



Submission

Submitter:	Connor Rooney
Organisation Name:	Department of Culture, Heritage and the Gaeltacht
Submission Title:	Submission
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Application

Applicant:	Harte Peat Limited
Reg. No.:	P1119-01

See below for Submission details.

Attachments are displayed on the following page(s).

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Grainne Oglesby

Subject: FW: P111901 IPCC Licence DCHG
Attachments: P111901 IPCC Licence DCHG.pdf

From: Connor Rooney <Connor.Rooney@chg.gov.ie>
Sent: 04 February 2020 10:44
To: Wexford Receptionist <REC_WEX@epa.ie>
Subject: P111901 IPCC Licence DCHG

A chara,

Attached please find the heritage recommendations of the Department of Culture, Heritage, and the Gaeltacht for the above mentioned application.

Mise le meas,

Connor Rooney
Executive Officer

An Roinn Cultúir, Oidhreacht agus Gaeltachta
Department of Culture, Heritage and the Gaeltacht

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Planning Ref: **P1119/01**
(Please quote in all related correspondence)
07/01/20

Environmental Licensing Programme
Office of Environmental Sustainability
EPA
Via email

Proposed Development: IPC Licence Application from Harte Peat Limited for peat extraction at Derrycrave, Castletown Lower and Shrubbywood, County Westmeath.

A chara

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

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

Nature Conservation

The Department has reviewed the documents received, including the EIAR and NIS. The proposed development site is located close to the Lough Derravaragh Special Protection Area for Birds (SPA) (site code: 004043) and Lough Derravaragh Natural Heritage Area (NHA) (site code: 000684) and Garriskil Bog Special Area of Conservation (SAC) (site code: 000679) and Lough Bane proposed Natural Heritage Area (pNHA) (site code: 001721). Please see the site synopsis at www.npws.ie for a description of the sites.

In relation to Lough Derravaragh SPA, the following conservation objectives apply:

1. To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:
Whooper Swan, Pochard, Tufted Duck and Coot
2. To maintain or restore the favourable conservation condition of the wetland habitat at Lough Derravaragh SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

In relation to Garriskil Bog SAC, the following conservation objectives apply:

To maintain or restore the favourable conservation condition of the habitats listed: Active raised bogs, degraded raised bogs still capable of natural regeneration and depressions on peat substrates of the Rhynchosporion

In addition, parts of the proposed site and its' general locality support biodiversity and also species and habitats listed under the Annexes of the EU Habitats and Birds Directives, some of which are also protected under the Wildlife Acts 1976-2018. In recent winters, whooper



swans (EU Annex I species) have been observed in the area of ponding at the south end of the proposed lands at Shrubbywood.

As such we are of the view that the proposed development:

- Has the potential to cause an adverse effect on nearby designated sites.
- Has the potential to cause an adverse effect on a number of bird species which are listed under Annex I of the EU Birds Directive (Council Directive 79/409/EEC) including whooper swan and kingfisher.
- Has a potential to cause an adverse effect on a significant area of the habitats and cause disturbance to species populations of white-clawed crayfish, lamprey and otter which are listed under the Annexes of the EU Habitats Directive (Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora). Otter and freshwater crayfish are also protected under the Wildlife Acts 1976 to 2018.
- Has the potential to cause an adverse effect on a significant population of wild birds which are protected under the Wildlife Acts 1976 to 2018.
- Has in recent years led to the loss of 5 hectares of intact raised bog habitat which was developed for peat extraction at the south end of the Finnea site in 2011/2012.
- Has the potential to cause an adverse impact on ecosystems and biodiversity in general, including local watercourses, hedgerows, scrub and woodland.

These affects would be caused by:

1. Impacts on water quality:

The main concerns are with regard to the potential for pollution in the form of siltation, enrichment and possible hydrocarbon spillages which have the potential to significantly impact on downstream habitats and species.

The Department is concerned that the monitoring and management of silt ponds may not be undertaken as proposed. In recent years, the NPWS have received numerous complaints from members of the public in regard to the operation of a silt lagoon on the applicants' land to the west of the R394 road while peat extraction was being carried out there. A number of incidences where peat silt escaped from the silt pond into an adjacent watercourse were noted and these were brought to the attention of Westmeath County Council and also Inland Fisheries Ireland. In another incident, in January 2016 the River Inny flooded into the silt pond at the north end of the Shrubbywood site. Indeed during a recent visit to this area we noted that the watercourse was flowing over the weir across the width of the channel. In addition, machinery crossing points are located beside both silt ponds at Shrubbywood and bare peat can be observed being washed into the discharge drains downstream of the silt ponds. Also, a number of bog drains on the peat harvesting surface at the northeast end of the Finnea site lead directly into a roadside watercourse without any prior treatment.



