots of land spread over c15 hectares with a total disposal volume of up to 480m^3 per day.

8.2.12. It is also proposed to process offal onsite. This is currently removed from the site. The proposal is to cook the offal and then separate the solid material and the fat, with the process taking place by developing the building at the environmental management area.

8.2.13. In relation to the Pet Food Facility, it is proposed to construct an extension to the existing building (an additional 460 sq. m) The Air Chill and Connection Tunnel will require new buildings totalling 758 sq. m. in area.

8.2.14. In relation to the drip irrigation system, it is noted that the applicants have upgraded the WWTP and ceased all waste spreading from the site, and the remaining licenced discharge to stream of treated wastewater effluent is to be phased out. Currently, the final treated wastewater drains directly into an unnamed stream and in turn to Corlattallan Stream which in turn joins the Blackwater River approximately 6 km from site.

8.2.15. The drip irrigation system is proposed for the lands adjacent to the site, in 9 or 10 plots, each with an area of approximately 150 ha. Treated water is proposed to be piped to the fields and dispersed in the soil matrix using a network of distributor pipes. The design flow rate is 3 l/m^3/day or approximately 480 m^3/day. The layout of same is shown in Figure 2-1/Page 29, and Figure 2-2, Page 31 of the EIAR.

8.2.16. A pilot project was carried out on a 1.6 ha plot to the north of the site, with the results of same submitted to the EPA for review (and are set out in the Updated Hydrological Assessment Report 2022 Rev03 17072022).

8.2.17. The process of drip irrigation and the system that will be installed on site is set out in detail in Section 5.1 of the Drip Irrigation Pilot Project Updated Hydrogeological Report (included in Appendix 6.1 – Volume 3 Part 1 of the EIAR). This sets out that drip irrigation is a process where a slow, even application of low-water pressure is provided to soil (and plants) using perforated plastic tubing (drip-lines) placed approximately 300mm beneath the ground surface. It is stated in this report that a well-designed drip irrigation system loses practically no water to surface runoff, evaporation or deep percolation in silty or sandy soils. It is stated that applying wastewater to land provides a high degree of additional treatment of the effluent through naturally occurring physical, biological and chemical processes.

8.2.18. Surface water discharge is currently from four discharge points, and under a revised site wide drainage design, this will be reduced to three no. discharge locations. A surface water management plan is in place to ensure that no contaminated surface water goes into the surrounding surface water network.

8.1. **Vulnerability of Project to Major Accidents and/or Disaster**

8.1.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned.

8.1.2. The issue of 'Vulnerability of Project to Major Accidents or Disaster' is considered in Section 2.11 of the EIAR. This includes a consideration of procedures in the event of abnormal situations including, but not limited to, breakdown of the WWTP or spillages on site. It is noted that the site Environmental Response Procedure (ERP) is designed to address any emergency situation which may occur on site.

8.1.3. No Seveso sites are identified with the EIAR which could impact on the proposed development site.

8.1.4. Having regard to the procedures that are in place on the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

8.2. **Alternatives**

8.2.1. Schedule 6 of the Planning and Development Regulations, 2001 (as amended) requires consideration of 'reasonable alternatives' which are relevant to the proposed development and its specific characteristics and an indication of the main reasons for the option chosen taking into account the effects of the proposed development on the environment.

8.2.2. Chapter 3 considers 'Alternatives'. A do-nothing scenario was not considered feasible due to a number of factors, including that the EPA have requested that the site look at alternative routes for effluent disposal and so a do-nothing scenario is contrary to licence requirements. Alternative locations are ruled out as no other site location would have the required established infrastructure on site nor have the most economic scaling up opportunities. In terms of alternative processes other alternatives for the treated effluent included the following:

- Connection to the Emyvale Town Sewer.
- Piping directly to Corlattalan Stream.
- Pipe directly to River Blackwater.
- Use of Sand Filtration for further treatment of effluent.
- Pipe connection to Mountain Water river

8.2.3. The options above were not considered due to a number of issues which included capacity issues and construction of special holding tanks, cost of laying pipe and planning requirements to cross lands, access and permission from multiple landowners, maintenance of the filtering system and disruption caused by works on nearby residences and public roads.

8.2.4. In relation to the content of the EIAR, I am satisfied that the description of the consideration of alternatives in the EIAR is reasonable and coherent, and the requirements of the directive in this regard have been satisfactorily addressed.

8.3. **Assessment of the likely significant direct and indirect effects**

8.3.1. The likely significant effects of the development are considered below under the headings used in the EIAR, which generally follows the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU.

8.3.2. The EIA Directive is aimed at ensuring that a holistic assessment is carried out of all elements of a development to ascertain its potential effects, both positive and negative, prior to the granting of development consent. The scope of assessment should concentrate on the direct, indirect and cumulative/in-combination impacts of the proposed development itself.

Land, Soil, Water, Air and Climate

8.4. **Water**

8.4.1. The third party appellant (Glaslough Tyholland Group Water Scheme Ltd) has raised concerns in relation to impacts of water quality in Emy Lough, from which drinking water supply is sourced, and the subsequent impact on the 4,500 people the Group Water Scheme serves, with specific reference to the proposed drip irrigation system. It is set out that potential impacts on Emy Lough have not been adequately addressed in the EIAR and the associated supporting documentation.

8.4.2. The first party response states that that it is clear, based on all the assessments and findings, that there will be no impact on the source water or any deterioration on the status of water quality as a result of the proposed drip irrigation system.

8.4.3. Chapter 7 of the EIAR considers ‘Hydrology (Flood Risk), Surface Water and Hydrogeology’. Data from *inter alia* analysed water samples from the treated wastewater discharge from the on-site wastewater treatment plant (WWTP), samples

from the on-site groundwater abstraction wells (AGW1, AGW2, AGW3), surface water samples and groundwater sampling results collected during the drip irrigation pilot project and water samples from the unnamed stream (in conjunction with the ecological sampling and assessment), were taken into consideration when compiling this chapter.

Surface Water

8.4.4. In relation to surface water, baseline surface water conditions are described in the EIAR. It is set out that the unnamed stream running through the northern part of the site discharges into the Corlattalan Stream, approximately 1.2km northeast of the site, which in turn discharges to the River Blackwater approximately 5.6km northeast of the site. The Ulster Blackwater continues on to enter Lough Neagh west of Derrywarragh Island, which is approximately 70km downstream of the site. The River Blackwater is within the Blackwater sub-catchment of the Lough Neagh-Lower Bann Catchment as defined under the Water Framework Directive (WFD). The Mountain Water River flows into the sub-catchment south of Emyvale. There is a second 'unnamed' stream, which is outside the boundaries of the site, which runs from the runs from Corrins Lough to Emy Lough, to the south-east of the site. This is the Emylough Steam (as described in the Site Specific Flood Risk Assessment included in Volume 3 of the EIAR). The Site Specific Flood Risk Assessment report also refers to secondary hydrological features which include a series of agricultural drainage channels and ditches along the external hedgerow and treeline boundaries in the fields surrounding the site. While not described in this chapter, the Hydrological & Hydrogeological Qualitative Risk Assessment (November 2022)[1], also sets out that there is a drainage stream south of Plot No. 7 (to the east of the site), which joins a stream which is discharged at surface water monitoring point 5. I would note that this eventually drains to the Emylough Stream.

8.4.5. The EIAR notes that site is located on the boundary between two local surface water catchments. Under the proposed stormwater drainage layout for the site, the centre and northern portions of the site will drain to the unnamed stream and onward to the Corlattalan Stream (the new SW1 and SW2) and the southern portion of the site will continue to be drained via the unnamed stream and onward to Emy Lough (the new

[1] as included in Appendix 6.2 - Volume 3 Part 2 of the EIAR

SW3). These surface water discharge arrangements are set out in the accompanying drawings, including the Dwg. D3 'Master Site Layout Plan' and associated plans. There is some inconsistency in relation to the final arrangements of the surface water system with the 'Attenuation Design Report' (dated 11th November, submitted as a standalone document) indicating that three no. attenuation areas are proposed for the site (two to the north, and one to the south). I would note that only one attenuation area is shown on Dwg. D3 'Master Site Layout Plan' and associated plans, to the north-west of the site. I would also note that this Attenuation Design Report' illustrates that a petrol/oil interceptor is proposed for the southern discharge point, which eventually drains to Emylough Stream, and then to Emy Lough, which is not indicated on Dwg. D3 'Master Site Layout Plan' and associated plans. The EIAR notes that surface water/storm water from the site is monitored as part of the EPA licence.

