



An
Bord
Pleanála

Inspector's Report ABP-318956-24

Development

Construction of 5 bonded whiskey maturation units and associated site works, accessed through an established whiskey maturation facility. The development will be classified as an upper tier establishment under the Chemicals Act (Control of Major Accidents Hazards Involving Dangerous Substances) Regulations, 2015. A Natura Impact Statement (NIS) was submitted with this application.

Location

Red Barns, Drumcar Road, Dunleer, Co. Louth

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

23407

Applicant(s)

BAK Bulk Services Ltd.

Type of Application

Permission

Planning Authority Decision

Grant

| | |
|--------------------------------|--|
| Type of Appeal | Third Party |
| Appellant(s) | Alan and Irene Maguire |
| Observer(s) | Tracey McGarry Louth County Council |
| Date of Site Inspection | 20 th November 2024 |
| Inspector | Ian Boyle |

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1.0 Site Location and Description

- 1.1. The appeal site is in a rural area at Red Barns, Drumcar Road, Dunleer, County Louth. The site is vacant and comprises a greenfield used for agricultural purposes. It lies roughly 2km north of Dunleer and 7km south of Castlebellingham.
- 1.2. The property directly north is owned by BAK Bulk Services Ltd (the Applicant) and comprises an existing whiskey maturation facility consisting of 26 no. maturation warehouses, ranging in size from approx. 365sqm to 1,400sqm. The overall facility is roughly 19,071sqm. The company originally had a background in tillage farming, commercial agricultural storage and, in more recent years, has moved into whiskey maturation. The application documentation states that the complex is compliant with the relevant Health and Safety Authority (HSA) COMAH safety standards.
- 1.3. The site is accessed from an existing entrance on the Drumcar Road which lies adjacent the R132. The M1 Motorway is a short distance further to the west and access can be gained to it via Junction 13 (Dunleer North) or Junction 14 (Ardee / N2), which are 2.1km and 2.7km away, respectively. The existing site entrance has adequate sightlines and good visibility for vehicles existing the property.
- 1.4. The surrounding vicinity is rural in nature. It comprises primarily farming, small tracts of forested land, and sporadic low-density housing in the form of mainly detached houses on sizeable plots. There are also some further commercial interests in the wider area, such as a flooring business, agricultural seed supplier, and water testing company. The main focus of economic activity for the locality however is in the nearby town of Dunleer.
- 1.5. There is a gentle fall across the land from the northeast (higher ground) towards the southwest (lower ground). The nearest European sites are Dundalk Bay SAC and Dundalk Bay SPA, which are roughly 4.5km to the northeast. The subject site is connected to Dundalk Bay via natural surface water features, such as the White River, River Dee and Glyde Estuary. There is also drainage ditch running through the land and this forms part of the Newry, Fane, Glyde and Dee catchment, which ultimately drains to Dundalk Bay. The White River is 320m to the west on the far side of the R132.
- 1.6. The subject site has an area of roughly 1.5ha.

2.0 Proposed Development

Development Proposal

- 2.1. The planning application was lodged on the 14th September 2023.
- 2.2. The proposed development is for the construction of bonded whiskey maturation units. It seeks to extend an existing whiskey maturation facility to the north of the appeal site.
- 2.3. The main components can be summarised as follows:
 - 5 no. 4,073sqm whiskey maturation units (subdivided into 1,000sqm units),
 - internal access roads (associated roads and drainage),
 - overground fire water tanks,
 - extension to product drainage lines and fire water sprinkler systems,
 - landscaped berms and planting, and associated site works.
- 2.4. It is proposed that access to the new development would be via the existing maturation site to the north. [This site is owned and controlled by the Applicant.]
- 2.5. The existing facility is currently a 'lower tier' establishment under the COMAH Regulations. The proposed extension would, however, result in an increase in capacity to store whiskey on the site, which is classed as a flammable liquid. The proposal would therefore become an 'upper tier' establishment. [Note: The HSA has provided commentary on the application, and this is available on the file.]

Further Information

- 2.6. The Planning Authority requested further information on 3rd November 2023, including:
 - Item 1: Address issues raised by the HSA regarding the COMAH Assessment submitted with the application, including details regarding the location of nearby residential houses, dangerous substances inventory, and fire scenario.
 - Item 2: Surface water disposal, drainage and flood risk assessment.
 - Item 3: Waste management, including completion of Resource and Waste Management Plan.

- Item 4: Revised landscaping plan, including further semi-mature planting of native species.
- Item 5: Septic tank capacity for additional employees.
- Item 6: Note stating that if further information is deemed to be 'significant' revised public notices will be required.

2.7. The Applicant responded with further information on 5th December 2023.

2.8. The further information was deemed significant by the Planning Authority and revised public notices were arranged.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a Notification of Decision to Grant Permission (NoD) on 5th January 2024, subject to 19 no. conditions.

3.1.2. Notable conditions include the following:

- Condition 2: Permission relates to dilution of spirit prior to maturation, dilution of maturation of spirit to whiskey and provision of cask filling services only.
- Condition 4: NIS mitigation measures to be implemented.
- Condition 6: Removal of vegetation not to occur during bird-nesting season (1st March – 31st August).
- Condition 7: Resource and Waste Management Plan (RWMP).
- Condition 8: Archaeology.
- Condition 13: Noise level restrictions during construction phase.
- Condition 14: Environmental impact mitigation measures and surveying.
- Condition 15: Flood risk mitigation measures.
- Condition 17: Surface water attenuation structures.
- Condition 19: Public lighting plan.

3.2. Planning Authority Reports

3.2.1. Planning Report

Principle of the Development

- The proposed development seeks to extend an existing bonded warehousing site. The site is in an unzoned, rural area.
- Whilst warehousing and storage applications are normally directed to serviced sites, there is a specific policy objective within the Development Plan for the provision of whiskey maturation facilities in the open countryside (Policy Objectives EE 58 and EE57 refer.)
- A Decision by An Bord Pleanála (301078-18) for 12 bonded warehouses at Moyvore, County Westmeath is relevant, and states ‘the Board is also satisfied that it is appropriate to locate whiskey maturation facilities on lands away from built up areas given that the development is a type to which Directive 2012/18 EU (Seveso III) applies’.

Health and Safety

- The Applicant provided a revised COMAH Land Use Planning Study as part of further information.
- The HSE has not advised against granting permission in the context of major accident hazards.

Surface Water Disposal and Flooding

- Surface water would be disposed of via an infiltration trench and swale constructed to allow for a 1:100-year flood event. Petrol interceptors have been included to prevent hydrocarbons contaminating surface water.
- The system has been designed to prevent contaminated water leaving the site in the event of a major fire and is considered acceptable.

Waste Management

- The revised Resource and Waste Management Plan (RWMP) submitted as further information is acceptable and the Environment Section has no objection.

Landscaping

- The application includes sufficient information to complete a visual analysis of the proposed development.
- The site would not be incongruous within this rural setting.
- The proposed planting is native and semi-mature and would help to reduce the time it takes for the planting to establish itself.
- There would be wildlife and biodiversity benefits which would help to compensate for the vegetation lost due to hedge removal.

Wastewater (Septic Tank)

- The existing septic tank is said to have a capacity equivalent to 10 PPE.
- The Applicant states that the number of employees at the facility would be typically five people.
- Further details of the existing system were provided as further information, and this was forwarded to the Environment Section, who have no objection.
- The existing system would have sufficient capacity to cater for the proposed facility extension.

Archaeology / Built Environment

- There are no protected structures within or immediately abutting this site area.
- No scheduled (national) monuments are recorded within the site area.
- No concerns have been raised from Infrastructure Section regarding the structural integrity of Drumcar Bridge.

Traffic and Transport

- Clear visibility is in place at the site entrance.
- The site is 1.6km from a Regional Road (the R132) and clear visibility is in place at the junction between it and the Drumcar Road.
- Existing car parking has the capacity to accommodate any additional staff required.

- It is estimated that an additional 30 no heavy vehicle trips per week and 10 light vehicle trips per day would be generated. However, considering the former use of the site (grain storage) this is not a substantial increase, and the local road network can facilitate the development.

Appropriate Assessment

- The AA Screening Report concluded there is a possibility for significant effects on several European Sites.
- Potential impacts to these sites include habitat loss and fragmentation due to hydrological impacts arising from surface and foul water contamination and introducing, or spreading, non-native species and other construction related impacts (such as noise).
- However, the NIS (Stage 2) states that with certain mitigation measures the proposed development will not adversely affect (either directly or indirectly) the integrity of any European Sites, either alone or in combination with other plans or projects.

Environmental Impact Assessment

- The proposed development is not a prescribed class of development for the purpose of section 176 of the Planning and Development Act 2000, as amended, and the requirement for EIA and the preparation of an EIAR/EIS report does not arise.

Conclusion

- Policy objective EE 58 of the LCDP is 'to support the provision of whiskey maturation facilities within the open countryside where the scale of such development is appropriate to the location and surrounding area which is located in reasonable proximity to appropriate levels of infrastructure and road access'.
- When considering the rural location of the site, its proximity to the motorway network, the location at an existing COMAH facility, and given the measures proposed in relation to surface water drainage, landscaping, health and safety requirements and other measures, it is considered permission can be granted.

3.2.2. Other Technical Reports

Placemaking and Physical Development Section: **No objection** post receipt of further information regarding surface water and flooding details.

Environment: **No objection**, post receipt of further information, which included an amended Resource and Waste Management Plan.

3.3. Prescribed Bodies

Health and Safety Authority: Requested further information regarding details of residential properties within the vicinity of the site and technical details of dangerous substances, compartment pool size, burning durations and sensitivity analysis of the possibility of more than one compartment fire occurring. **No objection** upon receipt of further information.

Inland Fisheries Ireland: **No objection**; notes the mitigation measures contained set out in the application to prevent pollution entering the watercourses both during and following construction. Recommends surface water management does not lead to contamination of the receiving surface waterbodies and that monitoring of outfalls is carried out regularly, and includes physio-chemical monitoring and daily visual inspections. Important to ensure no negative impacts on the aquatic habitat.

3.4. Third Party Observations

Four third party observations were received by the Planning Authority, which raised the following concerns:

- Fire accident and safety concerns, particularly as the facility would be an Upper Tier COMAH Site.
- Loss of farming land.
- Excessive scale of development / not in keeping with rural character of the area.
- Visual and residential amenity impacts, including cumulative impacts when taken together with other existing development in the area.

- Noise impacts, which would be exacerbated by the topography and contours of the landscape and together alongside other nearby developments (such as Goldcrop and the M1 Motorway).
- Discrepancies in EIAR, including no mention of three houses in proximity to the subject site and in the Carbon Footprint Report.
- Limited economic benefit to the area in terms of employment.
- Health risks, including by alcohol evaporation.
- Landscaping proposed inadequate.
- Finishes and materials lacking in quality and fail to reduce likely visual impact.
- Impact from lighting at night.
- The development would cater for operations located outside the local area.
- The proposal has not demonstrated a need to be in this location considering the availability of zoned industrial / warehouse lands and which are conveniently accessed by roads. It does not satisfy Section 13.13.11 of the Meath County Development Plan 2021-2027 in relation to 'Employment Development in Rural Areas'.
- Traffic and road safety concerns, including potential impact from heavy vehicles using the Drumcar Road and Drumcar Bridge (the latter is a Protected Structure).
- Planning policy favours the restoration and rejuvenation of existing underutilised industrial, enterprise, manufacturing and warehousing units; and compact growth.
- Devaluation of property.

