



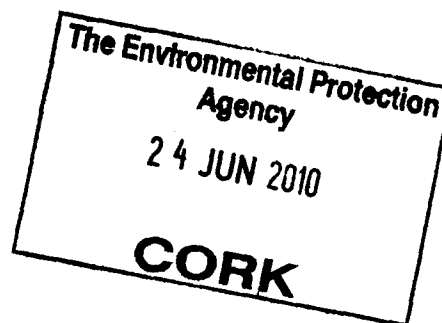
Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government



21 June 2010

Our Ref: E2010/18
Your Ref: PO914-01

Ms Sonja Smith
Office of Climate, Licencing and Resource Use
EPA
Johnstown Castle Estate
Co. Wexford



Re: IPPC Licence Application from Westland Horticulture, Lower Coole, Near Coole & Fineagh Co. Mayo

A Chara,

I refer to your recent letter in relation to the above-mentioned development. Outlined below are the nature conservation recommendations of the Department of the Environment, Heritage and Local Government.

It is noted that the location of the proposed activity is situated in a location likely to impact on Lough Derravaragh Special Protection Area for Birds (SPA) (site code: 004047), Natural Heritage Area (NHA) (site code 000684) and Lough Bane proposed Natural Heritage Area (pNHA) (site code: 001721). Please see the attached site synopsis for a description of the sites.

We consider that the information submitted does not allay our concerns as follows:

- No site location or layout maps, drainage maps, habitat maps or land use maps are included in the application.
- Some of the weirs currently provided on-site are too short and do not span the outlets of the sedimentation ponds.
- Lack of contingency measures in the event of torrential rainfall (e.g. if silt ponds are nearing their full capacity).
- Comprehensive proposals for secondary polishing of discharge waters e.g. use of reed beds.
- There is no ecological report accompanying this application.
- Detailed bog rehabilitation plan should be provided
- Specific details of the proposed planting of 30m buffer zone along the River Inny.
- Procedure for disposal of waste machinery.



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- Submitted documentation by applicant does not address the potential impact of the activity on the nearby SPA downstream of the development site. The accumulative impact of the activity as outlined in addition to other activities in the area has not been addressed.
- The applicant has not indicated whether they have been convicted under the PoE Act, the Waste Management Act 1996, the Local Government (Water pollution) Acts 1977 and 1990 or the Air Pollution Act 1987 as required under Section L of application form.

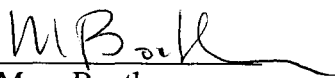
Therefore, it is not possible to adequately assess the impact of the proposed development to the River Inny, or to Lough Derravaragh SPA/ NHA and Lough Bane pNHA. Accordingly, prior to making any decision, it is recommended that the applicant be requested to provide further information in order to address the concerns outlined above.

As the activities covered by the licence have the potential to significantly impact on the integrity of a Natura 2000 site, the further information should include 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). The appropriate assessment should focus on the potential impacts in view of the site's conservation objectives (qualifying interests), and should include measures that will avoid, reduce and mitigate for any such impacts. 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 Natura 2000 site, if the licence is to be granted.

Kindly forward any further information received or in the event of a decision being made a copy of the same should be forwarded to the following address as soon as it issues:

Please be advised as of **26th April 2010** the new postal address for all correspondence to the Development Applications Unit is The Manager, Development Applications Unit, Department of the Environment, Heritage and Local Government, Newtown Road, Wexford. Please ensure all correspondence, for the attention of DAU, is forwarded to this address from the aforementioned date.