8.4.6. In relation the Water Framework Directive, the EIAR is somewhat inconsistent in relation to the reporting of the status of the River Blackwater. Section 7.3.1 (page 85) notes that the River Blackwater is currently classed as 'not at risk' on the WFD Risk Code. On page 87 it is stated that the River Blackwater currently has a 'Moderate Status' and 'at risk'. I would note that EPA mapping identifies this waterbody as 'not as risk', with reference to the River Waterbodies Risk - Cycle 2.[2] The Mountain Water River downstream of Emyvale is classed as 'poor' and 'at risk of not achieving good status' in the current WFD. Emy Lough is 'at risk' and is classified as 'moderate' status under the WFD Cycle 2. This waterbody is identified as a significant pressure in the catchment.

8.4.7. The EIAR sets out that, from an analysis of water samples from the unnamed stream running through the north of the site (which eventually flows into the Corlattalan Stream), it can be concluded the current discharge (from the on-site waste-water treatment plant) from the site is influencing the status of this unnamed stream, which is given a Q value of 'moderate' upstream of the discharge point, and a Q value of 'poor' downstream of the discharge point.

8.4.8. In relation to the drip irrigation aspect of the proposal, the EIAR makes reference to the Drip Irrigation Pilot Project Updated Hydrogeological Report (as included in

[2] https://gis.epa.ie/EPAMaps/Water (accessed 15th April 2024)

Appendix 6.1 – Volume 3 Part 1 of the EIAR) and notes that, as part of the pilot project, surface water samples of the drainage ditch bordering the pilot field, and of the unnamed stream down gradient of the pilot, were collected before and during the project, and it stated that the results of same demonstrates that surface run-off does not occur, with the result that surface water quality is not impacted due to the drip irrigation system. I would note that, in relation to surface water impacts, the Drip Irrigation Pilot Project Updated Hydrogeological Report concludes that the lack of any sharp increases in Ammonia as N, Orthophasphate and pH, suggests that run-off from the pilot field into surface waters did not occur during the pilot project.

Hydrogeology/Groundwater

8.4.9. It is noted within the EIAR that the bedrock underlying the site, and the area down-gradient of the site, is considered to be the key environmental receptor potentially at risk of impact from the drip irrigation system, with users of groundwater from the aquifer down-gradient of the site also considered potential receptors. It is stated that that the flow direction is stated as being towards the south-east, although groundwater flow direction, locally at least, will be heavily influenced by the abstraction bores on the site, and will direct groundwater flow towards the site. I would note that Emy Lough is located to the east and south-east of the site and is underlain by the same groundwater body as the site (the Aughnacloy GWB).

8.4.10. In relation to the Aughnacloy Groundwater Body (GWB), the EIAR notes that this WFD status of this GWB is currently classified as 'Not at Risk' with the WFD status reported as 'Good', for the period 2010 to 2015. It is not set out why the most recent classification period (2016-2021) is not referred to but I would note that, with reference to EPA mapping, and to the dataset associated with this GWB, the current WFD status is 'at risk' with the overall groundwater status classified as 'poor' (for the period 2016-2021).[3]

8.4.11. In relation to groundwater vulnerability, the EIAR reports that the GSI Interim Vulnerability Map classifies the aquifer in the area of the facility as predominantly 'Low (L)'. The site has localised areas of 'Moderate' or 'High vulnerability', to the north of the site beyond the lagoon and surrounding the Back Lough. There are areas of Extreme(E) to 'Rock at or near surface' or 'karst (X)' to the east of the site,

[3] https://gis.epa.ie/EPAMaps/Water (accessed 15th April 2024).

which corresponds to an area of high ground. It is noted within the report that the area of the site where the drip irrigation is proposed is classified as 'Low Vulnerability', reflecting the thickness of the overburden, which is 20-30m, and the relatively low permeability of the soils. In terms of Groundwater Aquifer Classification, it is noted that the 'Carrickness Sandstone Formation' and 'Maydown Limestone Formation' are classified as Locally Important Aquifers, with bedrock which is generally moderately productive.

8.4.12. The EIAR notes that results from the drip irrigation pilot project suggests that the drip irrigation mechanism did not result in an adverse impact on the underlying aquifer, referring to the Drip Irrigation Pilot Project Updated Hydrogeological Report (June 2022)(as included in EIAR Vol 3 Part 1). It is noted that the depth to the groundwater aquifer is believed to be 20-30m below ground level, with overburden consisting of silty clays and sandstone bedrock, with the thickness of the overburden and the depth to groundwater allowing a large amount of time for water dispersed at near surface to attenuate through the substate before reaching the aquifer body. With reference to the Pilot Project Report, it is stated therein that groundwater sampling at two sampling points showed no sharp increase in relevant parameters after the commencement of the pilot project for each of the parameters analysed, suggesting that the project did not adversely affect the groundwater body for the period of the pilot project. In relation to those elevated concentrations of ammonia within the shallow well samples, which is referred to in the third party appeal, it is stated in the report that these are likely to be as a result of the well going dry during purging and a grab sample only being collected. It is also stated that the land was used for livestock prior the commencement of the pilot project and fertiliser/manure application at surface may have impacted perched water in the pilot field, with decreases in ammonia concentrations as the pilot progresses supporting this interpretation. No other parameter, including the total phosphorus, is shown to exceed the IED licence limits. In relation to the lack of data prior to December 2021 from this shallow well (the drip pilot project commenced in August 2021) it is stated within the report that this well was not an original sampling point required by the IED licence but was added [at a later date] to supplement the data. It is also stated in the applicant response to the third party observations, submitted at application stage (letter dated 24th Jan 2023, submitted as part of the FI response) that the evidence

indicates that this 'perched water' was not water that was contained within a shallow aquifer, but rather is water that is unconnected to the main body of groundwater.

8.4.13. It is further noted that a Nutrient Management Plan was prepared for the pilot project (and included in Volume 3 of the EIAR) and will be prepared for the expanded project, to ensure that the proposal is in compliance with the SI No.113 of 2022 European Union Regulations on Good Agricultural Practices for the Protection of Water.

8.4.14. I would also note the contents of the 'Hydrological & Hydrogeological Qualitative Risk Assessment (November 2022)[4], which considers the potential impacts of the expansion of the drip irrigation system to plots 1 to 9, which also rules out any impacts from the proposed system. This considers each individual plot where drip irrigation is proposed (Plots 1-9). It is noted that where trial holes indicate that poor percolation conditions may be present (i.e. Plots 3, 4, 6 & 7), these plots will have soil moisture meters installed, with over-watering prevented with the irrigation system switching itself off when soil humidity reaches a particular level, with adverse impacts on groundwater and surface water prevented through such a mechanism.

Predicted Impacts

8.4.15. In relation to predicted impacts, at construction and operational phases, it is set out that there is a risk of localised accidental pollution incidents in the in-site drainage systems, from spillages or leakages of chemicals, fuels and/or from equipment used at the site, which could result in contamination of soils and groundwater underlying the site or to surface water receptors. The significance of same is not set out within the EIAR.

8.4.16. Specifically in relation to the drip irrigation system, no significant impacts from the operation of same are predicted, and reference is made to the conclusions of the Drip Irrigation Pilot Project Updated Hydrogeological Report (June 2022) and the Hydrological & Hydrogeological Qualitative Risk Assessment (November 2022), both of which rule out significant impacts from same. However, within both of these reports operational control and monitoring measures are considered in reaching their respective conclusions, and these could reasonably be described as mitigation measures.

[4] as included in Appendix 6.2 - Volume 3 Part 2 of the EIAR

8.4.17. I am the viewpoint that, in the absence of mitigation measures, potential impacts on both surface water bodies and groundwater bodies, could reasonably be described as negative, significant and long-term, in particular having regard to the fact that Emy Lough is a drinking water source, as highlighted by the third party appellants, and noting the groundwater and surface water connections to same. Potential significant impacts on surface water dependant habitats and species, at construction stage, are also identified in Chapter 10 (Biodiversity) of the EIAR. At construction stage, there is potential for pollutants, including, but not limited to, cements and hydrocarbons, to enter surface water bodies, either directly or via the surface water drainage in place on the site, which could give rise to significant negative impacts on water quality. It is highlighted in the EIAR, that at construction stage such spillages could give rise to localised contamination of soils and groundwater underlying the site, with the potential for contaminants to mitigate through the subsoils and impact underlying groundwater. At operational phase, polluted surface water run-off from hardstanding on the site entering the surface water network could give rise to significant negative impacts on water quality also, with potential impacts on groundwater highlighted also through localised contamination of soils and groundwater underlying the site. Specifically in relation to the operation of the drip irrigation project, in the absence of mitigation measures, I am of the viewpoint that there is potential for same to result in significant negative impacts on groundwater and surface water bodies, which could result from this treated effluent subsequently entering the underlying groundwater, should operational control measures not be put in place, including measures to prevent application of treated effluent when ponding occurs. Ponding could also result in result in surface water run-off of treated effluent entering the surface water network, via the unnamed stream to the north of the site, or via the drainage ditches on and surrounding the site.

