

From: Noel McGloin [mailto:noel.mcgloin@erfb.ie]
Sent: 20 November 2009 11:29
To: Wexford Receptionist
Cc: 'Gretta hannigan'; 'Brian Beckett'; 'Diarmuid Ryan'; Michaela Kirrane; planningreferrals@meathcoco.ie; 'David Byrne'
Subject: FAO: Stuart Huskisson & Ann Kehoe RE: IPPC Application of Cooksgrove Ltd. (Ref: P-0822-01)

Dear Sir/Madam

I refer to the above mentioned application, the recent correspondence regarding *guidance* (dated 31/07/2009 & 12 August) and the current planning application to Meath Co. Co. (SA/901626) lodged 16/10/2009.

The Board has serious reservations regarding the disposal of waste and wastewater from this activity. Most of these concerns are dealt with in our planning submission (attached) to Meath Co. Co. including issues discussed in the recent guidance correspondence as can be read on-line.

Bearing in mind that the European Communities Environmental Objectives (Surface Water) Regulations 2009 entered into force on the 30th of July 2009. The Regulations apply to all surface waters and establish legally binding objectives for all surface waters and environmental quality standards for pollutants.

Part II of the Regulations imposes certain duties on *public authorities*, including the local authorities, EPA and the Regional Fisheries Boards.

The core duty on public authorities that have functions the performance of which may affect the achievement of the environmental objectives established by the Regulations is to *undertake those functions in a manner that will, as far as practicable, promote compliance with the requirements of the Regulations*. As is apparent, this duty is quite wide-ranging, including ensuring that there is compliance with the quality standards set out in the schedules to the Regulations.

Article 5 requires that a public authority, in performance of its functions, shall not undertake those functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status of a body of surface water.

Our main points regarding this correspondence would be:

- It would be in the best interests of fisheries, the aquatic environment and sustainability that all wastewater would be treated in Duleek WWTP, a short distance away from the activity. Any costs saved by the applicant in landspreading may ultimately paid by a further reduction in water quality in the vicinity of the spreadlands.
- We believe that the final effluent should not be classified as *soiled water* as this potential pollutant does not fall into the relevant category. It is an industrial waste product and should be classified as such.

The scenario with regard to the treatment of waste as outlined by the applicant in his letter to the EPA dated 31/07/2009 appears to be significantly different than the scenario stated in the recent Cooksgrove planning application (SA/901626).

Finally, we believe that it is impossible for the applicant to achieve a sustainable solution by the systematic distribution, storing and landspreading of waste around the countryside.

Regards

Noel McGloin

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Eastern Regional Fisheries Board

Bord Iascaigh Réigiúnach an Oirthir



PA Ref: SA/901626
Our Ref: NMCG/Cooksgrove

Planning Department
Meath County Council
Abbey Mall
Abbey Road
Navan
Co. Meath

19th November 2009

**Re: Planning Application by Cooksgrove Limited Trading for retention permission
For development at Cooksgrove, Duleek, Co. Meath (SA901626) .**

Dear Sir/Madam

Thank you for above mentioned planning referral dated 29/10/2009 and received by us on 30/10/2009.

The Eastern Regional Fisheries Board is a Statutory Body which has statutory obligations in regard to the management, conservation, protection, development and improvement of the fisheries within its Region.

The proposed landspreading plan for this application is spread over three fisheries districts and three catchments.

Under section 8(a) (1) (i) of the Fisheries (Amendment) Act 1999 *A Regional Board shall in the performance of its duties, have regard to the need for the sustainable development of the inland fisheries resource (including the conservation of fish and other species of fauna and flora habitats and the biodiversity of inland water ecosystems) and as far as possible ensure that its activities are carried out so as to protect the national heritage, within the meaning of the Heritage Act, 1995.*

The European Communities Environmental Objectives (Surface Water) Regulations 2009 entered into force on the 30th of July 2009. The Regulations apply to all surface waters and establish legally binding objectives for all surface waters and environmental quality standards for pollutants.

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Article 5 requires that a public authority, in performance of its functions, shall not undertake those functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status of a body of surface water.

Article 28(2) of the Regulations, which states that a surface water body whose status is determined to be less than good shall be restored to at least good status not later than the end of 2015. This applies to both the Nanny and Hurley waterbodies.

We wish to object to the above on the grounds that the landspreading from this development is situated in close proximity to the Nanny River, Hurley River, Ballyboghil River, White River and tributaries. The Nanny and Hurley River are salmonid rivers with good stocks of Brown and Sea Trout. The Ballyboghil and White Rivers are also salmonid rivers with stocks of Atlantic Salmon (protected as an Annex II species under the Habitats Directive) and Brown Trout. They are all part of the Eastern River Basin District Management System, a project in support of the catchment based national strategy to implement the Water Framework Directive. One of the objectives of the WFD is to achieve Good Ecological Status on all waters by 2015.

