

## ATTACHMENT N<sup>o</sup>. B.6

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**B.6 (i) Letter of Confirmation from the Planning Authority on the requirement for  
EIA in respect of Planning under Consideration and Planning Granted**

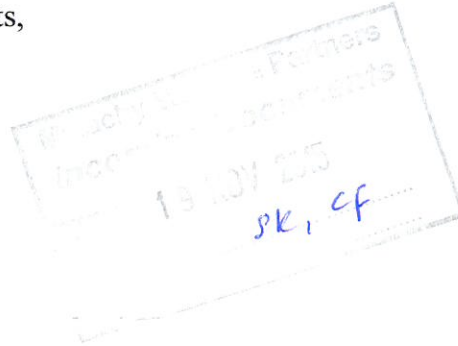
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# Comhairle Contae Chorcaí Cork County Council

An Rannóg Pleanála,  
Halla an Chontae,  
Bóthar Charraig Ruacháin, Corcaigh.  
Fón: (021) 4276891 • Faics: (021) 4867007  
R-phost: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
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Planning Department,  
County Hall,  
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Web: [www.corkcoco.ie](http://www.corkcoco.ie)



Mr. Seamus Kelly,  
Malachy Walsh and Partners,  
Engineers & Environmental Consultants,  
Park House,  
Mahon Technology Park,  
Bessboro Road,  
Blackrock,  
Cork.



Your Ref: Sk/ah/16905

17<sup>th</sup> November, 2015.

Re: Application by Dairygold Agri Business Ltd., Lombardstown, Co. Cork to  
E.P.A. for Industrial Emissions Licence (I.E.L).

Dear Sir,


I refer to your letter of the 10<sup>th</sup> November, 2015 in connection with the above.

I wish to confirm that planning application Reg. No. 15/05743 is pending at present and we are awaiting a response to a request for further information which issued on 25/09/15.

I also wish to confirm that an EIS is not required for Planning Reg. No. 15/5743.

I wish to advise that and EIA was not required for the history files (1573/77 and 304/79).

Yours faithfully,

  
Assumpta Drake.  
Planning Department.



**B.6 (ii) Copies of the decision(s) for planning granted for the site**

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# Comhairle Contae Chorcaí Cork County Council

Dairygold Agri Business Limited.  
C/O Malachy Walsh & Ptnr  
Att. Seamus Kelly  
Park House, Bessboro Road  
Blackrock  
Cork

An Rannóg Pleanála,  
Halla an Chontae,  
Bóthar Charraig Ruacháin, Corcaigh.  
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22/08/2016

**Re:** 1. Change of use and alterations of an existing single storey laboratory building to meeting rooms and ancillary areas. 2. Alterations and refurbishment of an existing single storey office building and extension to form a two storey office building. 3. Extension and alteration of an existing maintenance building and canteen. 4. Construction of a new two storey laboratory building. 5. Construction of new car parking and associated works. 6. Removal of existing boundary hedging and construction of a new boundary wall and fence. 7. Upgrade of an existing wastewater treatment plant and petrol interceptor. 8. Construction of site lighting and ancillary site works.

**At:** Lombardstown, Mallow, Co. Cork

**Reg. No.** 15/05743

A Chara,

I enclose grant of **Permission** in connection with the above.

Your attention is drawn to Condition No. 11 of the **Permission**, which requires that before any work commences on the site, you pay financial contributions and/or a bond to the Council. Otherwise, the **Permission** granted is of no effect.

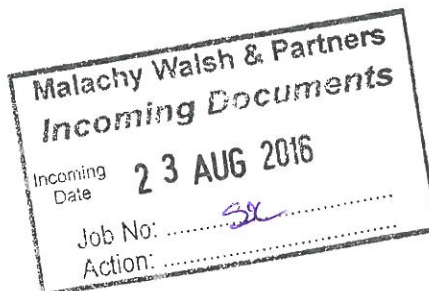
It should be noted that the amount of the contribution is calculated in accordance with the Council's Development Contributions Scheme. Please note that the annual increase of 8% per annum will not be applied for payments made before the 31/12/2016, subject to review.

Please note that payment of development contributions by CASH or CREDIT CARD may only be made at the PAYMENTS OFFICE, COUNTY HALL. Payment by CHEQUE (*non-business customers only*)/BANK DRAFT etc. can be accepted at Planning Department, County Hall, Carrigrohane Road, Cork.

Is mise, le meas,

*Caitriona Ni Mhainnín*

Caitriona Ni Mhainnín  
Administrative Officer



**CORK COUNTY COUNCIL**

**ORDER NO:** 16/5254 **O.S. NO.** 32/10

**SUBJECT:** Application Reg. Ref. No. 15/05743

**for:** 1. Change of use and alterations of an existing single storey laboratory building to meeting rooms and ancillary areas. 2. Alterations and refurbishment of an existing single storey office building and extension to form a two storey office building.  
3. Extension and alteration of an existing maintenance building and canteen. 4. Construction of a new two storey laboratory building. 5. Construction of new car parking and associated works. 6. Removal of existing boundary hedging and construction of a new boundary wall and fence. 7. Upgrade of an existing wastewater treatment plant and petrol interceptor. 8. Construction of site lighting and ancillary site works.

**at:** Lombardstown  
Mallow  
Co. Cork

**ORDER:** **Conditional Permission** is hereby GRANTED subject to the provision of Subsection 11 of Section 34 of the Planning and Development Acts, 2000 - 2010 for the reason set out in the First Schedule attached hereto.

**to:** Dairygold Agri Business Limited.

**of:** C/O Malachy Walsh & Ptnr  
Att. Seamus Kelly  
Park House, Bessboro Road  
Blackrock  
Cork

**for:** 1. Change of use and alterations of an existing single storey laboratory building to meeting rooms and ancillary areas. 2. Alterations and refurbishment of an existing single storey office building and extension to form a two storey office building.  
3. Extension and alteration of an existing maintenance building and canteen. 4. Construction of a new two storey laboratory building. 5. Construction of new car parking and associated works. 6. Removal of existing boundary hedging and construction of a new boundary wall and fence. 7. Upgrade of an existing wastewater treatment plant and petrol interceptor. 8. Construction of site lighting and ancillary site works.

**at:** Lombardstown, Mallow, Co. Cork

in accordance with plans and particulars lodged by the applicant

on 06/08/2015, 23/12/2015 and 24/05/2016 and subject to the conditions (11 no.) set out in the Second Schedule attached hereto.

The **Permission** is to be granted subject to the conditions provided no appeal is made to An Bord Pleanála within the statutory time for the making of such appeals.



**SIGNED:**

---

Tom Stritch  
SUBSTITUTE DIVISIONAL MANAGER

**Dated this** 15/07/2016

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## **FIRST SCHEDULE**

**Planning Ref. No. 15/05743**

Having regard to the location of the site, the majority of which is sited within the settlement boundary of Lombardstown, and to the established use thereon, it is considered that subject to compliance with the conditions set out in the Second Schedule, the proposed development would not be prejudicial to residential amenity or the amenities of the area, would not detract from the heritage of the area, would be acceptable in terms of traffic safety and would therefore be in accordance with the proper planning and sustainable development of area.

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## SECOND SCHEDULE

No.	Condition	Reason
1	The proposed development shall be carried out in accordance with plans and particulars lodged with the Planning Authority on 06/08/16 and as amended on 14/08/16, 07/01/16 and 24/05/16, save where amended by the terms and conditions herein.	In the interests of clarity.
2	The external wall and roof finishes of the extensions and new structures permitted herein shall match those of the existing structures on site and / or shall be in accordance with the plans and particulars submitted to the Planning Authority 06/08/15 and as amended on 23/12/15.	In the interests of visual amenity.
3	All trees and hedgerows within and on the boundaries of the site, except those specified trees whose removal is authorised in writing by the Planning Authority to facilitate the development, shall be protected during building operations and retained thereafter.	In the interests of visual amenity.
4	All works shall be completed in accordance with environmental procedures as set out in Natura Impact Statement and draft Construction Environmental management Plan (CEMP) submitted with this application on 22/12/15 and 24/05/16 respectively.	To ensure the protection of water quality in the Blackwater River Special Area of Conservation.
5	All surface water shall be contained within the site and piped to the existing system and there shall be no ponding of surface water along the entrance/exit.	To prevent flooding and in the interests of traffic safety.
6	The developer shall consult with the Planning Authority in regard to any proposed off site disposal of excavated soil or other construction and demolition waste and shall submit details of proposed disposal sites prior to commencement of construction activities on site. This plan shall inter alia, include the information recommended in sections 3.2, 3.3, 3.4 of the document titled "Best Practise Guidelines on the preparation of Waste Management Plans for Construction and Development projects" published by the Department of Environment, Heritage, and Local Government in	In the interests of orderly development and to prevent unauthorised dumping.

	<p>September 2004. Recyclable materials shall be segregated and made available for recovery where possible.</p>	
7	<p>Noise levels emanating from the proposed development when measured at the site boundaries shall not exceed 55 dBa (15 minute Leq) between 08.00 hours and 20.00 hours, Monday to Saturday inclusive, and shall not exceed 45 dBa (15 minute Leq) at any other time. Measurements shall be made in accordance with I.S.O. Recommendations R.1996/1 "Acoustics - Description and Measurement of Environmental Noise, Part 1: Basic quantities and procedures". If the noise contains a discrete, continuous note (whine, hiss, screech, hum, etc.), or if there are distinct impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of +5 dBA shall be applied to the measured noise level and this increased level shall be used in assessing compliance with the specified levels. (Ref. BS 4142 Section 7.2)</p>	<p>To safeguard the amenities of the area</p>
8	<p>All solid wastes arising on the site shall be recycled as far as possible. Materials exported from the site for recovery, recycling or disposal shall be managed at an approved facility and in such a manner as is agreed with the Planning Authority. In any case no such wastes shall be stored on the site except within the confines of the buildings on site. Adequate on-site arrangements for the storage of recyclable materials prior to collection shall be made to the satisfaction of the Planning Authority.</p>	<p>To safeguard the amenities of the area</p>
9	<p>Foul drainage shall be by means of a proprietary wastewater treatment system and shall discharge in accordance with a licence under the Local Government (Water Pollution) Acts 1977 to 2007. The treatment plant shall be designed to allow for periods of low to zero loading and shall incorporate odour control if requested by the Planning Authority. Subject to a hydraulic and organic capacity assessment, the proposed</p>	<p>In the interests of public health and orderly development.</p>

	laboratory element of the development should discharge to the existing on site wastewater treatment unit. Should the applicant demonstrate that there is insufficient capacity, appropriate mixing shall be provided to the proposed storage tank serving the laboratory to prevent shock loading of the plant.	
10	<p>Within 6 months of the date of final grant of permission, the applicant shall submit a contaminated surface water management plan for the operational phases of the development, to provide where practical, that all external areas where process materials are handled/stored/unloaded are roofed.</p> <p>Full details to ensure compliance with the requirements of this condition shall be submitted to and agreed with the Planning Authority.</p>	In the interests of orderly development and to prevent water pollution.
11	<p>At least one month before commencing development or at the discretion of the Planning Authority within such further period or periods of time as it may nominate in writing, the developer shall pay a contribution of €26144.64 to Cork County Council in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority. The value of this contribution is calculated in accordance with the Council's Development Contributions Scheme on 01/01/15, and shall be increased monthly at a rate of 8% per annum in the period between the date on which this value was calculated, and the date of payment.</p>	<p>It is considered appropriate that the developer should contribute towards the cost of public infrastructure and facilities benefiting development in the area of the Planning Authority, as provided for in the Council's Development Contributions Scheme, made in accordance with section 48 of the 2000 Planning and Development Act, and that the level of contribution payable should increase at a rate which allows both for inflation and for phasing in of the target contribution rates, in the manner specified in that Scheme.</p>

(1)

055  
H O 1998/71

# CORK COUNTY COUNCIL

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 - 1976.

To/ **Ballycough Co. Op. Ltd,  
Per E.O. Potts & Co.,  
Consulting Engineers,  
Springville House,  
Blackrock Road,  
Cork.**

Register No. **1872/77**

APPLICATION BY **Ballycough Co. Op. Ltd, Per E.O. Potts & Co., Consulting Engineers**  
OF **Springville House, Blackrock Road** ON **24/8/77**

FOR PERMISSION/~~APPROVAL~~  
FOR **Erection of wastewater Mill**  
AT **Lahardstown**

Further to notice dated **22/7/77** the Cork County Council hereby conveys a grant of Permission/~~Approval~~ for the development/~~extension~~ described above ~~subject to the conditions set out in the schedule (if any) attached to the said Notice dated 22/7/77~~ of its intention to grant Permission/~~Approval~~.

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Room 1001,  
County Hall,  
CORK

Signed on behalf of the Cork County Council.

**B. KEANE.** 

DATE: **24 AUG 1977**

### NOTE for guidance of Developers

A grant of Planning Permission or Approval does not of itself empower a person to carry out a development unless that person is otherwise legally entitled to do so.

Form PL/017/

(9)  
**CORK COUNTY COUNCIL.**

Form

**LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963-1976.**

**Notification of Decision to Grant a Permission/** [redacted] **(subject to Conditions).**

Reference No.  
in Planning  
Register,  
**1878/77**

To/ **Ballinacorney Co. Op. Ltd,  
Per N.G. Pettit  
Consulting Engineers,  
Springville House,  
Blackrock Road,  
Cork.**

In pursuance of the powers conferred upon them by the above mentioned Acts  
the Council of the County of Cork have by order dated **22 JUL 1977**  
decided to grant a permission/ [redacted] for the development of land namely:-

**Erection of Provender Mill at Lombardstown**

in accordance with the plans and particulars submitted by the applicant on  
**24/6/77** as amended on [redacted] and  
subject to the conditions set out in Column 1 of the Schedule attached hereto.  
The reasons for the imposition of the said conditions are set out in Column 2  
of the Schedule.

If there is no appeal against the said decision, a grant of Permission/  
[redacted] in accordance with the decision will be issued after the expiration of  
the period within which an appeal may be made to An Bord Pleanála. (See footnote).

It should be noted that until a grant of permission/ [redacted] has been issued,  
the development in question is **NOT AUTHORISED**.

Planning Dept.  
County Hall,  
Cork.

Signed on behalf of the said Council.

Date:

**22 JUL 1977**

**NOTE:**

An appeal against a decision of a Planning Authority under Section 26 of the Act of 1963 may be made to An Bord Pleanála. **THE APPLICANT FOR PERMISSION** may appeal within **ONE MONTH** beginning on the date of receipt by him of the decision. **ANY OTHER PERSON** may appeal to An Bord Pleanála within **THREE WEEKS** beginning on the date of the decision.