8.4.18. In relation to mitigation measures, the EIAR notes that the construction phase will be managed in accordance with the measures as set out in the Outline Construction Environmental and Waste Management Plan (CEWMP)[5] in order to avoid any direct impacts on the hydrological and hydrogeological environment. These measures are generally best practice measures and include *inter alia* appropriate handling of materials and chemicals on site, and adherence to best practice industry guidelines,

[5] as included in EIAR Appendix 4.2 Volume 3 Part 1

including those from the IFI. Site. At operational stage, it is set out that the facility will continue to operate in adherence to an EPA IE Licence and the current environmental management procedures which include appropriate handling of materials, weekly inspections of the drainage system and maintenance of same, and sampling and analysis of discharge locations, in accordance with EPA licence conditions.

8.4.19. Mitigation measures specifically related to the drip irrigation project, and as relates to the protection of groundwater and surface water, include *inter alia* the following:

- Soil moisture probes which cease irrigation if the soils are saturated with onsite storage to facilitate same
- Additional groundwater monitoring wells, and additional surface water monitoring points, with cessation of the drip irrigation system if EPA licence limits are exceeded
- Buffer zones where land is deemed unsuitable
- Surface and groundwater monitoring programme
- System operated in line with Good Agricultural Practice Regulations (as required by conditions outlined in the sites current EPA Industrial Emissions Licence P0422-03)
- Daily visual inspection and record log maintained

8.4.20. It is concluded within the EIAR that there will not be any significant residual impacts on the water environment as a result of the proposed development.

Conclusion -Water

8.4.21. I have considered all the information on file, including submissions received and the information contained in the EIAR. In relation to the conclusions of the EIAR, I concur with the conclusions described therein and consider there will be no significant negative residual impacts on groundwater or surface water quality, with mitigation in place, with such measures as described in the EIAR, and subject to conditions. I note that the conclusions of the EIAR in relation to the residual impacts of the drip irrigation system are supported by detailed technical analysis which include *inter alia* the Drip Irrigation Pilot Project Updated Hydrogeological Report

(2022) and the Hydrological & Hydrogeological Qualitative Risk Assessment (2022). While there is some outdated information in the EIAR (in particular, in relation to the current WFD status of the Aughnacloy Groundwater Body, as described above), I am not of the view that this fundamentally undermines the conclusions of the EIAR, and I am satisfied that any significant impacts on groundwater can been ruled out, with mitigation measures in place. Such mitigation measures include groundwater monitoring, as well as soil humidity monitoring on those plots with potentially low percolation rates, which will prevent ponding, and subsequently will prevent any potential adverse impacts on groundwater (and surface water) quality. In relation to surface water impacts, and impacts that could occur via the unnamed stream running through the north of the site, via drainage ditches running through and bounding the site, I am satisfied that the mitigation measures which will be put in place to prevent surface water run-off from those plots proposed for drip irrigation, as outlined above, will be sufficient to ensure no significant negative impact on surface water bodies, including Emy Lough, will occur as a result of the proposed development.

8.4.22. In relation to surface water impacts that could occur via stormwater/surface water drainage connections, with mitigation measures in place, I am satisfied that any significant negative impacts on surface water quality, including water quality in Emy Lough, as a result of surface water/stormwater discharges, can be ruled out. While I note that there is some inconsistency in relation to the proposed surface water management proposals, as set out above, I am satisfied that should the Board be minded to approve the proposed development, a condition could be imposed to clarify details of the proposed surface water drainage, so as to ensure appropriate attenuation volume is in place, and to ensure that silt traps and hydrocarbon filters are in place, as appropriate.

8.4.23. I note that the third-party appellant has stated that the application documentation does not identify Emy Lough as a drinking water source. In relation to same, I accept that this is not explicitly identified within the EIAR Main Report (Volume 2), but impacts on groundwater and surface water features are considered within the EIAR, and the use of the Emy Lough as a drinking water source is identified within the appendices to the Nutrient Management Plan (August 2021 - as included as

Appendix A of the Drip Irrigation Pilot Project Updated Hydrogeological Report (June 2022) – EIAR Vol 3 Part 1))

8.4.24. I would also note the operation of the drip irrigation system is subject to an EPA licence, which will require specific measures and actions to take place, as will be determined by the EPA. The expanded drip irrigation project cannot proceed in the absence of this EPA licence. The proposal will be also required to adhere to SI No.113 of 2022 European Union Regulations on Good Agricultural Practices for the Protection of Water which provides a further layer of protection, in relation to water quality.

8.4.25. I would note also that the Section 7.3 of the EIAR, and Chapter 10 of the EIAR (Biodiversity) also conclude that that the installation of the drip irrigation system will result in long-term positive impacts on the unnamed stream running through the north of the site, in the long term, as effluent will no longer be discharged to same, although again the magnitude of impacts is not stated. I am satisfied that the magnitude of same could reasonably be described as 'significant', given that it has been demonstrated that the current discharge is having a discernible negative effect on the water quality status of the unnamed stream.

8.4.26. In conclusion, therefore, I am satisfied that significant negative impacts predicted to arise in relation to water quality would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of water quality.

8.5. Land and Soil

8.5.1. Chapter 6 of the EIAR considers Soils and Geology. I would draw the Board's attention to a formatting error in the EIAR report, with Sections 5.9 to 5.9.3 (which form part of the 'Noise and Vibration' chapter) referring to matters relating to 'Soils and Geology'. I am satisfied that it is clear that a formatting error has occurred and the information presented (*albeit* not in the correct format) is sufficient to carry out an assessment of this topic. Baseline topographical and soil conditions are set out in the Section 5.9. Of note is that the areas proposed for drip irrigation are currently utilised as farmland and were previously subject to spreading and utilisation for grazing and

silage. After the installation of the drip irrigation, it is proposed that the agricultural fields will remain in their current usage.

8.5.2. The EIAR (Section 5.9.2 'Ground Investigations' page 75 and 76) sets out that a number of trial holes and percolation test holes were carried out as part of the assessment of the suitability of the site for the proposed drip irrigation system. It was found that there is a wide range of soil and subsoil types, with the soils generally consisting of sandy silt with areas of clay also present. The clays are shallow poorly drained soils with mottling evident suggesting a seasonally adjusting water table. It was also evident that over intensification of agricultural activity has resulted in excessive compaction in locations where soils are of a clay nature. Soil depth above recorded water tables ranged from 0.85m to in excess of 1.5m. In relation to groundwater, water was encountered (as part of installation of a groundwater monitoring well – MW01) at 24m below ground level (bgl) and the well advanced to 30mbgl.

8.5.3. Predicted impacts are considered in Section 6.3 of the EIAR. Potential impacts at construction stage include loss of soil cover, soil erosion and compaction, as well as the risk of soil and groundwater contamination. In terms of potential operational stage impacts, these include change in surface run off patterns with resultant changes to recharge into soils and bedrock, loss of localised soils and potential nutrient enrichment of soils, with impacts on surrounding surface water and groundwater. In terms of operational stage impacts, consideration is given to *inter alia* the operation of the drip irrigation system, and reference is made to the Drip Irrigation Pilot Project Updated Hydrogeological Report 2022 (included in Appendix 6.1 – Volume 3 Part 1 of the EIAR), which rules out any resultant impact on water quality, including any impacts on surface water and groundwater quality (see additional discussion of same in Section 8.3 (Water) of this report, as relates to impacts on water quality). Reference is also made to the Hydrological & Hydrogeological Qualitative Risk Assessment (November 2022) as included in Appendix 6.2 - Volume 3 Part 2 of the EIAR, which also rules out any potential impacts as a result of the expansion of the drip irrigation project to the remaining plots, with mitigation measures in place.

8.5.4. While no potential significant impacts are identified in relation to land and soil (negative or positive), Section 6.4 refers to mitigation measures and makes

reference to the construction phase measures as set out in the Construction Environmental Waste Management Plan (CEWMP), as included in Volume 3 of the EIAR. At operational stage, it is noted that the drip irrigation will be required to operate to future EPA Licence conditions, with monitoring included soil moisture probes to prevent water logging of soils and/or surface water run-off of treated effluent. In the event of ponding on a plot, the effluent will be diverted to storage, with the site having over 25 days storage on site. Additional groundwater monitoring and surface water monitoring points are also proposed, as well as a Nutrient Management Plan which will be complied each year as part of the IE Licence. No significant residual impacts on soils and geology are expected as a result of the proposed development.

