

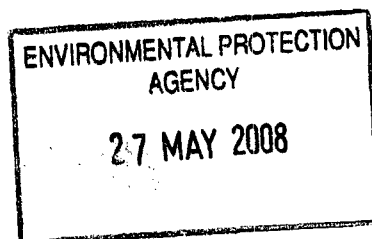


**Eastern Regional Fisheries Board**  
**Bord Iascaigh Réigiúnach an Oirthir**



**Fisheries Ireland**  
Our Natural Heritage

Reg. No: P0822-01  
Our Ref: NMCG/MFox/MH



Liz Leacy  
Environmental Protection Agency  
PO Box 3000  
Johnston Castle Estate  
Co. Wexford

26<sup>th</sup> May 2008.

**Re: IPPC application by Cooksgrove Limited trading as Euro Farm Foods (Reg. No: P0822-01)**

Dear Ms. Leacy

We sent in a letter of objection regarding the above dated 2<sup>nd</sup> August 2007 addressed to Stuart Huskisson. Since then further information has been submitted by the applicant and we want to address a number of points in relation to this.

At present our understanding is that the applicant proposes to withdraw the option to discharge the treated effluent from the factory to the waters of the River Hurley. We welcome this.

We also understand that the applicant intends to utilise the on site *constructed wetlands* structure as a storage area for treated effluent prior to land spreading.

Before commenting on this new proposal we wish to make the following points:

- Mr. Fox obtained permission from An Bord Pleanala (PL 17.215281) for *Provision of an integrated constructed wetland to treat dirty yard and run-off waters from farm complex*. What was constructed by Mr. Fox was not what was granted by An Bord Pleanala.
- The Eastern Regional Fisheries Board objected to the above mentioned planning application at the planning authority level and subsequently appealed the planning authority decision to An Bord Pleanala.
- We are most concerned that there is presently a structure on site for the last two years that has been constructed in breach of the planning laws and that may be allowed to remain. This will pose a threat to fisheries interests and action should have been taken to remove this illegal structure.

**The Eastern Regional  
Fisheries Board**

15a Main Street  
Blackrock  
Co. Dublin

T: (01) 278 7022  
F: (01) 278 7025  
E: info@erfb.ie

www.fishingireland.net



We now wish to comment on the present updated application. From the outset it has been difficult from our point of view because of the layout of the different submissions to exactly find out what the applicant is seeking to do. However we wish to make the following comments on the applicant's intention to utilise the on site *constructed wetlands* structure as a storage area for treated effluent prior to land spreading.

- There have been no approved standards published by the Department of Agriculture and Food regarding *integrated constructed wetlands (ICWs)*.

S.I. No. 378 of 2006 i.e. European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006 states that with regard to the

### ***Structural integrity of storage facilities***

6. (1) *Storage facilities for livestock manure and other organic fertilisers, soiled water and effluents from dungsteeds, farmyard manure pits or silage pits shall be maintained free of structural defect and be of such standard as is necessary to prevent run-off or seepage, directly or indirectly, into groundwater or surface water, of such substances.*

(2) *Storage facilities being provided on a holding on or after 1 August 2006 shall*

(a) *be designed, sited, constructed, maintained and managed so as to prevent run-off or seepage, directly or indirectly, into groundwater or surface water of a substance specified in sub-article (1), and*

(b) *comply with such construction specifications for those facilities as may be approved from time to time by the Minister for Agriculture and Food.*

(3) *In this article "storage facilities" includes out-wintering pads, earthen-lined stores, integrated constructed wetlands and any other system used for the holding or treatment of livestock manure or other organic fertilisers.*

**Therefore the present structure does not comply with any relevant standards utilised in Ireland and is contrary to the above Regulations (S.I No. 378 of 2006).**

From the updated file it now appears that the applicant wants to retrospectively seek permission to utilise the ICW on site as an Earth Lined Effluent Store (ELS). Since the structure on site was constructed since 11 August 2006, it must according to SI No.378 comply with *specifications for those facilities as may be approved from time to time by the Minister for Agriculture and Food*. The two documents we are aware of are S131 regarding *Minimum Specification for Earth-Lined Slurry/Effluent Stores, and Ancillary Works* and the document entitled *Guidance Document for the Design, Siting and Operation of Earth-Lined Slurry/Effluent Stores*. We have examined documentation submitted to make a comparison between the actual ICW on site and the ELS specifications as mentioned above.