Appeals should be addressed to the **SECRETARY, AN BORD PLEANALA, HOLBROOK HOUSE, HOLLER STREET, DUBLIN 2,** and will be invalid unless accompanied by a deposit of **£10.**

An appeal by the applicant for permission **SHOULD BE ACCOMPANIED BY THIS FORM.** In the case of an appeal by any other person the name of the applicant, particulars of the proposed development or of the structure to be retained and the date of the decision of the Planning Authority should be stated.

Reference Number in  
Planning Register: 1572/77

Column 1 - Condition	Column 2 - Reason
<p><b>Provided that:-</b></p> <p>(1) On site car parking facilities shall be provided for a minimum of 25 NB. cars.</p> <p>(2) Bunding shall be provided for the 6 No. Storage tanks to the Council's satisfaction.</p>	<p>To ensure satisfactory on site parking facilities to serve the proposed development.</p> <p>To contain spillages.</p>

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# CORK COUNTY COUNCIL

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 - 1976.

To/ **Ballyclough Creamery,  
c/o E. G. Pettit & Company,  
Springville House,  
Blackrock Road,  
CORK.**

Register No. **304/79.**

APPLICATION BY **Ballyclough Creamery, c/o EG. Pettit & Company,**  
OF **Springville House, Blackrock Rd., Cork,** ON **29/1/79**  
FOR PERMISSION/~~XXXXXXX~~  
FOR **erection of grain intake, storage and drying plant**  
AT **Lombardstown.**

Further to notice dated **26/3/79** the Cork County Council  
hereby conveys a grant of Permission/~~XXXXXX~~ for the development/~~XXXXXX~~ described  
above ~~XXXXXX~~ subject to the conditions set out in the  
schedule (if any) attached to the said Notice dated **26/3/79** of  
its intention to grant Permission/~~XXXXXX~~

Room 1001,  
County Hall,  
CORK.

Signed on behalf of the Cork County Council.

**C. O'Rourke.**

DATE: **- 1 MAI 1979**

## NOTE for guidance of Developers

A grant of Planning Permission or Approval does not of itself empower a person to carry out a development unless that person is otherwise legally entitled to do so.

304/79

**Ballyclough Creamery,  
C/o E. G. Pettit & Co.,  
Springville House,  
Blackrock Road,  
Cork.**

In pursuance of the powers conferred upon me by the above mentioned Acts  
the Council of the County of Cork have by order date **28 MAR 1979**

decided to grant a ~~permission~~ approval for the development of land namely:-

**erection of Grain Intake, Storage and Drying Plant at Lohbardstown.**

in accordance with the plans and particulars submitted by the applicant on

**29/1/79**

as amended on

and

subject to the conditions set out in Column 1 of the Schedule attached hereto.

The reasons for the imposition of the said conditions are set out in Column 2

of the Schedule.

In the event of an appeal against the said decision, a grant of Permission/  
Approval in accordance with the decision will be issued after the expiration of  
the period within which an appeal may be made to An Bord Pleanala. (See footnote).

It should be noted that until a grant of permission/approval has been issued,  
the development in question is NOT AUTHORISED.

Planning Dept.  
County Hall,  
Cork.

Signed on behalf of the said Council.

Date: **28 MAR 1979**

**NOTE:**

An appeal against a decision of a Planning Authority under Section 26 of the Act of  
1963 may be made to An Bord Pleanala. THE APPLICANT FOR PERMISSION may appeal within  
ONE MONTH beginning on the date of receipt by him of the decision. ANY OTHER PERSON  
may appeal to An Bord Pleanala within THREE WEEKS beginning on the date of the decision.

Appeals should be addressed to the SECRETARY, AN BORD PLEANALA, HOLBROOK HOUSE,  
HOLLES STREET, DUBLIN 2, and will be invalid unless accompanied by a deposit  
of £10.

An appeal by the applicant for permission SHOULD BE ACCOMPANIED BY THIS FORM. In the  
case of an appeal by any other person the name of the applicant, particulars of the  
proposed development or of the structure to be retained and the date of the decision  
of the Planning Authority should be stated.

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SCHEDULE

Reference Number in  
Planning Register: 304/79

Column 1 - Condition	Column 2 - Reason
<p><b>Provided that:</b></p> <p>(1) <b>Noise levels when measured at site boundaries shall not exceed 40 D.b.a.</b></p> <p>(2) <b>No dust shall be emitted from the development.</b></p>	<p><b>To control noise emissions.</b></p> <p><b>In the interests of public health.</b></p>

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**B.6 (iii) Appropriate Assessment**

- (a) Copy of determination that an Appropriate Assessment is required**
- (b) Copy of AA Screening Report and NIS prepared for Planning Ref: 15/05743**
- (c) Copy of NIS prepared for Trade Effluent Discharge Licence Application WP(W) 03/12**

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# Comhairle Contae Chorcaí Cork County Council

Dairygold Agri Business Limited.  
C/O Malachy Walsh & Ptnr  
Att. Seamus Kelly  
Park House, Bessboro Road  
Blackrock  
Cork

## BY REGISTERED POST

25/09/2015

**Re: 15/05743**

**1. Change of use and alterations of an existing single storey laboratory building to meeting rooms and ancillary areas. 2. Alterations and refurbishment of an existing single storey office building and extension to form a two storey office building. 3. Extension and alteration of an existing maintenance building and canteen. 4. Construction of a new two storey laboratory building. 5. Construction of new car parking and associated works. 6. Removal of existing boundary hedging and construction of a new boundary wall and fence. 7. Upgrade of an existing wastewater treatment plant and petrol interception. 8. Construction of site lighting and ancillary site works.**

**At: Lombardstown, Mallow, Co. Cork**

Dear Sir/Madam,

I refer to your planning application which was lodged with the Planning Authority on the 06/08/2015.

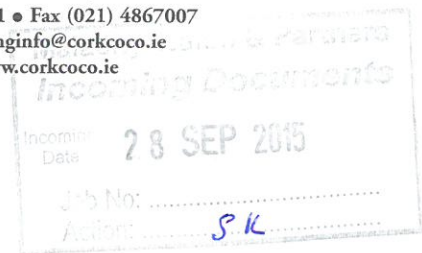
It is considered that the information submitted with the application is not yet sufficient to enable the Planning Authority to make a decision in this case. Therefore, to enable the Planning Authority give further consideration to your application, you are requested to submit **six copies** of the following further information:-

1. The Planning Authority considers that the potential for the development to give rise to significant negative effects on the Blackwater River Special Area of Conservation cannot be excluded and the proposed development must be subject to Appropriate Assessment. Accordingly, you are required to submit a Natura Impact Statement (NIS) in accordance with Section 177T(5) of the Planning and Development Act 2000 (as amended).

The following issues should be addressing in the Natura Impact Statement: -

- Provide a detailed description of the proposed project to include in particular details relating to proposals for management, treatment and disposal of surface water and wastewater, and details relating to the measures to be implemented to provide for the protection of surface waters during the construction phase;
- Provide a description of the key characteristics of the relevant Natura 2000 site/sites to include site specific details relating to water quality and ecology within the impact zone of the development;

An Rannóg Pleanála,  
Halla an Chontae,  
Bóthar Charraig Ruacháin, Corcaigh.  
Fón: (021) 4276891 • Faics: (021) 4867007  
R-phost: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Suíomh Gréasáin: [www.corkcoco.ie](http://www.corkcoco.ie)  
Planning Department,  
County Hall,  
Carrigrohane Road, Cork.  
Tel (021) 4276891 • Fax (021) 4867007  
Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



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- Complete an assessment of potential for the development to give rise to adverse effects on the overall integrity of the Blackwater River SAC having regard to existing water quality data, the Conservation Objectives which apply to the most sensitive species for which the SAC is designated (Freshwater Pearl Mussel), and having regard to the ecological quality objectives which apply to this species (FWPM Regs 2009), and to its physico-chemical water quality requirements as referenced in published literature, and taking account of potential for cumulative impacts to arise.

It is advised that the NIS would be prepared by suitably qualified experienced ecologists with expertise in Freshwater Ecology and Water Quality.

2. The Planning Authority has concerns regarding the proximity of the proposed two storey laboratory building to the site boundaries to the north and west as it is likely that the existing screening would be compromised by the proximity of the laboratory.

Accordingly, a revised site plan is required which provides for the re-siting of the laboratory building further away from the northern and western site boundaries, at a location where existing natural boundaries will not be compromised.

3. Detailed landscaping proposals are required for along the new boundary wall and palisade fence.

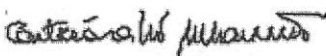
This request for further information is without prejudice to any decision the Council may take, either to refuse permission or to grant permission, with or without conditions. Please note that your application shall be declared to be withdrawn if all of the further information as required above is not submitted **within 6 months** of the date of this letter, or within such additional period, not exceeding 3 months, as may be agreed by the Planning Authority in accordance with Article 33 (3) of the Planning and Development Regulations 2001 – 2013.

Please further note that where the Planning Authority considers that the further information request has not been fully complied with and requires clarification, the 4 weeks for making a decision (or 8 weeks in the case of an application accompanied by an EIS), does not begin until this clarification has been provided and the request for further information has been fully complied with.

Further consideration of your application is deferred pending receipt of the information requested.

Any response to this letter should clearly state that it is a response to a request for further information in connection with 15/05743 and be addressed to: - **Planning Department, County Hall, Carrigrohane Road, Cork.**

Yours faithfully,



---

Caitriona Ni Mhainnin  
Administrative Officer



**Malachy Walsh and Partners**  
Engineering and Environmental Consultants

## **Natura Impact Statement**

Proposed new development at Dairygold Agri-  
Business Ltd., Feedmill & Grain Operations  
Facility, Lombardstown, Co. Cork  
Cork County Council Reference 15/05743

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[www.mwp.ie](http://www.mwp.ie)

ISSUE FORM	
Project number	16718
Document number	6010
Document revision	A
Document title	Natura Impact Statement (NIS)
Document status	Issue for Planning Application
Document prepared by	Muiread Kelly
Document checked by	(C.F. – MWP– 21/12/15)

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## 1 SUMMARY OF FINDINGS

### 1.1 NATURA IMPACT STATEMENT

<b>Project Title</b>	Proposed extension and refurbishment at Dairygold Lombardstown
<b>Project Proponent</b>	Dairygold Agribusiness Ltd.
<b>Project Location</b>	Lombardstown, Mallow, Co. Cork.
<b>Natura Impact Statement</b>	In cases where an Appropriate Assessment is required a Natura Impact Statement (NIS) is prepared and includes a report of a scientific examination of evidence and data, carried out by competent persons to identify and classify any implications of a project, individually, or in combination with other plans or projects, for Natura 2000 sites in view of the conservation objectives of the site.
<b>Conclusion</b>	In the presence of adequate and appropriate mitigation measures it is not considered that significant impacts to the Blackwater River (Cork/Waterford) SAC will occur as a result of the proposed development at Dairygold Lombardstown.

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## 2 NATURA IMPACT STATEMENT

### 2.1 INTRODUCTION

Appropriate Assessment is the consideration of the impact on the integrity of the Natura 2000 site of the project, either alone or in combination with other plans or projects, with respect to the site's structure and function and its conservation objectives. Additionally, mitigation of these impacts can be considered.

In cases where an Appropriate Assessment is required a Natura Impact Statement (NIS) shall be prepared and shall include a report of a scientific examination of evidence and data, carried out by competent persons to identify and classify any implications for Natura 2000 sites in the view of the conservation objectives of the site. The aim of the assessment is to provide a sufficient level of information to the competent authority on which to base their appropriate assessment of the plan or project. The plan or project should be fully described particularly in relation to the aspects that could interact with the surrounding environment.

The proposed development at Dairygold Lombardstown will not constitute extensive development, pertaining for the most part to extension and refurbishment of existing facilities. The proposed development has been fully described in the Screening for Appropriate Assessment (16718-6009-A – Screening for Appropriate Assessment for proposed development at Dairygold Agri-Business Ltd., Feed Mill & Grain Operations facility, Lombardstown, Co. Cork). A brief overview of the proposed development is outlined below.

- Change of use and alterations of an existing single storey laboratory building to meeting rooms and ancillary areas;
- Alterations and refurbishment of an existing single storey office building to form a two storey office building;
- Extension and alteration of an existing maintenance building and canteen;
- Construction of a new two storey laboratory building;
- Construction of new car parking and associated works;
- Construction of a new boundary wall and fence;
- Upgrade of an existing wastewater treatment plant and addition of a petrol interceptor;
- Construction of site lighting and ancillary site works.

The focus of the assessment is to determine whether the proposed development will have a significant negative impact on the target features (i.e. features of interest of the Natura 2000 site or reason for designation). This assessment identifies the environmental aspects of the project that will interact with the ecological requirements or sensitivities of the target features, and in this case the potential for polluting material to enter the SAC through hydrological pathways during the construction and operation of the proposed development causing potential indirect or cumulative impacts to the *Blackwater River SAC*.

The test of the assessment is whether the project will have 'an adverse effect on the integrity of the site'. Where potentially significant effects are identified, proven mitigation measures will be recommended.

## 2.2 NATURA 2000 SITES

It has been concluded in the Screening for Appropriate Assessment that the proposed development is likely to have a significant effect, or significant effects cannot be ruled out at this stage, on the following Natura 2000 site:

- Blackwater River (Cork/Waterford) SAC (Site code: 002170).

When Natura 2000 sites are selected for stage 2 assessments, then all the qualifying features of conservation interest must be included in that stage of the assessment. However, when assessing impact, qualifying features are only considered relevant where a credible or tangible source-pathway-receptor link exists between the proposed development and a protected species or habitat type. In order for an impact to occur, there must be a risk initiated by having a 'source' (e.g. nearby watercourse), a 'receptor' (e.g. a protected species associated aquatic or riparian habitats), and an impact pathway between the source and the receptor (e.g. a watercourse which connects the proposed development site to the site designated for the protection of the aforementioned species). Identifying a risk that could, in theory, cause an impact does not automatically mean that the risk event will occur, or that it will cause or create an adverse impact.

Identification of the risk does mean that there is a latent possibility of ecological or environmental damage occurring, with the level and significance of the impact depending upon the nature of the risk, the extent of the exposure to the risk and the characteristics of the receptor. Therefore, bearing in mind the scope, scale, nature and size of the project, its location relative to the distribution of the species and habitats listed and the degree of connectedness that exists between the project and the potential receptors, it is considered that not all of them are within the zone of potential impact of the proposal. An evaluation based on these factors to determine which species and habitats are the plausible ecological receptors for potential impacts of the unmitigated proposal has been conducted in section 2.2.1 below. This evaluation determined that certain habitats and species (listed in Table 1 below) should be selected for further assessment as plausible ecological receptors.

