Fergal Kilmurray
Executive Officer
An Bord Pleanala
64 Marlborough St
Dublin 1

Environmental Protection Agency
An Ghníomhaireacht um Chaomhnú Comhshaoil

Regional Inspectorate, Inniscarra
County Cork, Ireland

Cigireacht Réigiúnach, Inis Cara
Contae Chorcaí, Éire

T: +353 21 487 5540
F: +353 21 487 5545
E: info@epa.ie
W: www.epa.ie

LoCall: 1890 33 55 99

13 March 2015

Your Ref: 14/239

Notification of Planning Application for Bogue Pigs, Finaway, Ballyjamesduff, Co. Cavan

Dear Sir/Madam,

I refer to your letters received 11th August 2014 requesting comments from the Agency on the Planning Applications and EIS for the above referenced development(s). In accordance with Section 87(1F) of the EPA Acts 1992, as amended, the Agency makes the following observations.

It appears that the site to which planning application 14/239 relates is an existing pig finishing site that does not have a licence from the EPA. The Finaway site does not relate to Licence Register no. P0679-01 (Kiernan Farms (Aughafad).

The Finaway site has historically received pigs from the breeding site which is authorised by the following licence:

- Mr. Bernard Maguire at Drumscruddan, Crosserlough, Co. Cavan and Duffcastle, Crosserlough, County Cavan, Register No: P0427-01, issued on the 3rd January 2001.

Details on this licence may be found on the EPA website: www.epa.ie.

On the basis of the information provided, the activity proposed in planning application 14/239 will require either a new licence under the EPA Acts 1992, as amended, and/or a review of P0427-01. A licence or review application has not yet been made to the Environmental Licensing Programme.

It is noted that the planning application was accompanied by an EIS. The EIS appears to address the key points in relation to the environmental aspects of the proposed activity which relate to the matters that come within the functions of the Agency. It also appears to address

the direct and indirect effects of the development on the aspects of the environment listed in Section 83(2A)(a) of the EPA Acts (please refer to the EU (Environmental Impact Assessment) (Integrated Pollution Prevention and Control) Regulations 2012 (S.I. No. 282 of 2012)).

As part of its consideration of any licence or review application that may be received, the Agency shall ensure that before the licence or reviewed licence is granted, the licence application will be made subject to an Environmental Impact Assessment as respects the matters that come within the functions of the Agency and in accordance with Section 83(2A) and Section 87(1G)(a) of the EPA Acts. In addition, consultation on the planning application, licence application and EIS will be carried out in accordance with Section 87 (1B) to (1H) of the EPA Acts.

If and when a licence application is received by the Agency, all matters to do with emissions to the environment from the activities proposed, the licence application documentation and EIS will be considered and assessed by the Agency.

Where the Agency is of the opinion that the activities, as proposed, cannot be carried on, or cannot be effectively regulated under a licence then the Agency cannot grant a licence for such a facility. Should the Agency decide to grant a licence in respect of the activity, as proposed, it will incorporate conditions that will ensure that appropriate National and EU standards are applied, and that Best Available Techniques (BAT) will be used in the carrying on of the activities.

You are advised of the following documents:

- BREF on Intensive Rearing of Poultry & Pigs
- National legislation regarding emissions.

Please note that in accordance with section 87(1D)(d) of the EPA Acts, the Agency cannot issue a Proposed Determination on a licence application relating to the development above until a planning decision has been made. Please note that you will be requested to provide the documentation relating to the EIA you have carried out to the Agency under Section 173A(4) of the Planning and Development Acts 2000, as amended (please refer to the EU (Environmental Impact Assessment) (Integrated Pollution Prevention and Control) Regulations 2012 (S.I. No. 282 of 2012)).

Yours sincerely,

Pamela McDonnell

Pamela McDonnell
Office of Climate, Licensing & Resource Use

An Bord Pleanála

Inspector's Report

PL 02.244342

DEVELOPMENT:-	Demolition of all existing pig houses, with the exception of 4 existing pig houses which will be refurbished and reused, and the construction of 5 new pig houses and an extension to one existing pig house in accordance with Animal Welfare and Nitrates Regulations, together with all ancillary structures and all associated site works on the site of an existing pig farm.
SITE ADDRESS:	Finaway, Ballyjamesduff, County Cavan.

PLANNING APPLICATION

Planning Authority:	Cavan County Council.
Planning Authority Reg. No:	14/239.
Applicant:	Bogue Pigs.
Application Type:	Permission.
Planning Authority Decision:	Grant permission subject to conditions.

APPEAL

Appellant:	Rita Tierney.
Types of Appeal:	3rd Party - v - Grant.
DATE OF SITE INSPECTION:	4th March & 20th March 2015
INSPECTOR:	**Paul Caprani**

1.0 INTRODUCTION

PL02.244342 relates to a third party appeal against the decision of Cavan County Council to issue notification to grant planning permission for the demolition of existing pig houses, the retention of some pig houses and the construction of 5 new pig houses and all associated works in the townland of Finaway in the vicinity of Ballyjamesduff, County Cavan. The grounds of appeal argue that the proposed development raises questions in relation to the IPPC license and that the EIS submitted with the application is inadequate. The proposed development will have an unacceptable ecological impact on the environment and is contrary to many of the policies and provisions contained in the county development plan, and will also give rise to significant amenity issues for residents in the vicinity.

An EIS was submitted with the application. The Board will note that the EIS prepared relates to two separate facilities located approximately 2.7 kilometres apart. The EIS assesses the environmental impact arising from the appeal site at Finaway and also the development of a piggery at Drumscruddan (2.7 km to the north-west). The Drumscruddan site is to accommodate the breeding stock associated with the piggery (live weight of 0 – 35 kilos). Pigs will be transferred from the breeding site to the Finaway site and reared until slaughtered (live weight of 25 kilos to 110 – 115 kilos). Notwithstanding the fact that an EIS was prepared in respect of both facilities, it appears that the current appeal only relates to the facility at Finaway.

2.0 SITE LOCATION AND DESCRIPTION

The site is located approximately 3 kilometres south-west of the centre of Ballyjamesduff. It is located on the northern side of a local access road which runs south-eastwards from the R194 (Ballyjamesduff – Granard Road). The general area is sparsely populated. There are two dwellinghouses in the immediate vicinity of the site, however these are currently vacant, and according to the information contained on file these dwellinghouses are under the ownership of the current applicant. The nearest occupied dwellinghouses front onto the R194 to the northwest of the site, the closest being approximately 300 metres away (appellants property). The nearest house to the south and southwest is approximately 400 metres way. The site itself is well landscaped by mature dense hedgerows along the roadside boundary together with mature trees. A group of conifer trees line the entrance leading to the

site. A number of silver clad silos located centrally with the site are essentially the only visible features from vantage points along public roads in the vicinity.

Currently there are approximately 18 single-storey elongated buildings located on the site. These buildings are in a semi-derelict/vacant condition and formerly hosted a piggery facility. Small open yards separate the buildings. Vehicle access to the site runs along the southeastern boundary and this access provides direct access to a number of large circular tanks which are located to the rear of the site. A small stream runs along the rear boundary of the site and traverses the lands in the rear field which accommodates the three large circular tanks. A derelict dwellinghouse and associated farm buildings and outhouses are located adjacent to the southeastern boundary of the site. These buildings will not form part of the current application.

The site is surrounded on all sides by open agricultural land. The fields surrounding the site also incorporates mature hedging and trees which further assist in screening the site from vantage points along the public roads in the area. The stream which runs adjacent to the rear boundary and traverses part of the site runs in a south-easterly direction and forms a tributary of the Mount Nugent River which flows into Lough Sheelin a designated SAC just over 4 kilometres to the southwest of the site.

3.0 PROPOSED DEVELOPMENT

It is obvious from the information contained on file together with my site inspection that the site accommodated a piggery. According to a submission on file Teagasc the existing piggery closed in 2009.

The current proposal involves demolishing all the buildings in the southeastern half of the site (building nos. 1 – 11) and replacing these buildings with three larger units which are set out a northeast/southwest axis across the site. These buildings are approximately 30 metres in length and just over 10 metres in width and rise to a ridge height of just over 5 metres.

It is also proposed to refurbish four existing sheds in the northwestern corner of the site (shed nos. 15, 16, 17 & 18) and it is proposed to extend shed no. 17. These existing sheds are slightly smaller with circa 24 metres in length and between 5 ½ and 7 metres in width. Finally it is

proposed to construct two new sheds (F4 & F5 as indicated in the plans on file) which are located to the immediate south west of the existing sheds to be retained (sheds 15-18) near the roadside boundary of the site. The existing circular storage tanks which are located to the rear of the site are to be decommissioned as part of the proposal.

As stated in the introduction, the proposed development at Finaway forms part of the redevelopment of two inter-dependent pig farm sites. According to the information contained in the EIS, these sites previously operated accommodating a stock of circa 1,500. Under the current proposal it is proposed to slightly reduce stock numbers whereby both sites will accommodate circa 1,250 pigs and any one time. The site at Finaway will provide the required accommodation to rear all pigs from a weight of 35-40 kilos to a market weight of 100-150 kilos. The EIS does not specifically indicate on average how pigs would be accommodated in each of the facilities at any given time.

The EIS also makes reference to the production of organic fertiliser on site from the animals and this would be stored and sold to farming enterprises in the vicinity. It is estimated that the organic manure production based on an occupancy rate of 1,500 pigs equals approximately 31,250 cubic metres per annum and this will reduce to approximately 25,870 cubic metres. The net organic manure storage capacity on the farm of 30,000 cubic metres would be provided and this equates to approximately 14 months storage[1]. The storage capacity will ensure that the organic fertiliser produced on the farm is spread only under favourable soil and climatic conditions as required under the good agricultural practice regulations (SI 31 of 2014).

It is stated that there would be approximately 13 weeks finishing accommodation available at the Finaway site. The pigs would be stocked at a rate of circa 0.75 to 1 square metres per pig. All pigs will be held in slatted houses with under house manure storage tanks. All slurry is collected directly through these slatted floors and stored in tanks located below the slat level. The manure storage facilities associated with houses will be constructed of mass concrete. It is stated that on average, 750 pigs are to be moved from the breeding farm at Drumscruddan to the finisher farm at Finaway on a weekly basis.

[1] The Board will note that the EIS bases organic manure production on the basis of 1,500 pigs, where the actual number of pigs to be housed is c.1250. It is on this basis, together reduction in manure volume over time, that the storage capacity of 14 months is calculated.

Uncontaminated water from the roofs of the buildings and clean paved areas within the farm is to be collected separately and discharged into an existing or upgraded stormwater drainage system. Any soiled water coming from the pig walkways will be directed into the slurry storage tanks. All animal carcasses and animal waste tissue will be temporarily stored on site by means of a covered skip. Arrangements have been made with a rendering plant for carcasses to be disposed of at these premises. Further information in this regard is provided in Appendix 9 of the EIS. Any veterinary waste will be stored separately and will be disposed by an approved waste contractor.

Mains electricity currently exists on the farm and the electricity is to be used for the control systems for the automated feeding systems which are to be employed at the site. Power will also be required for automated ventilation systems and all artificial lighting for the pig houses, offices and outside yard. Water supply will come from private wells located on each site with back up from the public water supply if required. Water will be stored on site with a storage tank of at least 24 hour supply.

4.0 PLANNING AUTHORITY ASSESSMENT OF THE PROPOSED DEVELOPMENT

A planning application was lodged on the 24th July 2014.

The planning application form indicates that the proposal will involve the demolition of 3,813 square metres of existing buildings on site. The gross floor area of the new buildings amounts to 5,900 square metres, approximately 185 square metres less than the existing buildings on site. The site area is 2.52 hectares. The planning application form indicates that the applicant in this instance is not the owner of the site but is a prospective purchaser of the site.

An appropriate assessment screening report was also submitted. The screening report has concluded that no direct potential adverse effects on three identified Natura 2000 sites within the wider area. These sites include Lough Sheelin SPA (Site Code: 004065) and Lough Kinnale and Derragh Lough SPA both of which are located to the southwest of the subject site. (Lough Sheelin is approximately 4 kilometres to the southwest and the Lough Kinnale and Derragh Lough SPA which is located approximately 12 kilometres to the southwest). The screening exercise also assessed the proposal in the context of the River Boyne

and Blackwater SAC (Site Code: 002299). At its closest point, this SAC is located just under 15 kilometres from the appeal site. The screening report concludes that as only clean surface water would be discharged to the local watercourses and all organic fertilisers will be land spread in accordance with the provisions of SI 31 of 2013, no Stage 2 Appropriate Assessment is required in this instance. A report from Cavan County Council Executive Environmental Scientist recommends further information in relation to water collection, infrastructure to serve the development and details in relation to any asbestos disposal associated with the demolition of buildings on site.

A report from Waste Management Section raises concerns in relation to any disposal of asbestos containing materials on site. A number of other conditions regarding waste disposal are also suggested.

A report from EPA notes that the current planning application will involve an activity for which a new license under the EPA Acts will be required and the licensee has not yet applied in this regard. If and when the license application is received by the Agency, all matters to do with emissions to the environment from the activities proposed together with the license application documentation and the EIS will be considered and assessed by the Agency.

Fisheries Ireland submitted a detailed observation expressing concerns about the suitability of the site for intensive agriculture, given that the Finaway River runs through the site which ultimately discharges into Lough Sheelin through the Mount Nugent River. Lough Sheelin is amongst 12 lakes in Western Europe capable of supporting substantial stocks of wild brown trout due to the high pH value and the low average depth profile of the water body. In general the IFI would welcome the upgrade of facilities based on animal welfare requirements once all environmental aspects of the development were satisfactory. It is stated that an adequate EIS must be produced to present and describe baseline data. It is argued that the EIS is inadequate in lacking specific description of the aquatic environment and the assessment of potential impacts thereon. At a very minimum a desktop study should have been conducted. There is no mention of fish, aquatic life or invertebrates either in the Finaway River or the Mount Nugent River. Inland Fisheries Ireland would have concerns about the underground tanks and the monitoring of same and whether or not sufficient storage capacity exists on site. The IFI requires that the concerns, deficiencies and issues raised in the submission should be dealt with in the form of a new application and a revised EIS.

Initial Planning Report and Additional Information Request

The planning report details the various submissions on file and notes that the subject site previously hosted a piggery. It is noted that the site is unlikely to affect any designated site, protected views, areas of high amenity or archaeological sites as identified in the Cavan County Development Plan. There are no immediate concerns in relation to cultural heritage, archaeological heritage and material assets. It noted that there was an objection raised on the grounds of noise and air pollution emanating from the proposed development. With regard to the EIS submitted it is stated that the EIS contains general information and is based on assumptions rather than a full technical analysis of the likely significant impacts on the environment. It is therefore recommended that further information be sought in relation to the following issues: -

- A detailed Table of Contents for the EIS.
- A full and detailed response to the issues raised by Inland Fisheries Ireland (and these issues are set out in full in the additional information request).
- The submission of revised drawings and supporting details which fully demonstrate the proposed surface water drainage system to the serve the proposed development including all discharge points to waters.
- Provide confirmation that any disposal or disturbance of asbestos used in the existing farm buildings shall be carried out in accordance with appropriate Regulations and this will include the identification and quantification of all asbestos containing materials on site and details as to how these are to be handled.
- Submit a detailed response to the objector's concerns regarding anticipated noise and air pollution emanating from the site.

Additional Information Response

Further information was submitted on the 20th October 2014 and included the following: -

- A contents page.
- With regard to the Inland Fisheries Ireland submission the following is stated the following:
  "It is highlighted that the development which includes an EIS relates to the "replacement of pig accommodation" on site and therefore it

cannot as suggested by the IFI, be considered that the site in question relates to a greenfield site. It is suggested that both Cavan County Council and An Bord Pleanála in issuing other decisions on piggeries having acknowledged the fact that where piggeries existed on the site in question, that these sites are for all intents and purposes "brownfield sites"."

- The applicant appreciates that if he were looking for an intensification of activities on the site over and above that previously permitted, this would have formed part of the project assessment as detailed in the EIS. However that does not apply in this instance. While pig farming could recommence on the site in the morning (subject to other statutory or other requirements not including planning permission) the applicant wants to ensure that they have the facility structures and measures and other necessary infrastructure in place that it is carried out in a sustainable and environmentally friendly manner and offers appropriate welfare to animals.

- In relation to manure production and handling, it is stated that all pigs will be moved on slatted passageways whereby any soiled water generated is connected in the manure storage tanks underneath. All new manure storage tanks will be completed to the Department of Agriculture, Food and Marine specifications with leak detection facilities underneath. Manure spreading practices will fully comply with the statutory guidelines and departmental requirements.

- Any baseline data against which the proposed development is to be assessed, must take into account the existing land use which it is argued, is an operating piggery facility. Thus the existing buildings while requiring some refurbishment, are still suitable for pig farming, although they would not operate to the same high standards as that proposed in the current application. Additional baseline data has been detailed in an enclosed addendum.

- With regard to the spreading of slurry, reference is made to a previous inspector's report by An Bord Pleanála (PL 02.240879) which highlights that the spreading of slurry does not require planning permission and it is not useful or appropriate for a planning decision to attempt to regulate matters outside its control.

- With regard to other inadequacies contained in the EIS it is stated that reference should be made to the appropriate assessment

screening report which has been submitted and this forms part of the EIS.

- In relation to the slurry manure tanks, it is stated that the only slurry storage structures to remain under the current application are the four houses to be retained on the Finaway site. These tanks only provide c.312 cubic metres of storage and 1% of the overall capacity of the development (both at Drumscruddan and the Finaway sites). A leak detection system will be completed to the Department of Agriculture, Food and Marine specification and will be inspected weekly and sampled biannually in line with EPA requirements. Details of the silt trap and petrol interceptor are contained in the EIS addendum. All feed stuffs will be stored in designated bins/silos on site. All demolition of existing units will be completed in line with the Construction and Demolition Waste Management Plan as submitted. Revised drawings of the surface water drainage system to serve the development are contained in the EIS addendum. The removal of any asbestos from the site will be carried out by appropriate qualified permitted contractors and this is also set out in the EIS addendum.

- With regard to the issue of air and noise pollution, it is stated that the nearest dwellinghouse is approximately 300 metres away. It is not anticipated that any noise or odour will arise at the nearest sensitive receptor. A large number of existing pig houses will be replaced with modern pig houses including modern ventilation systems in cleaning practices. The proposal will also involve the decommissioning of at least five external open topped and exposed manure storage tanks.

- An EIS addendum (13 pages) was submitted with the additional information.

Further Planning Assessment

A further planner's report notes the additional information submitted and assesses the EIS submitted with the application (including the addendum). It is considered that the proposed development will not adversely impact on the visual amenity or landscape of the area, will be generally acceptable in terms of traffic safety, noise and odour. It is also acknowledged that the proposed development constitutes the replacement facility together with ancillary structures on an existing site and that the pig farm generally complies with Cavan County Council's

policies and objectives on agriculture. Overall it is considered that the proposed development will not adversely impact on human beings, flora and fauna, soil, water, air, climate or landscape, material assets or cultural heritage and it is therefore recommended that planning permission be granted for the proposed development. In its decision dated 8/12/2014, Cavan County Council issued notification to grant planning permission subject to eight conditions.

5.0 PLANNING HISTORY

Reference is made to two applications in the planner's report. Under Reg. Ref. 06/2449, Planning permission was granted for the decommissioning of three existing pig fattening houses and the construction of two replacement pig fattening houses in order to aid compliance with the Nitrates Directive together with various other ancillary structures.

Under Reg. Ref. 07/710 permission was granted for the decommissioning of four existing pig fattening houses and the to construct one replacement pit fattening house in order to aid compliance with the incoming Nitrates Directive together with all ancillary structures.

Also attached are details of the recent planning application made on the sister site at Drumscruddan. Planning permission was granted for this facility on the 9th December, 2014. It appears that this facility was not subject to any third party appeal.

6.0 GROUNDS OF APPEAL

The decision was appealed by Mrs. Rita Tierney the owner of a dwellinghouse which fronts onto the R194 approximately 280 metres north-west of the subject site. The grounds of appeal are summarised below.

- Despite what is stated in the EIS, the grounds of appeal contend that the Finaway site has never had the benefit of being awarded an IPPC Licence.

- It is stated that the piggeries in question have not been in operation for many years and therefore the baseline studies contained in the EIS should be compared to that of a greenfield site. The EIS is

misleading in indicating that the site is located in a long established pig farm complex.

- The farm has to been vacant for a period prior to 2012. The Drumscruddan farm was destocked in 2008. Currently there is no stock on the farms and therefore any reference to a 15% decline in the number of livestock housed as suggested in the application is misleading.

- The planner's report and the recommendation to grant planning permission are therefore based on a number of factual errors.

- There has been no attempt to find out where my (the appellant's) house is, in order to adequately address concerns in relation to noise and odour.

- The submission as a response to the FI request did not adequately address the issues raised by the Planning Authority and the IFI particularly in relation to the protection of water bodies.

- Details of the farms lands for the spreading of slurry have not been adequately identified.

- The Finaway River experienced a number of fish kills as a result of the previous operations on site.

- The proposal will result in significant traffic movements. The EIS does not adequately assess the impacts as there are no details of traffic numbers contained in the EIS statement. A traffic impact assessment is required.

- It is argued that an IPPC Licence is granted to an operator at the site rather than the geographical site itself. In the case of the Drumscruddan site the operator was Mr. Bernard Maguire. He is no longer the operator of the site and therefore any new operation must be subject to a new licence from the EPA.

- The EIS is deemed to be deficient on the grounds that it does not incorporate appropriate baseline studies. The EIS does not recognise that the proposal is likely or has the potential to give rise to increased eutrophication of water bodies in the vicinity. As a result, comparing the proposed development with the previous piggery on site and thus inferring from this that the impacts arising from the development are overall, deemed to be positive, is

nonsensical in the appellant's opinion. The proposal should have been assessed on baseline studies associated with a greenfield site.

- None of the existing buildings on site would be compliant with the Nitrates Regulations. As the infrastructure in question has not been used for a decade none of the buildings are deemed to be suitable.

- The EIS does not assess the disposal of a waste on site.

- The Ecological Report fails to highlight the ecological importance of Lough Sheelin. Care must be taken in spreading slurry on land around Lough Sheelin as existing practices are giving rise to eutrophication. This will adversely impact on tourism fishing associated with the Lough.

- The proposal contravenes many of the policies and objectives contained in the Cavan County Development Plan relating to environmental, ecological and water protection issues.

- The proposal is contrary to the provisions and policies contained in the Shannon Basin River Management Plan and the Local Inny Water Management Unit Plan in terms of protecting water from widespread eutrophication, excessive siltation and low dissolved oxygen in receiving waters.

- During the operation of the previous piggery, the odour levels were intolerable particularly during periods of slurry spreading and in periods of hot weather. Reference is made to scientific papers (see attached appendix to submission) which conclude that malodours activities such as piggeries can adversely affect human mental health.

- Concern is expressed that the excessive slurry spreading will give rise to the pollution of waters. No information has been supplied in relation to identifying the likely impacts for manure spreading. Lands suitable for the spreading have not been identified in the information submitted.

A number of appendices are attached. These include:

- These include the inspector's report on EPA Licence Reg. Ref. 427.

- The Cavan County Council Planner's Report.

- Water Framework Risks and Scores prepared by the EPA.
- Academic Paper from the American Journal of Science regarding the issue of malodours.

7.0 SUBMISSIONS IN RESPONSE TO THE GROUNDS OF APPEAL

7.1 Cavan County Council's Response to the Grounds of Appeal

The Planning Authority contends that although the sites are physically separate, the licence would cover the operation of this integrated unit. Although the site is currently empty or destocked, the licence would still cover the operation of a piggery and the EPA have indicated that a new licence will be required in relation to the recommencement of the activity. The EPA has stated that if and when a licence application is received by the Agency, all matters to do with emissions to the environment from the activities proposed will be considered and assessed by the Agency. It is the Planning Authority's view that the information submitted with the EIS is factually correct. It is acknowledged however that the Planning Authority considered some aspects of the EIS inadequate and the applicant requested further information regarding same. The Planning Authority considered that the principle of an agricultural development at this location has already been established and that the proposed redevelopment of the site would vastly improve the facility in terms of noise, smell and pollution of adjacent watercourses. The proposal would be subject to a new or reviewed IPPC Licence and would also be subject to new Animal Welfare Regulations.

7.2 Applicant's Response to Grounds of Appeal

The response initially sets out the importance of pig farming in the Cavan area. Reference is also made to the planning history of the site and in particular the applications made in 2006 and 2007. Neither application was undertaken due to financial constraints. The submission then goes on to apply the tests of abandonment of use to the said site. It is stated that although the farm had not have been stocked for a number of years, all pig housing and associated structures remain in situ and it was effectively operating/maintained to facilitate restocking. The absence of stock was due to external financial complications not abandonment. A letter is attached from Teagasc which indicates that subject to refurbishment, the sheds are suitable for restocking with

weaner pigs. Some minor refurbishments are required to computerise the feeding system and to automate the ventilation system in a number of houses. Once these measures are complete, the sheds at Finaway are suitable and will comply with all welfare and environmental EU legislation. Any refurbishments required will come under the provisions of Section 4(1) of the Planning and Development Act. Furthermore while the farm is temporarily destocked, on-going slurry/soiled water management and limited maintenance has continued throughout the period. The site has not had any intervening uses and no works have been carried out on the farm. The fact that planning permission was sought on two separate occasions in 2006 to 2007 indicated and expressed intention to resume the use on site. It can only be concluded therefore that an abandonment of use had not taken place.

Regarding the EPA license status of the existing farm, the applicant does not contend or has not indicated that the site at Finaway has had an IPPC licence. References in the EIS to a revised licence being submitted to the EPA in respect of both sites are accurate. It is widely acknowledged in the EIS that both farms will have to operate under a revised licence. The issue of an EPA license is immaterial to the planning authorisation of the pig farm.

It is appropriate that the baseline assessment criteria should have regard to the fact that a pig farm previously operated on site on the ground that this use has not been abandoned. Furthermore pig farming activities could be recommenced on the farm at the previous level. Thus the statement that there will be a 15% reduction in sow numbers is accurate and not misleading as suggested in the grounds of appeal. Thus the applicant is satisfied that the EIS as submitted outlined a proper assessment of the proposed development and the potential impact as a result of same. Likewise the Ecological Impact Assessment builds on certain information submitted in the original EIS.

It is important to note that in the 50 year history of the site, the previous owner received no complaints from the appellants regarding odour. It is contented that within the area the proposed development is seen as significantly positive in terms of long-term employment and short-term employment in construction. Furthermore it is pointed out where an EPA licence is required, the Planning Authority is precluded by relevant legislation of imposing conditions in relation to environmental emissions from the activity.

It is stated that issues regarding the spreading of slurry is set out under separate legislation (S.I. 31 of 2014). Reference is made to previous decisions by An Bord Pleanála and inspector's report where it is noted that "it is not normally useful or appropriate for a planning decision to attempt to regulate matters for which a separate specific regulatory regime has been established by statute". It is not deemed appropriate under data protection laws to provide personal private information in relation to third party farmers which may utilise the slurry.

Any allegations relating to pollution incidents on the Finaway River are unsubstantiated and in the one substantiated case referred to, this incident was caused by whey spillage as opposed to pig manure. The current application has operated in excess of 30 years without incident.

As this is a long established pig farm, any theoretical impact on property prices as a result of the existence of the farm would have already occurred. Indeed many of the dwellings were constructed after the establishment of the farm. In terms of traffic the maximum operational traffic associated with the site is detailed in the EIS. A specific traffic impact assessment is not deemed to be required in this instance. Traffic movements are detailed in the EIS.

In terms of air pollution, it is stated that the redevelopment of the farm has been designed to eliminate the main sources of odour including the elimination of the open exposed manure storage tanks and the mixing and agitation of slurry in open tanks. Furthermore BREF requirements will be the subject of an EPA Licence and this will include dietary requirements to minimise any potential odour impact.

In terms of eutrophication it is stated that if the site is restocked without the benefit of planning permission, there would be higher potential to contribute to eutrophication than if the proposed development was to go ahead as applied for.

With regard to the overall EIS it is argued that the document assesses the proposed development in a balanced, even-handed manner. With regard to waste, the applicant has included a Construction and Demolition Waste Management Plan as part of the EIS together with the EIS addendum.

The high amenity value of Lough Sheelin is discussed in the EIS. The physical location of the existing farm will not impact on the amenity value of Lough Sheelin.

The appeal refers to a number of plans, legislation and guidelines without specifically detailing as to how the proposed development either complies or does not comply with same. Finally the response reiterates points in relation to odour reduction and slurry spreading.

7.3 Further Submission from Cavan County Council

The Planning Authority understands that the subject site at Finaway could be the subject of an application for a new licence or the transfer of the licence to the new owners. Planning issues with regard to noise and residential amenity, traffic and existing brownfield development of agricultural land together with the impact of the proposal on Natura 2000 sites remained key considerations in the environmental impact assessment. The functions in relation to pollution monitoring and control remain the responsibility of the Environmental Protection Agency and not the Planning Authority. The Planning Authority are satisfied that the proposed development will be an improvement on the existing facility which will not require permission if restocked.

7.4 Further Submission from Applicant in relation to Cavan County Council's Original Submission to Grounds of Appeal

The applicant concurs with the local authority's position that the principle of agricultural development at this location has already been long established and that the redevelopment of the site would result in a vastly improved facility. The applicant agrees that the information submitted in the original EIS was factually correct. The applicant has the option of applying for an independent licence for this farm. While not the preferred or intended option, this would not affect the operation of the development as the conditions under which the farm would have to operate would be similar/identical in either scenario. Cavan County Council were aware of either option as detailed in the response i.e. that the agricultural development would be subject to a new or renewed licence.

7.5 Further Submission from the Appellant

The submission reiterates that in the opinion of the appellant only the site at Drumscruddan is included within the existing IPPC Licence. The implications of this are significant including the conditions in the IPPC Licence do not apply to the Finaway site. The annual environmental

reports do not apply to the Finaway site and the monitoring of rivers and groundwaters as required under the licence do not apply to the Finaway site. In addition Cavan County Council are relying on the IPPC Licence to apply the necessary mitigations regarding the emissions from the Finaway site.

The Finaway site has the greatest potential to create environmental damage to vulnerable habitats associated with Natura 2000 sites. It is suggested that the Finaway site has been in operation without any regulation, planning condition or EPA guidance since its inception.

It is also clear that the EIS misrepresents the status of the subject site and contains gross factual errors. It is suggested that the Finaway site which operated since the 1950s/60s does not have the benefit of planning permission and therefore has not been subject to compliance with planning or licensing conditions. The farm has contributed to pollution of local watercourses and ultimately Lough Sheelin. It is reiterated that the site should be assessed in the context of a greenfield site and therefore the proposal has significant potential to adversely impact on the amenity of the area. Concerns in relation to odour and traffic are reiterated.

The submission goes on to address some of the issues raised in the applicant's response to the grounds of appeal.

The submission argues that there has been a clear case of an abandonment of use in relation to both sites. It is also suggested that there has been intensification of use over and above the 1964 level of use. It is suggested that the proposed development is an unauthorised development by virtue of not being subject to an IPPC Licence and never having held an authorised planning approval. The below-ground slurry tanks were built in the 1950s and 1960s and a structural survey by a qualified chartered structural engineer is necessary before considering it suitable for use. No detailed evidence has been provided in relation to maintenance during the period of non-use. Thus the operation of a piggery on both sites must be considered abandoned. The appellant reiterates that the EIS is misleading and factually incorrect and therefore must be considered inadequate.

It is reiterated that the baseline study should compare the application to that associated with a greenfield site. Concerns are reiterated in relation to the spreading of slurry as fertiliser on surrounding lands and the implications this would have on water quality. The proposed works even

if limited to repair and refurbishment, are not exempted development as asserted by the applicant and the applicant has not provided any further evidence to refute or reject the grounds of appeal as stated. The application is deficient in its consideration of other plans and policies such as the Shannon International River Basin District and the requirements of the Water Framework Directive. The proposal represents an unacceptable risk of pollution to streams and rivers feeding the Lough Sheelin SPA and pNHA and has failed to adequately address impacts in terms of residential amenity. It is also reiterated that the Finaway site has not been subject to an IPPC Licence.

7.6 EPA Submission

A submission form the EPA states that it appears from the EPA's records that the finishing site at Finaway does not have the benefit of a licence and therefore will require a licence. The EIS appears to address the key points in relation to the Environmental aspects of the proposed Activity. If and when a licence is received by the Agency all matters t do with emissions will be assessed accordingly. Where it is considered that the activity cannot be effectively regulated, the Agency cannot grant a licence in respects of the activity. EPA cannot issue a determination on a licence until a decision on the planning application has been made.

8.0 DEVELOPMENT PLAN PROVISION

The site is governed by the policies and provisions contained in the Cavan County Development Plan 2014-2020.

Section 8.12.7 relates to agriculture and landspreading of mature and sludge. It states that County Cavan is noted for its intensive agricultural activities in particular a large number of piggeries and poultry houses operate throughout the county. The intensive nature of these activities present challenges for disease minimisation and environmental protection. Substantial quantities of manure/slurry are all dependent on on-site and off-site disposal in the form of compost manufacture and the spreading of slurry. Cavan is predominantly a grassland county with an extensive network of water bodies interspersed by drumlin terrain many of which are sensitive in nature. The effect of management and disposal of off-site agricultural waste will ensure that the contamination of ground and surface waters are avoided. The sustainable development of the agricultural industry in Cavan depends on quality systems that take account of nutrient balances sensitive water bodies, topography and soil conditions. The success of ensuring that our water resources are safe

and that farming practices are regulated, depends on an integrated approach in the sector between the Department of Agriculture, the Farming Sector, the Council and the EPA. Applications for planning or IPPC Licensing should consult with the Council in relation to the disposal arrangements for pig, poultry and bovine manure as well as spent mushroom compost.

Water protection policies include the following:

NHEP26: to protect the water resources of County Cavan.

NHEP27: to protect the river, streams, lakes and other watercourses in the county in order to promote sustainable and suitable habitats for flora and fauna.

NHEP28: to promote the engagement of developers and regulators in sustainable development and encourage a high standard of environmental protection. The precautionary principle will apply where significant risk to environment exists.

NHEP29: to achieve good status in all our water bodies and prevent the deterioration of existing water status in all water bodies in accordance with the requirements of the Water Framework Directive and to any development where the potential adverse effects are not fully understood in which case, the development shall not proceed. The burden of proof shall be solely with the applicant to ensure that the proposed activity will not cause significant environmental harm.

NHEP30: to ensure that all industrial and agricultural developments generating manure, organic fertiliser and sludge that are dependent on the off-site recovery or disposal of waste take area mapping into account. Including lands with impaired drainage or percolation properties and lands where rock outcrop and extreme vulnerability of groundwater is present. Restrictions shall apply in areas where watercourse catchments are present.

NHEP31: to ensure the implementation and enforcement of the European Communities "Good Agricultural Practice for the Protection of Water Regulations" and the associated European Communities "Good Agricultural Practice for the Protection of Water Regulations" 2010.

In terms of objectives for water protection, the flowing Objectives are relevant:

NHEO50: states that all applications for development shall be assessed in terms of the potential impact on the quality of surface waters through the implementation of, where applicable, the River Basin Management Plans, and the objectives and targets set out in these plas.

NHEO51 all development applications are assessed in compliance with the "European Communities Environmental Objectives on (Surface Water) Regulations 2009 and the European Communities Environmental Objectives (Groundwater) Regulations 2010".

Section 3.4 of the Development Plan sets out policy in relation to agriculture and farm diversification. In general it is stated that it is widely acknowledged that agriculture is a crucial driver in restoring Ireland's economic growth and creating employment over the next number of years, particularly in the food processing areas. Cavan County Council will continue to support initiatives to promote agricultural employment in the county whilst the agricultural sector undergoes challenges posed by modernisation, restructuring, market development and the increased importance of environmental issues. The agricultural policies include the following:

EDP1: to implement at County level, the provisions set out in Harvest 2020 subject to environmental carrying capacity constraints.

EDP2: to facilitate and encourage the sustainable development of agricultural enterprises, agri-tourism projects and farm diversification and other suitable proposals that supports the development of alternative rural enterprises.

EDP3: to promote sustainable agricultural development whilst ensuring that development does not have an undue negative impact on the visual amenity of the countryside.

The agricultural objectives include the following:

ED01: to promote the continued development and expansion of the agri-food sector.

ED04: to ensure that all agricultural activities comply with legislation on water quality such as the Phosphorous Regulations, the Water Framework Directive and the Nitrates Directive.

ED07 to support agricultural development as a contributory means of maintaining population in the rural area and sustaining the rural economy whilst maintaining and enhancing the standing of rural environment and through the application of the Water Framework and Habitats Directive.

10.0 PLANNING ASSESSMENT

I have read the contents of the file including the EIS and I have visited the site. I have also had particular regard to the issues raised in the grounds of appeal. I consider that the pertinent issues in determining the application and appeal before the Board are as follows:

- The licensing of the subject site by the EPA
- The issue of abandonment of Use
- The quality and contents of the EIS
- Traffic Issues
- Odour Issues
- Noise Issues
- Water Pollution
- Appropriate Assessment
- Property Devaluation

The Issues of the Licensing of the Subject Site by the EPA

The grounds of appeal place major emphasis on the contention that the licensing of the existing piggery only related to the Drumscruddan site and did not relate to the Finaway site which is the subject of the current application and appeal. In support of this contention the applicant attached as an appendix, a copy of the IPPC Licence No. 427. It appears from this licence that the activity's licence under Section 83(1) of the Act relates to the rearing of pig in installations at the complex in Drumscruddan and within 100 metres of that complex. No specific reference appears to have been made to the Finaway site in relation to the licence. The submission from the Agency to the Board confirms the appellant's assertion that the Finaway Site does not have the benefit of a licence. Notwithstanding this conclusion the argument set out in the grounds of appeal in my view are somewhat irrelevant as the appeal in question relates to a new application for which planning permission is sought and it is openly acknowledged in the application and in the EIS that a licence application will subsequently be submitted to the EPA as part of the licensing procedures which are necessary to commence

operations on the farm. Therefore while historically there may have been some anomalies in relation to the licensing procedures associated with both the Drumscruddan and the Finaway site, it appears that these would be appropriately addressed by way of the new licence application. In fact I note a letter from the EPA on file which clearly states that "on the basis of the information provided, the activity proposed in the planning applications will require a new licence under the EPA Acts 1992 as amended, and/or a review of the license mentioned above". The licensee has not yet applied to the Environmental Licensing Programme for a determination in this this regard.

It is apparent therefore from the information contained on file that the applicant in this instance is seeking planning permission for a new piggery enterprise on a site which historically accommodated a piggery enterprise and that this new enterprise requires both planning permission and a new licence from the Agency. The applicant has clearly acknowledged this to be the case. The Board will be aware under the current legislative provisions, the applicant can only apply for a new IED Licence (former IPPC Licence) only after he has applied for planning permission for the proposed development. Whether or not historical operations on the Finaway site required an IPPC Licence is not critical to the determination of the current application in my view.