4.0 Planning History

Subject Site

Reg. Ref. 20341: The Planning Authority **granted permission** on 13th July 2020 for a change in use from commercial warehouse to bonded whiskey maturation warehouses and associated upgrade and site works.

Reg. Ref. 20963: The Planning Authority **granted permission** on 14th January 2021 for minor revisions to Units 1-3 (permitted under Reg. Ref. 20341), including changes to roof profile and building elevations and all associated site work. No change in the overall floor area of the units.

Reg. Ref. 21221: The Planning Authority **granted permission** on 16th July 2021 for a change in use for existing warehouses from commercial agricultural warehouses to bonded whiskey maturation warehouses, and revisions to elevations and roof profile of units.

Note: The subject application involved pre-planning consultation between the Applicant and Planning Authority. This meeting took place on 19th May 2023.

5.0 Policy Context

5.1. Louth County Development Plan 2021-2027

Background

- 5.1.1. The Louth County Development Plan 2021-2027 ('Development Plan' / CDP) was adopted by Louth County Council on the 30th September 2021 and came into effect on the 11th November 2021.
- 5.1.2. The Plan incorporates the functional area of the entire County, including the areas formerly within Drogheda Borough Council, Dundalk Town Council and Ardee Town Council.

Zoning

- 5.1.3. The site is in a rural area and unzoned.

Rural Policy Zone

- 5.1.4. The site is in a rural area that is subject to 'Rural Policy Zone 2 (Area under strong urban influence)'.

Protected Structures

- 5.1.5. Drumcar Bridge is a Protected Structure under the Council's Record of Protected Structures Dee (RPS Lhs018-052; NIAH Ref. 13901837). It is roughly 1.5km to the north of the site and referred to as a humpback four-arched stone road-over-river

bridge, built c. 1750, crossing the River. The RPS states that ‘the apparent age of this bridge is evident in its rubble stone construction with some iron pins remaining as evidence to the methods of construction used. The skill and quality of its design can be seen in its excellent state of preservation, the bridge has remained virtually intact and in continuous use for over two centuries and serves as an important crossing over the River Dee into the small village of Drumcar’.

Chapter 5 Economy and Employment

5.1.6. The following policy objectives are notable in the assessment of this appeal case:

- EE 3 seeks to facilitate and support the sustainable growth of the economy in County Louth whilst maintaining and improving environmental quality. This economic development policy shall strive to deliver the following key aims:
 - To strengthen existing employment centres supported by enterprise, innovation and skills;
 - To strengthen the integration between employment, housing and transportation with a view to promoting compact urban areas and reducing car dependency;
 - To promote measures to improve the County’s attractiveness as a location for investment and increase entrepreneurial activity;
 - To improve the cluster-specific business environment by putting in place a favourable business ecosystem for innovation and entrepreneurship that supports the development of new industrial value chains and emerging industries;
 - To facilitate economic growth by consolidating existing industrial and commercial areas and by ensuring that there is an adequate supply of serviced employment lands at suitable locations;
 - To promote the regeneration of underutilised industrial and town centre areas in a manner which enhances the local economy and encourages a sequential approach to development; and
 - To provide for a range of business accommodation types, including units suitable for small business.

- EE 57 is to recognise the contribution of niche enterprises such as distilleries and breweries in supporting economic development and promoting tourism.
- EE 58 is to support the provision of whiskey maturation facilities within the open countryside where the scale of such development is appropriate to the location and surrounding area which is located in reasonable proximity to appropriate levels of infrastructure and road access.
- EE 63 seeks to ensure that all applications for industrial and enterprise development submit a carbon footprint calculation and demonstrate how the new buildings and processes/activities will seek to achieve the targets set out in the Climate Action Plan 2019 or any amendments to targets.
- Section 5.19 is in relation to the Rural Economy and states that ‘rural areas make an important economic contribution to County Louth, including the provision of local employment, access to areas of high amenity, and the output of high-quality agricultural produce... This Plan supports the sustainable development of rural communities and seeks to address the challenges they are facing. It will support job creation, social inclusion, the rejuvenation of towns and villages, and improvements to infrastructure including transport and broadband’.

Chapter 11 Environment, Natural Resources and the Coast

5.1.7. The following policy objectives are notable in the assessment of this appeal case:

- ENV 27 is to comply with the SEVESO II Directive in reducing the risk and limiting the potential consequences of major industrial accidents.
- ENV 28 seeks to ensure that land use policies take account of the need to maintain appropriate distance between future major accident hazard establishments and residential areas, areas of substantial public use and of particular natural sensitivity or interest.
- ENV 29 is to have regard to the advice of the HSA when proposals for a new SEVESO site, modifications to an existing SEVESO site or when proposals for development within the consultation zone of a SEVESO site are being considered (including and as detailed in Table 11.1).

Table 11.1 ‘Notified Seveso Establishments’

| Establishment | Tier | Consultation Distance |
|---|-------|-----------------------|
| Flogas Ireland Limited, Marsh Road, Drogheda | Upper | 600 metres |
| BAK Bulk Services, Red Barns, Drumcar Road, Dunleer | Lower | 400 metres |
| Cooley Distillery, Riverstown, Cooley | Lower | 400 metres |

Chapter 13 Development Management Guidelines

5.1.8. Chapter 13 of the County Development Plan sets out Development Management Guidelines.

- Section 13.13.9 is in relation to ‘Noise, Lighting and Emissions’. It states *inter alia* that ‘as part of the design and layout of any development, consideration must be given to the impact of the development on surrounding properties and residents in relation to air quality, excessive noise, and lighting’.
- Section 13.13.11 is in relation to ‘Employment Development in Rural Areas’. It states *inter alia* that ‘any planning application for an enterprise or employment related development in the open countryside will require a supporting statement setting out a rationale why the open countryside is the most appropriate location for the development. An assessment of traffic movements and in particular large vehicles such as HGVs, tractors, and vans, associated with any development and its potential impact on the local road network taking account of the width and alignment of the road will be required to be included with any application’.

Other Relevant Chapters and Sections

- Chapter 2: Core Strategy and Settlement Strategy
- Chapter 7: Movement
- Chapter 8: Natural Heritage, Biodiversity and Green Infrastructure

5.2. National and Regional Policy

- The Climate Action and Low Carbon Development Act, 2021
- Directive 2012/18 EU ('Seveso III')
- Guidance on Technical Land-Use Planning Advice: For Planning Authorities and COMAH Establishment Operators (2023)
- Project Ireland 2040 National Planning Framework
- Project Ireland 2040 National Development Plan 2018-2027
- The Climate Action Plan 2024 (CAP24)
- National Biodiversity Action Plan 2023-2030
- National Waste Policy 2020-2025, A Waste Action Plan for a Circular Economy, 2020
- Guidance on Integrating Climate Change and Biodiversity into Environmental Impact Assessment, 2013
- The Planning System and Flood Risk Management – Guidelines for Planning Authorities, 2009
- Eastern and Midland Regional Spatial and Economic Strategy 2019-2031

5.3. Natural Heritage Designations

- 5.3.1. The subject site is not directly located within, or in proximity, to any European Sites.
- 5.3.2. The nearest European Sites are Dundalk Bay SPA (Site Code: 004026) and SAC (Side Code: 000455), which are roughly 4.4km to the northeast.
- 5.3.3. Stabannan-Braganstown SPA (Site Code: 004091) is roughly 4.5km to the northwest. The Northwest Irish Sea candidate SPA (Site Code: 004236) is roughly 8.2km to the east.

5.4. EIA Screening

Proposed Development

- 5.4.1. The proposed development comprises the construction of bonded whiskey maturation units. It seeks to extend an existing whiskey maturation facility to the north of the appeal site.
- 5.4.2. The main components can be summarised as follows:
- 5 no. 4,073sqm whiskey maturation units (subdivided into c. 1,000sqm units),
 - Internal access roads (associated roads and drainage),
 - Overground fire water tanks,
 - Extension to product drainage lines and fire water sprinkler systems,
 - landscaped berms and planting, and associated site works.
- 5.4.3. It is proposed that access would be through the existing whiskey maturation site to the north. This site is also owned and controlled by the Applicant (BAK Bulk Services Ltd.)
- 5.4.4. The existing facility is a 'lower tier' establishment under the COMAH Regulations. The proposed extension would however allow for an increase in capacity to store whiskey on the site, which is classed as a flammable liquid. This development would therefore become an 'upper tier' establishment.

EIA Screening

- 5.4.5. The application is accompanied by an 'Environmental Impact Assessment Screening Report (issue date 7th September 2023) ('EIA Screening'). I have had regard to this report in my screening assessment. I confirm that the information provided is in accordance with Schedule 7 and 7A of the Planning and Development Regulations 2001.
- 5.4.6. The Environmental Report, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on the receiving environment.
- 5.4.7. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, provides that an Environmental Impact Assessment (EIA) is required for:

- Class 7(d): Food and Drink Industry - Installations for commercial brewing and distilling; installations for malting, where the production capacity would exceed 100,000 tonnes per annum.

5.4.8. The proposed development comprises the construction of bonded whiskey maturation units which would be accessed through the maturation facility on the adjoining site. The proposed development would increase the capacity of the whiskey maturation facility to store 70,614 tonnes of whiskey. However, it would not provide any brewing, distilling or malting processes. It comprises the storage of whiskey for the purposes of maturation post-distilling only. Therefore, this project class is not applicable to the proposed development.

5.4.9. Part 2 of Schedule 5, Class 15 of the Planning and Development Regulations 2001, as amended, provides that an Environmental Impact Assessment (EIA) is required for:

- Class 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

5.4.10. Part 10 of Schedule 5 identifies types of development with specified thresholds. The closest category is:

- Class 10(b)(iv): Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

5.4.11. However, I am satisfied that given the rural location of the appeal site, the proposed development could not be considered an urban development and consequently the development is not of a type which falls within this category.

5.4.12. In considering category 10(a) 'Industrial estate development projects, where the area would exceed 15 hectares', I am satisfied that the development of five maturation warehouses in this rural area does not equate to an 'industrial estate' and therefore is not a development type which falls within this category. I am also satisfied that the development would not come within any other category within Part 2 of Schedule 5 of the Regulations.

- 5.4.13. I note that the Applicant submitted Schedule 7A information as part of their application. Therefore, a Screening Determination has been completed as part of my report. [This is attached as Appendix 2].
- 5.4.14. The Screening Determination states that in having regard to the criteria set out in Schedule 7, the information provided in accordance with Schedule 7A of the Planning and Development Regulations 2000 (as amended), and the factors identified in the Screening Determination (under Appendix 2), that the Board has concluded that the proposed development would not be likely to have significant effects on the environment, and that an EIAR is not required.
- 5.4.15. Therefore, having regard to the nature, size and scale of the development and by reference to the classes outlined above, it is considered that neither a mandatory, nor sub-threshold, EIA is required.

