

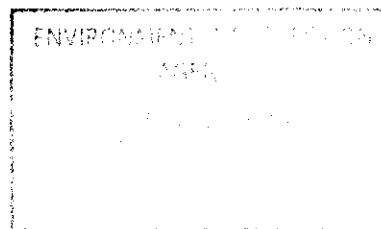


Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government

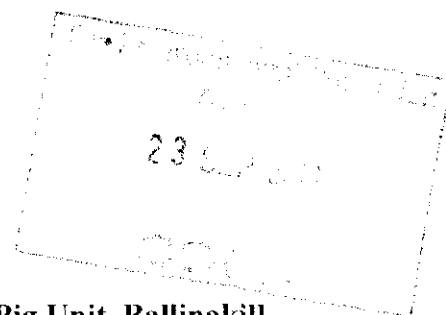
20 September 2010

Our Ref: E00067/2010

Your Ref: PO710-03



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



**Re: IPPC Licence Application by Paul Tully, Moate Pig Unit, Ballinakill,
Portlaoise, Co. Laois**

A Chara,

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

The development lies close to the River Barrow and River Nore candidate Special Area of Conservation (cSAC) Site Code 2062, a European site. A site synopsis can be viewed at <http://www.npws.ie/en/media/Media.4175,en.pdf>.

This area of the cSAC is of particular conservation interest as it is home to hard water form of the Fresh Water Pearl Mussel (*Margaritifera margaritifera durrovensis*). This species is listed on Annex II of the Habitats Directive. The entire population of *Margaritifera m. durrovensis* lies between Poormans Bridge and Ballyragget. Tallyho Bridge lies within this area. This is one of the very few species which occurs only in Ireland and nowhere else in the world. The mussel was abundant in the river twenty years ago. It is now on the verge of extinction.

The EIS provided is not sufficiently detailed to allay our concerns in relation to this development.

Due to the location of this development partly within the cSAC and the likelihood that it will have a significant effect thereon either individually or in combination with other developments, in accordance with Regulation 32 of the European Communities (Natural Habitats) Regulations, 1997 and 2005, the Environmental Protection Agency shall ensure

that an appropriate assessment of the implications for the site in view of the sites conservation objectives is undertaken. A draft list of the sites conservation objectives is attached. Such assessment shall pay particular attention to impacts on the Nore Pearl Mussel (*Margaritifera m. durrovensis*).

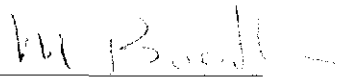
Impacts of effluent from the plant should be assessed. Impacts from spreading of mature must be assessed and land on which mature to be spread must be included in the assessment.

Suitably qualified persons must carry out the Appropriate Assessment.

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

Please be advised that the 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.

Mise le meas



Mary Boothman
Development Applications Unit

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Conservation Objectives

European and national legislation places a collective obligation on Ireland and its citizens to maintain at favourable conservation status areas designated as candidate Special Areas of Conservation. The Government and its agencies are responsible for the implementation and enforcement of regulations that will ensure the ecological integrity of these sites.

According to the EU Habitats Directive, favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, is stable or increasing, and
- the ecological factors that are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable as defined below.

The favourable conservation status of a species is achieved when:

- population data on the species concerned indicate that it is maintaining itself, and
- the natural range of the species is neither being reduced or likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Objective 1: To maintain the Annex I habitats for which the cSAC has been selected at favourable conservation status: Estuaries; Mudflats and sandflats not covered by seawater at low tide; *Salicornia* and other annuals colonising mud and sand; Atlantic salt meadows (*Glaucopuccinellietalia maritima*); Mediterranean salt meadows (*Juncetalia maritimi*); Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation; European dry heaths; Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels; Petrifying springs with tufa formation (*Cratogeomys*); Old sessile oak woods with *Ilex* and *Blechnum* in British Isles; Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae)

Objective 2: To maintain the Annex II species for which the cSAC has been selected at favourable conservation status: *Vertigo moulinsiana*; *Margaritifera margaritifera*; *Austropotamobius pallipes*; *Petromyzon marinus*; *Lampetra planeri*; *Lampetra fluviatilis*; *Alosa fallax*; *Salmo salar*; *Lutra lutra*; *Trichomanes speciosum*; *Margaritifera durrovensis*

Objective 3: To maintain the extent, species richness and biodiversity of the entire site

Objective 4: To establish effective liaison and co-operation with landowners, legal users and relevant authorities.