The Issue of Abandonment of Use

In some respects the issue of abandonment of use is not particularly germane or material to the Board's deliberations on the application and appeal. I state this because it is not the applicant's intention to resume works on site on grounds that there is an established use. The applicant in this instance is seeking planning permission for a development of a piggery enterprise on the Finaway site and is not seeking a continuance of use without the benefit of obtaining planning permission.

Notwithstanding this point and in the context in which the issue was raised in the grounds of appeal, it is in my view appropriate to establish whether or not an abandonment of use has taken place solely to ascertain whether or not baseline studies contained in the EIS should have been based on existing operations on site or, as the applicant argues, should have been based on a greenfield site on the basis that an abandonment of use had taken place.

I visited the site and noted that no piggery operations were taking place on the site in question. It also appeared from the current state of the buildings that it had been some time since the site was last used as a piggery. According to the information contained on file, the piggery was last in operation around the period 2008 to 2009. This is quite a significant lapse in time in planning terms however case law suggests that the period of time in which a particular use has been ceased is not the sole criteria or test in which to conclude that an abandonment of use has taken place. I note that the appellant relies on an article by Garrett Simons (BL) contained in the Judicial Studies Institute Journal of 2004 which concludes that *"if the use has been discontinued, then it can be said to have been abandoned with the result that the resumption subsequently of the use would constitute a material change of use and require planning permission"*. If the Board were to apply the above criteria I think it could be reasonably concluded in this instance that an abandonment of use has taken place.

While it can be reasonably argued that a factual cessation of the activity had occurred on the site, a more difficult question arises as to whether or not the applicant had the intention to resume the said activity on site. The fact that the buildings remained on site unaltered over the intervening period might suggest that it was the applicant's intention always to resume activities on site when economic circumstances permitted. A letter on file from An Teagasc also suggested that with the minimum amount of refurbishment, the buildings and associated infrastructure on site are suitable for the resumption of a piggery enterprise. Many of the legal tests for an abandonment of use are set out in Dublin County Council versus Tallaght Block Company Limited (1982) ILRN534. The applicant argues that while the farm may not have been stocked for a number of years (due primarily to the receivership process) it was effectively still operating/ being maintained to facilitate restocking at some future point. It was also stated that limited maintenance has also been continual throughout this period. The fact that the site has not appeared to have accommodated any intervening uses would also support the applicant's contention that the cessation of use was temporary in nature and it was always the applicant's intention to resume activities on the site in question. Having regard to the above tests or criteria I consider that it can be reasonably argued notwithstanding the period of time for which activities ceased on site, that an abandonment of use had not taken place on the grounds that the applicant had always intended to reuse the site as a piggery.

I would reiterate the fact that the current application seeks a de novo permission associated with the site the issue of abandonment is not kernel to this central deliberation before the Board i.e. whether or not planning permission should be granted in this instance. However it is an important consideration in determining the appropriate baseline environment. If the Board conclude that an abandonment of use has not taken place in this instance it would also be reasonable to conclude in my view that the operation of a piggery on site could form the basis of the baseline studies for the purposes of carrying out an environmental impact assessment.

The Quality of the EIS Submitted

The grounds of appeal argued that the EIS is inadequate and substandard and does not allow the Board to make an adequate assessment of the proposed development. It is incumbent upon the applicant to submit an environmental impact statement having regard to the nature of the activity proposed. This is the statutory requirement as the proposal lies above the threshold set out in Schedule 5 Part 2(1)(e)(ii) of the Planning and Development Regulations 2001 as amended. In accordance with the provisions of the EIA Directive and Section 171A of the Planning and Development Act 2000 the EIS submitted must assess the direct and indirect effects of the proposed development on the following:

(a) Human beings, flora and fauna,

(b) soil, water, air, climate and the landscape,

(c) material Assets and cultural heritage, and

(d) the interaction between the factors mentioned in (a), (b) and (c) above.

In addition Schedule 6 of the Planning and Development Regulations 2001 as amended sets out the information to be contained in an EIS. While some issues regarding the environmental impact could have been investigated and set out more comprehensively, I am generally satisfied that the EIS submitted meets the statutory requirements as set out in Section 171A of the Act and Schedule 6 of the Planning and Development Regulations. The proposal sets out a description of the proposed development and a description of the aspects of the environment likely to be significantly affected by the proposed development. In this regard specific reference is made to human beings,

fauna and flora, soil, water, air, climate and the landscape and material assets including the archaeological heritage and cultural heritage of the area. The EIS also assesses alternatives and the inter-relationship between the above factors. Generally the EIS in my view provides sufficient information to enable the Board to carry out an assessment of the potential impacts arising from the proposed development. The Board, as the competent authority in this instance is required to carry out the EIA based on the information contained in the environmental impact statement. I will deal with issues relating to environmental impact under specific headings set out below. However I will conclude that the original EIS submitted together with the additional information submitted to the Planning Authority on foot of its request, that the EIS legally complies with the requirements as set out under Section 171A of the Act and Schedule 6 of the Regulations.

Odour

The original submission to the Planning Authority from the appellant raises concerns in relation to odour arising from the proposed development. This issue was elaborated upon in the applicant's grounds of appeal and further submission to the Board on 2nd March. It was suggested that under the previous operations on site, odour was intolerable particularly during periods of slurry spreading and in hot weather. As already mentioned, the application would be the subject of licencing requirements. As such An Bord Pleanála shall not, where it decides to grant planning permission in respect of any development comprising of an activity for which a licence is required, attach conditions which are for the purposes of controlling emissions from the operation of the activity including the prevention limitation, elimination or abatement or a reduction of those emissions. Thus if the Board consider it appropriate to grant planning permission in this instance, it could not include conditions for the purposes of controlling odour.

Notwithstanding this, and in accordance with legislative provisions, the Board could still refuse planning permission for environmental reasons including reasons relating to excessive odour. It is clear from the documentation contained on file, including the applicant's response to the grounds of appeal, that odour management measures will be put in place over and above those associated with the previous enterprise which will result in a significant reduction in odour emissions. These include:

- The removal of uncovered manure storage tanks which were the greatest potential point sources of odour from the previous farm will significantly improve odour reduction.

- The response to the grounds of appeal also indicates that the diet of the livestock will be altered to minimise any potential odour impact and this will be a normal condition of any EPA licence.

- The EIS states that odours and emissions from modern well managed pig farms are insignificant outside the confines of the building and adjoining yards. It is stated that manure will be removed only by vacuum and there will be no odours created from the manure withdrawal.

There can be no doubt in my view that odour generation from intensive agricultural units such as piggeries can be significant. However they can be minimised through good management including covering all manure storage infrastructure and good housekeeping such as continuously washing and disinfecting weaner houses etc. I note that the applicant's dwellinghouse is c.280 metres from the Finaway site and having regard to the management practices proposed and the separation distances it is considered that the proposed development will be acceptable and planning permission should not be refused for reasons relating to odour generation.

Issues in relation to slurry spreading are most suitably addressed through the requirements set out under S.I. 31 of 2014. This issue is dealt with further below.

Noise

Similar conclusions can be reached in relation to noise. Noise generation during the operation of the proposed facility will be subject to licensing requirements. It is not anticipated that significant noise generation will arise during the construction period. Some noise will be generated from the demolition and construction of new pig houses. However the site is located in a rural area with the nearest noise sensitive receptors including the house of the appellant located c.280 metres away. Construction noise will be temporary and will not in my view give rise to significant amenity issues.

Traffic

The grounds of appeal argue that no comprehensive or robust traffic impact analysis was carried out as part of the EIA process. Traffic associated with the proposed development is likely to be modest and is indicated in Section 7.8 of the EIS. Feed deliveries to the site are estimated to be between 3 and 4 loads a week. The transport of pigs to and from the farm is likewise estimated to be between 2 and 3 loads per week while the transport of organic fertiliser/manure from the farm is likely to be c.2 loads per day. Additional transport of staff and visitors are also likely to be modest. Based on the above figures it is unlikely that traffic generation to and from the site will exceed 10 to 12 trips per day and this will not give rise to any significant traffic issues on the surrounding road network. The site in question is located in close proximity to the R194 Regional Route which is a well surfaced road and generally in good condition. While the proposal will give rise to some large HGV traffic, this is typical traffic associated with an agricultural enterprise located in a rural area and does not in my view warrant reasonable grounds for refusal. I acknowledge that the EIS does not assess the impacts of the proposed development arising from construction traffic. The proposal will involve the demolition of a number of pig houses and the construction of new large pig houses which will give rise to increases in the levels of traffic during the construction phase. However given the modest nature and size of the overall development together with the temporary nature of the construction traffic, I do not consider that such traffic will give rise to a significant environmental impact in terms of surrounding residential amenity.

Water Pollution

There can be little doubt that the proposed development has the potential to pollute groundwater and surface water in the vicinity. Manure will be collected in slatted tanks beneath the pig houses. The EIS states that the proposed structures will be constructed to Department of Agriculture, Food and the Marine standards for the construction of farm buildings and that leaked detection systems will be placed under the slatted tanks to ensure that no leaks of manure to groundwater occurs. Furthermore it is stated that provision will be made for a substantial amount of excess slurry storage capacity well above the six month minimum requirement to ensure that no storage issues arise. It is also noted that the aquifer vulnerability classification for the area is rated as low and the aquifer classification is Pl (poor aquifer bedrock which is generally unproductive). Arising from the

characteristics of the site and the mitigation measures to be incorporated into the design, and construction of the slatted tanks, I do not consider that the proposed development represents a threat to underlying groundwater.

In terms of surface water it is noted that the Finaway River runs along the northern boundary and through part of the northern portion of the site. This river could form a significant and efficient pathway for transporting potential pollutants into the Mount Nugent River and on into Lough Sheelin which is according to the information contained on file susceptible to eutrophication. Appropriate surface water management is in my view the key environmental issue associated with the site having particular regard to the proximity of the Finaway River to the operational area. Detailed and strict surface water management is required on site to ensure that no pollution risks arise. It is proposed that all surface water from the farm will discharge through one or more stormwater discharge points. All soiled water generated from the farm must be directed to the manure slatted storage tanks beneath the pig houses.

Perhaps the greatest potential for soiled water entering the Finaway River is from the loading and unloading of pigs entering and leaving the proposed houses. The EIS indicates that all pigs will be delivered to the proposed houses via an enclosed concreted area and that all soiled water leaving this area will be directed towards the manure storage tanks.

Provided proper management measures are put in place and appropriate protocols are in force to ensure that only clean stormwater is discharged to the Finaway River and all other soiled waters are directed to the manure tanks and appropriately transported off site, I consider that the proposed development will not represent a threat to surface water bodies in the area. This issue in my view can appropriately be addressed by way of condition.

Other Ecological Impacts

Having inspected the site I do not consider that the proposed development will adversely impact on existing flora and fauna. The site currently accommodates a high density of buildings and yard areas and according to the EIS there are no specific unique habitats in terms of flora and fauna. The proposed development will involve the refurbishment and replacement of existing buildings and therefore the impact is not deemed to be significant.

The Spreading of Slurry on Surrounding Lands

The grounds of appeal express concerns in relation to the spreading of slurry on surrounding farmland. In particular concerns are expressed in relation to odour emissions, lack of detail concerning the recipient farms and potential problems with regard to nitrate and phosphate loadings on the lands in question. I would agree with the response to the grounds of appeal which highlights that it is a requirement of the applicant and any farmers in the vicinity which are in receipt of the manure and fertiliser from the piggery to fully comply with the requirements set out in S.I. 31 of 2014 (European Union Good Agricultural Practice for the Protection of Waters) Regulations 2014. As the Board is aware, these Regulations are very prescriptive in relation to farmyard management capacity storage requirements and facilities for pig manure and nutrient management in terms of spreading slurry on farmlands. The applicant is obliged and required to comply with the above Regulations which are deemed to constitute good agricultural practice and farming management associated with the handling, management and spreading of manure. There is nothing to suggest that the applicant or the farmers in question will not comply with their lawful obligations as required by the above Regulations. I would also agree with the inspector's conclusion under PL02.240879 where it is stated that it is not normally useful or appropriate for a planning decision to attempt to regulate matters for which a separate specific regulatory regime has been established by statute.

Other Issues

I am satisfied based on the information contained in the EIS that the proposed development will not have any adverse impact on the cultural heritage of the area. The site is not located on or in close proximity to any historical monuments or protected structures and as such the proposal will not in my view adversely affect the composition or setting of any archaeological or architectural heritage structures.

The proposal is also deemed to be acceptable from a visual amenity point of view as already pointed out the site is well screened from vantage points along the public road and the proposal involves the demolition and replacement of existing buildings on site. The size and scale of the buildings proposed are typical agricultural buildings which are reflective of the rural area and therefore acceptable in my view.

With regard to waste management practice, I note that the Appendix 11 of the EIS contains a Construction on Waste Demolition Management Plan. Some concerns have been expressed on file that the existing roofs may incorporate asbestos and would therefore require the services of a specialised contractor to remove this material. Issues in relation to C&D waste can be addressed appropriately by way of condition.

Property Devaluation

Based on my assessment as set out above, I do not consider that the proposed development will adversely impact on the environmental quality of the area or the residential amenities of the area. It is reiterated that emissions associated with the development will be the subject of a separate licence from the EPA. However I can only conclude that the proposed development in not having an adverse impact on either the environment or residential amenity will not result in a devaluation of property in the area.

12.0 APPROPRIATE ASSESSMENT

An Appropriate Assessment Screening Report was submitted with the application. The report was prepared for both sites (the Finaway site and the Drumscruddan site). The nearest designated Natura 2000 sites are the Lough Sheelin SPA, the Lough Kinnale and Derragh Lough SPA. The former is located approximately 3.85 kilometres to the south-west of the site and the latter site is located beyond Lough Sheelin approximately 12½ kilometres from the site. The River Boyne and River Blackwater SAC is located just over 14 kilometres to the east of the site. The screening exercise rightly concludes in my view that the separation distance between the site and the nearest designated Natura 2000 sites are significant and this limits possible direct impacts from the proposed development. In the case of the River Boyne and River Blackwater SAC this designated site is located outside the water catchment area of the subject site and therefore does not incorporate any hydrological connection with the subject site. The Lough Sheelin SPA and Lough Kinnale and Derragh Lough SPA are unlikely to be affected by the proposed development. However if discharges from the site in question ultimately effect nutrient loads associated with either Lough this could potentially have subsequent effects on feeding grounds for birds which form conservation objectives associated with both SPAs. However I have argued above that with appropriate surface water management

within the proposed pig farm the proposal will not result in any contamination of surface waters which ultimately flow into Lough Sheelin. I have therefore satisfied that the proposed development will not result in any potential significant effect on designated Natura 2000 sites.

I note however that the screening exercise undertaken excluded the Moneybeg and Clare Island Bods SAC which is located on the southern shores of Lough Sheelin. The conservation objectives associated with this SAC include active raised bogs, degraded raised bogs still capable of natural generation and depressions on peat substrates. None of these habitats which formed qualifying interests of the SAC will in my opinion be under any potential threat arising from the proposed development. The distance between the site and the Moneybeg and Clare Island Bogs is in the order of 7.3 kilometres.

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any other European site in the vicinity, in view of the site's Conservation Objectives, and the fact that some of the European sites in the vicinity are located in a different hydrological catchment areas and therefore a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.'

12.0 EIS ASSESSMENT

I consider that the EIS submitted complies with the requirements of Articles 94 and 111 of the Planning and Development Regulations 2001 in that in contains the information specified in schedule 6 of the Regulations and that is information is presented in an adequate manner. The document identifies and describes the likely significant direct and indirect effects of the proposed piggery on the existing environment and comments on the interaction of these effects in accordance with the legislation. It likewise assesses the likely significant effects on the environment and set out specific mitigation measures in order to reduce and off-set potential environmental impacts and reaches adequate and formulated conclusions regarding residual impacts. As already set out previously in my assessment I consider some issues regarding the environmental impact could have been investigated and set out more comprehensively in the document, however I am generally satisfied that the EIS submitted meets the statutory requirements as set out in

Section 171A of the Act and Schedule 6 of the Planning and Development Regulations. I further consider that likely residual effects have been identified and as argued above in my assessment these residual effects are deemed to be acceptable in the context on potential environmental impacts.

13.0 CONCLUSIONS AND RECOMMENDATION

Arising from my conclusions above I consider the proposed development to be acceptable in principle and I therefore recommend that planning permission be granted for the proposed development. I base these conclusions on the grounds that the proposed development would provide an intensive agricultural enterprise in a rural area where such a use is appropriate. Furthermore the proposed development will not give rise to an undue risk to water pollution or any other environmental impacts and the proposed development, subject to complying with appropriate conditions, would not have any material adverse impact on the residential amenities of residents in the wider area.

12.0 DECISION

Grant planning permission for the proposed development in accordance with the plans and particulars lodged and based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the agricultural nature of the proposed development in a rural location, together with the pattern of development in the area and the provisions of the Cavan County Development Plan 2014-2020 it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not give rise to an undue risk of water pollution and would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application as amended by further plans and particulars lodged on the 20th day of October 2014, 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 the commencement of development and the development shall be carried out and completed in accordance with agreed particulars.

   Reason: In the interest of clarity.

2. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water shall comply with the requirements of the planning authority for such works and services. In this regard only uncontaminated surface water run-off shall be discharged into the adjoining River Finaway and all contaminated and soiled waters shall be directed to the manure storage tanks located on site. All drainage details shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

   Reason: In the interest of environmental protection and public health.

3. The proposed piggery enterprise shall run in strict accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Water) Regulations 2014 (S.I. 31 of 2014) and shall provide at least for the following:

   1. Detail of the number of livestock to be housed at the development at any one time.

   2. The arrangements for the collection, storage and disposal of all effluent generated from the facility.

   3. The arrangements for the cleansing and disinfecting of buildings and structures including the public road where relevant.

   Reason: In order to avoid pollution and protect residential amenity.

4. All liquid effluent and other contaminated run-off generated by the proposed development in the farmyard shall be conveyed through

properly constructed channels to the proposed storage facilities and no effluent or other contaminated run-off shall discharge or allowed to be discharged to any stream, river, watercourse or public road.

Reason: In the interest of public health.

5. Slurry generated by the proposed development shall be disposed of by spreading on land or other acceptable means to be agreed in writing with the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Water) Regulations 2014 (S.I. No. 31 of 2014).

Reason: To ensure the satisfactory disposal of waste material in the interest of amenity, public health and to prevent pollution of watercourses.

6. The external blockwork on all the pig houses shall be properly rendered and painted in good quality of suitable paint and details of the colour of all external finishes shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

7. Details of the finishes of any other agricultural sheds, the location of fencing of paddocks and other areas and the design, scale and finishes of any feeding silos on site shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In order to allow the planning authority to assess the impact of these matters on the visual amenity of the area prior to the commencement of development.

8. Construction and demolition waste shall be managed in accordance with the construction waste and demolition management plan submitted as Appendix 11 to the EIS which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. This plan shall be prepared in accordance with "Best Practice Guidelines on the Preparation of Waste Management Plans for the Construction and Demolition Projects" published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance

and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the region of which the site is situated.

Reason: In the interest of sustainable waste management.

9. Any asbestos sheeting that is removed from any structures within the site shall not be reused and shall be disposed of appropriately using an authorised waste contractor.

Reason: In the interest of public health and the proper planning and sustainable development of the area.

Paul Caprani,
Senior Planning Inspector.

13th April, 2015.

rk/sg

An Bord Pleanála

Board Direction

Ref: PL02.244342

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20th May 2015.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments shown below.

REASONS AND CONSIDERATIONS

In making its decision the Board had regard to:

- the agricultural nature of the proposed development at an existing piggery in a rural location, where such a use is appropriate;
- the nature of the proposal which is to improve the animal welfare and environmental management aspects of the facility;
- a proposed reduction in intensity of operations;
- the pattern of development in the area;
- the fact that the proposed development will be subject to licence by the EPA;
- the provisions of the Cavan County Development Plan 2014-2020, and
- the report of the Inspector.

Appropriate Assessment

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other

plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Sites Lough Sheelin SPA or the Lough Kinnale and Derragh Lough SPA, or any other European site, in view of the sites' Conservation Objectives.

Environmental Impact Assessment

The Board considered that the Environmental Impact Statement submitted with the application, supported by the the report, assessment and conclusions of the Inspector, was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in his assessment of the likely significant effects of the proposed development, and generally agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector.

Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not give rise to an undue risk of water pollution, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, as amended by the further plans and particulars submitted on the 20th day of October 2014, 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 agreed particulars.

   Reason: In the interest of clarity.

2. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water shall comply with the requirements of the planning authority for such works and services. Surface water run-off shall be discharged via an appropriately designed silt trap into the adjoining River Finaway. All contaminated and soiled waters shall be directed to the manure storage tanks located on site. All drainage details shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of environmental protection and public health.

3. The proposed piggery enterprise shall run in strict accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Water) Regulations 2014 (S.I. 31 of 2014) and shall provide at least for the following:-

(a) details of the number of livestock to be housed at the development at any one time,

(b) the arrangements for the collection, storage and disposal of all effluent generated from the facility, and

(c) the arrangements for the cleansing and disinfecting of buildings and structures including the public road where relevant.

Reason: In order to avoid pollution and protect residential amenity.

4. All liquid effluent and other contaminated run-off generated by the proposed development in the farmyard shall be conveyed through properly constructed channels to the proposed storage facilities and no effluent or other contaminated run-off shall discharge or allowed to be discharged to any stream, river, watercourse or public road.

Reason: In the interest of public health.

5. Slurry generated by the proposed development shall be disposed of by spreading on land or other acceptable means to be agreed in writing with the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Water) Regulations 2014 (S.I. No. 31 of 2014).

Reason: To ensure the satisfactory disposal of waste material in the interest of amenity, public health and to prevent pollution of watercourses.

6. The external blockwork on all the pig houses shall be properly rendered and painted in good quality of suitable paint and details of the colour of all external finishes shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

7. Details of the finishes of any other agricultural sheds, the location of fencing of paddocks and other areas and the design, scale and finishes of any feeding silos on site shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In order to allow the planning authority to assess the impact of these matters on the visual amenity of the area prior to the commencement of development.

8. Construction and demolition waste shall be managed in accordance with the construction waste and demolition management plan submitted as Appendix 11 of the Environmental Impact Statement which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall be prepared in accordance with "Best Practice Guidelines on the Preparation of Waste Management Plans for the Construction and Demolition Projects" published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the region of which the site is situated.

Reason: In the interest of sustainable waste management.

9. Any asbestos sheeting that is removed from any structures within the site shall not be reused and shall be disposed of appropriately using an authorised waste contractor.

Reason: In the interest of public health and the proper planning and sustainable development of the area.

Board Member: _____ Date: 20th May 2015

G.J. Dennison

Case Formally Decided

Case No. 02.2443742

1. SECRETARIAT

Signed Board Order has been cross-checked against minutes of Board Meeting prior to sealing and is in alignment with same in respect of the nature of the substantive decision. ☑

The Board Order has been signed, sealed and issued to all those listed on the submission sheet.

Signed: M. Masterson

Date: 22-05-15

2. PROCESSING SECTION S.E.O. E.O. F. Kilmurray

File has been sent to deposit and movement recorded in the database.

Signed: For

Date: 25/5/15.

An Bord Pleanála

PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Cavan County

Planning Register Reference Number: 14/239

An Bord Pleanála Reference Number: PL 02.244342

APPEAL by Rita Tierney of Keenagh, Ballyjamesduff, County Cavan against the decision made on the 8th day of December, 2014 by Cavan County Council to grant subject to conditions a permission to Bogue Pigs care of C.L.W. Environmental Planners Limited of The Mews, 23 Farnham Street, Cavan in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of all existing pig houses, with the exception of four number existing pig houses which will remain in-situ, and construction of five number pig houses, and an extension to one number existing pig house, in accordance with animal welfare and nitrates regulations, together with all ancillary structures and all associated site works, on the site of existing pig farm at Finaway, Ballyjamesduff, County Cavan. This application relates to a development, which is for the purposes of an activity requiring a licence under Part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013. (As amended by the revised public notice received by the planning authority on the 29th day of October, 2014).

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

In making its decision, the Board had regard to:

(a) the agricultural nature of the proposed development at an existing piggery in a rural location, where such a use is appropriate,

(b) the nature of the proposal which is to improve the animal welfare and environmental management aspects of the facility,

(c) a proposed reduction in intensity of operations,

(d) the pattern of development in the area,

(e) the fact that the proposed development will be subject to licence by the Environmental Protection Agency,

(f) the provisions of the Cavan County Development Plan 2014-2020, and

(g) the report of the Inspector.

Appropriate Assessment

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Sites - Lough Sheelin Special Protection Area (Site Code 004065) or the Lough Kinale and Derragh Lough Special Protection Area (Site Code 004061), or any other European site, in view of the sites' Conservation Objectives.

Environmental Impact Assessment

The Board considered that the Environmental Impact Statement submitted with the application, supported by the report, assessment and conclusions of the Inspector, was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an Environmental Impact Assessment, and agreed with the Inspector in his assessment of the likely significant effects of the proposed development, and generally agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector.

The Board concludes that the proposed development would not be likely to have significant effects on the environment.

Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not give rise to an undue risk of water pollution, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, as amended by the further plans and particulars submitted on the 20th day of October 2014, 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 agreed particulars.

   Reason: In the interest of clarity.

2. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water shall comply with the requirements of the planning authority for such works and services. Surface water run-off shall be discharged via an appropriately designed silt trap into the adjoining River Finaway. All contaminated and soiled waters shall be directed to the manure storage tanks located on site. All drainage details shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

   Reason: In the interest of environmental protection and public health.

3. The proposed piggery enterprise shall run in strict accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Water) Regulations 2014 (S.I. 31 of 2014) and shall provide at least for the following:-

   (a) details of the number of livestock to be housed at the development at any one time,

   (b) the arrangements for the collection, storage and disposal of all effluent generated from the facility, and

   (c) the arrangements for the cleansing and disinfecting of buildings and structures including the public road where relevant.

   Reason: In order to avoid pollution and protect residential amenity.

4. All liquid effluent and other contaminated run-off generated by the proposed development in the farmyard shall be conveyed through properly constructed channels to the proposed storage facilities and no effluent or other contaminated run-off shall discharge or allowed to be discharged to any stream, river, watercourse or public road.

Reason: In the interest of public health.

5. Slurry generated by the proposed development shall be disposed of by spreading on land or other acceptable means to be agreed in writing with the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Water) Regulations 2014 (S.I. No. 31 of 2014).

Reason: To ensure the satisfactory disposal of waste material in the interest of amenity, public health and to prevent pollution of watercourses.

6. The external blockwork on all the pig houses shall be properly rendered and painted in good quality of suitable paint and details of the colour of all external finishes shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

7. Details of the finishes of any other agricultural sheds, the location of fencing of paddocks and other areas and the design, scale and finishes of any feeding silos on site shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In order to allow the planning authority to assess the impact of these matters on the visual amenity of the area prior to the commencement of development.

NJ

8. Construction and demolition waste shall be managed in accordance with the construction waste and demolition management plan submitted as Appendix 11 of the Environmental Impact Statement which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall be prepared in accordance with "Best Practice Guidelines on the Preparation of Waste Management Plans for the Construction and Demolition Projects" published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the region of which the site is situated.

Reason: In the interest of sustainable waste management.

9. Any asbestos sheeting that is removed from any structures within the site shall not be reused and shall be disposed of appropriately using an authorised waste contractor.

Reason: In the interest of public health and the proper planning and sustainable development of the area.

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 21st **day of** MAY **2015.**

ENVIRONMENTAL IMPACT STATEMENT
(E.I.S.)
ADDENDUM NO. 1

RELATING TO

DEVELOPMENT ON EXISTING PIG ENTERPRISE AT

DRUMSCRUDDAN (BREEDING SITE), CROSSERLOUGH, CO. CAVAN.

&

FINAWAY, (FINISHING SITE) BALLYJAMESDUFF, CO. CAVAN.

FOR

BOGUE PIGS, DREENAN, CAVAN, CO. CAVAN.

C.L.W. ENVIRONMENTAL PLANNERS LTD.
OCTOBER 2014

i. PREFACE

THE FOLLOWING FORMS ADDENDUM INFORMATION TO THE SUBMITTED ENVIRONMENTAL IMPACT STATEMENT (Dated July 2014):

TABLE OF CONTENTS

1 ADDENDUM

1.1 Introduction

This document contains the information requested by Cavan County Council in their letters dated 15th September 2014 relating to planning application reference numbers 14/238 and 14/239.

It relates to the Drumscruddan and Finaway Pig Farms EIS dated July 2014, and reflects the issued raised in the Further Information requests of 15th September 2014.

.

1.2 Outline

The following paragraph outlines how this addendum information is presented.

The relevant section of the EIS subject to the addendum information (or additional commitments) is quoted.

The text is appropriately amended as follows:

Quoted text is as shown.
Text to be deleted is crossed out: *Deleted*
Amendment text is in bold within square brackets: **[Amendment text]**

Nb. In most circumstances there will be an amendment. In some cases however there may be both a deletion and an ammendment.

1.3 Summary of Updates

Updates to the Environmental Impact Statement that have occurred since the original EIS submission (July 2014) include the following:

➢ Updated AA Screening

The Submitted screening has been reviewed and amended as required.

➢ Completion of Ecological Impact Assessment Report

Both Further Information requests highlighted a need for a more thorough and holistic investigation of the existing aquatic environment around the application sites and their catchment areas. In addition, a more detailed description of the potential impacts of both developments on the aquatic environment and appropriate mitigation measures was requested. Both requests for Further Information referenced a detailed submission made by the Inland Fisheries Ireland in response to both planning applications and the EIS submitted.

Accordingly, a comprehensive assessment of the ecological impacts of this application was carried out in October 2014 by Noreen McLoughlin, MSc, MCIEEM of Whitehill Environmental.

➢ Updated Site Plan

The Submitted site plan has been updated to more clearly identify, proposed surface water drainage, proposed silt trap location, proposed final discharge point, and to identify the areas of pig movement which will occur on slatted passageways with manure storage tanks underneath.

This has not resulted in any design changes to the proposed development, and is soely to provide more clarity on the existing proposals.

➢ Updated Waste Management/Disposal Measures

Additional details pertaining to the management and disposal of Asbestos waste from the site(s) have been included.

2. Introduction

2.5 Organisations and Bodies Consulted

The scoping exercise for this E.I.S. was carried out in consultation with Cavan County Council, C.L.W. Environmental Planners Ltd., and Bogue Pigs. Other organisations and bodies consulted directly/indirectly include:

- Geological Survey of Ireland
- National Parks and Wildlife Service
- Duchas - The Heritage Service
- Environmental Protection Agency.
- Met Eireann
- Department of Agriculture, Food and Marine
- Department of Environment, Community and Local Government
- Teagasc Pig Development Department
- Irish Farmers Association (I.F.A.)
- Bord Na Móna Environmental Consultancy Division
- Kepak /McCarren & Co.
- Jetwash Ltd.
- **[Noreen McLoughlin, MSc, MCIEEM, Whitehill Environmental]**

4. DATA REQUIRED TO ASSESS THE EFFECTS OF THE DEVELOPMENT.

4.10 General Waste/Fluorescent Tubes/Construction and Demolition (C&D) Wastes

Any paper or other such waste arising on the farm will be stored in an appropriate bin. It is proposed that this will be collected by a local approved waste disposal contractor, such as Wilton Waste Disposal, from the site and brought to an approved site for disposal. The amount of the above waste types would be minimal on this farm.

Spent fluorescent tubes etc. and/or any other wastes generated on site including all construction and demolition waste from proposed development, that is to be moved off-site, will be separated and stored in accordance with Cavan Co. Council guidelines. It will then be transport off site by an authorised contractor(s) for disposal/recovery at an approved disposal/recovery site.

A construction and demolition waste management plan has been prepared for the proposed development and is included as ~~Attachment~~ **[Appendix]** No. 11. **[Detailed proposals in relation to the appropriate removal, management, storage and disposal of asbestos waste are detailed hereafter in Appendix No. 11B.]**

6. DESCRIPTION OF THE EXISTING ENVIRONMENT

6.3 Surface Water

(a) Site and immediate area

The pig farm is located in an area south of Cavan Town in Hydrometric Area No. 36, the Shannon catchment. This farm is located in the Inny Water Management Unit catchment area, and is drained by tributaries of the Mountnugent Rivers. Please refer to the following figures for illustrations and statistics;

- 6.3 River Basin Districts

In addition to this see Appendix No. 10 for details on local water quality data~~.~~ **[and appendix No. 10A for a completed Ecological Impact Assessment Report. This report details a baseline survey (6 locations) completed to establish the existing water quality adjacent to and downstream of the sites, together with a comparison to existing published results.]**

6.9 Flora and Fauna

(a) Site and immediate area

As previously described the proposed development is to be carried out on an existing pig farm site(s). The lands directly adjoining;

- The Drumscruddan Site have been afforested a number of years ago (15 – 20) with a mix of Ash and spruce.
- The Finaway site lands are mainly agricultural grass land with a small proportion of the area afforested.

The majority of the lands in the surrounding area are/have been used for agricultural production. The flora and fauna associated with this site has developed accordingly as the site has developed and changed over the years from grassland to a pig farm site.

~~There are no specific unique habitats, flora and/or fauna on this site that require specific protection.~~ **[A detailed description of the habitat types encountered on and/or adjacent to the site is given in the Ecological Impact Assessment. These include mainly Artificial Surfaces, Hedgerows and Treelines.**

An examination of the website of the National Parks and Wildlife, the National Biodiversity Data Centre and the Online Atlas of Vascular Plants for Ireland revealed that no species protected under the Flora Protection Order occurs within the 1km squares of the proposed application sites.

Records from the National Biodiversity Data Centre reveal the presence of the following protected mammals from within the 10km squares (N48 & N49) of this proposed application site:

- Badger - Meles meles
- European Hedgehog - Erinaceus europaeus
- Otter - Lutra lutra
- Irish Stoat - Mustela erminea subsp. Hibernica
- Red Squirrel - Sciurus vulgaris
- Irish Hare - Lepus timidus subsp. Hibernicus
- Pine Marten - Martes martes
- Pygmy Shrew - Sorex minutus
- Daubenton's Bat - Myotis daubentonii
- Lesser Noctule - Nyctalus leisleri
- Pipistrelle - Pipistrellus pipistrellus
- Soprano Pipistrelle - Pipistrellus pygmaeus

All these species are protected under the Irish Wildlife Acts. In addition, the otter Lutra lutra is protected under Annex II of the European Habitats Directive. The protection of water quality is vital for the otter.

It is likely that a range of common passerine birds would occur around the proposed development site, using the hedgerows and mature trees as nesting and feeding sites. A wider range of bird species, including water fowl associated with lake land habitats would occur at Lough Sheelin SPA. Some of these bird species would be of national importance.

Although there are no official records, it is likely that the common frog Rana temporaria occurs close to the proposed development sites. The presence of the smooth newt, Lissotriton vulgaris, is also a possibility.

There are no records or reports of any protected invertebrate species from the Drumscrudden or Finaway areas.

6.10 Special Policy Areas

.....

An Appropriate Assessment Screening Report in line accordance with Guidance Notes provided by the Department of Environment, Heritage and Local Government *Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities, has been completed and is contained in Appendix No. 13.* **[This has been revised and updated and is included hereafter as Appendix No. 13 A]**

It has been determined that "Considering the distance, it is unlikely that there will be any impacts upon Lough Sheelin SPA, pNHA arising from the demolition and construction activities on both sites."

7. DESCRIPTION OF IMPACTS AND MITIGATION MEASURES

7.3 Surface Water

Ireland is fortunate in having a relatively abundant supply of fresh water, which constitutes a key resource in economic, amenity and aesthetic terms. The principle legislation governing water quality in Ireland is the European Communities (Water Policy) Regulations 2003 (S.I. 722 of 2003), which transposed directive 2000/60/EC (the water framework Directive, WFD) into Irish Law.

(a) Site and Immediate area

As previously stated (Section 6.3(a)) all surface water from this farm will discharge through one or more storm water discharge points. All points will be visually inspected on a weekly basis for any signs of contamination i.e. visual and or odour, and sampled as required by the conditions of any Licence that may be granted to this farm.

The proposed development has been designed so as to minimise the amount of soiled water generated on the farm. The main area associated with the unloading and loading of pigs entering and leaving the proposed houses will be an enclosed concreted area ensuring that all soiled water enters the manure storage tanks while at the same time ensuring that there is no possibility of contaminated storm water entering the clean storm water system **[as identified on the revised site plans submitted as Appendix No. 3A and 4A].**

.....

Proper manure management on the site and on the customer farmlands as planned will result in little or no impact on the surface water in this area. Bogue Pigs will ensure that all potential customer farmers are aware of the requirements of the nitrates directive with regard to the application of organic fertiliser to their farmland. Independent water monitoring in this catchment is and it is envisaged will be conducted on an on-going basis by Cavan County Council, the E.P.A. and/or the Regional Fisheries Board(s).

Stormwater monitoring on both sites will be carried out on a quarterly basis (and/or as agreed) in line with E.P.A. requirements.

Results (where available **[including those completed as part of the ecological impact assessment])** relating to surface water quality for the relevant watercourses in close proximity to the pig farm are detailed in Appendix 10 **[& 10 A]**.

7.9 Flora and Fauna

(a) Site and immediate area

As previously described the site and adjoining area are agricultural lands that have been managed and developed as such over a long number of years. The area of the proposed development is located on/within an existing agricultural farmyard/pig farm with the lands directly adjoining the Drumscruddan site having been afforested and the majority of the lands adjoining the Finaway site being agricultural grassland.

The majority of the land in the surrounding area is used for agricultural production. The flora and fauna associated with this existing site has developed accordingly as the site has developed and changed over the years from grassland to a pig farm site. The site of the proposed development is intensively managed agricultural land, and/or is located immediately adjacent to the existing pig farm and thus has a poor level of ecological diversity. There are no specific unique habitats on this site that require specific protection.

[The potential impacts during the construction and operational phases of the development have been identified in the Ecological Impact Assessment;

A detailed assessment of the potential impacts along with proposed mitigation measures has been detailed so as to ensure that the proposed developments at Drumscrudden and Finaway will have a neutral impact upon water quality and local ecology. There will be no impacts upon any designated sites and local fisheries will be protected.

These are discussed in further detail within the report in Appendix No. 10 A.]

7.10. Special Policy Areas

(A) Nationally Designated Environmental Areas

The location of the pig farm site, located away from Nationally Designated Environmental Areas, ensures that this pig farm will not have an adverse environmental impact on same. All customer farmland in receipt of slurry from this farm will allocate organic fertiliser in accordance with S.I. 31 of 2014 so as to ensure that there is no adverse significant impact on any of these areas.