### 2.2.1 Natura 2000 Site

#### 2.2.1.1 Description of the Natura 2000 site

The River Blackwater is one of the largest rivers in Ireland, draining a major part of County Cork and five ranges of mountains. The site consists of the freshwater stretches of the River Blackwater as far upstream as Ballydesmond, the tidal stretches as far as Youghal Harbour and many tributaries, the larger of which includes the Licky, Bride, Flesk, Finisk, Araglin, Awbeg (Buttevant), Clyda, Glen, Allow, Dalua, Brogeen, Rathcool, Finnow, Owentaraglin and Awnaskirtaun. The extent of the Blackwater, and its tributaries in this Natura 2000 site, flows through the counties of Kerry, Cork, Limerick, Tipperary and Waterford.

The site is a candidate SAC selected for alluvial wet woodlands and Yew wood, both priority habitats listed on Annex I of the E.U. Habitats Directive. The site is also selected as a candidate SAC for floating river vegetation, estuaries, tidal mudflats, *Salicornia* mudflats, Atlantic salt meadows, Mediterranean salt meadows, perennial vegetation of stony banks and old Oak woodlands, all 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 - Sea Lamprey, River Lamprey, Brook Lamprey,

Freshwater Pearl Mussel, White-clawed Crayfish, Twaite shad, Allis shad, Atlantic salmon, Otter and the Killarney Fern.

The Blackwater River is notable for being one of the best salmon fishing rivers in the country. Sea Trout ascend the lower reaches and one of its tributaries, the Bride. The Blackwater is noted for its run of salmon over the years. The river is characterised by mighty pools, glides and generally, a good flow of water coming through except in very low water. Spring salmon fishing can be carried out as far upstream as Fermoy and is very highly regarded especially at Careysville.

The site supports many of the mammal species occurring in Ireland. Those which are listed in the Irish Red Data Book include Pine Marten, Badger and Irish Hare. The bat species Natterer's Bat, Daubenton's Bat, Whiskered Bat, Brown Long-eared Bat and Pipistrelle, are to be seen feeding along the river, roosting under the old bridges and in old buildings.

Overall, the River Blackwater is of considerable conservation significance for the occurrence of good examples of habitats and of populations of plant and animal species that are listed on Annexes I and II of the E.U. Habitats Directive.

#### 2.2.1.2 Identification of Potentially Significant Impacts to Qualifying Features

The following table lists the qualifying features of the Blackwater River (Cork/Waterford) SAC (Site Code 002170) and evaluates through a scientific examination of evidence and data whether or not these features should or should not be selected for further assessment in the NIS. The qualifying features that are selected for further assessment are discussed further in the section followed by an assessment of potentially significant effects arising from the proposed development.

**Table 1. Identification of potentially significant impacts to qualifying features of the Blackwater River (Cork/Waterford) SAC (Site Code: 002170).**

Qualifying Feature	Potential for Significant Impacts	Rationale
Estuaries	No	Coastal habitat unlikely to be impacted by the proposal owing to the large separating distance from the proposal site
Mudflats and sandflats not covered by seawater at low tide [1140]	No	Coastal habitat unlikely to be impacted by the proposal owing to the large separating distance from the proposal site
Perennial vegetation of stony banks [1220]	No	Coastal habitat unlikely to be impacted by the proposal owing to the large separating distance from the proposal site
Salicornia and other annuals colonizing mud and sand [1310]	No	Coastal habitat unlikely to be impacted by the proposal owing to the large separating distance from the proposal site
Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) [1330]	No	Coastal habitat unlikely to be impacted by the proposal owing to the large separating distance from the proposal site
Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410]	No	Coastal habitat unlikely to be impacted by the proposal owing to the large separating distance

		<i>from the proposal site</i>
Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]	Yes	Freshwater habitat potentially impacted by water quality impairment
Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in British Isles [91A0]	No	Forest habitat unlikely to be impacted by the proposal owing to large separating distance from the proposal site
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> ) [91E0]	No	Forest habitat unlikely to be impacted by the proposal owing to distance from the proposal site
<i>Taxus baccata</i> woods of the British Isles [91J0]	No	Forest habitat unlikely to be impacted by the proposal owing to distance from the proposal site
<i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]	Yes	Aquatic species occurring in the Blackwater main channel in close proximity and downstream of the proposal site. Very sensitive to water quality impairment
<i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]	Yes	Aquatic species recently recorded downstream of the proposal site, upstream of Mallow. Sensitive to water quality impairment
<i>Petromyzon marinus</i> (Sea Lamprey) [1095]	Yes	Aquatic species occurring in the Blackwater main channel
<i>Lampetra planeri</i> (Brook Lamprey) [1096]	Yes	Aquatic species occurring in the Blackwater main channel
<i>Lampetra fluviatilis</i> (River Lamprey) [1099]	Yes	Aquatic species occurring in the Blackwater main channel
<i>Alosa fallax fallax</i> (Twaite Shad) [1103]	No	Aquatic species occurring in the estuarine areas of the Blackwater. It has been noted that a weir located at Careysville, downstream of Fermoy, is likely to constitute a barrier to their movement upstream beyond that point (King, et al., 2004).
<i>Salmo salar</i> (Salmon) [1106]	Yes	The main channel of the Blackwater is a designated Salmonid river under the Quality of Salmonid Waters regulations (S.I. 293/1988). The Atlantic salmon is a host to the larval stage of the freshwater pearl mussel and sensitive to water quality impairment.
<i>Lutra lutra</i> (Otter) [1355]	Yes	Semi-aquatic species which has potential to be indirectly impacted by water quality impairment
<i>Trichomanes speciosum</i> (Killarney Fern) [1421]	No	Terrestrial species unlikely to occur in this area as suitable habitat not available

### 2.2.1.3 Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation

'Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation [3260], is a freshwater habitat found in sections of water courses with natural or semi-natural dynamics (minor, average and major beds) where the water quality shows no significant deterioration (EDG, 2007). Because floating river vegetation communities are found along much of the freshwater stretches within the site (see Site synopsis 002170), it is likely that this habitat is within the zone of impact influence of the proposal. The primary pressures on this habitat are considered to be eutrophication, overgrazing, excessive fertilisation, afforestation and the introduction of invasive alien species. The current conservation status of this habitat type is bad (NPWS, 2008).

### 2.2.1.4 Freshwater Pearl Mussel (*Margaritifera margaritifera*)

Ireland is said to support up to 46% of the known populations of the freshwater pearl mussel (*M. margaritifera*) within the European Union (Anon, 2010). The freshwater pearl mussel is listed under Annex II of the EU Habitats Directive and is one of the species for which the *Blackwater River SAC* has been designated. Freshwater pearl mussels have a complex life cycle. They mature between seven and fifteen years of age and can have a prolonged fertile period lasting into old age. The larvae (glochidia) initially attach to the gills of salmonid fish hosts which provide nourishment, before they become large enough for independent development in the river bed. After excysting from host fish juvenile mussels survive in the interstices of the substrate, comprised of a stable combination of sand, gravels and cobbles, where good oxygen exchange occurs. A covering of fine silt may prevent this and cause heavy mortalities. In summary, the freshwater pearl mussel requires very high quality rivers with clean river beds and waters with very low levels of nutrients without artificially elevated levels of siltation. The *Blackwater River* has a water quality status of moderate, the pearl mussel requires high quality water.

With regard to the measures required to rehabilitate the population in the *Blackwater River SAC*, it is noted in the Munster *Blackwater Sub Basin Management Plan* that the timescale required to rehabilitate the species is longer than the "timescale of survival of the remaining mussels in the wild" (Anon, 2010, p.45). Of the remaining populations in Ireland it is estimated that at least 90% will "probably never breed successfully again" (Moorkens, 2006, cited in Byrne et al., 2009). The principal threat to this species is poor substrate quality due to increased growth of algal and macrophyte vegetation as a result of severe nutrient enrichment, as well as physical siltation. The river quality of the *Blackwater* has been reduced due to nutrient enrichment and siltation from agriculture, forestry, sewage and industry and very heavy in-stream sediment loads are common along its length (Anon, 2010). Freshwater pearl mussel is listed as critically endangered in the Republic of Ireland in the most recent review of local IUCN threat status of Irish molluscs. Its overall conservation status in Ireland is 'Unfavourable' (NPWS, 2008).

The published current distribution for this species<sup>1</sup> includes the 10km square which incorporates the location of the proposal considered in this document. Much of the following information above is

<sup>1</sup> Species distribution mapping published in NPWS, 2012

derived from the Freshwater Pearl Mussel Munster Blackwater Sub-basin Management Plan (NS 2, 2010). It is likely that a scattered population at least exists over the wide area from upstream of Mallow to Fermoy (and indeed from as far upstream as Knocknagree to as far downstream as Lismore). A significant concentrated population of freshwater pearl mussel in the Blackwater River occurs along approximately 10km stretch between the Finnow and Fiddane River tributaries, either side of Mallow. The main ecological pressures within the Blackwater catchment are from diffuse (forestry, on-site WWTS) and point (WWTPs, quarries, contaminated lands) pollution sources. A summary of relevant freshwater pearl mussel studies carried out in the *Blackwater River SAC* between 2005 and 2010 can be summarised as follows:

- A survey by Moorkens in 2004 in the Clyda area, 2 km upstream of Mallow yielded two living mussels and 300 dead shells from 500m of river. Siltation of the mussels caused by instream works was believed to be the cause of the mussel kill.
- A Stage 1 (presence/absence) non-continuous survey of the pearl mussel was carried out in the River Blackwater in September 2008 by Ecoserve, from approximately 6 km upstream to 6 km downstream of Mallow, Co. Cork. Mussels were found at 19 of the 38 examined locations. The mussel was found at every site examined upstream of Mallow town, in some places in relatively high density. Downstream of Mallow town, 42 *Margaritifera* was recorded from only one station. At a location along the north bank of the river adjacent of the Sugar Factory, an estimated density of up to 50-60 individuals per m<sup>2</sup> was found beneath overhanging trees.

The information from the surveys outlined above suggests that whilst pearl mussels still may be relatively widespread in the Blackwater, and there are still small localised areas with moderately high densities, the numbers have declined, and the population is composed entirely of aged adults with no evidence of recruitment for at least 20 years. From the information available to date and from the habitat conditions in the river, there is good evidence that the pearl mussel population has not reproduced sustainably since perhaps the 1950's and is still extant only through the longevity of individuals that were born in the first half of the last century. The population is in decline due to depressed river quality from nutrient enrichment and siltation from agriculture, forestry, sewage and industry.

It is very difficult to estimate numbers of mussels remaining in the river. While it is likely to be considerably less than 10,000, it may even be reduced to the 100's. The prognosis for the population is very poor. Any measures towards the rehabilitation of juvenile mussel conditions are likely to be slow to achieve, there is a large body of sediment already within the river bed that could take decades to be removed. The timescale of measures are therefore longer than the timescale of survival of the remaining mussels in the wild.

#### 2.2.1.5 *White-clawed Crayfish (A. pallipes)*

In Ireland, the white-clawed crayfish most commonly occurs in small and medium-sized lakes, large rivers, streams and drains, wherever there is sufficient lime (Reynolds, 2007). The species prefers relatively cool temperatures and adequate dissolved oxygen and lime, although it is capable of tolerating significant fluctuations. Juveniles live among submerged tree-roots, gravel or aquatic

plants, while larger crayfish need stones to hide under, or earthen banks in which to burrow. Crayfish show little activity during the winter period (December to March), spending most of their time torpid in refuges. They become more active when the water temperature increases. Females carry their eggs over winter attached in a dense cluster under their tails (Peay, 2003) and they require undisturbed shelter over a prolonged winter-spring period.

White-clawed crayfish eat a wide range of food including fallen leaves, aquatic vegetation, dead fish, aquatic invertebrates such as snails and caddis-fly larvae, and other dead or live crayfish. They have a wide range of predators; juveniles are eaten by fish, birds and invertebrate predators, adults are taken by large predators; heron, otter and mink. The crayfish try to avoid predation by hiding in refuges by day and coming out at night, when most birds and fish are resting.

The overall conservation status of the white-clawed crayfish in Ireland is poor, due to the reduction of range and the continuing pressures that it faces (NPWS, 2008). Records retained at the NBDC include a 2009 record for white clawed crayfish at a location downstream of Mallow at an approximate linear distance of 14km from the proposal site. It is presumed in light of the aforementioned direct evidence and on the basis of the precautionary principle, that this species is potentially present within the zone of impact influence of the proposal.

#### 2.2.1.6 Sea lamprey (*P. marinus*)

Sea lampreys spend their adult life in marine and estuarine waters, living as external parasites on other fish species. They migrate up rivers to spawn in areas of clean gravels and after they have spawned, they die. After hatching, the young larvae settle in areas of fine sediment in still water, where they burrow. They live as filter feeders and may remain in fine sediments for several years before transforming into adult fish. Sea lampreys, which can grow up to 1m in length, are widely distributed around the coast. However they tend to occur in low densities. Overall, the conservation status of the sea lamprey in Ireland is considered to be poor (NPWS, 2008). Juveniles have been recorded as having a wide distribution within the Blackwater system, ranging from the headwaters to the lower reaches of the system (King, *et al.*, 2004) with spawning activity recorded downstream of the proposal site (Kurz and Costello, 1999 cited in King, *et al.*, 2004).

#### 2.2.1.7 Brook lamprey (*L. planeri*) and River lamprey (*L. fluviatilis*)

The river lamprey grows to 30cm and has a similar life history to the sea lamprey. The brook lamprey is the smallest of the three lampreys native to Ireland at 15 to 20cm. It is also the only one of the three which is non-parasitic and spends all its life in freshwater. Despite the difference in ecology, brook and river lamprey are very similar genetically and extremely difficult to distinguish from each other. Juvenile river and brook lampreys cannot be discriminated and metamorphosed individuals can only be distinguished on the basis of dentition (King *et al.*, 2004). As a result, for the purposes of this assessment, the brook and river lampreys have been treated together. Both are species of qualifying interest for the *Blackwater River (Cork/Waterford)* SAC and the current known distribution for these species includes the 10km square within which the proposal considered in this document occurs. Juvenile habitat occurs at the confluence of the Duvglasha River with the Blackwater River. The current conservation status of these species in Ireland is considered to be good (NPWS, 2008).