6.0 The Appeal

6.1. Grounds of Appeal

The Board received a third party appeal on 31st January 2024, which raises the following main issues:

- Concerns regarding living close to an Upper Tier COMAH facility, which would double in scale compared with the existing maturation facility.
- The proposal is not in accordance with Policy Objective EE 58 of the CDP given the proximity of the closest dwelling, and which ‘supports the provision of whiskey maturation facilities within the open countryside...’
- Fire and accident concerns.
- Visual impact, states neither the existing, nor proposed, development integrates with the surrounding environment.
- Devaluation of property.
- The proposal exceeds the requirements of the region / concerns over further future expansion plans.
- Limited economic value or employment opportunities.

- Health concerns regarding the whiskey maturation and the resulting impacts caused by non-methane volatile organic compounds (VOCs).
- The Planning Authority has incorrectly granted permission for items not applied for in the application, including dilution and cask filling.
- Various inaccuracies and omission are contained in the application documentation.

6.2. Applicant Response

The Board received the Applicant's Response on 28th February 2024. The main issues raised can be summarised as follows:

- The application makes no reference to dilution of spirit prior to maturation or cask filling services and have no intention to carry out these activities as part of the proposed development. The Board are invited amend condition 2 accordingly.
- The proposed development is in accordance with the Louth County Development Plan 2021-2027 as demonstrated by Section 3.2 of the Planning Report submitted with the application. The site is in 'Rural Policy Zone 2' and Objective EE 58, which support this type of facility in a rural location.
- The specialist COMAH Land Use Planning Study ('COMAH Study') has been completed in accordance with the risk-based approach set out in the HSA Guidance on Technical Land Planning Advice (HSA, 2023).
- The COMAH Study considers the consequences and risk of various fire scenarios. It concludes that in the event of a full compartment warehouse fire, or fire at the retention pond, no fatalities would be expected. The study concludes that the proposed warehouse is within the tolerance levels which the HSA considers appropriate for such development.
- The nearest dwelling was included in the updated version of the COMAH Study submitted as further information to the Planning Authority.
- The application includes a detailed landscaping plan and drawings. The viewpoints included in the appeal will be significantly screened by a landscape

berm which is 3-4.5m high and which will have planting and mature trees to a height of 2-3m.

- The specialist air dispersion model prepared by AWN Consulting Ltd. includes an assessment of ethanol emissions from the proposed development. It concludes that 'ambient levels of ethanol, acetaldehyde and *Baudoinia compniacensis* (fungus) pose no health risk to the nearby residential receptors and vegetation'. [Note: report is included as Appendix C of Applicant's Response.]
- The proposed development has received initial approval from the HSA as part of the planning process and will be required to the COMAH upper tier requirements.
- The significant growth in the whiskey industry has generated a demand and for additional maturation capacity.
- The facility will employ 10 personnel directly and generate further jobs during construction and indirectly at distilleries, bottlers, marketing companies, etc.

6.3. Planning Authority Response

The Planning Authority provided a response on 29th February 2024. The main issues raised can be summarised as follows:

- Condition 2 has been included in error. The planning authority has no objection to the board removing or modifying this condition.
- The size and scale of the proposed development is acknowledged. However, it is noted that:
 - the site is visually clustered beside an established facility.
 - It is outside any Area of Outstanding Natural Beauty (AONB) or Area of High Landscape Quality (AHLQ).
 - Includes a comprehensive landscaping plan.
 - Is not in a visually elevated position.
 - Is not close to a Protected Structure or National Monument.

- Is beside an existing COMAH site and close to the M1 and regional road network.
- The proposed development is in accordance with Policy EE 58 of the CDP (see Section 5.1 above for policy wording).
- The HSA have provided technical advice on the effects of the proposed development in terms of the risk and consequence of a major accident occurring. They have not advised against granting permission for the facility.
- It is considered that granting this development at the existing COMAH site within a rural area is preferable than relocating it to a new site.

6.4. Observations

The Board received an observation on 26th February 2024. The main issues raised can be summarised as follows:

- Is the closest resident to the site (includes a map and aerial photographs showing the physical distance and proximity between the properties). The initial application failed to acknowledge this and was only corrected after an observation was made to the Planning Authority.
- Objects to the expansion of the whiskey maturation facility.
- This type and size of storage facility with flammable liquid should be in an industrial area with the required associated services.
- Concerns regarding light pollution and noise impacts, including from alarms and during extended working periods.
- The Planning Authority has incorrectly granted permission for activities involving dilution and casking of whiskey, which would be an additional risk.

6.5. Further Responses

The Board received two further responses (25th March 2024). The main issues raised can be summarised as follows:

- The Planning Authority accepts that Condition 2 was included in the Decision to Grant Permission in error.

- Reiterates concerns regarding potential for visual impact, expansion of an existing SEVESO site will increase risk,
- Concerns regarding further future expansion plans and potential for higher thermal radiation levels.
- The proposed landscaping and screening measures are inadequate.
- Market value of homes will decline.
- Proposed expansion would not create direct sustained extra employment.
- The Applicant wrongly states that the home of one the third parties (Ms. Tracey McGarry) has not appealed the Council's decision (to grant permission).
- The existing facility was sufficient for the region in 2020. Now, because whiskey maturation has grown it appears to be acceptable to expand an already large facility which would impact on resident's quality of life.
- Houses in the area existed well before the whiskey maturation facility.
- The facility should be in a more suitable location.

7.0 **Assessment**

Having examined the application details and all other documentation on file, including the grounds of appeal, responses to same from the Planning Authority and observations on the appeal, having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Principle of Development and Land Use
- Risk Management (COMAH considerations)
- Visual Impact
- Other Matters

7.1. Principle of Development and Land Use

- 7.1.1. The proposed development is for the construction of a bonded whiskey maturation facility, which would represent an extension of the maturation facility directly north of the subject site. The main components include five whiskey maturation units, internal access roads and associated drainage, overground fire water tanks, extension to product drainage lines and fire water sprinkler systems, landscaped berms and planting and associated site works. The new facility would be accessed through the existing whiskey maturation site, which is also owned and controlled by the Applicant (BAK Bulk Services Ltd.).
- 7.1.2. The existing facility is currently a 'lower tier' establishment under the COMAH Regulations. However, the extension would equate to an increase in whiskey storage capacity on the site. This means the overall facility would move from a 'lower tier' COMAH establishment to an 'upper tier' establishment.
- 7.1.3. The third parties state that the proposed development is unsuited to this area and that it would be too close to existing residential houses, including a dwelling in the ownership of an observer at A92 E5Y6 (Eircode). This house is roughly 50m from the western site boundary of the appeal site. The main concern raised is human health and safety, and this is addressed in Section 7.2 of my report below. However, the third parties also assert that the proposal is not in accordance with the relevant policies and objectives contained in the Louth County Development Plan 2021-2027 ('CDP') and, in particular, Policy Objective EE 58.
- 7.1.4. Policy Objective EE 58 is 'to support the provision of whiskey maturation facilities within the open countryside where the scale of such development is appropriate to the location and surrounding area which is located in reasonable proximity to appropriate levels of infrastructure and road access' (emphasis added). The main question arising, therefore, is whether the proposed maturation facility is compatible with its receiving environment and rural context and whether there is sufficient access to nearby infrastructure and roads.
- 7.1.5. The site is in a rural location and identified in the Louth CDP as being subject to 'Rural Policy Zone 2 (Area under strong urban influence)'. It is on 'white-zoned land'. This means the site has not been assigned a specific land zoning objective, which generally relates to lands situated outside of an urban centre. I acknowledge that the

proposed extension would be large in scale and size, equating to five new whiskey maturation units with a total GFA of c. 20,365 sqm on a site roughly 1.5ha. The Applicant states the reason for the extension is to help address an increasing global demand for Irish whiskey that has seen rapid growth in the last 15 years or so. It is stated that the primary challenge to the industry is maturation capacity. The Applicant's Planning Report under Sections 1.4 -1.6 provides further context in this regard. I note also there are several letters of support on the file from Irish-based whiskey distilleries stating the need for increased whiskey storage capacity in the country.

- 7.1.6. There is a presence of intermittent rural dwellings in the surrounding vicinity, which is typical characteristic of a rural environment such as this. There are also some other commercial interests in the area, some of which have a rural business focus (for instance, agricultural seeds production). It is my view that the appeal site sits clearly within the 'open countryside' and that the form of physical development proposed would not lead to any significant residential amenity loss in terms of overlooking, overshadowing or overdominance. This is mainly because of the design, scale, and appearance of the proposed development, separation distances from other sensitive land uses, and that the proposal is for an extension of an existing similar type facility.
- 7.1.7. The proposed warehouses have an approximate maximum height of 10.25m with concrete walls and a dark red single skin cladding. I consider the new structures they would correspond visually, and in a physical sense, when compared with the existing adjacent storage units to the north. The surrounding area is not a designated sensitive landscape – it lies outside any Area of Outstanding Natural Beauty (AONB) or Area of High Landscape Quality (AHLQ) – and does not occupy higher ground or a visually prominent setting, such as a ridgeline or hill crest, for example. As noted by the Council Planner's Report, there are also no Protected Structures or National Monuments in the vicinity of the site. The extension of the existing maturation premises would also allow for the clustering of further such warehouses against the backdrop of an existing, similarly designed facility. This would be less visually intrusive than developing a new site elsewhere, in an alternative location. [The issue of visual impact is addressed in further detail under Section 7.3 below.]
- 7.1.8. I note the Development Plan does not impose any obligation on the Applicant to explore alternative locations or sites for the proposed development. In my view, the

potential residential and amenity impacts of the proposal would not be significant when compared to those typically associated with a more traditional light industrial or general industrial type activity. I concur that such uses are better suited to industrially zoned lands, or designated business parks, where their nature, scale and operational processes would be more appropriately accommodated.

7.1.9. The subject proposal is different compared with traditional industrial uses, however, and it is my opinion that it would be appropriate to locate the proposed facility in an area away from more built-up locations as it is a type of development subject to Directive 2012/18 EU (Seveso III) (a COMAH establishment). I would further note the presence of existing plant and infrastructure which forms part of the premises on the adjacent site. This includes product drainage lines, fire water sprinkler systems, and large water storage tanks to provide an independent source of water for potential fire-fighting purposes. There is a significant capital outlay for the installation and continued maintenance of such structures and facilities, and I consider that it would be better to utilise this existing infrastructure, rather than to construct similar facilities in a new location. Permitting the facility in this location would allow for certain efficiencies and synergies to be capitalised upon which might otherwise be lost.

7.1.10. I note also that there is policy support on a national and regional scale. The NPF under NPO 23 states it is an aim to facilitate the development of the rural economy by supporting a sustainable and economically efficient agricultural and food sector and by supporting diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage, which are vital to rural tourism. In this regard, I note the transition that has occurred on the Applicant's lands over time from tillage farming to commercial agricultural storage and, in more recent years, to whiskey maturation.

7.1.11. In relation to whether the site is within a reasonable distance to appropriate supporting infrastructure and road access, I would note that it is roughly 1.7 km from the R132. The R132 in this section is a regional road which is well line-marked and appears to have good vertical and horizontal alignment. During my physical inspection of the site and surrounding area, I observed good visibility for vehicles approaching the junction between the Drumcar Road and R132 and that the speed

limits slowed from 80km/hr to 60km/hr along the R132 in this location to accommodate converging traffic. Furthermore, the M1 Motorway is a short distance from the site. It is roughly a distance of 4.5km away, assuming vehicles are to travel northwards, via the R211, and before joining the motorway at Junction 14 (near Charleville Bridge).