The attached screening report (see Appendix 13 **[and revised report in Appendix 13A]**) concludes that there should be no negative impact on such areas from activities associated with this development. It will be advised to the customer farmers that organic fertiliser spreading operations should be carried out in accordance with Codes of Good Practice.

10. Summary

Summary

.....

[The amendments to the submitted E.I.S. serve to provide a greater level of baseline data particularly with respect to; a) the existing environment and potential impact on same and designated areas, and, b) the management of waste generated from the demolition of the existing structures. Any additional measures arising from same will serve to improve management practices during the construction and operation of this development, while at the same time recognising that the overall focus of this development is the upgrading of existing facilities.]

Signed:

Paraic Fay B.Agr.Sc.

Date 20/10/2014

C.L.W. Environmental Planners Ltd.,
The Mews,
23 Farnham St.,
Cavan Town,
Co. Cavan.

Tel: 049-4371451
Fax: 049-4371447
Email: paraicfay@eircom.net

Appendix No. 3A
Updated Drumscruddan Site Plan

LEGEND

Proposed Storm Water Network

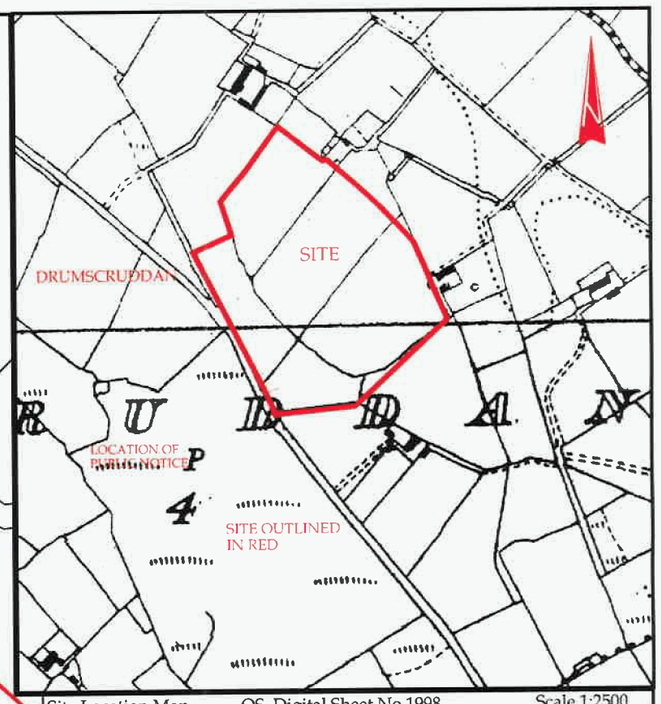
Gullies

Manholes

Silt Trap

Discharge Point

S1 = Proposed Dry Sow
S2 = Proposed Dry Sow
S3 = Proposed Farrowing
S4 = Proposed 1st Stage Weaner
S5 = Proposed 2nd Stage Weaner
1-14 = Demolish Sheds Green Hatch
15 = Existing Store
16 = Existing Office
17 = Existing Office
18 = Existing ESB Store
19 = Existing Open Excavation
20 = Existing Open Tank



Site Location Map OS. Digital Sheet No.1998 Scale 1:2500

SITE AREA
(Area = 7.79 Acres)
(Area = 3.15 Hectares)

22.35
16.96
12.03
27.54
60.36
60.14
83.6
S1
S2
S3
S4
S5
Roofed/Slatted Pig movement area
Silt Trap
Landscaping
80m Site Distance
Meal Bins
Loading Ramp
Existing Entrance
Landscaping
80m Site Distance
All water from highlighted to manure slatted tank

Storage Areas		
S1:-2256.04m2	4963m3	2.4
S2:-1736.95m2	3821m3	2.4
S3:-1807.80m2	1808m3	1.2
S4:-888.44m2	888m3	1.2
S5:-1603.85m2	1604m3	1.2
PY:-267.90m2	589m3	2.4

NOTE:
SITE OUTLINED IN RED

JOB TITLE:
Proposed Pig Units & associated works at Drumscruddan Ballyjamesduff, Co.Cavan

DRAWING:
Site Plan & Location Map

Drawing No. 2

O.S Digital No.

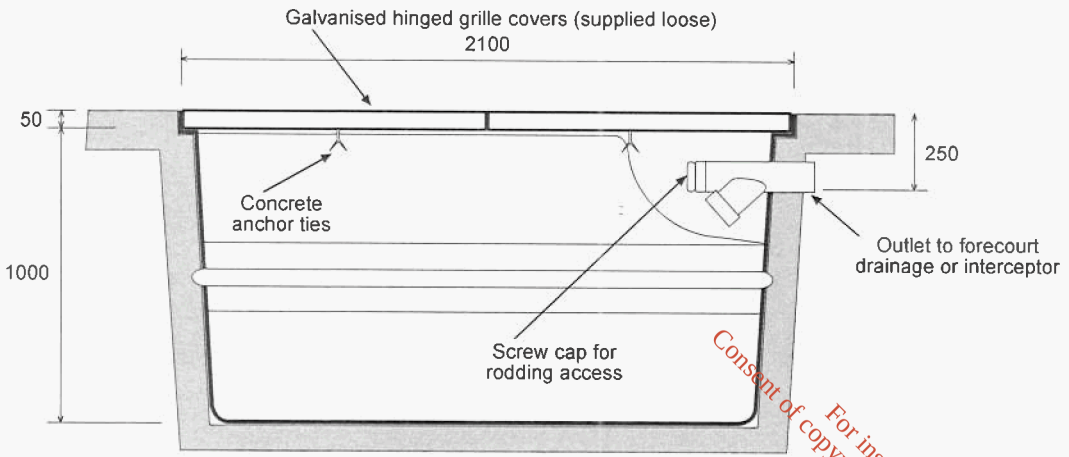
SCALE: 1:500

DRW. BY:
CLW ENVIROMENTAL PLANNERS LTD
FARNHAM STREET,
CAVAN,
Co. CAVAN.

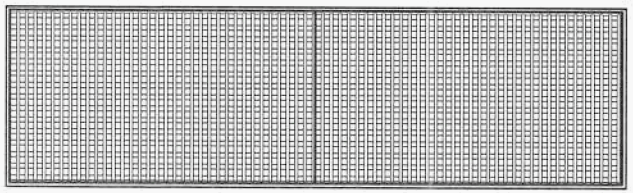
DATE: 21/06/2014

Site Plan
Scale: 1/500.

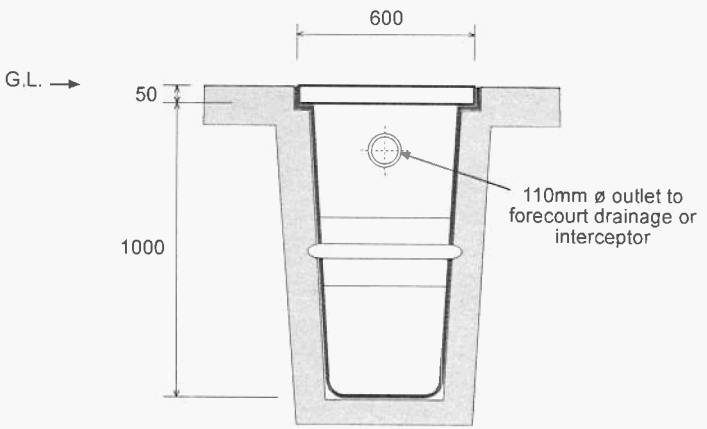
Not to scale



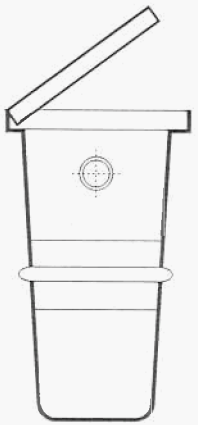
Side elevation



Plan



End elevation



Refer to installation guide

Drawing Title: **Silt trap**		Revision Details: A Nov 2004	Drawing No. **GA99-120a**
All dimensions are in mm	Scale: NTS		Date: **November 1999**
			Drawn by: Artwork

Appendix No. 4A
Updated Finaway Site Plan

F1 = Proposed Pig Unit
F2 = Proposed Pig Unit
F3 = Proposed Pig Unit
F4 = Proposed Pig Unit
F5 = Proposed Pig Unit
F6 = Proposed Pig Unit
1-14 = Demolish Sheds Green Hatch
15 = Existing Pig Unit
16 = Existing Pig Unit
17 = Existing Pig Unit
18 = Existing Pig Unit
19 = Demolish Existing Pig Unit
20 = Decommission Existing Tanks

SITE AREA
(Area = 6.24 Acres)
(Area = 2.52 Hectares)

Forestry
Forestry
Forestry
Forestry

All water from highlighted to manure slatted tank

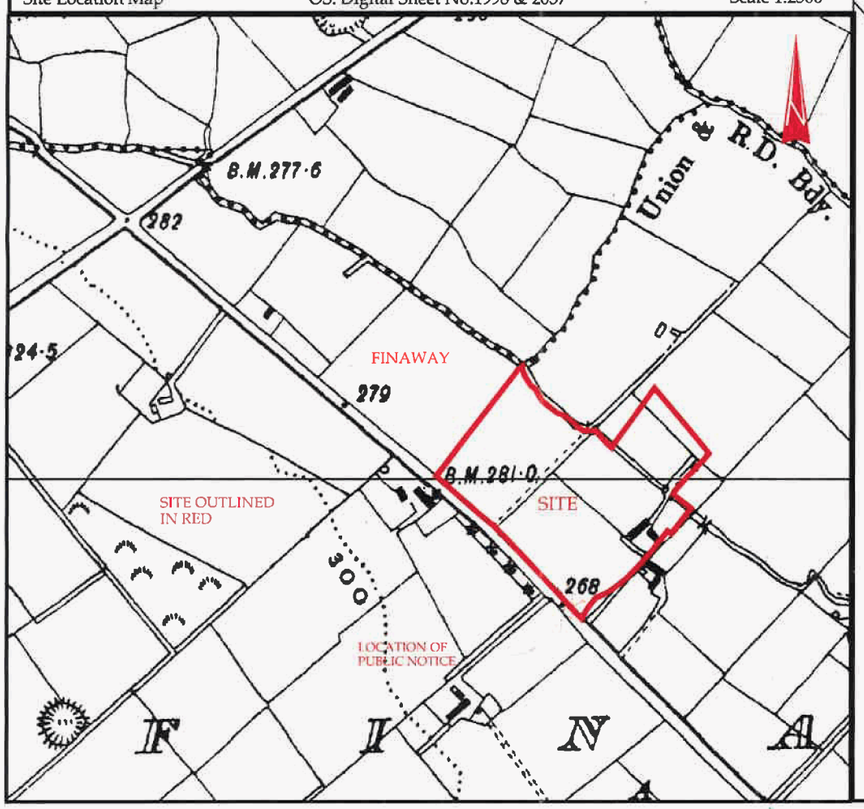
Tanks
20
20
20
20

Storm Water
55.47
14.06
75.40
Silt Trap
14.89
17.2
40
17.59
19.71
29.02
93.79
7.46
18.3

Roofed / Slatted Pig movement area
Loading Ramp
Meal Bins
Loading Ramp
Existing Entrance
80m Site Distance

LEGEND
Proposed Storm Water Network
Gullies
Manholes
Silt Trap
Discharge Point
1m High x 1m High Clay Bank

Site Location Map — OS. Digital Sheet No.1998 & 2057 — Scale 1:2500



NOTE:
SITE OUTLINED IN RED

Site Plan
Scale: 1/500.

Storage Areas		
F1:-1573.89m2	3462m3	2.4
F2:-1573.89m2	3462m3	2.4
F3:-1573.89m2	3462m3	2.4
F4:-589.49m2	1415m3	2.4
F5:-589.49m2	1415m3	2.4
PY1:-530.18m2	1272m3	2.4
PY2:-108.95m2	261m3	2.4
PY3:-157.10m2	377m3	2.4
PY4:-154.63m2	371m3	2.4

JOB TITLE:
Proposed Pig Units & associated works at Finaway, Ballyjamesduff, Co.Cavan

DRAWING:
Site Plan & Location Map

Drawing No. 2

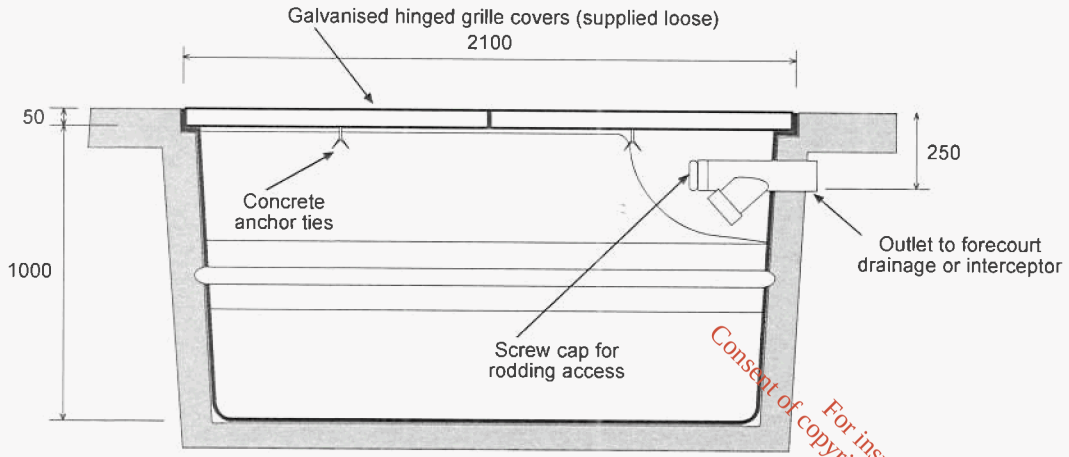
O.S Digital No. 1998 & 2057

SCALE: 1:500

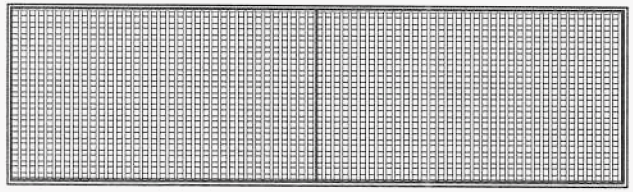
DRW. BY:
CLW ENVIROMENTAL PLANNERS LTD
FARNHAM STREET,
CAVAN,
Co. CAVAN.

DATE: 21/06/2014

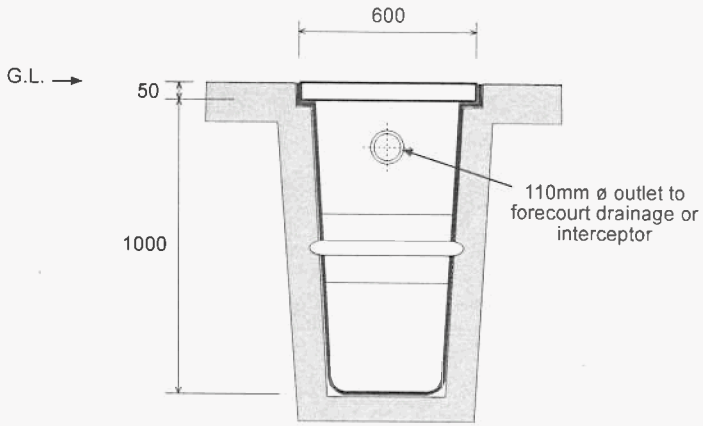
Not to scale



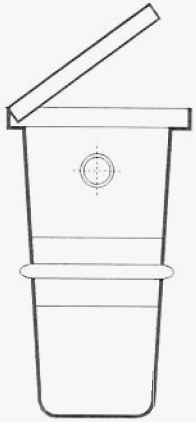
Side elevation



Plan



End elevation



Refer to installation guide

	Drawing Title: **Silt trap**	Revision Details: A Nov 2004	Drawing No. **GA99-120a**
	All dimensions are in mm Scale: NTS		Date: **November 1999**
			Drawn by: Artwork

Appendix No. 10 A
Ecological Impact Assessment Report

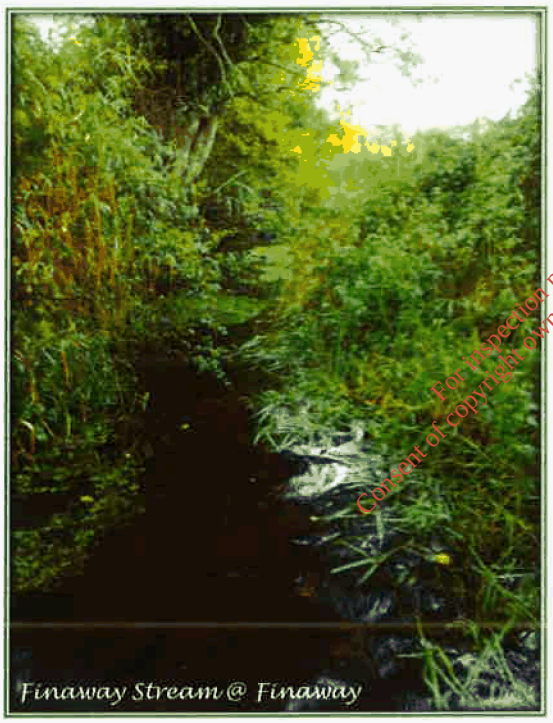
Whitehill
Environmental

Noreen McLoughlin, MSc
Environmental Consultant

Whitehill
Edgeworthstown
Co. Longford
✆ (087) 4127248 / (043) 6672775
✉ noreen.mcloughlin@gmail.com

Ecological Impact Assessment of Proposed Developments at Drumscruddan & Finaway, Co. Cavan

Planning Reference No: 14/238 & 14/239



Bogue Pigs

c/o Pauric Fay
C.L.W. Environmental Planners Ltd
The Mews
23 Farnham Street

October 2014

TABLE OF CONTENTS

1. INTRODUCTION

1.1 REQUIREMENT FOR AN ECOLOGICAL IMPACT ASSESSMENT

This Ecological Impact Assessment (EcIA) follows on from two Further Information requests from the Planning Department of Cavan County Council in relation to two separate but inter-related planning applications. The first application (14/238) relates to a proposed development at Drumscrudden, Crosserlough, Co. Cavan whilst the second application (14/239) pertains to a site at Finaway, Ballyjamesduff, Co. Cavan. One Environmental Impact Statement (EIS) has been submitted in relation to both these developments.

Both Further Information requests highlighted a need for a more thorough and holistic investigation of the existing aquatic environment around the application sites and their catchment areas. In addition, a more detailed description of the potential impacts of both developments on the aquatic environment and appropriate mitigation measures was requested. Both requests for Further Information referenced a detailed submission made by the Inland Fisheries Ireland in response to both planning applications and the EIS submitted.

Accordingly, a comprehensive assessment of the ecological impacts of this application was carried out in October 2014 by Noreen McLoughlin, MSc, MCIEEM of Whitehill Environmental.

1.2 THE AIM OF THE REPORT

This study addresses the ecological impacts that may occur in the future on the aquatic ecology of the Drumscrudden and Finaway areas and their surrounding environs should this development be allowed to proceed. In addition, potential impacts on any valuable terrestrial receptors have also been considered.

This EcIA has been undertaken in accordance with the guidelines issued by the Environmental Protection Agency (EPA) and the Chartered Institute of Ecology and Environmental Management (CIEEM).

It follows a standard approach based upon the description of the existing baseline conditions within the application site. An evaluation of the likely habitats and species currently present within the application site is also given, along with the identification of the potential ecological impacts arising from the construction and operation of the proposed developments. An assessment of the likely significance of the identified impacts on valued ecological receptors (VERs), both within and close to the application site is also made. Where a significant negative

impact has been identified, then suitable remedial mitigation measures are provided in order to prevent, reduce or offset the impact.

1.3 LEGISLATIVE AND POLICY CONTEXT

Legislative Context

The Irish Wildlife Act 1976 (and its amendment of 2000) provides protection to most wild birds and animals. Interference with such species can only occur under licence. Under the act it is an offence to "wilfully interfere with or destroy the breeding place or resting place of any protected wild animal". The basic designation for wildlife is the Natural Heritage Area (NHA). This is an area considered important for the habitats present or which holds species of plants and animals whose habitat needs protection. Under the Wildlife Amendment Act (2000) NHAs are legally protected from damage. NHAs are not part of the Natura 2000 network and so the Appropriate Assessment process does not apply to them.

The Flora Protection Order 1999 provides statutory protection in Ireland to a number of rare plant species from being wilfully cut, picked, uprooted or damaged. It is also illegal under this order to alter, damage or interfere with their habitats.

The EU Birds Directive (Council Directive 79/409/EEC) implies that particular protection is given to sites (Special Protection Areas) which support certain bird species listed in Annex I of the Directive and that surveys of development sites should consider the status of such species.

The EU Habitats Directive (92/43/EEC) gives protection to sites (Special Areas of Conservation) which support particular habitats and species listed in annexes to this directive. Articles 6(3) and 6(4) of this Directive call for the undertaking of an Appropriate Assessment for plans and projects likely to have an effect on designated sites. .

The Water Framework Directive (WFD) (2000/60/EC), which came into force in December 2000, establishes a framework for community action in the field of water policy. The WFD was transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. 722 of 2003). The WFD rationalises and updates existing legislation and provides for water management on the basis of River Basin Districts (RBDs). RBDs are essentially administrative areas for coordinated water management and are comprised of multiple river basins (or catchments), with cross-border basins (i.e. those covering the territory of more than one Member State) assigned to an international RBD. The aim of the WFD is to ensure that waters achieve at least good status by 2015 and that status doesn't deteriorate in any waters.

Planning Policies

National

Nationally, the Government's commitment to sustainable development is set out in a number of documents including the National Development Plan 2007-2013, the National Spatial Strategy 2002-2020 and Sustainable Development: A Strategy for Ireland 1997.

Regional

The Regional Planning Guidelines for the Border Region, adopted by the Border Regional Authority on 29th September 2010, provides a planning framework covering the counties of Cavan, Donegal, Leitrim, Louth, Monaghan and Sligo for the period 2010-2022. These guidelines contain a number of policies and objectives relevant to the protection of water quality, ecology and nature conservation. These guidelines are summarised in Table 1.

Policy Reference	Policy
ENVP5	All development plans and projects within the Border Region shall conserve and protect biodiversity and the ecological integrity of: • all designated sites, or any new or extended ecological sites designated during the life of the Guidelines, of international and national importance, and sites proposed for designation, in particular, European sites (including Natura 2000 sites), and Ramsar sites, NHAs and statutory Nature Reserves; •Species listed under Annex I, Natural Habitats; Annex II, Animal and Plant Species and Annex IV, Animal and Plant Species of Community Interest in need of strict protection of the Council Directive92/43/EEC.
ENVP9	To ensure alignment between the core objectives of the Water Framework Directive (including River Basin Management Plans and POMS and Fresh Water Pearl Mussel Sub-Basin Management Plans pertaining to the Border Region) and other related plans such as County Development Plans and related Local Area Plans; Habitat and Species Protection Plans under the Habitats Directive, Water Services Investment Programme, Nitrates Action Programme; and Flood Management Plans.

ENVO8	Local Authorities must incorporate the issues from the River Basin Management Plans and all action measures set out in Shell Fish Water Protection Measures within their jurisdiction , into the plan making process, so that the implications of development on water quality is a key driver in identification of suitable locations for new development.
ENVO10	Areas of good and poor ecological status in the River Basin Management Plans should be identified in all Development Plans and specific policies developed to protect their status, including restrictions on types of development which impact on water quality.

Table 1 – Regional Policies Relevant to Water Quality, Ecology and Nature Conservation

Local

Planning policy at the local level is provided by the Cavan County Development Plan 2014–2020. This plan contains a number of policies and objectives relevant to the protection of water quality, ecology and nature conservation value in County Cavan. These are summarised in Table 2.

Policy Reference	Policy
NHEP27	To protect the water resources of County Cavan.
NHEP27	To protect the rivers, streams, lakes and all other watercourses in the County, in order to promote sustainable and suitable habitats for flora and fauna.
NHEP28	To promote the engagement of developers and regulators in sustainable development and encourage a high standard of environmental protection. The "precautionary principle" will apply where a significant risk to the environment exists.
NHEP29	To achieve good status in all our waterbodies and prevent the deterioration of existing water quality status in all waterbodies in accordance with the requirements of the Water Framework Directive (WFD) and to any development where the potential adverse effects are not fully understood, in which case the development should not proceed. The "burden of proof" shall

	be solely with the applicant to ensure that the proposed activity will not cause significant environmental harm.
NHEP30	Ensure that all industrial or agricultural developments generating manure, organic fertilizer and sludge that are dependent on the off – site recovery or disposal of waste take area mapping into account. Including lands with impaired drainage or percolation properties and lands where rock outcrop and extreme vulnerability of groundwater is present. Restrictions shall apply in areas where water source catchments are present.
NHEP31	Ensure the implementation and enforcement of the European Communities, "Good Agricultural Practice for Protection of Waters Regulations" (2009) and associated European Communities "Good Agricultural Practice for Protection of Waters Regulations" 2013 – S.I. 610 of 2010.
NHEO50	All applications for development shall be assessed in terms of the potential impact on the quality of surface waters through the implementation of, where applicable, the RBMP's objectives and targets set under the following; 'Neagh Bann International River Basin District', 'Water Matters' and 'North Western International River Basin District: Water Matters', 'Shannon International River Basin District: Water Matters' and the 'Eastern International River Basin District: Water Matters' .

Table 2 – Local Policies Relevant to Water Quality in Co. Cavan

Biodiversity and Heritage Plans

Ireland's National Biodiversity Plan identifies actions that need to be taken in order to understand and protect biodiversity in Ireland. It states that biodiversity and ecosystems in Ireland should be conserved and restored, to deliver benefits that are essential to all sectors of society and that Ireland should contribute to the efforts to halt the loss of biodiversity and the degradation of ecosystems in the EU and globally.

The Cavan County Local Biodiversity Action Plan which sets out a range of actions for the conservation and sustainable use of biodiversity. It stimulates effective local action, creates awareness and promotes biodiversity at the local authority level.

The County Cavan Heritage Plan 2006-2011 identifies a number of objectives and policies in order to protect the natural heritage and biodiversity of Co. Cavan. This plan is currently under review.

2. METHODOLOGY

2.1 STUDY AREA

The study area encompasses all the land within the area defined in the plan submitted for planning consent, i.e., the proposed application sites. In addition, important ecological habitats and receptors within the zone of influence of the proposed developments were also studied.

2.2 DESK BASED STUDIES

The desk study involved the examination of aerial photographs, current and historical maps and plans and drawings of the site. In addition, information was collated on designated nature sites within a 10km radius of the proposed site and on protected and rare species within the 1km square of the site.

The following websites were used to access information and data:

- National Parks and Wildlife Service – www.npws.ie
- National Biodiversity Data Centre – www.biodiversitycentre.ie
- Ordinance Survey Ireland – www.osi.ie
- Google Maps & Street View – maps.google.ie
- Bing Maps – www.bingmaps.com
- Environmental Protection Ireland – www.epa.ie
- Cavan County Council – www.cavancoco.ie
- Water Matters – www.wfdireland.ie
- Inland Fisheries Ireland – www.fisheriesireland.ie

2.3 CONSULTATIONS

Consultation on both developments was sought with the National Parks and Wildlife Service and with Inland Fisheries Ireland. NPWS replied stating that they had no comments on either development. IFI have not yet responded.

2.4 FIELD BASED STUDIES

A visit to both of the sites at Drumscrudden and Finaway was conducted on October 3rd 2014. Weather conditions on this day were wet. Habitats within both sites were noted.

Subsequently, six different sampling locations on local water courses were then visited. Points were chosen for relevance to the development but ease of access and river topography were also taken into account. These sites are listed in Table 3.

Station No.	River Name & Location	Grid Reference
1	Drumscrudden Stream – u/s of PPA	N489 917
2	Drumscrudden Stream – d/s of PPA	N491 915
3	Finaway Stream - ~44m u/s of PPA	N499 890
4	Finaway Stream – ~58m d/s of PPA	N500 889
5	Mount Nugent River - u/s at Bridge nr Derrylea	N509 896
6	Mount Nugent River – d/s at Kilnacrott	N508 877

Table 3 – Stations Sampled as Part of this Assessment

At each station, the surrounding habitats were noted along with other parameters such as water flow, stream depth and the predominance of vegetation. At each station a two minute kick sample was taken with a Freshwater Biological Association approved hand held sweep net with a mesh diameter of 500µm. If a kick sample was not suitable due to the depth or flow conditions of the river, then a two-minute sweep sample of the in-stream vegetation and a stone wash was taken instead.

The samples were retained in plastic containers at the sampling site. In the laboratory, any mud was removed from each sample by sieving under running water through a 500 µm sieve. The sieved samples were then sorted live in a white sorting tray under a bench lamp. All macro-invertebrates were removed from the samples and preserved in 70% ethanol. They were later counted and identified to an appropriate taxonomic level. Based on the relative abundance of indicator species, a biotic index (Q rating) was determined for the sites in accordance with the biological assessment procedure used by the Environmental Protection Agency (Toner *et al.*

2005). All indicator species are assigned to one of five different groups based on their tolerance to pollution. Group A are the most sensitive invertebrates and Group E are the least sensitive.

2.5 ASSESSMENT METHODOLOGY

Evaluation of Ecological Features

The methodologies used to determine the value of ecological resources, to characterise the impacts of the proposed scheme, and to assess the significance of impacts and any residual effects are described below. This approach is in accordance with EPA guidance and the CIEEM's (Chartered Institute of Ecology and Environmental Management) guidelines.

CIEEM suggest that to ensure a consistency of approach, ecological features are valued in accordance with their geographical frame of reference, as defined below:

- International
- National (Ireland)
- Regional (Border Region)
- County (Cavan)
- District (Mount Nugent Catchment / Lough Sheelin)
- Local/Townland (Finaway and Drumscrudden)

The above categories are then applied to the ecological features identified. Ecological features can be defined as:

- Designated sites (i.e., SACs, SPAs, NHAs, pNHAs, National Nature Reserves) or non-statutory locally designated sites and features.
- Non-designated sites and habitats and features of recognised biodiversity value, such as rivers and streams. The features being evaluated can be considered in the context of the site and locality and thus a more accurate assessment of the impacts in the locality can be made.

Assessment of Impacts

The assessment of potential ecological impacts has been carried out using guidelines published by the EPA and the CIEEM. They can be summarised as:

- The identification of the range of potential impacts which can reasonably be expected to occur should the proposed developments receive planning consent;
- The consideration of the systems and processes in place to avoid, reduce and mitigate the possible effects of these impacts;
- The identification of opportunities for ecological enhancement within the site.

Impacts are defined as being positive, negative or neutral. A significant impact is defined as an impact upon the integrity of a defined ecosystem and/or the conservation status of a habitat or species within a given area.

Where a potential negative impact has been identified, mitigation measures have been formulated using best practices techniques and guidance to prevent, reduce or offset the impact.

3. SITE LOCATION & DEVELOPMENT DESCRIPTION

In July 2014, Bogue Pigs applied to Cavan County Council for planning permission for two separate applications at Drumscrudden and Finaway, Co. Cavan. The two applications are described in Sections 3.1 and 3.2.

The EIS submitted describes that the alternative to the proposed development, i.e., the "do nothing" scenario, is to refurbish the existing facilities and structures and recommence farming from there. The current applications seek to improve animal welfare standards and environmental efficiency and standards on both sites.

3.1 DRUMSCRUDDEN APPLICATION (PLANNING REFERENCE 14-238)

The first application site is located in the townland of Drumscrudden, Crosserlough, Co. Cavan. It is situated in a rural area and access to the site is via a local third class road. The site is approximately 3.15hectares in area. It is c. 3km west of Ballyjamesduff and 4km east of Kilnaleck. A site location map can be seen in Figure 1.

At this site, planning permission is being sought for the demolition all existing pig houses and for the construction of 5 new pig houses, all to be in accordance with animal welfare and nitrates regulations. Permission also pertains to ancillary structures and associated site works.

It is proposed that the farm at Drumscrudden will house all the breeding stock (i.e., sows, served gilts, maiden gilts and boars) and all pigs born until they reach a liveweight of 35kg. The five proposed buildings on site will include two dedicated dry sow / gilt houses, one dedicated farrowing house and 2 dedicated weaner house.

Finaway Application (Planning Reference 14-239)

The second application site is located in the townland of Finaway. Access to the site is via a local third class road. The site is approximately 2.52 hectares and it is 3km south-west of Ballyjamesduff and 3.5km north-east of Mountnugent. The location of this site can also be seen in Figure 1.

At the Finaway site, planning permission is being sought for the demolition all existing pig houses, with the exception of four existing pig houses which will remain in situ. It is proposed to construct five new pig houses and to extend an existing house, in accordance with animal welfare and nitrates regulations. Permission also pertains to ancillary structures and associated site works.

The existing farm currently consists of sixteen houses. Should planning permission be granted, then the Finaway farm will operate as a finishing site for pigs transferred from the Drumscrudden farm. Here, they will be reared to market weight.

When both sites were operational in the past, they operated as a 1,510 sow breeding unit. It is proposed that the existing set-up of breeding at the Drumscruddan site and finishing at the Finaway site will remain but at revised numbers.

Farm Outputs

The main outputs from both farms will be pigs and manure. The annual production of slurry will be 25,870m3 and the storage capacity on both farms will increase to approximately 30,000m^3 on completion of the proposed developments. This storage capacity will ensure that organic fertiliser produced on the farm is spread only under favourable soil and climatic conditions, and is well in excess of the six months storage capacity as required under S.I. 31 of 2014. All new manure storage structures will be constructed according to the Standards set out by the Department of Agriculture, Food and the Marine.

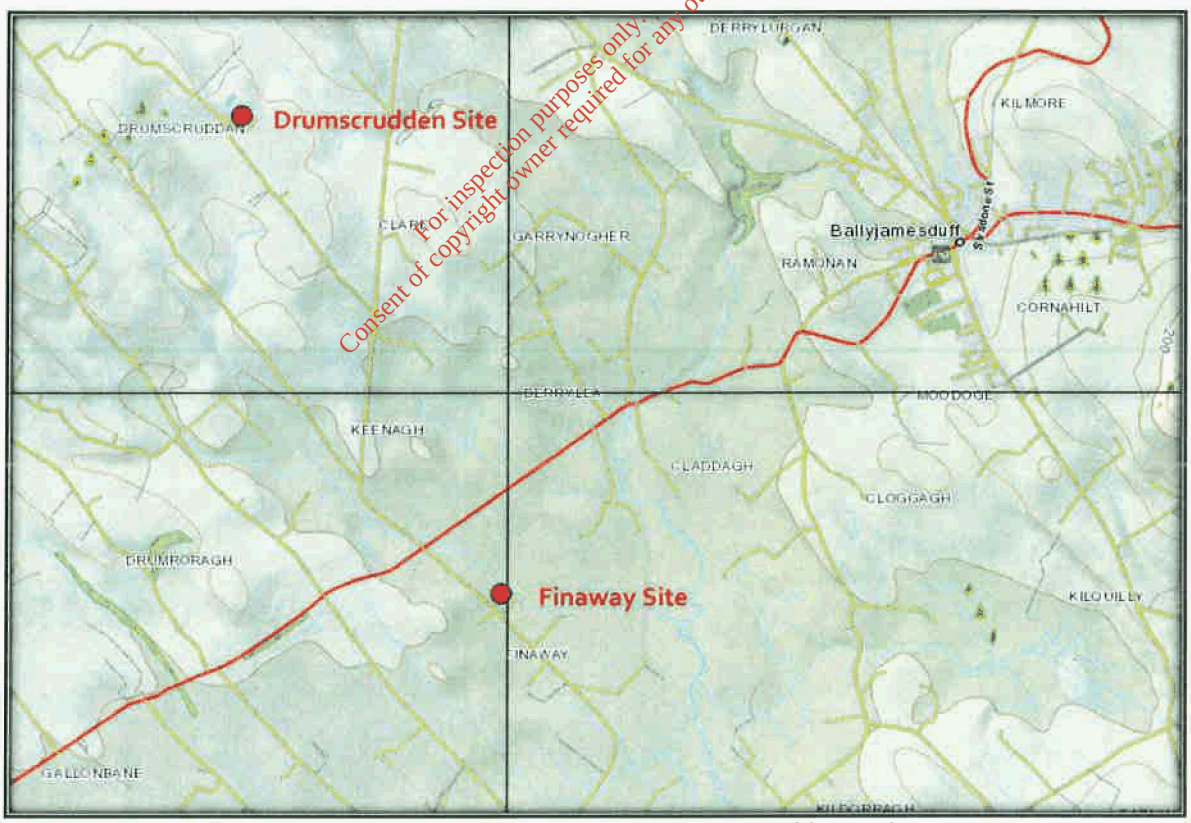


Figure 1 – Application Sites (Red Dots) at Drumscrudden & Finaway

4. RECEIVING ENVIRONMENT

This section provides an overview of the existing ecological conditions within the site and the surrounding environment.

4.1 SITE DESCRIPTION – SURROUNDING HABITATS

Drumscrudden

The Drumscrudden site is mainly comprised of areas of Buildings and Artificial Surfaces (Fossit Code BL3), whilst boundaries consist of native hedgerows (WL1) and treelines (WL2). There are few ecological habitats of value within this site, but the boundaries surrounding it would be of local importance for passerine birds and small mammals. Habitats surrounding the site are dominated by well drained improved agricultural grassland (GA1). There is a large conifer plantation (WD4) to the north-west of the application site. A small river (described in this text as the Drumscrudden Stream) flows through the centre of this conifer plantation. An aerial photo of this site and its surrounding habitats is shown in Figure 2.

The Drumscrudden Stream rises in the townlands of Duffcastle and Kiffagh, approximately 900m upstream of the forest. It then flows through the forest and through agricultural land for approximately 3.5km until it joins the Mount Nugent River in the townland of Rassan, just north of the R194 road. A more detailed description of this stream and its water quality is provided in Section 4.2.

