



Submission

Submitter:	Simon Dolan Department of Culture, Heritage and the Gaeltacht
Submission Title:	received by email
Submission Reference No.:	S005883
Submission Received:	26 November 2019

Application

Applicant:	Mr Eugene Lannon
Reg. No.:	P0911-02

See below for Submission details.

Attachments are displayed on the following page(s).

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Your Ref: **P0911-02**
Our Ref: **E00060/2019**
(Please quote in all related correspondence)

26th November 2019

Environmental Licensing Programme
Environmental Protection Agency
PO Box 3000
Johnstown Castle Estate
Co Wexford

Via email: info@epa.ie

Proposed Development: IPCC Licence application P0911-02 in relation to intensive agriculture at Began (Bernies Farm), Ballyhaunis, Mayo.

A chara

On behalf of the Department of Culture, Heritage and the Gaeltacht, I refer to correspondence received in relation to the above.

Outlined below are heritage-related observations/recommendations of the Department under the stated heading(s).

Nature Conservation

It is noted that the proposed development is situated on a site less than 300 m to the west of Began Lough. The lough is an important site for wetland bird species and as such, any changes to the chemical composition of the limnological system should be avoided. The lough achieved a 'Moderate' water quality result during the 2007-2009 EPA WFD monitoring period.

This Department is of the view that this development could:

- Affect the habitat of water dependant species such as Otter (*Lutra lutra*) and the wetland bird species that utilise the lough.



The potential impacts would be caused by the:

- Deterioration of the water quality of the lough resulting from pollution from surface water run-off during the: site preparation; construction; and, post construction phases of the development.
- Deterioration of the water quality of the lough resulting from pollution/eutrophication caused by the spreading of the wash waters from the cleaning of the poultry houses onto nearby land, which is owned by the applicant.

To further enhance and develop nature conservation and biodiversity in this area it is recommended the following should be considered when considering the planning application:

- To ensure that the receiving environment is protected on an ongoing basis after the proposed development is operational. A Nutrient Management Plan should be implemented on the lands designated for the spreading of the soiled wash water.

As the project may have the potential to impact on the integrity of a European sites, the need for an Appropriate Assessment as outlined in Article 6(3) of the EU Habitats Directive (Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora), must be considered as part of the planning consent process. The screening for Appropriate Assessment, if required, should focus on the potential impacts in view of the site's conservation objectives, and should include measures that will avoid, reduce and mitigate for any such impacts. Site specific conservation objectives for the River Moy Special Area of Conservation Site No. SAC 002298 are available to download at <http://www.npws.ie/protected-sites/sac/002298>. Potential impacts must be considered in combination with other plans or projects. The Appropriate Assessment must establish and conclude that the proposed development does not pose a significant threat to the conservation objectives of the European site, if the proposal/project is to proceed. Guidance regarding Appropriate Assessment is available at www.npws.ie (see Planning and Appropriate Assessment, Department of the Environment, Heritage & Local Government (2009): Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities).

The local planning authority, as the competent authority, in performing the functions conferred on it by Part XAB of the Planning and Development Act, 2000, as amended, shall take appropriate steps to avoid in a European site the deterioration of natural habitats and the habitats of species as well as the disturbance of the species for which the site has been designated, insofar as such disturbance could be significant in relation to the objectives of the Habitats Directive. The planning authority must carry out screening for Appropriate Assessment in accordance with Section 177U of the Planning and Development Act, 2000, as amended, and must include a definitive determination under Article 6(3) of the Habitats Directive as to whether the an Appropriate Assessment is required. The competent authority shall determine that an Appropriate Assessment of the proposed development is not required, only if it can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site. The competent



authority shall only give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site. Case law of the CJEU (Case C-258/11, Sweetman and others) has established that determinations cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of a project on a European site.

You are requested to send further communications to this Department's Development Applications Unit (DAU) at manager.dau@chg.gov.ie (team monitored); if this is not possible, correspondence may alternatively be sent to:

The Manager
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Is mise le meas,

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