- 7.1.12. I note that access to the motorway could also be achieved by travelling through the town centre of Dunleer. However, it would be preferable, in my opinion, for HGV's to avoid this route as it would require vehicles travelling through the heart of the town and under the low-height rail bridge (c. 4.8m) at the northern end of the settlement. I would recommend the inclusion of a condition on any grant of permission issuing requiring all delivery and service vehicles be precluded from using this route when traveling to / from the site via the M1.
- 7.1.13. The proposed maturation facility would generate a comparatively small number of additional traffic movements, roughly 30 heavy vehicle trips per week and 10 light vehicle trips per day. This could be readily absorbed by the existing surrounding road network, in my opinion. I note that the Planning Authority also observed that in considering the former use of the site for grain storage that this would not lead to a substantial increase in traffic volumes.
- 7.1.14. The existing site access achieves the required visibly splays and sightlines for vehicles entering and existing the site. This is confirmed by the report prepared by the Council's Placemaking and Physical Development Section, and which stated no objection to the proposal post receipt of further information. I have also referred to the relevant plans and drawings on the file and Section 6.0 'Traffic Report' of the Engineering Services Report in this respect.
- 7.1.15. Having regard to the above, I consider that the proposed extension of the existing whiskey maturation facility would be appropriate in this location and in terms of the surrounding rural setting; subject to complying with the relevant COMAH regulations, requirements of the HSA, and other relevant planning, environmental and related matters, which are addressed below in the following sections of my report.
- 7.1.16. In conclusion, it is my opinion that the proposal is in accordance with the Louth County Development Plan 2021-2127, including Policy Objective EE 58 and Section 5.19 ('Rural Economy'), and that given the nature of the proposed use (whiskey

maturation storage), and its location next to an existing maturation facility, that this rural site is appropriate in principle.

7.2. Risk Management (COMAH Considerations)

- 7.2.1. The third parties raise concerns that the proposed expansion of the existing maturation facility would lead to be increased health and safety risks, particularly in terms of a potential fire or industrial accident happening.
- 7.2.2. I note that the increase in the amount of flammable liquid intended to be stored onsite would mean the premises would go from a 'lower tier' COMAH establishment to an 'upper tier' establishment. Specifically, the application states that there would be an increase in capacity to store 70,614 tonnes of whiskey. I would note that the increase in storage capabilities is therefore not insignificant.
- 7.2.3. The relevant legislation, Directive 2012/18/EU, known as 'Seveso III', was implemented into Irish law on June 1, 2015, through the COMAH Regulations. The COMAH Regulations outline the requirements for preventing major accidents involving hazardous substances and reducing their effects on human health and the environment. Seveso/COMAH applies to industrial sites that use or store large amounts of potentially dangerous substances, particularly chemicals and petrochemicals, as is the case for whiskey maturation.
- 7.2.4. The COMAH regulations have been considered in the assessment of this appeal case. They provide for an integrated decision-making approach for such establishments. This includes the Health and Safety Authority (HSA) providing technical advice to planning authorities, and where appropriate, An Bord Pleanála. I note that Article 138 of the Planning and Development Regulations (as amended) requires the Planning Authority to provide a copy of the technical advice received from the HSA to the Board in the case of an appeal. The HSA is designated as the main competent authority according to these regulations; and I note that the HSA were consulted as part of the application process, and provided submissions to the Planning Authority, which are on the file.
- 7.2.5. The Applicant provided a COMAH Land Use Planning Study ('COMAH Study') as part of the application, as is required by the 'Guidance on Technical Land-Use Planning Advice: For Planning Authorities and COMAH Establishment Operators

(2023)'. The COMAH study was prepared by AWN Consulting and sets out a series of controls which would be put in place as part of the proposed development to ensure public safety.

- 7.2.6. I note that the HSA initially requested further information from the Applicant, including additional details of residential properties in the vicinity of the site and of technical data regarding the dangerous substances' inventory, compartment pool size, burning durations and a sensitivity analysis to address the possibility of more than one fire compartment occurring. The Applicant provided this information in the form of an updated COMAH Study, upon which the HSA confirmed in their follow-up submission to the Planning Authority that it does not advise against the granting of planning permission (submission dated 20th December 2023).
- 7.2.7. I consider that as the HSA is the competent authority for implementing the COMAH regulations, their formal response can be relied upon to inform the assessment of this aspect of the development proposal. I would further note in a scenario where the proposed maturation facility becomes operational that it would be subject to the COMAH inspection protocols and procedures, and that further engagement would be required between the HSA and the owners / operators of the facility. Specifically, there is a requirement to provide evidence to ensure all necessary measures are being taken and adhered to in order to avoid a major accident occurring and to limit the potential consequences of same.
- 7.2.8. There are no further COMAH establishments in the immediate surrounding vicinity. In addition to the existing maturation facility, operated by BAK Bulk Services (the Applicant), I note that the County Development Plan identifies two other such establishments in the County. However, these are situated some distance away from the appeal site and include Flogas Ireland Ltd at Marsh Road, Drogheda, and Cooley Distillery at Riverstown, Cooley.
- 7.2.9. Having regard to the above, I am satisfied that the proposed development is in accordance with the relevant Development Plan policy objectives regarding the Seveso Directive, and in terms of limiting the potential consequences of an industrial accident occurring, including ENV 27, ENV 28 and ENV 29, respectively. I conclude that permission should not be refused for reasons of Seveso/COMAH

considerations, including potential risks to either human health, or the environment, and that the concerns raised in relation to this matter have been properly addressed.

7.3. Visual Impact

- 7.3.1. As noted in Section 7.1, the proposed development is significant in both size and scale. It would represent a largescale expansion of the existing whiskey maturation facility on the adjoining site. The potential for visual impact is raised as a concern by the third parties.
- 7.3.2. The application is accompanied by a Visual Impact Assessment. The assessment has 7 no. viewpoints for 'existing' and 'proposed' scenarios. The viewpoints are taken from the north, east, south and west of the site, and include a location near the residence of the third party observer (Viewpoint No. 1). Having physically visited the site, and completed a visual inspection up close, and from the wider surrounding area, I consider the photomontages an accurate visual description of how the proposed development would appear as though constructed.
- 7.3.3. The site is a greenfield and sits on slightly lower ground compared with the surrounding area. There is a gentle slope across the property from the northeast (higher ground) towards the southwest (lower ground), generally.
- 7.3.4. The surrounding vicinity is rural in nature and comprises mainly farms, small tracts of forested land, and sporadic low-density housing in the form of detached houses on sizeable plots. As noted in Section 7.1 above, the surrounding area is not a designated sensitive landscape. It is not in an AONB or AHLQ. There are no Protected Structures or National Monuments in the vicinity. I note that the nearest dwelling is roughly 50m from appeal site, on the far side of the R132 (Eircode: A92 E5Y6). This house would be approximately 115m from the closest warehouse unit.
- 7.3.5. The proposed warehouses have an approximate overall height of 10.25m with a dark red cladding. They would correspond visually and in design terms with the existing units a short distance north, in my view. During my site inspection, I observed that the warehouses – although covering a large floorspace individually – were not dissimilar to a typical agricultural building in terms of their design, appearance and use of materials / finishes. I accept that a typical farming enterprise would have a smaller amount of these types of structures present and that they would likely be set

out in a less formalised manner having been added to gradually and over time, as opposed to being constructed altogether in a single works phase. However, notwithstanding this, I do not consider that the warehouses would be a major departure, or constitute a significant visual deviation, from the type of buildings one might expect to see in a rural location such as this. The use of colour, form and roof pitch / profile is also appropriate, in my opinion, and this would further help to preserve the rural aesthetic of the area.

- 7.3.6. The application includes a detailed landscaping masterplan and screening response, which was amended in accordance with the Planning Authority's request for further information. I note that the proposed landscaping and screening measures include planting throughout and around the periphery of the site, and along each of the site boundaries. The planting includes dense sections of vegetation in places, and this would help to create a semi-natural landscape. It would also promote biodiversity by providing valuable foraging, feeding and resting opportunities for certain species. This is important as the proposal seeks to remove some existing mature hedgerows from the site.
- 7.3.7. The creation of perimeter berms around the site, by utilising excavated subsoil and topsoil, is another important factor for reducing the potential for visual impact. The berms would rise to various heights at different parts of the site (approx. 3m – 4.5m) and be densely planted with native woodland trees and other types of low-lying understorey, scrub and woodland type species. I note that the planted height of the native trees would range from 2m – 3m. This is shown in the Landscape Section Drawing (Drwg. No. DWG.31) and which clearly demonstrates that a thick band of vegetation would be provided in the more visually exposed, southwest corner of the site, near the R132. This location is across from the nearest residential property which is to the west.
- 7.3.8. The landscaping proposal also includes 115 specimen trees across the site which is a mixture of Scots Pine, Oak and Birch. The presence of these semi-mature trees would help to create a small, consolidated area of woodland in the east and western sections of the site. Given the variety and number of trees present, it is likely the vegetation would flourish and further establish over time, particularly if properly managed, tended to, and with any dead or dying trees replaced as the need arises.

- 7.3.9. In conclusion, I consider that the proposed development would not have a significant adverse impact on the landscape or visual amenities of the area.

7.4. Other Matters

Air Borne Emissions (Impact on Human Health)

- 7.4.1. Concerns are raised in relation to the whiskey maturation process and the potential for human health issues caused by related emissions and releases. This includes the emission of non-methane volatile organic compounds (VOCs) which is stated to be a carcinogen. A report by the Scottish Government is cited in the appeal submission.
- 7.4.2. I note that the Applicant commissioned AWN Consulting Ltd to prepare an Air Dispersion Model report. The aim of the report is to assess the ethanol and acetaldehyde emissions from the combined existing and proposed maturation warehouse, including potential impact on human health. [The report is included as Appendix C of the Appeal Response.]
- 7.4.3. The report notes that the modelling undertaken as part of the assessment found that ambient levels of ethanol and acetaldehyde concentrations would comply with the relevant environmental assessment levels (EALs). This includes for the nearest residential receptor to the site.
- 7.4.4. In terms of *Baudoinia Compniacenis* (fungus), the assessment confirms that growth occurs naturally in the environment, but that growth in whiskey distilleries has been seen to be greater and can result in the blackened appearance of buildings and vegetation within proximity of such facilities. The report goes on to state that there is no evidence to suggest this type of fungus has any adverse impact on human health or vegetation. The report concludes that in this case the growth of the fungus is likely to be confined to within the boundaries of the proposed facility only. This is due to predicted atmospheric levels of ethanol that would be released.
- 7.4.5. The Air Dispersion Model report concludes that the ambient levels of ethanol, acetaldehyde and *Baudoinia compniacenis* (fungus) pose no health risk to nearby residential receptors or vegetation.

- 7.4.6. In summary, it is my opinion that the potential for ethanol vapour causing adverse impacts, including upon human health, is unlikely and that this should not be a reason for refusing permission.