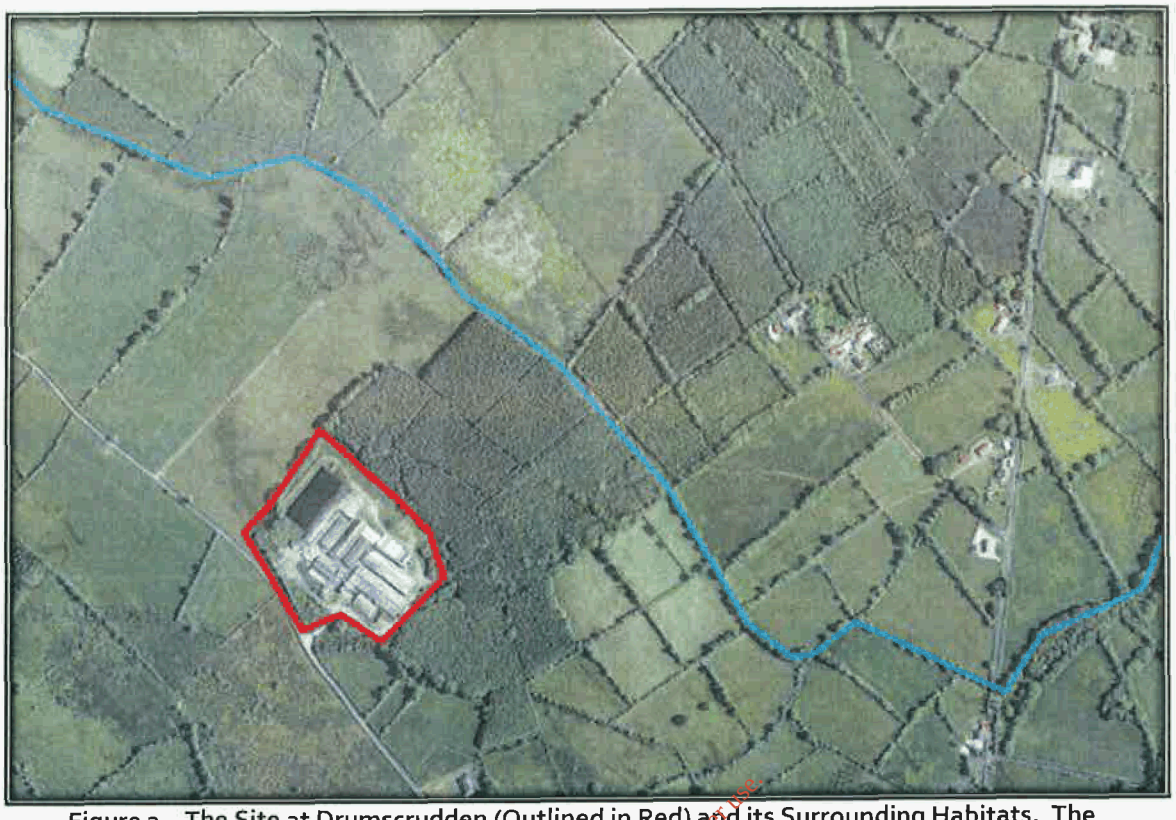


Figure 2 – The Site at Drumscrudden (Outlined in Red) and its Surrounding Habitats. The Drumscrudden Stream is Outlined in Blue.

Finaway

The Finaway site also mostly consists of Buildings and Artificial Surfaces (BL3). Boundaries consist of hedgerows (WL1) and treelines (WL2). There are also some areas of immature woodland immediately north-west of the site. Like the site at Drumcrudden, the boundaries would be important on a local level. Habitats surrounding the site are dominated by well drained improved agricultural grassland (GA1). An aerial photo of this site and its surrounding habitats is shown in Figure 3.

The Finaway Stream flows along the north-eastern perimeter of this site. This stream rises approximately 2.7km north-west of the application site. It flows mainly through areas of improved agricultural grassland and wet grassland. It joins the main branch of the Mount Nugent river, approximately 900m downstream of the application site at Finaway. A more detailed description of this stream and its water quality is provided in Section 4.2.

Figure 3 – The Site at Finaway (Outlined in Red) and its Surrounding Habitats. The Drumscrudden Stream is Outlined in Blue.

4.2 DESIGNATED SITES

Natura 2000 Sites

Neither of the proposed application sites are in nor are they adjacent to any site that has been designated as a Special Area of Conservation (SAC) or a Special Protection Area (SPA) under the EU Habitats or EU Birds Directive. However Lough Sheelin SPA 004065 is 5.5km south and 13.5km downstream of the Drumscrudden site, whilst it is 3.9km south-west and 9km downstream of the Finaway site. In addition, the Mount Nugent River is a major input into Lough Sheelin and both the Drumscrudden Stream and the Finaway Stream are tributaries of this river. Therefore, there is a source – pathway – receptor linkage between both application sites and Lough Sheelin SPA.

A Screening Report as required under Article 6(3) of the EU Habitats Directive has been submitted in relation to the proposed applications at Drumcrudden and Finaway. This screening report has been revised and reviewed following the Further Information request.

Nationally Important Sites

Lough Sheelin SPA is also designated as a proposed Natural Heritage Area (pNHA 000987). In addition, Lough Ramour pNHA 000008 is also within 10km of both proposed applications. A map of Lough Sheelin SPA, pNHA and Lough Ramour pNHA in relation to both application sites is shown in Figure 4 and Figure 5.

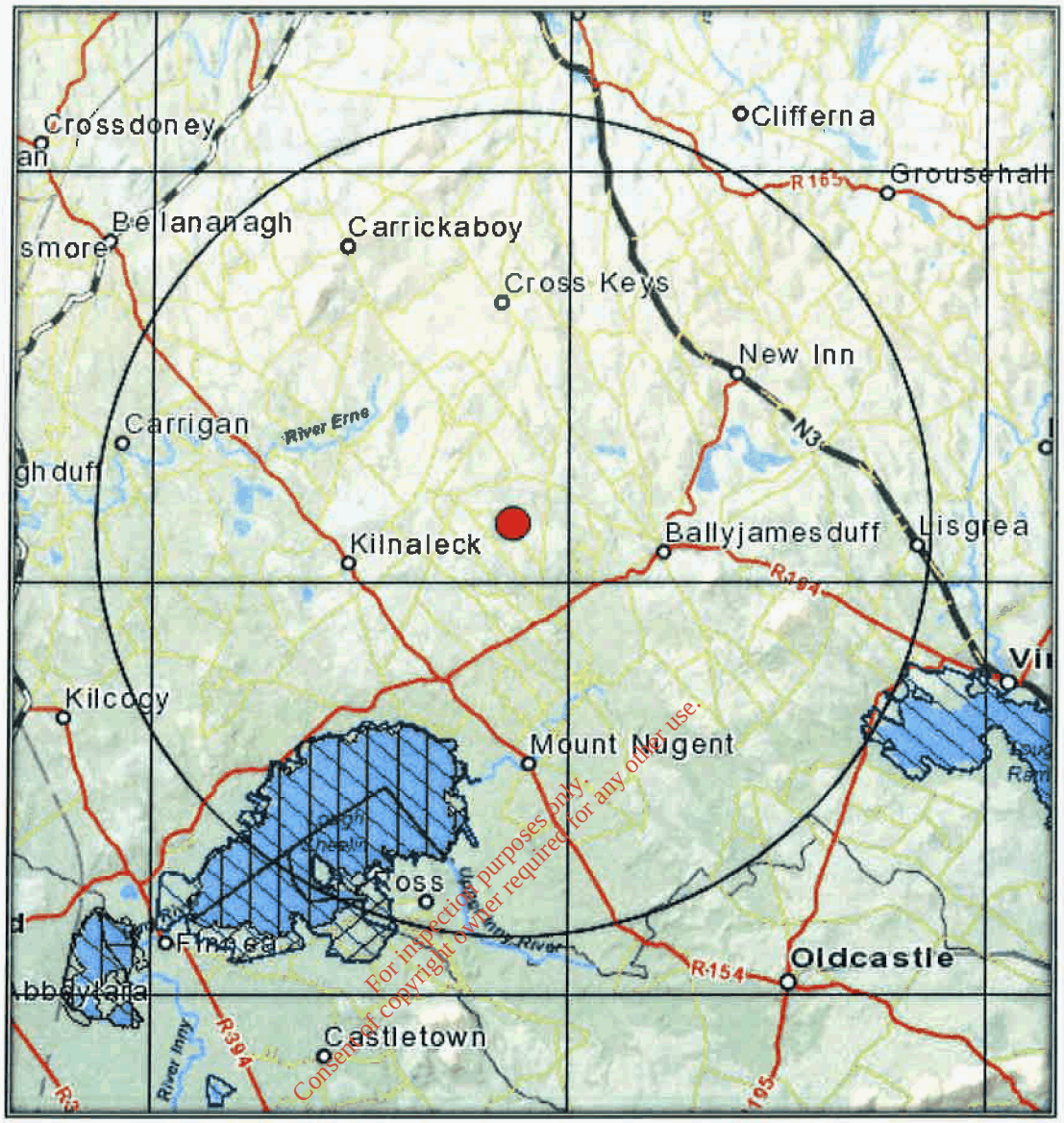


Figure 4 – The Proposed Application Site at Drumscrudden (Red Dot) in Relation to Designated Sites (SPA Red Vertical Hatching, pNHA Blue Cross Hatching)

Figure 5 – The Proposed Application Site at Finaway (Red Dot) in Relation to Designated Sites (SPA Red Vertical Hatching, pNHA Blue Cross Hatching)

4.3 FLORA AND FAUNA

Rare and Protected Plant Species

An examination of the website of the National Parks and Wildlife, the National Biodiversity Data Centre and the Online Atlas of Vascular Plants for Ireland revealed that no species protected under the Flora Protection Order occurs within the 1km squares of the proposed application sites.

4.4 FAUNA

Protected Mammals

Records from the National Biodiversity Data Centre reveal the presence of the following protected mammals from within the 10km squares (N48 & N49) of this proposed application site:

- Badger *Meles meles*

- European Hedgehog *Erinaceus europaeus*
- Otter *Lutra lutra*
- Irish Stoat *Mustela erminea subsp. Hibernica*
- Red Squirrel *Sciurus vulgaris*
- Irish Hare *Lepus timidus subsp. Hibernicus*
- Pine Marten *Martes martes*
- Pygmy Shrew *Sorex minutus*
- Daubenton's Bat *Myotis daubentonii*
- Lesser Noctule *Nyctalus leisleri*
- Pipistrelle *Pipistrellus pipistrellus*
- Soprano *Pipistrelle Pipistrellus pygmaeus*

All these species are protected under the Irish Wildlife Acts. In addition, the otter *Lutra lutra* is protected under Annex II of the European Habitats Directive. The protection of water quality is vital for the otter.

Birds

It is likely that a range of common passerine birds would occur around the proposed development site, using the hedgerows and mature trees as nesting and feeding sites. A wider range of bird species, including water fowl associated with lake land habitats would occur at Lough Sheelin SPA. Some of these bird species would be of national importance.

Amphibians, Reptiles and Invertebrates

Although there are no official records, it is likely that the common frog *Rana temporaria* occurs close to the proposed development sites. The presence of the smooth newt, *Lissotriton vulgaris*, is also a possibility.

There are no records or reports of any protected invertebrate species from the Drumscrudden or Finaway areas.

4.5 WATER FEATURES AND WATER QUALITY

Biological water quality sampling was carried out at six river locations – these stations and their locations were summarised in Table 3. They are described in greater detail below and the results of the water quality monitoring data are summarised in Table 4 and provided in full in Appendix I. A map showing the location of these sites is given in Figure 6.

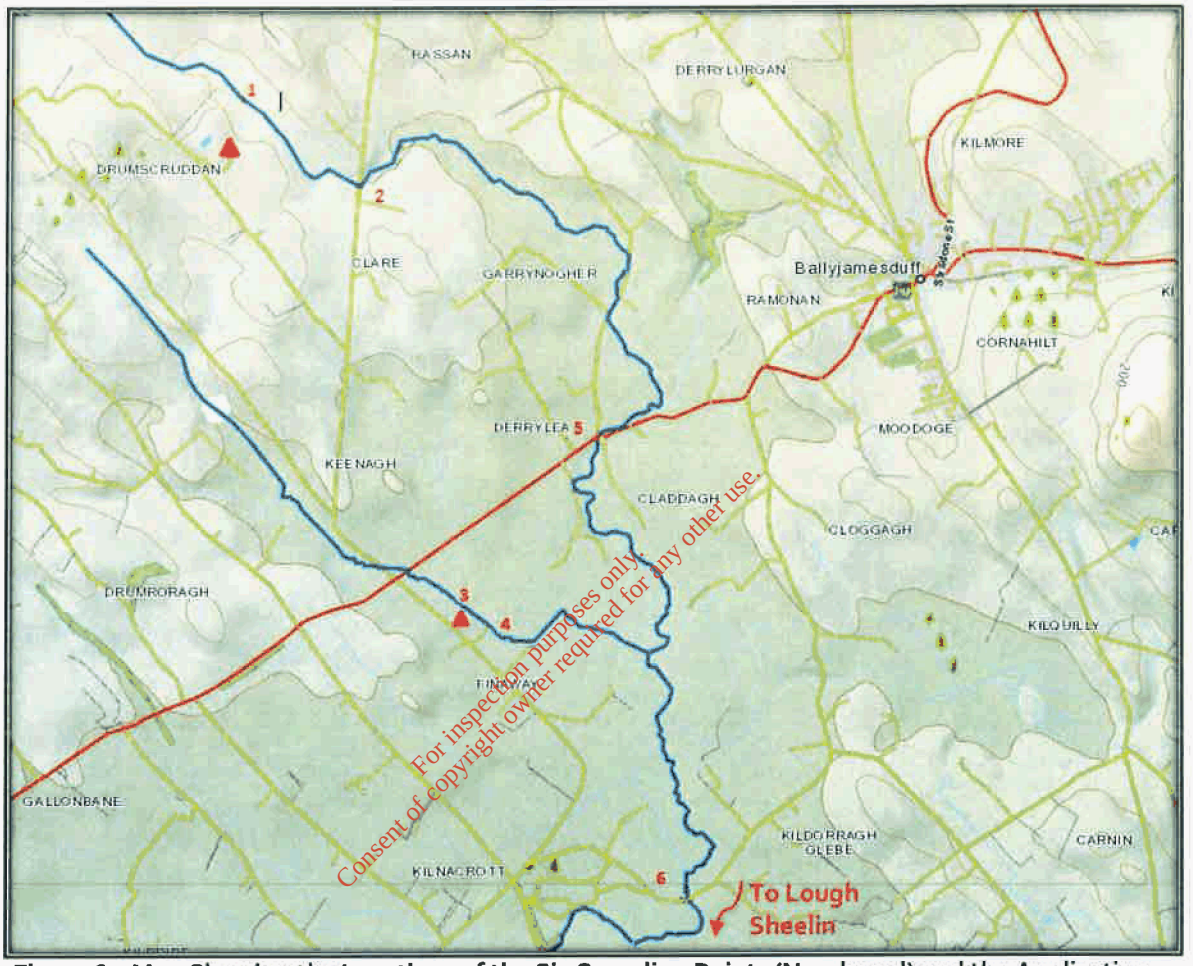


Figure 6 – Map Showing the Locations of the Six Sampling Points (Numbered) and the Application Sites (Red Triangles)

Station One - u/s of Drumcrudden Site

The Drumscrudden Stream upstream sample at Station One was taken just slightly upstream of the coniferous forest plantation. At this point, the stream is quite shaded from the forestry and it is likely that it receives input from the forestry from its banks. The stream here was about 2m wide and approximately 30cm deep. There were some riffle areas and the substrate was comprised of gravel and stones. Flow was moderately fast.

The macro-inverebrate fauna obtained from the river at this point was limited. The most sensitive taxa, i.e., Group A and B organisms were absent. Group C taxa dominated the sample – this group is moderately tolerant of organic pollution. The most dominant organism in the sample were Chironomidae. Group D taxa are very tolerant of organic pollution and these were

recorded in small numbers. This group was mostly represented by the water louse *Asellus aquaticus*. Group E taxa were solely represented by the genus chironomous – these were numerous in the sample. Group E are the most tolerant of organic pollution and the presence of the chironmous in a high proportion (+38%) is indicative that the stream here is quite polluted. The morphology of the river at this point was good, i.e., the channel type is such that it could support the more oxygen demanding species such as mayflies and stoneflies. Their absence is solely down to poor water quality. Based on the presence and absence of the indicator taxa, a Q2-3 was assigned here. This means that the Drumcrudden stream at this point is of poor ecological status and this is unsatisfactory.

Station Two – d/s of Drumcrudden Site

The Drumscrudden Stream downstream of the proposed application site was approximately 2m wide and 40cm deep. At this point, the predominant land-use was grazing agricultural land. The stream was fenced off along the field at this point and it was well shaded from over-hanging vegetation. Flow here was moderate and there were suitable riffle sites in which to obtain the sample.

No one taxa dominated this sample. Group A were absent and Group B was represented by five specimens from the cased caddis family (Limnephilidae and Sericostomatida). Group C taxa were numerous and dominated by the gastropod ancylidae and the freshwater shrimp *Gammarus duebeni*. Both these were common whilst the mayfly *Baetis rhodani* was represented in small numbers. The Group D taxa *Asellus aquaticus* was numerous. Group E taxa were absent.

Based on the presence of the indicator taxa obtained in this sample, a Q3 rating was assigned here. This is an improvement from the upstream section of the stream; however a Q3 remains unsatisfactory.

Station Three – u/s of Finaway Site

Station Three was just upstream of the proposed application site. At this point the river channel was narrow, being less than 1m wide. It was also approximately 50cm deep. The channel morphology and depth at this location meant that there were no riffle areas available from which to obtain the sample. Glyceria was common in-stream and the banks of the stream were open. The sample was taken just downstream of a cattle access point.

In this sample, Group C taxa were excessive. There were over 400 specimens of *Galba truncatula*. Beetles from the Elminthedae family were present in small numbers, as was

Gammarus duebeni and caseless caddis from the hydropsychidae family. Group D taxa were absent, however there were 4 specimens of the Group E Chironomous.

Based on the presence of the indicator taxa obtained in this sample, a Q3-4 rating was assigned here. This may even be under-representing the quality of the water here – even though the riffle – pool – glide morphology was absent, Group A taxa were still recorded.

Station Four – d/s of Finaway Site

The Finaway Stream at Station Four was approximately 1.5m wide. It had a well developed pool – riffle – glide morphology and the substrate was comprised of gravels and stones. The sample was taken just upstream of a cattle access point. Shading along the channel at this point was about 50% and the flow was moderate.

As in other samples, Group C taxa were recorded in excessive numbers in this sample. There were over 230 *Galba truncatula* and this was the dominant species. *Gammarus duebeni* was present in small numbers, as were the beetles *Elmis aenae* and *Limnius volckmari.* Dipterns were represented by the chironomidae and simuliidae families and the Dicranota genus was also present in small numbers. *Baetis rhodani* occurred in small numbers as did the caseless caddis hydropsychidae. Group A taxa were scarce and were represented by three individuals (Ecdyonurus and *Rhitrogena semicolorata*). Group B and E were absent and Group D was represented by a single specimen of *Asellus aquaticus.*

Based on the presence of the indicator families, this Station was assigned a Q3-4. The presence of the Group A taxa was an influence in assigning this rating. A Q3-4 means that the stream at this point is of moderate ecological status. This is unsatisfactory. A decrease in the proportion of Group Cs at this station would warrant a Q4.

Station Five - Mount Nugent River Upstream

The Mount Nugent River at Station Five was accessed along the main road, the R194. This station is also used by the EPA in their monitoring programme (Station Number 0200, Bridge near Derrylea). At this point, the river is approximately 4m wide and 50cm deep. Flow was moderate and there was a fairly well developed riffle – pool – glide system. This station is downstream from the confluence of the Drumscrudden stream.

This sample was dominated by Group C taxa, which occurred in excessive numbers. The main reason for this was the presence of the gastropod *Galba truncatula,* which was recorded in numbers exceeding 600. Also from this group were beetles from the Elminthedae family, dipterns from the chironomid and simuliidae families, the mayfly *Baetis rhodani* and the

freshwater shrimp *Gammarus duebeni.* Both Group A and Group B taxa were present in this sample, albeit in very low numbers. Mayflies from the Ecdyonurus genus and *Rhithrogena semi-colorata* were both recorded along with one single specimen of stonefly from the Leuctridae family. Group D taxa were scarce and were represented by *Asellus aquaticus,* bivalves from the Sphaeriidae family and leeches from the Glossiphonidae famly. Group E taxa were absent.

Based on the presence of the indicator families, this Station was assigned a Q3-4. The presence of the Group A taxa was an influence in assigning this rating. A Q3-4 means that the stream at this point is of moderate ecological status. This is unsatisfactory.

Station Six – Mount Nugent River Downstream

The Mount Nugent River at Station Six was accessed via a large field, as bridge access was not possible at this point. The river here was deep, approximately 70cm and there were no suitable riffle areas from which to sample from. The substrate of the river at this point was silt and stones. Alder was dominant along the riparian zone, shading the river along much of its banks.

The sensitive Group A taxa were absent at this point, and Group B was represented by a single specimen from the Limnephilidae family. Group C was the dominant taxa, however it did not occur in excessive numbers. Within the Group C taxa, chironomids were numerous and *Gammarus duebeni* was common. The more tolerant Group D taxa were numerous and represented by *Asellus aquaticus* and sphaeriidae.

Based on the presence of the indicator families, this Station was assigned a Q3. There were no Group A taxa recorded, however the morphology of the river at this point would make it unlikely that Group As would be found. A Q3-4 means that the stream at this point is of moderate ecological status. This is unsatisfactory.

Station	River Name & Location	Q-Rating	Ecological
1	Drumscrudden Stream – u/s of PPA	Q2-3	Poor
2	Drumscrudden Stream – d/s of PPA	Q3	Poor
3	Finaway Stream - ~44m u/s of PPA	Q3-4	Moderate
4	Finaway Stream – ~58m d/s of PPA	Q3-4	Moderate
5	Mount Nugent River - u/s at Bridge nr Derrylea	Q3-4	Moderate
6	Mount Nugent River – d/s at Kilnacrott	Q3-4	Moderate

Table 4 – Summary of Q Ratings for the Six Stations

Overview of the Catchment

As part of their national water quality monitoring programme the EPA regularly monitor the biological quality of the water in the Mount Nugent River and its tributaries. Neither the Drumscrudden nor the Finaway Stream are included in this programme, however the EPA do monitor the Mount Nugent stream at the Bridge near Derrylea, which for the purposes of this report is Station Five. A summary of the recent EPA water quality monitoring results for the Mount Nugent River is provided in Table 5.

Station No.	Location	2002	2005	2008	2011
0040	Bridge nr Rockville	4	4	-	-
0120	Bridge SE Rockville	-	-	2-3	3
0200	Bridge nr Derrylea	4-5	4	3-4	3
0300	Bridge at Kildorra	-	-	3-4	3-4
0350	Bridge E of Killnacrot	3-4	3-4	-	-
0500	Mount Nugent Bridge	4	3-4	3-4	3-4

Table 5 – Recent Q-Ratings for the Mount Nugent River (Source EPA.ie)

Overall, the ecological status of the Mount Nugent River has varied from poor to good since 2002. The most recent data from 2011 categorises the river between poor and moderate ecological status. This is unsatisfactory. I2 2011, the EPA recorded a Q3 for the bridge near Derrylea and this report recorded a Q3-4. This is a slight improvement from poor to moderate ecological status.

Information pertaining to the Mount Nugent River Catchment as a whole was obtained from the Water Maps section of the Water Matters website (www.wfdireland.ie). The Water Maps mapping information system was developed to support the River Basin Management Plan documentation in relation to Ireland's River Basin Districts. This information system presents data on waterbody status, risks, objectives and measures.

The Mount Nugent River is defined by Water Matters as a tributary of the River Inny. The overall status of this catchment is poor and is it identified as being At Risk of not bring fully restored to good ecological status by the year 2021. This report summaries the macro-invertebrate status as being moderate, the general physio-chemical status as good and the fish

status as poor. Overall, the result is poor overall ecological status and the risk sources include diffuse pollution and unsewered areas.

Lough Sheelin lies at the top of the River Inny and the Water Matters website summarises the overall status of this catchment as bad and being At Risk of not being fully restored by 2021. It has a moderate macro-invertebrate status, a high general physio-chemical status and a bad fish status. Overall, the general ecological status is bad.

4.6 FISHERIES

A detailed submission on both applications was made to Cavan County Council by Inland Fisheries Ireland. Concern was expressed by IFI regarding the developments and their potential impacts upon the water quality of the Lough Sheelin catchment, including the Mount Nugent River and its tributaries. The submission quotes a report by O'Grady (2000), which states that Lough Sheelin "is amongst the twelve lakes in Western Europe capable of supporting substantial stocks of large wild brown trout" as the high pH of this limestone lake, combined with its low average depth profile gives it a unique trout producing potential. In addition, the Mount Nugent River and its tributaries has been found to be one of the major contributors of nutrients to Lough Sheelin (Lough Sheelin and its catchment, Water Quality Status and Nutrient Loadings 1998 – 2005, Kerins et al, 2007).

These facts indicate that the land use around the Mount Nugent River and its tributaries is an important contributor to the overall status of Lough Sheelin and therefore impacts arising from the proposed developments at Drumscrudden and Finaway on the Lough Sheelin catchment and its fisheries must be considered.

The IFI submission also describes a fisheries enhancement project that was carried out in the Finaway Stream by the Shannon Regional Fisheries Board in the late 1990s. The aim of these works was to increase the carrying potential of this stream for juvenile trout by improving nursery habitats. The juvenile trout are an important component of the Lough Sheelin trout fishery and the Mount Nugent River is one of the major spawning arteries of the Sheelin trout fishery. In recent years, The Finaway Stream has shown excellent spawning of brown trout, and in the winter of 2013/2014 an excess of 100 wild brown trout spawning redds were recorded in this stream upstream of and adjacent to the proposed application site.

A report prepared in 2013 by Inland Fisheries Ireland (Kelly *et al.* 2013) on the fish stock in the rivers of the Shannon International River Basin District provided data on fish stocks within the Mount Nugent River. One site was electro-fished just upstream of a bridge in Mount Nugent, approximately 2.3km upstream of Lough Sheelin. Seven fish species were recorded here.

Brown trout was the most abundant species, followed by perch, three-spined stickleback, lamprey, stone loach, roach and minnow. The 2013 study found an almost tripling in density of brown trout captured compared to an identical survey in 2011. It should be noted that all three species of lamprey (river, sea and brook) in Ireland are listed in Annex II of the EU Habitats Directive.

4.7 ECOLOGICAL EVALUATION

Summary of the Value of the Application Site

The sites at Drumscrudden and Finaway are both within 10km of the Lough Sheelin SPA. In addition, there is a source – pathway – receptor linkage between both sites and Lough Sheelin, via the Drusmcrudden Stream, the Finaway Stream and the Mount Nugent River.

Within the Drumscrudden site itself, there is little of ecological interest, besides the hedgerows and treeline boundaries, which would provide important feeding sites, nesting areas and safe commuting corridors for local populations of birds and mammals, including bats. The same is true at the Finaway site, however this site is adjacent to the Finaway Stream. This stream is an important ecological feature in itself and as a vector to the Mount Nugent River and Lough Sheelin.

Impacts on protected species, most notably the otter and lamprey species, must also be considered. These species occur locally and are listed in Annex II of the EU Habitats Directive.

5. POTENTIAL IMPACTS

5.1 INTRODUCTION

The identification of potential impacts and the assessment of their significance typically requires the identification of the type and magnitude of the impacts. For example, will the impacts be short term or long term, direct, indirect or cumulative and will they occur during construction or operation. This section will establish whether the impacts of the proposed developments at Drumscrudden and Finaway are likely to occur and whether or not they are significant. These potential impacts will be examined with respect to the ecological receptors identified in the previous section, in particular on the water quality and fisheries of the Lough Sheelin catchment.

5.2 IMPACTS UPON DESIGNATED SITES

Both proposed application sites are within 5km of Lough Sheelin SPA, and there is a source – pathway – receptor linkage between both sites and Lough Sheelin, i.e., the Drumscrudden Stream, the Finaway Stream and the Mount Nugent River.

However, considering the downstream distance, it is unlikely that there will be any impacts upon Lough Sheelin SPA, pNHA arising from the demolition and construction activities on both sites.

During the operational phase of the development, it is possible that there may be an accidental spillage of pig manure. Any spill or leak could have ecological consequences downstream, including Lough Sheelin. This would be of greater concern at the Finaway site, as it is adjacent to the stream.

In addition, in appropriate land-spreading of the pig manure generated at both sites may also have impacts upon Lough Sheelin SPA and other designated sites.

5.3 IMPACTS DURING THE CONSTRUCTION PHASE

Should the developments at Drumscrudden and Finaway be allowed to proceed then the following impacts will / may occur during the site preparation, demolition of old buildings and the construction:

- **Habitat loss** – Without careful use of machinery, boundary hedgerows and treelines may be damaged or destroyed. Impacts upon the riparian zone of the Finaway Stream are also possible given the fact that this stream is adjacent to the application site at Finaway;

- **Habitat fragmentation** – As above, damage or destruction of local hedgerows and treelines will result in habitat fragmentation and this would impact upon local populations of birds and mammals. In addition, the use of heavy machinery at the Finaway site during site preparation and construction could damage the riparian zone of the Finaway Stream;

- **Disturbance to local wildlife** – During site preparation and construction, local populations of birds and mammals may be disturbed by the increase in noise, traffic and human activity;

- **Deterioration in water quality in local watercourses**– should proper mitigation measures not be enforced and followed, then there is the potential that the Drumscrudden Stream, Finaway Stream and the Mount Nugent river will be impacted upon. This is a far greater risk at the Finaway site as it is adjacent to the Finaway stream. The risk at the Drumscrudden site is minimal, given the distance and the coniferous forest between the proposed application site and the Drumscrudden stream.

  Arising from the demolition and construction activities at the Finaway site, there is the possibility that the Finaway Stream will be polluted with silt, oil, cement and hydraulic fluid from site run-off during preparation and construction. This could have a direct impact upon species that have been listed in Annex II of the Habitats Directive, such as the otter and the lamprey. In addition, an increase in the siltation levels of local watercourses could result in the smothering of wild brown trout eggs, an increase in the mortality rate in trout of all ages, a reduction in the amount of food available for fish and the creation of impediments to the movement of fish. This would be of great concern, considering the importance of the Finaway Stream as a brown trout spawning site. Pollution of the water with hydrocarbons, cement and concrete during the construction phase of this proposed development could have a significant negative effect on the fish and aquatic invertebrate populations.

  Pollution of the Finaway Stream during site preparation and construction could also have an impact upon the Mount Nugent River, as the Finaway Stream is an important tributary of this river. The invertebrates, fish and the general ecology of the Mount Nugent River could all be impacted upon from site-run off from Finaway.

5.4 IMPACTS DURING THE OPERATIONAL PHASE

Should the developments at Drumscrudden and Finaway be allowed to proceed then certain negative impacts will / may occur during the continued operation of the pig farms, which could give rise to negative impacts upon the water quality in the Finaway Stream and consequently

the Mount Nugent River and Lough Sheelin. As in the previous section, given the distance between the Drumscrudden site and the stream, the risk of run-off will be minimal. The main concern is the Finaway Stream. Water quality could be impacted upon from the following:

- An accidental spillage or leakage of slurry being stored on the farm into the Finaway Stream;
- Contaminated surface water entering the Finaway Stream;
- Contamination of the Finaway Stream with an accidental spillage of pig feed;
- Inappropriate landscaping could result in the introduction of non-native invasive species into the area;
- Inappropriate land-spreading of the manure produced could have serious negative impacts upon local watercourses and their receptors.

5.5 ASSESSMENT OF IMPACTS

Habitat Loss and Fragmentation

Should the proposed development be allowed to proceed, then there will be no landtake from any area of Lough Sheelin SPA, pNHA. There will be no interference with the boundaries of this SPA, therefore there will be no direct impacts upon this designated site.

Local hedgerows / treelines may be impacted upon without proper mitigation. In addition, the riparian zone of the Finaway stream may also be impacted upon without proper mitigation. This would be a serious negative impact upon the Finaway Stream, considering that it is an important tributary of the Mount Nugent River and a contributor to its brown trout spawning habitats.

Disturbance to Wildlife

The noise and activity associated with site preparation and construction may result in some passerine birds / mammals avoiding this site during the construction period. However, this impact should be temporary and if suitable habitats are maintained or provided it is likely that they will return.

Any damage to the riparian zone of the Finaway stream may impact upon local populations of otters.

Water Quality

Any reduction in the quality of the water in the Drumscrudden, Finaway and Mount Nugent River would be a serious negative impact. The overall ecological status of the Mount Nugent catchment is poor, and further stresses upon the Mount Nugent River and its tributaries must be avoided. Results from the biological water quality monitoring undertaken as part of this study found that the ecological status of these rivers and streams is poor to moderate. Good status must be achieved in these water courses by 2021. The fisheries of Lough Sheelin and its tributaries are very sensitive to organic pollution, having being badly impacted upon in the past.

6. MITIGATION MEASURES

In order to avoid any reductions in water quality in the water courses close to these proposed developments and in order to protect certain designated sites and species, a number of mitigation measures **must** be implemented and followed. These mitigation measures are imperative and must be enforced for water quality not to deteriorate. These mitigation measures include those recommended by Inland Fisheries Ireland in their submissions regarding both developments. Some of these mitigation measures have been included as design features that were previously outlined in the EIS.

In addition, measures have also been suggested that will help to protect the local biodiversity of the surrounding area and to ensure the protection of local wildlife.

Design Features Described in EIS

A number of measures for the management, storage and utilization of pig manure/organic fertiliser from both farms were detailed in the E.I.S. These measures will minimise and mitigate the risk of accidental spillage of slurry. They include:

- The elimination of outside/external areas between pig buildings for stock movement. All pigs will be moved on slatted passageways whereby any soiled water generated is collected in the manure storage tanks underneath.

- The replacement of the majority (c. 99%) of the existing manure storage facilities with new manure storage tanks completed to Department of Agriculture, Food and The Marine Specifications with leak detection facilities underneath. It is anticipated that weekly inspection and bi-annual monitoring of these storage facilities will be completed in line with EPA requirements.

- All remaining existing structures will be certified by an engineer before use.

- The proposed new structures will be within the footprint of the existing facilities. No new green areas will be developed.

- >13 months manure storage capacity will be provided (excluding the 200mm free board as required by S.I. 31 of 2014). This is well in excess of the 6 months required.

- Silt traps will be provided on all surface water discharge outlets.

- The use of over-ground steel storage tanks will be eliminated and this will minimise the potential risk associated with the movement and storage of slurry on-site.

- A 15m buffer zone at the Finaway site will be maintained between the Finaway Stream and the footprint of the new development. All construction will take place in the existing footprint. This buffer zone will protect biodiversity along the river corridor and it will reduce potential impacts for run-off.

- At the Finaway site, all traffic, feed deliveries and storage will be at the front of the site, at a safe distance from the Finaway Stream.

Site Preparation, Demolition and Construction

- Site preparation and construction should adhere to best practice and should conform to the Inland Fisheries Ireland Requirements for the Protection of Fisheries Habitats during Construction and Development Works and River Sites (www.fisheriesireland.ie).

- IFI should be consulted regarding any works that are undertaken between 1st October and the 30th April, in particular those that may impact upon the Finaway stream.

- It is vital that there is no deterioration in water quality in the watercourses in the vicinity of the development. This will protect both habitats fish species and mammal species (such as the otter) that are sensitive to pollution. Therefore, strict controls of erosion, sediment generation and other pollutants associated with the demolition and construction process **must** be implemented, including the provision of attenuation measures, silt traps or geotextile curtains to reduce and intercept sediment release into any local watercourses. The protection of water quality in this area is of upmost importance.

- Existing structures on both sites that are to be retained should be surveyed and checked to make sure that they sufficiently sound and will not result in the release of effluent and slurry.

- Slurry storage tanks must be constructed according to Department of Agriculture Specifications. They must be well maintained and tested at appropriate intervals.

- There should be no discharges of contaminated waters to ground or surface waters from these developments. There must be complete separation of gutter and uncontaminated roof waters from any contamination waters.

- There must be no disturbance to the banks or riparian habitats along local watercourses. Prior to any works commencing at the Finaway site, the riparian zone along the river should be fenced off in order to avoid physical damage to the stream and its banks from

heavy machinery. This fencing could be removed once the berm (described below) is constructed.

- In addition, a raised berm should be constructed between the proposed units and the Finaway stream. This berm should be seeded with grass immediately in order to stabilise and prevent run-off of soil into the stream. Geotextile matting could be used to increase stability of this berm if necessary.

- Post construction surface water run-off from hardcore / concreted / tarmacadum areas should be directed into a soak-pit. If soak-pit disposal is not viable or practical, then surface water run-off from these areas should be treated via serviced sediment and oil interceptor traps, prior to discharge into any watercourse.

- Fuels, oils, greases and hydraulic fluids must be stored in bunded compounds well away from watercourses. Refuelling of machinery, etc., should be carried out in bunded areas.

- Any bulk fuel storage tank should be properly bunded with a bund capacity of at least 110% of that of the fuel tank.

- Stockpile areas for sands and gravel should be kept to a minimum size, well away from the drains and watercourses.

- The principles of Sustainable Urban Drainage Systems (SUDS) should be adhered to on site at all phases of construction and operation.

- A Construction Management Plan for the construction and demolition works at the Finaway site should be presented to IFI for their consultation prior to any works on site. Details on how proposed mitigation measures will be implemented should be detailed as part of this plan.

- An emergency response plan should also be prepared and approved prior to any construction. This will ensure that should any spill occur into the local water course, that a cohesive and fast response will ensue in order to limit damage.

- Should this development receive consent, then contractors on both sites should be made aware of the ecological sensitivity of the water receptors prior to the commencement of any works. This is vital at the Finaway site.

- All works associated with the development should be confined to the proposed development site.

- All waste associated with the development should be disposed of in an environmentally friendly manner. Registered contractors should only be used.

- Where possible, any mature native and broadleaved trees on this site should be retained and incorporated into the development. This will ensure the protection of essential wildlife corridors. It is illegal to remove trees and hedges during the bird nesting season (March – September). If possible, a natural verge should be allowed to remain along these hedgerows. This will maintain the biodiversity on the site once the development is operational.

- Any future landscaping should involve the planting of native Irish species that are indigenous to the site. The characteristics of newly planted hedgerows should mimic those in the surrounding area. Where possible, species that attract and benefit local populations of nectar loving insects should be used.

- Bare soil should be seeded as soon as possible with grass seed. This will minimise erosion into local drains and watercourses. Wildflower mixes should be avoided.

Operation

- During operation only low intensity lighting should be used on the development. This will reduce the impact of any new lighting scheme on local bat populations.

- Details of the storage and management of any feed stuffs on site should be provided. They must be stored away from any drains and watercourses and handling should also take into account their potential to act as a pollutant in watercourses.

- All employees of the facilities should be aware of the sensitivity of the watercourses, in particular the Finaway Stream.

Land-Spreading

In order to avoid any reductions in water quality within the Mount Nugent and Lough Sheelin catchment, all organic fertiliser should be allocated for use in accordance with S.I. 31 of 2014 European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2014). The following mitigation measures may be considered and should be advised to the customer farmers. These mitigation measures will also help to reduce any impacts upon sites that are designated as Special Areas of Conservation, Special Protection Areas and Natural Heritage Areas. In addition, they will help protect the general biodiversity of the areas that are proposed for land-spreading.