The Department notes the reports state that the EPA rating for water quality at two locations nearby within the River Inny are 'Moderate' and 'Moderate – Good' status. While it is stated in the reports that allowing continued peat extraction will not result in any further decrease in water quality, it should be pointed out that contrarily it won't assist in reaching and maintaining a 'Good' status either. The main objective of the Water Framework Directive is to improve or maintain the water quality status of water courses at a good or favourable status.

2. Impacts on hydrology of Lough Derravaragh Bog NHA/ Garriskil Bog SAC and remnant raised bog adjacent to Finnea site:

Lough Derravaragh Bog NHA and part of Garriskil Bog SAC is located downgradient of the proposed extraction site at Shrubbywood. Given the proximity of the designated site and also the remnant raised bog adjacent to the Finnea site, it is essential that the precautionary principle is exercised while assessing any potential hydrological impacts on these bogs. The effects caused by drainage and drying out of peat can take many decades and can also be evident up to 500 metres from the location of drainage.

3. Lack of a reinstatement plan:

The reinstatement/ rehabilitation proposals within the EIS are very brief and they postpone producing detailed plans until 5 years prior to closure and it's not clear what is defined as the closure date.

It would be preferential to reinstate peat forming habitats across the proposed site in order to help compensate for previous loss of the raised bog habitat and also to assist in carbon sequestration. In order to achieve a peat forming habitat the minimum requirements are 0.5m depth of peat and a water level no greater than 30cm deep. It appears from diagrams provided as part of this application that upon cessation of peat extraction, the water levels could be closer to 200cm. From general observation of the other two worked out extraction areas to the west of the R394 these also seem to be quite deep and have steeply sloping margins and not the 1 in 15 slope which is required for wetland creation. An area south of road at Shrubbywood appears to have been abandoned after harvesting with no attempts to rehabilitate this land e.g. drain blocking.

Leaving the preparation of a reinstatement plan until large areas of the site have been radically changed in terms of hydrology, remaining peat depths, types and water pH, is unacceptable.

4. Dust emissions

Submitted reports state that due to the predicted negligible impact from the operation of the facility, no operational air monitoring is required. However, any maintenance work at the Shrubbywood site which involves activities similar to peat harvesting, collection, storage and removal from large uncovered mounds is likely to result in dust emissions. These have the potential to cause an adverse affect on local habitats and species.



5. Damage to scrub/ woodland habitats during breeding season

Damage to scrub and woodland habitats during the breeding season would cause disturbance and damage to breeding birds. The Department notes that the habitat assessment is out of date and was carried out in 2013. Since then areas of the Shrubbywood site have been colonised by scrub and scrub woodland.

The Department asks the EPA to consider requesting further information as follows:

- Proposals for secondary polishing for discharge waters.
- Up to date habitat mapping.
- Alternatives to using peat.
- Detailed reinstatement plans.
- Post closure monitoring plans including details on how the current water discharge points are proposed to be sealed and secured.
- Details of how three recently mined out areas were treated in terms of profiles, depth of peat, type of peat, water depth, and water pH.
- Proposals for dealing with the issues in regard to flooding at the silt pond at the north end of the Shrubbywood site especially given the greater frequency of high rainfall events linked to climate change.
- Specialist ecohydrological expertise in evaluating the impacts of proposed peat extraction at the Shrubbywood site on the hydrology of the Lough Derravaragh Bog NHA/ Garriskil Bog SAC and also proposed buffer treatment for the remnant raised bog habitat at the Finnea site.

There are references to an Environmental Management Plan (EMP) for the site, however, the Department was unable to find this within the documentation on the EPA website. The EPA should be satisfied that the air and water monitoring regimes are adequate.

You are requested to send further communications to this Department's Development Applications Unit (DAU) via **eReferral**, where used, or to **manager.dau@chg.gov.ie**; if emailing is not possible, correspondence may alternatively be sent to:

The Manager
Development Applications Unit (DAU)
Department of Culture, Heritage and the Gaeltacht
Newtown Road
Wexford
Y35 AP90

Is mise, le meas



Connor Rooney
Development Applications Unit

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