Property Devaluation

- 7.4.7. The third parties state that the proposed development could lead to a devaluation of their respective properties. However, I note no evidence has been submitted to support this assertion.
- 7.4.8. Having regard to the assessment above, I am satisfied that the proposal would not seriously injure visual or residential amenity to such an extent that it would adversely affect the value of property in the vicinity.

Economic Value

- 7.4.9. The proposed extension of the existing maturation facility would mean up to 10 personnel would be employed directly by the new premises. The Appellant states that this would only equate to a small economic benefit to the area and that job creation and economic value to the local economy would be limited.
- 7.4.10. However, I consider that developing adequate maturation capacity on a regional and national scale to support the wider whiskey industry is also an important factor to consider. It is well-documented that there is increasing demand for Irish whiskey on a global scale, that the product has seen rapid growth since c. 2010, and with the trend continuing in recent years. The proposed development would therefore support the wider economy and employment market.
- 7.4.11. I note that indirect job creation would likely be created elsewhere in the County, and throughout the broader region, including at distilleries, bottlers, packing companies, marketing businesses, and at other commercial interests both further down the production line and through generating demand for raw product. Lastly, the provision of ten direct jobs is also noteworthy, in my opinion, and would still contribute to the local employment market in this part of the county.

Light Pollution

- 7.4.12. I note the concerns raised regarding potential impacts caused by new lighting fixtures and equipment, particularly at night and during times outside of normal daylight hours.

- 7.4.13. Section 13.13.9 of the Development Plan is in relation to 'Noise, Lighting and Emissions'. It requires that as part of the design and layout of any development, consideration must be given to the impact caused by the development on surrounding properties and residents in terms of lighting.
- 7.4.14. I note that the Applicant's NIS sets out a series of mitigation measures to reduce light spill through the use of sensor/timer triggered lighting, for LED luminaires to be used where practicable, column heights to be carefully considered to minimise and reduce potential light spill, and for other accessories such as baffles, hoods or louvres to be used to direct lighting only where it is needed. These measures are welcome and would go some way to reducing light trespass by way of adopting a smarter and more appropriate lighting system.
- 7.4.15. I consider that the issue can also be addressed by way of including a condition on any grant of permission issuing, which requires the preparation of a sensitive public lighting design. The design would be required to be in accordance with the relevant Council lighting guidance.

Other Activities

- 7.4.16. The Planning Authority has made a submission to the Board confirming that Condition 2 of their NoD to Grant Permission was included in error and they have no objection to its removal. The condition relates to dilution of spirits and provision of cask filling services, which were not included as proposed activities in the original planning application.
- 7.4.17. The Applicant confirms they too would have no issue with this condition being omitted.
- 7.4.18. It is therefore my recommendation to the Board that the condition (No. 2) should not be included in any grant of permission that issues.

8.0 Appropriate Assessment

Introduction

- 8.1. 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 in this section of my report.

- 8.2. The Habitats Directive is in relation to 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.
- 8.3. 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)
- 8.4. Section 8.0 considers the likely significant effects of the proposed development on European Sites with each of the potential significant effects assessed in respect of each Natura 2000 Site considered to be at risk and the significance of same. The assessment is based on the Appropriate Assessment Screening Report (dated 9th September 2022) and the Natura Impact Statement (dated 10th September 2022) (both reports prepared by Scott Cawley Ecological Consultants), as well as other relevant information submitted as part of the application and on file.

Description

Subject Site

- 8.5. The subject site is in a rural area at Red Barns, Drumcar Road, Dunleer, County Louth. It is vacant and comprises a greenfield used for agricultural purposes. It lies roughly 2km north of Dunleer and 7km south of Castlebellingham.
- 8.6. There is a gentle slope across the land from the east (higher ground) towards the west (lower ground). The nearest European sites are Dundalk Bay SAC and Dundalk Bay SPA, which are roughly 4.5km to the northeast.
- 8.7. The site is connected to Dundalk Bay via natural surface water features, such as the White River, River Dee and Glyde Estuary. There is also drainage ditch running through the land and this forms part of the Newry, Fane, Glyde and Dee catchment,

which ultimately drains to Dundalk Bay. The White River is 320m to the west on the far side of the R132.

- 8.8. Section 1.0 above provides further details of the site and its surrounding vicinity.

Proposed Development

- 8.9. The proposed development is for the construction of bonded whiskey maturation facility. It seeks to extend the existing whiskey maturation warehousing units to the north of the site. Section 2.0 of my report above provides a more detailed description of the proposed development.
- 8.10. The Engineering Services Report on file provides an overview of site services, including the proposed methodology for surface water drainage and wastewater disposal. In summary, I note that it is proposed for surface water to be discharged disposed of via an infiltration trench and swale system which would be constructed to the 1:100-year flood event standard. Petrol interceptors have also been included to prevent hydrocarbons contaminating surface water runoff and, by extension, waterbodies in the surrounding vicinity.

Stage 1 (Screening)

- 8.11. There are no European Sites applying to the site or in its immediate vicinity.
- 8.12. The AA Screening recognises that there 7 no. European Sites within the relevant Zone of Influence. The sites are identified in Section 4 of the AA Screening Report and include:

- Dundalk Bay SAC (Site Code: 000455)
- Dundalk Bay SPA (Site Code: 004026)
- Stabannan-Braganstown SPA (Site Code: 004091)
- Boyne Estuary SPA (Site Code: 004080)
- Lambay Island SPA (Site Code: 004069)
- Ireland's Eye SPA (Site Code: 004117)
- North-West Irish Sea cSPA (Site Code: 004236)

- 8.13. The nearest European Sites are Dundalk Bay SPA (Site Code: 004026) and SAC (Side Code: 000455), which are roughly 4.4km to the northeast. Stabannan-

Braganstown SPA (Site Code: 004091) is roughly 4.5km to the northwest. The Northwest Irish Sea candidate SPA (Site Code: 004236) is roughly 8.2km to the east. The remaining designated sites are 12km or more from the site.

- 8.14. There is no potential for direct effects as the proposed development footprint is located outside the boundaries of any SAC and SPA. However, in the absence of mitigation measures, there is potential for indirect effects on the Qualifying Interests (QIs) of the designated sites identified in Table 8.1 below. This is mainly due to a potential deterioration of water quality, and/or pollution of surface water and groundwater.
- 8.15. Table 1 of the AA Screening Report sets out a summary of the likely significant effects on European Sites. In summary, it outlines the potential direct, indirect and in-combination effects.

Conclusion

- 8.16. Following an examination, analysis and evaluation of all the relevant information and in view of best scientific knowledge, and applying the precautionary principle, the AA Screening concludes that there is the possibility for significant effects on the following European sites, in the absence of mitigation either arising from the project alone or in combination with other plans and projects, as a result of habitat loss and fragmentation, hydrological impacts, and disturbance and displacement impacts:

- Dundalk Bay SAC
- Dundalk Bay SPA
- Lambay Island SPA
- Ireland's Eye SPA
- Stabannan-Braganstown SPA
- Boyne Estuary SPA
- North-West Irish Sea cSPA

In reaching this conclusion, the nature of the project and its potential relationship with all European sites within the zone of influence, and their conservation objectives, have been fully considered.

Table 8.1: European Sites within the Zone of Influence and Requiring Appropriate Assessment (Stage 2)

| Site Code | European Site | Approx. Distance / Source-Pathway Receptor | Summary of possible effects alone | In-combination effects |
|-----------|---------------------------|--|---|---|
| 000455 | Dundalk Bay SAC | 4.4km to the northeast | Having regards to the proximity of the site to the SAC, potential impacts are likely and will be assessed further. Effects could include habitat loss, fragmentation, degradation, disturbance and / or displacement. | No possibility of in-combination effects. |
| 004026 | Dundalk Bay SPA | 4.4km to the northeast | As above | As above |
| 004091 | Stabannan-Braganstown SPA | 4.5km to the northwest | As above | As above |
| 004080 | Boyne Estuary SPA | >14km to the southeast | As above | As above |
| 004069 | Lambay Island SPA | >45km to the southeast | As above | As above |
| 004117 | Ireland's Eye SPA | >50km to the southeast | As above | As above |
| 004236 | North-West Irish Sea cSPA | 6.7km to the east | As above | As above |

Stage 2 (Natura Impact Statement)

Introduction

- 8.17. Table 8.1 above identifies the European Sites within the zone of influence and requiring Appropriate Assessment (Stage 2).

Test of Likely Effects and Mitigation Measures

- 8.18. Taking account of the characteristics of the proposed development, including its location and proposed scale of works, the following issues are considered relevant in terms of assessing the likely significant impacts on the identified European sites:

1. Deterioration of water quality in designated areas arising from pollution from surface water run-off and excavation / earth moving works during the site preparation and construction phase.
2. Deterioration in water quality in designated areas arising from pollution during the operational phase of the proposed development.
3. Cumulative impacts with other proposed/existing developments.

[I have also considered the detailed description of the above potential direct and indirect impacts as set out in the NIS.]

- 8.19. The NIS includes measures to mitigate potential negative impacts on each individual European Site screened in for the purposes of AA. These are set out under the relevant paragraph heading of Section 7 of the NIS and are extensive.
- 8.20. Section 7 of the NIS also provides an assessment of the predicted residual adverse effects in relation to the relevant QI's and Special Conservation Interests (SCIs) in light of each Sites's their site-specific targets and attributes. The NIS confirms that with the effective implementation of appropriate mitigation measures the proposed development poses no risk of affecting the conservation objectives, or the conservation condition, of the QIs of any designated site. Therefore, there are no residual direct or indirect impacts associated with the proposed development that could adversely affect the integrity of these Sites.

In-Combination Effects

- 8.21. The NIS (Pages 85 - 91) addresses the potential for in combination effects. It takes account of the Louth County Development Plan 2021-2027, including its relevant

environmental protection policies and objectives. The NIS also examines the land use plans for other local authorities whose functional areas have surface water features draining into Dundalk Bay.

- 8.22. Any plan or existing/proposed project that could potentially affect the Natura 2000 sites in-combination with the proposed development must adhere to the overarching environmental protective policies and objectives of the County Development Plan.
- 8.23. Table 14 includes a detailed in-combination assessment of plans and programmes. Then NIS concludes that there is no potential for any other plan or project to adversely affect the integrity of any European sites in combination with the proposed development.

Conclusion of NIS

- 8.24. This NIS has examined and analysed, in light of the best scientific knowledge, with respect to those European sites within the zone of influence of the proposed development, the potential impact sources and pathways, how these could impact on the sites' special conservation interest species and whether the predicted impacts would adversely affect the integrity of the aforementioned Natura 2000 Sites.
- 8.25. The NIS concludes that following an examination, analysis and evaluation of the relevant information, including in particular the nature of the predicted impacts from the proposed development, that the proposed development will not adversely affect (either directly or indirectly) the integrity of any European site, either alone or in combination with other plans or projects.

Note on NIS completed by the Applicant

- 8.26. Having reviewed the NIS and supporting documentation, I am satisfied that the information allows for a complete assessment of any adverse effects of the proposed development on the conservation objectives of the abovementioned European sites alone, or in combination with other plans or projects.

Inspector's Appropriate Assessment

- 8.27. The following is a summary of the objective scientific assessment of the implications of the proposed development on the qualifying interest features of the European Sites referenced above using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are examined. I have considered

and assessed the mitigation measures designed to avoid or reduce any significant adverse effects.

