

Submission by Mrs. Rita Tierney to An Bord Pleanála in objection to a Planning Approval 14/239 made by Cavan County Council , dated 8th December, 2014.

Grounds of Appeal

The planning application to which this objection relates is planning application 14/239 approved by Cavan County Council on 08/12/2014. A separate planning submission 14/238 has been made in respect of the Drumsruddan site. The EIS has been prepared to cover both sites.

The two separate sites, Drumsruddan, Crosserlough and Finnaway, Ballyjamesduff are approximately 5km apart. The proposal is to operate both sites as a single operating unit. The EIS accompanying the application refers to the sites as being 'authorised' by virtue of holding an existing IPPC Licence P0427-01. The following sections will demonstrate that this IPPC Licence does not include the Finnaway site, but rather Drumsruddan and another site at Duff Castle, Crosserlough. The site at Finnaway has never been the subject of an IPPC Licence or Environmental Impact Assessment.

In preparing an EIS, the likely impacts of the proposed development should be compared to the baseline or existing conditions. As these farms have not been in operation for many years the existing baseline situation is that there are no pigs located on the Finnaway site. The likely impacts of the proposed development must be considered with the current situation, not one which existed many years ago, on a site which has never been subject of an EIA or IPPC license. The EIS provided did not take this approach.

As a result the approval of the planning permission by Cavan County Council which relied on the information in the accompanying EIS and Further Information supplied, was based on incorrect baseline information.

Reports prepared by Cavan County Council

The Executive Planner's report dated 15th September to the Acting Senior Planner (Ref Appendix 2 of this submission) states that:

'the proposed development is located within a long established pig farm complex'.

This gives the impression of an ongoing facility which is misleading. The operation of this pig farm ceased many years ago, and had been operating at a level well below it's capacity for a long period prior to that. The farm at Drumsruddan was destocked in 2008.

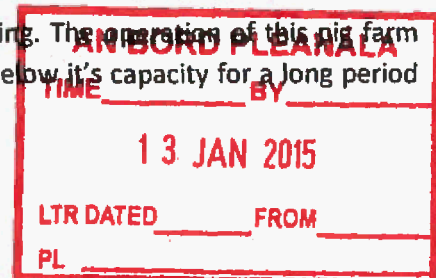
The Planner's Report dated 5th December 2014, page 8 states:

'There was previously an IPPC licence for this facility (679 & 427).'

This is incorrect. Whilst the addresses of both of the licence holders is Finnaway, Ballyjamesduff, Co Cavan, neither Licence covers activity at the Finnaway site. Licence 679 refers to activity:

'at Finaway Farms (New Inns Pig Farm), Drummanduff, Ballyjamesduff, County Cavan, subject to the following thirteen Conditions, with the reasons therefore and associated schedules attached thereto.'

And licence 427 refers to activity:



'at Maguire Farms (Sheelin Farm), Drumsruddan, Crosserlough, County Cavan and Maguire Farms, Duffcastle, Crosserlough, County Cavan, subject to the following twelve Conditions, with the reasons therefor and associated schedules attached thereto.'

Neither of these licences relate to any activity, past or proposed, at the site located at Finnaway, the subject of planning application 14/239.

The Executive Planner's Report dated 5th December 2014, page 10, states that the farm has been vacant since 2012. This is incorrect. The farm has not been in operation for many years and the Drumsruddan Farm destocked in 2008. The Finnaway farm has not been in operation for some period prior to that.

The Planner's report notes the applicant's statement:

"it must be borne in mind that the currently proposed developments will not allow for any further intensification of activities on the farm(s) and will provide for a c 15% reduction in sow numbers."

The planner's report does not appear to take issue with this extremely misleading statement. There are currently no stock on either farm, this development will not create a reduction over the baseline condition, rather it will result in a significant increase in adverse impact over the existing condition.

In the summary on page 12 the Planner states:

'Replacement of existing aged structures with modern pig accommodation and the provision of improved manure storage facilities should be seen as a positive development and an improvement in the attributes of the existing farm.'

This statement only makes sense in relation to an existing operational farm operating under an IPPC license. The site at Finnaway is not operation and was never subject to an IPPC license.

It is therefore clear that the report prepared by the Planner contains a number of factual errors that are fundamental to the assessment of this planning application. It is clear that the Planner was of the opinion that this site had been operating up to 2012 under an EPA licence and that the development would result in a reduction of pig numbers. This is an entirely erroneous basis for the Planning Authority and Chief Executive Officer to base their decision to approve planning permission. It is also obvious that the information provided by the Applicant resulted in creating this error.

The Planning Authority's Comments

These comments are contained on page 14 of the 5th December Planner's Report. The comments are made on the basis of reductions in sow numbers, replacement of existing structures and state that operations ceased in 2012. This is incorrect, as the units at Drumsruddan were destocked in 2008 and the units at Finnaway have been unused for some time before that.

The conclusions do not appear to take cognisance of the fact that only some of the buildings will be demolished and replaced. A number of buildings will remain which are sub-standard and not in compliance with current regulations and directives relating to intensive agricultural use.

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Further Information Supplied by Applicant in response to a request by Cavan Co Co.

The Applicant did provide responses to the request for further information, however in many cases this response was simply a reference back to the original EIS. It also reiterates it's view that the site is currently authorised,

'As detailed previously under 2. Above the applicant feels that the EIS as developed has been developed in the correct fashion taking into account the existing situation on site (temporarily unoccupied as detailed in the EIS) and the authorized use and history of the farms.'

In the request for additional information the Applicant was instructed to provide a detailed response to Mrs. Tierney's objection to the planning application.

On page 22 the applicant's response to Mrs Tierney's objection to the planning application is:

'it is not clear from the objection where Mrs. Tierney's house is.'

Mrs Tierney's house and property are indicated in figure 1 of this submission. A simple arrow to any person in the neighbourhood would have quickly identified it's location. It is one of the closest occupied residences to the Finnaway site. The previous operator of the Finnaway and Drumscredan site, Mr. B Maguire is a neighbour. The lands at Drumscredan were previously owned by Mrs Tierney's brother and were purchased by Mr. Maguire. The site of Mr. Maguire's residence is also located on land he purchased from her brother. Mr. Logue and his representatives are in contact with Mr. Maguire for the transfer of the IPPC Licence. There has been no attempt to contact Mrs. Tierney, or carry out any assessment of impacts on her property arising from the proposed development. The applicant has in no way addressed the issues raised in that objection with regard to odour emissions from the operation and from slurry spreading.

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The report from the Environment Section reviewing the additional information is for the most part a repeat of the initial comments on the original EIS. Again many of the comments are on the basis of an existing farm with a reduction in capacity. The report has failed to assess the development in relation to the objectives contained within the Cavan County Development Plan 2014-2020 in relation to protection of water bodies. The Local Authority has passed responsibility to the EPA in respect of placing conditions on emissions, however it does have responsibility for highlighting that the development places the attainment of the objectives of the County Plan at risk.

In the same report page 23 it is noted that the client farmers where manure will be spread on lands are not identified in the EIS. On this simple omission alone it is impossible for the Competent Authority to assess the likely impacts of the development. It is merely stated that there are 20 client farmers located in Cavan, Meath Westmeath and Longford. Appendix 6 of the EIS contains drawings indicating farmland sites. Those numbered 1, are in close proximity to Mrs. Tierney's property and are adjacent lands to the Finnaway Site. They are bounded by the Finnaway River. These lands were used during the previous operation of the site, and result in a substantial increase of impact on the

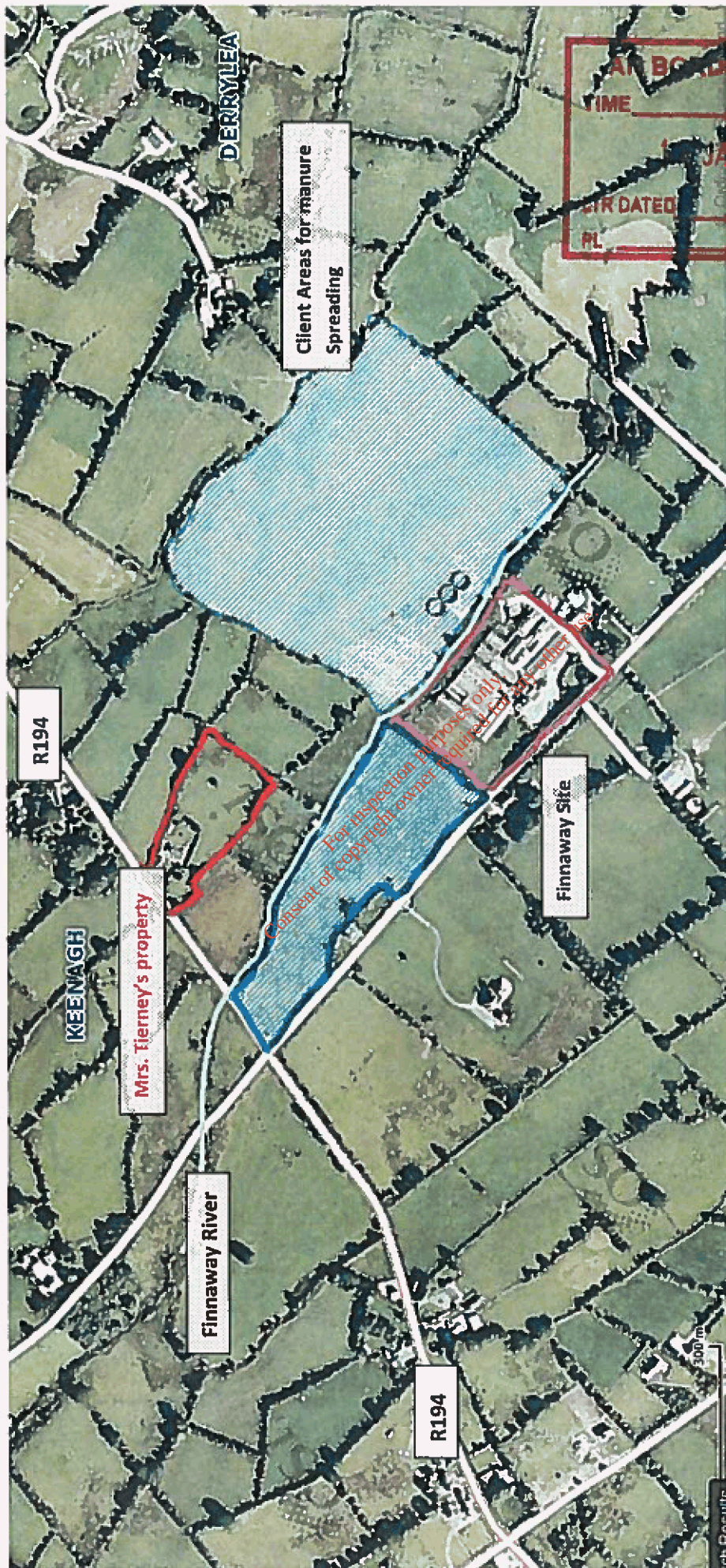


Figure 1 showing proximity of proposed development at Finnaway to Mrs. Tierney's Property at Keenagh, Ballyjamesduff, Co Cavan. Areas shown hatched are lands that are attached to the Finnaway site and had been used previously by Maguire Farms for manure spreading. The Boundary of Mrs. Tierney's property is approximately 100m from the nearest lands indicated as Client Farm in the EIS.

Finnaway River which feeds into Lough Sheelin, which is a listed SPA and SAC. Also it will increase the level of odour impact on residences and properties, including that of Mrs Rita Tierney. The Finnaway River experienced several fish kills during the previous site operation, one of which resulted in a conviction of the farm operator at Finnaway.

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In the review of Impact on Human Beings, page 25 of the planner's report, no mention is made of this serious impact on local residences and properties. The fact that the properties affected have not even been identified by the operation of slurry spreading is a major omission from the EIS and as a result is impossible for the relevant Authorities to assess. Indeed the comment on page 25 from the Environment Section states:

'In addition, that the design and upgrading of the facility would actually have a positive impact due to the improved technology.'

Once again this comment only makes sense in the context of an existing operating farm, which the site at Finnaway is not. Again the author makes an error in comparing the proposed development against the existing baseline conditions. The operation of this farm cannot be considered to have any positive impact on the environment in the area as the risks for pollution and emissions are all increased over the existing status of no farming activity on this site.

The Environmental Section of Cavan County Council are tasked with protecting the local environment in accordance with the County Development Plan. The objectives in respect of Water Quality, Amenity will all suffer detrimentally due to this development. In particular those relating to the Water Framework Directive, the Shannon International River Drainage Board, and the protection of Lough Sheelin SPA and SAC.

In respect of the report's comments on traffic, contained on page 26, there is no comment on the condition of the existing road. It also comments on a

'decrease in overall traffic volume generated from the farm through the optimisation of load sizes.'

This is a clearly factually incorrect statement. As neither the Drumscredan or Finnaway farms have been in operation over many years there have been no loads generated from either site. Bringing these sites into operation will obviously only increase the traffic. The proposed development will result in significant movement between both sites along the tertiary county road network. These roads vary in width to a maximum of 5m at some locations. It is not possible for oncoming vehicles to pass on sections of this road. These roads have not received maintenance by Cavan County Council over many years and consist of surface dressing on gravels. During the previous operation of the road, it became impossible for a passenger car to use them due to the amount of potholing that occurred from their use by HGVs and large agricultural vehicles.

The EIS contains no information of traffic numbers during the construction phase as is required by the EPA Guidelines for the Preparation of an EIS. This omission results in an inability of the Competent Authority to make any assessment of the traffic impacts of the development. The EIS states that the traffic will be 15% less than that when the farm was previously in operation. Again the baseline used is inappropriate. The baseline is the current traffic on these road, for which no

data is supplied. There is no evidence provided on the percentage increase in HGV or LGV or passenger vehicles. Planning Authorities normally require the preparation of a Traffic Impact Assessment where there will be a significant change to traffic movements arising from a development. Cavan County Council failed to request this TIA. A TIA is a component of an EIS and guidelines for their preparation have been published by the NRA and are available on their website.