We would also like to say that the Q value of the River Hurley EPA station above Rathfeigh (Painestown Bridge -Station 200) has slipped from a Q3-4 to a Q3 from 2005 to 2008 while the Q value of the EPA station below Rathfeigh (Rathfeigh Old Bridge – Station 280) has slipped from a Q4 to a Q3 from 2005 to 2008.

A biological quality rating of Q3 or Q3-4 that exist on most of the waters beside the landspreading areas is **highly unsatisfactory** from a fisheries perspective. Q3 & Q3-4 relates to a seriously degraded biofauna resulting in limited spawning / recruitment of salmonids. Research carried out by the Central Fisheries Board demonstrated significantly lower juvenile salmon abundance at Q3 & Q3-4 sites compared to Q4 sites (Trevor Champ, Senior Research Officer, Central Fisheries Board, *pers com*). Further research carried out by the Central Fisheries Board *Programmes of Measures and Standards – Freshwater Morphology, Irish Fisheries Recovery Dataset Provision, May 2007* found that Q values of Q3 & Q3-4 or less will impede salmon parr production, while Q values of Q3 or less will limit brown trout populations.

The EPA describes the River Nanny itself as being *in a generally unsatisfactory condition when sampled in 2008*.

The Environmental Report does not deal at all with surface waters/fisheries and these should be addressed in an EIS.

We wish to make the following additional points:

- The Board requests Meath County Council to require the applicant to submit an EIS under Article 103(1) of the 2001 Planning and Development Regulations as we believe that this development would be likely to have significant effects on the environment. The last planning application by Cooksgrove Ltd (SA802891) included an EIS. There are similar types and volumes of effluent involved (see Section 5.4.4 of the Environmental Report). Although it is suggested that the treated effluent volume of 80 T/day is utilised in Section 11 dealing with the Nutrient Management Plan instead of the 120 T/day figure used in Section 5.4.4 the 120 T/day figure has also been included in a guidance letter sent to the EPA by the applicant on 31/07/2009 as part of the Cooksgrove Ltd. IPPC application (P-0822-01).
- In the same letter as quoted above the applicant mentions the need for a 10,000 m³ storage capacity and that this cannot be provided. Therefore they propose to the EPA to spread throughout the 17 week restricted period. In this application they are providing storage and a land bank. Which version is correct?
- Most of the farm storage provided have planning for farm effluent or soiled waters (as defined in the Nitrates Regulations). Have they planning permission for storing partially treated industrial wastewater?
- Page 45, paragraph 2 of the Environmental Report states that *The only product land-spread is organic waste (wash-water from the process) which is first treated on-site in the wastewater treatment facility*. This statement is misleading as we understand there is another 5,000 T between Sludge cake, lairage slurry and paunch to landspread.
- The Board is concerned that the newspaper notice and site notice does not highlight the fact that the applicant intends to landspread wastewater from the facility in named townlands in the Rathfeigh/Duleek/Oldtown areas as laid out in the Planning Regulations. We also believe that there should also be a site notice posted outside the lands intended for landspreading.
- The Section 11 appendices of the Environmental Report assumes a certain P Index for each plot of land without any soil nutrient results available. The Board is not satisfied with this type assumption and requests that a detailed soil testing programme be carried out in order to ascertain the correct P levels involved for the Nutrient Management Plan.
- We want to put it on record that recently a large storage lagoon has been constructed on the lands of Mr. Fox that has allegedly been constructed without proper planning. We would ask Meath Co. Co. to deal with this matter and to

ensure that this structure as it stands will never be used to store effluent from the applicant. There is a direct connection between the proposed storage tanks on Mr. Fox's lands in his farmyard at Rathfeigh and the storage lagoon.

- With regard to storage we note where Christine Callan has two 437 m3 tanks available for storage at Roestown, Ardee. However, it is not clear where this effluent stored is going to be spread as there is no land in this area in the Schedule of lands for spreading.
- There is no location submitted for George Carolan's two 537 m3 storage tanks.

Please **refuse** this application as it stands as we believe that it will pose an unacceptable risk to fisheries interests.

Also for the record we think it would be best practice for the applicant to discharge his wastewater effluent to Duleek WWTP, a short distance away from the factory instead of tanking this polluting matter all over the country. We will also be making these views known to the EPA.

We would also appreciate if you could refer similar type applications to ourselves in future in accordance with article 28(1) (g) of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) as we believe that such developments *might give rise to significant discharges of polluting matters or materials to such waters or be likely to cause serious water pollution or the danger of such pollution.*

Please forward us an **acknowledgement** in accordance with Article 29.

Yours sincerely

Noel McGloin

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