Potential Impact on identified European Site(s) at risk of effects

- 8.28. The European Sites subject to Appropriate Assessment are referenced in Table 8.1 below. A description of each site and its Qualifying Interests (QI's) is available on the NPWS website, and I confirm that I have had regard to this information as part of my assessment. I have also set out the various QI's arising in Table 8.2 below.
- 8.29. I have also examined the relevant Natura 2000 data forms and Conservation Objectives for these sites, which are available on the NPWS website. The relevant NPWS Site Documents have also been reviewed as part of my analysis.
- 8.30. The conservation objectives for each European Site for the purposes of Appropriate Assessment (i.e., Stage 2) can be summarised as follows:
- To restore / maintain the favourable conservation condition of the habitats and species listed as qualifying interests for the identified European Sites which are defined by a specific list of attributes and targets.¹

Habitat Loss and Fragmentation

- 8.31. In relation to habitat loss and fragmentation, I note the site does not overlay the boundary of any European Site. Therefore, there are no European sites at risk of direct habitat loss impacts and there is no potential for direct habitat fragmentation to occur. The site could potentially support populations of wintering bird species linked with the SCI populations of certain European Sites, including Dundalk Bay SPA, Stabannan-Braganstown SPA and Boyne Estuary SPA.
- 8.32. It considered that the loss of the subject lands (5.14ha) would not be significant when the nature of surrounding lands is considered. This is notwithstanding the size of the proposed development, the nature of the surrounding lands, and general abundance of suitable habitat in the area. However, significant impacts, which could undermine the conservation objectives of the relevant Special Conservation Species (SCI), as a result of habitat loss, cannot fully be excluded.

¹ The full reports for the conservation objectives for the listed SACs and SPAs are available on the NPWS website. I have examined these as part of my assessment and confirm I have had particular regard to the conservation objectives seeking to restore the favourable conservation condition of Qualifying Interests.

Habitat degradation due to hydrological impacts

- 8.33. The release of contaminated surface water runoff, an accidental spillage, sediment, or another type of pollution event into surface water features during the construction, or operation phase, of the project has the potential to affect water quality. This could affect the drainage ditch lying along the southern boundary of the existing facility (i.e., the northern boundary of the appeal site) and potentially extend for a significant physical distance downstream of the site.
- 8.34. This drainage ditch ultimately discharges to Dundalk Bay, most likely via the White River and the River Dee as it lies within its catchment. If a pollution event of sufficient magnitude occurred during the construction or operational phase of the project, the surface water network could potentially transfer contaminants downstream to Dundalk Bay, potentially resulting in impacts on water quality and the special conservation interests of the European Sites in this area. This could undermine the conservation objectives of Dundalk Bay SPA and SAC.
- 8.35. Similarly, an accidental pollution event during construction or operation, which results in impacts on water quality in Dundalk Bay could potentially have a knock-on effect on the SCI species associated with Lambay Island SPA and Ireland's Eye SPA which forage here, which could have potentially long-term effects on their populations. This could undermine the conservation objectives of Lambay Island SPA, Ireland's Eye SPA and the North-West Irish Sea cSPA in the absence of mitigation.

Disturbance and Displacement Impacts

- 8.36. I consider that construction-related disturbance and displacement of certain species could potentially occur within the vicinity of the subject lands. I note that the NIS confirms that for birds, disturbance effects would not be likely to pass beyond roughly 300m. This is because noise levels associated with the general construction activities required as part of the works phase would diminish to close to background levels at such a distance. I note that there are no European sites within the potential zone of influence of disturbance effects associated with the construction or operation of the proposed development. However, the subject site and its environs could be used as an ex-situ foraging site by certain species associated with the identified

SPAs, in particular Dundalk Bay SPA, and that therefore there would be potential for disturbance of some SCI species which are inclined to travel inland.

- 8.37. The existing whiskey maturation warehousing facility is used for similar such purposes (whiskey storage) and is subject to regular disturbance from heavy vehicles travelling to and from the site. It is therefore likely that birds foraging in the immediate vicinity of the site would be habituated to some level of disturbance and adapted somewhat to the presence of the existing commercial premises. However, notwithstanding the short duration of the proposed construction works and availability of similar habitat in the area, I consider that significant impacts due to disturbance and displacement cannot be fully excluded in the case of every European Site identified and particularly Dundalk Bay SPA. Such impacts could potentially undermine the conservation objectives for the relevant SCIs and require further consideration in terms of mitigation for this reason, in my opinion.

Mitigation Measures

- 8.38. I note that extensive mitigation measures are set out as part of the NIS for each individual European Site. The main purpose of the mitigation measures put forward is to avoid any reduction in water quality in the area with a view to protecting the identified designated sites and SCI species. I also note that details of the construction measures to be employed to prevent effects resulting from any runoff of pollutants from the site to surface or groundwater are provided in the Draft CMP submitted with the application.
- 8.39. The measures proposed include protecting against the accidental release of construction-related pollutants or hydrocarbons (construction phase), the deterioration of water quality due to siltation or sedimentation via surface water runoff (construction and operational phases), and disturbance and displacement of species by other means. The measures also seek to reduce for potential for impacts to surface water quality during the operational phase of the facility, the loss of vegetation to SCI birds as part of site clearance and construction works, and potential disturbance which could be experienced during both the construction and operational phases.

8.40. I do not propose to list the full extent of the mitigation measures set out under Section 7 of the NIS. However, some of the main measures and protocols included in the report are as follows:

- Measures to prevent the release of sediment over baseline conditions in the downstream receiving water environment, during the construction work, including the use of silt fences, silt curtains, settlement lagoons and filter materials.
- Provision of exclusion zones and barriers (e.g., silt fences) between earthworks, stockpiles and temporary surfaces to prevent sediment washing into the existing drainage systems and hence the downstream receiving water environment.
- Provision of temporary construction surface drainage and sediment control measures to be in place before earthworks commence.
- Weather conditions to be taken into account when planning construction activities to minimise risk of runoff from the site.
- The removal of existing vegetation will be undertaken outside of the breeding bird season (1 March to the 31 August) and before the arrival of wintering birds. [Where the construction programme does not allow these seasonal restrictions to be observed, these areas will be inspected by a suitably qualified ecologist for the presence of wintering birds, prior to clearance.]
- Mitigation measures to reduce light spill include:
 - The use of sensor/timer triggered lighting,
 - LED luminaires to be used where practicable,
 - Column heights to be considered to minimise light spill, and
 - Accessories such as baffles, hoods or louvres to be used to reduce light spill and direct it only where needed.
- To reduce potential impacts on SCI birds due to vegetation loss during construction:

- the replanting of perimeter berms within the proposed development footprint will be carried out in the appropriate season and as detailed in the landscaping design.
- The re-establishment of vegetation, including re-grassing outside of the wintering bird season, as soon as possible after completion of a section of works.

8.41. Having regard to the information contained in the NIS in relation to mitigation, I consider the NIS contains complete, precise and definitive findings. My conclusion is that no reasonable scientific doubt remains as to the absence of any potential detrimental effects on the designated sites having regard to their conservation objectives.

Potential In-Combination Effects

8.42. Section 4 of the AA Screening Report addresses the potential for 'in combination effects'. Those plans or projects with the potential to impact upon these European sites are said to include any national, regional and local land use plans or any existing or proposed projects which could potentially affect the ecological environment within the Zol of the proposed development. They are set out in Tables 2 and 3 of the Screening Report.

Conclusion

- 8.43. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act, 2000, as amended.
- 8.44. Having carried out screening for Appropriate Assessment of the proposed development, I have concluded that having regard to best scientific evidence, it could potentially have a significant effect on Dundalk Bay SAC, Dundalk Bay SPA, Stabannan-Braganstown SPA, Boyne Estuary SPA, Lambay Island SPA, Ireland's Eye SPA and North-West Irish Sea cSPA.
- 8.45. Consequently, an Appropriate Assessment was required of the potential implications of the project on the qualifying interests/special conservation interests of these sites in light of their conservation objectives.

- 8.46. Following a Stage 2 Appropriate Assessment, I have ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of this European Site, or any other European site, in view of the Conservation Objectives. My conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.
- 8.47. I consider that potential impacts can be successfully mitigated against by the successful implementation of the mitigation measures set out in the NIS prepared by the Applicant and that there would be no deterioration in water quality or impacts upon any designated habitat or any species dependent on these designated habitats.
- 8.48. In summary, this conclusion is based on:
- a full and detailed assessment of all aspects of the proposed project, including proposed mitigation measures and environmental monitoring in relation to the Conservation Objectives of the European Sites referenced above,
 - an assessment of in-combination effects with other plans and projects including historical projects, current proposals and future plans, and
 - No reasonable scientific doubt as to the absence of adverse effects on the integrity of these European sites.

9.0 Recommendation

- 9.1. I recommend that planning permission be granted for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the:

- provisions of the Louth County Development Plan 2021-2027, including Policy Objective EE 58, which is in relation to the provision of whiskey maturation facilities within the open countryside, subject to meeting the relevant requirements,

- national, regional and local policy, including NPO 23 of the National Planning Framework in relation to the rural economy,
- advice provided by Health and Safety Authority to the Planning Authority in that the proposed development is a type to which Directive 2012/18 EU (Seveso III) applies, but that it would be acceptable in terms of the management of risk to both human health and to the environment in the event of major accident,
- planning history of the site and the surrounding area,
- location, nature, design, size and scale of the proposed facility and established character and pattern of development in its vicinity, which includes an existing whiskey maturation warehouse facility on the adjoining lands directly north of the appeal site,

it is considered that, subject to compliance with the conditions set out below, the proposed development:

- would not seriously injure the visual or residential amenities of the area, or of the surrounding landscape,
- would be acceptable in terms of traffic safety and convenience,
- would be acceptable in terms of the management of risks to both human health and to the environment as a result of a major accident, and
- would therefore be in accordance with the provisions of Louth County Development Plan 2021-2027,

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

11.0 Conditions

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| 1. | <p>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 received by the planning authority on the 5th December 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.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>The mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented.</p> <p>Reason: To protect the integrity of European Sites.</p> |
| 3. | <p>The mitigation measures contained in the Site Specific Flood Risk Assessment Report (SSFRA) (Stage 2) shall be implemented.</p> <p>Reason: To prevent flooding and in the interests of public health.</p> |
| 4. | <p>All delivery, services and transfer traffic associated with the proposed development shall access the site, when travelling to/from the M1 Motorway, via the Drumcar Road and R132 (Regional Road) only, and avoid Dunleer town centre, unless otherwise agreed in writing with the planning authority. Clear signage in this regard shall be provided and submitted to the planning authority for written agreement prior to the commencement of the development.</p> <p>Reason: In the interest of traffic safety</p> |
| 5. | <p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p> |