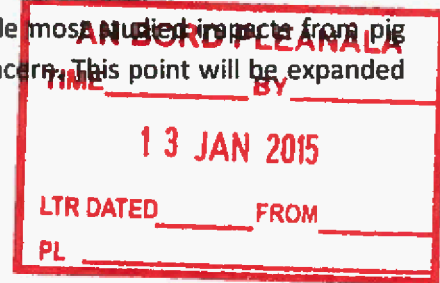
As a Professional Engineer with a background of over 20 years in the design and construction of roads in Ireland, I can confidently state that the roads between these farms will deteriorate within a very short space of time if they are not upgraded prior to this development coming into effect.

The existing R194 is very deficient in several locations in the vicinity of the sites. The local masonry arch bridge over the Finnaway River is in need of urgent repair, both to the arch and the parapets as is another masonry arch bridge located at Derrylea Townland, approximately 2 Km in the direction of Ballyjamesduff. This latter bridge has collapsed parapets and is located on a reverse bend and has resulted in numerous accidents over the years.

It is my opinion that in the comments on traffic, the author again bases his assessment on a baseline of an existing operational farm rather than the true existing conditions. Due to the lack of information provided by the applicant it is difficult to understand the comment on page 26 of the Planner's Report:

'I am satisfied that there will not be any adverse effect from Traffic at these locations'

In respect of Air, the author appears to rely on the mitigation measures in regard to the upgrading and management of the farm. It makes no comment on the practise of slurry spreading, odours arising from the high protein diet, the range of spread of odour and impact of odour on neighbouring properties and on individuals. Many international studies have been carried out on the impact of odour from pig farms on humans. It is one of the single most studied impacts from pig farming. The author's lack of attention to this issue is of great concern. This point will be expanded on in a later section of this submission.



Eligibility of existing IPPC license

In their submission to Cavan County Council in respect of the planning application the EPA noted that IPPC License P0427-01 issued to Maguire Farms in 2001 is associated with the planning application 14/238. This IPPC license P0427-01 relates to other Maguire Farms located at Drumscredan, Crosserlough and at Duffcastle. Please note that under the section 'Location of Activity' on page 1 of 18, the site at Finnaway is not included.

The following is an extract from the Conditions applying to IPPC Licence P0427-01.

1.4 Any reference in this licence to 'site' shall mean the plan area edged in black and labelled 'Map No. 2 - Site Location, Drumscredan Unit', and the plan area edged in black and labelled 'Map No.3 – Site Location, Duffcastle Unit' in Attachment 8, in the IPC licence application.

It would appear that no application for an IPPC license was ever made for the operation of the site at Finnaway. The Inspector's Memorandum to the Board, dated 11th October, 2000, in relation to the application for Licence P0427-01 described the activity as follows:

The Activity

This report relates to an application for an IPC licence for a pig breeding unit comprising an existing 1,500 sow yard at Drumscredan, Ballyjamesduff, focusing on the breeding and rearing of progeny from birth to weaner weights and a weaner yard on a green field site at Duffcastle, Ballyjamesduff. The two yards are located approximately 0.8 kilometres from each other and are considered as a single complex.

A copy of the Inspector's Report is contained in Appendix 1 of this submission.

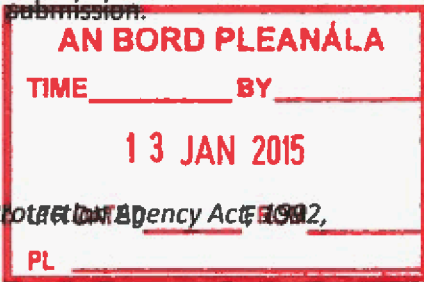
Page 23 of 18 of the IPPC license states:

'Activity Licensed

In pursuance of the powers conferred on it by the Environmental Protection Agency Act, 1992, the Agency hereby grants a licence to:

Mr. Bernard Maguire, Maguire Farms, Finaway, Ballyjamesduff, County Cavan, under Section 83(1) of the said Act to carry on the following activity:-

the rearing of pigs in installations, whether within the same complex or within 100 metres of that complex, where the capacity exceeds 1,000 units on gley soils or 3,000 units on other soils and where units have the following equivalents: 1 pig = 1 unit, 1 sow = 10 units, at Maguire Farms (Sheelin Farm), Drumscredan Crosserlough, County Cavan and Maguire Farms, Duffcastle, Crosserlough, County Cavan, subject to the following twelve Conditions, with the reasons therefor and associated schedules attached thereto.'



The site at Finnaway is approximately 3 kilometres from the Drumscredan and Duff Castle sites, therefore, the current IPPC license P0427-01 does not apply to it.

Whilst Bogue farms intend to operate Drumscredan and Finnaway as associated facilities the IPPC license P0427-01 does not include the Finnaway site.

The applicant takes the view that the existing facility should be assessed on the basis that the site is currently licensed. The license in question, P0427-01 is in the name of Mr. Bernard Maguire, a former owner and operator of the farm. An IPPC license is authorised to an individual rather than to a site. There is a facility whereby an individual can surrender their license. This has not been done in this instance. Mr. Maguire is no longer the owner of this site, the business, Finnaway Farms Ltd, having been the subject of insolvency proceedings in approximately 2005. Therefore, this site has no operator and has not been operational for over 10 years. Therefore any new operation on this site is subject to a new IPPC license. As a result the site must be assessed as a new operation, using the existing conditions as a baseline for impact assessment.

Further to the above, an attempt was made to transfer the license from Mr. Bernard Maguire to Mr. Gabriel Maguire in 2009, however due to payment difficulties this was not executed. The license remains in the name of Mr. Bernard Maguire.

An application has been made to the EPA to transfer the licence P0427-01 from Mr. Maguire to Mr. L Bogue (the Applicant). However the section indicating the 'Location of Activity' remains as previous and does not include the Finnaway site. (ref Appendix 1 of this submission).

Adequacy of EIS and provision of Further Information

Following from the previous section it has been demonstrated that the site at Finnaway should be judged as an unlicensed site without an IPPC licence. As such it has never been subjected to an Environmental Impact Assessment by the Competent Authority.

The Applicant has made statements within his application comparing the proposed operation to that which existed. He also comments on IFI submissions in relation to his planning application, in his letter date 20th October 2014, to the Planning Department of Cavan County Council (ref Appendix 2 of this submission) as follows:

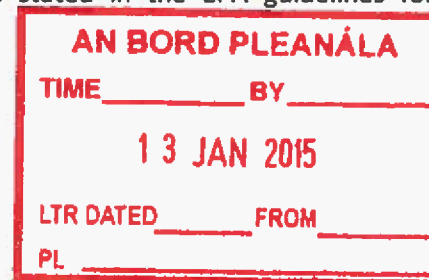
'These comments appear to detail that IFI have viewed the application and EIS from a baseline akin to a Greenfield site, whereby no consideration has been given to the existing authorised use of the farms and authorised scale of activity therein.'

Whilst the Drumscredan site may have been included in the authorised site, the Finnaway site clearly was not. The IFI are completely correct in their consideration of this site as a new facility for the purposes of assessment.

Any production at this facility is the equivalent of a new green field facility and should be assessed on that basis. The EIS has failed to take this approach and is therefore deficient in its statement of the likely impacts, by making comparisons with the impacts on the environment of the previous activities. Cavan County Council planners also hold this view and directed that the applicant redress this deficiency through the submission of Further Information. The applicant chose to reject the Planner's view for the most part and only provided further information in respect of which the EIS had omitted entirely. He was incorrect in this approach and as such Cavan County Council have made an error in approving planning permission for this facility. The Planners and Chief Executive Officer of Cavan County Council relied on the information provided in the EIS and supplementary information which was based on an incorrect baseline comparisons of impacts.

The Planner's Report indicates that the EPA noted that the EIS addresses the direct and indirect effects of the development on the aspects of the environment listed in Section 83(2A) (a) of the EPA Acts. However the EIS fails to address the headings as stated in the EPA guidelines for the preparation of an EIS, including,

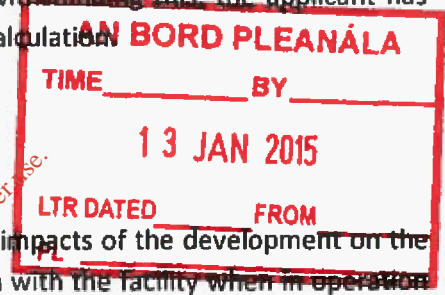
- Human Beings
- Air
- Noise
- Vibration
- Climate
- Material Assets



These headings are required to be addressed under European Directives 85/337/EEC, as amended, and the Planning and Development Regulations. The impacts and proposed mitigations of the development is to be described under each heading, for both the construction and operational phases of the facility. This has not been provided in the EIS submitted therefore the competent authority are not in a position to fully assess the likely impacts of the project. The likely impacts under these headings are of particular relevance to my property, and should be addressed in the EIS.

Cavan County Council also failed to insist on compliance with their request for more detailed information in respect of fundamental matters such as:

The actual number of pigs to be held on site at Finnaway. No actual figures have been supplied for this site. The documents supplied only relate to the number of sows, gilts, boars to be held at Drumscredan, no figures are provided for Finnaway. Notwithstanding this the applicant has derived volumes of slurry but we are given no basis for this calculation.



Description of Impacts in EIS

The EIS contains section 8 which purports to describe the likely impacts of the development on the environment. Much of this description is based on a comparison with the facility when in operation rather than the existing condition of non-operation. In doing so it has determined many instances of no residual impact, or positive impact which is absurd in the extreme.

It goes so far as to state that the impact of eutrophication on particular sites, it doesn't state which sites, is positive. This is clearly incorrect. Currently there is no risk of eutrophication on waterways arising from this site as there is no intensive agricultural activities being carried out, nor licensed to be carried out.

Should this site commence activity then there is a clear likely impact of increased Nitrogen and phosphorus entering the water bodies which is a major cause of eutrophication.

A similar assessment is made in relation to risks to water and ground water when it again claims the development has a positive impact. The basis for this description is fundamentally flawed.

The EIS document and Further Information contain several factually incorrect statements of this type and is not a reliable basis for Cavan County Council to have based their decision to award planning permission.

Suitability of the existing facilities

The EIS and the Supplementary information provided in the Further Information state that the alternative 'Do Nothing Scenario' involves no refurbishment of the existing facilities and recommencing farming in the existing units. However this is an incorrect description for a Do-Nothing scenario. The facility at Finnaway is not included in the IPPC Licences currently held, therefore operations cannot recommence without obtaining a new licence. In order to obtain a licence it will have to be upgraded to comply with current regulations. The existing facility at

Finnaway does not meet these regulations. Maguire Farms obtained planning permission to upgrade the site as necessary to comply with the Nitrate Directives. These works were not commenced. Therefore the correct Do-Nothing scenario is actually to not operate this farm as a pig farm.

The existing buildings were constructed in the 1960s and 1970s. They were not subject to the design standards applying to a modern facility.

It should be noted under that during the previous ownership of the farm by Maguire Farms, planning applications were made in 2006 and 2007 (ref 06/2449 and 07/710) to carry out works for the decommissioning and replacement of fattening houses in order to comply with the then incoming Nitrate regulations. Whilst permission was granted, none of these works were commenced (ref Executive Planner Memorandum dated 15/09/2014). No further applications have been made since and the farm has not been in operation. It is to be presumed that none of the buildings on this site are compliant with those, or more recent Regulations or Directives, and that should this application be successful, conditions must be applied for their demolition and to guarantee they will not be brought into use. Cavan County Council failed to impose any obligations in this respect when awarding Planning Permission, and therefore failed in their duty to protect the environment.

The applicant intends to retain two buildings at Finnaway and demolition and replacement of the remaining 5 fattening houses. The farm also contains a number of other structures including whey tanks, drainage systems, feed storage buildings and structures and concrete slurry tanks. The existing buildings comprise slatted units with underground tanks and channels for collection of manure.

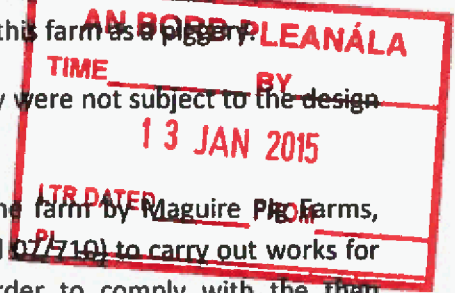
The application or EIS does not adequately describe in detail the extent of the works to be carried out and the impact on the environment. A significant amount of the construction waste will be contaminated material. The EIS makes no mention of material other than a generic description of the removal of asbestos sheeting. The intentions of the applicant are neither detailed nor are the likely impacts addressed. This clearly inhibits the competent authority's ability to make an Environmental Impact Assessment.

The existing farm, including buildings, pipework, drainage and feeding systems have not been in use since operation ceased approximately 10 years ago and were not designed to present day standards. The ability of the retained buildings to meet those standards are not addressed in the application or EIS.

The EIS contains no assessment by a qualified Engineer of the suitability of reuse of existing buildings, or associated drainage, pipework, manure collection systems. The EIS states that Leak Detection will be provided, yet it is difficult to see how this can be achieved for the 2 buildings being retained.

It is noted that this facility will require an IPPC license, which had not been applied for at the time the planning application was under review by CCC, therefore conditions should be applied that the facility may not commence construction until such license is obtained.

It is also noted that in December 2014 an application was made to transfer IPPC License 427-01 from Mr. B Maguire to Mr. Luke Bogue. This does not remove the requirement to obtain a new license to include the site at Finnaway.



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Environmental Ecological Report

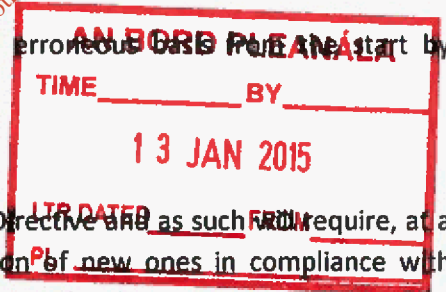
This report was prepared in response to further information requested by Cavan County Council. It symbolises the inadequacy of the original EIS in that this level of information should have been supplied in the original EIS and brings into question the adequacy of other elements not relating to Ecology.