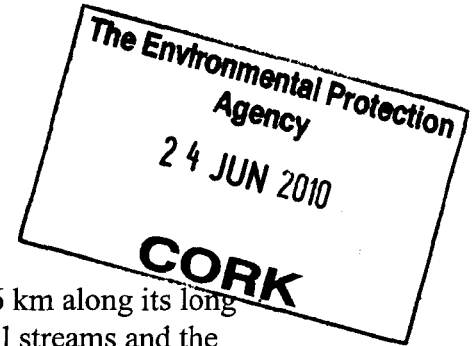
Mise le meas


 Mary Boothman
 Development Applications Unit

SITE SYNOPSIS

SITE NAME: LOUGH OWEL SPA

SITE CODE: 004047



Lough Owel is a medium- to large-sized lake, with a length of *c.* 6 km along its long axis and a maximum width of 3 km. It is fed by a number of small streams and the main outflow is to the Royal Canal. Water is relatively shallow, with a maximum depth of 22 m. Overlying Carboniferous limestone, Lough Owel is one of the most important examples of a limestone lake in the Midlands. The water is moderately hard, alkaline and virtually colourless. The lake appears to be relatively unproductive with low levels of orthophosphate and moderate chlorophyll concentrations. The lake is classified as a mesotrophic system and its status has been stable in recent years.

Aquatic vegetation includes a number of stoneworts (*Chara* spp., notably *C. denudata* and *C. tomentosa* which are Red Data Book species). The rocky nature of the shoreline has given rise to marginal vegetation which is patchy and sparse. Apart from some reedswamp formed by Common Reed (*Phragmites australis*) and Common Clubrush (*Scirpus lacustris*), shoreline vegetation is dominated by occasional patches of Alder (*Alnus glutinosa*). Areas of marsh and fen occur above the shoreline in the northern and south-western corners of the lake. Several small islands occur in the southern sector.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Shoveler and Coot. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetlands & Waterbirds.

Lough Owel is one of the most important Midland lakes for wintering waterfowl, with nationally important populations of Shoveler (142) and Coot (1,825) - figures given are mean peaks for the five seasons 1995/96-1999/00. The populations for both of these species represent a significant proportion (*c.* 4.7% and 6.5%) of the respective All-Ireland totals. The lake is also of importance for diving duck, including Pochard (291), Tufted Duck (227) and Goldeneye (75). The lake has been used as a roost by the internationally important Midland lakes Greenland White-fronted Goose population (200 recorded at the site in 2004/05). The lake also supports populations of Little Grebe (16), Great Crested Grebe (18) and Cormorant (32). Lough Owel is one of the most important fishing lakes in the Midlands and is especially good for Trout. The lake also holds an important population of White-clawed Crayfish (*Austropotamobius pallipes*), a species that is listed on Annex II of the E.U. Habitats Directive.

Lough Owel has very significant populations of two species, Shoveler and Coot. It is also notable as it is used as a roost site on occasion by the internationally important

Midlands Greenland White-fronted Goose flock. Greenland White-fronted Goose is listed on Annex I of the E.U. Birds Directive.

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12.4.2010

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SITE SYNOPSIS

SITE NAME: LOUGH DERRAVARAGH NHA

SITE CODE: 000684

Lough Derravaragh is located approximately 12 km north of Mullingar town mainly in the townlands Clonava, Derrya, Kiltoom, Donore, Ballynakill, Streamstown and Knockbody in Co. Westmeath. The majority of the site comprises the lake, but it also includes a variety of wetland, grassland and woodland habitats. The site includes a small area of raised bog. The site is bounded in the north-west by the River Inny.

The River Inny, which is a major tributary of the River Shannon, flows into and out of Lough Derravaragh at its north-west end. At this end, the lake is wide and shallow and the raised bog and cutover is found in this area. Lough Derravaragh is shallow and its water is hard with an alkaline pH. There is only a small area of raised bog in the site, but formerly it comprised a very large bog complex which extended to the north-west of the lake. Most of this has now been cutover and large areas have been reclaimed for agriculture. The remaining area of bog has hummock/hollow complexes but no pools. Coniferous forestry has been planted on the high bog and a section of cutover. Cutover is found all around the high bog and there is also a separate small area of old cutover 2.5 km south of the raised bog.