#### 2.2.1.8 Atlantic salmon (*S. salar*)

Atlantic salmon is a species of qualifying interest for the *Blackwater River SAC*. It is an anadromous species, living in freshwater for at least the first 2 or 3 years of life before migrating to sea. Relatively large cool rivers with extensive gravelly bottom headwaters are essential during their early life. Smolts migrate to sea where they may live for 1 or 2 years before returning to freshwater. A decline in Salmon stocks is well recognised in Ireland and throughout the range of the North Atlantic Salmon and is attributed to several factors including the salmon disease Ulcerative Dermal Necrosis (UDN), poor marine survival and some overfishing. The NPWS suggest that agricultural enrichment, forestry related pressures and poor water quality resulting from inadequate sewage treatment are the major pressures affecting Irish salmon rivers (NPWS 2007). The main channel of the River Blackwater is an important salmon fishery and it is a designated Salmonid Water under the EU Freshwater Fish Directive (78/659/EEC). In this respect, there is a legal obligation for the water quality of the river to meet the standards as set out in the EC Quality of Salmonid Regulations 1988 (SI 293/1988).

#### 2.2.1.9 Otter (*L. lutra*)

The otter is a species of qualifying interest for the *Blackwater River SAC* and its overall conservation status is poor (NPWS, 2008). The SAC is considered one of the most important sites for otter in the country. The otter is widespread throughout the country, in freshwater and coastal habitats, and Ireland has long been considered to hold one of the most important otter populations in Western Europe (Whilde, 1993). Due to a decline in the population in Europe, including Ireland, the otter has been listed in Annex II of the EU Habitats Directive and Appendix II of the Berne Convention. It is also protected under the Wildlife Acts 1976 and 2000. It is listed in the Red Data Book (Whilde, 1993) as vulnerable.

The two major threats facing otters in Europe are habitat destruction and water pollution (from NPWS, 2009) and the current conservation status for the species is considered 'Unfavourable-Inadequate' (NPWS, 2008). In an Irish context the main four threats have been assessed to be direct and indirect habitat destruction, pollution (particularly organic pollution resulting in fish kills), disturbance from increasing recreational activities and accidental death and persecution (Foster-Turley, *et al.*, 1990).

#### 2.2.1.10 Kingfisher (*A. atthis*)

Kingfisher is a resident species in Ireland found throughout the country all year round. The Blackwater River is known to provide suitable nesting and feeding habitat for Kingfisher. This species is dependent on good water quality for a sufficient food supply. Kingfisher feed mainly on small fish species such as stickleback and minnow. Kingfisher is not a designated species of the Blackwater River (Cork/Waterford) SAC. It is however listed on Annex I of the European Birds Directive, and therefore, by applying the precautionary principal, indirect impacts of the proposal on this species are assessed.

## 2.3 ASSESSMENT OF POTENTIALLY SIGNIFICANT EFFECTS

### 2.3.1 Habitat loss or alteration

The *Blackwater River SAC* site has been designated for 10 Habitats Directive Annex I habitats. One habitat has been selected for assessment:

- *Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation*

There will be no direct loss of designated habitats within the *Blackwater River SAC*. However, a combined treated discharge from the site is released to the Duvglasha River, a tributary and component of the *Blackwater River SAC*. As a consequence, indirect habitat loss or alteration impacts caused either by the ingress of suspended solids or by water pollution impacts or by a combination of these impacts, could occur within the *Blackwater River SAC*, during both the construction phase and the operational phase of the proposal. Therefore, it cannot be objectively concluded that significant indirect impacts, albeit tenuous, on the *Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation* habitat will not ensue from the current unmitigated proposal. The potential for water quality impairment is discussed in sections 2.3.3 and 2.3.4 below.

### 2.3.2 Disturbance and or displacement of species

#### 2.3.2.1 Aquatic Fauna

##### Freshwater pearl mussel (*Margaritifera margaritifera*)

Freshwater pearl mussel is known to occur along the stretch of River Blackwater immediately adjacent to the proposal site and therefore there is a potential risk to this species from the unmitigated proposal. There is also a risk of negative impact to this species because of its complex life cycle which includes a larval stage when they are dependent on salmonid fish hosts. It is possible that these salmonids could be in the impact zone of the development when they migrate further upstream. The main potential risk to the mussel posed by the proposed development is the threat of sedimentation and pollution of waterways during the construction phase and operational phase of the proposal. Therefore, it cannot be objectively concluded that significant indirect impacts on the freshwater pearl mussel will not ensue from the current unmitigated proposal.

##### White-clawed crayfish (*Austropotamobius pallipes*)

The main potential risk posed by the proposed development is the threat of sedimentation and pollution of waterways during the construction phase and operational phase of the proposal. On-site storm water is currently discharged to the Duvglasha River, which in turn discharges to the Blackwater a further 0.2km from the proposal site. Operational discharges will continue to be discharged to the Duvglasha River during operation of the site post construction. The distribution of the white-clawed crayfish in the *Blackwater SAC* appears to be wider than previously thought, with new records of the species occurring in the Awbeg and Clyda river sub-catchments in recent years.

Therefore, it cannot be objectively concluded that significant indirect impacts -on the white-clawed crayfish will not ensue from the current unmitigated proposal.

#### Sea lamprey (*Petromyzon marinus*)

The main potential risk posed by the proposed development is the threat of sedimentation and pollution of waterways during the construction phase and operational phase of the proposal. Sea lamprey is known to spawn in the main channel of the Blackwater River and juveniles having a widespread distribution. Therefore, it cannot be objectively concluded that significant indirect impacts on the sea lamprey will not ensue from the current unmitigated proposal.

#### Brook lamprey (*Lampetra planeri*) [1096] and River lamprey (*Lampetra fluviatilis*)

There is a potential risk of a negative impact on these species from the unmitigated proposal. The main potential risk posed by the proposed development is the threat of sedimentation and pollution of waterways through discharges during the construction and operational phases of the proposed development. Brook lamprey is known to occur in the same 10km square as the proposed development site. Therefore, it cannot be objectively concluded that significant indirect impacts on lamprey will not ensue from the current unmitigated proposal.

#### Salmon (*Salmo salar*)

The main potential risk posed by the proposed development is the threat of sedimentation and pollution of waterways and consequent potential loss of spawning habitat during the construction phase and operational phase of the proposal. The Blackwater River is a designated salmonid watercourse. Therefore, it cannot be objectively concluded that significant indirect impacts on salmon will not ensue from the current unmitigated proposal.

Potential water quality impairment impacts are discussed in sections 2.3.3 and 2.3.4 below.

### 2.3.2.2 Terrestrial Fauna

#### Otter (*L. lutra*)

The proposal considered in this document could potentially pose a risk of water quality degradation through sedimentation and/or pollution. This could impact the otter indirectly through the reduced availability of prey. Therefore, it cannot be objectively concluded that significant indirect impacts on the otter will not ensue from the current unmitigated proposal.

#### Kingfisher (*A. atthis*)

The proposal considered in this document could potentially pose a risk of water quality degradation through sedimentation and/or pollution. This could impact the kingfisher indirectly through the reduced availability of prey. Therefore, it cannot be objectively concluded that significant indirect impacts on the kingfisher will not ensue from the current unmitigated proposal.

Potential water quality impairment impacts are discussed in sections 2.3.3 and 2.3.4 below.

### 2.3.3 Water quality and resource

As mentioned previously, the proposal site discharges storm and waste water to the Duvglasha River, a component part of the Blackwater River (Cork/Waterford) SAC, approx. 0.2km west of the

Dairygold facility. This in turn discharges to the Blackwater River main channel a further 0.2km downstream of the discharge point. There is a possible risk of entry of pollutants to the Duvglasha River during construction phase of the proposed development. Operational discharges could also be transported to the wider *Blackwater River SAC*. In the event that ingress of pollutants should occur this could potentially cause loss of habitat due to sedimentation/siltation of spawning grounds.

All aquatic qualifying interest species are vulnerable to any ingress of suspended solids or deleterious material with salmon and freshwater pearl mussel considered particularly vulnerable. In the absence of adequate mitigation, contamination of the onsite drainage system and the Duvglasha River with suspended solids and or other pollutants may have the potential to impact on water quality or potential spawning and nursery areas for these and other species within the *Blackwater River SAC* and this is the potentially significant impact of the proposal. Pollution of the local watercourse could result in a significant negative impact on the *Blackwater River SAC* and could result from:

1. *Pollution of watercourses with suspended solids due to contaminated run-off from excavations during construction.*
2. *Pollution of watercourses with nutrients adsorbed or chemically bound to eroded suspended solids released during excavations.*
3. *Pollution of watercourses with cementitious material from construction areas.*
4. *Pollution of watercourses with oils or fuels due to run-off from operating machinery or refuelling operations.*
5. *Pollution of watercourses due to increased volumes of wastewater owing to increased staff during operation at the proposal site.*
6. *Pollution of watercourses due to contamination of storm water.*

In the absence of adequate mitigation measures, pollution of water courses from any of the above possible sources has the potential to impact on qualifying interests, aquatic species, otter, kingfisher and freshwater habitat within the *Blackwater River SAC*. This is the most significant potential impact of the proposed development. The impact, if it resulted in a severe pollution event, would be classified as a significant negative impact on the adjacent Duvglasha River and on the *Blackwater River SAC*. A number of species of qualifying interest could be affected, particularly if spawning success of these species was negatively impacted. Additional impacts would occur, particularly to otter and kingfisher, should availability of prey be reduced.

#### *2.3.3.1 Potential risk to storm water quality during the construction phase*

The storm water drainage system is currently fitted with silt traps and a petrol interceptor. A number of water quality protection measures will be employed throughout the construction phase of the proposed development, which are designed to protect the controlled site drainage system by isolating and treating water contaminated with silt, cement and other construction materials during each phase of the development, as outlined below:

- A temporary drain will be set up around each construction area of works during the construction phase,
- Run-off to these drains will be isolated from the existing site storm water drainage system,
- The run-off will be diverted through a series of silt traps to filter and remove potentially polluting silts/sediments,
- Filtered run-off will rejoin the controlled storm water drainage system for final discharge.

The temporary drains around construction areas of works will be inspected regularly for faults and leaks. Records of all inspections will be maintained onsite. This will form part of the CEMP for the development. It is proposed to connect the new development into the existing drainage system.

#### *2.3.3.2 Potential risk to storm water quality during the operational phase*

The drainage report prepared for this proposed development concluded that the volume of storm water arising from the new development areas will be low enough not to warrant extra attenuation over what already exists at the site. The proposed development will result in only one new building at the existing site; the majority of the development will constitute the extension and refurbishment of existing buildings. By way of compensation, it is proposed to install an additional 1m<sup>3</sup> of storm water attenuation and associated silt trap with the proposed Grain Store development (subject to a separate planning application due for submission in 2016).

A new Class 1 Bypass Petrol Interceptor will be installed on the existing drainage system to supplement the existing petrol interceptor. These proposed upgrades will maximise control of future operations at the facility and are considered appropriate to ensure compliance with the ELV's as set out in the facility's discharge licence (W.P.(W) 03/12(R)). Adequate and appropriate mitigation to control and monitor run-off during the construction phase will further prevent contamination of discharges to the *Blackwater River SAC*. Proposed mitigation measures are outlined in Section 2.5.

#### *2.3.3.3 Potential risk to waste water quality during the operational phase*

The site currently operates under a Cork County Council regulated Wastewater Discharge Licence (WP(W)03/12(R)), subject to a number of conditions which act to control the quality of the discharge from the site. Emissions to Surface Waters from the installation and the capacity of the Duvglasha River to receive wastewater discharges from the Dairygold site were reviewed by the Local Authority in 2011 under the European Communities Environmental Objectives (Surface Water) Regulations 2009 [S.I.No.272 of 2009]. The outcome of the review was a renewal of the facility's former licence W.P (W) 11/07.

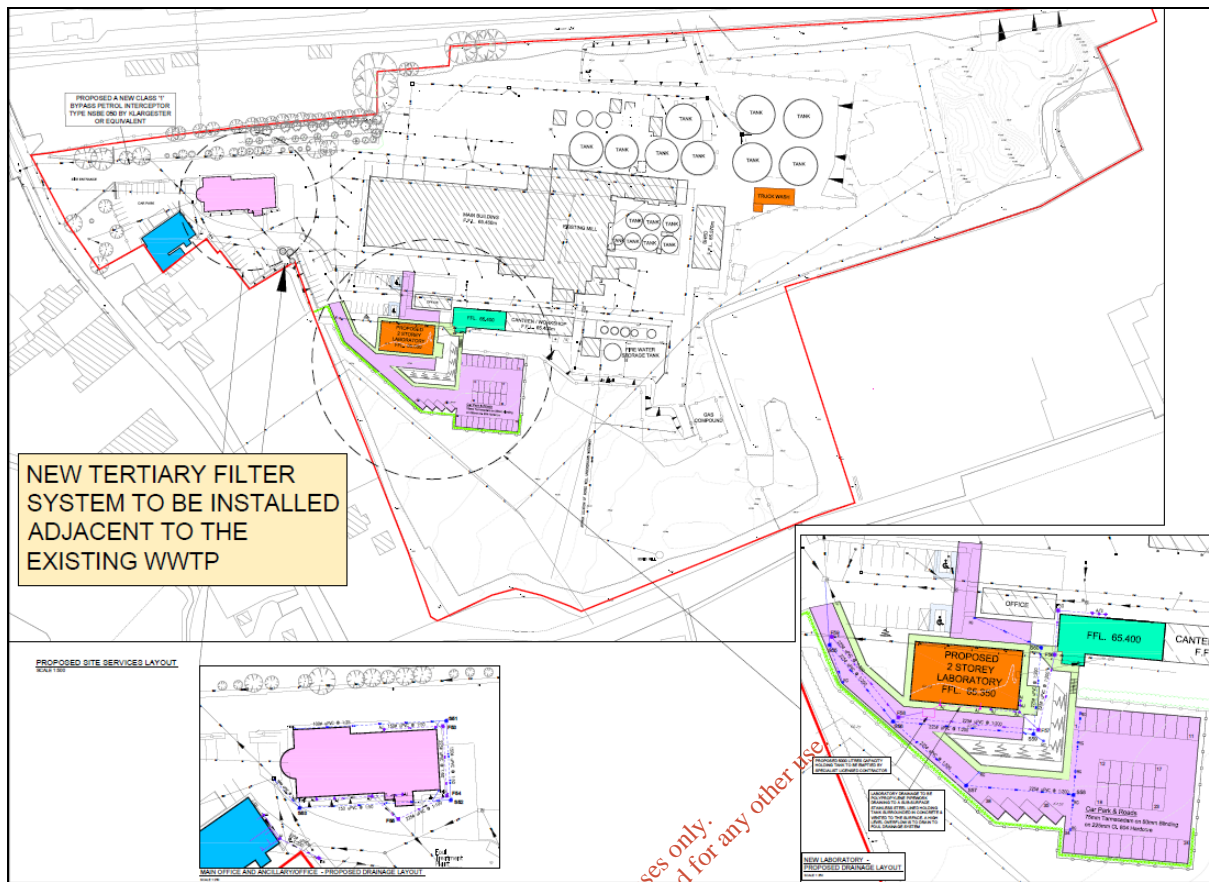
Section 2 of this licence imposes the following standards for the wastewater discharge. The current discharge licence W.P. (W) 03/12 (R) applies two different emission points, Emission Point 1, which is an internal emission, while Emission Point 2 is a combination of storm and treated wastewater, which is discharged to the Duvglasha River.