Section 3 of the Ecology Impact Assessment notes:

'The EIS submitted describes that the alternative to the proposed development, ie the "do nothing" scenario, is to refurbish the existing facilities and structures and recommence farming from there.'

This is not a do-nothing scenario but rather a do-minimum scenario, ie the minimum required to commence pig operations again. However the existing scenario is one where there are no pig rearing operations at the Finnaway site. A Do-Nothing scenario is one where no pig operations are carried out but the farm is operated as it is now, as grassland for beef or silage. The importance of this distinction lies in the choosing of a baseline for carrying out a description of the likely impacts. If the proposed Do nothing scenario as described in the Ecological Impact Assessment Report is used then the baseline is that of an operational farm, which it is not, nor can be. As previously described this farm at Finnaway is not included in the IPPC licence and therefore a new application must be made.

Therefore the Ecological Impact Report commences on an erroneous basis. It starts by considering the Do Nothing scenario as described.



Operation of this farm requires compliance with the Nitrates Directive and as such will require, at a minimum, decommissioning of existing tanks and construction of new ones in compliance with existing regulations. This is in fact what the current proposal intends. The Finnaway site cannot be operated in it's existing condition and is not licensed to operate as a pig rearing unit. In fact the Ecological INpact Report stresses that ALL of the mitigation measures identified must be put in place including the replacement of the majority (c 99%) of the existing manure storage facilities with new manure storage tanks completed to Department of Agriculture, Food and the Marine Specifications. Therefore the Applicants own documentation details that mere refurbishment is not sufficient.

None of the details for Site Preparation, Demolition and Construction that are stated in the Ecological Impact Report are included in the drawings for the proposed development.

The Conditions associated with the planning approval states at Item 5:

'All Mitigation Measures from the submitted Environmental Impact Statement shall be carried out in full and in strict accordance with the submitted EIS.'

Unlike other conditions applied, it makes no reference to the Further Information received. The Conditions fail to link the Ecological Impact Assessment Report and it's recommendations to the planning approval. In this regard Cavan County Council have failed in their duty to protect the environment.

Lough Sheelin

The Ecological Impact Report finds the quality of the Finnaway and the Mounnugent Rivers to be of poor quality. These rivers are linked to Lough Sheelin, an SPA, SAC and pNHA. The report does not highlight the importance of Lough Sheelin within the local, national or international context.

Lough Sheelin

Classification and assigning lakes with an ecological status is a critical part of the WFD monitoring programme. It allows River Basin District managers to identify and prioritise lakes that currently fall short of the minimum "Good Ecological Status" that is required by 2015 if Ireland is not to incur penalties. Currently Lough Sheelin is classified as Poor.

At a presentation in 2008 by the Shannon Regional Fisheries Board on Nutrient Loadings in Lough Sheelin it was recommended that:

The EPA should continue to regulate and monitor waste management through licensing. Regulations must target the practice of spreading to dispose of waste on soils that are not phosphorus deficient.

The Client lands in the vicinity of the Finnaway site adjacent to the Finnaway River are not deficient in phosphorus.

The following is extracted from 'Water Framework Directive Fish Stock Survey of Lough Sheelin, June 2011.'

In the 1960s and 1970s Lough Sheelin was one of Ireland's top trout angling lakes, managed and developed by the Inland Fisheries Trust (now Inland Fisheries Ireland). Phosphorus originating from intensive agricultural developments has caused progressive enrichment of Lough Sheelin since the early 1970s (Champ, 1998 and 2003). This has resulted in the trout population diminishing and the fish stock becoming dominated by cyprinids (O' Grady, pers comm.). The lake has been stocked with brown trout in recent years, with around 16,000 2+ fish introduced in 2004, followed by between 3,000 and 6,000 per year thereafter. The water quality in the lake and the catchment has been monitored on a continuous basis by Inland Fisheries Ireland (previously the Shannon Regional Fisheries Board and the Central Fisheries Board) since the 1970s (Champ, 1979, 1991, 1993, 1998; Duggan and Champ, 1992; Kerins et al., 2007). A recently published study has shown a modest decrease in the total phosphorus loadings to the lake between 1988 and 2005, suggesting that the phosphorus losses from the catchment are slowly declining.

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It further states:

In the 2007 to 2009 surveillance monitoring reporting period, the EPA assigned Lough Sheelin an overall ecological status of Moderate, based on all monitored physico-chemical and biological elements, including fish. This status classification will be revised at the end of 2012.

Compliance of Planning Approval with Development Plans

There are a number of legislative and policy documents for the protection of the Environment, including ecology, water quality and Human Beings that are relevant to the award of planning permission for this development. There are also several best practise documents for the operation of intensive agricultural operations. These include,

- the Cavan County Development Plan 2014 – 2020,
- The Shannon International River Board,
- The Water Framework Directive,
- Nitrates Directive,
- Odour Impacts and Odour Emission Control Measures for Intensive Agriculture, EPA
- Planning and Development Act, as amended.

Various other best practise guidelines are also available that apply to this type of development.

Cavan County Development Plan (CCDP)

Lough Sheelin is identified in the CCDP Table 8.1 as one of three SPA's in the county. The Plan states:

Development in or near an SPA should avoid any significant adverse impact on the features for which the site has been designated. There are three SPAs in Co. Cavan, see Appendix four: Natural Heritage Maps and list below.

It is also identified as a pNHA in Table 8.3

The CCDP contains the following objective in relation to Protected Sites:

NHEO5 To protect and conserve the conservation value of SPAs, SACs and NHAs as identified by the Minister for DAHG and any other sites that may be proposed for designation during the lifetime of this plan.

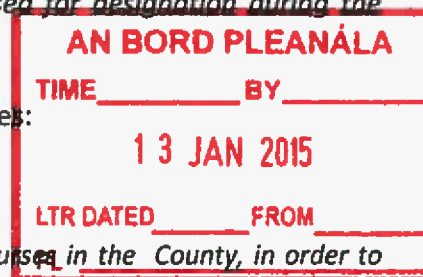
In respect of Water Quality the CCDP contains the following policies:

NHEP26 To protect the water resources of County Cavan.

NHEP27 To protect the rivers, streams, lakes and all other watercourses in the County, in order to promote sustainable and suitable habitats for flora and fauna.

NHEP28 To promote the engagement of developers and regulators in sustainable development and encourage a high standard of environmental protection. The 'precautionary principle' will apply where a significant risk to the environment exists.

NHEP29 To achieve good status in all our waterbodies and prevent the deterioration of existing quality status in all waterbodies in accordance with the requirements of the Water Framework Directive (WFD) and to any development where the potential adverse effects are not fully understood, in which case the development shall not proceed. The 'burden of proof' shall be sole



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with the applicant to ensure that the proposed activity will not cause significant environmental harm.

NHEP30 Ensure that all industrial or agricultural developments generating manure, organic fertilizer and sludge that are dependent on the off-site recovery or disposal of waste take account area mapping into account. Including lands with impaired drainage or percolation properties and lands where rock outcrop and extreme vulnerability of groundwater is present. Restrictions shall apply in areas where water source catchments are present.

NHEP31 Ensure the implementation and enforcement of the European Communities, 'Good Agricultural Practice for Protection of Waters Regulations' (2009) and associated European Communities 'Good agricultural Practice for Protection of Waters Regulations', 2010- S.I.610 of 2010.

With respect to these objectives there is no evidence provided by the applicant to Cavan County Council indicating a 'high standard of environmental protection. Specifically NHEP29 states a policy to achieve 'good' status in all our waterbodies and prevent the deterioration of existing water quality status. Documents published by the EPA, and the rating provided by the applicant indicate that the quality of the Finnaway and Mountnugent Rivers are of 'poor' and 'moderate' quality. Also Lough Sheelin is designated as 'moderate' quality. The existing quality of Lough Sheelin has been described as currently being at risk. By providing planning permission, to the site at Finnaway in particular, increases this risk to these water bodies and is in direct contravention of the policy stated in the County Development Plan. Even allowing for the proposed mitigation measures, the risk is increased for a waterbody already at risk. The target for Lough Sheelin is to achieve good quality status by 2015 in accordance with the Water Framework Directive. Allowing this development ensures that this will not be achieved, and is more likely to deteriorate in time.

The following relevant objectives apply to water quality:

NHEO50 All applications for development shall be assessed in terms of the potential impact on the quality of surface waters through the implementation of, where applicable, the RBMP's objectives and targets set under the following: 'Neagh Bann International River Basin District', 'Water Matters' and 'North Western International River Basin District: Water Matters', 'Shannon International River Basin District: Water Matters' and the 'Eastern International River Basin District: Water Matters'.

NHEO52 Ensure that the protection of all known and potential groundwater reserves in County Cavan are met through the effective implementation of the Groundwater Protection Scheme for County Cavan.

There is no evidence provided in the Applicant's submission showing that it has been assessed in terms of potential impact on the quality of surface waters through the implementation of the RBMP's objectives and targets, under any of the documents noted.

The CCDP identifies Lough Sheelin as one of nine lakes as Major Lakes and Lake Environs:

These lakes have amenity value due in part to their size and location within a scenic landscape and their recreational value.

There are a number of specific objectives in this regard:

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NHEO33 To maintain the amenity value of major lakes and their environs within a landscape, recreational and ecological context by restricting and regulating development that would prejudice use and enjoyment of the areas, give rise to adverse visual impacts or threaten habitats through disposal of effluents.

It is also identified for it's Lakeside Amenity Areas:

- 12. Kilnahard, Lough Sheelin Area 3 Lake Catchments of South Cavan
- 13. Crover, Lough Sheelin Area 3 Lake Catchments of South Cavan
- 14. Tonagh, Lough Sheelin Area 3 Lake Catchments of South Cavan

In respect of Waterways and Fisheries policies the CCDP includes Lough Sheelin as follows:

The English angler constitutes the main market for coarse fishing while for the French angler fishing for pike is a growth market. Lough Sheelin brown trout fishery is a popular game fishing destination. A good working relationship with the Council and Inland Fisheries Ireland has led to a partnership approach to the development of angling in Cavan in 2013.

The following objective is listed:

RTO2 Ensure the protection of existing angling locations and maintain free from inappropriate development.

The increased risk of pollution will not protect the amenity value of Lough Sheelin. In the 1970s Lough Sheelin was a major amenity attracting international anglers and locals. Following years of pollution, mainly by intensive agricultural activities the lake became eutrophic, with many fish kills. The amenity value of the lake disappeared and was unfit for use for angling, boating or swimming. As a result a number of hotels and tourist businesses closed down, including the Sheelin Shamrock Hotel. The issue was raised in the houses of the Oireachtas with several commitments made by the Ministers of the time, however the amenity value and worse the international reputation of the lake was destroyed. It is only in recent times that it's amenity value has begun to return after 20 years. If development of intensive agriculture occurs adjacent to the tributaries of this Lake then the reputation and amenity will be lost again. The applicant claims 4 direct jobs will be created by this development, there are currently many more jobs being put at risk at the amenity locations around the lake.

The provision of planning permission is in contravention of objective **ANTBORD PLEANÁLA** of the Shannon International River Basin District Management Plan. **TIME** _____ **BY** _____

Shannon International River Basin District Management Plan.

The Finnaway River is a tributary of the Mountnugent River which flows to Lough Sheelin via the River Inny. The Finnaway River is a spawning site for brown trout. The documents provided fail to indicate the linkage of this site to Lough Sheelin a designated protected site. Figures contained in Appendix 3 of this submission are provided to highlight this linkage. In addition figures are provided showing the Water Frame Work directive risk modelling of these rivers and streams. These figures are obtained directly from the Environmental Protection Agency website.

ANTBORD PLEANÁLA
13 JAN 2015
UPDATED

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The Inny Water Management Unit is a component of the overall Shannon International River Basin District Management Plan.

This identifies agriculture as a source contributing 80% of the Sectoral Total Phosphorus Source. It indicates for the Inny and Mount Nugent Rivers that lead to Lough Sheelin and are in close proximity to the Finnaway River:

INNY (SH_26_2060, SH_26_1371, SH_26_2664, SH_26_1443, SH_26_883, SH_26_2660) - widespread eutrophication, excessive siltation, low dissolved oxygen concentrations, enhanced weed and algal production.

MOUNT NUGENT (SH_26_2264, SH_26_2742) - dominance of pollution tolerant macroinvertebrate fauna, heavy siltation, enhanced weed growth, and low dissolved oxygen concentrations.

In respect of future developments it states:

Throughout the river basin management cycle future pressures and developments will need to be managed to ensure compliance with the objectives of the Water Framework Directive and the Programme of Measures will need to be developed to ensure issues associated with these new pressures are addressed.

This development does not appear to have been assessed in respect of the ShIRBD Management Plan.

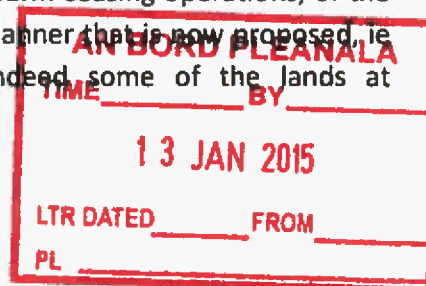
The Shannon IRBD Groundwater Action Plan indicates that there are 73 GWB at Risk from agricultural sources due to contribution of Nutrient Loading (MRP) from Groundwater to Rivers at less than good ecological status. 56 of the 73 GWB in Poor Status due to contribution of Nutrient Loading (MRP) from Groundwater to Rivers at less than good ecological status.

These diffuse agricultural sources include runoff from slurry spreading into river waters. The soil in the area contiguous to the Finnaway River have low percolation, As a result the amount of surface runoff is higher than for soils with high percolation. When slurry is spread, a significant portion flows overland to the river causing a diffuse pollution source. The information provided by the applicant does not indicate that the slurry spread on the land will not cause an excessive amount of pollution.

Specific Objection of Mrs Rita Tierney

Mrs Tierney made an objection to planning application 14/279. In the objection she stated that the operation of the site at Finnaway would lead to significant odour and that the spreading of slurry would also increase this impact.