We wish to make the following points:

- In reply to question 18 it is stated that "*European Wetlands*" were the engineering company who constructed the wetlands. They have submitted details of the methodology utilised to do so in conjunction with approved methods. They also carried out basic site suitability assessments on the area prior to construction of the wetlands. These results are not available in this report. No engineer signed off on the construction of the wetlands however Eurowetlands (sic) are regarded as experts in same.

In the S131 document under section A.6 **Responsibilities for Project** it is stated with regard to the Site Assessor (A.6.1) that *the person undertaking the site assessment, shall have an appropriate training and shall be approved by the relevant Planning Authority.*

**Comment:** while we believe the assessor may have had an appropriate training we are not sure whether this company has been approved by Meath County Council. Also we find it unacceptable that the submitted site assessment results are based on an assessment that had not been carried out at (not adjacent to) the actual site and the actual site results are not available. James D'Arcy admits in his report that *the study was restricted in terms of the extent of the site investigation possible as the wetlands has already been constructed and assessment of the soil conditions is confined to the East, South and part of the Western periphery of the ponds.*

With regard to the Construction Supervisor (A.6.2) we are not sure whether persons involved in the ICW construction have a Chartered Professional qualification or have completed a specialized training course that has been approved by both the Department of Agriculture and Food and the Department of Environment, Heritage and Local Government. Certainly we are concerned by the admission that *No engineer signed off on the construction of the wetlands however Eurowetlands(sic)* as this is contrary to S.I. No. 378.

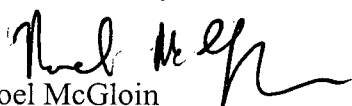
- We are concerned about the discovery of shale in Trial Hole No.1 (commented on by Mr. D'Arcy) by Mr. D'Arcy and the apparent statement of Mr. Boyle *that shale was not encountered in this location.* We also note the presence of shale in Trial Holes No. 2 (referred to in Jerome Keohane's report) and No. 3.
- We would like to establish whether any old drainage systems were encountered during the construction of the ICW and if so what steps were taken (if any) to counteract the effects of water draining through these into the ICW. There is an indication in the *conceptual model* section of Jerome Keohane's report that this may have occurred.
- The ICW is running alongside an open surface watercourse. This is contrary to the ELS specification requirements.

- The ICW has a permeability of less than  $1 \times 10^{-8} \text{ ms}^{-1}$  not  $1 \times 10^{-9} \text{ ms}^{-1}$  as required by the ELS specification requirements. This means that up to ten times more liquid is available to leak to groundwater than from an ELS. It is admitted in Aila Carthy's response to the EPA (dated 25 October 2007) that around  $26.51 \text{ m}^3$  per day *discharges to ground*.
- In section C.15 **Certification** there is a requirement to provide four different certificates. To our knowledge none of the four are available to date, including the Site Assessment report, Planning Permission and the Certificate of Completion.
- The ERFB would agree with the quoted view (reply to question 18) of Mr. Vincent Collins *that carrying treated effluent six miles to a wetland, tertiary treating this material in the wetland and re-handling the material again to land spread is not a sustainable measure*.
- There is an extensive excavation dug into the ground adjacent to the ICW which is utilised as slurry/wastewater storage facility contrary to the planning laws. We are concerned that there is seepage from this excavation into the ICW and surrounding groundwater that interferes with the operation of this ICW.
- There is leakage and some evidence of weakness in the ICW structure at the lower end of the final pond. This is alarming to us as it may be indicative of the general quality of the ICW construction.
- We would like to refer to the report *An Evaluation of the Implications of the Location of farm Integrated Constructed Wetlands (ICWs) for Groundwater and Associated Receptors* (Donal Daly, EPA – 2007). He clearly points out the issues with regard to seepage to groundwater that appear to be quite significant. In fact rather than the proposed *storage facility* proposed it appears to us that we are looking here at a *dilute and disperse* modeling system as one has in a landfill, be it here that the effluent is undergoing tertiary treatment.
- It is proposed to use lysimeters to detect groundwater patterns. We wish to prevent a potential problem that can be predicted rather than attempt to deal with same when the problem is detected by a lysimeter.

We would ask you to refuse this application based on this and our previous submission as we believe this proposal will pose a threat to fisheries interests.

We also wish to fully concur with your request for information (15 April 2008) regarding the ICW in accordance with Article 11(2) (b) (ii).

Yours sincerely



Noel McGloin  
Senior Fisheries Environmental Officer  
Eastern Regional Fisheries Board  
15A, Main Street  
Blackrock, Co. Dublin.  
Tel: (01) 2787230 (direct line)  
E – Mail: [noel.mcglain@erfb.ie](mailto:noel.mcglain@erfb.ie)

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