**Table 2: Discharge Limits**

Parameter	Emission Point 1 WWTP	Emission Point 2 Combined discharge
pH	6.5 – 8.5	6.5 – 8.5
Temperature	25°C	25°C
BOD	20 mg/l	10 mg/l
Suspended solids	30 mg/l	30 mg/l
FOG	10 mg/l	5 mg/l
Detergents	5 mg/l	5 mg/l
Total N	25 mg/l	15 mg/l
Orthophosphates	2 mg/l	1 mg/l
Total Ammonia	5 mg/l	2.5 mg/l

The emission limit values set out in the revised licence were determined with the aim to ensure compliance with the Surface Water Regulations water quality standards and ensure no adverse impact on the water quality of the receiving water body. There will be no change in terms of the type of trade wastewater streams generated from the Dairygold Agri Business Ltd facility as a result of the new development proposals. As per the current scenario, wastewater generated by the site activities will remain limited to wastewater generated from the canteen, laboratory and toilet facilities. There will however be a slight increase in the volume of wastewater generated due to a predicted increase in staff numbers. A site specific drainage report (Document No. 16718-6007A) prepared as part of the planning application, provide information on the future wastewater loads for the new development proposals and provides analysis of the site foul wastewater facilities to deal with these projected wastewater loads. The report indicates that the existing on-site WWTP has the capacity to handle the increased loading and that the WWTP as installed is capable of meeting the Discharge Licence standards for Emission Point 1.

Compliance with the lower emission limits for Emission Point 2 however cannot be guaranteed. Information made available by the Applicant provides that non-compliances have occurred in the past. It is therefore being proposed as part of the planning application Reg No 15/5743 to add a tertiary filter treatment stage to ensure compliance with the Emission Point 2 standard. This filter will be located adjacent to the existing WWTP. Figure 1 shows the location of the proposed tertiary treatment.



**Figure 1: Proposed site layout. Proposed development area highlighted. Refer to Proposal Drawing Reference Number: 16718-5051-B**

In addition, to further improve the on-site management of wastewater, it is also proposed to install a holding tank for the sink wastes from the new laboratory. The tank is to facilitate temporary holding of wastewater associated with the onsite laboratory. This will ensure laboratory sink wastewaters are kept isolated from the domestic wastewater system until they can be shown to be acceptable to dispose of in a controlled manner to the on-site WWTP. In the event that the contents of this tank are unsuitable for disposal to the on-site WWTP, the tank will be emptied by a licensed contractor. Significant water quality impacts are considered unlikely to occur owing to the proposed WWTP upgrade in conjunction with appropriate mitigation measures. Proposed mitigation measures are outlined in Section 2.5.

## 2.4 ASSESSMENT OF POTENTIALLY SIGNIFICANT CUMULATIVE EFFECTS

Cumulative impacts on water quality during the construction phase have the potential to occur. A proposed Grain Store development at the site will be subject to a separate planning application process. It is considered unlikely, should the two developments coincide, that cumulative impacts to water quality will occur, owing to the water quality protection measures that will be implemented during the construction phase of this proposal and the proposed attenuation of development site surface water to control run-off during the construction phase. These measures will isolate potentially contaminated construction waters and control storm water run-off thus preventing cumulative impacts to the SAC during the construction and operation phases of the proposed development.

Operational discharges in combination with surrounding municipal discharges and landuses may lead to cumulative water quality impacts in the *Blackwater River SAC*. The Blackwater River is the receiving water for a number of point and diffuse sources of pollution, arising from municipal and agricultural discharges in particular. The preceding section showed that any increases in load to the WWTP can be adequately catered for with the current system. Proposed upgrading of the WWTP will further ensure adequate treatment and discharge of wastewater from the site. The current discharge licence for the facility outlines a number of conditions and emission limits which must be complied with in order to protect the quality of the receiving waters. In light of past non-compliances with these ELV's, it is considered that a number of adequate and appropriate mitigation measures will be required to ensure prevention of in combination impacts to water quality. Proposed mitigation measures are outlined below in Section 2.5.

## 2.5 MITIGATION

### 2.5.1 Design Mitigation

A number of mitigation measures have been incorporated into the project design in order to reduce the likely significance of the impacts on the Natura 2000 sites as outlined above. Considering that the project design will include upgrading of the current site drainage system to include a 340m<sup>3</sup> attenuation tank, tertiary WWTP treatment and an additional petrol interceptor to ensure compliance with its discharge licence ELV's, the main concern is the potential impacts on the water quality of watercourses within the *Blackwater River SAC* during the construction phase, and the subsequent impacts on the aquatic species of qualifying interest. In order to avoid or reduce the risks associated with these potential impacts, the following mitigation measures will be incorporated into the CEMP.

#### 2.5.1.1 Design Mitigation – Operation

- Monitoring and sampling of the discharges from the site should be undertaken in accordance with the Trade Effluent Discharge Licence W.P. (W) 03/12 (R)
- It is recommended to install a diversion mechanism on the drainage system to close off discharge in the event of an incident.

#### 2.5.1.2 Design Mitigation - Construction

##### 2.5.1.2.1 Wastewater management

- A temporary surface water drainage system will be implemented around construction areas of work during the construction phase to control and isolate run-off.
- This isolated run-off will be diverted through a series of silt traps before joining the controlled storm water system on the site for final discharge.
- The temporary drainage will be inspected and monitored regularly and records will be maintained on-site.
- Concrete trucks will only be permitted to wash chutes in a designated bunded area within the site. Wash out of the main drum will not be permitted on-site, with concrete trucks being required to return to the supplier to facilitate drum wash out.

#### 2.5.1.2.2 Fuel management

- Mobile bowsers, tank and drums will be stored in secure, impermeable storage area, away from drains and open water
- Fuel containers must be stored within a secondary containment system e.g. bund for static tanks or a drip tray for mobile stores
- Ancillary equipment such as hoses, pipes must be contained within the bund
- Taps, nozzles or valves must be fitted with a lock system
- Fuel and oil stores including tanks and drums should be regularly inspected for leaks and signs of damage
- Only designated trained operators should be authorised to refuel plant on-site and emergency spill kits will be present at equipment for all refuelling events
- Procedures and contingency plans will be set up to deal with an emergency, accidents or spills
- An emergency spill kit with oil boom, absorbers etc. will be kept on-site in the event of an accidental spill

### 2.5.2 Additional Construction Mitigation

#### 2.5.2.1 Protection of Watercourses (General Measures)

It is recommended that the following measures should be incorporated into the development so as to ensure no significant negative impact on site drains, watercourses and associated features of conservation interest:

- Raw or uncured waste concrete/ cementitious material should be disposed of by removal from the site.
- Fuelling and lubrication of equipment should be carried out in bunded areas.
- Any spillage of fuels, lubricants or hydraulic oils should be immediately contained and the contaminated soil removed from the site and properly disposed of.
- Waste oils and hydraulic fluids should be collected in leak-proof containers and removed from the site for disposal or re-cycling.
- Prior to any work it should be ensured that all construction equipment is mechanically sound to avoid leaks of oil, fuel, hydraulic fluids and grease.
- Overnight parking of vehicles in designated bunded area.

#### 2.5.2.2 Run-off and Sediment Control Plan and Measures

A Sediment and Erosion Control Plan should be designed to safeguard the water environment and incorporated into the CEMP and other surface water management measures employed during the construction phase of the proposal (see Section 2.5.1 above). The main aspects of the plan are outlined hereunder:

- Reduce changes in run-off regimes
- Control surface water run-off within and its effects outside the site
- Protect aquatic environments
- Separate clean water from construction activity affected water

- Appropriately design and specify the provision of sediment silt traps
- Prevent all sediment associated pollution entering drains, watercourses and groundwater

Erosion control where run-off is prevented from flowing across exposed ground and sediment control where run-off is slowed to allow suspended sediment to settle are important elements in run-off and sediment control. This plan should be implemented during construction to control increased run-off and associated suspended solid loads in discharging waters from the construction area. All site compound drainage should be passed through a settlement facility with the capacity to retain any accidental spillage or leakage of polluting substances. The main elements of this plan include:

- All site excavations and construction should be supervised by a suitably qualified engineer. The contractor's methodology statement should be reviewed and approved by a suitably qualified engineer prior to site operations.
- The existing storm water drains will be considered during the development of the sediment and erosion plan and will be integrated into the plan.
- Run-off from foundation concrete / cementitious material pours shall not be permitted to enter the storm water drains and shall be contained within the temporary drainage system.
- Temporary deposition areas will be designated and designed to hold temporary stockpiles of spoil. These will be located away from drains and watercourses and will have additional protection by silt trapping apparatus to prevent contaminated run-off.
- Drains carrying construction site run-off will be diverted into silt traps prior to joining the site drainage system.
- Wheel washes will be provided in a bunded area.
- Pumped or tremied concrete / cementitious material will be monitored carefully to ensure no accidental discharge into the site drainage system.
- A programme of inspection and maintenance of drainage and sediment control measures during construction will be designed and dedicated construction personnel assigned to manage this programme.
- Silt traps will be regularly inspected, any blockages cleared and they will be maintained and cleaned during dry weather.
- Records of all monitoring and maintenance will be kept on site.

It is recommended that a designated bunded and impermeable truck wash area be provided. Resultant waste water is to be isolated and diverted through appropriately sized silt trapping mechanisms prior to release to the controlled onsite drainage system. Among other things, concrete and other cementitious material will be used for the construction and the following measures should be implemented:

- Designate a concrete / cementitious material washout area away from drains and watercourses at a designated, contained impermeable area or washout trucks off-site.
- A designated trained operator experienced in working with concrete and other cementitious material will be employed during the pouring phase.

- Volumes of concrete and other cementitious material water to be pumped into a skip to settle out. Wash down water from exposed aggregate surfaces, cast-in-place concrete and from concrete trucks should be trapped on-site to allow sediment to settle out and reach neutral pH before clarified water is released to any stream or drain system or allowed to percolate into the ground. Settled solids will need to be appropriately disposed off-site.

### 2.5.2.3 Waste Control

The main contractor should engage a waste company to deal with all its wastes during construction, so all waste streams are identified at the outset and a selection of skips and bins are delivered to the contractor's compound at the outset and the waste is then managed throughout the construction phase. The contractor should prepare a Waste Management Plan. Sufficient waste storage should be supplied near to all working areas.

### 2.5.2.4 Storage

The storage of materials, containers, stockpiles and waste, however temporary, should follow best practice at all times and be stored at designated areas. Storage should be located as follows:

- Away from and down gradient of drains and watercourses
- Fuel oils etc. should be stored on a sheltered dry bunded site well removed from storm water drains
- On an impermeable base
- Under cover to prevent damage from the elements
- In secure areas
- Well away from moving plant, machinery and vehicles
- On land not required until later in the development

All containers should be stored upright and clearly labelled. Sufficient storage should be supplied near to all working areas.

## 2.6 RESIDUAL IMPACTS

Provided that the recommended mitigation measures are implemented in full, it is not expected that significant impacts will result to the qualifying features identified for appraisal in this NIS and thus it is not expected that the proposal will have an adverse impact on Natura 2000 sites.

## 2.7 CONCLUSION

It is considered that subject to the recommended mitigation measures being implemented, it is not expected that the proposed development will result in an adverse residual impact on the Natura 2000 sites considered in this NIS, namely:

- Blackwater River (Cork/Waterford)SAC (Site Code:002170)

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**Malachy Walsh and Partners**  
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**Screening for Appropriate Assessment**  
Proposed new development at Dairygold Agri-  
Business Ltd., Feedmill & Grain Operations  
Facility, Lombardstown, Co. Cork  
Cork County Council Planning Reference 15/05743

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## 1 SUMMARY OF FINDINGS

### 1.1 SCREENING FOR APPROPRIATE ASSESSMENT

<b>Project Title</b>	Proposed extension and refurbishment
<b>Project Proponent</b>	Dairygold Agribusiness Ltd.
<b>Project Location</b>	Lombardstown, Mallow, Co. Cork.
<b>Screening for Appropriate Assessment</b>	The Screening for Appropriate Assessment is undertaken to determine the potential for likely significant effects of a project individually, or in combination with other plans or projects, in view of the conservation objectives of the site on a Natura 2000 Site.
<b>Conclusion</b>	It has been objectively concluded that the Blackwater River (Cork/Waterford) SAC may be significantly impacted by the proposal. Hence, the recommendation of the screening process is to proceed to Stage 2: Natura Impact Statement

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## 2 INTRODUCTION

### 2.1 PURPOSE OF ASSESSMENT

This Screening for Appropriate Assessment has been undertaken to determine the potential for significant impacts of proposed works, as set out in planning application ref 15/05743 at the Dairygold Agri-Business facility in Lombardstown, Co. Cork, on nearby sites with European conservation designations (i.e. Natura 2000 Sites).

This Screening for Appropriate Assessment has been undertaken by Malachy Walsh and Partners (MWP).

### 2.2 LEGISLATIVE CONTEXT

The Habitats Directive (92/43/EEC) seeks to conserve natural habitats and species of wild fauna and flora by the designation of Special Areas of Conservation (SACs) and the Birds Directive (79/409/EEC) seeks to protect birds of special importance by the designation of Special Protected Areas (SPAs). It is the responsibility of each member state to designate SPAs and cSACs, both of which will form part of Natura 2000, a network of protected sites throughout the European Community. Further information is available at:

<http://ec.europa.eu/environment/nature/legislation/habitatsdirective/>

<http://www.npws.ie/planning/appropriateassessment/>

The current assessment was conducted within this legislative framework and also the DoEHLG (2009) guidelines. As outlined in these, it is the responsibility of the proponent of the project, in this case Dairygold Agribusiness Ltd., to provide a comprehensive and objective Screening for Appropriate Assessment which can then be used by the competent authority in order to conduct the Appropriate Assessment (DoEHLG, 2009).

### 2.3 STAGES OF APPROPRIATE ASSESSMENT

The Appropriate Assessment process is a four-stage process with issues and tests at each stage. An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required. The stages are set out in Appendix 1. This proposal has proceeded as far as Stage 2.

### 3 ASSESSMENT METHODOLOGY

#### 3.1 APPROPRIATE ASSESMENT GUIDANCE

This Screening for Appropriate Assessment, or Stage 1, has been undertaken in accordance with the European Commission Methodological Guidance on the provision of Article 6(3) and 6(4) of the 'Habitats' Directive 92/43/EEC (EC, 2001) and the European Commission Guidance 'Managing Natura 2000 sites' (EC, 2000) and guidance prepared by the NPWS (DoEHLG, 2009).