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| 6. | <p>a) The landscaping scheme shown in Drwg. No. DWG.01_ Rev B and landscape sections shown in Drwg. No. DWG 31 Rev_B as submitted to the planning authority on the 5th December 2023 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>b) All proposed screening measures as set out in the plans submitted with the application, including the provision of landscaped berms, shall be completed prior to the commencement of development.</p> <p>c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>d) The clearance of any vegetation, including trees, scrub and hedgerows, shall only be carried out between September and February (i.e. outside the main bird breeding season). If this seasonal restriction cannot be accommodated, a suitably qualified ecologist with experience in nest-finding will be required to check all vegetation, including hedgerows, for nests. This shall be permitted to occur only after a licence from the NPWS has been obtained to permit potential disturbance to nesting birds and prior to removal or trimming.</p> <p>Reason: In the interest of visual amenity and residential amenities and protecting bird species.</p> |
| 7. | <p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The</p> |

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| | <p>RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p> |
| 8. | <p>A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.</p> <p>Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.</p> |
| 9. | <p>a) In the event of an accidental spill or fire any contaminated liquid reaching the attenuation pond must not be discharged to the watercourse. The outfall must remain closed until the contaminated liquid is removed.</p> <p>b) Oil/Petrol interceptor(s)/separators(s) of adequate size, class and capacity shall be installed as appropriate and maintained on the proposed development. Oil contained in the interceptor trap shall be removed when it is necessary and disposed of in accordance with relevant environmental legislation.</p> <p>c) All above ground oil storage tanks must be bunded to 110% capacity.</p> <p>d) Prior to the commencement of development, the developer shall submit details of site specific measures to minimise the risk of water pollution during the construction stage to the Planning Authority for agreement. The submission shall demonstrate compliance with guidance document 'Control of water pollution from construction sites - Guidance for consultants and contractors' published by the Construction Industry Research and Information Association (CIRIA</p> |

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| | <p>C532) or similar approved. An adequate oil spillage response kit or equivalent shall be kept/stored at all times at the facility.</p> <p>e) Cognisance shall be taken of the requirements of BS 5228 part 1 1997 (Noise and Vibration control on construction and open sites) and British Standard B.S. 61 87 Code of practice for demolition and/or any other regulations as stipulated by Louth County Council.</p> <p>f) The developer shall, if directed by the Planning Authority, monitor and record noise levels during construction and during the operation of the development - Leq's and any other levels which may be requested by the Planning Authority (L max etc.)</p> <p>g) The developer shall if directed by the Planning Authority, monitor and record the total dust emissions arising from all on site operation associated with the proposed development during construction.</p> <p>h) The number and locations of the monitoring and recording stations for sound and dust deposition necessary to comply with the requirements of Part (a) and (b) of this condition shall be in accordance with the requirements of the Planning Authority for such monitoring of sound and dust deposition.</p> <p>i) The Planning Authority shall be afforded access at all reasonable times in order to inspect, examine and check or to have inspected, examined and checked, all apparatus and equipment used or required to carry out monitoring of noise.</p> <p>Reason: In the interest of orderly development, to prevent pollution and to safeguard the amenities of the area.</p> |
| 10. | <p>a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>b) The construction and installation of the proposed Surface Water Attenuation Structures, shall be supervised and certified by a Competent Independent Structural Engineer, prior to the commencement of the proposed development, and the applicant shall</p> |

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| | <p>provide written confirmation to the Planning Authority that the proposed drainage arrangements have been installed in accordance with the submitted plans.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p> |
| 11. | <p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Uisce Éireann.</p> <p>Reason: In the interest of public health</p> |
| 12. | <p>Comprehensive details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. The agreed lighting system shall include a recommended strategy for reducing the impact of lighting on bats and be fully implemented and operational, before the proposed development is made available for occupation.</p> <p>Reason: In the interest of public safety and visual amenity.</p> |
| 13. | <p>The noise level during construction shall not exceed 55 dBA (30 minute Leq) at any point along the boundary of the site between 0800 and 2000 hours, Monday to Friday, 0800 and 1400 on a Saturday and shall not exceed 45 dBA (15 minute Leq) at any other time.</p> <p>Reason: To protect the amenities of property in the vicinity of the site.</p> |
| 14. | <p>The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy.</p> <p>Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation]</p> |

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| | <p>and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.</p> |
| 15. | <p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p> |
| 16. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the</p> |

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| | <p>Scheme.</p> <p>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.</p> |
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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.

Ian Boyle
Senior Planning Inspector

4th February 2025

Appendix 1

Form 1: EIA Pre-Screening

[EIAR Not Submitted]

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| An Bord Pleanála Case Reference | ABP-318956-24 | | |
| Proposed Development Summary | The proposed development is for the construction of bonded whiskey maturation units. It seeks to extend an existing whiskey maturation facility to the north of the appeal site. | | |
| Development Address | The appeal site is located in a rural area at Red Barns, Drumcar Road, Dunleer, County Louth. | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes ✓ | Tick if relevant and proceed to Q2. |
| | | No | Tick if relevant. No further action required |
| 2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)? | | | |
| Yes | ✓ | | Proceed to Q3. |
| No | | | Tick if relevant. No further action required |
| 3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? | | | |
| Yes | | | EIA Mandatory EIAR required |

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| No | ✓ | | Proceed to Q4 |
| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
| Yes | ✓ | <p>Part 2 of Schedule 5, Class 7(d): Food and Drink Industry - Installations for commercial brewing and distilling; installations for malting, where the production capacity would exceed 100,000 tonnes per annum.</p> <p>Note: The proposed development would increase the capacity of the whiskey maturation facility to store 70,614 tonnes of whiskey. However, the facility does involve any brewing, distilling or malting processes and comprises the storage of whiskey for the purposes of maturation post-distilling only. Therefore, this project class is not applicable to the proposed development.</p> <p>Part 2 of Schedule 5, Class 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p> <p>Note: An EIA is still required by Schedule 5, Part 2, Class 15 of the Regulations (set out above) for development which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p> | Preliminary examination required (Form 2) |

| 5. Has Schedule 7A information been submitted? | | |
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| No | | Screening determination remains as above (Q1 to Q4) |
| Yes | ✓ | Screening Determination required |

Inspector: Ian Boyle

Date: 4th February 2025

Appendix 2

Form 3: EIA Screening Determination

| A. CASE DETAILS | | |
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| An Bord Pleanála Case Reference | ABP-318956-24 | |
| Development Summary | The proposed development is for the construction of bonded whiskey maturation units. It seeks to extend an existing whiskey maturation facility to the north of the appeal site. | |
| | Yes / No / N/A | Comment (if relevant) |
| 1. Was a Screening Determination carried out by the PA? | Yes | The Planning Authority notes that the proposed development is not a prescribed class of development for the purpose of section 176 of the Planning and Development Act 2000, as amended, and the requirement for EIA and the preparation of an EIAR/EIS report does not arise. |
| 2. Has Schedule 7A information been submitted? | Yes | The Applicant submitted an EIAR Screening Report (dated 7 th September 2023) as part of the planning application to Louth County Council (LCC). |
| 3. Has an AA screening report or NIS been submitted? | Yes | Both an AA Screening Report and NIS have been submitted as part of the application, |
| 4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR? | No | The need for an IED/ IPC or Waste Licence does not arise. |
| 5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA | Yes | <ul style="list-style-type: none"> - COMAH Land Use Study Report for Directive 2012/18 EU (Seveso III). - Appropriate Assessment Screening Report and NIS for the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) |

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| | | <ul style="list-style-type: none"> - The Strategic Environmental Assessment (SEA) for the Louth County Development Plan 2021-2027 - The European Union Water Framework Directive 2000/60/EC (WFD). | |
| B. EXAMINATION | Yes/ No/ Uncertain | Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect. | Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain |
| This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith | | | |
| 1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning) | | | |
| 1.1 Is the project significantly different in character or scale to the existing surrounding or environment? | No | The subject lands comprise a rural greenfield site. The surrounding land use is mainly farming and agriculture, along with scattered residential dwellings. The existing whiskey maturation facility to the north of the appeal site would be extended by the proposal, however, therefore there would be no significant difference in terms of the character or scale of the existing and surrounding environment. | No |
| 1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)? | Yes | The subject site is roughly 1.5ha. There is no demolition proposed. However, the new structures would result in physical changes to the land, including by way of land use | No |

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| | | (agriculture changing to warehouse / light industrial) and changes to the topography of the land. | |
| 1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply? | No | <p>The proposed construction materials are typical for this type of facility, which is a whiskey maturation warehouse. The development would not result in any significant loss of natural resources or local biodiversity.</p> <p>I note that the proposed development due to its size and localised nature would not have any significant negative effect on natural resources. Drumcar is not a location that has significant natural resources, such as wetlands, riparian areas, river mouths, mountain and forest areas or nature reserves. The development site is adjacent to the existing BAK Bulk Services Facility.</p> | No |
| 1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment? | Yes | <p>The proposed development will be classified as an Upper Tier Seveso site. I note that a COMAH Significant Modifications Assessment (SMA), COMAH Land Use Planning Assessment (LUP), Fire Safety Study (FSS) and Firewater Risk Assessment (FWRA) have been prepared as part of the application.</p> <p>The SMA concludes that '... the frequency of a full compartment warehouse fire occurring that leads to one or</p> | No |

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| | | <p>more fatalities is estimated as 1E-07 per year. It states that adequate measures are in place to prevent a full compartment warehouse fire or an escalated warehouse fire from occurring and that in the event of a full compartment warehouse fire at the proposed development, no fatalities are expected to arise.</p> <p>The FSS states that the main objective is to avoid the spillage of whiskey, the availability of ignition sources and the occurrence of fires. The fire prevention strategies included in the FSS are summarised in Section 3.7 of the EIA Screening Report and would help ensure any residual impact on environment would be imperceptible.</p> <p>Construction and operational activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of such sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p> | |
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| <p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p> | <p>Yes</p> | <p>However, waste materials produced in the construction of the proposed development would be disposed of using licensed waste disposal facilities and contractors.</p> <p>However, the scale of the waste production in conjunction with the use of licensed waste disposal facilities and contractors would not result in likely significant effects on the environment.</p> <p>The accompanying Construction & Demolition Waste Management Plan (CDWMP) outlines the methods for the control, management, monitoring and disposal of waste from the site. Other than construction materials, the proposed will not produce significant volumes of waste.</p> | <p>No</p> |
| <p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p> | <p>Yes</p> | <p>There is potential for construction related impacts due to increased sediment and runoff from excavation, soil handling, removal and compaction; contamination from accidental spills and leaks dewatering runoff and sediment loading; foul water during construction; and operational impacts due to stormwater discharges and flood related impacts. These are discussed in further detail in Section 5.2 of the Applicant's EIA</p> | <p>No</p> |

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| | | Screening Report. However, there are no likely significant impacts due to the mitigation and best practice construction measures proposed. A requirement for sub-threshold EIA does not arise. | |
| 1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation? | No | There is potential for construction works to give rise to noise and vibration emissions. Such emissions will be localised, short term and their impacts mitigated by measures outlined in the Construction Management Plan. | No |
| 1.8 Will there be any risks to human health, for example due to water contamination or air pollution? | No | <p>The potential impacts would be mainly increased air pollution (dust), noise, traffic, and visual impact of the construction phase. These potential short-term impacts during the construction will be mitigated in accordance with CMP and through restricting the hours of construction. The risk of major accident which could affect human health is discussed below under Section 1.9.</p> <p>The proposed development when operational will be classified as an Upper Tier Seveso site. A COMAH Significant Modifications Assessment (SMA), COMAH Land Use Planning Assessment (LUP), Fire Safety Study (FSS) and Firewater Risk</p> | No |