Conclusion

8.5.5. In relation to the conclusions of the EIAR, I concur with the conclusions described in the EIAR and I consider there will be no significant negative residual impacts on land and soil, with mitigation in place. Having regard to the information as set out in the EIAR, as supported by relevant technical reports including the Drip Irrigation Pilot Project Updated Hydrogeological Report (2022) and Hydrological & Hydrogeological Qualitative Risk Assessment (2022), as included in Volume 3. Parts 1 and 2 of the EIAR, and also having regard to the detailed considerations as set out in Section 8.3 (Water) of this report, I am satisfied that there will be no significant negative residual impacts on soils, and subsequently, groundwater (as a result of effluent percolation through subsoil and bedrock, or surface water (as a result of surface water run off due to ponding of the soil), as a result of this proposed development, with mitigation measures in place.

8.5.6. In conclusion, therefore, I am satisfied that impacts predicted to arise in relation to land and soil would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions, I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of land and soil.

8.6. Air and Climate

8.6.1. Chapter 8 of the EIAR considers Air Quality and Climate. The EIAR notes that that the operation of boilers, traffic and the wastewater treatment plant has the potential to impact on air quality, either by way of emissions or by way of odour. The proximity of the adjoining residences is noted in the EIAR, generally located to the south and north of same.

8.6.2. Baseline air quality data is set out in the EPA 'Air Quality in Ireland' report (2017) and this report concludes that levels of pollutants were below EU limit values, although some of the World Health Organisation (WHO) guideline values were exceeded at monitoring site for PM_{10} and $PM_{2.5}$, ozone and NO_2.

8.6.3. In terms of predicted impacts at construction phase, no significant impacts are expected, noting that an additional 24 additional traffic movements per day would be expected. At operational stage, no significant emissions from traffic are expected. Predicted impacts on odour and air quality is modelled utilising industry best practice and considers the impacts of air contaminants from boilers, thermal oxidisers, duck housing units and the proposed new pet food equipment. Predicted levels of NO2, PM10, PM2.5, SO2, benzene were all found to comply the relevant air quality criteria relating to same. As noted in the report, given that duck rearing is no longer operating on site, the operational impacts will be better than the worst case considered in the report. A positive residual impact is expected from the operational of the solar panels, reducing CO2 emissions. In relation to odour, key sources were considered to be cooking odour (pet food facility and duck cooking infrastructure), non-cooking odour (wastewater treatment, irrigation and duck processing) and lairage and manure/waste storage. It is noted that the thermal oxidiser associated with the pet food facility will have an odour control system, which is provided by way of a two-stage chemical scrubber. The modelling as set out in the EIAR concludes that the odour from both the pet food facility, and the duck cooking infrastructure, will be within the relevant odour exposure criterion (which is set out in EPA guidance document, AG4, and for 'moderately offensive odours' such as arising from this facility, the criterion is 3.0 OUE/m^3 as a 98^{th}%ile of hourly averages at the worst-case sensitive receptor, as demonstrated in Figure 8.4 of the report. It is noted that the WWTP is subject to environmental management and maintenance programmes. No significant impact in relation to climate change are highlighted, although positive

impact are expected in relation to Greenhouse Gas (GHG) Emissions as a result of the solar panel and as a result of the removal of the onsite rearing facility.

8.6.4. While no significant adverse impacts are predicted, mitigation measures are set out in Section 8.7, and at construction phase, these related to measures as set out in the Construction Environmental and Waste Management Plan (CEWMP). At operational phase, environmental and site maintenance programmes will continue to be implemented to minimise and avoid odour emissions from the facility, with an Odour Management Plan required as per EPA licence requirements.

8.6.5. No significant residual impacts on air quality or climate change are expected.

Conclusion

8.6.6. I am satisfied that impacts predicted to arise in relation to air and climate would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable significant direct, indirect, or cumulative impacts in terms of air and climate.

8.7. **Biodiversity (Flora/Fauna)**

8.7.1. I would note that the submission of the IFI (at application stage) notes that that surrounding watercourses contain valuable fisheries habitats, and it is imperative that the proposed development does not impact negatively on the current ecological status of these watercourses or impede the achievement of Good Status, in accordance with the Water Framework Directive. I also note the submission from Emy Anglers (at application stage) who have raised concerns in relation to fisheries within Emy Lough. Neither party has made submissions or observations at appeal stage.

8.7.2. Chapter 10 of the EIAR considers ‘Biodiversity’ and is supported by the ‘Ecological Impact Assessment’ as set out in Appendix 10.2 Volume 3 Part 2 of the EIAR. It is noted a site assessment was carried out in August 2022, with sampling of the steam onsite undertaken in July 2022.

8.7.3. Impacts on Natura 2000 sites are considered elsewhere in this report (Section 9). In terms of the surface water environment, the EIAR notes that the Corlattallan Stream (depositing lowland river FW2) receives water from the unnamed stream that flows

within the site, and it is currently the receiving water for the treated effluent from the onsite wastewater treatment plant. This small stream rises in lands that are west of the site. It is culverted under the road and it flows through the site in an easterly, then northerly direction. It is a tributary of the Ulster Blackwater. There is a level of silt in this stream and little instream vegetation. From sampling of the stream, it is concluded that the current discharge (from the waste-water treatment plant) from the site is influencing the status of the unnamed stream, which is given a Q value of 'moderate' upstream of the discharge point, and a Q value of 'poor' downstream of the discharge point.

8.7.4. The habitats on the site are described within the EIAR and comprise for the most part, Buildings and artificial surfaces (BL3) and improved agricultural grasslands (GA1), with some areas of recolonising bare ground (ED3), amenity grasslands (GA2), scattered trees (WD5) and ornamental hedgerow (WL1). The pasture lands are proposed for the drip irrigation system, and the field boundaries of same are composed of treelines (W2) and hedgerows (WL1). It is concluded that the biodiversity value of the entire site varies from low to high on a local level, with field boundaries considered to be of high ecological value, as is the Corlattallan Stream. No protected mammals or evidence same was recorded on the site and bird activity was limited.

8.7.5. In terms of potential effects, I note that Section 10.5.2 of EIAR erroneously refers to Monmurry Grassland pNHA as the closest pNHA, whereas in fact it is Emy Lough pNHA (however, it is correctly tabled in Table 10.5 'Nationally Important Sites within 10km of the facility). It is stated within the EIAR that there will be no effects on any pNHA, arising from the proposed development, as there is no hydrological connection to same. No significant impacts on habitats or wildlife are predicted.

8.7.6. I would note that there is, in fact, a hydrological connection to Emy Lough, which is described in Section 7.3.3 'Site Drainage', and the southern portion of the site is drained via the drainage network (via existing drainage outlet to the south-east of the site) to a Emylough Stream to the south-east of the site, and subsequently to Emy Lough. This stream is not described in Chapter 10 of the EIAR, but the drainage arrangement is described elsewhere within the EIAR, included Chapter 7. This forms part of the stormwater system. I would note that the water quality at these stormwater drainage points are monitored as part of the site's EPA licence. There is

also hydrological linkages to Emy Lough via the drainage ditches bounding the site, as set out in Section 8.4 above. In relation to this issue, and other issues as relates to water quality, I have considered same in Section 8.4 of this report (Water) and refer the Board to same. I am satisfied that these connections have been adequately considered elsewhere in the EIAR, and I am not of the view that the lack of reference to same in this particular chapter of the EIAR (which considers Biodiversity) would undermine the conclusions of same.

8.7.7. In relation to impacts on non-designated sites, the EIAR notes that, in the absence of appropriate mitigation measures during the construction period, there is the possibility that water quality locally may be negatively affected, with possible impacts from silt, oil, cement, hydraulic fluid etc, impacting on the habitat of water dependant species and on the species directly, with a significant negative effect on the fish and aquatic invertebrate populations. During the operational phases, in the absence of mitigation, surface water run-off from the site and car parking area could impact on the water quality of the unnamed stream (that runs into Corlattallan Stream), as a result of silt and hydrocarbons (although the magnitude of impacts are not stated). I am satisfied that, as per potential impacts at construction stage, these negative impacts could also be described as significant, given pollutants could also contain silt and hydrocarbons, with the receptors as per those described at construction stage.

8.7.8. While not described in this chapter of the EIAR, I am also of the view that similar significant negative effects, as per those described in relation to the unnamed stream (that runs into Corlattallan Stream), in the absence of mitigation, could also potentially result via surface-water and storm water run-off that discharges to the Emylough Stream, via drainage point SW5 and via drainage ditches, with indirect and direct impacts on species and habitats downstream of the site, at both construction and operational phases.

8.7.9. The EIAR also concludes that states that the installation of the drip irrigation system will result in long-term positive impacts on the stream in the long term, as noted in Section 8.4 above.

8.7.10. Mitigation measures are set out in Section 10.6 of the EIAR and include measures to protect to protect water quality, as well as best practice material handling measures, at construction stage. At operational stage, mitigation measures include *inter alia* oil

and silt interceptors at surface water discharge points. In relation to the drip irrigation system it is set out that *inter alia* the drip irrigation system will be subject to operational controls including soil and groundwater sampling and analysis (as described in Section 8.4 above).