Mrs Tierney has lived at her residence since 1972 at a time when this farm was operated by Mr. B Maguire. She has first hand experience, up to the time of the farm ceasing operations, of the impacts of this piggery operation. It was operated in a similar manner that is now proposed, ie as a fattening unit supplied by the Drumscredan site. Indeed some of the lands at Drumscredan were sold to Mr. Maguire by her brother.



During the operation of the farm, the level of odour emission was intolerable to the point where on occasion she would have to leave the house to avoid the smell. The odour was at it's worst during the slurry spreading operations and during hot weather. Even on the warmest days the windows and doors of the house had to be closed. There was also a significant increase in the number of flies in the area which caused great nuisance and concerns regarding transfer of contamination from the piggery.

On occasions the manure storage tanks could not contain the manure being produced and overflowed into the Finnaway River. In addition in an attempt to reduce the stored amount of manure, too much was spread on the land adjacent to the site leaving it saturated to the point that it killed the grass. Often fish kills were witnessed in the river.

All of these combined to remove Mrs Tierney's entitlement to the enjoyment of her property. Mrs Tierney has no agricultural lands, and therefore is the only nearby resident who does not stand to gain as a 'Client' farm, or to obtain 'cheap' fertiliser. In fact it is more apparent that Mrs. Tierney's property will be devalued both financially and in terms of it's use as a direct result of the proposed development. Quantification of this devalue is difficult to quantify but will be significant. Mrs. Tierney has no other avenue to protect the value and use of her home than by insisting on the implementation of the policies and objectives of the Cavan County Development Plan.

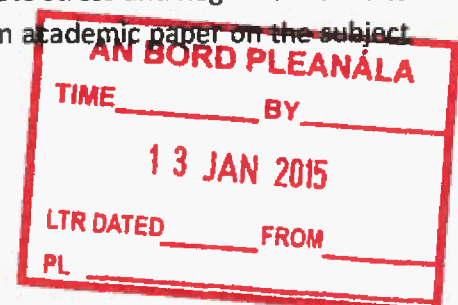
Mrs Tierney is over 80 years of age and uses the Finnaway Road every morning travelling to the local church. The increase in traffic, almost exclusively by HGVs and large agricultural vehicles, will make this journey more hazardous for her.

In their request for Further Information Cavan County Council instructed the Applicant to make a detailed response to Mrs Tierney's objection. The applicants response was that *'it was difficult to identify Mrs Tierney's residence'*. No further information is provided to address the concerns raised. The comment in the Planner's report makes no reference to this, yet appears not to make a further instruction for information. This response and acceptance by the Planner is entirely dismissive of Mrs Tierney's objection. She is entitled to expect Cavan County Council to act more strongly in considering her objection. In this regard Cavan County Council have failed in their duty to her.

There are numerous studies relating odours from pig production to human health. The Applicant has made no effort to describe these, nor has Cavan County Council sought information in relation to it.

The presence of malodours arising from pig production can create stress and negative moods to neighbours. The American Journal of Public Health published an academic paper on the subject and is contained in Appendix 4 to this submission.

This paper concludes:



Conclusions

In a community-based, longitudinal study of neighbors of industrial hog operations, we observed associations among malodor, several airborne emissions, stress, and negative mood. Specifically, we observed increased reporting of stress and negative mood in response to increasing malodor. Additionally, increases in H2S and semivolatile PM10, both odorous in nature, were associated with reported stress and 1 or more mood variables. Our findings complement a large literature on malodor as an environmental stressor. Malodor and concomitant airborne emissions do appear to trigger stress and negative mood in nearby residents unwillingly exposed at home.

It is important to contextualize the effect of malodor on the lives of nearby residents. People who cannot afford air conditioning, clothes dryers, membership at a gym, and entertaining in restaurants depend on opening their windows for ventilation, drying their clothes outside, exercising in their yards, and entertaining family and friends in and around their homes. In ethnographic interviews, neighbors of industrial hog operations report that they refrain from gardening, walking, chores, and having cookouts with family and friends because of hog odor, and they report interruption of their sleep because of hog odor inside their homes. This is significant, because physical activity, social support, and sleep are important for health. Industrial hog operations in North Carolina are located disproportionately in low income, African American communities³⁵ that have limited financial resources to prevent the influx of polluting industries as well as to manage the impacts of uncontrollable environmental malodours on physical and mental health. Recognizing that health is a state of well-being, and not merely the absence of disease, public health and environmental professionals should consider the impacts of environmental malodor and its potential role in magnifying health disparities.

This issue is also addressed in the EPA document, *Odour Impacts and Odour Emission Control Measures for Intensive Agriculture*, published in 2001. This document provides a methodology for determining odour impact based on air dispersion modelling. The EIS section 6.4 discusses air, however makes no reference to this document or the appropriate process for determining odour impacts.

The Applicant and the Cavan County Council have given no regard to the adverse impact of odour on Mrs Tierney’s property, despite the Applicant having been instructed to provide a detailed response to the objection.

This document suggests that:

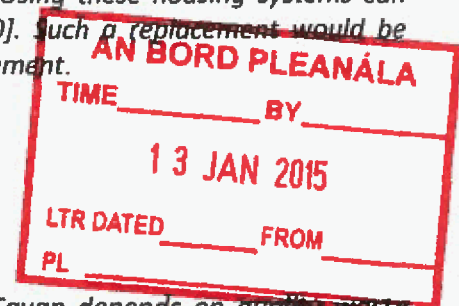
A longer-term solution to reduce emissions would be modification of the production method. Replacing the current fully slatted system with low-emission pig housing, such as the so-called ‘green label’ buildings that haven been introduced in the Netherlands. Using these housing systems can potentially reduce emissions to 50% of the current levels[24, 30]. Such a replacement would be feasible only when planned within the normal cycle of asset replacement.

Slurry Spreading

The CCDP states:

‘The sustainable development of the agricultural industry in Cavan depends on quality waste management systems that take account of nutrient balances sensitive water bodies, topography and soil conditions.’

Neither the EIS nor the Further Information has provided any evidence that the soils on which the slurry is to be spread is suitable for that use. Soil maps are included in the EIS, however this does not



demonstrate that the lands adjacent to the Finnaway site are suitable and that the Finnaway River will not be polluted due to the unsuitability of the soil. No evidence of soil tests have been provided.

In failing to seek this evidence Cavan County Council has failed in following it's own policies in relation to ensuring the protection of the environment.

The Teagasc Report, LAND SPREADING OF ANIMAL MANURES, FARM WASTES & NON AGRICULTURAL ORGANIC WASTES, published in 1999 states:

On a relative basis, only sites ranked as having a "low" potential to lose nutrients to water should be used to "store" surplus P from applied IAE manure (i.e. build up STP to 15 mg/l). "High risk" areas should not be used for IAE manure applications.

It further notes:

The lowest practicaly achievable liquid manure application rate is in the range 15 to 20 t/ha using the typical (and widely used) vacuum tanker. Lower application rates can only be achieved with improved and more expensive application control systems, or by intentionally diluting the slurry.

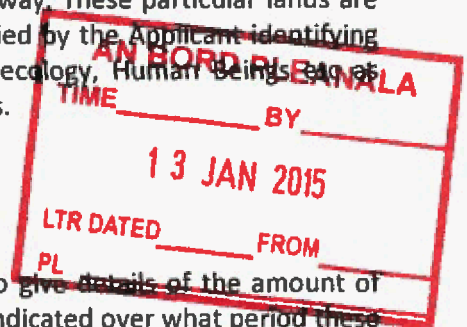
Code Of Good Agricultural Practice: The Nitrate COP sets a voluntary organic N load limit of 250 kg/ha/annum in areas with no water quality problems. This limit can be reduced to 210 or 170 kg/ha/annum in areas experiencing water quality problems.

The organic N supplied in pig manure and SMC applications, at 20 and 10 t/ha, respectively, are approximately 80 kg/ha. Therefore, only grassland farms with stocking rates of less than 2.0 LU/ ha (> 170 kg organic N/ha) can accept Intensive Agriculture Enterprises manure and remain in compliance with the even highest Nitrate COP organic N limit of 250 kg organic N/ha. Concern over ground water quality in some parts of the Country may result in lower organic N limits being set, i.e. 210 and 170 kg/ha. If N limits were set at 210 kg/ha, the implications for pig manure and SMC applications are that they will be restricted to grassland farms with stocking rates of less than 1.8 and 1.3 LU/ha. If a 170 kg/ha N limit is set, pig manure and SMC applications would be confined to farms with less than 1.4 and 1.0 LU/ha stocking densities, respectively.

The information provided by the Applicant in respect of identifying Client lands for the spreading of slurry is extremely vague, indeed one of the indicators numbered 1 and highlighted yellow in Appendix 6 of the EIS, is located directly on top of Mrs. Tierney's residence. It is assumed that those lands indicated as 1 on this map are the lands attached to the site at Finnaway, and are/were in the ownership of Mr. B Maguire, the former owner of the site at Finnaway. These particular lands are more clearly shown in the following figure. No information is supplied by the Applicant identifying the likely impacts of this manure spreading, including noise, air, ecology, Human Beings, or as required for the preparation of an EIS according to the EPA guidelines.

Insert fig of client lands and house.

Appendix 1 Customer Farm Details, contained in the EIS appears to give details of the amount of Nitrate loading on the areas identified for slurry spreading. It is not indicated over what period these loadings apply. They do not relate the number of stock on these lands as required by the Code as stated above, which has an impact on the allowable loading. It is also not clear whether the required buffer zones have been taken into account in the calculation of available areas. Nor is there any



consideration given to the sensitivity of the Finnaway, Mount Nugent and Inny Rivers to accept the diffuse pollution that will occur from runoff.

Studies have been carried out on the implications of the Code of Good Agricultural Practice which indicate the difficulty in identifying and selecting Client lands for manure spreading. It is clearly stated that soil sampling is required to determine the suitability of lands for spreading manure. No information of such testing being carried out has been provided with this application.

Cavan County Council failed in requesting this detailed information to allow them to assess the impacts of the development on the waterbodies and as a result did not act in compliance with the policies and objectives of the Cavan County Development Plan, with regard to protection of water quality and the Water Framework Directive to obtain 'good' quality classification for the Finnaway, Mounnugent and Inny Rivers.

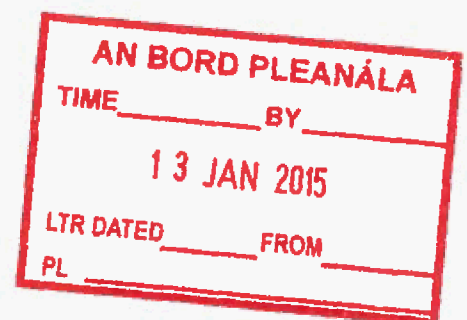
Conclusion

A key aspect to the avoidance of pollution and protection of the Environment lies in the enforcement by the relevant authorities. It is Mrs Tierney's opinion that the conditions applied to the planning permission and not sufficient to enforce proper protection and to ensure compliance with the policies and objectives of Cavan County Council. The conditions do not take sufficient cognisance of Mrs. Tierney's objection by ensuring measures are taken to eliminate odour at her property.

The planning permission as it stands does not comply with the policies and objectives as described in the Cavan County Development Plan, in respect of protection of water quality or protection of amenity, the implementation of the Water Framework Directive, the Shannon International River Basin District Management Plan. The Applicant's own Ecological Impact Assessment indicates how the risk to the Finnaway and Mounnugent Rivers and subsequently Lough Sheelin SAC, pNHA and SPA is increased, in contravention of the policies of Cavan County Council,

The EIS and Further Information requested by Cavan County Council was not detailed or complete, and as a result did not provide the relevant information to allow the Competent Authority to reach the conclusions they have to award planning permission.

Mrs. Tierney has no other avenue to protect the value and use of her home than by insisting on the implementation of the policies and objectives of the Cavan County Development Plan. Cavan County Council have failed to implement these policies and objectives in respect of this development and now Mrs Tierney must rely on An Bord Pleanála to undertake this duty instead.

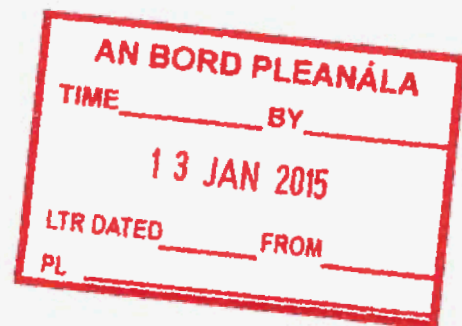


Appendix 1

EPA Licence 427 and EPA Inspector's Report

Application for Transfer of IPPC License

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CLW Environmental Planners Ltd.

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Planning Department,
Cavan County Council,
Farnham Centre
Farnham Street,
Cavan.

24th July 2014

RE: Planning application for Bogue Pigs for development at Finaway, Ballyjamesduff, Co. Cavan.

Dear Sir/Madame

I refer to the enclosed documents in relation to a planning application for permission for development made on behalf of Bogue Pigs. for development at Finaway, Ballyjamesduff, Co. Cavan.

Please find the following information with regard to this application enclosed:

- Completed Application Form.
- Appropriate Fee
- Site Location Map (Scale 1:2,500) and Site Plan, 6 copies, (Scale 1:500).
- Plans Elevations and sections for which planning permission is sought, 6 copies (Scale 1:100).
- Copy of full page of Public Notice.
- Copy of Site Notice.
- Completed form re: agricultural structures.
- E.I.S. * 10 copies (1 hard copy + 9 Copies on CD) *- IN PULL AT REAR OF FILE*
- AA Screening Report

Should you have any queries in relation to this, or, require any further information please do not hesitate to contact me at the above number or on 087-6794459.

Yours Faithfully,

[Signature]
Paraic Fay B.Agr.Sc.



CLW Environmental Planners Ltd.

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STATEMENT FOR SCREENING – ARTICLE 6(3) & (4) OF THE HABITATS
DIRECTIVE 92/43/EEC APPROPRIATE ASSESSMENT OF A PROPOSED PROJECT



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in respect of

**A PROPOSED DEVELOPMENT
ON EXISTING PIG FARM**

located at

Drumscruddan, Crosserlough, Co. Cavan
&
Finaway, Ballyjamesduff, Co. Cavan.