- Slurry should only be applied to fields with an N and P requirement.
- Fields *within* any area that has been designated as an SAC, SPA or NHA should be excluded from land-spreading.
- A minimum buffer zone of 20m should be put in place and adhered to for areas which are *adjacent* to any area that has been designated as an SAC, SPA or NHA. These buffer zones should be increased depending on the gradient of the land.
- To avoid contamination of the local watercourses in areas identified for land-spreading, a minimum buffer zone of 10m for any main river channels and 5m for smaller watercourses should be adhered to at all times during the application of effluent. Buffer zones should be increased depending on the gradient of the land. In addition, when the waterbody is with 1km upstream of a water dependent designated site the buffer for a river should be increased to 20m while a stream should be increased to 10m.
- Effluent should not be applied with within 3m of open field drains or ditches in accordance with Good Agricultural Practice for Protection of Water 2014 SI 31 of 2014.
- Land spreading should only take place when suitable climatic and environmental conditions exist. Spreading must be avoided on:
  - wet or waterlogged soils
  - land sloping steeply towards watercourses
  - frozen or snow covered soils.
- Effluent should not be applied in proximity of hedgerows and field margins. This will maintain the biodiversity of these areas and allow for a more natural ecological corridor.
- New technologies for spreading slurry that improve efficiency and minimize emissions should be considered, e.g., bandspreader, trailing shoe and the shallow injection technique.
- All spreading of organic fertiliser arising from the development must be in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2014).

7. RESIDUAL IMPACTS AND CONCLUSION

The proposed development will have a positive impact on animal welfare and conditions on site and this has been welcomed by Inland Fisheries Ireland. In addition, the planning applications are seeking to upgrade both facilities in order to reduce potential impacts upon water quality in the surrounding area.

With proper mitigation measures and enforcement of these measures, it can be concluded that the proposed developments at Drumscrudden and Finaway will have a neutral impact upon water quality and local ecology. There will be no impacts upon any designated sites and local fisheries will be protected.

APPENDIX I – WATER MONITORING RESULTS

Station One – Drumscrudden Stream u/s PPA

Indicator Group	Taxon	Number	% Abundance
Group A		**0**	**0**
(Very sensitive)	**Absent**		
Group B		**0**	**0**
(Moderately sensitive)	**Absent**		
Group C		**97**	**56.39**
(Moderately tolerant)	**Coleoptera**		
	Haliplidae	1	0.58
	Diptera		
	Chironomidae	94	54.6
	Simuliidae	2	1.16
Group D		**9**	**5.23**
(Very tolerant)	**Isopoda**		
	Asellus aquaticus	6	3.4
	Gastropda		
	Galba peregra	2	1.16
	Hirudinea		
	Glossiphonidae	1	0.58
Group E		**66**	**38.37**
(Most tolerant)	**Diptera**		
	Chironomous	66	38.3
Not Assigned to Group		**0**	**0**
	Absent	0	0
Total Abundance		**172**	
Q Value		**Q2-3**	

Station Two - Drumscrudden Stream u/s PPA

Indicator Group	Taxon	Number	% Abundance
Group A		**0**	**0**
(Very sensitive)	**Absent**		
Group B		**5**	**3.84**
(Moderately sensitive)	**Cased Trichoptera**		
	Limnephilidae	4	3.07
	Sericostomatidae	1	0.76
Group C		**49**	**37.67**
(Moderately tolerant)	**Diptera**		
	Chironomidae	2	1.53
	Gastropoda		
	Galba truncatula	1	0.76
	Ancylidae	20	15.38
	Ephemeroptera		
	Baetis rhodani	4	3.07
	Amphipoda		
	Gammarus duebeni	20	15.38
	Caseless Trichoptera		
	Hydropsychidae	1	0.76
	Polycentropodidae	1	
Group D			
(Very tolerant)	**Isopoda**		
	Asellus aquaticus	58	44.61
	Bivalvia		
	Sphaeriidae	1	0.76
	Gastropoda		
	Galba peregra	1	0.76
Group E		**0**	**0**
(Most tolerant)	**Absent**		
Not Assigned to Group			
	Oligochaetes	16	12.3
Total Abundance		**130**	
Q Value		Q3	

Station Three – Finaway Stream u/s PPA

Indicator Group	Taxon	Number	% Abundance
Group A		**8**	**1.53**
(Very sensitive)	**Ephemeroptera**		
	Rhithrogena semicolorata	1	0.19
	Plecoptera		
	Nemouridae	7	1.33
Group B		**4**	**0.76**
(Moderately sensitive)	**Cased Trichoptera**		
	Limnephilidae	4	0.76
Group C		**505**	**96.5**
(Moderately tolerant)	**Coleoptera**		
	Elminthidae	9	1.6
	Helodidae	1	0.19
	Haliplidae	2	0.38
	Diptera		
	Chironomidae	21	4
	Simuliidae		
	Dicranota	4	0.76
	Gastropoda		
	Galba truncatula	433	82.8
	Ancylidae	2	0.38
	Ephemeroptera		
	Baetis rhodani	1	0.19
	Amphipoda		
	Gammarus duebeni	13	2.48
	Caseless Trichoptera		
	Hydropsychidae	18	3.44
	Rhyacophilidae		
	Hemiptera		
	Notonectidae	1	0.19
Group D		**0**	**0**
(Very tolerant)	**Absent**		
Group E		**4**	**0.76**
(Most tolerant)	**Diptera**		
	Chironomous	4	0.76
Not Assigned to Group		**2**	**0.38**
	Oligochaetes	2	2
Total Abundance		**505**	
Q Value		**Q3-4**	

Station Four – Finaway Stream d/s PPA

Indicator Group	Taxon	Number	% Abundance
Group A		**3**	**0.85**
(Very sensitive)	**Ephemeroptera**		
	Ecdyonurus	**2**	**0.56**
	Rhithrogena semicolorata	1	0.28
Group B		**0**	**0**
(Moderately sensitive)	**Absent**		
Group C		**346**	**98.6**
(Moderately tolerant)	**Coleoptera**		
	Elmis aenae	5	1.42
	Limnius volckmari	3	0.85
	Diptera		
	Chironomidae	5	1.42
	Simuliidae	5	1.42
	Dicranota	4	1.14
	Gastropoda		
	Galba truncatula	293	83.5
	Ancylidae	1	0.28
	Ephemeroptera		
	Baetis rhodani	6	1.7
	Amphipoda		
	Gammarus duebeni	18	5.1
	Caseless Trichoptera		
	Hydropsychidae	5	1.42
	Rhyacophilidae	1	0.28
Group D		**1**	**0.28**
(Very tolerant)	**Isopoda**		
	Asellus aquaticus	1	0.28
Group E		**0**	**0**
(Most tolerant)	**Absent**	0	
Not Assigned to Group		**1**	**0.28**
	Oligochaetes		
	Oligochaetes	1	0.28
Total Abundance		**351**	**100**
Q Value		**Q3-4**	

Station Five – Mount Nugent River u/s

Indicator Group	Taxon	Number	% Abundance
Group A		**7**	**0.74**
(Very sensitive)	**Ephemeroptera**		
	Rhithrogena semicolorata	2	0.21
	Ecdyonurus	5	0.53
Group B		**1**	**0.10**
(Moderately sensitive)	**Plecoptera**		
	Leuctridae	1	0.10
Group C		**904**	**96.58**
(Moderately tolerant)	**Coleoptera**		
	Elminthidae	112	11.96
	Diptera		
	Chironomidae	3	0.32
	Simuliidae	6	0.64
	Dicranota	1	0.10
	Gastropoda		
	Galba truncatula	634	
	Ancylidae	6	0.34
	Ephemeroptera		
	Baetis rhodani	77	8.22
	Amphipoda		
	Gammarus duebeni	60	6.41
	Caseless Trichoptera		
	Hydropsychidae	5	0.53
Group D		**17**	**1.81**
(Very tolerant)	**Isopoda**		
	Asellus aquaticus	7	0.74
	Bivalvia		
	Sphaeriidae	7	0.74
	Hirudinea		
	Glossiphonidae	3	0.32
Group E		**0**	**0**
(Most tolerant)			
Not Assigned to Group		**7**	**0.32**
	Oligochaetes	7	0.32
Total Abundance		**936**	
Q Value		**Q3-4**	

Station Six – Mount Nugent River d/s

Indicator Group	Taxon	Number	% Abundance
Group A		**0**	**0**
(Very sensitive)	**Absent**		
Group B		**1**	**2.22**
(Moderately sensitive)	**Cased Trichoptera**		
	Limnephilidae	**1**	**2.22**
Group C		**25**	**55.5**
(Moderately tolerant)	**Coleoptera**		
	Elminthidae	1	2.22
	Dytiscidae	1	2.22
	Hydrophilidae	1	2.22
	Diptera		
	Chironomidae	12	26.6
	Gastropoda		
	Ancylidae	1	2.22
	Amphipoda		
	Gammarus duebeni	9	20
Group D		**13**	**28.88**
(Very tolerant)	**Isopoda**		
	Asellus aquaticus	6	13.3
	Bivalvia		
	Sphaeriidae	6	13.3
	Megaloptera		
	Sialidae	1	2.22
Group E			
(Most tolerant)	**Absent**		
Not Assigned to Group		**6**	**13.3**
	Oligochaetes	6	
Total Abundance		**45**	
Q Value		**Q3-4**	

APPENDIX II - NPWS SITE SYNOPSIS

SITE NAME: Lough Sheelin SPA

SITE CODE: 004065

Lough Sheelin is a medium- to large-sized lake, with a maximum length of 7 km. The lake lies near the top of the catchment of the Inny River, a main tributary of the River Shannon. It is a typical limestone lake and is fairly shallow (maximum depth 14 m). The trophic status of the lake has varied greatly since the 1970s due to pollution from mainly agricultural sources. It was recently (1998-2000) classified as a highly eutrophic system.

The shoreline is varied and no one plant species predominates over large areas. Species present include Jointed Rush (*Juncus articulatus*) and Common Spike-rush (*Eleocharis palustris*) growing on stony beaches, with Yellow Sedges (*Carex cf. demissa*), Lesser Spearwort (*Ranunculus flammula*), Water Mint (*Mentha aquatica*) and Black Bog-rush (*Schoenus nigricans*) also represented. The shore of the lake is also wooded in places and there are some very small offshore islands that are wooded with willows (*Salix aurita* and *S. cinerea*). The islands are fringed by swamp communities of Common Reed (*Phragmites australis*), Common Clubrush (*Scirpus lacustris*) and Bottle Sedge (*Carex rostrata*). A good range of Charophytes has been recorded from the lake, including *Chara denudata* , a Red Data Book species.

Despite very variable water quality in recent decades, Lough Sheelin remains a very important site for wintering waterfowl, especially diving duck. It supports nationally important populations of four species, i.e. Great Crested Grebe (140), Pochard (546), Tufted Duck (762) and Goldeneye (224) all figures are average peaks for the 5 seasons 1995/96-1999/00. A number of other species occur in relatively low numbers, including Mute Swan (28), Mallard (76), Coot (24), Little Grebe (19), Cormorant (42) and Black-headed Gull (202).

The variable water quality over the years, with periods of highly eutrophic conditions, undoubtedly has had some adverse impacts on the wintering waterfowl, especially the diving duck. This would appear to be borne out by the very variable numbers of birds recorded over the years. It is considered that there is urgent need to reduce the phosphorus inputs to the feeder streams entering the lake.

Lough Sheelin is a nationally important site for four species of wintering wildfowl and is one of the main Midlands lakes sites for wintering birds. An improvement in water quality would probably result in higher numbers of birds frequenting the site.

APPENDIX II – REFERENCES AND FURTHER READING

Blamey, M; Fitter, R. & Fitter, A. (2003) *Wild Flowers of Britian & Ireland.* A & C Black Publishers Ltd. London.

Crowe, O. (2005) Irelands Wetlands and their Waterbirds: Status and Distribution. Birdwatch Ireland, Newcastle, Co Wicklow.

Department of Arts, Heritage and the Gaeltacht (2011) Actions for Biodiversity 2011 – 2016. Ireland's National Biodiversity Plan. Department of Arts, Heritage and the Gaeltacht, Kildare Street, Dublin.

Department of the Environment (1995). The Environmental Effects of Dust from Surface Mineral Workings. Volume 1: Summary Report & Best Practice Guides.

EPA (2002) *Guidelines on the Information to be contained in Environmental Impact Statements*. Environmental Protection Agency, Wexford, Ireland.

EPA (2003) *Advice Notes on Current Practice in the Preparation of Environmental Impact Statements*. Environmental Protection Agency, Wexford, Ireland.

Fossit, J.A. (2000) *A Guide to Habitats in Ireland*. The Heritage Council, Kilkenny.

Hayden, T. & Harrington, R. (2000) *Exploring Irish Mammals.* Dúchas the Heritage Service, Town House Dublin.

Institute of Ecology and Environmental Management (2006) Guidelines for Ecological Impact Assessment in the United Kingdom.

Institute of Environmental Assessment (1995) *Guidelines for Baseline Ecological Assessment*. Institute of Environmental Assessment, Great Britain.

IUCN (2003) *Red List of Threatened Species*. International Council for Conservation of Nature and Natural Resources.

Kerins, C; Monahan, K and Champ, T. (2007) Lough Sheelin and its catchment, Water Quality Status and Nutrient Loadings 1998 – 2005,

Lynas P; Newton, S.F. and Robinson, J.A. (2007). *The Status of Birds in Ireland: An Analysis of Conservation Concern 2008-2013*. Irish Birds, 8:149-167.

Mullarney, K; Svensson, L; Zetterstrom, D. & Grant, P.J. (1999) *Collins Bird Guide*. HarperCollins, London.

Natura Environmental Consultants (2005) Draft Habitat Survey Guidelines: A Standard Methodology for Habitat Survey and Mapping in Ireland. The Heritage Council, Kilkenny.

Newton S; Donaghy A; Allen D. & Gibbons D. (1999) *Birds of Conservation Concern in Ireland.* Irish Birds, 6, 333-344.

NRA (2005) *Guidelines for the Treatment of Badgers Prior to the Construction of National Road Schemes*. NRA, Dublin.

NRA (2004) *Guidelines for Assessment of Ecological Impacts of National Road Schemes.* National Roads Authority, Dublin.

O'Grady, M. (2000) Central Fisheries Board Report on the Status of the Lough Sheelin's Fish Stocks.

Preston, C.D; Pearman, D. & Dines, T. (2002) *New Atlas of the British and Irish Flora.* Oxford University Press.

Stace, C. (1995) *New Flora of the British Isles.* Cambridge University Press, UK.

Whilde, A. (1993) *Threatened Mammals, Birds, Amphibians and Fish in Ireland.* Irish Red Data Book 2: Vertebrates. HMSO, Belfast.

Appendix No. 11 B
Asbestos management details

J Ryan Construction & Demolition.

404A Greenogue Business Park, Rathcoole, Co. Dublin
Tel: 01 458 7910 Mobile: 086 2679347
e-mail: admin@jryangroup.ie

METHOD STATEMENT & RISK ANALYSIS

Asbestos Removal Works at Bogue Pigs Co. Cavan

Method Statement for asbestos removal Works

Client: Luke Bogue

Demolition Contractors: J. Ryan Construction & Demolition Ltd., 404A Greenogue Business Park, Rathcoole, Co. Dublin

Mr. John Ryan. 01 458 7910

Site Supervisor: Jerry Ryan 087 267 9347

Scope of Works: The scope of works will include for the removal of all asbestos cement debris from the site

Schedule of Works: Start date: TBC Expected duration of works: 5 weeks in total

Number of Operatives: 6 (including site supervisor). All operatives have received manual handling training; abrasive wheel training; asbestos awareness training and a number of them have MEWP training.

Method of Demolition and Disposal Works

Introduction

This Method Statement is site specific for the removal of asbestos cement debris from the Site in Cavan. The Method Statement should be used in conjunction with the company safety plan, working practices and with the information contained in the company safety statement.

Because the fibres in asbestos cement products are firmly bound in the material, they will only be released if the product is subject to mechanical damage e.g. the use of abrasive tools or as a result of weathering. The level of risk therefore depends on the ease by which the fibres are released and the type of asbestos present. Asbestos cement products such as corrugated roof sheets which are used externally will weather slowly. The low rate of fibre release means that the risk of exposure is extremely low if the sheets are left undisturbed.

Removal of asbestos cement products presents special problems especially if they are old and crumbling. Many asbestos cement products such as roof sheets, cladding, drainpipes and gutters are located at heights and they present a risk of falls. Asbestos cement sheeting is a fragile material and people must not walk on it. It is important to emphasize that falls from and through fragile roofs are a major source of death in construction work and precautions to prevent such accidents should be given priority.

Removal of asbestos cement Debris

Site Set Up

The area will need to be checked first by J Ryan supervisor to ensure that it is safe for asbestos removal operatives to carry out the works, once supervisor is satisfied the operatives will be inducted to the site and will sign and fully understand the procedures in the method statement.
The area surrounding the asbestos removal works must be fenced
Signs must be erected at the main entrance and around the site to warn of asbestos removal works
The main entrance must be locked at all times
Access routes and location of work will need to be fenced off at all times

Removal of broken asbestos cement debris

The asbestos will be picked by hand from the contaminated area and placed into FIBC's (UN approved asbestos waste sacks) and made ready for disposal off site. Any rubble or other building materials that is deemed to be contaminated by asbestos will also be placed in FIBC bags and made ready for disposal off site. Once the affected area is cleaned up the operatives will do a full visual sweep of the site to insure all remaining pieces of asbestos are picked up. In the event of inclement weather (high winds e.g. Gales wind speed over 60km/hr), the work will be temporally suspended.

Removal of asbestos roof sheets from underneath

The asbestos cement roof sheets are fixed to metal purlins.
Boom Lifts and scissor lifts will be used to access the roof and walls
All operatives must wear harness at all times
All operatives must have MEWP training certs
All operative must be fully trained in asbestos awareness
The operatives will cut the J Bolt from underneath using a grinder or bolt cutters
The roof sheets will be dampened down before removal, if the weather is wet the roof will not require dampening down
The roof sheets will be transferred from the roof to ground level and moved to dedicated waste area for wrapping.
Two operatives will be used at times to lift the each individual roof sheet to prevent breakage.
Any asbestos cement debris will be handpicked immediately from the ground to prevent damage from vehicular traffic.
When the roof sheets reach the dedicated waste area they will be transferred onto pallets and double wrapped in 1,000 gauge polythene and sealed airtight with adhesive tape.
Small fragments of asbestos cement debris will be put into sealed FIBC's (UN approved asbestos waste sacks) and stored in the dedicated waste storage area.
In the event of inclement weather (high winds e.g. Gales wind speed over 60km/hr), the work will be temporally suspended.

Removal of asbestos roof sheets from above

The asbestos cement roof sheets are fixed to purlins.
Boom Lifts and scissor lifts will be used to access the roof and walls
All operatives must wear harness at all times
All operatives must have MEWP training certs
All operative must be fully trained in asbestos awareness

The roof sheets will be dampened down before removal, if the weather is wet the roof will not require dampening down
The operatives will remove the nails from above and lift the single sheets off the purlins
The roof sheets will be transferred from the roof to ground level and moved to dedicated waste area for wrapping.
Two operatives will be used at times to lift the each individual roof sheet to prevent breakage.
Any asbestos cement debris will be handpicked immediately from the ground to prevent damage from vehicular traffic.
When the roof sheets reach the dedicated waste area they will be transferred onto pallets and double wrapped in 1,000 gauge polythene and sealed airtight with adhesive tape.
Small fragments of asbestos cement debris will be put into sealed FIBC's (UN approved asbestos waste sacks) and stored in the dedicated waste storage area.
In the event of inclement weather (high winds e.g. Gales wind speed over 60km/hr), the work will be temporally suspended.

Health & Safety

Please note that all the works will be carried out in strict accordance with the HSA guidelines. All relevant documentation i.e. insurance, company health and safety statement, site specific method statement, machine certs and all relevant cscs training details will be forwarded to the client before work commences on site. All asbestos removal paperwork will be provided by J Ryan C&D.

Transportation

The asbestos will be transported under J Ryan Haulage waste collection permit number WCP-DC-10-1298-01 and disposed of at Rilta Environmental in Greenogue, Rathcoole, Co. Dublin. All the works will be carried out in strict accordance with the HSA guidelines. All relevant documentation i.e. insurance, company health and safety statement, site specific method statement, machine certs and all relevant CSCS training details will be forwarded to the client before work commences on site. All asbestos removal paperwork will be provided by J Ryan C&D.

Certs of Completion
Wtf paperwork detailing weights and export tickets will be provided to the client for all loads of asbestos
Certs and results for air tests will be provided to the client on an on going basis
Reoccupation cert will be issued to the client following detailed site inspection works upon completion of the contract.

Control Measures:

John Ryan Construction & Demolition Ltd. will adapt the following control measures:

- All operatives will have safe pass
- All operatives will have manual handling and abrasive wheel training.
- All operatives working with asbestos must have Asbestos Awareness Training
- All plant ant trucks will be fully certified and in good working order
- All operatives will sign onto the site specific method statement and do a full induction with the main contractor
- No person shall be admitted to the work area without adequate PPE & RPE
- To remove the asbestos in such a manner as to restrict fibre release during removal to an absolute minimum
- Ensure that all asbestos debris is handpicked immediately and placed in an asbestos waste bag.

Personal Protective Equipment (PPE):

The following PPE will be used for the duration of the works:

- Safety Helmets
- Disposable overalls
- Gloves
- Safety boots
- Safety Glasses when required
- Mobile wash facilities

Respiratory Protective Equipment (RPE):

The following PPE will be used during the asbestos removal works:

- SR 90 Half Face Mask with replaceable filters

RPE Policy

Operatives must be clearly instructed on the use and maintenance of the masks the items listed below are a guide to the maintenance of the mask
All J Ryan operatives removing asbestos will be issued with a SR90 half face mask and suitable disposable P3 filters
All operatives will receive face fit testing for the mask
Operatives must be cleanly shaven at all times. This is to ensure that masks can work correctly.
Operatives must keep their own mask; they will be instructed to write their names on the edge of the mask
Filters should be changed after a maximum of 50 hours or when the operative feels that it is required.
When not in use masks must be stored in the box provided by the manufacturer
Masks must be checked before usage, if any defects are found the components must be replaced or the mask replaced in its entirety
Records of every filter changed should be logged an kept on site

Machinery and Plant:

- Power tools
- Boom lift
- Scissor lift
- Hand tools
- 360 degrees excavator
- Telehandler
- Truck

Documentation on Site:

Copies of the following documents will be kept on site at all times during the removal works:

- Site specific Method Statement
- Risk Assessment
- Training Certificates for operatives
- Safe Pass details for all operatives
- MEWP training details
- Machinery and equipment certificates
- H&S plan

Emergency Procedures

Follow all instructions from the main contractor!

Following any dangerous occurrences or accident, the relevant office of the Health and Safety Authority or Local Authority will be informed.

In the event of a fire, priority will be given to evacuating the work area by the quickest possible route. Operatives will familiarise themselves with fire exit routes and location of fire fighting equipment and first aid/hospital facilities prior to commencement of any works on site.

Here is a list of useful emergency numbers

EMERGENCY SERVICES	TELEPHONE NUMBERS
Local Garda Station	049 4368807
Local Hospital (Accident and Emergency Department)	049 4376183
Fire Services	999 or 112
Electricity Supply Board	1850 372999
Bord Gais	1850 205050
Poison Information Unit (Beaumont Hospital, Dublin)	01 8092566
Health and Safety Authority, Dublin	01 6620400

Part 2
Risk Assessment & Hazard Control Measures

7. Risk Assessment/Rating

Risk assessments are prepared by reference to the general principles of prevention:

General Principles of Prevention

1. The avoidance of risks.
2. The evaluation of unavoidable risks.
3. The combating of risks at source.
4. The adaptation of work to the individual, especially as regards the design of places of work, the choice of work equipment and the choice of systems of work, with a view, in particular, to alleviating monotonous work and work at a predetermined work rate and to reducing the effect of this work on health.
5. The adaptation of the place of work to technical progress.
6. The replacement of dangerous articles, substances or systems of work by safe or less dangerous articles, substances or systems of work.
7. The giving of priority to collective protective measures over individual protective measures.
8. The development of an adequate prevention policy in relation to safety, health and welfare at work, which takes account of technology, organisation of work, working conditions, social factors and the influence of factors related to the working environment.
9. The giving of appropriate training and instructions to employees.

RISK ASSESSMENT/RATING

- Hazard: Is taken to mean anything that can cause harm
- Risk: Is the probability in conjunction will consequences of a hazard causing harm

Rating of Risk:

The rating of risk is based on the consequence of the hazard

VERY HIGH RISK	The possibility of **Prohibiting** work
HIGH RISK	The possibility of **Irreversible** injury
MEDIUM RISK	The possibility of Reversible injury
LOW RISK	The possibility of **Minor** injury

Hazard/Risk Controls:

- The **CONTROL MEASURES** stated on the Risk Assessments are intended to reduce the assessed risk to an acceptable level. Where it is felt that the existing controls are not adequate additional measures are recommended to rectify this. **The Hazard / Risk Assessment will be reviewed as required.**

- Risk Assessments are constructed on the basis that Hazards will be encountered on specified work only.

The rating of a risk is calculated as follows:
Risk Rating **= Likelihood x Severity**

Likelihood of Injury

When determining the likelihood of injury it must be considered whether it's unlikely, fairly likely or likely. The following table should be used to determine the Likelihood Score (1-5)

1	Very Unlikely- there is a 1 in a million chance of the hazardous event occouring
2	Unlikely- there is a 1 in 100,000 chance of the hazardous event happening
3	Fairly Likely – there is a 1 in 10,000 chance of the hazardous event happening
4	Likely- there is a 1 in 1,00 chance of the hazardous event happening
5	Very Likely- there is a 1 in 100 chance of the hazardous event happening

Injury Severity:

In determining the injury severity one must consider the level/type of injury that might be inflicted. The following table should be used to determine the Severity Score/Injury rating (1-5)

1	Insignificant – No injury
2	Minor Injuries – required first aid e.g grazes or minor cuts
3	Moderate – up to three day absence
4	Major Injuries – more than three days
5	Catastrophic - Death

Risk Rating ▫ Likelihood x Severity

5	5	10	15	20	25	
4	4	8	12	16	20	
3	3	6	9	12	15	
2	2	4	6	8	10	
1	1	2	3	4	5	
	1	2	3	4	5	

Low Risk	I -4
Medium Risk	5 -9
High Risk	10 -16
Very High Risk	17—25

RISKS	RISK CONTROL PLAN	RISK RATING
LOW RISK	No additional controls required. Consideration matbe given to a more cost effective solution or improvement. Monitoring is required to ensure that the controls are maintained	1 - 4
MEDIUM RISK	Efforts should be made to reduce the risk, but the costs of prevention should be carefully measured and limited. Risk reduction measures should be implemented within a defined time period.	5 - 9
HIGH RISK	Work should not be started until the risk has been reduced. Considerable resources may have to be allocated to reduce the risk. Where the risk involves work in progress, urgent action should be taken.	10 - 16
VERY HIGH RISK	Work should not be started or continued until the risk has been reduced. If it is not possible to reduce even with unlimited resources, work has to remain prohibited.	17 - 25

ASBESTOS RISK ASSESSMENT

Asbestos poses a serious risk to all persons who may inhale its fibres. Persons exposed to asbestos fibres can develop a range of respiratory diseases, including fatal cancers.

Hazard Effect(s)

Any operative exposed to airborne asbestos fibres is at risk of ill health.

Severity Rating 4 X Likelihood Rating 4 = 16 High Risk

MEASURES REQUIRED TO REDUCE RISK

1. No J Ryan Construction and Demolition employee may handle any asbestos unless they are fully trained in asbestos awareness
2. *J Ryan Construction and Demolition* employees that do not have the required training must not enter any areas where asbestos stripping is taking place for any reason, and may not enter any stripped area until a clearance certificate has been received for that area.
3. *J Ryan Construction and Demolition* employee must be aware of the potential locations for asbestos material on site. Care must be taken when dealing with ceiling tiles, roofing, pipe lagging, old fire blankets *and debris from buildings built prior to 1980.*
4. *No removal works can commence on site until asbestos survey has been carried out and the details communicated to the employees on site.*
5. *Before removal of asbestos commences on site a full sweep of the site must be done any broken asbestos found at this stage should be put into lined FIBC bags and sealed*
6. When handling double bagged sealed asbestos protective clothing, gloves and respiratory protection must be worn. The respiratory protection must be rated for up to at least 5 times the OEL for asbestos.
7. Full records of all *J Ryan Construction and Demolition* employees working with asbestos must be kept.
8. All operations involving asbestos material must be approved by the Company Director.
9. Breakage of the sheets and asbestos particles should be kept to a minimum when removing. All sheets should be lowered to the ground and not dropped
10. Damaged roof sheets and asbestos particles should be kept damp during removal and wrapping to minimise fibre release
11. Wear RPE & PPE at all times during removal and wrapping of roof sheets
12. Restrict site access and carry out the work with the minimum amount of people
13. Ensure all warning notices are in place around perimeter boundary
14. Where sheeting is attached by bolts, Workers will remove the nails with a boltcutters
15. All Workers must NOT use power tools or compressed air to cut, dislodge or remove the asbestos sheets

Severity Rating 1 X Likelihood Rating 2 = 2 Low Risk

WORKING AT A HEIGHT
RISK ASSESSMENT

The main hazards inherent in working at a height are the risk of falling and also being injured by falling objects or debris whilst work is ongoing above. Working at a height is defined as working above ground such that in the event that a fall were to occur it could pose a risk of injury to a persons safety.

Where deemed necessary by the nature of the work undertaken a task specific working at height risk assessment will be undertaken by *J Ryan Group.*

Hazard Effect(s)	Date of assessment:
Persons engaged in working at a height and those persons working below are at greatest risk.	
Risk Assessment: Severity Rating 5 X Likelihood Rating 4 = 20 Very High Risk	

MEASURES REQUIRED TO REDUCE RISK

General

1. When working at a height there must be safe and suitable access and egress in place.
2. When working at a height there must be edge protection to prevent equipment and other items rolling of the edge of the working platform.
3. When working at a height there must be a rail in place to prevent operatives falling from the height. In the absence of a rail a suitable fall arrest harness must be used.
4. Where fall arrest harnesses are used they must be suitable for the task and be maintained in accordance with the manufacturers guidelines and any statutory requirements. Particular attention must be paid to their length, and rescue arrangements in the event that persons are suspended from a harness.
5. All openings where there is a risk of falling through must be suitable guarded as stated in Points 2 and 3 above.
6. Operatives must exercise extreme care when working at a height.
7. Materials must not be thrown from heights; suitable means such as chutes must be used.
8. If using ladders, scaffolds or mobile elevated work platforms (MEWP) the control measures detailed below must be adhered to.

Ladders

1. All ladders must be kept in a good condition and inspected for damage before each use.
2. Wooden ladders must not be painted.
3. When in use ladders must be braced secured at their base and at the correct angle of 1 in 4.
4. The ladder when in use must extend at least one metre in length above the height of the last rung to be used as a foothold.
5. If the ladder is to be used to access a working platform it must extend at least 1 metre above the platform and be securely tied off. Alternately if it is not possible to extend the ladder 1m above the platform suitable handholds must be supplied to enable safe disembarking from the ladder.
6. Tools and equipment must not be carried up ladders by hand. Tool belts may be used or a rope may be used to pull equipment up to the working area.
7. Care must be taken to ensure that equipment is not dropped from the ladder.
8. Operatives must not come within 2m of the ladder base. The area around the base of the ladder may be cordoned off if necessary.
9. Material must not be thrown from the ladder. All equipment must be carefully lowered or carried down.
10. All persons around the bases of ladders must wear head protection.
11. All ladders must be supported on stable, firm ground. Ladders must not be supported on debris or loose spoil.
12. Ladders are not suitable where they are used in one position for 30 minutes or more. If this is the case a platform should be introduced to the works.
13. Maintain the three points of contact with the ladder at all times when using ladders
14. Do not over reach when using ladders

Scaffolding

1. An up to date GA3 form must be provided by the erector of the scaffold and held on site. A GA3 is valid for 7 days only.
2. Scaffolding marked as incomplete or dangerous must not be used.
3. Scaffolding must be visually inspected each day before use.
4. Only authorised and competent persons may erect, alter or dismantle scaffolding.
5. Operatives must use the ladders provided for accessing the scaffold, climbing on the outside of the scaffold is prohibited.
6. All scaffolding in use must be rated for the weight of equipment and type of work to be carried out on them.
7. Material or equipment must not be thrown from the scaffolding. If necessary chutes may be used.
8. Equipment should not be carried by hand up access ladders to scaffolds, tool belts or ropes should be used.
9. All scaffolds in use must meet the minimum guidelines laid down in '*Code of Practice for Access and Working Scaffolds*', National Authority for Occupational Safety and Health, 1999.
10. If in doubt about its safety or stability operatives must not use a scaffold.
11. All persons around the bases of scaffolds must wear head protection.
12. Mobile plant must not operate in the vicinity of scaffolding. If required the scaffolding may be cordoned off to protect it from mobile plant.
13. The failure of any part of a scaffold, no matter how small, must be reported to your supervisor.

Mobile Elevated Work Platforms

1. Mobile elevated platforms brought onto site must be accompanied by certification that the unit has been inspected and tested by a competent person within the last six months.
2. Mobile elevated platforms must only be used in accordance with the manufacturers / suppliers' instructions. If using a unit for the first time training must be received from the supplier.
3. Platforms must not be driven whilst the basket is raised more than 2m.
4. Where fitted all outriggers must be deployed.
5. Units must only be deployed or driven on firm, stable level ground.
6. The area at the base of the platform should be cordoned off if required to prevent unauthorised access when the platform is in use.
7. Operatives must not overreach out of the confines of the basket.
8. When working at a height there must be edge protection to prevent equipment and other items rolling of the edge of the working platform.
9. When working at a height there must be a rail in place to prevent operatives falling from the height. In the absence of a rail a suitable fall arrest harness must be used.
10. Where fall arrest harnesses are used they must be suitable for the task and be maintained in accordance with the manufacturers guidelines and any statutory requirements. Particular attention must be paid to their length, and rescue arrangements in the event that persons are suspended from a harness.
11. Material or equipment must not be thrown from the platform.
12. All persons around the bases of mobile platforms must wear head protection.

Fall Arrest Harness

1. Fall arrest harness in use must be suitable for the task and be of a suitable type.
2. Lanyards must have a shock absorber built into their length. Lanyards must be of a suitable length for the height being worked at i.e. length in relation to the potential drop is a simple calculation and will ensure the selection of the correct harness

- Length of anchor
- +
- Length of lanyard (see lanyard for details)
- +
- Length of elongation (see lanyard)
- +
- Height of the user
- +
- Safety factor of 1 metre

3. The swing factor is an extremely important consideration, if the harness is not anchored vertically over the working place the operative will swing laterally in the event of a fall causing possible serious injury. To overcome this problem alternative anchor points either side of the worker can be used to prevent any swing.
4. All components of a fall arrest system must meet the relevant EN Standards.
5. Harness must be stored in a suitable location away from the risk of mechanical damage and strong sunlight.
6. Harness should not be worn off site or when not required.
7. When fall arrest systems are in use particular attention must be paid to rescue arrangements in the event of a fall.
8. Heavily soiled or damaged harnesses or lanyards must not be used.
9. Prior to using a harness it must be visually inspected for damage. Damaged fall arrest equipment must not be used.

RESIDUAL RISK ASSESSMENT	Severity 4 x Likelihood 2 = 8 Medium Risk

DEMOLITION WORKS
RISK ASSESSMENT

Demolition works are highly hazardous and should not be carried out without a clear method statement in place to ensure all work is undertaken in a safe and co-ordinated manner with the knowledge of all persons on site. Hazards include: live services, wall collapsing on persons working in vicinity, objects falling from heights, dust/splinters of blocks hitting eyes, noise, moving plant, health hazards from lead, asbestos, PBCs, etc.

Hazard Effect(s)	Date of assessment:
All Persons within the vicinity of the site	

Risk Assessment:	Severity Rating 5 X Likelihood Rating 4 = 20 Very High Risk

MEASURES REQUIRED TO REDUCE RISK

Internal Building Strip

1. The building to be stripped must be certified as safe to enter by a competent person and neutralised of all services power, water gas etc.
2. The location or potential locations of asbestos must be known and steps taken to avoid same. Asbestos survey should be made available to contractor before work commences on the site.
3. Care must be taken when breaking glass and removing window and door frames.
4. Additional PPE to that specified in the site rules must be worn i.e. masks, ear defenders, safety harness, lanyard etc.
5. Access to the working area must be restricted to approved persons.
6. If load bearing members are to be removed then appropriate measures to support the structure must be taken and approved by a competent person beforehand.
7. Care must be taken to ensure that the works undertaken do not pose a risk of fire.
8. If working at a height then suitable access and egress arrangements must be put into place. See earlier risk assessment.
9. If accessing roofs persons must ensure from a competent person that the roof material is safe to walk on, otherwise a roof ladder or a mobile elevated platform must be used.
10. Strict personal hygiene practices should be followed by persons to avoid the risk of leptospirosis.

Demolition Of Structures

1. Detailed plans of the buildings will before required before demolition works can commence
2. If necessary a hand operated concrete saw should be used to cut walls at their boundaries to ensure that only one wall at a time will drop during demolition works.
3. Demolition works should be designed so that as much of a building as possible is demolished in a single day.
4. No partially demolished structure should be left overnight unless it is structurally sound and at no risk of partial or full collapse.
5. An exclusion zone extending to twice the height of the structure being demolished must be maintained whenever possible.
6. If required the exclusion zone should be extended to outside of the site and policed during demolition operations to ensure no access by members of the public.
7. If another structure is contained within the exclusion zone then the zone may be extended if deemed necessary.
8. If required a water spray should be introduced in order to minimise dust generation.
9. Building demolition should take place through the pushing over of building walls into the interior of the building.
10. At no time should persons on foot be allowed within the demolition exclusion zone once demolition has begun.
11. Prior to demolition works taking place all persons on site will be required to attend a safety briefing which will outline the nature of the demolition works.