8.7.11. It is concluded that, with mitigation measures in place, the proposed development would have a neutral impact on local areas of biodiversity value. It is further set out that eliminating waste-water discharge from the Corlattallan Stream will have a positive effect, as will the cessation of land spreading due to the removal of duck rearing and sending of waste to Anerobic Digestion.

Conclusion

8.7.12. In relation to the conclusions of the EIAR, with the mitigation measures as outlined, I concur with the conclusions described in the EIAR and consider there to be no significant negative residual impact upon internationally or nationally significant receptors, or on non-designated sites, with mitigation in place. In relation to the indirect surface water/storm water drainage connection to Emy Lough, which is not referred to explicitly within the Biodiversity Chapter (but is described elsewhere in the EIAR, including Chapter 7), I am satisfied that those mitigation measures as proposed at construction stage, and at operational phase, which include adherence to best practice water protection measures (including IFI and Industry guidelines), as well as the use of silt and oil interceptors for operational surface water/storm water discharges, will serve to mitigate against any significant adverse impacts on water quality, including the water quality within Emy Lough (and as considered in Section 8.4 of this report). As such I am satisfied that there will be no significant negative impacts on water dependant habitats and species, with mitigation measures in place. In relation to same, I would note the submission of the IFI (at application stage) in relation to the drip irrigation system, and it is stated therein that the mitigation measures that relate to same should address any concerns in relation to surface water (and groundwater) impacts.

8.7.13. While the cessation of land spreading would likely to have a positive impact on water quality, I would not that duck rearing on site no longer occurs, and the cessation of same does not form part of this application, and therefore impacts associated with same cannot be considered as part of this application.

8.7.14. However, I am satisfied that impacts predicted to arise in relation to biodiversity would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable significant direct, indirect, or cumulative impacts in terms of biodiversity.

8.8. **Population and Human Health**

8.8.1. Chapter 11 of the EIAR considers population and human health.

8.8.2. The third party appellant (Glaslough Tyholland Group Water Scheme Ltd) has raised concerns in relation to impacts of water quality in Emy Lough, from which drinking water supply is sourced. The concerns raised by the appellants would therefore have relevance in the context of human health.

8.8.3. In relation to same, the EIAR sets out that the potential for human health effects are addressed under each of the specific topics (i.e. under Water Quality etc) that might lead to effects (Section 11.46 of the EIAR refers). I am satisfied that this approach is acceptable and I have considered potential impacts on water quality in Section 8.4 (Water) of this report.

8.8.4. In relation to other aspects of relevance to this topic, the EIAR notes that there are a number of residences located in the direct vicinity of the facility. There are private residences on the N2 at the northern entrance to the facility and there are a number of small residential estates / cul de sacs located c.150m from the southern entrance of the facility, on the outskirts of Emyvale Village

8.8.5. Of note is that the proposed development would generate an additional 46 no. roles on the site, which is considered to be a positive impact over a long term, having regard to employment and economy. No significant impacts are identified within this chapter.

Conclusion

8.8.6. I have considered all the information on file, including submissions received and the information contained in the EIAR. Having regard to the above, and with reference to my considerations of other relevant topics as set out in the EIAR, I am satisfied that impacts predicted to arise in relation to population and human health would be

avoided, managed, and mitigated by the measures which form part of the proposed scheme and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of population and human health.

8.9. **Noise and Vibration**

8.9.1. Chapter 5 of the EIAR considers noise and vibration. A total of 4 no. Noise Sensitive Locations are set out in the EIAR, which are to be used as noise monitoring locations. An environmental noise survey was carried out in August 2020, in order to quantify the existing noise environment. Main sources of noise at each of the NSLs either related to road traffic and/or agricultural vehicles from nearby fields. In terms of predicted impacts, it is set out that there is a very low likelihood of operational vibrational impacts from the proposed project given the nature of the proposed plant and equipment, with any potential vibrational impacts associated with the construction phases.

8.9.2. In relation to noise, predicted impacts at the construction stage and at the operational stage are considered.

8.9.3. At construction stage it is set out that the methods and procedures to be followed during the construction stage will be outlined in a final CEWMP, with an outline CEWMP submitted as Appendix 3 of the EIAR. Predicted noise levels at NSL 1 are set out in Table 5.12 of the EIAR and it is shown that the predicted noise levels are below the recommended construction noise limits as outlined in Table 5.6 and 5.8 of the EIAR, and it is stated that there will be no change when compared to the LA_{eq} daytimes readings at NSL1. It is concluded that no significant impacts at NSLs are expected, although best practice measures will be implemented in order to reduce noise levels from the site. No significant noise impacts from construction traffic is expected. In relation to vibration, it is set out that the distance between the areas where excavation and foundation activities are proposed, and the nearest sensitive receptor is such that vibrations would be undetectable.

8.9.4. At operational stage, potential noise sources are from building services and factory process plant, car park activity and vehicular traffic on public roads. Plant noise was not considered to be significant given the location of same within plant rooms. Noise from the car park was not considered to be significant, having regard to the result of

the background noise survey, with no additional traffic noise expected on the public roads as a result of the proposed development. Notwithstanding that no significant impacts in relation to noise are expected, best practice measures will continue to be implemented on site as set out in Section 5.6 of the EIAR.

Conclusion

8.9.5. I am satisfied that the impacts predicted to arise in relation to noise and vibration will not be significant. I have considered all the information on file, including the information contained in the EIAR. Having regard to the above, I am satisfied that any potential impacts predicted to arise in relation to noise and vibration (which have been shown to be less than significant) would be avoided, managed, and mitigated by the measures which form part of the proposed scheme and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of noise and vibration.

Material Assets, Cultural Heritage and Landscape

8.10. **Material assets**

8.10.1. Chapter 14 considers material assets and considers the baseline conditions on site as relates to surface water, wastewater (effluent), electricity, potable water, gas and telecommunications/broadband/WiFi. No significant impacts are predicted at either construction stage or at operational stage. No permanent changes are proposed to electricity, potable water, gas and telecommunications/broadband/WiFi supplies and/or connections with potential temporary disruptions during construction, which would be done in consultation with the utility provided, with impacts of same described as brief and imperceptible. No impacts are predicated at operational stage..

Conclusion

8.10.2. Having regard to the above, I am satisfied that direct impacts predicted to arise in relation to material assets would be avoided, managed, and mitigated by the measures which form part of the proposed scheme. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of material assets.

8.11. **Landscape and Visual**

8.11.1. Chapter 9 of the EIAR considers Landscape and Visual impacts. It is noted that the site current encompasses approximately 35 hectares, and is sited in area that is largely agricultural. The site falls with the Drumlin Farmland Landscape Type as defined in Section 6.5 Landscape Character Assessment (LCA) of the Monaghan Development Plan 2019-2025. Accompanying photographs as set out in the EIAR illustrate that the facility has very limited visibility from residences south and north of the site and will have very limited visual impacts from the adjoining N2 road.

8.11.2. In relation to predicted impacts, it is set out that there will be minor changes from current views, when the new processing building is in place, with the sigficance of this impact (from nearby residences) considered imperceptible.

8.11.3. Notwithstanding the finding of no significant impacts, mitigation measures are set out in Section 9.5 and include *inter alia* implementation of the landscape plan, use of appropriate materials and the retention of existing trees.

Conclusion

8.12. Having regard to the above, I would note that the built form proposed on the site is located centrally within the site, and when considered in combination with the existing factory buildings and associated buildings, the visual impacts, and impacts on the landscape, of same are as described in the EIAR. I am, therefore, satisfied that impacts predicted to arise in relation to landscape and visual amenity would be avoided, managed, and mitigated by the measures which form part of the proposed scheme and through suitable conditions, and I am satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of landscape and visual amenity.

8.13. **Cultural Heritage and Tourism**

8.13.1. Chapter 12 considers cultural heritage and considers the potential impacts of the proposed development on archaeological, architectural and cultural heritage. No national monuments are located within the boundary of the facility or within the direct vicinity. There are no Protected Structure within or close to the site. The EIAR sets out that there will be no predicted impacts on archaeological, architectural and

cultural heritage assets as a result of the proposed development., with no specific mitigation measures therefore required.

8.13.2. In relation to same I note the submission of the Department of Housing, Local Government and Heritage at application stage who have recommend conditions in relation to Archaeology. I am satisfied that these conditions are appropriate.

Conclusion

8.13.3. Having regard to the above, I am satisfied that impacts predicted to arise in relation to archaeology and cultural heritage would be avoided, managed, and mitigated by the measures which form part of the proposed scheme and through suitable conditions, including those suggested by the Department of Housing, Local Government and Heritage. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of archaeology and cultural heritage.