Prepared on behalf of the Applicant

Boque Pigs

by

CLW Environmental Planners Ltd.
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16th July 2014

SCREENING REPORT

ARTICLE 6(3) & (4) OF THE HABITATS DIRECTIVE 92/43/EEC APPROPRIATE ASSESSMENT OF A PROPOSED PROJECT

-REDEVELOPMENT AND MODERNISATION OF EXISTING PIG FARM-

1.0 INTRODUCTION

This Report details an *Appropriate Assessment Screening* carried out as part of an application for planning permission to Cavan County Council for the redevelopment of an existing pig farm located on two geographically separate sites at Drumscredan, Crosserlough, Co. Cavan (Breeding site), (National Grid Reference: E 291413 N 248647), and Finaway, Ballyjamesduff, Co. Cavan (Finisher site) (National Grid Reference: E 288975 N 249921).

CLW Environmental Planners Ltd. have been retained by Bogue Pigs, to undertake an *Appropriate Assessment Screening Report* for potential significant environmental effects on Natura 2000 sites with reference to an application to Cavan County Council for planning permission for a development on an existing pig farm at Drumscredan, Crosserlough, Co. Cavan and Finaway, Ballyjamesduff, Co. Cavan. The report relates to a proposal to demolish c. 14 no. pig houses and construct 5 no. pig houses at the breeding site and demolish c. 12 no. pig houses and construct 5 no. pig houses and an extension to 1 No. existing pig house at the fattening site.

This *Appropriate Assessment Screening Report* should be read in conjunction with an Environmental Impact Statement prepared to accompany this planning application. This Screening Report has been prepared in accordance with Guidance Notes provided by the Department of Environment, Heritage and Local Government *Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities*.

The purpose of this *Screening Report* is to ascertain whether or not an Appropriate Assessment under *Article 6(3) and 6(4) of the Habitats Directive* is necessary by examining:

1. whether a plan or project can be excluded from AA requirements on the basis that it is directly linked with or necessary to the management of the Natura 2000 site, and
2. the potential effects of a project or plan either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives and considering whether these effects will be significant.

As point one does not apply in this case this Screening Report focuses on the effect this project might have on any Natura 2000 sites.

1.1 Summary of Conclusions of Appropriate Assessment Screening

This Appropriate Assessment Screening Report of a proposed redevelopment of an existing pig farm located on two geographically separate sites Drumscredan, Crosserlough, Co. Cavan and Finaway, Ballyjamesduff, Co. Cavan has concluded the following:

- The *Appropriate Assessment Screening* Report has identified no direct potential significant adverse effects on three no. Natura 2000 sites identified within the wider area of the subject site.
- This *Appropriate Assessment Screening* Report has identified potential for secondary indirect adverse effects on two Natura 2000 Sites, namely the Lough Sheelin SPA (NPWS Site Code 004065) and the Lough Kinnale and Derragh Lough SPA (NPWS Site Code 004061) as a result of organic fertiliser generated on this site. While the proposed development will be located within the water catchment of these SPA's there will be no impact on the Natura 2000 sites as a result of this proposal as all additional organic fertiliser is to be allocated for use in accordance with S.I. 31 of 2014 *European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2014*. Given its considerable distance from the site and the lack of a direct pathway connecting it to the site, the River Boyne and River Blackwater SAC (NPWS Site Code 002299) will not have potential for impact as a result of the proposal.
- This Report concludes that given the distance of the subject site from the two Natura 2000 sites at in excess of 3km at the closest point and the fact that only clean surface water will be discharged to local watercourses and all organic fertiliser generated by the proposed development will be stored and utilised appropriately, there will be no secondary adverse impacts on the identified Natura 2000 sites. All organic fertiliser will be allocated for use in accordance with the requirements of the Nitrates Directive and S.I. 31 of 2014 ensuring no potential pollution of surface or ground water.
- It is our recommendation that there is no requirement for a *Stage II Habitats Directive Assessment* to be carried out in respect of the proposed redevelopment of the existing pig farm at Drumscredan and Finaway, Ballyjamesduff, Co. Cavan.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 Site Description

The site of proposed farm developments to be completed by the applicant are to be completed on two geographically separate, but inter-related and interdependent, existing pig farm sites at;

1. Drumscredan, Crosserlough, Co. Cavan (Breeding site), (National Grid Reference: E 291413 N 248647), and,
2. Finaway, Ballyjamesduff, Co. Cavan (Finisher site) (National Grid Reference: E 288975 N 249921),

The two sites are currently destocked but it is proposed to resume operations as an integrated pig farm. Pigs have been and will continue to be produced on the breeding side (Drumscredan) and reared to c. 35 – 40 Kg's, at which time they are transferred to the finishing site (Finaway) to be reared to market weight (c. 115kg's).

The Breeding Site at Drumscredan is located c. 2.7 km's north east of the Finaway site. The site extends to c. 3.15 Ha. The site accesses onto a local third class road, which is in turn c. 2.25 Km from the Regional Route the R 194 between Ballyjamesduff and Granard. The site is located c. 3 km's west of Ballyjamesduff, and c. 4 Km's east of Kilnaleck.

The finisher site extending to c. 2.52 Ha is located in the townland of Finaway. The site access onto a local third class road, which is in turn c. 0.5 Km from the Regional Route the R 194 between Ballyjamesduff and Granard. The site is located, c. 3 km's southwest of Ballyjamesduff, and c. 3.5 Km's northeast of Mountnugent.

2.2 Proposed Development

2 No. planning applications are to be submitted to Cavan County Council on behalf of *Bogue Pigs* for permission to carry out the following proposed developments;

- **Breeding Site @ Drumscredan:** Demolish all existing pig houses and associated ancillary structures and construct 5 No. Pig houses, along with all ancillary structures and associated site works on the site of an existing pig farming enterprise (National Grid Reference: E 291413 N 248647).

and,

- **Finisher Site @ Finaway:** Demolish c. 12 No. Existing Pig Houses and construct 5 No. Pig houses and an extension to 1 No. existing pig house, along with all ancillary structures and associated site works on the site of an existing pig farming enterprise (National Grid Reference: E 288975 N 249921).

As these sites operate as a single entity this appropriate assessment will examine both planning applications in tandem in terms of their impacts on Natura 2000 sites.

The EIS outlines that these planning applications will not seek to allow for any intensification of activities on the farm(s). These sites have previously operated as a c. 1,510 Sow integrated unit as per sow numbers specified in the Licence No. P0427-01 issued by the E.P.A. on 3rd January 2001. The Breeding Site planning application will provide the required housing, manure storage facilities and ancillary structures for c. 1,250 sows in a breeding unit rearing pigs to 35-40kg's, together with all associated breeding stock. While the Finishing Site planning application will provide the required accommodation to rear all pigs from the proposed sow herd from 35/40 kg's to market weight

Figure 2.1 Site Location

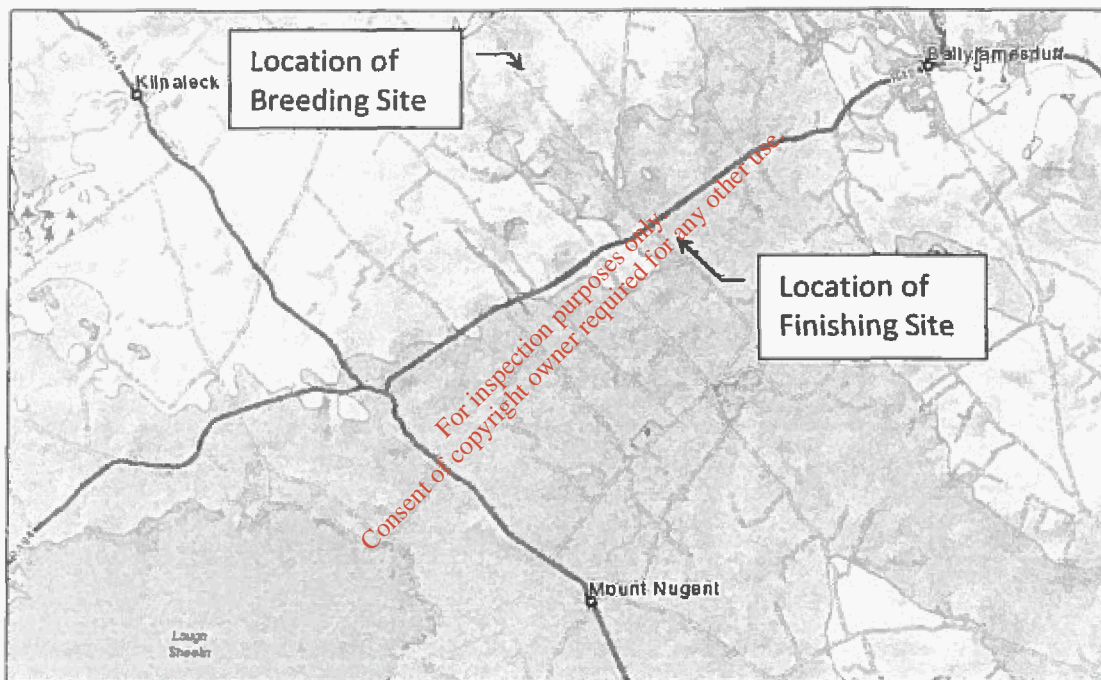
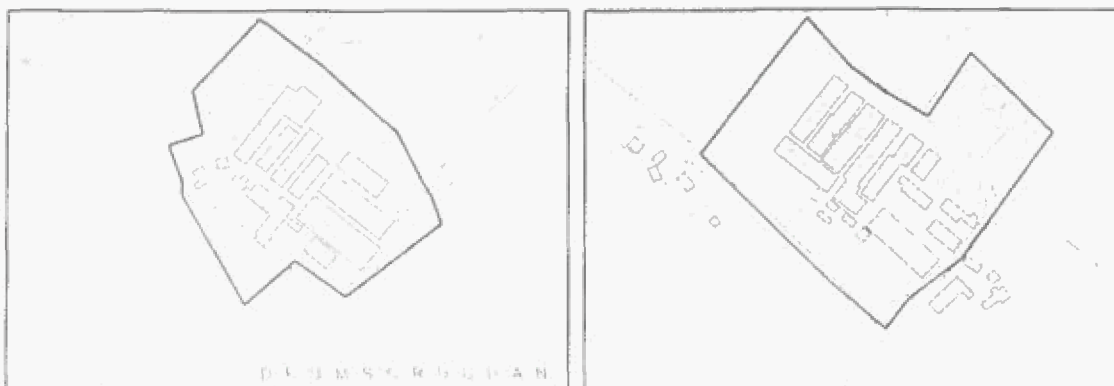


Figure 2.2 The Breeding Site at Drumscredan and Finishing Site at Finaway



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2.2.2 Allocation of Organic Fertiliser

The manure from this farm will be used by the customer farmers in accordance with the European Nitrates Directive, as enacted in Ireland by S.I. 31 of 2014 or any subsequent amendment to and/or derogation from same. S.I. 31 of 2014 entitles farmers to use organic fertilise on their farmland as a replacement for chemical fertiliser within specified limits based on crop demands.

Given the nature of the proposed development the relevant issue which has potential to impact on designated sites is the potential for pollution of surface and ground water as a result of the proposed activities on this site. It should be noted that the proposed development will reduce stock numbers on site and will result in a significant improvement in onsite organic manure storage. The EIS concludes that the improved facilities along with the additional storage capacity will reduce any potential risk to ground and surface water as a result of the farming activities on site.

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3.0 NATURA 2000 SITES IDENTIFIED

The Natura 2000 network in Ireland is made up of European Sites which include

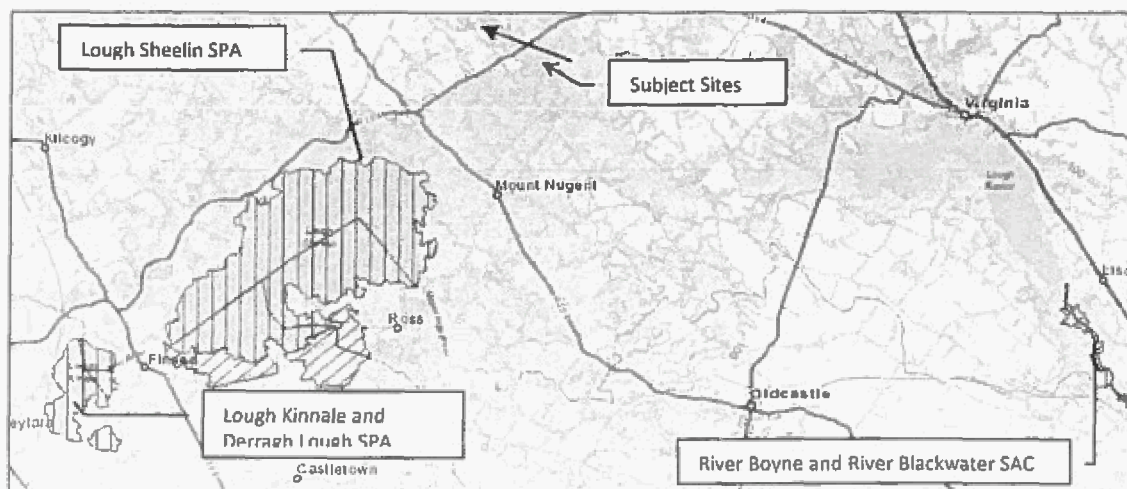
- Special Areas of Conservation (SAC)
- Special Protection Areas (SPA)
- Candidate Special Areas of Conservation (cSAC)
- Proposed Special Protection Areas (pSPA)

The nearest designated Natura 2000 site to the existing farm, and site of the proposed developments, is the Lough Sheelin SPA (NPWS Site Code 004065) which is located approximately 3.85 km to the south west of the existing farm. Lough Kinnale and Derragh Lough SPA (NPWS Site Code 004061) is located 12.5km also to the southwest. The River Boyne and River Blackwater SAC (NPWS Site Code 002299) is located 14.1km from the subject site at its closest point.