#### 3.2 CONSULTATION

Consultation was undertaken with Mr. Frank Mc Mahon, District Conservation Officer, NPWS, in relation to this proposal. Mr. Mc Mahon stated that very high water quality standards are required to protect and sustain the population of freshwater pearl mussels which occur in the Blackwater River between Lombardstown and Mallow.

#### 3.3 DESK STUDY

In order to complete the Screening for Appropriate Assessment certain information on the existing environment is required. A desk study was carried out to collate available information on the site's natural environment. This comprised a review of the following publications, data and datasets:

- OSI Aerial photography and 1:50000 mapping
- National Parks and Wildlife Service (NPWS)
- National Biodiversity Data Centre (NBDC) (on-line map-viewer)
- BirdWatch Ireland
- Teagasc soil area maps (NBDC website)
- Geological Survey Ireland (GSI) area maps
- Environmental Protection Agency (EPA) water quality data
- Southwestern River Basin District (SWRBD) datasets (Water Framework Directive)
- Freshwater Pearl Mussel Munster Blackwater Sub-basin Management Plan – Second Draft (NS 2, 2010).
- Dairygold Lombardstown Drainage Report (MWP, 2015)
- Environmental Appraisal Report (MWP, 2015)
- River Blackwater WWTP Discharges – Discharge Licences. Natura Impact Statement (Ryan Hanley, 2011)
- Blackwater Water Management Unit Action Plan (wfdireland.ie)
- European Communities Environmental Objectives (Freshwater Pearl Mussel) Regulations (2009)
- European Communities (Quality of Salmonid Waters) Regulations (1988)
- Other information sources and reports footnoted in the course of the report.

### 3.4 SCREENING FOR APPROPRIATE ASSESSMENT

As set out in the NPWS guidance, the task of establishing whether a plan or project is likely to have an effect on a Natura 2000 site(s) is based on a preliminary impact assessment using available information and data, including that outlined above, and other available environmental information, supplemented as necessary by local site information and ecological surveys. This is followed by a determination of whether there is a risk that the effects identified could be significant. The precautionary principle approach is required.

Once the potential impacts that may arise from the proposal are identified, the significance of these is assessed through the use of key indicators:

- Habitat loss
- Habitat alteration
- Habitat or species fragmentation
- Disturbance and/or displacement of species
- Water quality and resource.

## 4 SCREENING FOR APPROPRIATE ASSESSMENT

Screening for Appropriate Assessment (Stage 1) determines the need for a full Appropriate Assessment (Stage 2) and consists of a number of steps, each of which is addressed in the following sections of this report:

- 4.1 Establish whether the project is necessary for the management of a Natura 2000 site
- 4.2 Description of the proposed development at Dairygold, Lombardstown
- 4.3 Identification of Natura 2000 sites potentially affected
- 4.4 Identification and description of individual and cumulative impacts of the project
- 4.5 Assessment of the significance of the impacts on the integrity of Natura 2000 sites
- 4.6 Conclusion of screening stage

### 4.1 MANAGEMENT OF NATURA 2000 SITES

This proposal is not connected with or necessary to the conservation management of a Natura 2000 site.

### 4.2 DESCRIPTION OF PROJECT

#### 4.2.1 Brief Project Description

This project pertains to development at the existing animal Feed Mill and Grain Storage Facility owned and operated by Dairygold Agribusiness Ltd. to include change of use, extensions, refurbishments and ancillary works. The proposed development is outlined hereunder:

- Change of use and alterations of an existing single storey laboratory building to meeting rooms and ancillary areas;
- Alterations and refurbishment of an existing single storey office building to form a two storey office building;

- Extension and alteration of the existing maintenance building and canteen;
- Construction of a new two storey laboratory building;
- Construction of new car parking and associated works;
- Construction of a new boundary wall and fence;
- Upgrade of an existing wastewater treatment plant and addition of a petrol interceptor;
- Construction of site lighting and ancillary site works.

Planning drawings are listed in Appendix 2 of this report.

#### 4.2.2 Purpose of the Project

The development proposed under planning file reference: 15/5743 is essentially to facilitate the reorganisation of the site layout and support facilities which exist at present in order to improve operating and environmental management.

#### 4.2.3 Site Location

The proposal site is located approx. 700 metres south of the N72 Mallow to Killarney road in the townland of Lombardstown, approx. 9.0km southwest of Mallow town in County Cork. Figure 1 shows the location of the proposal site.

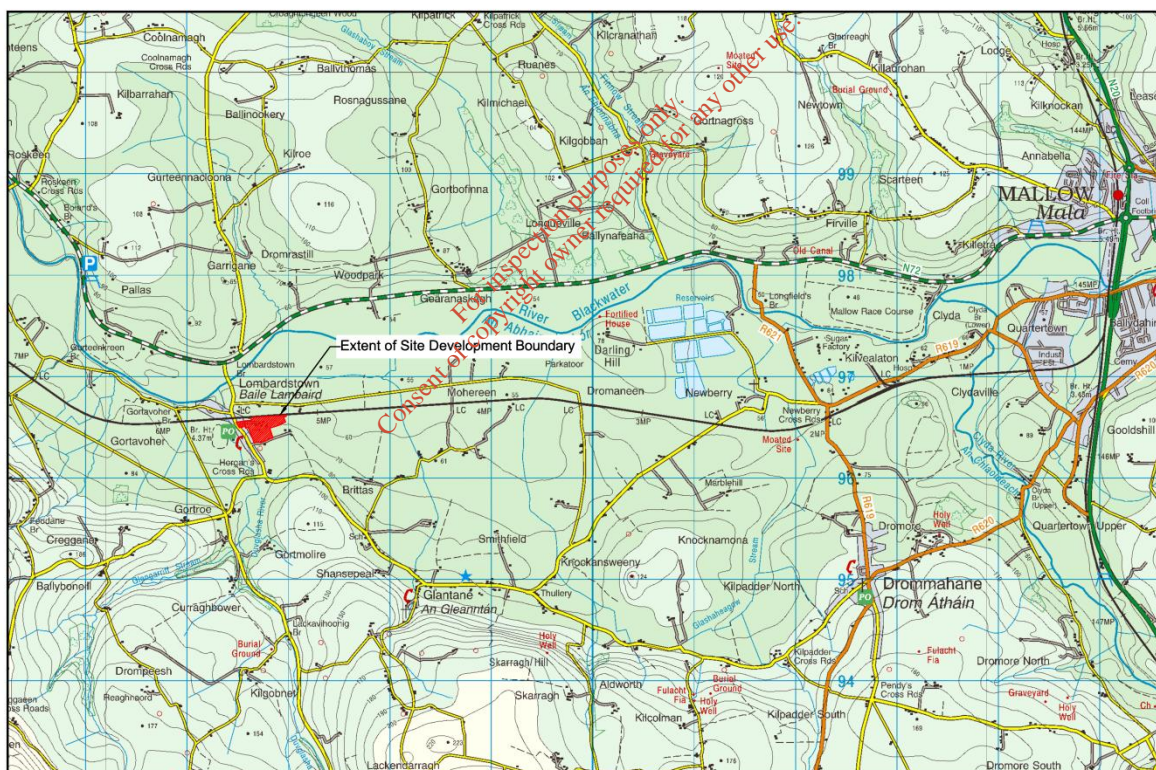


Figure 1. Site location (in red) of existing Dairygold Facility in Lombardstown, Mallow, Co. Cork.

#### 4.2.4 Description of the Site

The overall land use of the Lombardstown area is agriculture, with Improved Grassland (GA1) being the dominant habitat type in the area. Linear habitats of hedgerow (WL1) exist to the north, east and south of the proposal site. The Duvglasha River flows approx. 200 metres west of the site. This river is a tributary and a component part of the Blackwater River (Cork/Waterford) SAC (Site Code:

002170) which flows approx. 200 metres north of the site. Figure 2 shows the location of the SAC in relation to the site.

The Dairygold facility at Lombardstown is a grain handling and animal feeds processing installation for animal feedstuffs production. The facility currently produces in excess of 230,000 tonnes of animal feedstuffs per annum. Products manufactured comprise Beef and Dairy, sheep, horse, pig and poultry feeds. On-site activity is supported by associated ancillary services, i.e. laboratories, maintenance workshop, engineering facilities, utilities, boiler plant and wastewater treatment plant. The proposed development pertains to extension and upgrading of these facilities. Proposed site service infrastructure is shown in Figure 3.



Figure 2. Location of the Blackwater River SAC in relation to the proposal site

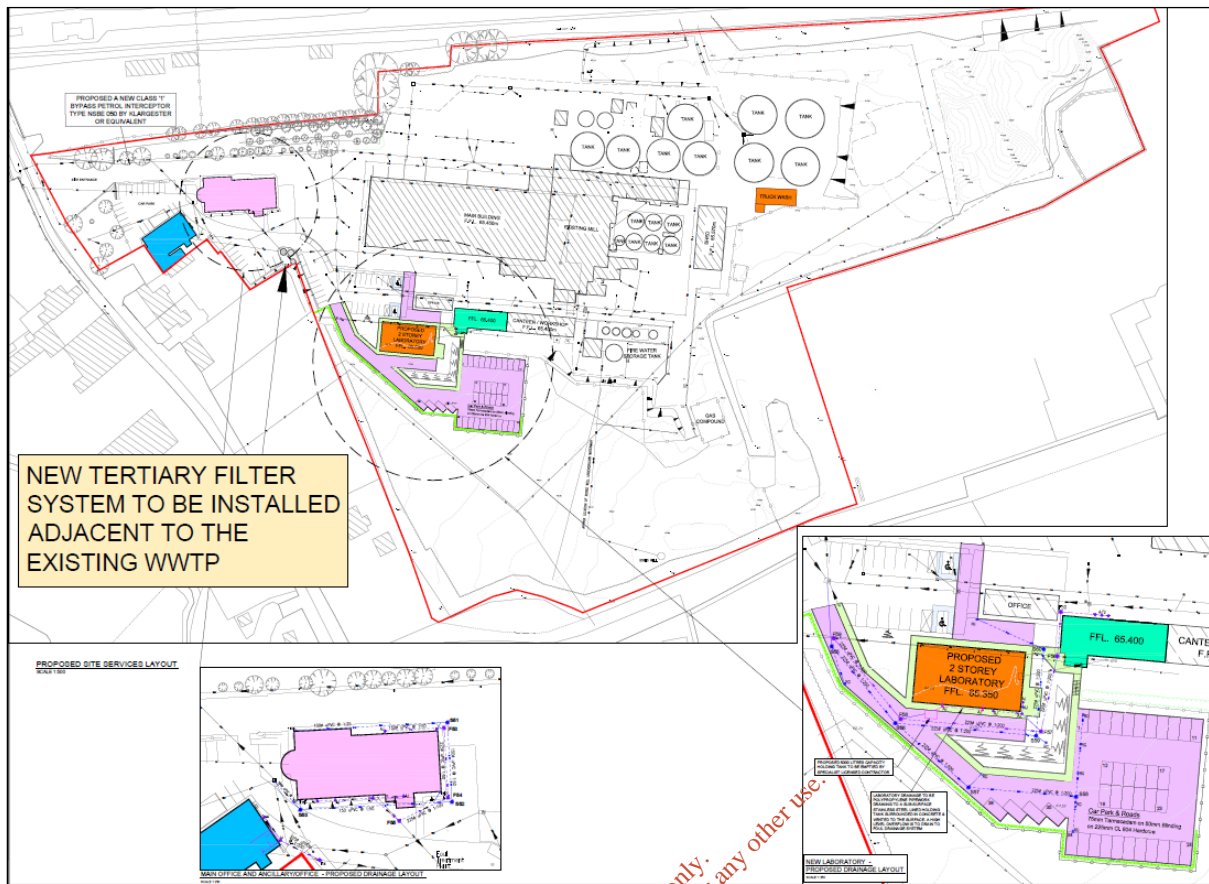


Figure 3: Proposed development to existing facilities at the site. Proposed development area highlighted. Refer to Proposal Drawing Reference Number: 16718-5051-B

#### 4.2.5 Characteristics of the Project

The proposal is described below and has been confirmed with Dairygold Agribusiness Ltd. The aim of this proposed development is to upgrade and re-organise the existing facility in Lombardstown in order to increase processing capabilities and maintain the operating efficiency of the plant.

<p><i>Size, scale, area, land-take</i></p>	<ul style="list-style-type: none"> <li>- The proposed development will occur entirely within the existing landholding of the Dairygold facility in Lombardstown</li> <li>- The proposed development will involve extensions and alterations to existing buildings <ul style="list-style-type: none"> <li>• Alterations to and refurbishment of an existing single storey office building and vertical extension to form a two storey building (0.44ha)</li> <li>• Change of use of existing single storey laboratory to provide for meeting rooms and ancillary areas (0.49Ha)</li> <li>• Extension and alteration to an existing maintenance building and canteen (0.45Ha)</li> </ul> </li> <li>- Only one new building will be required, a 2 storey laboratory (0.27Ha), which will be located within the existing site boundary; ancillary services will be developed in conjunction with the development <ul style="list-style-type: none"> <li>• open surface carpark (930m<sup>2</sup>)</li> <li>• Internal road network to facilitate the development</li> </ul> </li> </ul>
<p><i>Details of physical changes that will take place during the various stages of implementing the proposal</i></p>	<p><b>Excavations</b></p> <ul style="list-style-type: none"> <li>- Excavations will be required to construct reinforced concrete foundations, and to establish formation levels for roads, paved areas and for services</li> <li>- Excavation will be limited to the removal of topsoil and sub-soil, other than where hardcore fill has previously been placed</li> <li>- Excavation of rock will not be required</li> </ul> <p><b>Topography</b></p> <ul style="list-style-type: none"> <li>- There will be little change in topography resulting from the proposed construction. The tallest structure in the proposed development, i.e. the proposed refurbished 2 storey Office Building (73.38m) is a pitched roof building which will not extend beyond the height of the existing Mill Building (86.26m)</li> </ul> <p><b>Drainage</b></p> <ul style="list-style-type: none"> <li>- A temporary surface water drainage system will be implemented around construction areas of work during the construction phase to control and isolate run-off during construction.</li> </ul>
<p><i>Description of resource requirements for the construction/operation and decommissioning of the proposal (water resources, construction material, human presence etc)</i></p>	<ul style="list-style-type: none"> <li>- Construction material will be delivered by road and will include the following quantities: <ul style="list-style-type: none"> <li>• Reinforced concrete: 337m<sup>3</sup></li> <li>• Steel reinforcement: 15.0t</li> <li>• Structural steelwork: 6.0t</li> <li>• Floor reinforcement (steel mesh): 834m<sup>2</sup></li> <li>• Composite Panelled Insulated Roof Cladding: 563m<sup>2</sup></li> <li>• Precast concrete floors: 673<sup>2</sup></li> <li>• Roof slate: 365<sup>2</sup></li> <li>• Blockwork – twin leaved: 585<sup>2</sup> ; single leaved: 2573<sup>2</sup></li> </ul> </li> <li>- UPVC and Concrete Surface Water Pipework for temporary drain infrastructure</li> <li>- During construction water will be provided by the site watermain. However, it is not envisaged that a significant quantity will be required because all concrete delivered for the works will be ready mixed off-site.</li> <li>- The construction workforce will be approximately 16 persons.</li> </ul>
<p><i>Description of timescale for the various activities that</i></p>	<p>The project commencement date is March 2016 and it is envisaged that construction will be completed by December 2017. Operation of the existing</p>