8.14. **Waste Management**

8.14.1. Chapter 13 refers to Waste Management. Waste types generated by the facility are set out in Tables 13.1 and 13.2. The waste products set out in Table 13.2 refers to animal by-products. It is noted that the sludge from the WWTP is now dewatered and removed off site by a licensed waste contractor. Under the proposed development it is proposed to utilise the Cat 1 and Cat 3 waste (protein, offal and blood) for the production of pet food, with the residual material being disposed of via the existing disposal route and waste contractors. It is noted that the production of pet food results in reduced volumes of Cat 3 waste.

8.14.2. In relation to predicted impacts, at construction stage, waste produced would be controlled and managed by way of the Construction Environmental and Waste Management Plan (CEWMP), with expected waste streams set out in Table 13.3 of the EIAR. Short-term adverse non-significant impacts are predicted. At operational phase, the operation of the proposed project (as a whole) is expected to generate increased volumes of waste. Notwithstanding, as noted above, the Cat 3 waste volume will be reduced as a result of the pet food production facility. It is noted that the WWTP sludge will go to an off-site Anaerobic Digestor as a feed stock for biogas. It is set out that all waste streams will be managed in accordance with relevant waste management legislation, and will be continue to be as detailed in the

IE licence and as set out in the EIAR. The impact in terms of waste management was not considered to be significant. Mitigation measures are set out in Section 3.5 and include adherence to the CEWMP, at construction stage, and adherence to EPA licence requirements at operational stage.

8.14.3. I would note that the EIAR considers the potential impacts of the 'wash water' waste stream, which is proposed to be disposed of via the drip irrigation system, in other relevant sections of the EIAR (i.e. in relation to water quality and impacts on biodiversity) and I have set out my assessment of same in the relevant sections of this report.

Conclusion

8.14.4. I am satisfied that that the EIAR has identified the relevant waste management streams and has satisfactorily considered the potential impacts of same, in Chapter 13 as well as within other relevant chapters of the report. Overall, and having regard to the information as set out above, and having regard to my considerations as set out elsewhere in this report (Section 8.4 in particular), I am satisfied that no significant impacts will result as a result of the waste management procedures to be put in place to service the proposed development, subject to the mitigation measures as set out in the EIAR.

8.15. **Traffic**

8.15.1. Chapter 4 of the EIAR considers Traffic and Transport, and is based on the Traffic and Transport Assessment, as included in Appendix 4 of Volume 3 of the EIAR. I have considered the issue of Traffic and Transport in Section 10 of this report and I refer the Board to same. Having regard to the considerations therein, I am, satisfied that the proposed development would not have any unacceptable (significant or otherwise) direct, indirect, or cumulative impacts in terms of traffic and transport.

8.16. **Interactions**

8.16.1. I have reviewed the main interactions identified in section 15.1 of the EIAR and have had regard to Table 15-1 'Interaction Matrix'. I would consider that all of these have been assessed in the individual topic reports and considered in this assessment, and I note that in particular the following interactions are of particular relevance in the context of this appeal:

- Water Quality & Hydrogeology/Soils & Geology – runoff from exposed ground impacting on water quality.
- Air Quality & Climate/ Traffic and transport – Air emissions associated with traffic
- Biodiversity/Soils & Geology – drip irrigation disposal of waste water
- Biodiversity/Hydrology - runoff from exposed ground impacting on water quality and associated impacts on flora and fauna resources
- Biodiversity/Water Quality & Hydrogeology – water quality issues such as sediment or hydrocarbons in runoff impacting on flora and fauna
- Population & Human Health/ Water Quality & Hydrogeology – Impacts on water quality and potential for impacts on the surrounding community.
- Waste Management/Soils & Geology – Drip irrigation disposal of waste water
- Waste Management/Population & Human Health – Storage and movement of waste material on and off site/impacts on local community.

8.16.2. In relation to cumulative impacts, plans and projects in the vicinity were considered and it is set out that there are no planning permissions or other projects that could have in combination effects with the proposed construction works, including the proposed Clontibret to NI border National Road Project. In relation the latter project, it is set out that there are no construction works proposed at the facility that relate to same, and the eventual implementation of same would see a reduction in daily traffic on the road outside Silver Hill Foods. I would note that the latest information on this project would indicate that this project has secured EU and Department of Transport Funding and updated environmental surveys are expected to commence in mid to late January 2024, and continue for 12 to 18 months.[6]

8.16.3. The cumulative impact of associated facilities are considered in Section 15.4 of the EIAR. It is noted that contract growers (of ducks) are distributed nationwide and as such there are no significant clusters of farms that would pose a potential cumulative effect. The EIAR sets out that the licencing of such facilities is the responsibility of the relevant authority in question. I would note that the AA Screening Report also considers this issue and within this document it is noted that all of the relevant farms

[6] https://n2monaghanlouth.ie/c2b-latest-news

operate under a Nutrient Management Plan and operate under the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (S.I 113 of 2022), impacts from same [on any Natura sites] can be ruled out. The same principle would apply to non-designated sites and I am satisfied that cumulative environmental impacts from contracts growers would not be significant.

Conclusion

8.16.4. I am satisfied with the discussion relative to interactions, noting that each topic chapter in the submitted EIAR has considered interactions where relevant and/or these interactions have been highlighted in Chapter 15.

8.16.5. I am also of the opinion therefore that that the culmination of effects from the planned and permitted development, and that currently proposed, would not be likely to give rise to significant effects on the environment, and have been adequately described in the EIAR and considered in this EIA.

8.17. **Reasoned Conclusion**

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

Water Quality/Biodiversity/Human Heath:

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

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

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

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

9.0 Appropriate Assessment

Introduction

9.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

The Project and Its Characteristics

9.1.2. The detailed description of the proposed development can be found in section 3.0 above.

Compliance with Article 6(3) of the Habitats Directive

9.1.3. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

Submissions and Observations

9.1.4. An Appropriate Assessment Screening Report (dated November 2022) was submitted at application stage (Volume 3 - Appendix 10.2 of the EIAR - Appropriate Assessment Screening). No parties have raised any specific issues with regard to appropriate assessment but the third party appellants have raised specific concerns in relation to the impact of the drip irrigation scheme on the water quality of Emy Lough, from which drinking water is abstracted by the appellants.

Applicant's AA Screening Report

9.1.5. The AA Screening Report that there are 3 no. Natura 2000 sites within 15km of the proposed development (Slieve Beagh SPA, Slieve Beagh-Mullaghafad-Lisnaskea SPA (UK9020302) and Sleave Beagh (UK0016622). In relation to impacts on the Slieve Beagh SPA, Slieve Beagh-Mullaghafad-Lisnaskea SPA, impacts on same are ruled due in the main to the distance from same and the lack of any hydrologically connectivity. It is also noted that the site has a distant hydrological connection to Lough Neagh and Lough Beg SPA (UK9020091) via the stream running through the site which has an indirect connection to same), it is noted that this is approximately 70km downstream of the site, and it is concluded that, given the downstream distance between the application site and the NPA potential significant effects are

unlikely. Other potential impacts that relate to off-site growers and associated land-spreading are considered in the AA Screening report. It is noted that there are 21 no. off site growers and the locations of these growers are set out in Appendix 1 of the AA Screening Report, with locations shown relative to designated sites (SACs, SPAs and pNHAs). It is noted that all of the farms operate under a Nutrient Management Plan and operate under the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (S.I 113 of 2022) and impacts from same on any Natura sites are ruled out for this reason. Cumulative impacts are ruled out in the AA Screening Report.

AA Screening

9.1.6. In order to screen for Appropriate Assessment I have utilised the information within the Appropriate Assessment Screening Report and other documentation on the appeal file, as well as publically available information on the EPA and the NPWS websites, as well as the DAERA website (in relation to sites located within NI).

9.1.7. The processes associated with the facility are described in the AA Screening Report and are as set out in detail in Section 8 of this report, and I refer the Board to same. In relation to emissions to water from the plant it is set out that the existing plant generates approximately 200 cubic metres of effluent per day, from the processing of ducks and feathers. This is then pumped to the existing waste-water treatment plant (WWTP) where it goes though the following stages; Inlet screening, balancing, partial treatment through a contact tank, aeration basin and a final clarifier. The effluent is treated to comply with EPA emission limit values (ELVs). The treated effluent is then discharged to a local watercourse in compliance with the EPA Licence.

9.1.8. Under the proposed development, the increase in duck processing to 120,000 ducks will see an increase in waste-water generated to 480 cubic metres per day. It is set out that this is within the design specification of the WWTP. Under this proposed development, a new drip irrigation system is proposed (as described in detail in Section 8). Treated water would be piped to the fields and dispersed in the soil using a network of distributor pipes. The design flow would be 3l/m^2/day or approximately 480 m^3 per day.