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| | | <p>Assessment (FWRA) have been prepared as part of the application to address these risks.</p> <p>Fugitive dust generated during the construction and operational phase would ensure the prevention of significant emissions if /when released. The main contractor will be responsible for the coordination, implementation and ongoing monitoring of a dust management are included in Section 3.1 of the CMP.</p> <p>The process of whiskey maturation can give rise to fugitive dust which can enter the surrounding atmosphere. I note that the application is accompanied by an Air Dispersion Model report (completed by AWN Consulting Ltd).</p> <p>The modelling undertaken as part of the assessment has found that the predicted ambient ethanol and acetaldehyde concentrations from the development would be in compliance with the relevant environmental assessment levels (EALs). This includes for the nearest residential receptor, which is the property of the third party observer. The assessment also states in relation to <i>Baudoinia Compniacensis</i> (fungus) that its growth occurs naturally in the environment, but that it can be a greater in whiskey distilleries and therefore result in a</p> | |
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| | | <p>blackened appearance of buildings and vegetation within proximity of distillery boundaries. The report notes however that there is no evidence to suggest that this type of fungus has any adverse impact on human health or vegetation and that, in this case, it is likely to be confined to within the boundaries of the proposed facility. This is because the atmospheric levels of ethanol are predicted to be low.</p> | |
| <p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p> | | <p>The proposed development when operational will be classified as an Upper Tier Seveso site. A COMAH Significant Modifications Assessment (SMA), COMAH Land Use Planning Assessment (LUP), Fire Safety Study (FSS) and Firewater Risk Assessment (FWRA) have been prepared as part of the application to address these risks.</p> <p>Furthermore, prior authorisation and safety updates will be required by Health and Safety Authority (HSAa) for the proposed facility. The HSA prepared a submission on the application and raised no objection post receipt of further information. The HSA had raised some issues regarding the COMAH Assessment submitted with the original version of application, including details regarding the location of nearby residential houses, the dangerous substances inventory, and</p> | |

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| | | fire scenario. However, these were considered addressed under the revised LUP prepared as further information. | |
| 1.10 Will the project affect the social environment (population, employment) | No | There will be limited changes to the receiving social environment, including in relation to employment numbers. Maturation is an important part of the whiskey making process and this will facilitate the creation of jobs elsewhere, including within the County. | No |
| 1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment? | No | No. This is a stand-alone development, comprising the expansion of an existing facility and is not part of a wider largescale change. Other developments in the wider area are not considered to give rise to significant cumulative effects. | No |
| 2. Location of proposed development | | | |
| 2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> European site (SAC/ SPA/ pSAC/ pSPA) NHA/ pNHA Designated Nature Reserve Designated refuge for flora or fauna | Yes | The subject site is in a rural area at Red Barns, Drumcar Road, Dunleer, County Louth. It is a greenfield used for agricultural purposes and is situated next to existing whiskey maturation warehouses. The nearest European Sites are Dundalk Bay SPA (Site Code: 004026) and SAC (Side Code: 000455), which are roughly 4.4km to the northeast. Stabannan-Braganstown SPA (Site | No |

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| <ul style="list-style-type: none"> Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan | | <p>Code: 004091) is roughly 4.5km to the northwest. The Northwest Irish Sea candidate SPA (Site Code: 004236) is roughly 8.2km to the east.</p> <p>There is no potential for direct effects as the proposed development footprint is outside any designated SAC or SPA. In the absence of mitigation measures, there is potential for indirect effects on the Qualifying Interests (QIs) of the designated sites identified in Table 8.1 above (see Section 8.0). This is mainly due to a potential deterioration of water quality, and/or pollution of surface water and groundwater. In the absence of mitigation measures, potential impacts are likely could include habitat loss, fragmentation, degradation, disturbance and / or displacement.</p> <p>However, in having regard to the information contained in the NIS in relation to mitigation, the NIS is considered to contain complete, precise and definitive findings and it is concluded that no reasonable scientific doubt remains as to the absence of any potential detrimental effects on the designated sites having regard to their conservation objectives.</p> | |
| <p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site,</p> | <p>Yes</p> | <p>A section of mature hedgerow is proposed to be removed as part of the proposal to accommodate the development. The</p> | <p>No</p> |

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| <p>for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p> | | <p>hedgerow is located in the centre of the site and runs in a north to south direction. Another section of hedgerow will also be removed to provide access to the site from the existing facility.</p> <p>The proposed development may lead to a loss of important habitat, including nesting, foraging, and resting opportunities for certain species, such as birds. This could potentially affect biodiversity in the area. However, as part of the proposed development, a comprehensive plan for planting semi-mature vegetation and implementing extensive landscaping has been put forward, which will consist of native species (trees, hedgerow, shrubs and wildflowers) and low maintenance pollinator friendly perennials. This would mitigate the negative impacts by creating alternative habitats, maintaining the ecological balance, and ensuring the continuity of green spaces. This would help to provide new opportunities for wildlife and support environmental sustainability in the long term.</p> <p>The sections of hedgerow will only be permitted to be removed outside of the bird nesting season. Also, the construction compound will be installed outside of wintering</p> | |
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| | | season and light spill into surrounding agricultural lands will be avoided. | |
| 2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected? | Yes | <p>The proposed development has been designed to respect the visual character and setting of this rural area. It is sited alongside an existing development, is located at a lower level and includes extensive new boundary planting and landscaping features. A visual impact assessment has also been provided with the application.</p> <p>The appeal site is situated away from any Area of Outstanding Natural Beauty (AONB) or Area of High Scenic Quality (AHSQ). The closest Area of High Scenic Quality is roughly 5km east of the site, which is considerable.</p> <p>The closest Protected Structures are approximately 800m to the northeast and include 'The Old Rectory' (RPS Ref LHS018-054), Drumcar Corn Mill (RPS Ref. LHS018-055) and Drumcar Bridge (RPS Ref LHS018-052). The proposed development does not visually jar with these structures, however, and would not detract from their character, as demonstrated in the application.</p> | No |

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| | | A third party objection to the Planning Authority raised a concern regarding the potential impact upon Drumcar Bridge (Protected Structure) due to heavy vehicle using it on their way to and from the site. However, no concerns were raised from the Council's Infrastructure Department regarding the structural integrity of the bridge structure. | |
| 2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals? | No | There are no significant or important such resources in proximity to the appeal site which could be negatively affected by the project. | No |
| 2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk? | No | <p>It is proposed that surface water be disposed of via an infiltration trench and swale and designed to allow for the 1:in:100-year flood event. Petrol interceptors have also been included to prevent hydrocarbons contaminating surface water. The system has been designed to prevent contaminated water leaving the site in the event of a major fire. The development will implement SUDS measures including attenuation of surface water, to control run-off.</p> <p>A Flood Risk Assessment (FRA) has been submitted with the application. The FRA confirms that the site is not vulnerable to Coastal or Fluvial flooding. However, there is potential for pluvial flooding in the northern eastern corner of the</p> | No |

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| | | development. Also, given the scale of the project development which would create a substantial new area of impermeable surface, there is potential for this proposal to exacerbate flooding elsewhere. The proposed SuDS measures would accommodate the expected level of pluvial flooding. | |
| 2.6 Is the location susceptible to subsidence, landslides or erosion? | No | No such risks identified. | No |
| 2.7 Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project? | No | No such risks identified. There are also adequate sightlines in place at the existing site entrance, which is proposed to serve the proposed facility extension, and the site is close to the M1 and Regional Road network. | No |
| 2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project? | No | The appeal site adjoins an existing whiskey maturation facility and is situated in a rural setting where there are no such sensitive or community-focussed land uses. | No |
| 3. Any other factors that should be considered which could lead to environmental impacts | | | |
| 3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase? | No | There is potential for cumulative effects, in respect of noise, dust, biodiversity and traffic during the construction phase. The Applicant's EIA Screening Report identifies other developments in proximity to the appeal site, which include the construction of a road underpass, warehouse facility, and poultry warehouses and office store. | No |

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| | | During a simultaneous construction phase of the proposed development and these other developments outlined, there would be potential for cumulative impacts in terms of noise, dust, biodiversity and traffic in the absence of mitigation. However, mitigation measures are included in the design of each development, and this would ensure there would be no significant cumulative impacts in this regard. A Construction Traffic Management Plan would also be prepared. | |
| 3.2 Transboundary Effects: Is the project likely to lead to transboundary effects? | No | No transboundary considerations arise. | No |
| 3.3 Are there any other relevant considerations? | No | No other relevant considerations arise. | No |
| C. CONCLUSION | | | |
| No real likelihood of significant effects on the environment. | X | EIAR Not Required | |
| Real likelihood of significant effects on the environment. | | EIAR Required | |
| D. MAIN REASONS AND CONSIDERATIONS | | | |
| Having regard to the criteria set out in Schedule 7, the information provided in accordance with Schedule 7A of the Planning and Development Regulations 2000, as amended, and the following: - | | | |

- a) the limited size, scale and nature of the proposed development, which would be an extension of the existing bonded whiskey maturation facility on the adjoining site to the north,
- b) the absence of any significant environmental sensitivity in the vicinity,
- c) the location of the site, and existing pattern of development, in the surrounding area,
- d) the results and findings of relevant assessments of the effects of the environment submitted as part of the application, including an Appropriate Assessment Screening Report, Natura Impact Statement, Flood Risk Assessment, Visual Impact Assessment, Lighting Design Report, Engineering Services Report, Archaeological Statement, COMAH Land Use Planning Assessment, Fire Safety Study, and Hydrological and Hydrogeological Qualitative Risk Assessment,
- e) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),
- f) the provisions of the Louth County Development Plan 2021-2027, and the results of the Strategic Environmental Assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- g) the features and measures proposed by the Applicant to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified in the NIS, and
- h) the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development (2003),

the Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____
Ian Boyle

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 3

European Sites' Qualifying Interests

| European Site | Qualifying Interests |
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| Dundalk Bay SAC | <p>Estuaries [1130]</p> <p>Tidal Mudflats and Sandflats [1140]</p> <p>Perennial Vegetation of Stony Banks [1220]</p> <p>Salicornia Mud [1310]</p> <p>Atlantic Salt Meadows [1330]</p> <p>Mediterranean Salt Meadows [1410]</p> |
| Dundalk Bay SPA | <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Wetland and Waterbirds [A999]</p> |
| Stabannan-Braganstown SPA | <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> |

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| Boyne Estuary SPA | <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Wetland and Waterbirds [A999]</p> |
| Lambay Island SPA | <p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Puffin (<i>Fratercula arctica</i>) [A204]</p> |
| Ireland's Eye SPA | <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> |
| North-West Irish Sea cSPA | <p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Manx Shearwater (<i>Puffinus puffinus</i>) [A013]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Little Gull (<i>Larus minutus</i>) [A177]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> |

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| | Common Gull (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Herring Gull (<i>Larus argentatus</i>) [A184] Great Black-backed Gull (<i>Larus marinus</i>) [A187] Kittiwake (<i>Rissa tridactyla</i>) [A188] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Little Tern (<i>Sterna albifrons</i>) [A195] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204] |
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