<p><i>will take place as a result of implementation (including likely start and finish date)</i></p>	<p>plant will be maintained throughout. The phased sequenced construction schedule for the proposed development is outlined below:</p> <ol style="list-style-type: none"> <li>1. New laboratory construction</li> <li>2. Wastewater treatment system upgrade will be carried out in conjunction with the laboratory development</li> <li>3. Extension and refurbishment of two storey Office Building</li> <li>4. Change of use of existing single storey Laboratory to provide meeting rooms and ancillary areas</li> <li>5. Extension and alteration to an existing maintenance building and canteen</li> <li>6. Construction of the car park and ancillary services will be carried out in tandem with the laboratory development.</li> </ol> <p>It is necessary for the completion of one building to allow other buildings with similar facilities to be vacated thereby permitting the following and subsequent activity.</p>
<p><i>Description of wastes arising and other residues (including quantities) and their disposal</i></p>	<ul style="list-style-type: none"> <li>– Topsoil</li> <li>– Subsoils incorporating boulder clay</li> </ul> <p>The site will be managed to best practice during the works. The main Contractor will be required to prepare a Construction and Environmental Management Plan (CEMP) for the works. This CEMP will include provision for the following:</p> <ul style="list-style-type: none"> <li>• Fuel management plan</li> <li>• Spill controls</li> <li>• Control of stockpiles</li> <li>• Control of run-off (and audit of control measures)</li> <li>• Soil disposal</li> <li>• Management of concrete pours</li> <li>• Extreme weather events</li> <li>• Emergency preparedness and response</li> </ul> <p>Control measures for the protection of surface water are incorporated into the construction design and are outlined below:</p> <p><b>Wastewater management</b></p> <ul style="list-style-type: none"> <li>– A temporary surface water drainage system will be implemented around construction areas during the construction phase to control and isolate run-off.</li> <li>– This isolated run-off will be diverted through a series of silt traps before joining the controlled storm water system on the site for final discharge.</li> <li>– The temporary drainage will be inspected and monitored regularly and records will be maintained on-site.</li> <li>– All development site surface water will be attenuated and placed in a 340<sup>3</sup> capacity surface water holding tank, controlled by Hydrobrake.</li> </ul> <p>Concrete trucks will only be permitted to wash chutes in a designated bunded area within the site. Wash out of the main drum will not be permitted on-site, with concrete trucks being required to return to the supplier to facilitate drum wash out.</p> <p><b>Fuel management</b></p> <ul style="list-style-type: none"> <li>– Mobile bowsers, tank and drums will be stored in a secure, impermeable storage area, away from drains and open water</li> <li>– Fuel containers must be stored within a secondary containment system e.g. bund for static tanks or a drip tray for mobile stores</li> <li>– Ancillary equipment such hoses, pipes must be contained within the bund</li> <li>– Taps, nozzles or valves must be fitted with a lock system</li> <li>– Fuel and oil stores including tanks and drums should be regularly inspected</li> </ul>

	<p>for leaks and signs of damage</p> <ul style="list-style-type: none"> <li>– Only designated trained operators should be authorised to refuel plant on-site and emergency spill kits will be present at equipment for all refuelling events</li> <li>– Procedures and contingency plans will be set up to deal with an emergency, accidents or spills</li> </ul> <p>An emergency spill kit with oil boom, absorbers etc. will be kept on-site in the event of an accidental spill</p>
<p><i>Identification of wastes arising and other residues (including quantities) that may be of particular concern in the context of the Natura 2000 network</i></p>	<p>There are no wastes arising that are of particular concern. The site process involves predominantly the drying of grain and so, it is not expected that contaminated materials will be encountered.</p> <p>The CEMP will make provisions for the safe disposal of any inert waste generated during the proposed development. Surface water run-off will be contained and isolated during the construction phase of the development. Operational phase attenuation of site surface water will control the level of water being discharged from the site. A supplementary petrol interceptor will be added to the storm water system at the site. It is proposed to upgrade the existing wastewater treatment system at the site to incorporate an additional tertiary filter stage.</p> <p>The existing laboratory will be sterilised prior to development with all redundant equipment removed off-site to an approved dedicated waste facility. All waste materials will be analysed and tested to determine the most suitable method of disposal.</p>
<p><i>Description of any additional services required to implement the project or plan, their location and means of construction</i></p>	<p>The services required to implement the project will mostly be manufactured off-site i.e. materials such as roof slate, precast concrete slabs, structural steelwork, blockwork, steel reinforcement and insulation.</p> <p>All concrete, other than precast concrete, is readymix concrete, which will be delivered to the site by lorry.</p> <p>During the construction phase, the Contractor's compound will be located in proximity to the existing Main office and proposed Laboratory.</p>
<p><i>Additional criteria as described</i></p>	<p>N/A</p>

#### 4.2.6 Identification of Other Projects or Plans or Activities

Dairygold Agribusiness Ltd. proposes to construct a Grain Store at its site in Lombardstown. This proposal will be subject to a separate planning application process with an expected start date of April 2017. As there may be overlap in the timing of the two projects, cumulative impacts may occur.

The proposed development site is situated approx. 9.0km west of Mallow Town. Urban and agricultural run-off are potential sources of non point pollution and diffuse pollution run-off to the Blackwater as identified in the Fresh Water Pearl Mussel Munster Blackwater Sub-Basin Management Plan (2009). The Lombardstown and the Mallow Waste Water Treatment Plants (WWTPs) were identified as two of 18 WWTPs significantly impacting the Freshwater Pearl Mussel in the Blackwater River Catchment.

The Dairygold Lombardstown facility operates its own WWTP on-site. All wastewater from the operation of the feed storage and drying development at the site is collected and treated on-site prior to discharge to the Duvglasha River. This includes:

- Laboratory waste
- Loading and banded areas waste
- Effluent treatment plant
- Domestic Effluent

The WWTP is regulated under the facility's Waste Discharge Licence (WP(W)03/12(R)). This licence does not permit the discharge of compounds listed in the Water Quality (Dangerous Substances) Regulations (2001) (S.I. 12 of 2001). All potentially harmful waste generated from the laboratory operation is removed off-site for safe disposal. The facility is permitted to discharge 2,790m<sup>3</sup> of treated effluent per day to the Duvglasha River. A programme of monitoring is undertaken as a condition of the discharge licence to ensure the quality of the water discharged from the site is in compliance with the emission limit values (ELV's).

##### 4.2.6.1 Mallow Waste Water Treatment Plant (WWTP)

The WWTP in Mallow is a combined system located approximately 11km downstream of the proposal site. The wastewater drains to a pumping station at Mallow Bridge, which is then pumped to the WWTP. The Mallow WWTP is designed for a Population Equivalent (PE) of 18,000PE and BOD loading of 1,080 Kg/day. The maximum hydraulic capacity of the Mallow WWTP is 556m<sup>3</sup>/h which is 2.5 Dry Weather Flow (2.5DWF). The treatment plant treats all flows that arrive at the works to secondary standards in accordance with the Urban Waste Water Directive 1994.

##### 4.2.6.2 Lombardstown and Environs Waste Water Treatment Plant (WWTP)

The wastewater in Lombardstown is a combined system. Wastewater from the village gravitates towards a septic tank where it undergoes primary settlement and anaerobic digestion. The Lombardstown and Environs WWTP is designed for a Population Equivalent (PE) of 50. This WWTP discharges directly into the Blackwater River through a 150mm outfall pipe. Lombardstown WWTP, which treats only municipal waste from the village and environs, is currently overloaded and had been prioritised for upgrade by Cork County Council, with the aim of reducing overall nutrient, organic and sediment loads.

#### 4.2.6.3 Other IPC/IEL Licenced Sites

Three other licensed facilities are situated in the Mallow municipal area. These are the Micam and Road Binders installations and the Dairygold (Mallow) plant.

Micam (Mica & Micanite (Ireland) Ltd.) manufacture Industrial Laminates, Plastic Machined Components and Printed Circuit Boards (PCBs) at their site in Sean Moylan Park, Mallow. The plant features an integral WWTP which treats wastewater on-site before discharging to the sewer network for further treatment at Mallow WWTP. There is no process effluent being discharged to the sewer network, only municipal sewage.

The Roadbinders plant manufactures a range of cationic emulsions for use in the road construction and maintenance industry. Waste water is discharged to the public sewer.

Dairygold Mallow is a milk processing facility for milk powder production. Products manufactured comprise milk powders, (including whole milk powders, skim milk powders and blended milk powders). The process also produces surplus cream, a saleable by-product. All process wastewaters are directed to the facility's WWTP prior to discharging the River Blackwater via the licenced discharge point SW1. These discharges are sampled, monitored and analysed in accordance with the facility IEL Licence (Licence Reg. No. P0403-02). The facility's WWTP is regulated under the facility's IEL License. This license permits the facility to discharge 4,500m<sup>3</sup> of treated effluent per day to the River Blackwater.

The closed Irish Sugar Factory, a former IPPC and contaminated site, is located approximately 3km upstream and contains a number of disused settlement lagoons.

#### 4.2.6.4 Agriculture

The upland parts of the Blackwater catchment are open country or afforested. In the lowland areas the dominant Corine Landcover category is 'Pasture'<sup>1</sup>. Agriculture is the key source of total phosphorous inputs; mostly diffuse (69%)<sup>2</sup>, to the Blackwater catchment, for example, 80% to the Awbeg (SWRBD, 2010a) and 79% to the Bride (SWRBD, 2010b). However, there has been very considerable change in agricultural practices since the introduction of the Nitrates Action Plans (1 and 2) that has led to a significant reduction in the level of chemical fertiliser usage, in particular phosphorus. In addition, restrictions on applications at vulnerable times of year have reduced losses to surface water. In recent years much of the agricultural point source problem has been addressed through the implementation of the Farm Waste Management Scheme which assists farmers in meeting requirements under the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2005 (S.I. No. 788 of 2005). The Scheme has brought about changes in on-farm storage and management of animal excreta, soiled water and other farmyard manures together with new equipment for the application of same to farmland.<sup>3</sup>

#### 4.2.6.5 Forestry

The practices associated with the management of commercial forestry such as initial site preparation, construction of the required infrastructure and subsequent thinning, felling and re-

<sup>1</sup> <http://maps.biodiversityireland.ie/#/Map> [accessed 12/07/2102]

<sup>2</sup> Blackwater Water Management Unit Action Plan (SWRBD) available at [www.wfdireland.ie](http://www.wfdireland.ie)

<sup>3</sup> [http://www.teagasc.ie/environment/schemes/farm\\_waste\\_scheme.asp](http://www.teagasc.ie/environment/schemes/farm_waste_scheme.asp) [accessed 12/07/2012]

planting of trees can be a significant source of silt and nutrients to watercourses. Forestry accounts for 7% of diffuse phosphorous pollution in the Blackwater catchment. Site preparation, can cause erosion and release of silt into rivers or lakes, as can clearfelling, when large areas can become exposed to surface water run-off of silt and the residues adhering to soil particles. The use of herbicides and the application of fertiliser, particularly aerial fertilization, can lead to pollution concerns when close to watercourses or when drainage networks discharge to watercourses without adequate buffering (Kilfeather, 2000). Acidification of waters is also associated with afforestation.

The Corine Landcover (2006) indicates that, while there are some areas of forestry both upstream and downstream of Lombardstown, these are not dominant within the catchment. The upstream distribution is concentrated in the upper reaches of the Blackwater around Mount Eagle, to the north of Ballydesmond. The majority of the afforestation downstream within the catchment is concentrated in the upland areas of the Nagles Mountains.

### 4.3 IDENTIFICATION OF NATURA 2000 SITES

#### 4.3.1 Zone of Impact Influence

The screening stage of AA involves compiling a 'long list' of European sites within a zone of potential impact influence for later analysis which may or may ultimately not be significantly impacted upon by the proposal. All Natura 2000 sites within 15km of the proposal location will be characterised in the context of the rationale for designation and qualifying features, in accordance with NPWS guidance. In line with the precautionary principle, this report considers any Natura 2000 sites that lie outside 15km that may be significantly impacted as a result of the proposed development. Following this, the potential impacts associated with the proposal will be identified before an assessment is made of the likely significance of these impacts.

As described above, the test for the screening for Appropriate Assessment is to assess, in view of best scientific knowledge, if the development, individually or in combination with other plan/project is likely to have a significant effect on a Nature 2000 site. If there are any significant, potentially significant, or uncertain effects, it will be necessary to proceed to Appropriate Assessment and submit an NIS.

#### 4.3.2 Identification of Natura 2000 and Ramsar Sites

Adopting the precautionary principle in identifying potentially affected European sites, it has been decided to include all cSACs and SPAs/Ramsar sites, within a 15km radius of the proposal site. The Convention on Wetlands of International Importance especially as Waterfowl Habitat, more commonly known as the Ramsar Convention, was ratified by Ireland in 1984. Ramsar sites are also subject to AA screening. Although not specifically required, it would be considered best practice to include Ramsar sites (classified under the Ramsar Convention 1971) in the appropriate assessment process<sup>4</sup>.

Table 1 below lists designated cSACs, SPA and Ramsar sites within 15km or the zone of influence of the proposal site including their proximity.

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<sup>4</sup> EPA, A Note on Waste Water Discharging Licence Appropriate Assessments

**Table 1: Designated conservation sites within 15km radius of proposal site**

No.	Designated Site	Site Code	Proximity of site to nearest point of designated site
1	Blackwater River (Cork/Waterford) SAC	002170	0.3km north Blackwater main channel 0.2km west Duvglasha river

#### 4.3.3 Characteristics of Natura 2000 and Ramsar Sites

No Ramsar sites occur within 15km. The following tables list the features of interest for the cSACs and SPA sites that lie within 15km of the proposal site. Information pertaining to designated sites is from site synopses, conservation objectives and other information available on [www.npws.ie](http://www.npws.ie).