RESIDUAL RISK ASSESSMENT	Severity 2 x Likelihood 2 ◘ 4 Low Risk

TRAFFIC MOVEMENTS (RISK ASSESSMENT)

The storage and movement of mobile plant within the site may lead to collisions between mobile plant and damage to fixtures or injury to persons.	
Hazard Effect(s)	Date of assessment:
The unsafe movement of vehicles within the site may give rise to a risk of collision between vehicles, between vehicles and persons and between vehicles and fixed structures.	
Risk Assessment:	Severity Rating 4 X Likelihood Rating 2 = 8 Medium Risk
MEASURES REQUIRED TO REDUCE RISK	

1. When moving within the site all vehicles must have their hazard lights on.
2. Where vehicle drivers are unsighted a banksman must be used to direct the driver.
3. Access to the site is restricted to authorised persons only.
4. All pedestrians on the site must wear minimum PPE as specified in the site rules.
5. The site speed limit is 10kph.
6. Vehicle drivers must give way to pedestrians.
7. Pedestrians must always proceed with caution on the site and stick to designated walkways as specified

RESIDUAL RISK ASSESSMENT	Severity 2 x Likelihood 2 = 4 Low Risk

GAS CYLINDERS RISK ASSESSMENT

Gas Cylinders are potential bombs and must be treated with respect. Hazards include explosion, fire, leaks, etc.	
Hazard Effect(s)	Date of assessment:
Any persons working in proximity of gas cylinders	
Risk Assessment:	Severity Rating 4 X Likelihood Rating 2 = 8 Medium Risk
MEASURES REQUIRED TO REDUCE RISK	

1. A hot works permit must be in place for all work using gas cylinders.
2. The cylinders should be stored upright and in secured areas a trolley/hand truck with chains to secure the cylinders must be used to avoid lifting and carrying and to keep the cylinders from being knocked and falling over.
3. Empty and full cylinders should be separated
4. Cylinder storage areas must be clearly identified and 'No Smoking' signs to be erected
5. Never allow grease or oil to come in contact with regulator, cylinder or hose
6. All fittings to hoses and guns must be checked and in good working order.(Dangerous explosion hazard)
7. Flashback arrestors to be fitted to all gas cylinders
8. Cylinders to be turned off and disconnected when not in use
9. Hoses to be checked regularly for leaks or damage

RESIDUAL RISK ASSESSMENT	Severity 2 x Likelihood 1 ◘ 2 Low Risk

USE OF HAND TOOLS RISK ASSESSMENT

The use of the hand held tools poses a variety of risks including cuts and abrasions or puncture wounds. The use of electric tools poses additional risks including noise, hand-arm vibration syndrome, injuries from flying objects, cuts to hands and legs and electric shock.

Hazard Effect(s)	Date of assessment:
The person using the tool is at greatest risk.	

Risk Assessment:	Severity Rating 3 X Likelihood Rating 3 = 9 Medium Risk

MEASURES REQUIRED TO REDUCE RISK

Non electrical Tools

1. Where a defect in a hand held tool poses a risk to safety then it must be removed from use immediately.
2. Hand held tools must be used in accordance with the manufacturer's guidelines and must be suitable for the task for which they are to be used.
3. All equipment must be maintained in good condition.
4. Safety glasses with integral side protection must be worn when operating cutting or splitting tools and where required protective gloves must also be worn when there is a risk of injury to the hands.
5. Pointed tools must not be carried in pockets.
6. No person may use any equipment unless previously instructed in its safe use.
7. All tools must be stored safely when not in use.
8. Cutting tools must be kept sharp.
9. Tool handles should be kept dry to prevent slipping when in use.

Electrical Tools

1. Only authorised and competent persons are permitted to repair or alter electrical equipment.
2. Where a defect in a hand held electrical tool poses a risk to safety then it must be removed from use.
3. All cable connections must be properly made; under no circumstances is insulation tape to be used for any repair or joint in extension.
4. Hand held electrical tools must be used and maintained in accordance with the manufacturers guidelines and must be suitable for the task for which they are to be used.
5. Safety glasses with integral side protection must be worn when operating cutting tools and where required protective gloves must also be worn when there is a risk of injury to the hands.
6. Ear defenders must be worn when operating noisy hand held electrical tools.
7. Hand held tools must not be used for extended periods of time. Any whitening or blanching of the fingers must be reported to your supervisor immediately.
8. Equipment must be must be disconnected from the power supply when any repairs or modifications are being undertaken.
9. No person may use any equipment unless previously instructed in its safe use.
10. Prior to use all portable electrical equipment must be examined for damage to the unit housing, the cabling and the socket outlet. The provisions laid down in the risk assessment for Electricity above should be adhered to where relevant.

RESIDUAL RISK ASSESSMENT	Severity Rating 1 X Likelihood Rating 2 = 2 Low Risk

MOBILE PLANT & EXCAVATORS ON SITE
RISK ASSESSMENT

Mobile plant may collide with persons and other plant / structures. The inappropriate use of mobile plant may also pose a risk to the operators and other workers safety.

Hazard Effect(s)	Date of assessment:
The inappropriate or unsafe use of mobile plant poses a risk to the operator and all other persons and plant in the vicinity.	

Risk Assessment:	Severity Rating 5 X Likelihood Rating 3 = 15 High Risk

MEASURES REQUIRED TO REDUCE RISK

1. Only certified and experienced operators may operate mobile plant.
2. Mobile plant must be serviced and maintained in accordance with the manufacturer's instructions.
3. When a mobile plant operator is unsighted a banksman must be used to direct vehicle operations.
4. Passengers may not be carried on mobile plant unless the unit is specifically designed to carry a passenger.
5. If operating on a public roadway mobile plant must meet all relevant road safety legislation, e.g. the provisions relating to road tax, vehicle lighting, weight restrictions, etc.
6. In operating on roadways operatives must be aware of low bridges and overhead power lines, as many pieces of mobile plant are relatively tall.
7. When operating on site operatives must be aware of the location of overhead power lines at all times.
8. All loads to be carried on mobile plant must be securely stowed.
9. Mobile plant must not operate in the vicinity of scaffolding or ladders. If required the scaffolding / ladder may be cordoned off to protect it from mobile plant.
10. Mobile plant must not operate in the vicinity of excavations unless stop blocks or similar are provided to prevent the vehicle collapsing the excavation and / or falling into the exaction.
11. Mobile plant must not be driven over sloped ground where there is a risk of overturning. If required, plant may traverse a slope diagonally, rather than driving straight up or down the slope.
12. All mobile plant must have functioning reversing alarms and front and rear lights.
13. Measures must be taken on site to separate pedestrian and vehicular routes.
14. All mobile plant must have a suitable roll cage / cab in place.
15. Where required the consistency of the ground should be checked before driving over it.
16. Drivers must always give way to pedestrians on site.
17. The brake must be applied before exiting any mobile plant.
18. When a vehicle is used for tipping material onto a stock-pile or into any excavation or pit or over the edge of any embankment or earthwork, a designated person must ensure that all practicable measures are taken to prevent such vehicle from overturning and from over-running the edge of such stock-pile, tip, excavation, pit, embankment or earthwork.
19. When vehicle is not in use the engine must be turned off and the key removed from the ignition

RESIDUAL RISK ASSESSMENT	Severity Rating 4 X Likelihood Rating 2 = 8 Medium Risk

ABRASIVE WHEELS
RISK ASSESSMENT

Risk of personal injury through disc bursting due wrong disc fitted or used for wrong purpose, hand or leg injuries from unsafe use by inexperienced or incompetent persons, eye injuries to operator or those nearby from flying objects, severe injuries due to wheel bursting, noise and vibration

Hazard Effect(s)	Date of assessment:
Operator of Abrasive Wheel is at greatest risk	

Risk Assessment:	Severity Rating 3 X Likelihood Rating 3 = 9 Medium Risk

MEASURES REQUIRED TO REDUCE RISK

1. Use to be restricted to only those trained and qualified by experience
2. Site management to decide and appoint authorised users.
3. In addition to the minimum PPE goggles, visors, appropriate masks, ear defenders to be
4. Machines to be well maintained – if damaged / faulty they are to be tagged immediately and repaired without delay
5. Guards to be in good order and NOT REMOVED
6. Appropriate machine to be used for job
7. Hearing protection should be mandatory in and around the area for the operatives in the vicinity.
8. Correct disc must be selected and used for the relevant works i.e. steel/concrete
9. Discs have a lifespan of 2 years, this may be checked by looking at ring for date of manufacture
10. Discs should be stored in the manufacturers container or alternatively on hangers
11. Discs when attached to consaw/grinders should not be left in areas where they may be damaged by other materials
12. Vibration must be controlled as per the manufacturers guidelines and Control of Vibration at Work Regulations 2006

RESIDUAL RISK ASSESSMENT	Severity Rating 1 X Likelihood Rating 2 = 3 Low Risk

LEPTOSPIROSIS
RISK ASSESSMENT

Leptospirosis is a bacterial disease carried in the urine of infected rats. It can potentially enter the body through open cuts in the skin and through the lining of the eyes, mouth and nose. The risk arises when persons are working in and around static water bodies and when working in areas frequented by rats.

Hazard Effect(s)	Date of assessment:
The persons working in high risk areas are at the greatest risk of infection.	

Risk Assessment:	Severity Rating 5 X Likelihood Rating 2 = 10 High Risk

MEASURES REQUIRED TO REDUCE RISK

1. The following hygiene controls must be adhered to at all times by persons working on site especially adjacent to, in stagnant or very slow moving water:
   - All areas of exposed skin must be washed with soap after working and prior to eating, drinking or smoking.
   - High standards of personal hygiene are necessary at all times.
   - Fingers should not be inserted into the mouth or nose whilst on site.
   - Operatives must not bite their fingernails whilst on site.
   - ***All cuts and abrasions must be covered with a waterproof plaster.***
   - In cases of heavy contamination with waste / standing water heavily contaminated clothing must be disposed of and the affected area washed vigorously with soap immediately.
2. Dead rats must not be handled without hand protection.
3. All signs of vermin must be reported to your supervisor.
4. Persons should be aware of the symptoms of Leptospirosis. These include flu like symptoms, fatigue, nausea, vomiting, pain in the liver area, dark urine or light coloured stools. If experiencing any of these symptoms operative must report at once to their GP and inform him or her of the nature of their work and undergo a suitable medical examination and advise the practitioner that they have been in contact with stagnant water. They must also inform the Safety Director.
5. Any person who feels that they may have been exposed to rats or Leptospirosis should contact the Safety Director who will arrange a course of precautionary treatment through a doctor or the persons GP.

RESIDUAL RISK ASSESSMENT	Severity Rating 3 X Likelihood Rating 1 = 3 Low Risk

MANUAL HANDLING RISK ASSESSMENT

The risks associated with manual handling include: personal injury due to the incorrect method of lifting, attempted lifting of excessive weight, lifting of loads with sharp or awkward edges, lifting of loads in confined spaces.

Hazard Effect(s)	Date of assessment:
The main injuries associated with incorrect manual handling are: 1. Back strain and slipped discs 2. Hernias 3. Lacerations and crushing of hands and fingers 4. Musculoskeletal disorders 5. Injured feet 6. Various sprains and strains	

Risk Assessment:	Severity Rating 4 X Likelihood Rating 3 ▫ 12 High Risk

MEASURES REQUIRED TO REDUCE RISK

1. The manual handling of loads must be avoided or minimised where possible.
2. Employees required to undertake manual handling as part of their duties will be trained in Safer Manual Handling Technique and refresher training is recommended every three years or when there is a change in the work practices resulting in a different system of work.
3. The selection of persons to carry out manual handling tasks will be made on the basis of physical capabilities and the level of training received by that person.
4. Loads which must be manually handled must be assessed by the handler on the basis of their risk to health and safety and due caution exercised where there is a risk of injury. The method of handling should take account of the size, weight, shape, condition, contents and position of the load to be handled. If deemed unsafe to handle a load an individual employee may decline to do so.
5. Mechanical aids should be used when available for transporting loads.
6. Where loads greater than 20kgs require handling mechanical aids must be used or assistance must be sought. Alternately the load should be broken down into smaller units.
7. When handling loads which by the nature of their shape, eccentric loading or unstable contents pose a risk of injury assistance must be obtained.
8. Mobile platforms / steps must be used when manipulating loads at a height.
9. Where necessary working systems must be designed to prevent prolonged manual handling by individuals.
10. If required non slip flooring or mats must be provided in areas where manual handling occurs and there is a risk of slipping.
11. All spillages must be cleaned up immediately so that they do no pose a slip hazard to those involved in manual handling.
12. Operatives should avoid bending over or stooping in their work for long periods.
13. There must be sufficient lighting levels in areas where manual handling occurs to ensure adequate visibility.
14. All work areas must be kept tidy and free from obstructions at all times to reduce the risks of slips, trips and falls.
15. Adequate space must be maintained in areas where lifting occurs to ensure sufficient room for safe manual handling. This should be borne in mind when selecting areas for the storage of materials, especially those materials of a relatively heavy weight.

16. Materials should be stored in such a way that the heavier material is placed in a position where ease of access for removal is guaranteed.
17. The carrying of loads up or down stairs by individuals is to be avoided unless the load is very small or light. Assistance should be sought when handling heavier loads.

RESIDUAL RISK ASSESSMENT	Severity Rating 2 X Likelihood Rating 2 = 4 Low Risk

HOUSEKEEPING RISK ASSESSMENT

Inadequate housekeeping on site can lead to slips, trips, or falls over material; obstruction of exit routes can result in delayed escape in an emergency; improper stacking of objects can lead to objects falling on persons and the inadequate storage of combustible materials can represent a fire risk.

Hazard Effect(s)	Date of assessment:
All persons working on site are at risk of injury if onsite housekeeping is poor.	

Risk Assessment:	Severity Rating 3 X Likelihood Rating 3 = 9 Medium Risk

MEASURES REQUIRED TO REDUCE RISK

1. All work areas must be kept clean and tidy at all times.
2. All pedestrian and vehicular routes must be kept clear from obstructions.
3. All spillages must be cleaned up immediately.
4. All electrical wiring shall be neatly tied off so as not to present a trip hazard. Where such wiring must run across floors it must be protected by ramps, conduit or armouring.
5. Sufficient refuse bins must be provided on site if required and must be emptied on a regular basis.
6. Articles must not be placed at a height in a location, where if they fall, they can strike persons below.
7. All signs of vermin should be reported at once to your supervisor.
8. All materials shall be stored in a safe manner at all times.
9. Combustible materials must not be allowed to build up in the work area.
10. Material must not be stacked on site, except where absolutely necessary. In such cases it must not be stacked higher than 1.5 metres, and must involve light materials only.
11. Personal Protective Equipment must not be left lying around the work area.
12. All refuse must be properly stored prior to disposal.
13. Adequate escape routes must be maintained on site.
14. Plant and equipment must be arranged on site so that there is sufficient room for persons to move about the site safely.

RESIDUAL RISK ASSESSMENT	Severity Rating 1 X Likelihood Rating 2 = 2 Low Risk

Codes of Practice, Legislation, Standards which apply to this Activity:

John Ryan Construction & Demolition Ltd. shall comply in all respects with the following Safety, Health and Welfare Legislation and Guidelines

- Safety, Health and Welfare at Work (General Application) Regulations 2007
- Safety, Health and Welfare at Work Act 2005
- Safety and Welfare at Work (Exposure to Asbestos) Regulations 2006
- Safety and Welfare at Work (Work at Height) Regulations 2006
- European Communities (Asbestos Waste) Regulations

Health & Safety Principles & Objectives

- To ensure the working environment is safe and without risks to health.
- To ensure adequate provision has been made with regard to facilities, and arrangements for employee welfare at work.
- Health and safety matters are to be given the highest emphasis.
- To achieve good management from conception through to execution of the works.
- To plan, organise, control, monitor and review health and safety throughout life of project.
- To ensure personnel are competent for the allocated tasks.
- To ensure all equipment used is certified and competent for the allocated tasks.
- To ensure sufficient resources are available to conduct the works in a safe manner.
- To identify all hazards and control the associated risks.

Activities with risk to health and safety:

- Movement of vehicles on site
- All works vehicles will be parked in allocated parking spaces when not in use
- Control and disposal of non-contaminated waste
- Litter must not be dropped at any time in the work area
- Exclusion of unauthorised people
- During the works process there will be no access to anyone other than staff engaged in that function

Machinery and training

When choosing equipment account will be taken of work conditions and hazards that it will be suitable for the task. All equipment will be well maintained and carry current test certificates as applicable. John Ryan Construction & Demolition Ltd. will provide appropriate training in the use and maintenance machinery & plant to be used on site.

Emergency procedures

The work has been planned to reduce the risk of any emergency occurring to the lowest possible level, taking account of the works to be carried out and the site characteristics.

Treatment of injured person

First Aid will be given by a qualified first aider whilst an ambulance is awaited.

Fire and the prevention of same

John Ryan Construction Ltd. employ a no-smoking policy on site at all times. Check when leaving site (whether lunch time or end of shift) to ensure any sources of ignition are safe/extinguished. No rubbish is allowed to build up on site, especially near sources of ignition and flammable materials. Location of nearest accident and emergency unit will be established and all operatives will be informed prior to works commencing.

Site Rules

The following rules are to be brought to the attention of all persons entering the site by the site supervisor:

Tidiness/Housekeeping

All directions given by the site supervisor are to be followed. Equipment and materials are to be stored in designated areas. NO LITTER. For instructions regarding contaminated waste, please refer to Disposal of asbestos waste section of our method statement.

Accident reporting

Any accidents or incidents occurring on site must be reported to the site supervisor, who will be responsible for determining and instigating any action necessary. Details accidents are to be recorded

PPE & RPE disposal

PPE (disposable overalls) and RPE (disposal respirators) must be placed in an asbestos waste bag

Monitoring of procedures and standard of work

The site supervisor will carry our daily checks of the site. Should any non-compliance of the rules be highlighted during this check, an investigation will be carried out to determine the cause of this non-compliance. The site supervisor will then take appropriate action, which will be dependent upon the extent of the non-compliance. He will also supervise the operatives and their work on a daily basis to ensure that all instructions are being followed and good health and safety practices and control measures are being adhered to.

METHOD STATEMENT 'SIGN OFF'

The undersigned have read and fully understand the working methods and guidance given in this site specific method statement.

DATE	PRINT NAME	SIGNATURE

This Method Statement / Plan of Works and Risk Assessments were inducted by the Site Supervisor and Signed off as follows:

Site Supervisor.

_____

Notes

Dublin City Council

Comhairle Cathrach Bhaile Átha Cliath

WASTE COLLECTION PERMIT

Waste Management (Collection Permit) Regulations, 2007
Waste Management (Collection Permit) (Amendment) Regulations 2008

Permit Register Reference Number: WCP-DC-10-1298-01

Dublin City Council being a nominated authority under Section 34(1)(aa) of the Waste Management Acts 1996 to 2011, has [*by Manager's Order Ref. No.* ENV & ENG 450 /2011] granted a waste collection permit to:

J. Ryan Haulage Ltd.

Herein after called the permit holder

Of:
Ballywilliam, New Ross Co. Wexford with a principle place of business at Stringfield, Ballywilliam, Enniscorthy, Co. Wexford

This permit is effective from **25th May 2011** and valid until **24th May 2016** after which the permit shall expire.

The permit holder may appeal the decision of Dublin City Council to grant this waste collection permit, in accordance with Section 34(9)(a) of the Waste Management Acts 1996 to 2011, to the judge of the Dublin District Court, being the District Court in which the principal offices of Dublin City Council is situate, within one month of the date of this permit.

Dublin City Council may at any time review, and subsequently amend the conditions under Section 34 (6) of the Waste Management Acts 1996 to 2011 and the local authority will give notice in writing of such intention to the permit holder. Otherwise an application for a review of this permit shall be made at least 60 working days prior to the expiry date of this permit to the Executive Manager (Engineering) Waste Services, Dublin City Council, Eblana House, Marrowbone Lane, Dublin 8. This permit may be revoked under article 29 of the Waste Management (Collection Permit) Regulations, 2007 and the Waste Management (Collection Permit) (Amendment) Regulations, 2008.

The permit holder, subject to the attached schedule of conditions is authorised by this permit to only collect the waste type(s) specified in Appendix A within the corresponding local authority areas specified in Appendix D, and to transfer waste to the facilities outlined in Appendix B, using vehicle(s) specified in Appendix C.

Signed: Martina Duignan
Martina Duignan
Executive Environmental Scientific Officer

Date: 23rd/May/2011

REASON FOR THE DECISION

Dublin City Council is satisfied, on the basis of the information made available by the applicant, that subject to compliance with the conditions of this permit, the activity will not cause environmental pollution and the grant of this permit is consistent with the objectives of the Waste Management Plan for the Dublin Region and all other relevant Waste Management Plans applicable to the local authority areas listed in Appendix D and the current National Hazardous Waste Management Plan.

In reaching this decision, Dublin City Council has considered the application and supporting documentation received from the applicant and valid submissions received from the relevant local authorities, the Environmental Protection Agency (EPA) and other parties.

INTERPRETATION

Unless otherwise specified, all terms in this permit should be interpreted in accordance with the definitions in the Waste Management Acts 1996 to 2011 (the Act), and its associated regulations (as may be amended or replaced from time to time) or as defined in this permit.

References to any enactment, statutory instrument (including any bye-law), each as defined by the Interpretation Act 2005, or a regulation, directive or decision of a European Union institution in this permit shall include amendments and replacements.

References in this permit to Dublin City Council shall be taken to mean Dublin City Council as nominated authority for the Dublin Region under section 34(1)(aa) of the Waste Management Act, 1996 to 2011 and pursuant to article 4(2) of the Waste Management (Collection Permit) Regulations, 2007 and the Waste Management (Collection Permit) (Amendment) Regulations, 2008 or such other authority as may be nominated for the Dublin Region under this provision.

INSTRUCTIONS

Sections 1 – 5 of this collection permit sets out for the permit holder general conditions relating to the collection of waste.

Section 6 of this collection permit sets out for the permit holder general conditions for the collection of specific waste streams. All conditions set out in this section are to be complied with in conjunction with the conditions set out in section 7.

Section 7 of this collection permit sets out for the permit holders regional specific conditions for the collection of particular waste streams in accordance with the relevant Waste Management Plan for that region. In the event of any inconsistency or conflict between the conditions in section 1 - 6 of this permit and the conditions in section 7, the conditions in section 7 shall prevail.

CONDITIONS

1. Scope of permit

1.1 The permit holder is authorised to collect only the wastes specified in condition 1.3 in the corresponding local authority areas specified in Appendix D.

1.2 The permit shall be read in conjunction with such bye-laws for the time being in force as referred to in condition 2.7 of this permit.

1.3 The permit holder shall only collect such wastes which are listed in Appendix A of this permit or such later revision to the said appendix as Dublin City Council may issue by way of revised Appendix A.

1.4 The permit holder shall give notice in writing to Dublin City Council of any proposed changes in the waste collection activity in advance of any such change coming into effect. The permit holder shall obtain the written agreement of Dublin City Council before implementing any such change.

1.5 This permit and any condition imposed therein shall not relieve the permit holder of any statutory obligations.

1.6 Any non-compliance with the conditions of this permit is an offence under the Waste Management (Collection Permit) Regulations, 2007 and the Waste Management (Collection Permit) (Amendment) Regulations, 2008 and Section 34(1) of the Waste Management Act, 1996 to 2011.

1.7 This permit is non-transferable.

2. Management of the activity

2.1 Without prejudice to its obligations under this permit, the permit holder shall at all times ensure that it carries on its waste collection activities in a manner that is consistent with the objectives of the Waste Management Plan for the Dublin Region (as may be varied or replaced from time to time) and all other relevant waste management plans (as may be varied or replaced from time to time and with the objectives of the current National Hazardous Waste Management Plan.

2.2 The permit holder shall ensure that where waste collected under this permit is transferred to a facility for the purpose of a recovery or disposal activity

(a) there is in force a waste licence, facility permit, certificate of registration or IPPC licence in relation to the carrying on of the activity concerned at that facility; unless such activities are exempted from regulation under the Waste Management Acts 1996 to 2011.

(b) that planning permission, or a certificate of exemption from such permission, is in place for such a facility.

2.3 The permit holder shall not transfer waste to a facility under condition 2.2 of this permit unless the waste activity at that facility is authorised under:

(a) section 39(1) of the Act, in the case of a facility subject to licensing; or
(b) section 82 of the Environmental Protection Agency Acts, 1992 to 2007; or
(c) article 4 of the Waste Management (Permit Regulations), 1998 in the case of an activity specified in Part I or part II of the First Schedule of the said Regulations; or

(d) article 6 of the Waste Management (Facility Permit and Registration) Regulations, 2007 and the Waste Management (Facility Permit and Registration) (Amendment) Regulations, 2008, in the case of an activity specified in Part 1 and Part 11 of the Third Schedule, or
(e) article 7 of the Waste Management (Registration of Sewage Sludge Facility) Regulations 2010, or
(f) other facilities as agreed by Dublin City Council.

2.4 The permit holder shall only transfer waste to the authorised facilities which are listed in Appendix B of this permit or such later revision of the said appendix as Dublin City Council may issue.

2.5 Where the permit holder proposes to transfer waste to facilities other than those set out in Appendix B, the permit holder shall submit the following details in to Dublin City Council for inclusion in Appendix B prior to transferring any waste to such facilities in accordance with condition 2.3 above:

(a) origin of waste material;
(b) description of waste including European Waste Catalogue (EWC) code;
(c) location, ownership details, and contact number of the authorised facility;
(d) waste permit or licence details of the authorised facility;
(e) written confirmation from the operator of the authorised facility that the said waste will be accepted there;
(f) planning permission reference number or a certificate of exemption from such permission for the facility.

2.6 The permit holder shall carry or cause to be carried at all times a copy of this permit including the latest revision of all appendices on each vehicle listed in Appendix C.

2.7 Where any local authority, for the purposes of the proper management of waste and the prevention and control of environmental pollution, has made bye-laws relating, inter alia, to the storage, presentation and/or segregation for the purpose of and in the course of the collection of waste or for the recovery or disposal of waste in accordance with Part 19 of the Local Government Act, 2001 (in substitution for Part VII of the Local Government, 1994) or in accordance with Section 35 of the Waste Management Act 1996 to 2011 (hereinafter referred to as 'bye-laws'), the permit holder shall not collect waste in the functional area of the said local authority unless it has been stored, presented and/or segregated in accordance with the requirement of the said bye-laws.

2.8 Where household or commercial waste has been segregated prior to collection, the permit holder shall ensure that this fraction is separately collected in its entirety, not remixed, and transferred to a suitable authorised facility as referred to in Condition 2.4 of this permit.

2.9 The permit holder shall identify all hazards associated with the waste being collected, and shall be familiar with best practice regarding its safe movement and handling and shall adopt all necessary, reasonable and practicable safety measures accordingly.

2.10 The permit holder shall have in place a documented Emergency Response Procedure (ERP), which shall address any emergency incident that may arise. This procedure shall provide for as a minimum, an emergency response unit, replacement vehicles and clean-up equipment in order to minimise the effects of the emergency on the environment. The permit holder shall maintain a copy of the ERP at the principal place of business of the permit holder.

2.11 The permit holder shall ensure that all operatives employed in the waste collection activity are familiar with and comprehend the conditions of this permit and the ERP.

2.12 The permit holder shall clean up immediately any spillage of waste, which occurs in the course of the collection operation, in a manner, which will not cause environmental pollution. The permit holder shall carry an emergency spillage kit on each vehicle listed in Appendix C, of this

permit or such later revision of the said appendix as Dublin City Council may issue, at all times, to deal with minor spillages.

2.13 The permit holder shall not cause environmental pollution during the course of the waste collection activity to which this permit relates.

2.14 The permit holder shall include their permit number, name of the issuing authority and the name of the legal entity to whom the permit has been issued in all promotional material, dockets and correspondence issued by the permit holder in accordance with this permit.

2.15 The permit holder shall collect, transport, store, dispose of and/or recover waste in a manner so as to prevent pollution, contamination and deterioration of groundwater in accordance with Council Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances and Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration and also with Council Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for community action in the field of water policy.

2.16 The permit holder shall ensure that where biowaste collected under the waste collection permit is transferred to a composting or biogas facility for the purpose of treatment and where animal by-products form all or part of that biowaste, that the facility has been approved in writing by the nominated authority for use by the permit holder and there is in force an appropriate veterinary authorisation issued by the Minister for Agriculture and Food in accordance with article 10 (6) of the European Communities (Transmissible Spongiform Encephalopathies and Animal By- Products) Regulations 2006 (S.I. No. 612 of 2006).

2.17 The permit holder shall take steps to ensure that all or a specified proportion, of waste collected by the permit holder, or class or classes of such waste, is source-segregated, treated or recovered, in such manner so as to secure the objectives of the Waste Management Plan for the Dublin Region and all other relevant Waste Management Plans applicable to the local authority areas listed in Appendix D and all National and EU targets for the recovery, recycling and treatment of waste.

In particular the permit holder shall ensure that waste is:

(a) where practicable and having regard to the waste hierarchy, delivered to authorised facilities which reuse, recycle or recover waste;
(b) presented, collected, handled and transported in a form which enables the authorised facilities to which the waste is delivered to comply with specific conditions contained in, as the case may be, the waste licence, IPPC licence, waste facility permit or certificate of registration in relation to performance targets established for the levels of recycling or recovery of waste.

2.18 The permit holder shall ensure that where waste that has been source segregated by the waste producer, it shall not be sent for disposal or collected, transported, mixed or handled so as to make it, in the opinion of the nominated authority, unsuitable for recycling or recovery by the permit holder.

2.19 The permit holder shall ensure at all times that waste collection activities are carried out in accordance with the provisions of Council Directive 75/442/EEC of 15 July 1975 on waste as amended by Council Directive 91/156/EEC of 18 March, 1991 and codified under Directive 2006/12/EC of the European Parliament and of the Council of 8 December 2003 and Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 as applicable.

3 Vehicles, Skips, Containers, Trailers and Receptacles

3.1 The permit holder shall only use the vehicles as have been notified in writing to Dublin City Council and subsequently agreed, which are listed in Appendix C to this permit or such later

revision of the said appendix as Dublin City Council may issue, for the purposes of the activity to which this permit relates. Vehicles listed in Appendix C may not be included in any other waste collection permit at any one time other than a waste collection permit issued to the same legal entity in a different region.

3.2 The permit holder shall notify Dublin City Council in advance of the type and identifying mark of any collection vehicle to be owned or hired/leased and used for the collection of waste under the terms of the permit, including particulars of the relevant vehicle registration document.

3.3 The permit holder shall notify Dublin City Council of the type and identifying mark of any collection vehicle which is being hired/leased in on a temporary basis from a third party by the permit holder and used for the collection of waste under the terms of the permit, within 1 working day of the hire/lease of such a vehicle, including particulars of the relevant vehicle registration document.

3.4 All vehicles, skips, tankers, trailers or containers used by the permit holder for the purposes of the activity to which this permit relates, shall be fit for purpose.

3.5 All vehicles, skips, tankers, trailers, containers and receptacles used by the permit holder for the purposes of the activity to which this permit relates shall be washed down as required in an appropriate manner and at an appropriate facility so as not to cause environmental pollution.

3.6 Each vehicle used for the purposes of the activity to which the permit relates and that is listed in Appendix C of this permit or such later revision of the said appendix as Dublin City Council may issue, shall be marked with the following information in clearly legible indelible lettering at least 75 millimetres high:

(a) name of the permit holder;
(b) waste collection permit number.

3.7 Each skip, tanker, trailer or container used for the purposes to which this permit relates, unless otherwise approved by Dublin City Council in writing, shall be marked on at least two sides with the following information in visible, legible and indelible lettering at least 75 millimetres high:

(a) name of the permit holder;
(b) waste collection permit number;
(c) a unique identification number for the skip, tanker or container.

3.8 In regions where bag collections are permitted for municipal waste the permit holder shall ensure that all bags clearly identify:

(a) name of the permit holder;
(b) waste collection permit number.

3.9 The permit holder shall ensure that all consignments of waste are appropriately covered during transit to prevent spillage, dust, litter or other nuisance.

3.10 The permit holder when using a skip or other such receptacle (including skip bags) for the purposes of the activity to which this permit relates shall provide the hirer with a written agreement detailing:

(a) the types of wastes, which may be placed in the skip as, listed in condition 1.3 of this permit;
(b) that the skip will be removed within as soon as is practicable after it has been fully loaded unless otherwise agreed in writing with the local authority.

3.11 The permit holder shall ensure that skips and other such receptacles left in a public place (as defined in the Litter Pollution Acts 1997 to 2009) shall carry reflectors or lighting so that they are clearly visible during a period when vehicles are required to be lighted.

3.12 The permit holder shall notwithstanding the provisions of any bye-law made under section 72 of the Roads Act 1993 ensure that skips and other such receptacles (including skip bags) left on a public road shall be sited or deposited for no more than 3 days.

3.13 No skip, tanker, trailer or container used by the permit holder for the purposes of the activity to which this permit relates and which contains waste shall be left in a public place (as defined in the Litter Pollution Acts 1997 to 2009), other than where it is initially filled, unless it is on or attached to a mechanically propelled vehicle, which is in transit to an authorised facility listed in Appendix B of this permit or such later revision of the said appendix as Dublin City Council may issue.

3.14 The permit holder shall ensure that all wheeled bins used for the collection of municipal waste shall comply with standard IS EN840 parts 1-6, unless otherwise agreed with Dublin City Council.

3.15 All waste receptacles used for the collection of municipal waste (including separately collected fractions) shall be identified with the name, address and telephone number of the permit holder in clearly legible lettering and a unique customer reference number. The permit holder shall supply the name and address of a customer to whom a reference number applies on request. The permit holder shall submit written details of the identification system to Dublin City Council for approval on request.

3.16 Where the permit holder provides segregated collections for different types of recyclable, compostable or recoverable materials, they shall provide waste recycling receptacles, which are designed for reuse (excluding regions where bag collections are permitted).

4 Notification and Record Keeping

4.1 The permit holder shall notify Dublin City Council in relation to any conviction for an offence prescribed under article 21 of the Waste Management (Collection Permit) Regulations, 2007 and the Waste Management (Collection Permit) (Amendment) Regulations, 2008 or any requirement of an order under the Waste Management Act 1996 to 2011, within 5 working days of such conviction or the imposition of such a requirement.

4.2 The permit holder shall notify the relevant local authority (i.e. the local authority in whose area the incident occurs) immediately after the occurrence of any incident connected with the waste collection activity that caused or has the potential to cause environmental pollution or a threat to human health. The permit holder shall include as part of the notification the date, time, location and a full description of the incident. The permit holder shall also send a written record of the incident to Dublin City Council within 1 week of the incident. This written record of the incident shall include the following information:

(a) the date, time and location of the incident;
(b) a full description of the incident;
(c) details of any measures taken to prevent or reduce environmental pollution or harm to human health which was caused or may be caused by the incident; and
(d) details of steps taken to avoid recurrence of similar incidents.

4.3 The permit holder shall compile and maintain specified records for the collection of waste, for a period not less than 7 years, records shall include as a minimum the following:

(a) European Waste Catalogue (EWC) code for each waste type and indicate whether or not the waste is hazardous;
(b) description of waste;
(c) quantity (in units of tonnes or litres) of waste collected;

(d) the local authority area of origin of the waste;
(e) the source of the point of collection of waste;
(f) the name, address and licence, permit or certificate of registration number of the authorised waste facility to which the consignment of waste will be delivered;
(g) the nature of the activity carried on at the authorised waste facility to which waste is delivered (i.e. Treatment, recovery or disposal);
(h) the name and waste collection permit number of the permit holder;
(i) date of waste collection;
(j) waste collection vehicle registration number;
(k) customer name and address;
(l) signature of the vehicle driver;
(m) signature of a representative of the authorised waste facility.

4.4 The permit holder shall use a docket system to compile the records as outlined in condition 4.3. An individual docket record shall accompany each waste load on the vehicle that the waste docket refers to until control of the waste is transferred to an authorised facility specified in Appendix B of this permit. The permit holder shall also maintain up-to-date summaries of the information in condition 4.3 in respect of waste collected by the permit holder in each calendar month. The dockets/records must be maintained at the principal place of business for a period not less than 7 years. These records shall be available for inspection at the principal place of business during normal working hours by authorised officers of any relevant local authority and any other person authorised under Section 14 of the Waste Management Acts 1996 to 2011. The permit holder shall comply with the provisions of this condition unless otherwise agreed in writing by Dublin City Council.

4.5 The permit holder shall, not later than 28th February in each year furnish to Dublin City Council in such form as may be specified by Dublin City Council an Annual Report (AR) in respect of waste collection activities carried out by the permit holder in the preceding calendar year or part there of, as the case may be. The AR shall be a summary of the records maintained under Condition 4.4 of the permit. The AR shall contain the following information, in summary form, in respect of waste collected by the permit holder in the preceding calendar year:

(a) local authority area of origin of waste;
(b) source of waste;
(c) European Waste Catalogue (EWC) code for each waste type and indicate whether or not the waste is hazardous;
(d) description of waste;
(e) quantity (in tonnes) of each waste type collected;
(f) destination of waste (authorised facility name and address);
(g) waste licence, permit or certificate of registration register reference number of authorised facilities to which waste is delivered;
(h) country of destination (if exported abroad);
(i) the TFS notification number if the waste is exported abroad;
(j) the total number of households served with kerbside collection for residual, mixed dry recyclable and organic wastes from which the permit holder collected waste per each local authority functional area;
(k) the nature of the activity carried on at the authorised waste facility to which waste is delivered (i.e. disposal or recovery).

The information specified above shall be filled in on the AR form which is available on the Dublin City Council website at the following Internet address:
http://www.dublincity.ie/WaterWasteEnvironment/Waste/WasteCollectors/WasteRegulationsOffice/Pages/WastePermits.aspx

The completed form shall be submitted by the 28th February each year in respect of the preceding calendar year to Dublin City Council by e-mail to CPDstats@dublincity.ie. AR forms can only be submitted in alternative formats following written agreement with Dublin City Council.

The information specified above shall be used to produce community statistics on the generation, recovery and disposal of waste as set out by Regulation (EC) 2150/2002.

4.6 A copy of all correspondence sent to and received from Dublin City Council regarding this waste collection permit shall be kept at the address of the principal place of business for at least 7 years following the date on which the correspondence is sent or received respectively and shall be made available for inspection by any authorised person.

4.7 All communications from the permit holder to Dublin City Council shall be addressed in writing by the permit holder to the following address: Executive Manager, Dublin City Council, Waste Management Services, 68-70 Marrowbone Lane, Dublin 8 unless otherwise specified. Permit holders are required to include their Waste Collection Permit Number on all correspondence. This condition does not apply in respect of the Annual Report as described in condition 4.6.

5 Charges and Financial Provisions

5.1 The permit holder shall defray or contribute towards any costs as may reasonably be incurred by Dublin City Council or any relevant local authority as prescribed in articles 14 and 20(3)(d), other than required under article 8 in accordance with the third schedule of the Waste Management (Collection Permit) Regulations, 2007 and the Waste Management (Collection Permit) (Amendment) Regulations, 2008, and which costs shall not exceed the actual expenditure reasonably incurred by the authority in inspecting, monitoring, auditing, enforcing or otherwise performing any functions in relation to the activity.

5.2 The permit holder shall effect and maintain appropriate and adequate policies of insurance insuring him or her as respects any liability on his or her part to pay damages or costs on account of injury to person or property arising from the activities concerned.

5.3 Without prejudice to the foregoing, the minimum level of indemnity to be maintained by the permit holder shall be to the value of €6,500,000 for Public Liability Insurance including cover for sudden and unforeseen pollution and €6,500,000 for third party property damage Motor Insurance. In both cases noting an indemnity to all relevant Local Authorities in the Republic of Ireland.