Other sites located some bit further from the pig farm is the Lough Oughter Complex SPA (NPWS Site Code 004049) and the Lough Oughter and Associated Loughs SAC (NPWS Site Code 000007) which is located approximately 16.4 km from the subject sites at its closest point and is considered outside the zone of potential impacts for the purpose of this Appropriate Assessment Screening.

As such the relevant designated sites which are considered within the zone of potential impact for the proposed development are the Lough Sheelin SPA, Lough Kinnale and Derragh Lough SPA and the River Boyne and River Blackwater SAC. The Site Synopsis' for these above listed SAC and SPA sites are attached as addendums to this report.

Figure 3.1 Locations of Natura 2000 Sites Assessed in this Appropriate Assessment Screening



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As outlined in the EIS, the sites are located in Hydrometric Area No. 36, the Shannon catchment. The farm is located in the Inny Water Management Unit catchment area, and is drained by tributaries of the Mounnugent Rivers. As such the farm is located within the water catchment area of the Lough Sheelin and Lough Kinnale and Derragh Lough. The site is outside the catchment of the River Boyne and Blackwater SAC. As a result the potential impacts of the development on the Lough Sheelin and Lough Kinnale and Derragh Lough SPA's and the potential for pollution of ground and surface water that would ultimately flow into this Lough system is of most significance.

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4.0 ASSESSMENT OF LIKELY EFFECTS

4.1 Assessment of Likely Effects

A detailed assessment of the impacts, both direct, indirect and cumulative, of the proposed project on Natura 2000 sites based on the description of the project as outlined in Section 2.0 above has been carried out as part of this Appropriate Assessment Screening. This assessment is in addition to the environmental assessment carried out as part of the EIA process. The EIS attached with the planning application provides detailed information on the environmental impacts of the proposed project.

As the proposed development is located outside the boundary of the above listed Natura 2000 sites (in excess of 3.85 km) the possible direct impacts of this proposed development on these designated sites are limited. Potential indirect impacts might include loss of habitat, loss of species, demand on water supply, waste generation and potential impact on ground water. The issue identified as having the most potential for an impact on the Natura 2000 sites was the management of organic fertiliser and potential for pollution of ground and surface water due to loss of nutrients to water. The River Boyne and River Blackwater SAC is located outside the water catchment area of the subject site and as such will not be impacted by any potential water pollution that may emanate from this site. It is considered that there will be no direct or indirect impacts on these sites as a result of the proposed development. The Lough Sheelin SPA and Lough Kinnale and Derragh Lough SPA are potentially vulnerable to potential for contamination as a result of loss of nutrients to surface or groundwater from the existing/proposed development due to the direct pathway via the River Inny.

The current proposal does not allow for an increase in pig production on site rather will see a reduction from 1,510 sows integrated as currently permitted to 1,250 sows integrated. There will be a corresponding reduction in organic fertiliser generated on site. The proposed development will result in a significant upgrade in organic manure storage facilities on site with a significant increase in storage capacity. Newly constructed manure storage tanks build to Department of Agriculture Specifications will replace older tanks. This will see a significant reduction in potential for point source discharges to surface or ground water. In fact the new development will provide for the upgrade and replacement of existing animal housing facilities on site and as a result secure containment of all organic fertiliser produced in these houses. All new manure storage tanks will have leak detection facilities installed.

The site synopsis for Lough SPA identifies water pollution mainly from agricultural sources as a problem for the site. Activities such as run-off from fertiliser and slurry application as well as point discharge from farmyards has been a problem in this area. To mitigate any potential impact from this site all organic fertiliser generated will be exported off site to farms who meet the requirements under S.I. 31 of 2014 *European Communities (Good Agricultural Practice for Protection of Waters)*

Regulations. As a result the export and management of this material will not have an impact on water quality as the nutrients will be recycled as a fertiliser for grass and/or crop production. Based on the assumption that the farm continues to operate in accordance with S.I. 31 of 2014 it is not considered that there will be any secondary indirect adverse impacts on any Natura 2000 sites as a result of the proposed development.

4.2 Assessment of 'In Combination Effects'

Given the location of this site within Co. Cavan it is likely that there are other pig farms located upstream of this existing farm which might, in combination with the subject farm, increase the potential risk to the surface water in the area.

There is potential for diffuse pollution occurring from the surrounding agricultural land which should be considered in combination with the subject development.

The proposed development seeks to replace a significant amount of structures on site with modern purpose built pig houses completed in line with Cavan Co. Co., Department of Agriculture Food and The Marine and EPA standards and requirements. The development will however see a reduction in the overall activity on site and consequently will result in overall improvements in manure management.

As per normal practices this fertiliser will all be stored and distributed in accordance with S.I. 31 of 2014 European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2014. It is concluded that any existing developments in combination with the subject facility will not result in any additional direct or indirect impacts on the afore mentioned Natura 2000 sites.

5.0 SCREENING STATEMENT WITH CONCLUSIONS

The conclusion on the completion of this Appropriate Assessment Screening Report is that it is considered that full Stage 3 Appropriate Assessment is not required for the granting of a planning permission for the redevelopment of this pig farm at Drumscredan and Finaway, Ballyjamesduff, Co. Cavan.

It is felt that,

- given the considerable distance of the proposed project from the identified Natura 2000 sites,
- the proposed development relates to the replacement of existing structures on the farm,
- the proposed development will see an overall reduction in intensity from 1,510 sows integrated to 1,250 sows integrated
- all organic fertiliser, existing and proposed, will be allocated for use in accordance with S.I. 31 of 2014, and,

it is concluded that the proposal will not have a significant effect on the conservation objectives or integrity of these sites and as such appropriate assessment is not required.

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Paraic Fay B.Agr.Sc.
CLW Environmental Planners

16/07/2014

Date

ADDENDUMS 1-4

National Parks and Wildlife Service Site Synopsis' for sites identified within this Appropriate Assessment Screening.

- The Lough Sheelin SPA (NPWS Site Code 004065)
- Lough Kinnale and Derragh Lough SPA (NPWS Site Code 004061)
- The River Boyne and Blackwater SAC (NPWS Site Code 002299)

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SITE SYNOPSIS

SITE NAME: LOUGH SHEELIN SPA

SITE CODE: 004065

Lough Sheelin is a medium- to large-sized lake, with a maximum length of 7 km. The lake lies near the top of the catchment of the Inny River, a main tributary of the River Shannon. It is a typical limestone lake and is fairly shallow (maximum depth 14 m). The trophic status of the lake has varied greatly since the 1970s due to pollution from mainly agricultural sources. It was recently (1998-2000) classified as a highly eutrophic system.

The shoreline is varied and no one plant species predominates over large areas. Species present include Jointed Rush (*Juncus articulatus*) and Common Spike-rush (*Eleocharis palustris*) growing on stony beaches, with Yellow Sedges (*Carex cf. demissa*), Lesser Spearwort (*Ranunculus flammula*), Water Mint (*Mentha aquatica*) and Black Bog-rush (*Schoenus nigricans*) also represented. The shore of the lake is also wooded in places and there are some very small offshore islands that are wooded with willows (*Salix aurita* and *S. cinerea*). The islands are fringed by swamp communities of Common Reed (*Phragmites australis*), Common Clubrush (*Scirpus lacustris*) and Bottle Sedge (*Carex rostrata*). A good range of Charophytes has been recorded from the lake, including *Chare denudata*, a Red Data Book species.

Despite very variable water quality in recent decades, Lough Sheelin remains a very important site for wintering waterfowl, especially diving duck. It supports nationally important populations of four species, i.e. Great Crested Grebe (140), Pochard (546), Tufted Duck (762) and Goldeneye (224) all figures are average peaks for the 5 seasons 1995/96-1999/00. A number of other species occur in relatively low numbers, including Mute Swan (28), Mallard (76), Coot (24), Little Grebe (19), Cormorant (42) and Black-headed Gull (202).

The variable water quality over the years, with periods of highly eutrophic conditions, undoubtedly has had some adverse impacts on the wintering waterfowl, especially the diving duck. This would appear to be borne out by the very variable numbers of birds recorded over the years. It is considered that there is urgent need to reduce the phosphorus inputs to the feeder streams entering the lake.

Lough Sheelin is a nationally important site for four species of wintering wildfowl and is one of the main Midlands lakes sites for wintering birds. An improvement in water quality would probably result in higher numbers of birds frequenting the site.

6.10.2004

SITE SYNOPSIS

SITE NAME: LOUGH KINALE AND DERRAGH LOUGH SPA

SITE CODE: 0004061

Lough Kinale is a relatively small lake that is situated immediately downstream of Lough Sheelin, both lakes being near the top of the catchment of the Inny River, a main tributary of the River Shannon. Derragh Lough, a much smaller system, is connected to Lough Kinale and the Inny River. This is a typical limestone system and is very shallow (maximum depth of Lough Kinale is c. 4 m). As with Lough Sheelin, the trophic status of the lake has varied greatly since the 1970s due to pollution. It was recently (1998-2000) classified as a highly eutrophic system. The lake was formerly an important Trout fishery.

Lough Kinale has two main basins, almost separated by swamp formations. Reed swamp is frequent around the lakes, with Common Reed (*Phragmites australis*) and Tufted-sedge (*Carex elata*) occurring commonly. A calcium-rich small sedge marsh occurs along parts of the shoreline. This is characterised by species such as Long-stalked Yellow-sedge (*Carex lepidocarpa*), Marsh Pimpernel (*Anagallis tenella*), Knotted Pearlwort (*Sagina nodosa*), Marsh Pennywort (*Hydrocotyle vulgaris*) and Water Mint (*Mentha aquatica*). Areas of bog occur around the margins of the lakes in places but some of these have been planted with conifers.

Despite the very variable water quality in recent decades, Lough Kinale and Derragh Lough remain an important site for wintering waterfowl, especially diving duck. The site supports nationally important populations of two species, i.e. Pochard (951) and Tufted Duck (449) - figures are average peaks for the 5 seasons 1995/96-1999/00. A large population of Mute Swan (120), close to the threshold for national importance, also uses the site. Coot (199), whilst still occurring in substantial numbers, formerly had a population of national importance. A number of other species are found, in relatively low numbers, including Great Crested Grebe (25), Mallard (130) and Goldeneye (22). Marginal grassland areas outside of the site attract feeding wildfowl and waders such as Lapwing and Golden Plover.

The variable water quality over the years, with periods of highly eutrophic conditions, undoubtedly has had adverse impacts on the wintering waterfowl, and especially the diving duck. This would appear to be borne out by very variable numbers of birds recorded over the years. The lake is still vulnerable to pollution and it is considered that there is urgent need to reduce the phosphorus inputs to the system. Afforestation has taken place close to parts of the shoreline and further planting would be undesirable. Angling and wildfowling activities currently cause some disturbance to the birds and any increase in such activities would be of concern.

Whilst relatively small in area and subject to a number of damaging activities, this site retains national importance for two duck species. With an improvement in the

environmental conditions pertaining at the site, higher numbers of some species would undoubtedly occur.

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19.8.2004

SITE SYNOPSIS

SITE NAME: RIVER BOYNE AND RIVER BLACKWATER

SITE CODE: 002299

This site comprises the freshwater element of the River Boyne as far as the Boyne Aqueduct, the Blackwater as far as Lough Ramor and the Boyne tributaries including the Deel, Stoneyford and Tremblestown Rivers. These riverine stretches drain a considerable area of Meath and Westmeath and smaller areas of Cavan and Louth. The underlying geology is Carboniferous Limestone for the most part with areas of Upper, Lower and Middle well represented. In the vicinity of Kells Silurian Quartzite is present while close to Trim are Carboniferous Shales and Sandstones. There are many large towns adjacent to but not within the site. Towns both small and large, include Slane, Navan, Kells, Trim, Athboy and Ballivor.

The site is a candidate SAC selected for alkaline fen and alluvial woodlands, both 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 – Atlantic Salmon, Otter and River Lamprey.

The main areas of alkaline fen are concentrated in the vicinity of Lough Shesk, Freehan Lough and Newtown Lough. The hummocky nature of the local terrain produces frequent springs and seepages which are rich in lime. A series of base-rich marshes have developed in the poorly drained hollows, generally linked with these three lakes. Open water is usually fringed by Bulrush (*Typha latifolia*), Common Club-rush (*Scirpus lacustris*) or Common Reed (*Phragmites australis*) and this last species also extends shorewards where a dense stand of Great Fen Sedge or Saw Sedge (*Cladium mariscus*) frequently occurs. This in turn grades into a sedge and grass community (*Carex* spp., *Molinia caerulea*) or one dominated by the Black Bog-rush (*Schoenus nigricans*). An alternative direction for the aquatic/terrestrial transition to take is through a floating layer of vegetation. This is normally based on Bogbean (*Menyanthes trifoliata*) and Marsh cinquefoil (*Potentilla palustris*). Other species gradually become established on this cover, especially plants tolerant of low nutrient status e.g. bog mosses (*Sphagnum* spp.). Diversity of plant and animal life is high in the fen and the flora, includes many rarities. The plants of interest include Narrow-leaved Marsh Orchid (*Dactylorhiza traunsteineri*), Fen Bedstraw (*Galium uliginosum*), Cowbane (*Cicuta virosa*), Frogbit (*Hydrocharis morsus-ranae*) and Least Bur-reed (*Sparganium minimum*). These species tend to be restricted in their distribution in Ireland. Also notable is the abundance of aquatic Stoneworts (*Chara* spp.) which are characteristic of calcareous wetlands.

The rare plant, Round-leaved Wintergreen (*Pyrola rotundifolia*) occurs around Newtown Lough. This species is listed in the Red Data Book and is protected under the Flora Protection Order, 1999, and this site is its only occurrence in Co. Meath.