9.1.9. In relation to surface water discharges, such discharges take place at 4 no. discharge points around the site. Under the proposed development, the number of surface water discharge locations will be reduced to 3, with interceptors and/or attenuation systems which will help maintain the quality of surface water run-off, and it is noted that a surface water management plan is in place at the site.

9.1.10. In relation to emissions to the sewer, there is one emission point to serve the main office/administration building. Under the proposed plan a second connection Is proposed.

9.1.11. The development site is not within or directly adjacent to any Natura 2000 site. Habitats on the site are set out in the AA Screening Report, and are as described in detail in Section 8 of this report (and as set out in the EIAR and the associated Ecological Impact Assessment report). Of particular note, for the purposes of AA, is that the Corlattalan Stream (depositing lowland river FW2) flows within the site, and it is currently the receiving water for the treated effluent from the onsite wastewater treatment plant. This stream rises in lands to the west of the site. It is culverted under the road and flows through the site in an easterly, then northerly direction. The stream is a tributary of the Blackwater. The stream that flows through the site is the receiving water for the current discharge from the WWTP and is a tributary of the Corlattalan Stream. This flows through the site in a northerly direction until its confluence with the Knockakirwan Stream, which in turn flows north until it meets the Blackwater Tributary, at a point approximately 5km downstream of the application site. This in turn flows into Lough Neagh.

9.1.12. As noted in Section 8 of this report, and as noted in the AA Screening Report, there is a level of silt in the Corlattallan Stream and little instream vegetation. From sampling of the stream, it is concluded that the current discharge from the site (from the waste water treatment plant) is influencing the status of the unnamed stream, which is given a Q value of Q3 ‘moderate’ upstream of the discharge point and a Q value of Q 2-3 ‘poor’ downstream of the discharge point.

9.1.13. In relation to the European Sites that have the potential to be impacted by the proposed development, I am of the view that these are limited to the three sites as set out below. In relation to the other site referred to in the AA Screening Report (Sleave Beagh SAC), I note that there is no hydrological connection to Sleave Beagh

SAC such that there would be any likelihood of any significant effects on this site, noting the qualifying interests of same as set out in the AA Screening Report (which are Blanket bogs, European dry heaths and Natural dystrophic lakes and ponds).

Site Name (Code)	**Distance from Site**	**Qualifying Interests/Qualifying Species**	**Conservation Objectives**
Slieve Beagh SPA (004167)	6.5 km west	Hen Harrier (Circus cyaneus) [A082]	To restore the favourable conservation condition of hen harrier in Slieve Beagh SPA
UK Based Sites			
Slieve Beagh-Mullaghafad-Lisnaskea SPA (UK9020302)	9.3km north-west	Hen Harrier (Circus cyaneus)	To maintain each feature in favourable condition[7]
Lough Neagh and Lough Beg SPA (UK 9020091)	c70km downstream	Species: Common Tern. Breeding population of: Great Crested Grebe Passage population of: Whooper Swan Wintering population of: Bewick's Swan; Golden Plover; Great Crested Grebe; Pochard;; Tufted Duck; Scaup; Goldeneye Little Grebe Cormorant Greylag Goose; Shelduck; Wigeon; Gadwall; Teal; Mallard; Shoveler; Coot ; Lapwing Waterfowl Assemblage	To maintain each feature in favourable condition[9]

[7] https://www.daera-ni.gov.uk/sites/default/files/publications/doe/slieve-beagh-mullaghfad-lisnaskea-SPA-conservation-objectives-2015.pdf
[9] https://www.daera-ni.gov.uk/sites/default/files/publications/doe/slieve-beagh-mullaghfad-lisnaskea-SPA-conservation-objectives-2015.pdf

		wintering population[Whooper Swan; Bewick's Swan; Golden Plover; Great Crested Grebe (wintering); Pochard; Tufted Duck, Scaup; Goldeneye, Little; Grebe, Cormorant; Greylag Goose; Shelduck; Wigeon; Gadwall; Teal; Mallard; Shoveler; Coot; Lapwing[8]	

Potential Effects on Designated Sites

9.1.14. The site is no located within or directly adjacent to any European Site and therefore there will be no loss or alteration of habitat associated with a European Site. Consequently, there will be no habitat fragmentation. In relation to potential impacts on the Slieve Beagh SPA (004167), the distance from the site to same is 6.5km. According to the site synopsis associated with same, the sole qualifying interest (the Hen Harrier), will forage approximately 5km from the nesting site[10]. The site lies just outside of this range. The site synopsis notes that the species utilises open bog and moorland, young conifer plantation and hill farmland that is not too rank. The plots surrounding the main factory could be defined as hill farmland. Notwithstanding, there is no evidence on file (either from the application documentation, including the EIAR, from prescribed bodies nor from third parties) that the site is of importance for the Hen Harrier, and I am satisfied that *ex-situ* impacts on the Hen Harrier are unlikely, having regard to the conservation objectives relating to same. For the same reasons, I am satisfied that any likely significant impacts on the Slieve Beagh-Mullaghafad-Lisnaskea SPA (UK9020302) can also be ruled out, noting that the distance from the application site to this Northern Ireland based SPA is a greater distance, some 9.3km from the site, and noting the sole qualifying species for same is also the Hen Harrier.

[8] https://www.daera-ni.gov.uk/sites/default/files/publications/doe/lough-neagh-lough-beg-spa-conservation-objectives-2015.pdf

[10] https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY004167.pdf

9.1.15. In relation to potential impacts as relates to off-site duck rearing, where these ducks are eventually transported to the application site for processing, I concur with the conclusions of the AA Screening Report which concluded that, given all of the relevant farms operate under a Nutrient Management Plan and operate under the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (S.I 113 of 2022), impacts from same on any Natura sites can be ruled out.

9.1.16. I would also note that during the construction phase standard pollution control measures would be used to prevent sediment or pollutants from leaving the construction site and entering the water system, and any competent developer would employ such measures. During the operational phase, surface water be attenuated and treated via a suite of SUDS infrastructure. These standard surface water management measures, including SUDS measures, are not included to avoid or reduce an effect to a Natura 2000 Site, and therefore they should not be considered mitigation measures in an AA context. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of Lough Neagh and Lough Beg SPA (UK9020091) can be excluded given the distant and interrupted hydrological connection and the nature and scale of the development, noting that while there is a hydrological connection to the site, this connection is a very weak ecological connection with the SPA being located 70km downstream from the site. Significant impacts on any remaining SAC and SPA sites are considered unlikely, due to the distance, dilution factor and the lack of hydrological connectivity or any other connectivity with the application site to any other European Sites.

9.1.17. In terms of in combination impacts, other projects within the Monaghan area which can influence conditions in Natura 2000 sites, are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

9.1.18. It is therefore evident from the information before the Board that the proposed development would not be likely to have a significant effect on Slieve Beagh SPA, Slieve Beagh-Mullaghafad-Lisnaskea SPA (UK9020302) nor on the Lough Neagh and Lough Beg SPA (UK9020091).

AA Screening Conclusion:

9.1.19. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

9.1.20. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Slieve Beagh SPA, Slieve Beagh-Mullaghafad-Lisnaskea SPA (UK9020302) and Lough Neagh and Lough Beg SPA (UK9020091) or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

10.0 **Planning Assessment**

10.1. The relevant issues raised in this appeal have, in the main, been considered within Section 8 'Environmental Impact Assessment' of this report. Other issues of relevance not already considered in Section 8 are set out below.

10.2. **Principle of Development**

10.2.1. The site is an established duck processing factory and the proposed development allow an expansion of same and to diversify the existing business. Generally speaking, the Monaghan County Development Plan 2019-2025 is supportive of the agri-food sector and commercial development, with relevant provisions supporting same set out in Section 4.5 (in relation to the agri-food sector), Policy INDP 2 (in relation to the expansion of commercial uses) and Policy IEO 2 (in relation to growth of existing industrial enterprises).

10.2.2. Specifically in relation to Industrial Policy INDP 1 of the Development Plan, which encourages development such as these to preferably locate within the settlement envelope of Monaghan Town or the Core Strategy's Tier 2 or 3 towns, save for exceptional circumstances. In this instance, I would note that the facility is an established duck processing site which requires a significant land take, and as such I am not of the opinion that the requirements of INDP 1 would apply to the development as proposed here. INDP 2 refers to assisting the expansion of such

facilities, subject to normal development management requirements and technical facilities. This support is subject to safeguards which includes the provision of appropriate landscaping, machinery parking and circulation, appropriate disposal of foul and surface water, and the application of Best Available Technology principles when considering pollution mitigation measures (as set out in Policy INDP 9 and Policy INDP 10), visual amenity and pollution prevention (as set out in Section 4.6) and residential amenity (as set out in Policy IEO 2).