**Table 2: Designated site with qualifying features of conservation interest**

Designated Site	Qualifying features of conservation interest
Blackwater River (Cork/Waterford) SAC	<p><b>Species</b></p> <p>Freshwater pearl mussel (<i>Margaritifera margaritifera</i>) [1029]  White-clawed crayfish (<i>Austropotamobius pallipes</i>) [1092]  Sea lamprey (<i>Petromyzon marinus</i>) [1095]  Brook lamprey (<i>Lampetra planeri</i>) [1096]  River lamprey (<i>Lampetra fluviatilis</i>) [1099]  Allis shad (<i>Alosa alosa</i>) [1102]  Twaite shad (<i>Alosa fallax fallax</i>) [1103]  Salmon (<i>Salmo salar</i>) [1106]  Otter (<i>Lutra lutra</i>) [1355]  Killarney fern (<i>Trichomanes speciosum</i>) [1421]</p> <p><b>Habitats</b></p> <p>Estuaries [1130]  Mudflats and sandflats not covered by seawater at low tide [1140]  Perennial vegetation of stony banks [1220]  Salicornia and other annuals colonizing mud and sand [1310]  Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]  Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]  Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]  Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in British Isles [91A0]  Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]  <i>Taxus baccata</i> woods of the British Isles [91J0]</p>

#### 4.3.4 Conservation Objectives

According to the Habitat's Directive, the *conservation status of a natural habitat* will be taken as 'favourable' within its biogeographic range when:

- its natural range and areas it covers within that range are stable or increasing, and
- the specific structure and functions which 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.

According to the Habitat's Directive, the conservation status of a species means the sum of the influences acting on the species concerned that may affect the long-term distribution and

abundance of its populations. The conservation status will be taken as 'favourable' within its biogeographic range when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is 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.

The specific conservation objectives for the *Blackwater SAC* are available on [www.npws.ie](http://www.npws.ie). This was accessed on the 19/11/15. Site specific and detailed conservation objectives were available for the Blackwater River (Cork/Waterford) SAC.

Management plans were available for the Blackwater River (Cork/Waterford) SAC.

All conservation objectives together with other designated site information are available on <http://www.npws.ie/protectedsites/>.

#### 4.3.4.1 Freshwater Pearl Mussel

The freshwater pearl mussel is a particularly vulnerable species within this SAC. This species requires clean, well oxygenated water to survive. Elevated levels of nutrients and silt arising from various forms of discharges to watercourses within the SAC can seriously impact the success and survival rate of freshwater pearl mussel. The following available literature detailing the conservation status and water quality requirements for freshwater pearl mussel has been consulted throughout this assessment:

- European Communities Environmental Objectives (Freshwater Pearl Mussel) Regulations (2009)
- Freshwater Pearl Mussel Munster Blackwater Sub-basin Management Plan – Second Draft (NS 2, 2010).
- Conservation Management of the Freshwater Pearl Mussel (*Margaritifera margaritifera*). Part 1: Biology of the species and its present situation on Ireland. (Moorkens, 1999).
- Conservation Management of the Freshwater Pearl Mussel (*Margaritifera margaritifera*). Part 2: Water Quality Requirements. (Moorkens, 2000).
- SEA for Freshwater Pearl Mussels Sub-basin Management Plans (2009).

#### 4.4 IDENTIFICATION OF POTENTIAL IMPACTS

Potential likely ecological impacts arising from the project are identified in this section.

<p><i>Description of elements of the project likely to give rise to potential ecological impacts sites.</i></p>	<ol style="list-style-type: none"> <li>1. Demolition of existing structures and surfaces</li> <li>2. Excavations to accommodate new structures and surfaces</li> <li>3. Construction of new structures, surfaces and ancillary services</li> <li>4. Use of hazardous substances such as fuels/oils, concrete and chemicals</li> <li>5. Use of construction equipment, vehicles and plant</li> </ol>
<p><i>Describe any likely direct, indirect or secondary ecological impacts of the project (either alone or in combination with other plans or projects) by virtue of:</i></p> <ul style="list-style-type: none"> <li>• <i>Size and scale;</i></li> <li>• <i>Land-take;</i></li> <li>• <i>Distance from Natura 2000 Site or key features of the Site;</i></li> <li>• <i>Resource requirements;</i></li> <li>• <i>Emissions;</i></li> <li>• <i>Excavation requirements;</i></li> <li>• <i>Transportation requirements;</i></li> <li>• <i>Duration of construction, operation etc.; and</i></li> <li>• <i>Other.</i></li> </ul>	<ol style="list-style-type: none"> <li>1. Disturbance and risk of pollution run-off during construction phase</li> <li>2. Potential risk of run-off of silt, fuels/oils, cementitious material, chemicals to local watercourses during construction phase</li> <li>3. Potential risk of environmental water quality standard exceedances at existing discharge points to Duvglasha River during construction phase</li> <li>4. Potential risk of environmental water quality standard exceedances at existing discharge points to Duvglasha River during operation phase</li> <li>5. Risk of accidental spillage event of pollutants such as fuels/oils, cementitious material, chemicals during construction phase</li> </ol> <p>Indirect impacts to habitats and species within the Blackwater River (Cork/Waterford) SAC through impairment of water quality arising from the proposed development may occur owing to the above</p>

#### 4.5 ASSESSMENT OF SIGNIFICANCE OF POTENTIAL IMPACTS

This section considers the list of sites identified in section 4.3 above together with the potential ecological impacts identified in the previous section and determines whether the project is likely to have significant effects on a Natura 2000 site.

The likelihood of significant effects to a Natura 2000 site from the project was determined based on a number of indicators including:

- Habitat loss
- Habitat alteration
- Habitat or species fragmentation
- Disturbance and/or displacement of species
- Water quality and resource

The likelihood of significant cumulative/in-combination effects is assessed in Section 4.5.5.

##### 4.5.1 Habitat Loss and Alteration

The footprint of the proposed development the Dairygold facility at Lombardstown, Mallow, County Cork is outside any designated site, albeit in close proximity to the *Blackwater River SAC*. Therefore, no land take within any Natura 2000 site boundary is required and no direct terrestrial or riparian habitat loss or alteration is expected to result from the proposal within the *Blackwater River SAC*. However, the construction phase of the proposal does require construction work in an area that ultimately drains to the Blackwater River. As a consequence, potential indirect habitat loss or

alteration impacts, albeit tenuous, caused, either by the ingress of suspended solids or by water pollution impacts or by a combination of these impacts, could occur within the *Blackwater* SAC as a result of unmitigated development. Therefore, it cannot be objectively concluded that significant indirect impacts on the habitats and species, for which this site is designated, will not ensue from the current unmitigated development.

#### 4.5.2 Habitat or Species Fragmentation

Habitat fragmentation has been defined as 'reduction and isolation of patches of natural environment' (Hall et al., 1997 cited in Franklin *et al.*, 2002) usually due to an external disturbance such that an alteration of the spatial composition of a habitat occurs that alters the habitat and 'create[s] isolated or tenuously connected patches of the original habitat' (Wiens, 1989 cited in Franklin *et al.*, 2002). This results in spatial separation of habitat units which had previously been in a state of greater continuity. Adverse effects of habitat fragmentation on species or populations can include increased isolation of populations or species which can detrimentally impact on the resilience or robustness of the populations reducing overall species diversity and altering species abundance. As there will be no direct habitat loss, it is not considered that significant habitat fragmentation will arise from the proposal. However, if habitats or species distribution (e.g. spawning habitats) is significantly altered as a result of habitat alteration impacts arising from the development, then fragmentation could occur. This is addressed under habitat loss and alteration and water quality impacts.

#### 4.5.3 Disturbance and/or Displacement of Species

##### 4.5.3.1 Aquatic species

The *Blackwater River* SAC is designated for the aquatic species listed below. While it is acknowledged that a number of these species have a strong association with estuarine and marine habitats it is presumed on the basis of the precautionary principle that all species are within the zone of impact influence of the proposal. The species are:

- White-clawed crayfish (*A. pallipes*) [1092]
- Sea lamprey (*P. marinus*) [1095]
- Allis shad (*A. alosa*) [1102]
- Twait shad (*A. fallax fallax*) [1103]
- Freshwater pearl mussel (*M. margaritifera*) [1029]
- Brook lamprey (*L. planeri*) [1096]
- River lamprey (*L. fluviatilis*) [1099]
- Salmon (*S. salar*) [1106]

It is noted that the construction phase of the proposal requires limited demolition of existing structures and excavation. As a consequence, indirect disturbance or displacement impacts caused either by the ingress of suspended solids into the aquatic environment or by water pollution impacts or by a combination of these impacts, could occur as a result of the unmitigated project. In the event that such impacts were to ensue from the construction phase of the proposal, significant disturbance or displacement impacts on these species could be initiated. Operational discharges from the site also have the potential to alter water quality within the receiving environment.

#### 4.5.3.2 Otter (*Lutra lutra*)

Otter are likely to use the Duvglasha and Blackwater River channels. Should the water quality of these watercourses be adversely affected by construction phase and/or operational phase discharges, significant effects cannot be precluded.

#### 4.5.4 Water Quality

The water quality in the River Blackwater is essential for supporting the biological elements associated with the river habitat. Adverse impacts to its water quality could have indirect impacts on other qualifying interests of *Blackwater River SAC*. Uncontrolled silt run-off to site drains and associated watercourses could impact negatively on freshwater pearl mussel populations. A reduction in water quality arising from the construction phase and operational phase could affect the distribution and density of salmonids, which could potentially affect the availability of prey for otter, or the availability of salmonid hosts required by the parasitic larval stage of the freshwater pearl mussel.

Due to the risk of water pollution from the proposed construction phase and/or operational phase entering the site drainage system which is directly connected to the *Blackwater River (Cork/Waterford) SAC* the potential for occurrence of significant impacts cannot be ruled out.

#### 4.5.5 Cumulative/In-combination Impacts

The cumulative impacts on water quality through the release of potentially polluting compounds to the *Blackwater SAC* during construction and operation in combination with the numerous and various licenced discharges to the Blackwater River cannot be ruled out at this stage of the assessment.

### 4.6 CONCLUSION OF SCREENING STAGE

In conclusion, to determine the potential impacts, if any, of the project on nearby Natura 2000 sites, a screening process for Appropriate Assessment was undertaken. The proposed development is within 15km of 1 Natura 2000 site.

It has been concluded that the unmitigated project is likely to have a significant effect, or significant effects cannot be ruled out at this stage, on the following Natura 2000 sites:

- Blackwater River (Cork/Waterford) SAC

Further assessment is required to determine whether the project is likely to adversely affect the integrity of the Natura 2000 site. This assessment is presented in the Natura Impact Statement (NIS).

## 5 REFERENCES

Department of the Environment, Heritage and Local Government (DoEHLG) (2009). *Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities*. Department of Environment, Heritage and Local Government.

EC (2000). *Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC*. Luxembourg: Office for Official Publications of the European Communities.

EC (2001). *Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*. Luxembourg: Office for Official Publications of the European Communities.

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# Appendix 1

## Stages of Appropriate Assessment

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### **Stage 1 - Screening**

This is the first stage of the Appropriate Assessment process and that undertaken to determine the likelihood of significant impacts as a result of a proposed project or plan. It determines the need for a full Appropriate Assessment.

If it can be concluded that no significant impacts to Natura 2000 sites are likely, then the assessment can stop here. If not, it must proceed to Stage 2 for further more detailed assessment.

### **Stage 2 - Natura Impact Statement (NIS)**

The second stage of the Appropriate Assessment process assesses the impact of the proposal (either alone or in combination with other projects or plans) on the integrity of the Natura 2000 site with respect to the conservation objectives of the site and its ecological structure and function. This is a much more detailed assessment than Stage 1. A Natura Impact Statement containing a professional scientific examination of the proposal is required and includes any mitigation measure to avoid, reduce or offset negative impacts.

If the outcome of Stage 2 is negative i.e. adverse impacts to the sites cannot be scientifically ruled out, despite mitigation, the plan or project should proceed to Stage 3 or be abandoned.

### **Stage 3 - Assessment of alternative solutions**

A detailed assessment must be undertaken to determine whether alternative ways of achieving the objective of the project/plan exist.

Where no alternatives exist the project/plan must proceed to Stage 4.

### **Stage 4 - Assessment where no alternative solutions exist and where adverse impacts remain**

The final stage is the main derogation process examining whether there are imperative reasons of overriding public interest (IROPI) for allowing a plan or project to adversely affect a Natura 2000 site where no less damaging solution exists.

## Appendix 2

### Proposal Drawing List

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**Dairygold Agri Business Limited.,  
Lombardstown, Mallow, Co. Cork**

**Administration and Laboratory Buildings and Associated Site Works**

Drawing List to accompany Planning Application:

<b>Drawing No.</b>	<b>Drawing Title:</b>
16718-5001	Site Location Plans (1:10560 and 2500)
16718-5002	Existing Site Layout Plan
16718-5003	Proposed Site Layout
16718-5004	Proposed Site Section A-A
16718-5005	Proposed Boundary Wall / Fence Layout and Details
16718-5006	Future Works Site Layout
16718-5050	Existing Site Services Layout
16718-5051	Proposed Site Services Layout
16718-5052	Drainage Details
16718-5053	Fencing, Roads, Footpaths and Ancillary Details
16718-5101	Change of Use from Laboratory to Meeting Rooms - Existing Plans, Sections and Elevations
16718-5102	Change of Use from Laboratory to Meeting Rooms - Proposed Plans, Sections and Elevations
16718-5201	Alterations to existing single storey Office Building and extension to form a two storey Office Building – Existing Plan, Section and Elevations
16718-5202	Alterations to existing single storey Office Building and extension to form a two storey Office Building – Proposed Ground, First and Roof Plans
16718-5203	Alterations to existing single storey Office Building and

	extension to form a two storey Office Building – Proposed Elevations & Sections
16718-5204	Alterations to existing single storey Office Building and extension to form a two storey Office Building – 3D Views – Existing and Proposed
16718-5301	Extension and alteration of existing Maintenance Building and Canteen – Existing Plans
16718-5302	Extension and alteration of an existing Maintenance Building and Canteen – Existing Elevations and Sections
16718-5303	Extension and alteration of an existing Maintenance Building and Canteen – Proposed Plans
16718-5304	Extension and alteration of an existing Maintenance Building and Canteen – Proposed Elevations and Sections
16718-5305	Extension and alteration of an existing Maintenance Building and Canteen – 3D Views – Existing and Proposed
16718-5404	New two storey Laboratory Building – Proposed Floor Plans – Replaces Original Laboratory Layout Submitted
16718-5405	New two storey Laboratory Building – Proposed Elevations, Section and 3D view – Replaces Original Laboratory Layout Submitted