Wet woodland fringes many stretches of the Boyne. The Boyne River Islands are a small chain of three islands situated 2.5 km west of Drogheda. The islands were formed by the build up of alluvial sediment in this part of the river where water movement is sluggish. All of the islands are covered by dense thickets of wet, Willow (*Salix* spp.) woodland, with the following species occurring: Osier (*S. viminalis*), Crack Willow (*S. fragilis*), White Willow (*S. alba*), Purple Willow (*Salix purpurea*) and Grey Willow (*S. cinerea*). A small area of Alder (*Alnus glutinosa*) woodland is found on soft ground at the edge of the canal in the north-western section of the islands. Along other stretches of the rivers of the site Grey Willow scrub and pockets of wet woodland dominated by Alder have become established, particularly at the river edge of mature deciduous woodland. Ash (*Fraxinus excelsior*) and Birch (*Betula pubescens*) are common in the latter and the ground flora is typical of wet woodland with Meadowsweet (*Filipendula ulmaria*), Angelica (*Angelica sylvestris*), Yellow Iris, Horsetail (*Equisetum* spp.) and occasional tussocks of Greater Tussock-sedge (*Carex paniculata*).

The dominant habitat along the edges of the river is freshwater marsh - the following plant species occur commonly here: Yellow Flag (*Iris pseudacorus*), Creeping Bent (*Agrostis stolonifera*), Canary Reed-grass (*Phalaris arundinacea*), Marsh Bedstraw (*Galium palustre*), Water Mint (*Mentha aquatica*) and Water Forget-me-not (*Myosotis scorpioides*). In the wetter areas of the marsh Common Meadow-rue (*Thalictrum flavum*) is found. In the vicinity of Dowth, Fen Bedstraw (*Galium uliginosum*), a scarce species mainly confined to marshy areas in the midlands, is common in this vegetation. Swamp Meadow-grass (*Poa palustris*) is an introduced plant which has spread into the wild (naturalised) along the Boyne approximately 5 km south-west of Slane. It is a rare species which is listed in the Red Data Book and has been recorded among freshwater marsh vegetation on the banks of the Boyne in this site. The only other record for this species in the Republic is from a site in Co. Monaghan.

The secondary habitat associated with the marsh is wet grassland and species such as Tall Fescue (*Festuca arundinacea*), Silverweed (*Potentilla anserina*), Creeping Buttercup (*Ranunculus repens*), Meadowsweet (*Filipendula ulmaria*) and Meadow Vetchling (*Lathyrus pratensis*) are well represented. Strawberry Clover (*Trifolium fragiferum*), a plant generally restricted to coastal locations in Ireland, has been recorded from wet grassland vegetation at Trim. At Rosnaree river bank on the River Boyne, is Round-Fruited Rush (*Juncus compressus*) found in alluvial pasture, which is generally periodically flooded during the winter months. This rare plant is only found in three counties in Ireland.

Along much of the Boyne and along tributary stretches are areas of mature deciduous woodland on the steeper slopes above the floodplain marsh or wet woodland vegetation. Many of these are planted in origin. However the steeper areas of King Williams Glen and Townley Hall wood have been left unmanaged and now have a more natural character. East of Curley Hole the woodland has a natural appearance with few conifers. Broad-leaved species include Oak (*Quercus* spp.), Ash (*Fraxinus excelsior*), Willows, Hazel (*Corylus avellana*), Sycamore (*Acer pseudoplatanus*), Holly (*Ilex aquifolium*), Horse chestnut (*Aesculus* sp.) and the shrubs Hawthorn (*Crataegus monogyna*), Blackthorn (*Prunus spinosa*) and Elder (*Sambucus nigra*). South-west of Slane and in Dowth, the addition of some more exotic tree species such

as Wych Elm (*Ulmus glabra*), Beech (*Fagus sylvatica*), and occasionally Lime (*Tilia cordata*), are seen. Coniferous trees, Larch (*Larix* sp.) and Scots Pine (*Pinus sylvestris*) also occur. The woodland ground flora includes Barren Strawberry (*Potentilla sterilis*), Enchanter's Nightshade (*Circaea lutetiana*) and Ground-ivy (*Glechoma hederacea*), along with a range of ferns. Variation occurs in the composition of the canopy, for example, in wet patches alongside the river, White Willow and Alder form the canopy.

Other habitats present along the Boyne and Blackwater include lowland dry grassland, improved grassland, reedswamp, weedy wasteground areas, scrub, hedge, drainage ditches and canal. In the vicinity of Lough Shesk, the dry slopes of the morainic hummocks support grassland vegetation which, in some places, is partially colonised by Gorse (*Ulex europaeus*) scrub. Those grasslands which remain unimproved for pasture are species-rich with Common Knapweed (*Centaurea nigra*), Creeping Thistle (*Cirsium arvense*) and Ribwort Plantain (*Plantago lanceolata*) commonly present. Fringing the canal alongside the Boyne south-west of Slane, are Reed Sweet-grass (*Glyceria maxima*), Great Willowherb (*Epilobium hirsutum*) and Meadowsweet.

The Boyne and its tributaries is one of Ireland's premier game fisheries and it offers a wide range of angling from fishing for spring salmon and grilse to seatrout fishing and extensive brown trout fishing. Atlantic Salmon (*Salmo salar*) use the tributaries and headwaters as spawning grounds. Although this species is still fished commercially in Ireland, it is considered to be endangered or locally threatened elsewhere in Europe and is listed on Annex II of the Habitats Directive. Atlantic Salmon run the Boyne almost every month of the year. The Boyne is most important as it represents an eastern river which holds large three-sea-winter fish from 20 –30 lb. These fish generally arrive in February with smaller spring fish (10 lb) arriving in April/May. The grilse come in July, water permitting. The river gets a further run of fish in late August and this run would appear to last well after the fishing season. The salmon fishing season lasts from 1st March to 30th September.

The Blackwater is a medium sized limestone river which is still recovering from the effects of the arterial drainage scheme of the 70's. Salmon stocks have not recovered to the numbers pre drainage. The Deel, Riverstown, Stoneyford and Tremblestown Rivers are all spring fed with a continuous high volume of water. They are difficult to fish in that some are overgrown while others have been affected by drainage with the resulting high banks.

The site is also important for the populations of two other species listed on Annex II of the E.U. Habitats Directive, namely River Lamprey (*Lampetra fluviatilis*) which is present in the lower reaches of the Boyne River while the Otter (*Lutra lutra*) can be found throughout the site. In addition, the site also supports many more of the mammal species occurring in Ireland. Those which are listed in the Irish Red Data Book include Pine Marten, Badger and Irish Hare. Common Frog, another Red Data Book species, also occurs within the site. All of these animals with the addition of the Stoat and Red Squirrel, which also occur within the site, are protected under the Wildlife Act.

Whooper Swans winter regularly at several locations along the Boyne and Blackwater Rivers. Parts of these areas are within the cSAC site. Known sites are at Newgrange (c. 20 in recent winters), near Slane (20+ in recent winters), Wilkinstown (several records of 100+) and River Blackwater from Kells to Navan (104 at Kells in winter 1996/97, 182 at Headfort in winter 1997/98, 200-300 in winter 1999/00). The available information indicates that there is a regular wintering population of Whooper Swans based along the Boyne and Blackwater River valleys. The birds use a range of feeding sites but roosting sites are not well known. The population is substantial, certainly of national, and at times international, importance. Numbers are probably in the low hundreds.

Intensive agriculture is the main landuse along the site. Much of the grassland is in very large fields and is improved. Silage harvesting is carried out. The spreading of slurry and fertiliser poses a threat to the water quality of this salmonid river and to the lakes. In the more extensive agricultural areas sheep grazing is carried out.

Fishing is a main tourist attraction on the Boyne and Blackwater and there are a number of Angler Associations, some with a number of beats. Fishing stands and styles have been erected in places. The Eastern Regional Fishery Board have erected fencing along selected stretches of the river as part of their salmonid enhancement programme. Parts of the river system have been arterially dredged. In 1969 an arterial dredging scheme commenced and disrupted angling for 18 years. The dredging altered the character of the river completely and resulted in many cases in leaving very high banks. The main channel from Drogheda upstream to Navan was left untouched, as were a few stretches on the Blackwater. Ongoing maintenance dredging is carried out along stretches of the river system where the gradient is low. This is extremely destructive to salmonid habitat in the area. Drainage of the adjacent river systems also impacts on the many small wetland areas throughout the site. The River Boyne is a designated Salmonid Water under the EU Freshwater Fish Directive.

The site supports populations of several species listed on Annex II of the EU Habitats Directive, and habitats listed on Annex I of this directive, as well as examples of other important habitats. Although the wet woodland areas appear small there are few similar examples of this type of alluvial wet woodland remaining in the country, particularly in the north-east. The semi-natural habitats, particularly the strips of woodland which extend along the river banks and the marsh and wet grasslands, increase the overall habitat diversity and add to the ecological value of the site as does the presence of a range of Red Data Book plant and animal species and the presence of nationally rare plant species.

6.10.2006

Mr. Bernard Maguire,
Finaway,
Ballyjamesduff,
Co. Cavan

Planning Department
Cavan Co. Co.
Farnham St.,
Cavan.

15th July 2014

**Re: Proposed development on my lands at Drumsruddan and Finaway,
Ballyjamesduff, Co. Cavan.**

Dear Sir/Madame

Please be advised that I have given my consent for Bogue Pigs to apply for planning permission, to construct the proposed development, as outlined on the plans to be submitted for planning permission, on my lands at Drumsruddan & Finaway, Ballyjamesduff, Co. Cavan.

Consent of copyholder for inspection purposes only.
Consent of copyholder required for any other use.

Should you have any queries, or require any further information in relation to the above please do not hesitate to contact me.

Yours Faithfully,

Bernard Maguire
Bernard Maguire



Danske Bank
Debt Management
Danske Bank
3rd Floor
3 Harbourmaster Place
IFSC
Dublin 1

Planning Department
Cavan Co. Co.
Farnham Street,
Cavan.

23 July 2014

Re: Proposed development on lands at Drumscrudan (Folios 26577F, 7997F and 10479) and Finaway (Folios 26425F, 26511F and 2527) County Cavan (the "Property").

Dear Sir/Madame

Pursuant to Deeds of Appointment of Receiver dated respectively 7 May 2009 Declan Taite was appointed as Receiver and Manager over the Property. Danske Bank A/S, having its registered office at 3 Harbourmaster Place, IFSC, Dublin 1, is the registered owner of a charge registered as a burden on the Property.

Please be advised that, pursuant to its powers as first chargee over the Property, Danske Bank A/S gives its consent for Luke Bogue (In Trust) to apply for planning permission to construct the proposed development on the Property, as outlined on the plans to be submitted for planning permission.

Should you have any queries, or require any further information in relation to the above please do not hesitate to contact me.

Yours Faithfully,



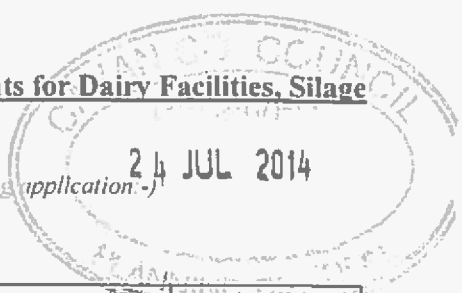
For and on behalf of Danske Bank A/S



Finaway.



Planning Application Form For The Construction Of Farm Developments for Dairy Facilities, Silage Facilities and for The Housing Of Animals.



(Please complete this form to assist in the examination of your planning application.)

1. Lands Available for Slurry Spreading:

Townland (CAPITALS)	Owned (o) Rented (r)	Land Parcel Identification Number	Area in Hectares
All organic fertiliser to be allocated for use in accordance with SI 31 of 2014 refer to EIS.			

2. Tick the box provided for the type of slurry storage proposed from the following :

- A) Uncovered Tanks B) Covered Tanks C) Roofed Slatted Tanks D) Dungstead

3. Indicate whether the proposed slurry storage facility will be above or below ground. Underground.

4. Existing Storage Facilities:

Waste Storage Facility:	Farm Waste:	Dimensions:			Capacity:
Type of Store*	Type of Waste**	Length (m)	Width (m)	Depth (m)	L*W*D= m ³
C	1	Howards	15, 16, 17 + 18		312
All remaining storage to be demolished/decommissioned!					

*A) Uncovered Tanks B) Separate Covered Tanks C) Roofed Slatted Tanks D) Dungstead
 **1) Slurry 2) FYM 3) Soiled Water 4) Dairy Washings 5) Other

5. Indicate the capacity of proposed slurry holding facility (m³)

Waste Storage Facility:	Farm Waste:	Dimensions:			Capacity:
Type of Store*	Type of Waste**	Length (m)	Width (m)	Depth (m)	L*W*D= m ³
C	1	Cumulative			15,533.08
refer to EIS.					

6. Stock Numbers on Farm: Drumscraggan & Finaway - Cumulative 1,250 SOW Integrated farm.

Before Development (Column A&B)	A	B	C	D
	Existing Housed Animals	Existing Outwintered Animals	Proposed Housed Animals	Proposed Outwintered Animals
Dairy Cows	Progeny	/	Progeny from	/
Suckler Cows	from		Drumscraggan	
Beef Cattle 450 kg			Site	
Young Cattle 250 kg to 400 kg	Drumscraggan			
Calves 140 kg to 250 kg	Site			
Lowland Ewe 60-80kg L.wt				
Mountain Ewe 40-50kg L.wt				
Lamb-finishing 25-40kg L.wt				

7. Indicate floor area of proposed farm buildings (m²)

c. 5900 m²

8. A location map must be submitted with the relevant information. (See guidelines for necessary information required)

9. A site layout plan must be submitted with the relevant information. (See guidelines for necessary information required)

Before filling out this form please note the following:

Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information will lead to the invalidation of your application. Therefore please ensure that that each section of this application form is fully completed and signed, entering n/a (not applicable) where appropriate, and that all necessary documentation is attached to your application form.

Additional information

It should be noted that each planning authority has its own development plan, which sets out local development policies and objectives for its own area. The authority may therefore need supplementary information (i.e. other than that required in this form) in order to determine whether the application conforms with the development plan and may request this on a supplementary application form.

Failure to supply the supplementary information will not invalidate your planning application but may delay the decision-making process or lead to a refusal of permission. Therefore applicants should contact the relevant planning authority to determine what local policies and objectives would apply to the development proposed and whether additional information is required.