10.2.3. As such, I am of the view that the development as proposed is acceptable in principle, having regards to the considerations above, and subject to the environmental and amenity considerations which have been considered in Section 8 of this report, which has included considerations relating to visual amenity, foul and surface water, pollution prevention and residential amenity (as relates to noise, vibration and odour).

10.3. **Traffic and Transport**

10.3.1. While neither the Planning Authority nor the Third Party appellant have raised any specific transport concerns, I note that TII raised an objection to the proposed development (at application stage), and cited concerns in relation to the proposed access. I would note that TII, at application stage, considered that the proposed development would create an adverse impact on the nation road (as relates to proliferation of entrances within transitional speed limit zones) and could prejudice design for the N2 Clontibret-Border Road Scheme. The TII submission makes reference to Section 2.5 of the DoECLG Spatial Planning and National Road Guidelines (January, 2012) and it is set out that insufficient data submitted in relation to impacts on the road network was submitted. In relation to this issue, I note that the Planning Authority's Road Section raised no objection to the proposed development, noting that this be a limited level of direct access to already established business. I would also note that the Project Liaison Officer for the N2 Clontibret-Border Road Scheme did not raise any objections in relation to the potential impact on this road project. However, I have considered the TII's objection in more detail below, as well as more general transport considerations, with reference in particular to the information as set out in the EIAR.

10.3.2. Chapter 4 of the EIAR considers Traffic and Transport, and is based on the Traffic and Transport Assessment, as included in Appendix 4 of Volume 3 of the EIAR. In terms of impact on the road network, the existing traffic flows are set out, and it is noted that without onsite rearing, there are up to 60 no. HGV loads per day (incoming and outgoing), with 1 HGV relating to sludge and waste transport. The maximum future situation with maximum productivity is up to 100 HGV loads per day, with HGV relating to sludge and waste transport. There is only a minor change to the numbers of employees on the production shift (from 130 people as existing to 132 people maximum future situation). It is set out that the traffic associated with the facility amounts to less than 10% of the traffic along the N2 in the vicinity, and there is no issues with traffic queues or delays on the N2. The access junction would operate significantly below capacity in all future design years following completion. It is concluded that, at both construction and operational phases, the works would not adversely impact on the operation of the N2.

10.3.3. In relation to the DoECLG Spatial Planning and National Road Guidelines, as referred to by TII, Section 2.5 'Transitional Zones' of same states that *'where the plan area incorporates sections of national roads on the approaches to or exit from urban centres that are subject to a speed limit of 60 kmh before a lower 50 kmh limit is encountered – otherwise known as transitional zones - the plan may provide for a limited level of direct access to facilitate orderly urban development. Any such proposal must, however, be subject to a road safety audit carried out in accordance with the NRA's requirements and a proliferation of such entrances, which would lead to a diminution in the role of such zones, must be avoided'*

10.3.4. In relation to same, I note that the site lies within such a 'Transitional Zone'. However, I note that a direct access is already in place to the site, and a Road Safety Audit has been carried out (dated 11th November 2022), submitted as a standalone document, which does not raise any fundamental road safety issues. There are sufficient sightlines from same. It is not proposed to create an additional access point, and as such no issue with proliferation arises. As noted above, the TTA has concluded that the access junction onto the N2 will continue to operate within its capacity. As such, I am satisfied that the proposed access is in compliance with Section 2.5 of the above guidelines.

10.3.5. In relation to car parking, it is set out that the site will have a total of 205 no car parking spaces (existing 119 no spaces). The Development Plan requirement is 190 no spaces (based on 1 space per 30 sq. m of factory retail space, with a total provision of 5,680 sq. m), as set out in Table 15.6 of the Plan. Car Parking Policy CP 1, requires car parking to be provided in compliance with Table 15.9 Car Parking Standards.[11] In relation to same, while the provision of 205 parking is over the requirement of 190 no. spaces, the Development Plan seeks a 'minimum standard'. This would then imply a provision over this standard would not be contrary to the standards. Even if this were not the case, I am not of the view that a parking provision that is 15 no. spaces over the minimum requirement of 190 is material, and I am satisfied that the proposed parking provision would not represent a material contravention of the Development Plan, as relates to car parking.

10.3.6. Having regard to the considerations above, I am satisfied that the proposed development would not have any unacceptable (significant or otherwise) direct, indirect, or cumulative impacts in terms of traffic and transport.

11.0 **Recommendation**

Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

12.0 **Reasons and Considerations**

The proposed development is in compliance with the relevant policies as set out in the Monaghan County Development Plan 2019-2024 pertaining to agri-food uses, industrial uses and commercial uses, noting, in particular, that the use is established on the site.

Specifically in response to the issues raised in the third-party appeal, the application documentation, including the EIAR and supporting technical appendices, demonstrate that, subject to mitigation measures, the proposed drip irrigation

[11] The car parking standards are set out in Table 15.6 of the Monaghan County Development Plan.

scheme will not result in any significant negative impacts on groundwater or surface water receptors, and will therefore not have any significant impacts on the water quality of Emy Lough.

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

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 2nd Day of February 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. **Reason:** In the interest of clarity.
2.	All of the mitigation measures detailed in the submitted documentation,

	including the Environmental Impact Assessment Report (EIAR) and associated Appendices, shall be implemented in full within the timescales listed in the these documents. **Reason**: In the interest of protecting the environment and in the interest of public health.
3.	a. The drip distribution system, hereby approved, shall be installed, maintained and operated in accordance with the requirements of the EPA Licence. b. There will be no drip distribution of effluent except in accordance with the requirements of the EPA licence and with the requirements of S.I. No. 113 of 2022 European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2022. **Reason**: In the interest of protecting the environment and in the interest of public health.
4.	a. Prior to commencement of development, developer shall apply to the Environmental Protection Agency for a review of the existing Licence or as otherwise agreed in writing with the Planning Authority. b. There shall be no discharge to sewer except in accordance with consent granted by Irish Water and the Environmental Protection Agency. C. All sludges from the wastewater treatment plant shall be stored appropriately and collected, recovered or disposed of at an authorised facility in accordance with the Waste Management Act 1996 as amended, and records of such shall be kept on site and made available for Inspection. Any changes in outlet for the sludges arising onsite shall be agreed in writing with the Planning Authority. . d. All organic fertilisers, soiled waters, treated effluent, sludges where required shall be stored on site, in leak proof storage facilitates and shall not be discharged directly or indirectly to any surface or ground waters. e. Any construction and demolition waste or excess soil generated during the construction phase which cannot be reused on site shall be

	disposed/recovered at an appropriately permitted facility in accordance with the requirements of the Waste Management Act 1996 (as amended). f. All waste oils and any other hazardous waste materials shall be stored appropriately and collected, recovered or disposed of in accordance with the Waste Management Act 1996 (as amended) and records of such shall be kept on site. g. All hazardous liquid waste or oil/fuel storage containers, temporary or otherwise shall be bunded. All bunds shall be designed to contain 110% of the capacity of the largest storage container located within the bund. There shall be no overflow drain facility from any bunds on site and all filling and off take points shall be located within a bund. h. Facilities shall be provided for the collection and segregation of recyclable waste. Wastes shall be collected for recycling/reuse whenever feasible or otherwise disposed of in accordance with the Waste Management Act 1996 (as amended). **Reason**: In the interest of protecting the environment and in the interest of public health.
5.	Prior to the commencement of development, the applicant shall submit detailed proposals in relation to the proposed surface water/storm water drainage arrangements, and for agreement in writing with the Planning Authority. The submitted details shall ensure that there is consistency within all relevant documentation, noting in particular the attenuation requirements as set out in Attenuation Design Report' (dated 11th November) which are not reflected in the drawings as submitted with the planning application. These surface water drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works. These arrangements shall also provide for silt traps and petrol/oil interceptors, as appropriate. **Reason**: To ensure adequate servicing of the development, and to prevent pollution.

6.	Water supply and the arrangements for the disposal of foul water, shall comply with the requirements of the Uisce Éireann for such works and services. **Reason:** In the interest of public health and to ensure a satisfactory standard of development.
7.	Site access arrangements, and the provision and maintenance of visibility splays, shall comply with the requirements of the planning authority for such works. **Reason:** In the interests of road safety.
8.	All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the planning authority. Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the planning authority. **Reason:** In the interests of visual amenity and to integrate the development into its surroundings.
9.	a. The recommendations set out in the Stage 1/2 Road Safety Audit submitted on the 14th of November 2022 shall be implemented in full. b. Within six months of completion of all works, a Stage 3 Road Safety Audit shall be submitted to the Planning Authority for agreement in writing. **Reason**: In the interest of traffic safety and orderly development.
10.	The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

	(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination. **Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.
11.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme. **Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Ronan O'Connor
Senior Planning Inspector

22nd April 2024