Much of the high bog has vegetation typical of a Midland Raised Bog, with such species as Ling Heather (*Calluna vulgaris*) and Hare's-tail Cottongrass (*Eriophorum vaginatum*). The hummock-forming bog moss *Sphagnum papillosum* has been recorded on the high bog as has the more scarce *S. imbricatum*. Overall, *Sphagnum* covers around one third of the high bog area and the centre of the bog is wet with standing water in places. The aquatic bog moss *S. cuspidatum* has been recorded in the hollows on the bog. Ling Heather and Hare's-tail Cottongrass are common on the hummocks as are lichens (*Cladonia* sp.). There are dried out channels on the bog which are colonised by algae, Deergrass (*Scirpus cespitosus*) and lichens. Coniferous forestry has been planted on the western side of the high bog and on adjoining areas of cutover. On the cutover in the south-east, south and north of the site there are areas of Downy Birch (*Betula pubescens*) woodland, with patches of Gorse (*Ulex europaeus*) scrub in between.

A notable feature of Lough Derravaragh is the range of Charophytes (Stoneworts) that occur in the lake; to date eight species have been recorded here, several of which have a restricted range in Ireland. Around the lake margin, a range of habitats have been created as a result of drainage of the River Inny. At the western end are extensive reed beds and swamps dominated by Common Reed (*Phragmites australis*) with scattered stands of Downy Birch and willows (*Salix* spp.). Elsewhere, there is freshwater marsh vegetation dominated by sedges (*Carex* spp.) and often tussock-forming grasses such as Tufted Hair-grass (*Deschampsia cespitosa*) and fescues (*Festuca* spp.), with a range of flowering herbs including Nodding Bur-Marigold (*Bidens cernua*) and Trifid Bur-Marigold (*Bidens tripartita*). The lakeshore is a

mineral-rich substrate and several plant species of poor fen habitats occur in abundance, such as Black Bog-rush (*Schoenus nigricans*) and Long-stalked Yellow-sedge (*Carex lepidocarpa*). Knockeyon and the other hills around the south-eastern end of the lake support deciduous woodland which is comprised mostly of native species. Hazel (*Corylus avellana*), Rowan (*Sorbus aucuparia*), Ash (*Fraxinus excelsior*) and Sessile Oak (*Quercus petraea*) are abundant. Exotic species occur occasionally, including Beech (*Fagus sylvatica*).

Lough Derravaragh is an important site for wintering waterfowl, and is of particular note as a site for geese, swans and diving duck. It is a traditional haunt for the internationally important midland flock of Greenland White-fronted Geese (which also use Loughs Iron, Owel and Ennel). This flock, whose numbers usually range between 300 and 400 birds, use the lake mainly for roosting purposes. Counts for principal waterfowl species over the five winters 1995/96 to 1999/00 are as follows (figures are average maxima): Little Grebe 42, Great Crested Grebe 34, Cormorant 34, Mute Swan 159, Whooper Swan 102, Greenland White-fronted Goose 409, Wigeon 207, Teal 52, Mallard 195, Pintail 6, Shoveler 12, Pochard 3129, Tufted Duck 1,073, Goldeneye 46, Coot 1,358, Golden Plover 158 and Lapwing 1,079. The populations of Little Grebe, Mute Swan, Whooper Swan, Pochard, Tufted Duck and Coot are of National Importance. At times, the Pochard population, which is one of the largest in the country, has exceeded the threshold for International Importance (i.e. 3,500).

This site regularly supports nationally important populations of six species, and at times is used by the internationally important population of Greenland White-fronted Geese which is based in the region. Three of the species which occur at the site (Greenland White-fronted Geese, Whooper Swan, Golden Plover) are listed on Annex I of the E.U. Birds Directive. The rare Charophyte *Chara denudata*, has been recorded in Lough Derravaragh and the Red Data Book species Otter and Irish Hare have also been noted from the site.