6 Conditions Specific to Waste Types

6.1 Animal by-products

The permit holder is not permitted to collect this waste type unless exempt under Article 30 (1)(g) of the Waste Management (Collection Permit) Regulations, 2007 as amended by the Waste Management (Collection Permit) (Amendment) Regulations, 2008.

6.2 Batteries and Accumulators

6.2.1 Batteries and accumulators shall only be collected, handled, transported and stored in a manner so as to avoid damage that would prevent equipment or components from being reused or recovered in accordance with Council Directive 91/157/EEC on batteries and accumulators (as amended by Commission Directive 93/86/EEC and by Commission Directive 98/101/EC) and by Council Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC.

6.2.2 Where batteries and accumulators collected by the permit holder are of a hazardous nature as defined in the European Waste Catalogue (EWC) the permit holder shall adhere to the conditions relating to the collection of hazardous waste.

6.2.3 Where the permit holder is collecting batteries or accumulators independently of an obligated producer or approved scheme a record of the quantities, by weight or, as appropriate, by number of units, and categories of batteries shall be maintained in accordance with article 29 of the Waste Management (Batteries and Accumulator Regulations 2008 (S.I. No 268 of 2008).

6.3 Bulky Municipal Waste

6.3.1 The permit holder is permitted to collect municipal bulky waste items for recovery, reuse, recycling or disposal, that are generally too large to be accommodated in a 240 litre wheeled bin. The permit holder shall only collect bulky waste items by previous arrangement with the customer. It is the responsibility of the permit holder to inform the customer about the collection arrangements and unless the permit holder has an alternative written agreement with Dublin City Council arrangements must include an instruction for the customer to store the bulky waste items within the curtilage of their premises prior to collection.

6.4 Commercial and Industrial Waste

6.4.1 The permit holder shall, in accordance with this permit and in particular in accordance with the provisions of condition 2.7 hereof, implement and maintain a separate system for kerbside collection of dry recyclables from commercial and industrial premises. Details of compliance with this requirement shall be submitted to Dublin City Council within 1 month from the date hereof.

6.4.2 Source separated waste shall not be mixed or remixed during collection.

6.4.3 Where a local authority has made bye-laws requiring the separate collection of the biodegradable fraction of municipal waste from commercial and industrial premises, the permit holder shall implement and maintain a separate system for the kerbside collection of biodegradable waste from commercial and industrial premises within the functional area of that local authority. Details of compliance with this requirement shall be notified in writing to the said local authority within 1 month of the adoption of the said bye-laws or in the case of existing bye-laws within 1 month from the date hereof.

6.4.4 The permit holder shall provide separate receptacles for packaging waste, which has been segregated in accordance with the Waste Management (Packaging) Regulations, 2007 or as amended, and in accordance with the Packing Directive 94/62/EC as amended by Directive 2004/12/EC of the European Parliament and of the Council of the 11th February 2004.

6.4.5 The permit holder shall not collect packaging waste for disposal from a producer, without first receiving a written declaration as required under article 31(1)(b) of the Waste Management (Packaging) Regulations, 2007 or as amended.

6.5 Construction and Demolition Waste

6.5.1 The permit holder shall not mix or remix source segregated construction and demolition wastes during collection and transport to ensure compliance with national targets for the recovery, recycling and re-use of construction and demolition wastes.

6.5.2 The permit holder shall, where appropriate, ensure that loads containing dry, fine, materials are properly covered (closed or sheeted) or sprayed prior to transport to prevent nuisance.

6.5.3 The permit holder shall ensure that no waste is deposited on the public road during the collection and transportation of the waste.

6.5.4 The permit holder shall not collect soil contaminated with hydrocarbons, hazardous waste or dangerous substances, unless permitted to do so in accordance with condition 1.3 and as listed in Appendix A.

6.5.5 The permit holder shall ensure that no pollutants or other waste types are allowed to contaminate loads destined for recovery, recycling or reuse. The permit holder shall transfer contaminated loads to authorised facilities where segregation/treatment can be carried out.

6.5.6 The collection of construction and demolition wastes that are hazardous in nature is additionally subject to the conditions specified for hazardous wastes.

6.5.7 The permit holder shall only transfer the control of gypsum wastes to an authorised person for recovery or for disposal in accordance with the Council Decision of 19 December 2002 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex to Directive 1999/31/EC [2003/33/EC].

6.6 End-of-Life Vehicles

The permit holder is not permitted to collect this waste type.

6.7 Food Waste

The permit holder is not permitted to collect this waste type.

6.8 Hazardous Waste

6.8.1 The permit holder shall not mix hazardous waste with other hazardous or non-hazardous waste types prior to or during collection and transportation.

6.8.2 The permit holder shall maintain records of all hazardous waste movements and shall comply with the Waste Management (Movement of Hazardous Waste) Regulations, 1998 (S.I. No. 147 of 1998), the Council Directive 91/689/EEC with the Waste Management (Transfrontier Shipment of Waste) regulations, 2007(S.I. No. 419 of 2007) and with Council Regulation (EU) No. 1013/2006 of 14th June 2006 on the supervision and control of shipments of waste within, into and out of the European Community. Accordingly, no movement of hazardous waste from point to point within the state should take place without a C1 form being completed. Where waste is to be exported, a transfrontier shipment of waste authorisation should be in place. A movement tracking form should be submitted three days in advance of individual shipments taking place.

6.8.3 A European Waste Catalogue (EWC) code and waste description shall be assigned to each hazardous waste consignment collected, in accordance with the requirements of the Waste Management (Movement of Hazardous Waste) Regulations, 1998 (S.I. No. 147 of 1998).

6.8.4 The permit holder shall ensure that all movements of hazardous waste comply with the requirements of the Carriage of Dangerous Goods by Road Regulations 2007 (S.I. 288 of 2007) and the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) 2007.

6.8.5 The permit holder shall ensure that all receptacles used for the collection of hazardous waste are clearly identified as containing hazardous waste. The permit holder shall also be aware of the labelling requirements for transporting hazardous wastes under the Waste Management (Movement of Hazardous Waste) Regulations, 1998 (S.I. No. 147 of 1998), Carriage of Dangerous Goods by Road Regulations 2007 (S.I. 288 of 2007).

6.8.6 The permit holder shall include in their emergency response procedure a backup plan (called the rejection procedure) to deal with an event that a hazardous waste load is rejected at an authorised facility listed in Appendix B. Any load of hazardous waste that is rejected shall be treated as an incident and reported as per condition 4.2.

6.8.7 All vehicles used for the collection and transport of hazardous material shall be clean, dry and residue-free prior to commencement of loading of any new consignment of hazardous waste. If vehicles are to be used for the collection of any other waste types, they shall be decontaminated at an appropriate facility prior to use.

6.8.8 Where the permit holder collects waste containing asbestos fibres or dust, care must be taken to ensure that the waste is treated and packaged so as to prevent the release of asbestos particles into the environment in accordance with Council Directive 87/217/EEC.

6.8.9 Where a permit holder collects waste containing ozone depleting substances care must be taken to ensure that the waste is collected and stored in accordance with Regulations (EC) No. 2037/2000, as amended by Council Regulations (EC) No.'s 2038/2000, 2039/2000, 1804/2003, Commission Regulation (EC) No. 2077/2004, Commission Regulation (EC) No. 29/2006 and Commission Regulation (EC) No. 1784/2006.

6.8.10 Where a permit holder collects waste containing fluorinated greenhouse gases care must be taken to ensure to that the waste is collected and stored in accordance with Regulation (EC) No. 842/2006.

6.8.11 Where a permit holder collects waste containing persistent organic pollutants care must be taken to ensure that the waste is collected and stored in accordance with Regulation (EC) No 850/2004 of the European Parliament and the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC, as amended by Council Regulation (EC) No. 1195/2006 and Council Regulation (EC) No. 172/2007.

6.9 Household Waste

The permit holder is not permitted to collect this waste type.

6.10 Incineration Waste

6.10.1 The permit holder shall transport dry residues in the form of dust, such as boiler dust and dry residues from the treatment of combustion gases, in such a way as to prevent dispersal in the environment such as in closed containers in accordance with article 9 of Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the Incineration of Waste.

6.11 Sludges and Septic Tank Waste

6.11.1 Sludges, including septic tank sludge and sludges whose recovery is exempt from the requirement to hold a waste licence under Section 39 of the Waste Management Act, 1996 to 2011 by virtue of Section 51(2)(a) of the Act, shall only be spread on landbanks with a nutrient management plan approved by the local authority that has administrative authority in respect

of the lands on which it is to be spread. The Permit Holder shall ensure that the spreading of sludges on landbanks is carried out in accordance with current guidelines, codes of practice and relevant legislation including the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2010 (S.I. 610 of 2010). Septic tank sludge may alternatively be deposited at an authorised facility. For the purpose of this condition a landbank covers lands used for spreading or treating waste with a consequential benefit for an agricultural activity or ecological system.

6.11.2 The permit holder shall ensure where wastes collected originate from an Integrated Pollution Prevention and Control (IPPC) licensed facility, that the waste shall be transported to authorised facilities which are either:

(a) governed in accordance with the conditions of the IPPC licence and where written agreement has been received from the Environmental Protection Agency; or
(b) operated in accordance with a Nutrient Management Plan as approved in writing by the relevant Local Authority under Section 66 of the Waste Management Act 1996-2011 and the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2010 (S.I. 610 of 2010).

6.11.3 The permit holder shall be familiar with the requirements placed on holders of waste arising from bye-laws made by any of the local authorities listed in Appendix D under Section 21 of the Local Government (Water Pollution) Acts, 1977 - 2007 and shall keep a copy of all such bye-laws at the address of the principal place of business. The permit holder shall not spread waste on lands unless it is in accordance with the requirements of the bye-laws in force in the local authority area concerned.

6.12 Waste Electrical and Electronic Equipment

6.12.1 The permit holder shall ensure that Waste Electrical and Electronic Equipment (WEEE) is collected, treated and recycled in accordance with the WEEE Directive 2002/96 EC as amended by Directive 2003/108 EC.

6.12.2 WEEE shall only be collected, handled, transported and stored in a manner so as to avoid damage that would prevent equipment or components from being reused, recycled or recovered. The permit holder shall transport fluorescent tubes in suitable containers to prevent damage in transit.

6.12.3 WEEE shall only be transported to a designated civic amenity site, collection point or authorised facility in accordance with condition 2.3.

6.12.4 Where WEEE collected by the permit holder is of a hazardous nature as defined in the European Waste Catalogue (EWC), the permit holder shall adhere to the special conditions relating to collection of hazardous waste.

6.12.5 The permit holder shall not crush hazardous WEEE or remove hazardous substances and components prior to treatment and de-pollution.

6.13 Waste Oils

6.13.1 All loading, unloading and storage of waste oils shall take place within the designated areas of any facilities, which shall be adequately bunded to ensure that any spillages that occur are retained and returned for reprocessing.

6.13.2 Waste oils shall be collected, handled, transported and stored in a manner so as to minimise the risks of contamination to all environmental media or endangerment to the general public and their health in accordance with Council Directive 75/439/EEC as amended by Council Directive 87/101/EEC.

6.13.3 All oily waters collected with the waste oil shall be transferred with the waste oil to the authorised facility.

6.13.4 Where the permit holder proposes to collect waste oils containing PCB's within the meaning of EU Directive 96/59/EC the collector must not mix the contaminated waste oil with other non-hazardous waste nor with other hazardous and/or toxic waste within the meaning of directive 91/689/EEC waste.

6.13.5 Where waste oil collected by the permit holder is of a hazardous nature as defined in the European Waste Catalogue (EWC) the permit holder shall adhere to the special conditions relating to collection of hazardous waste.

6.14 Waste Tyres

6.14.1 The permit holder may only supply waste tyres to person(s) in accordance with article 17 of the Waste Management (Tyres and Waste Tyre) Regulations 2007 (S.I. 664 of 2007).

6.14.2 In accordance with the Waste Management (Tyres and Waste Tyres) Regulations 2007 and any subsequent amendments the permit holder shall either register with each local authority in whose functional area they collect or intend to collect waste tyres in accordance with the provisions of Part IV of the Regulations, OR become a member of an approved body established in accordance with the provisions of Part VII of the Regulations.

7 Conditions Specific to Regions

7.1 Connaught

COMMERCIAL AND INDUSTRIAL AND MUNICIPAL WASTE

7.1.1 Permit Holders will only be permitted to collect commercial, industrial & municipal waste where a separate organic waste collection system, which complies with the requirement of Table 1 of the Schedule, is in place. Details of compliance with the requirement for a separate organic waste collection system must be submitted in writing to the Nominated Authority for approval within six weeks of the grant of this permit. Subsequent phases must be submitted three months in advance of the target deadline. Organic waste shall only be collected in bins in accordance with the criteria in Section 3 of this permit. The charging system for organic waste shall incentivise businesses to participate in source segregation of organic waste. The frequency of collection must ensure the organic waste is suitable for further biological treatment. No commercial, industrial or municipal waste may be collected six months after issue of this permit unless the nominated authority has approved, in writing the organic waste collection system of the permit holder.

7.1.2 The Permit Holder shall not collect materials containing hazardous waste, unless specifically permitted in accordance with Condition 1.3 and as listed in Appendix A. Where source segregation has not taken place, each waste load collected shall be treated as hazardous waste.

DOMESTIC AND HOUSEHOLD WASTE

7.1.3 Residual waste shall only be collected in bins unless otherwise agreed with the Nominated Authority; such agreement will only be forthcoming where it is satisfied that that the internal layout of the housing is such so as to prevent the use of a wheeled bin. Where a permit holder has an approved Pay by Use system which includes the use of bags for residual waste, these bags must only be collected in bins as per the criteria outlined in Section 3 (conditions governing Skips, bin types etc) of this permit. Residual Waste may only be collected by previous arrangement with a householder. It shall be the responsibility of the permit holder to inform the customer about collection arrangements. Prior to collection the waste shall be stored within the curtilage of the customer's dwelling or in accordance with Waste Presentation Bye-Laws.

7.1.4 Permit Holders will only be permitted to collect household waste where a separate organic waste collection system, which complies with the requirement of Table 1 of the Schedule, is in place. Details of compliance with the requirement for a separate organic waste collection system must be submitted in writing to the Nominated Authority for approval within six weeks of the grant of this permit. Subsequent phases must be submitted three months in advance of the target deadline.
Organic waste shall only be collected in bins in accordance with the criteria in Section 3 of this permit. The charging system for organic waste shall incentivise households to participate in source segregation of organic waste. The frequency of collection must ensure the organic waste is suitable for further biological treatment.
No household waste may be collected six months after issue of this permit unless the nominated authority has approved, in writing the organic waste collection system of the permit holder.

TABLE 7.1

Date	Target
Within one month of the Permit issue date.	40 % of all households serviced in any way must be provided with a segregated organic collection service.

7.2 Cork

7.2.1 Within 1 month of the date of grant of this permit, the Permit Holder shall register on Cork County Council's Sewage Sludge Register System. The Permit Holder shall record specific details of each consignment of sewage sludge (as defined under the Waste Management (Use of Sewage Sludge in Agriculture) Regulations 1998 as amended) which he/she/it transports within Co. Cork and shall input these details into Cork County Council's central electronic database via the internet on a monthly basis unless otherwise agreed in writing with Cork County Council.

7.3 Donegal No specific conditions for this region

7.4 Dublin

The following conditions apply for the collection of wastes in the functional areas of Dublin City Council, Dun Laoghaire Rathdown County Council, Fingal County Council and South Dublin County Council, hereafter known as the Dublin Region. These conditions are without prejudice to any appeal that may be taken in respect of the judgements of Mr Justice McKechnie, High Court Record Nos. 420JR/2008, 460JR/2008 and others, and to the outcome of any such appeal.

7.4.1 The permit holder shall ensure that all, or such specified proportion, of waste or a type thereof, collected by the permit holder in the local authority areas of the Dublin Region is delivered to and deposited with and treated and/or reused and/or recovered and/or recycled at such tier(s) in the EU Waste Hierarchy as specified in the Waste Management Plan for the Dublin Region 2005-2010 (as may be varied or replaced from time to time) so designated by the relevant local authority in whose functional areas the waste collection activities are being carried out. The permit holder may treat any such tier designated by the local authority to include all higher tiers within the EU Waste Hierarchy.

7.4.2 The permit holder shall only be permitted to carry out waste collection activities in accordance with the policies and objectives of the Waste Management Plan for the Dublin Region 2005-2010 (as may be varied or replaced from time to time)

7.4.3 The permit holder shall notify Dublin City Council in advance of any proposed change to the nature, focus or extent of the waste collection activities in the Dublin Region.

7.4.4 The permit holder shall not collect glass co-mingled with other dry recyclable wastes from domestic premises in the dry recyclable bin. The policy of the Dublin Region for the collection of glass from domestic premises in terms of environmental performance and ranking is as follows:

(a) Bring banks (with separate banks for clear, green and brown glass)
(b) Kerbside collection of glass in a separate receptacle

7.5 Kildare

7.5.1 The permit holder shall only be permitted to carry out waste collection activities in accordance with the policies and objectives of Kildare County Council's Waste Management Plan and any variations thereof.

Kildare Commercial and Industrial Waste Conditions

7.5.2 Where the permit holder provides for the collection of commercial and or industrial waste they shall provide a source separate collection system in the County of Kildare in accordance with the policy objectives of the Waste Management Plan for County Kildare and any variations thereof.

7.5.3 Where the permit holder provides a commercial or industrial premises with a door-to-door collection service for residual waste they shall make available to that premises a separate collection service for dry recyclable wastes from the date of grant of this permit.

7.5.4 The permit holder shall ensure that a separate system for kerbside collection of organic waste from commercial and industrial premises shall be implemented by 2010 to achieve the targets in the "EU Landfill Directive (1999/31/EC) for Diversion of Biodegradable Waste from Landfill". Details on the collection of organic waste shall be submitted in writing to Kildare County Council by the 31st December each year.

7.5.5 The charging system for organic waste shall incentivise businesses to participate in source segregation of organic waste. The frequency of collection must ensure the organic waste is suitable for further biological treatment.

7.6 Midlands No specific conditions for this region

7.7 Mid West

7.7.1 In order to meet the objectives of the Replacement Waste Management Plan for the Limerick/Clare/Kerry Region 2006 -2011 (as may be varied or replaced from time to time) the Mid-West Region may at a latter date, where practicable and having regard to the waste hierarchy nominate facility/facilities to which specific waste collected in the region must be delivered to in order to ensure the waste is reused, recycled or recovered.

7.7.2 The time(s) of waste collection in the central commercial districts of Limerick City, Tralee and Killarney shall have to be agreed in writing with the relevant Local Authority or Town Council, in advance of any waste collection.

7.7.3 Waste must be collected from a customer's premises or a location adjacent to a customer's premises unless otherwise agreed with the relevant Local Authority.

COMMERCIAL AND INDUSTRIAL WASTE

7.7.4 All receptacles used for the collection of commercial and industrial waste (residual, dry recyclables and organic waste) must be wheeled hinged lid bins, which shall comply with standard I.S. EN840 parts 1-6

7.7.5 Where residual waste is collected, a separate system for kerbside collection of organic waste shall be provided to all producers, as defined in the Waste Management (Food Waste) Regulations 2009 and any subsequent amendments.

7.8 North East No specific conditions for this region

7.9 South East

7.9.1 The permit holder shall note the policy of the Joint Waste Management Plan for the South East Region that residual waste collected within the Region will, in time, be directed under the Waste Management (Collection Permit) Regulations or other appropriate regulatory or enforcement measures to a nominated facility/facilities in accordance with law. In line with Government policy and targets to divert residual waste from landfill it is intended that a nominated facility for residual waste in accordance with this policy will be an integrated waste facility incorporating thermal treatment and energy recovery, such facility being developed in accordance with the Joint Waste Management Plan for the South East Region

7.9.2 The permit holder shall notify Kilkenny County Council in advance, within a period of not less than 1 month, of any proposal to alter/extend the materials for separate collection of dry recyclables under 6.01.1 and shall obtain approval in writing before implementing such alteration/extension.

7.10 Wicklow No specific conditions for this region

APPENDIX A WASTE TYPES

Please note that there may be restrictions to collecting certain waste types in some regions. Please refer to Section 7 where the conditions are divided specifically for each region.

	EWC Codes & Corresponding Waste Description
1	01 05 04 Freshwater drilling muds and wastes
2	01 05 05* Oil containing drilling muds and wastes
3	01 05 06* Drilling muds and other drilling wastes containing dangerous substances
4	01 05 07 Barite containing drilling muds and wastes other than those mentioned in 01 05 05 and 01 05 06
5	01 05 08 Chloride containing drilling muds and wastes other than those mentioned in 01 05 05 and 01 05 06
6	02 01 03 Plant tissue waste
7	02 01 06 Animal faeces, urine and manure (including spoiled straw), effluent, collected separately and treated off site
8	02 01 07 Waste from forestry
9	02 01 08* Agrochemical waste containing dangerous substances
10	13 01 01* Hydraulic oils, containing PCBs ([15])
11	13 01 04* Chlorinated emulsions
12	13 01 05* Non chlorinated emulsions
13	13 01 09* Mineral-based chlorinated hydraulic oils
14	13 01 10* Mineral-based non chlorinated hydraulic oils
15	13 01 11* Synthetic hydraulic oils
16	13 01 12* Readily biodegradable hydraulic oils
17	13 01 13* Other hydraulic oils
18	13 02 04* Mineral-based chlorinated engine, gear and lubricating oils
19	13 02 05* Mineral-based non chlorinated engine, gear and lubricating oils
20	13 02 06* Synthetic engine, gear and lubricating oils
21	13 02 07* Readily biodegradable engine, gear and lubricating oils
22	13 02 08* Other engine, gear and lubricating oils
23	13 03 01* Insulating or heat transmission oils containing PCBs
24	13 03 06* Mineral based chlorinated insulating and heat transmission oils other than those mentioned in 13 03 01
25	13 03 07* Mineral based non-chlorinated insulating and heat transmission oils
26	13 03 08* Synthetic insulating and heat transmission oils
27	13 03 09* Readily biodegradable insulating and heat transmission oils
28	13 03 10* Other insulating and heat transmission oils
29	13 04 01* Bilge oils from inland navigation

30	13 04 02* Bilge oils from jetty sewers
31	13 04 03* Bilge oils from other navigation
32	13 05 01* Solids from grit chambers and oil/water separators
33	13 05 02* Sludges from oil/water separators
34	13 05 03* Interceptor sludges
35	13 05 06* Oil from oil/water separators
36	13 05 07* Oily water from oil/water separators
37	13 05 08* Mixtures of wastes from grit chambers and oil/water separators
38	13 07 01* Fuel oil and diesel
39	13 07 02* Petrol
40	13 07 03* Other fuels (including mixtures)
41	13 08 01* Desalter sludges or emulsions
42	13 08 02* Other emulsions
43	15 01 01 Paper and cardboard packaging
44	15 01 02 Plastic packaging
45	15 01 03 Wooden packaging
46	15 01 10* Packaging containing residues of or contaminated by dangerous substances
47	15 01 11* Metallic packaging containing a dangerous solid porous matrix (for example asbestos), including empty pressure containers
48	15 02 02* Absorbents, filter materials (including oil filters not otherwise specified), wiping cloths, protective clothing contaminated by dangerous substances
49	15 02 03 Absorbents, filter materials, wiping cloths and protective clothing other than those mentioned in 15 02 02
50	16 01 03 End-of-life tyres
51	16 01 07* Oil filters
52	16 01 08* Components containing mercury
53	16 01 09* Components containing PCBs
54	16 01 10* Explosive components (for example air bags)
55	16 01 11* Brake pads containing asbestos
56	16 01 12 Brake pads other than those mentioned in 16 01 11
57	16 01 13* Brake fluids
58	16 01 14* Antifreeze fluids containing dangerous substances
59	16 01 15 Antifreeze fluids other than those mentioned in 16 01 14
60	16 01 21* Hazardous components other than those mentioned in 16 01 07 to 16 01 11 and 16 01 13 and 16 01 14
61	16 01 22 Components not otherwise specified
62	16 02 09* Transformers and capacitors containing PCBs

63	16 02 10* Discarded equipment containing or contaminated by PCBs other than those mentioned in 16 02 09
64	16 02 11* Discarded equipment containing chlorofluorocarbons, HCFC, HFC
65	16 02 12* Discarded equipment containing free asbestos
66	16 02 13* Discarded equipment containing hazardous components ([16]) other than those mentioned in 16 02 09 to 16 02 12
67	16 02 14 Discarded equipment other than those mentioned in 16 02 09 to 16 02 13
68	16 06 01* Lead batteries
69	16 06 02* Ni-Cd batteries
70	16 06 03* Mercury containing batteries
71	16 06 04 Alkaline batteries (except 16 06 03)
72	16 06 05 Other batteries and accumulators
73	16 06 06* Separately collected electrolyte from batteries and accumulators
74	16 07 08* Wastes containing oil
75	16 07 09* Wastes containing other dangerous substances
76	17 01 01 Concrete
77	17 01 02 Bricks
78	17 01 03 Tiles and ceramics
79	17 01 06* Mixtures of, or separate fractions of concrete, bricks, tiles and ceramics containing dangerous substances
80	17 01 07 Mixture of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06
81	17 02 01 Wood
82	17 02 02 Glass
83	17 02 03 Plastic
84	17 02 04* Glass, plastic and wood containing or contaminated with dangerous substances
85	17 03 01* Bituminous mixtures containing coal tar
86	17 03 02 Bituminous mixtures containing other than those mentioned in 17 03 01
87	17 03 03* Coal tar and tarred products
88	17 04 01 Copper, bronze, brass
89	17 04 02 Aluminium
90	17 04 03 Lead
91	17 04 04 Zinc
92	17 04 05 Iron and steel
93	17 04 06 Tin
94	17 04 07 Mixed metals
95	17 04 09* Metal waste contaminated with dangerous substances

Please note: Appendices are subject to change. 25/5/14 WCPO Export 12/05/2014

96	17 04 10* Cables containing oil, coal tar and other dangerous substances
97	17 04 11 Cables other than those mentioned in 17 04 10
98	17 05 03* Soil and stones containing dangerous substances
99	17 05 04 Soil and stones other than those mentioned in 17 05 03
100	17 05 05* Dredging spoil containing dangerous substances
101	17 05 06 Dredging spoil other than those mentioned 17 05 05
102	17 05 07* Track ballast containing dangerous substances
103	17 05 08 Track ballast other than those mentioned in 17 05 07
104	17 06 01* Insulation materials containing asbestos
105	17 06 03* Other insulation materials consisting of or containing dangerous substances
106	17 06 04 Insulation materials other than those mentioned in 17 06 01 and 17 06 03
107	17 06 05* Construction materials containing asbestos ([18])
108	17 08 01* Gypsum based construction materials contaminated with dangerous substances
109	17 08 02 Gypsum based construction materials other than those mentioned in 17 08 01
110	17 09 01* Construction and demolition wastes containing mercury
111	17 09 02* Construction and demolition wastes containing pcb (for example pcb containing sealants, pcb containing resin-based floorings, pcb-containing sealed glazing units, pcb-containing capacitors)
112	17 09 03* Other construction and demolition wastes (including mixed wastes) containing dangerous substances
113	17 09 04 Mixed construction and demolition wastes other than those mentioned in 17 09 01, 17 09 02 and 17 09 03
114	19 01 02 Ferrous materials removed from bottom ash
115	19 01 05* Filter cake from gas treatment
116	19 01 06* Aqueous liquid wastes from gas treatment and other aqueous liquid wastes
117	19 01 07* Solid wastes from gas treatment
118	19 01 10* Spent activated carbon from flue gas treatment
119	19 01 11* Bottom ash and slag containing dangerous substances
200	19 01 12 Bottom ash and slag other than those mentioned in 19 01 11
201	19 01 13* Fly ash containing dangerous substances
202	19 01 14 Fly ash other than those mentioned in 19 01 13
203	19 01 15* Boiler dust containing dangerous substances
204	19 01 16 Boiler dust other than those mentioned in 19 01 15
205	19 01 17* Pyrolysis wastes containing dangerous substances
206	19 01 18 Pyrolysis wastes other than those mentioned in 19 01 17
207	19 01 19 Sands from fluidised beds
208	19 02 03 Premixed wastes composed only of non hazardous wastes

209	19 02 04* Premixed wastes composed of at least one hazardous waste
210	19 02 05* Sludges from physico/chemical treatment containing dangerous substances
211	19 02 06 Sludges from physico/chemical treatment other than those mentioned in 19 02 05
212	19 02 07* Oil and concentrates from separation
213	19 02 08* Liquid combustible wastes containing dangerous substances
214	19 02 09* Solid combustible wastes containing dangerous substances
215	19 02 10 Combustible wastes other than those mentioned in 19 02 08 and 19 02 09
216	19 02 11* Other wastes containing dangerous substances
217	19 03 04* Wastes marked as hazardous, partly (^{20}) stabilised
218	19 03 05 Stabilised wastes other than those mentioned in 19 03 04
219	19 03 06* Wastes marked as hazardous, solidified
220	19 03 07 Solidified wastes other than those mentioned in 19 03 06
221	19 04 01 Vitrified waste
222	19 04 02* Fly ash and other flue gas treatment wastes
223	19 04 03* Non vitrified solid phase
224	19 04 04 Aqueous liquid wastes from vitrified waste tempering
225	19 05 01 Non composted fraction of municipal and similar wastes
226	19 05 03 Off specification compost
227	19 06 03 Liquor from anaerobic treatment of municipal waste
228	19 06 04 Digestate from anaerobic treatment of municipal waste
229	19 06 05 Liquor from anaerobic treatment of animal and vegetable waste
230	19 06 06 Digestate from anaerobic treatment of animal and vegetable waste
231	19 08 01 Screenings
232	19 08 06* Saturated or spent ion exchange resins
233	19 08 07* Solutions and sludges from regeneration of ion exchangers
234	19 08 08* Membrane system waste containing heavy metals
235	19 08 09 Grease and oil mixture from oil/water separation containing only edible oil and fats
236	19 08 10* Grease and oil mixture from oil/water separation other than those mentioned in 19 08 09
237	19 08 11* Sludges containing dangerous substances from biological treatment of industrial waste water
238	19 08 12 Sludges from biological treatment of industrial waste water other than those mentioned in 19 08 11
239	19 08 13* Sludges containing dangerous substances from other treatment of industrial waste water
240	19 08 14 Sludges from other treatment of industrial waste water other than those mentioned in 19 08 13
241	19 09 01 Solid waste from primary filtration and screenings
242	19 09 02 Sludges from water clarification

243	19 09 03 Sludges from decarbonation
245	19 09 04 Spent activated carbon
246	19 09 05 Saturated or spent ion exchange resins
247	19 09 06 Solutions and sludges from regeneration of ion exchangers
248	19 10 01 Iron and steel waste
249	19 10 02 Non ferrous waste
250	19 10 03* Fluff light fraction and dust containing dangerous substances
251	19 10 04 Fluff light fraction and dust other than those mentioned in 19 10 03
252	19 10 05* Other fractions containing dangerous substances
253	19 10 06 Other fractions other than those mentioned in 19 10 05
254	19 11 01* Spent filter clays
255	19 11 02* Acid tars
256	19 11 03* Aqueous liquid wastes
257	19 11 04* Wastes from cleaning of fuel with bases
258	19 11 05* Sludges from on site effluent treatment containing dangerous substances
259	19 11 07* Wastes from flue gas cleaning
260	19 12 01 Paper and cardboard
261	19 12 02 Ferrous metal
262	19 12 03 Non ferrous metal
263	19 12 04 Plastic and rubber
264	19 12 05 Glass
265	19 12 06* Wood containing dangerous substances
266	19 12 07 Wood other than that mentioned in 19 12 06
267	19 12 08 Textiles
268	19 12 09 Minerals (for example sand, stones)
269	19 12 10 Combustible waste (refuse derived fuel)
270	19 12 11* Other wastes (including mixtures of materials) from mechanical treatment of waste containing dangerous substances
271	19 12 12 Other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11
272	19 13 01* Solid wastes from soil remediation containing dangerous substances
273	19 13 02 Solid wastes from soil remediation other than those mentioned in 19 13 01
274	19 13 03* Sludges from soil remediation containing dangerous substances
275	19 13 04 Sludges from soil remediation other than those mentioned in 19 13 03
276	19 13 05* Sludges from groundwater remediation containing dangerous substances

277	19 13 06 Sludges from groundwater remediation other than those mentioned in 19 13 05
278	19 13 07* Aqueous liquid wastes and aqueous concentrates from groundwater remediation containing dangerous substances
279	19 13 08 Aqueous liquid wastes and aqueous concentrates from groundwater remediation other than those mentioned in 19 13 07
280	20 01 01 Paper and cardboard
281	20 01 02 Glass
282	20 01 10 Clothes
283	20 01 11 Textiles
284	20 01 13* Solvents
285	20 01 14* Acids
286	20 01 15* Alkalines
287	20 01 17* Photochemicals
288	20 01 19* Pesticides
289	20 01 21* Fluorescent tubes and other mercury containing waste
290	20 01 23* Discarded equipment containing chlorofluorocarbons
291	20 01 26* Oil and fat other than those mentioned in 20 01 25
292	20 01 27* Paint, inks, adhesives and resins containing dangerous substances
293	20 01 28 Paint, inks, adhesives and resins other than those mentioned in 20 01 27
294	20 01 29* Detergents containing dangerous substances
295	20 01 30 Detergents other than those mentioned in 20 01 29
296	20 01 31* Cytotoxic and cytostatic medicines
297	20 01 32 Medicines other than those mentioned in 20 01 31
298	20 01 33* Batteries and accumulators included in 16 06 01, 16 06 02 or 16 06 03 and unsorted batteries and accumulators containing these batteries
299	20 01 34 Batteries and accumulators other than those mentioned in 20 01 33
300	20 01 35* Discarded electrical and electronic equipment other than those mentioned in 20 01 21 and 20 01 23 containing hazardous components ([21])
301	20 01 36 Discarded electrical and electronic equipment other than those mentioned in 20 01 21, 20 01 23 and 20 01 35
302	20 01 37* wood containing dangerous substances
303	20 01 38 Wood other than that mentioned in 20 01 37
304	20 01 39 Plastics
305	20 01 40 Metals
306	20 02 02 Soil and stones
307	20 02 03 Other non biodegradable wastes
308	20 03 07 Bulky waste

APPENDIX B AUTHORISED RECOVERY AND DISPOSAL FACILITIES

Authorised Facility Name	Address	Waste Permit/ Licence Register Number	Organisation which granted the Waste permit/ licence
Rilta Environmental Ltd.	Block 402, Grants Drive, Greenogue Business Park, Rathcoole, Dublin City, Ireland.	W0192-03	Environmental Protection Agency
Hammond Lane Metal Company Ltd	Pigeon House Road, Ringsend, Dublin 4, Dublin City, Ireland.	WFP-DC-09-0013-01	Dublin City Council
Oxigen Environmental Ltd.	Merrywell Industrial Estate, Ballymount Road Lower, Clondalkin, Dublin 22, South Dublin County, Ireland.	W0208-02	Environmental Protection Agency
Nurendale Ltd T/A Panda Waste Services	Rathdrinagh, Beauparc, Meath County, Ireland.	W0140-03	Environmental Protection Agency
KTK Landfill Ltd	Brownstown & Carnalway, Kilcullen, Kildare County, Ireland.	W0081-03	Environmental Protection Agency
Padraig Thornton Waste Disposal Ltd	PDM Ltd., Oldmilltown Industrial Estate, Naas, Kildare County, Ireland.	WP291/2007	Kildare County Council
CHI Environmental	Granny, Kilmacow, Kilkenny County, Ireland.	WMP023/2007	Kilkenny County Council
Murphy Concrete Manufacturing Ltd. T/A Murphy's Environmental	Sarsfield, Gormanstown, Co. Meath, Ireland.	W0151-01	Environmental Protection Agency
Enrich Environmental Ltd	Larch Hill Stud, Kilcock, Meath County, Ireland.	WP 2008/001/01	Meath County Council
Irish Packaging Recycling T/A Panda Waste Services	Ballymount Road, Walkinstown, Dublin 12, Dublin City, Ireland.	WPR 021/2	Dublin City Council
Roadstone Wood Limited	Huntstown Quarry, Finglas, Dublin 11, Fingal County, Ireland.	WFP-FG-09-0006-01	Fingal County Council
Roadstone Dublin Ltd	Belgard Quarry, Cortunestown, Tallaght, Dublin 24, South Dublin County, Ireland.	WPR 025/3	South Dublin County Council
Roadstone Dublin Ltd	Fassaroe Sand & Gravel, Fassaroe, Bray, Wicklow County, Ireland.	Ess 15/8/12 - 343	Wicklow County Council
Roadstone Dublin Ltd.,	Fassaroe, Bray, Co. Wicklow, Ireland.	Ess/15/8/12 339	Wicklow County Council
Padraig Thornton Waste Disposal Ltd	Killeen Road, Ballyfermot, Dublin 10, Dublin City, Ireland.	W0044-02	Environmental Protection Agency
Padraig Thornton Waste Disposal Ltd	Dunboyne Industrial Estate, Dunboyne, Meath County, Ireland.	W0206-01	Environmental Protection Agency
Nurendale Ltd T/A Panda Waste Services	Cappagh Road, Finglas, Dublin 11, Dublin City, Ireland.	W0261-01	Environmental Protection Agency
Greenstar Holdings Ltd, Knockharley Landfill.	KnockharleyLandfill, Knockharley, Navan, Meath County, Ireland.	W0146-02	Environmental Protection Agency
Ballynagran Landfill, Greenstar Holdings Ltd	Ballynagran, Wicklow County, Ireland.	W0165-02	Environmental Protection Agency
Greenstar Holdings Ltd.	East Galway Residual Landfill Site, Killagh More, Ballybaun (E.D. Killaan), Ballintober (E.D. Killaan, Ballinasloe, Galway County, Ireland.	W0178-02	Environmental Protection Agency
Oxigen Environmental Ltd	Robinhood Industrial Estate, Robinhood Road, Dublin City, Ireland.	W0152-03	Environmental Protection Agency

Please note: Appendices are subject to change. 25/5/14 MWCPO Export 12/05/2014

APPENDIX C WASTE COLLECTION VEHICLES

The permit holder shall use the following vehicles for waste collection as authorised by this permit and no other vehicles whatsoever:

	Waste Collection Vehicles
1.	08 WX 205
2.	08 WX 208
3.	08 WX 209
4.	08 WX 212
5.	07 WX 393
6.	07 WX 445
7.	07 WX 806
8.	07 WX 805
9.	07 LD 228
10.	07 LS 1814
11.	07 WX 815
12.	06 D 44327
13.	06 WX 2288
14.	06 WX 1152
15.	05 WX 202
16.	05 WX 5529
17.	04 WX [illegible]
18.	04 WX [illegible]868
19.	03 KK 415
20.	00 WX 2308
21.	06 WX 2632
22.	05 D 58089
23.	00 D 76593
24.	08 WX 3616
25.	04 D 74398
26.	01 KK 3676
27.	99 WX 5344
28.	95 WX 1238
29.	96 WX 5254
30.	08 WX 2999
31.	06 WX 5863
32.	06 KE 8042

APPENDIX D REGIONS AND LOCAL AUTHORITY AREAS

This appendix lists the region(s) and local authority areas where the permit holder can collect waste.

Region	Local Authority
Connaught Region	Galway City Council
	Galway County Council
	Leitrim County Council
	Mayo County Council
	Roscommon County Council
	Sligo County Council
Cork Region	Cork County Council
	Cork City Council
Donegal Region	Donegal County Council
Dublin Region	Dublin City Council
	Dun Laoghaire/ Rathdown County Council
	Fingal County Council
	South Dublin County Council
Kildare Region	Kildare County Council
Midlands Region	Laois County Council
	Longford County Council
	North Tipperary County Council
	Offaly County Council
	Westmeath County Council
Mid-West Region	Clare County Council
	Limerick County Council
	Limerick City Council
	Kerry County Council
North East Region	Cavan County Council
	Louth County Council
	Meath County Council
	Monaghan County Council
South-East Region	Carlow County Council
	Kilkenny County Council
	South Tipperary County Council
	Waterford County Council
	Waterford City Council
	Wexford County Council
Wicklow Region	Wicklow County Council

Appendix No. 13 A
Revised Appropriate Assessment Screening

CLW Environmental Planners Ltd.

The Mews,
23 Farnham Street,
Cavan,
Co. Cavan

Phone: 049-4371447/9
Fax: 049-4371451
info@clwenvironmental.ie

STATEMENT FOR SCREENING – ARTICLE 6(3) & (4) OF THE HABITATS DIRECTIVE 92/43/EEC APPROPRIATE ASSESSMENT OF A PROPOSED PROJECT

in respect of

A PROPOSED DEVELOPMENT ON EXISTING PIG FARM

located at

Drumscruddan, Crosserlough, Co. Cavan
&
Finaway, Ballyjamesduff, Co. Cavan.

Prepared on behalf of the Applicant

Bogue Pigs

by

CLW Environmental Planners Ltd.
The Mews,
23 Farnham Street,
Cavan,
Co. Cavan

Mobile : 087-6794459
Phone: 049-4371447/9
Fax: 049-4371451

E-mail: info@clwenvironmental.ie

Revised 15th October 2014

SCREENING REPORT

ARTICLE 6(3) & (4) OF THE HABITATS DIRECTIVE 92/43/EEC APPROPRIATE ASSESSMENT OF A PROPOSED PROJECT

-REDEVELOPMENT AND MODERNISATION OF EXISTING PIG FARM-

1.0 INTRODUCTION

This Report details an *Appropriate Assessment Screening* (revised October 2014) carried out as part of an application for planning permission to Cavan County Council for the redevelopment of an existing pig farm located on two geographically separate sites at Drumscruddan, Crosserlough, Co. Cavan (Breeding site), (National Grid Reference: E 291413 N 248647), and Finaway, Ballyjamesduff, Co. Cavan (Finisher site) (National Grid Reference: E 288975 N 249921).

CLW Environmental Planners Ltd. have been retained by Bogue Pigs, to undertake an *Appropriate Assessment Screening Report* for potential significant environmental effects on Natura 2000 sites with reference to an application to Cavan County Council for planning permission for a development on an existing pig farm at Drumscruddan, Crosserlough, Co. Cavan and Finaway, Ballyjamesduff, Co. Cavan. The report relates to a proposal to demolish c. 14 no. pig houses and construct 5 no. pig houses at the breeding site and demolish c. 12 no. pig houses and construct 5 no. pig houses and an extension to 1 No. existing pig house at the fattening site.

This *Appropriate Assessment Screening Report* should be read in conjunction with an Environmental Impact Statement prepared to accompany this planning application. It should also be read in conjuction with an Ecological Impact Assessment submitted as part of the Further Information request. This Screening Report has been prepared in accordance with Guidance Notes provided by the Department of Environment, Heritage and Local Government *Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities.*

The purpose of this *Screening Report* is to ascertain whether or not an Appropriate Assessment under *Article 6(3) and 6(4)* of the *Habitats Directive* is necessary by examining:

1. whether a plan or project can be excluded from AA requirements on the basis that it is directly linked with or necessary to the management of the Natura 2000 site, and
2. the potential effects of a project or plan either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives and considering whether these effects will be significant.

As point one does not apply in this case this Screening Report focuses on the effect this project might have on any Natura 2000 sites.

1.1 Summary of Conclusions of Appropriate Assessment Screening

This Appropriate Assessment Screening Report of a proposed redevelopment of an existing pig farm located on two geographically separate sites Drumscrudden, Crosserlough, Co. Cavan and Finaway, Ballyjamesduff, Co. Cavan has concluded the following:

- The *Appropriate Assessment Screening* Report has identified no direct potential significant adverse effects on three no. Natura 2000 sites identified within the wider area of the subject site.

- This *Appropriate Assessment Screening* Report has identified potential for secondary indirect adverse effects on two Natura 2000 Sites, namely the Lough Sheelin SPA (NPWS Site Code 004065) and the Lough Kinnale and Derragh Lough SPA (NPWS Site Code 004061) as a result of organic fertiliser generated on this site. While the proposed development will be located within the water catchment of these SPA's there will be no impact on the Natura 2000 sites as a result of this proposal as all additional organic fertiliser is to be allocated for use in accordance with S.I. 31 of 2014 *European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2014*. Given its considerable distance from the site and the lack of a direct pathway connecting it to the site, the River Boyne and River Blackwater SAC (NPWS Site Code 002299) will not have potential for impact as a result of the proposal.

- This Report concludes that, given the distance of the subject site from the two Natura 2000 sites at in excess of 3km at the closest point and the fact that only clean surface water will be discharged to local watercourses and all organic fertiliser generated by the proposed development will be stored and utilised appropriately, there will be no secondary adverse impacts on the identified Natura 2000 sites. All organic fertiliser will be allocated for use in accordance with the requirements of the Nitrates Directive and S.I. 31 of 2014 ensuring no potential pollution of surface or ground water.

- It is our recommendation that there is no requirement for a *Stage II Habitats Directive Assessment* to be carried out in respect of the proposed redevelopment of the existing pig farm at Drumscruddan and Finaway, Ballyjamesduff, Co. Cavan.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 Site Description

The site of proposed farm developments to be completed by the applicant are to be completed on two geographically separate, but inter-related and interdependent, existing pig farm sites at;

1. Drumscruddan, Crosserlough, Co. Cavan (Breeding site), (National Grid Reference: E 291413 N 248647), and,
2. Finaway, Ballyjamesduff, Co. Cavan (Finisher site) (National Grid Reference: E 288975 N 249921),

The two sites are currently destocked but it is proposed to resume operations as an integrated pig farm. Pigs have been and will continue to be produced on the breeding side (Drumscruddan) and reared to c. 35 – 40 Kg's, at which time they are transferred to the finishing site (Finaway) to be reared to market weight (c. 115kg's).

The Breeding Site at Drumscruddan is located c. 2.7 km's north east of the Finaway site. The site extends to c. 3.15 Ha. The site accesses onto a local third class road, which is in turn c. 2.25 Km from the Regional Route the R 194 between Ballyjamesduff and Granard. The site is located, c. 3 km's west of Ballyjamesduff, and c. 4 Km's east of Kilnaleck.

The finisher site extending to c. 2.52 Ha, is located in the townland of Finaway. The site access onto a local third class road, which is in turn c. 0.5 Km from the Regional Route the R 194 between Ballyjamesduff and Granard. The site is located, c. 3 km's southwest of Ballyjamesduff, and c. 3.5 Km's northeast of Mountnugent.

2.2 Proposed Development

2 No. planning applications are to be submitted to Cavan County Council on behalf of *Bogue Pigs* for permission to carry out the following proposed developments;

- ***Breeding Site @ Drumscruddan:*** Demolish all existing pig houses and associated ancillary structures and construct 5 No. Pig houses, along with all ancillary structures and associated site works on the site of an existing pig farming enterprise (National Grid Reference: E 291413 N 248647).

  and,

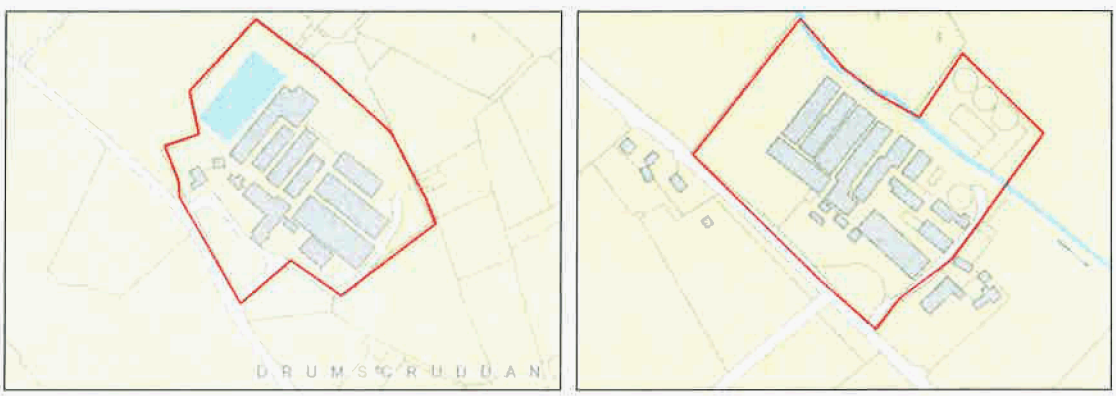
- ***Finisher Site @ Finaway:*** Demolish c. 12 No. Existing Pig Houses and construct 5 No. Pig houses and an extension to 1 No. existing pig house, along with all ancillary structures and associated site works on the site of an existing pig farming enterprise (National Grid Reference: E 288975 N 249921).

As these sites operate as a single entity this appropriate assessment will examine both planning applications in tandem in terms of their impacts on Natura 2000 sites.

The EIS outlines that these planning applications will not seek to allow for any intensification of activities on the farm(s). These sites have previously operated as a c. 1,510 Sow integrated unit as per sow numbers specified in the Licence No. P0427-01 issued by the E.P.A. on 3rd January 2001. The Breeding Site planning application will provide the required housing, manure storage facilities and ancillary structures for c. 1,250 sows in a breeding unit rearing pigs to 35-40kg's, together with all associated breeding stock. While the Finishing Site planning application will provide the required accommodation to rear all pigs from the proposed sow herd from 35/40 kg's to market weight

Figure 2.1 Site Location

Figure 2.2 The Breeding Site at Drumscruddan and Finishing Site at Finaway



Reproduced by CLW Environmental Planners Ltd under O.S. Licence No. EN0004014

2.2.2 Allocation of Organic Fertiliser

The manure from this farm will be used by the customer farmers in accordance with the European Nitrates Directive, as enacted in Ireland by S.I. 31 of 2014 or any subsequent amendment to and/or derogation from same. S.I. 31 of 2014 entitles farmers to use organic fertilise on their farmland as a replacement for chemical fertiliser within specified limits based on crop demands.

Given the nature of the proposed development the relevant issue which has potential to impact on designated sites is the potential for pollution of surface and ground water as a result of the proposed activities on this site. It should be noted that the proposed development will reduce stock numbers on site and will result in a significant improvement in onsite organic manure storage. The EIS concludes that the improved facilities along with the additional storage capacity will reduce any potential risk to ground and surface water as a result of the farming activities on site.

3.0 NATURA 2000 SITES IDENTIFIED

The Natura 2000 network in Ireland is made up of European Sites which include

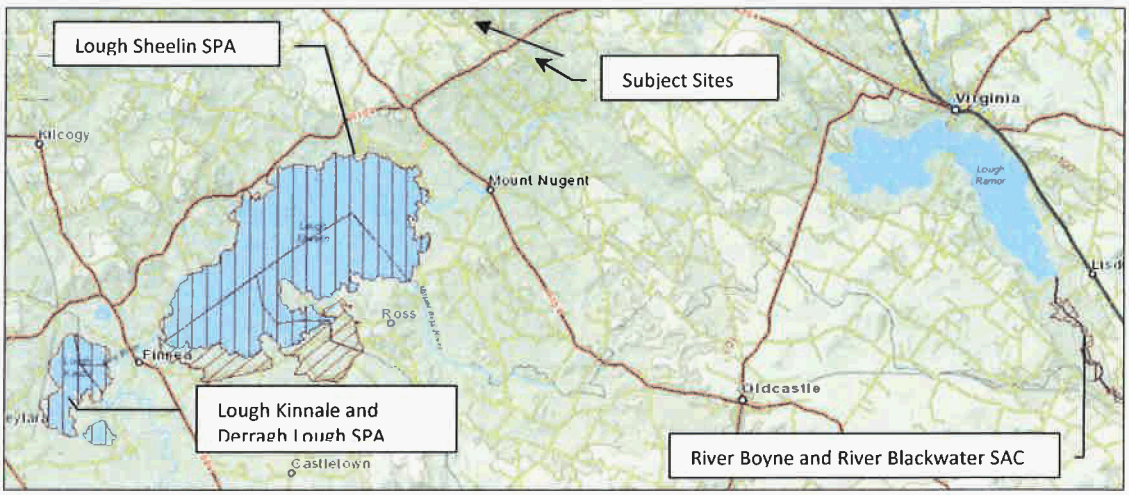
- Special Areas of Conservation (SAC)
- Special Protection Areas (SPA)
- Candidate Special Areas of Conservation (cSAC)
- Proposed Special Protection Areas (pSPA)

The nearest designated Natura 2000 site to the existing farm, and site of the proposed developments, is the Lough Sheelin SPA (NPWS Site Code 004065) which is located approximately 3.85 km to the south west of the existing farm. Lough Kinnale and Derragh Lough SPA (NPWS Site Code 004061) is located 12.5km also to the southwest. The River Boyne and River Blackwater SAC (NPWS Site Code 002299) is located 14.1km from the subject site at its closest point.

Other sites located some bit further from the pig farm is the Lough Oughter Complex SPA (NPWS Site Code 004049) and the Lough Oughter and Associated Loughs SAC (NPWS Site Code 000007) which is located approximately 16.4 km from the subject sites at its closest point and is considered outside the zone of potential impacts for the purpose of this Appropriate Assessment Screening.

As such the relevant designated sites which are considered within the zone of potential impact for the proposed development are the Lough Sheelin SPA, Lough Kinnale and Derragh Lough SPA and the River Boyne and River Blackwater SAC. The Site Synopsis' for these above listed SAC and SPA sites are attached as addendums to this report.

Figure 3.1 Locations of Natura 2000 Sites Assessed in this Appropriate Assessment Screening



Source: www.myplan.ie 2014 and is reproduced by CLW Environmental Planners Ltd under O.S. Licence No. EN0004014

As outlined in the EIS, the sites are located in Hydrometric Area No. 36, the Shannon catchment. The farm is located in the Inny Water Management Unit catchment area, and is drained by tributaries of the Mountnugent Rivers. As such the farm is located within the water catchment area of the Lough Sheelin and Lough Kinnale and Derragh Lough. The site is outside the catchment of the River Boyne and Blackwater SAC. As a result the potential impacts of the development on the Lough Sheelin and Lough Kinnale and Derragh Lough SPA's and the potential for pollution of ground and surface water that would ultimately flow into this Lough system is of most significance.

4.0 ASSESSMENT OF LIKELY EFFECTS

4.1 Assessment of Likely Effects

A detailed assessment of the impacts, both direct, indirect and cumulative, of the proposed project on Natura 2000 sites based on the description of the project as outlined in Section 2.0 above has been carried out as part of this Appropriate Assessment Screening. This assessment is in addition to the environmental assessment carried out as part of the EIA process. The EIS attached with the planning application provides detailed information on the environmental impacts of the proposed project.

As the proposed development is located outside the boundary of the above listed Natura 2000 sites (in excess of 3.85 km) the possible direct impacts of this proposed development on these designated sites are limited. Potential indirect impacts might include loss of habitat, loss of species, demand on water supply, waste generation and potential impact on ground water. The issue identified as having the most potential for an impact on the Natura 2000 sites was the management of organic fertiliser and potential for pollution of ground and surface water due to loss of nutrients to water. The River Boyne and River Blackwater SAC is located outside the water catchment area of the subject site and as such will not be impacted by any potential water pollution that may emanate from this site. It is considered that there will be no direct or indirect impacts on these sites as a result of the proposed development. The Lough Sheelin SPA and Lough Kinnale and Derragh Lough SPA are potentially vulnerable to potential for contamination as a result of loss of nutrients to surface or groundwater from the existing/proposed development due to the direct pathway via the River Inny.

The current proposal does not allow for an increase in pig production on site rather will see a reduction from 1,510 sows integrated as currently permitted to 1,250 sows integrated. There will be a corresponding reduction in organic fertiliser generated on site. The proposed development will result in a significant upgrade in organic manure storage facilities on site with a significant increase in storage capacity. Newly constructed manure storage tanks build to Department of Agriculture Specifications will replace older tanks. This will see a significant reduction in potential for point source discharges to surface or ground water. In fact the new development will provide for the upgrade and replacement of existing animal housing facilities on site and as a result secure containment of all organic fertiliser produced in these houses. All new manure storage tanks will have leak detection facilities installed.

The site synopsis for Lough SPA identifies water pollution mainly from agricultural sources as a problem for the site. Activities such as run-off from fertiliser and slurry application as well as point discharge from farmyards has been a problem in this area. To mitigate any potential impact from this site all organic fertiliser generated will be exported off site to farms who meet the requirements under S.I. 31 of 2014 *European Communities (Good Agricultural Practice for Protection of Waters)*

Regulations. As a result the export and management of this material will not have an impact on water quality as the nutrients will be recycled as a fertiliser for grass and/or crop production. Based on the assumption that the farm continues to operate in accordance with S.I. 31 of 2014 it is not considered that there will be any secondary indirect adverse impacts on any Natura 2000 sites as a result of the proposed development.

4.2 Assessment of '*In Combination Effects*'

Given the location of this site within Co. Cavan it is likely that there are other pig farms located upstream of this existing farm which might, in combination with the subject farm, increase the potential risk to the surface water in the area.

There is potential for diffuse pollution occurring from the surrounding agricultural land which should be considered in combination with the subject development.

The proposed development seeks to replace a significant amount of structures on site with modern purpose built pig houses completed in line with Cavan Co. Co., Department of Agriculture Food and The Marine and EPA standards and requirements. The development will however see a reduction in the overall activity on site and consequently will result in overall improvements in manure management.

As per normal practices this fertiliser will all be stored and distributed in accordance with S.I. 31 of 2014 European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2014. It is concluded that any existing developments in combination with the subject facility will not result in any additional direct or indirect impacts on the afore mentioned Natura 2000 sites.

5.0 SCREENING STATEMENT WITH CONCLUSIONS

The conclusion on the completion of this Appropriate Assessment Screening Report is that it is considered that full Stage 3 Appropriate Assessment is not required for the granting of a planning permission for the redevelopment of this pig farm at Drumscruddan and Finaway, Ballyjamesduff, Co. Cavan.

It is felt that,

- given the considerable distance of the proposed project from the identified Natura 2000 sites,
- the proposed development relates to the replacement of existing structures on the farm,
- the proposed development will see an overall reduction in intensity from 1,510 sows integrated to 1,250 sows integrated
- all organic fertiliser, existing and proposed, will be allocated for use in accordance with S.I. 31 of 2014, and,

it is concluded that the proposal will not have a significant effect on the conservation objectives or integrity of these sites and as such appropriate assessment is not required.

Paraic Fay B.Agr.Sc.
CLW Environmental Planners

15/10/2014
Date

ADDENDUMS 1-4

National Parks and Wildlife Service Site Synopsis' for sites identified within this Appropriate Assessment Screening.

- The Lough Sheelin SPA (NPWS Site Code 004065)
- Lough Kinnale and Derragh Lough SPA (NPWS Site Code 004061)
- The River Boyne and Blackwater SAC (NPWS Site Code 002299)

SITE SYNOPSIS

SITE NAME: LOUGH KINALE AND DERRAGH LOUGH SPA

SITE CODE: 0004061

Lough Kinale is a relatively small lake that is situated immediately downstream of Lough Sheelin, both lakes being near the top of the catchment of the Inny River, a main tributary of the River Shannon. Derragh Lough, a much smaller system, is connected to Lough Kinale and the Inny River. This is a typical limestone system and is very shallow (maximum depth of Lough Kinale is *c.* 4 m). As with Lough Sheelin, the trophic status of the lake has varied greatly since the 1970s due to pollution. It was recently (1998-2000) classified as a highly eutrophic system. The lake was formerly an important Trout fishery.

Lough Kinale has two main basins, almost separated by swamp formations. Reed swamp is frequent around the lakes, with Common Reed (*Phragmites australis*) and Tufted-sedge (*Carex elata*) occurring commonly. A calcium-rich small sedge marsh occurs along parts of the shoreline. This is characterised by species such as Long-stalked Yellow-sedge (*Carex lepidocarpa*), Marsh Pimpernel (*Anagallis tenella*), Knotted Pearlwort (*Sagina nodosa*), Marsh Pennywort (*Hydrocotyle vulgaris*) and Water Mint (*Mentha aquatica*). Areas of bog occur around the margins of the lakes in places but some of these have been planted with conifers.

Despite the very variable water quality in recent decades, Lough Kinale and Derragh Lough remain an important site for wintering waterfowl, especially diving duck. The site supports nationally important populations of two species, i.e. Pochard (951) and Tufted Duck (449) - figures are average peaks for the 5 seasons 1995/96-1999/00. A large population of Mute Swan (120), close to the threshold for national importance, also uses the site. Coot (199), whilst still occurring in substantial numbers, formerly had a population of national importance. A number of other species are found, in relatively low numbers, including Great Crested Grebe (25), Mallard (130) and Goldeneye (22). Marginal grassland areas outside of the site attract feeding wildfowl and waders such as Lapwing and Golden Plover.

The variable water quality over the years, with periods of highly eutrophic conditions, undoubtedly has had adverse impacts on the wintering waterfowl, and especially the diving duck. This would appear to be borne out by very variable numbers of birds recorded over the years. The lake is still vulnerable to pollution and it is considered that there is urgent need to reduce the phosphorus inputs to the system. Afforestation has taken place close to parts of the shoreline and further planting would be undesirable. Angling and wildfowling activities currently cause some disturbance to the birds and any increase in such activities would be of concern.

Whilst relatively small in area and subject to a number of damaging activities, this site retains national importance for two duck species. With an improvement in the

environmental conditions pertaining at the site, higher numbers of some species would undoubtedly occur.

19.8.2004

SITE SYNOPSIS

SITE NAME: LOUGH SHEELIN SPA

SITE CODE: 004065

Lough Sheelin is a medium- to large-sized lake, with a maximum length of 7 km. The lake lies near the top of the catchment of the Inny River, a main tributary of the River Shannon. It is a typical limestone lake and is fairly shallow (maximum depth 14 m). The trophic status of the lake has varied greatly since the 1970s due to pollution from mainly agricultural sources. It was recently (1998-2000) classified as a highly eutrophic system.

The shoreline is varied and no one plant species predominates over large areas. Species present include Jointed Rush (*Juncus articulatus*) and Common Spike-rush (*Eleocharis palustris*) growing on stony beaches, with Yellow Sedges (*Carex cf. demissa*), Lesser Spearwort (*Ranunculus flammula*), Water Mint (*Mentha aquatica*) and Black Bog-rush (*Schoenus nigricans*) also represented. The shore of the lake is also wooded in places and there are some very small offshore islands that are wooded with willows (*Salix aurita* and *S. cinerea*). The islands are fringed by swamp communities of Common Reed (*Phragmites australis*), Common Clubrush (*Scirpus lacustris*) and Bottle Sedge (*Carex rostrata*). A good range of Charophytes has been recorded from the lake, including *Chara denudata*, a Red Data Book species.

Despite very variable water quality in recent decades, Lough Sheelin remains a very important site for wintering waterfowl, especially diving duck. It supports nationally important populations of four species, i.e. Great Crested Grebe (140), Pochard (546), Tufted Duck (762) and Goldeneye (224) all figures are average peaks for the 5 seasons 1995/96-1999/00. A number of other species occur in relatively low numbers, including Mute Swan (28), Mallard (76), Coot (24), Little Grebe (19), Cormorant (42) and Black-headed Gull (202).

The variable water quality over the years, with periods of highly eutrophic conditions, undoubtedly has had some adverse impacts on the wintering waterfowl, especially the diving duck. This would appear to be borne out by the very variable numbers of birds recorded over the years. It is considered that there is urgent need to reduce the phosphorus inputs to the feeder streams entering the lake.

Lough Sheelin is a nationally important site for four species of wintering wildfowl and is one of the main Midlands lakes sites for wintering birds. An improvement in water quality would probably result in higher numbers of birds frequenting the site.

6.10.2004

SITE SYNOPSIS

SITE NAME: RIVER BOYNE AND RIVER BLACKWATER

SITE CODE: 002299

This site comprises the freshwater element of the River Boyne as far as the Boyne Aqueduct, the Blackwater as far as Lough Ramor and the Boyne tributaries including the Deel, Stoneyford and Tremblestown Rivers. These riverine stretches drain a considerable area of Meath and Westmeath and smaller areas of Cavan and Louth. The underlying geology is Carboniferous Limestone for the most part with areas of Upper, Lower and Middle well represented. In the vicinity of Kells Silurian Quartzite is present while close to Trim are Carboniferous Shales and Sandstones. There are many large towns adjacent to but not within the site. Towns both small and large, include Slane, Navan, Kells, Trim, Athboy and Ballivor.

The site is a candidate SAC selected for alkaline fen and alluvial woodlands, both habitats listed on Annex I of the E.U. Habitats Directive. The site is also selected for the following species listed on Annex II of the same directive – Atlantic Salmon, Otter and River Lamprey.

The main areas of alkaline fen are concentrated in the vicinity of Lough Shesk, Freehan Lough and Newtown Lough. The hummocky nature of the local terrain produces frequent springs and seepages which are rich in lime. A series of base-rich marshes have developed in the poorly-drained hollows, generally linked with these three lakes. Open water is usually fringed by Bulrush (*Typha latifolia*), Common Club-rush (*Scirpus lacustris*) or Common Reed (*Phragmites australis*) and this last species also extends shorewards where a dense stand of Great Fen Sedge or Saw Sedge (*Cladium mariscus*) frequently occurs. This in turn grades into a sedge and grass community (*Carex* spp., *Molinia caerulea*) or one dominated by the Black Bog-rush (*Schoenus nigricans*). An alternative direction for the aquatic/terrestrial transition to take is through a floating layer of vegetation. This is normally based on Bogbean (*Menyanthes trifoliata*) and Marsh cinquefoil (*Potentilla palustris*). Other species gradually become established on this cover, especially plants tolerant of low nutrient status e.g. bog mosses (*Sphagnum* spp.). Diversity of plant and animal life is high in the fen and the flora, includes many rarities. The plants of interest include Narrow-leaved Marsh Orchid (*Dactylorhiza traunsteineri*), Fen Bedstraw (*Galium uliginosum*), Cowbane (*Cicuta virosa*), Frogbit (*Hydrocharis morsus-ranae*) and Least Bur-reed (*Sparganium minimum*). These species tend to be restricted in their distribution in Ireland. Also notable is the abundance of aquatic Stoneworts (*Chara* spp.) which are characteristic of calcareous wetlands.

The rare plant, Round-leaved Wintergreen (*Pyrola rotundifolia*) occurs around Newtown Lough. This species is listed in the Red Data Book and is protected under the Flora Protection Order, 1999, and this site is its only occurrence in Co. Meath.

Wet woodland fringes many stretches of the Boyne. The Boyne River Islands are a small chain of three islands situated 2.5 km west of Drogheda. The islands were formed by the build up of alluvial sediment in this part of the river where water movement is sluggish. All of the islands are covered by dense thickets of wet, Willow (*Salix* spp.) woodland, with the following species occurring: Osier (*S. viminalis*), Crack Willow (*S. fragilis*), White Willow (*S. alba*), Purple Willow (*Salix purpurea*) and Grey Willow (*S. cinerea*). A small area of Alder (*Alnus glutinosa*) woodland is found on soft ground at the edge of the canal in the north-western section of the islands. Along other stretches of the rivers of the site Grey Willow scrub and pockets of wet woodland dominated by Alder have become established, particularly at the river edge of mature deciduous woodland. Ash (*Fraxinus excelsior*) and Birch (*Betula pubescens*) are common in the latter and the ground flora is typical of wet woodland with Meadowsweet (*Filipendula ulmaria*), Angelica (*Angelica sylvestris*), Yellow Iris, Horsetail (*Equisetum* spp.) and occasional tussocks of Greater Tussock-sedge (*Carex paniculata*).

The dominant habitat along the edges of the river is freshwater marsh - the following plant species occur commonly here: Yellow Flag (*Iris pseudacorus*), Creeping Bent (*Agrostis stolonifera*), Canary Reed-grass (*Phalaris arundinacea*), Marsh Bedstraw (Galium palustre), Water Mint (*Mentha aquatica*) and Water Forget-me-not (*Myosotis scorpioides*). In the wetter areas of the marsh Common Meadow-rue (*Thalictrum flavum*) is found. In the vicinity of Dowth, Fen Bedstraw (*Galium uliginosum*), a scarce species mainly confined to marshy areas in the midlands, is common in this vegetation. Swamp Meadow-grass (*Poa palustris*) is an introduced plant which has spread into the wild (naturalised) along the Boyne approximately 5 km south-west of Slane. It is a rare species which is listed in the Red Data Book and has been recorded among freshwater marsh vegetation on the banks of the Boyne in this site. The only other record for this species in the Republic is from a site in Co. Monaghan.

The secondary habitat associated with the marsh is wet grassland and species such as Tall Fescue (*Festuca arundinacea*), Silverweed (*Potentilla anserina*), Creeping Buttercup (*Ranunculus repens*), Meadowsweet (*Filipendula ulmaria*) and Meadow Vetchling (*Lathyrus pratensis*) are well represented. Strawberry Clover (*Trifolium fragiferum*), a plant generally restricted to coastal locations in Ireland, has been recorded from wet grassland vegetation at Trim. At Rossnaree river bank on the River Boyne, is Round-Fruited Rush (*Juncus compressus*) found in alluvial pasture, which is generally periodically flooded during the winter months. This rare plant is only found in three counties in Ireland.

Along much of the Boyne and along tributary stretches are areas of mature deciduous woodland on the steeper slopes above the floodplain marsh or wet woodland vegetation. Many of these are planted in origin. However the steeper areas of King Williams Glen and Townley Hall wood have been left unmanaged and now have a more natural character. East of Curley Hole the woodland has a natural appearance with few conifers. Broad-leaved species include Oak (*Quercus* spp.), Ash (*Fraxinus excelsior*), Willows, Hazel (*Corylus avellana*), Sycamore (*Acer pseudoplatanus*), Holly (*Ilex aquifolium*), Horse chestnut (*Aesculus* sp.) and the shrubs Hawthorn (*Crataegus monogyna*), Blackthorn (*Prunus spinosa*) and Elder (*Sambucus nigra*). South-west of Slane and in Dowth, the addition of some more exotic tree species such

as Wych Elm (*Ulmus glabra*), Beech (*Fagus sylvatica*), and occasionally Lime (*Tilia cordata*), are seen. Coniferous trees, Larch (*Larix* sp.) and Scots Pine (*Pinus sylvestris*) also occur. The woodland ground flora includes Barren Strawberry (*Potentilla sterilis*), Enchanter's Nightshade (*Circaea lutetiana*) and Ground-ivy (*Glechoma hederacea*), along with a range of ferns. Variation occurs in the composition of the canopy, for example, in wet patches alongside the river, White Willow and Alder form the canopy.

Other habitats present along the Boyne and Blackwater include lowland dry grassland, improved grassland, reedswamp, weedy wasteground areas, scrub, hedge, drainage ditches and canal. In the vicinity of Lough Shesk, the dry slopes of the morainic hummocks support grassland vegetation which, in some places, is partially colonised by Gorse (*Ulex europaeus*) scrub. Those grasslands which remain unimproved for pasture are species-rich with Common Knapweed (*Centaurea nigra*), Creeping Thistle (*Cirsium arvense*) and Ribwort Plantain (*Plantago lanceolata*) commonly present. Fringing the canal alongside the Boyne south-west of Slane, are Reed Sweet-grass (*Glyceria maxima*), Great Willowherb (*Epilobium hirsutum*) and Meadowsweet.

The Boyne and its tributaries is one of Ireland's premier game fisheries and it offers a wide range of angling from fishing for spring salmon and grilse to seatrout fishing and extensive brown trout fishing. Atlantic Salmon (*Salmo salar*) use the tributaries and headwaters as spawning grounds. Although this species is still fished commercially in Ireland, it is considered to be endangered or locally threatened elsewhere in Europe and is listed on Annex II of the Habitats Directive. Atlantic Salmon run the Boyne almost every month of the year. The Boyne is most important as it represents an eastern river which holds large three-sea-winter fish from 20 –30 lb. These fish generally arrive in February with smaller spring fish (10 lb) arriving in April/May. The grilse come in July, water permitting. The river gets a further run of fish in late August and this run would appear to last well after the fishing season. The salmon fishing season lasts from 1st March to 30th September.

The Blackwater is a medium sized limestone river which is still recovering from the effects of the arterial drainage scheme of the 70's. Salmon stocks have not recovered to the numbers pre drainage. The Deel, Riverstown, Stoneyford and Tremblestown Rivers are all spring fed with a continuous high volume of water. They are difficult to fish in that some are overgrown while others have been affected by drainage with the resulting high banks.

The site is also important for the populations of two other species listed on Annex II of the E.U. Habitats Directive, namely River Lamprey (*Lampetra fluviatilis*) which is present in the lower reaches of the Boyne River while the Otter (*Lutra lutra*) can be found throughout the site. In addition, the site also supports many more of the mammal species occurring in Ireland. Those which are listed in the Irish Red Data Book include Pine Marten, Badger and Irish Hare. Common Frog, another Red Data Book species, also occurs within the site. All of these animals with the addition of the Stoat and Red Squirrel, which also occur within the site, are protected under the Wildlife Act.

Whooper Swans winter regularly at several locations along the Boyne and Blackwater Rivers. Parts of these areas are within the cSAC site. Known sites are at Newgrange (c. 20 in recent winters), near Slane (20+ in recent winters), Wilkinstown (several records of 100+) and River Blackwater from Kells to Navan (104 at Kells in winter 1996/97, 182 at Headfort in winter 1997/98, 200-300 in winter 1999/00). The available information indicates that there is a regular wintering population of Whooper Swans based along the Boyne and Blackwater River valleys. The birds use a range of feeding sites but roosting sites are not well known. The population is substantial, certainly of national, and at times international, importance. Numbers are probably in the low hundreds.

Intensive agriculture is the main landuse along the site. Much of the grassland is in very large fields and is improved. Silage harvesting is carried out. The spreading of slurry and fertiliser poses a threat to the water quality of this salmonid river and to the lakes. In the more extensive agricultural areas sheep grazing is carried out.

Fishing is a main tourist attraction on the Boyne and Blackwater and there are a number of Angler Associations, some with a number of beats. Fishing stands and styles have been erected in places. The Eastern Regional Fishery Board have erected fencing along selected stretches of the river as part of their salmonid enhancement programme. Parts of the river system have been arterially dredged. In 1969 an arterial dredging scheme commenced and disrupted angling for 18 years. The dredging altered the character of the river completely and resulted in many cases in leaving very high banks. The main channel from Drogheda upstream to Navan was left untouched, as were a few stretches on the Blackwater. Ongoing maintenance dredging is carried out along stretches of the river system where the gradient is low. This is extremely destructive to salmonid habitat in the area. Drainage of the adjacent river systems also impacts on the many small wetland areas throughout the site. The River Boyne is a designated Salmonid Water under the EU Freshwater Fish Directive.

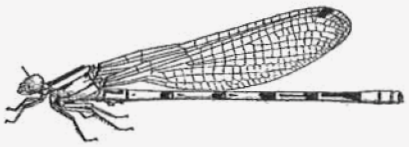
The site supports populations of several species listed on Annex II of the EU Habitats Directive, and habitats listed on Annex I of this directive, as well as examples of other important habitats. Although the wet woodland areas appear small there are few similar examples of this type of alluvial wet woodland remaining in the country, particularly in the north-east. The semi-natural habitats, particularly the strips of woodland which extend along the river banks and the marsh and wet grasslands, increase the overall habitat diversity and add to the ecological value of the site as does the presence of a range of Red Data Book plant and animal species and the presence of nationally rare plant species.

6.10.2006

Whitehill Environmental

Whitehill, Edgeworthstown, Co. Longford

Telephone: 087 4127248
043 6672775
E-mail: Noreen.mcloughlin@gmail.com



Planning Department
Cavan County Council
Farnham Street
Cavan

15/10/2014

Planning Reference: 14/238 & 14/239

A chara,

I refer to two planning applications submitted to Cavan County Council by Bogue Pigs for the upgrading of two pig farms (including demolition and construction works) at Drumscrudden, Crosserlough & Finaway, Ballyjamesduff, Co. Cavan.

I have read the Statement of Screening for Appropriate Assessment report submitted as part of these development applications. In addition, I have prepared an Ecological Impact Assessment for these developments.

Neither of the proposed application sites are in nor are they adjacent to any site that has been designated as a Special Area of Conservation (SAC) or a Special Protection Area (SPA) under the EU Habitats or EU Birds Directive. However Lough Sheelin SPA 004065 is 5.5km south and 13.5km downstream of the Drumscrudden site, whilst it is 3.9km south-west and 9km downstream of the Finaway site. Lough Sheelin is also a proposed Natural Heritage Area.

Considering the downstream distance, it is unlikely that there will be any impacts upon Lough Sheelin SPA, pNHA arising from the demolition and construction activities on both sites. With enforcement of the mitigation measures in the Ecological Impact Assessment, any potential impacts on Lough Sheelin SPA, pNHA arising from spills of manure will be minimised. On-site manure storage facilities will be in compliance with

S.I. 31 of 2014 and land-spreading of manure will also be in accordance with this Directive. No pig manure will be disposed of within any designated site.

Therefore, I can concur with the Statement of Screening that there will be no impacts on any designated sites, most notably Lough Sheelin SPA, pNHA. There will be no loss of habitat, no interference with the boundaries of any site and there will be no disturbance to any protected species. The integrity and the conservation objectives of this site will be maintained.

This proposed development does not need to proceed to Stage II of the Appropriate Assessment process.

Is mise le meas,

Noreen Mc Loughlin

NOREEN MCLOUGHLIN
BA (ZOOLOGY) MSC (ECOLOGY) MCIEEM

Table of Contents