Current landuses on the site include active peat-cutting, agriculture, forestry, fishing, hunting and leisure activities. On the southern margins of the high bog there is a small area of active peat-cutting. There are only a small number of agricultural fields within the site, with a few on reclaimed cutover. There is coniferous forestry on a small section of high bog and cutover. Damaging activities associated with these landuses include drainage throughout the site and burning of the high bog. The lake is an important amenity for anglers, as it holds a population of Brown Trout. Knockbody Wood is used for shooting Pheasant. Local groups use the lake for canoeing and watersports. Parts of the site have also been used for dumping and as an encampment. These activities have resulted in the loss of habitat and damage to the hydrological status of the site, and pose a threat to its viability.

Lough Derravaragh NHA is a site of considerable conservation significance, including as it does, a raised bog, a rare habitat in the E.U. and one that is becoming increasingly scarce and under threat in Ireland. The site supports a good diversity of raised bog microhabitats, including hummocks and hollows. Ireland has a high proportion of the total E.U. resource of the raised bog (over 50%) and so has a special responsibility for its conservation at an international level. Lough Derravaragh itself is of importance for its aquatic flora and fauna and for its marginal wetland habitats.

It is also of major ornithological importance and is designated a Special Protection Area under the E.U. Birds Directive.

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14.11.2002

SITE SYNOPSIS

SITE NAME: LOUGH BANE

SITE CODE: 001721

Lough Bane lies about 3km to the south-east of Lough Kinale and Derragh Lough. For the most part it is surrounded by bogland, which to the west stretches to the River Inny and is otherwise mainly surrounded by Coillte plantation. The lake and surrounding bogs has been proposed as a Natural Heritage Area (NHA).

The bogs encircle the lough to the north, west and south. Between Lough Bane and the small lough to the east there is some attempt at drainage, but most of the bog is intact and in places shows good pool development.

The lough itself is now less extensive than it was in 1908 when it was mapped by the Ordnance Survey, possibly as a result of natural accretion, or possibly the water level was lowered as a result of drainage. Now, in places the level area fringing the lake which was formerly open water, has been colonised by bog mosses (*Sphagnum* spp.) and Common Cottongrass (*Eriophorum angustifolium*), and a large island has appeared in the south of the lough. The contemporary edge of the open water is marked by swamps of Common Reed (*Phragmites australis*) and Bottle Sedge (*Carex rostrata*), and behind this there are areas of freshwater marshes with species such as Water Horsetail (*Equisetum fluviatile*), Wild Angelica (*Angelica sylvestris*), Common Marsh-bedstraw (*Galium palustre*) and Marsh Arrowgrass (*Triglochin palustris*) which grades into grassland dominated by Purple Moor-grass (*Molinia caerulea*), in which there is now considerable establishment of Downy Birch (*Betula pubescens*). At the edge of the NHA area to the west, Purple Moor-grass grassland grades into bog heath vegetation dominated by Heather (*Calluna vulgaris*).

There is little information on the use of the lake by water birds, but in 1971 a count included 53 Whooper Swan, 16 Teal, 7 Widgeon and 14 Curlew, suggesting that is of some local importance for these species, and that it may act as a refuge for swans disturbed from some of the larger Westmeath lakes.

Although the bogland in which Lough Bane is situated, has been damaged, the lough itself appears less disturbed and has retained its interest as one of the only lakes in the area with a low calcium nutrient regime. The surrounding vegetation is a well developed ecological gradient from developing birch carr through to the open water.

There is already a conifer plantation to the south-west, now some 25 years old. Further plantation within the NHA area would be very deleterious, not only to the area in which the plantation was established, but over the whole site.

The bogs were overlooked when lowland raised bogs were surveyed in the 1980s and consequently their value was not realised until recently. Here their ecological position in relation to Lough Bane adds to their interest. Active raised bogs, once characteristic of central Ireland, are now rare and vulnerable, and have been

recognised by the European Union as a habitat of international importance. Ireland has a special responsibility to conserve the best of its remaining bogs. Afforestation or further drainage work within this NHA is not consistent with this responsibility.

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25.11.2009