Data protection

The planning process is an open and public one. In that context, all planning applications and accompanying documentation, with the exception of certain contact details, are made available for public inspection/purchase and may be made available on the planning authority's website where this is their policy. Planning authorities also publish weekly lists of planning applications received as well as weekly lists of planning decisions in hard copy and, where this is their policy, on their websites.

It has come to our attention that the publication of planning applications by planning authorities can lead to applicants being targeted by persons in the business sector engaged in direct marketing. In response to a request from the Data Protection Commissioner, you are hereby given an opportunity to indicate a preference with regard to the receipt of direct marketing arising from the lodging of a planning application.

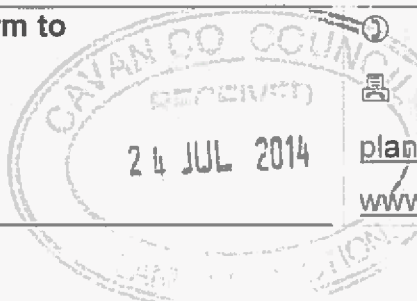
If you are satisfied to receive direct marketing please tick (✓) this box

Direct marketing may be by post, by telephone, by hand or by electronic mail such as email or text message where such details are supplied.

It is the responsibility of those entities wishing to use the personal data on planning applications and decisions lists for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 & 2003 taking account of the preference outlined above.

Return completed form to

Planning Department
Cavan County Council
Courthouse
Farnham Street, Cavan



(049) 437 8600

(049) 437 8729

plan@cavancoco.ie

www.cavancoco.ie

Planning application form

This form is also available in large print
Tá míne fáilte romhat an fhoirm seo a lionadh i nGaeilge agus tá leagan mór den fhoirm seo ar fáil dhomh maith.

Comhairle Chontae na Chabháin Cavan County Council



1. Proposed development details

Location Finaway, Ballyjamesduff, Co. Cavan

Postal address or townland Finaway, Ballyjamesduff, Co. Cavan

Ordnance survey map ref no (and grid reference where available)

Digital Map No. 1998 & 2057

2. Type of permission sought. Please tick as appropriate (✓)

- | | |
|---|-------------------------------------|
| a. Permission | <input checked="" type="checkbox"/> |
| b. Outline permission | <input type="checkbox"/> |
| c. Permission consequent on grant of outline permission | <input type="checkbox"/> |
| d. Permission for retention | <input type="checkbox"/> |

3. Where planning permission is consequent on grant of outline permission:

Outline permission reference no. N/A

Date of grant outline permission N/A

4. Applicant (not agent). Address should be given later in form (question 22)

Name Bogue Pigs

For office use only

Receipt number

Fee paid

Date

Date stamp



Ref. No.:

11. Where the application relates to a building or buildings

Gross floor space of any existing building(s) in m ²	c. 6085 m2
Gross floor space of proposed works in m ²	c. 5,900.64
Gross floor space of work to be retained in m ² (if appropriate)	0
Gross floor space of any demolition in m ² (if appropriate)	c. 3,813m2

12. In the case of mixed development

(e.g. residential, commercial, industrial, etc), please provide breakdown of the different classes of development and breakdown of the gross floor area of each class of development:

Class of development	Gross floor area in m ²

13. In the case of residential development please provide breakdown of residential mix

Number of	Studio	1 bed	2 bed	3 bed	4 bed	4+ bed	Total
Houses							
Apartments							
No. of car parking spaces to be provided	Existing		Proposed				

14. Where the application refers to a material change of use of any land or structure or the retention of such a material change of use:

Existing use (or previous use where retention permission is sought)	
Proposed use (or use it is proposed to retain)	
Nature and extent of any such proposed use	
(or use it is proposed to retain)	

15. Social and affordable housing (Please tick appropriately)

Is the application an application for permission for development to which Part V of the Planning and Development Act 2000 applies?	Yes	No	<input checked="" type="checkbox"/>
--	-----	----	-------------------------------------

If the answer to the above question is "yes" and the development is not exempt (see below), you must specify, as part of your application, the manner in which you propose to comply with section 96 of Part V of the Act.

If the answer to the above question is "yes" but you consider the development to be exempt by virtue of section 97 of the Act, a copy of the Certificate of Exemption under section 97 must be submitted (or, where an application for a certificate of exemption has been made but has not yet been decided, a copy of the application should be submitted).

If the answer to the above question is "no" by virtue of Section 96(13) of the Act, details indicating the basis on which section 96(13) is considered to apply to the development should be submitted

16. Development details (Please tick appropriately)

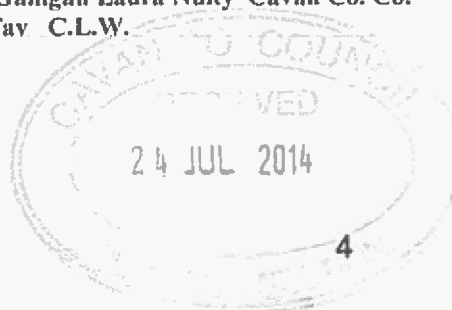
	Yes	No
Does the proposed development consist of work to a protected structure and/or its curtilage or proposed protected structure and/or its curtilage?		✓
Does the proposed development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?		✓
Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994		✓
Does the application relate to work within or close to a European Site (under S.I. No. 94 of 1997) or a Natural Heritage Area?		✓
Does the proposed development require the preparation of an Environmental Impact Statement?	✓	
Does the application relate to a development which comprises or is for the purpose of an activity requiring an integrated pollution prevention and control licence?	✓	
Does the application relate to a development which comprises or is for the purposes of an activity requiring a waste licence?		✓
Do the Major Accident Regulations apply to the proposed development?		✓
Does the application relate to a development in a Strategic Development Zone?		✓
Does the proposed development involve the demolition of any habitable house?		✓

17. Site history Details regarding site history (if known)

	Yes	No
a. Has the site in question ever, to your knowledge, been flooded? If yes, please give details e.g. year, extent. Etc.		✓
b. Are you aware of previous uses of the site e.g. dumping or quarrying? If yes, give details:		✓
c. Are you aware of any valid planning applications previously made in respect of this land/structure? If yes, please state planning reference number(s) and the date(s) of planning application(s) by the planning authority if known: receipt of the	✓	
Reference Number <u>07/710</u> <u>06/2449</u>	Date <u>29/03/07</u> <u>05/12/06</u>	
If a valid planning application has been made in respect of this land or structure in the 6 months prior to the submission of this application, then the site notice must be on a yellow background in accordance with Article 19(4) of the Planning Regulations 2001 to 2006.		
Is the site of the proposal subject to a current appeal to An Bord Pleanala in respect of a similar development? If yes, please state An Bord Pleanala Reference No:		✓

18. Pre-application consultation

Has a pre- application consultation in accordance with S 247 of the Planning & Development Act 2000, taken place? (Such consultation is optional). If yes, please state date of meeting:	Yes ✓	No
Persons involved: Marice Galligan Laura Nulty Cavan Co. Co. Paraic Fay C.L.W.	Reference number:	



19. Services

Proposed source of water supply (please tick as appropriate)

Existing connection

New connection

Public mains

Group water scheme

Private well

Other (please specify)

Other:

Name of group water scheme (where applicable):

Proposed wastewater management / treatment (tick as appropriate)

Existing

New

Public sewer

Conventional septic tank system

Other on-site treatment

Please specify:

N/A

Proposed surface water disposal (tick as appropriate)

Public sewer / drain

Soakpit

Watercourse

Other (please specify)

20. Details of public notice

Approved newspaper in which notice was published

Anglo Celt

Date of publication

24/07/2014

Date on which site notice was erected

24/07/2014

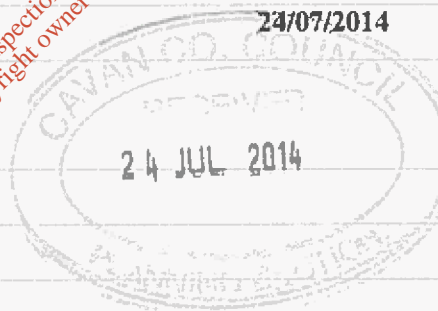
21. Application fee

Fee payable

€300

Basis of calculation

Class 3 Max Fee



I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning & Development Act 2000, as amended, and the Regulations made thereunder :

Signed

(applicant or agent as appropriate)

Date 24/07/2014

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements

Additional contact information not to be made available with application

Please note:

- The applicant's address must be submitted on this page.
- If the applicant/agent wishes to submit additional contact information, this may be included here.
- This page will not be published as part of the planning file

22. Applicant details (not agent)

Address*	Dreenan, Cavan, Co. Cavan	
Telephone	049-4332978	Fax
Email		

23. Person / agent acting on behalf of the applicant (if any)

Address	C/O C.L.W. Environmental Planners Ltd., The Mews, 23 Farnham St., Cavan	
Telephone	049-4371447	Fax 049-4371451
Email	paraicfay@eircom.net	

Should all correspondence be sent to the above address? Please tick appropriate box (✓)
(Please note that if the answer is „No“, all correspondence will be sent to the applicant's address)

Yes No

24. Person responsible for preparation of drawings and plans

Address	C/O C.L.W. Environmental Planners Ltd., The Mews, 23 Farnham St., Cavan	
Telephone	049-4371447	Fax 049-4371451
Email	paraicfay@eircom.net	

25. Owner (required where applicant is not the owner)

Address	Debt Management, 3 rd Floor, 3 Harbourmaster Place, IFSC, Dublin 1.	
Telephone		Fax
Email		



ADVERTISING

40 THURSDAY, JULY 24, 2014

MOTORS & MACHINERY

005 Toyota Verso 1.8 petrol, 5 seater. Well serviced and looked after. €5,200. T: 066-1627522

For Sale Ford-Focus, high-spec, black, 05 car 1.6 petrol, one-owner, very-clean and roomy, time-belt, recently done, well-kept, first 4000 secures. 087 6826503

tractors and Diggers wanted; JCB- Hitachi- Komatsu - MF - Ford - Fiat - New Holland - John Deere - Alut and Case's - 2WD, WD in any condition. Cash waiting. Call Feranagh on 0447818452267/ 962780014

005 VW Bora, 4dr saloon, 97TDI with redeye, manual. Full service history. NCT June 015. 187,000kms. €3,500. Call: 086-8567090

PERSONAL

Are you a male/female over 20? Like to meet someone special? New matchmaking service. Call: 085-1565835, mail: midlandmatchmaking@gmail.com

First Class Dating: A lovely way to meet. Contact Hughlin 027 3425033. Find us on facebook www.firstclassdating.ie

SITUATIONS WANTED

Man providing the following gardening-services, grass cutting, lawn mowing, weeding, and any other garden-services required. Reasonable rates. 06 3623255

TURF & FIREWOOD

loads of top quality Turf for sale, delivered in 8-ton lorry loads @ €480. Contact Sean 07-2671993 anytime.

Quality black turf for sale. Near area. Can collect or deliver. Tel 087-7859299

Quality-Hopper turf,

Cavan County Council:

Planning permission sought for change of use of existing detached domestic garage to living accommodation and also erect single storey link between garage and dwelling and all ancillary works at Derryheen, Cavan, Co. Cavan. The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority at Cavan County Council, Farnham Centre, Farnham Street, Cavan during its public opening hours and a submission or observation in relation to the application may be made to the authority in writing on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the authority of the application. Signed: Ailte & Fery Moore c/o Michael Fitzpatrick Architects (MRIA), Clones Rd, Butlersbridge. Tel: 049 4265600

Cavan County Council:

Bogue Pigs intend to apply for planning permission to demolish all existing pig houses and to construct 5 No. pig houses, in accordance with animal welfare and nitrates regulations, together with all ancillary structures and all associated site works, on the site of existing pig farm at Drumscredan, Crosserlough, Co. Cavan. An Environmental Impact Statement (E.I.S.) relating to this proposed development will be submitted with this planning application. This application relates to a development, which is for the purposes of an activity requiring a licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013. The planning application and Environmental Impact Statement may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours and that a submission or observation in relation to the application may be made to the authority in

Cavan County Council:

Bogue Pigs intend to apply for planning permission to demolish all existing pig houses, with the exception of 4 existing pig houses which will remain in-situ, and to construct 5 No. pig houses, and an extension to 1 No. existing pig house, in accordance with animal welfare and nitrates regulations, together with all ancillary structures and all associated site works, on the site of existing pig farm at Finaway, Ballyjamesduff, Co. Cavan. An Environmental Impact Statement (E.I.S.) relating to this proposed development will be submitted with this planning application. This application relates to a development, which is for the purposes of an activity requiring a licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013. The planning application and Environmental Impact Statement may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours and that a submission or observation in relation to the application may be made to the authority in writing on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the authority of the application, and such submissions or observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission. Signed: Paraic Fay B.Agr.Sc., C/o C.L.W. Environmental Planners Ltd., The Mews, 23 Farnham St., Cavan.

Cavan County Council:

Application to Cavan County Council for Planning Permission to Retain location of existing dwelling, BiotecP6 sewerage & percolation system, entrance & revised boundaries as constructed (previously Granted

Cavan County Council:

Bernard O'Keefe intend to apply for planning permission retention at Killeter, Mullagh, Co. Cavan. The Development will consist of the retention of (A) a single storey porch to the front an existing dwelling, (B) an existing mobile home & (C) 3 no. garden sheds. The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours. A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of the prescribed fee (€20.00) within the period of 5 weeks beginning on the date of receipt by the Planning Authority of the application and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to or without conditions, or may refuse to grant permission.

Cavan County Council:

Rosann Enright, intend to apply for retention permission for development at Cornaseer, Co Cavan. The development consists of the retention of amendments and alterations made during the construction of dwelling from that previously granted under 06/391 including (1) revised location of dwelling on site and permission is sought to complete all works as granted under the parent planning permission. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority during its public opening hours, and a submission or observation in relation to the application may be made in writing to the authority on payment of the prescribed fee (€20) within the period of 5 weeks beginning on the date of receipt by the Planning Authority of the application. Signed: Michael Hetherington,

CAVAN COUNTY COUNCIL

SITE NOTICE

Bogue Pigs intend to apply for planning permission to demolish all existing pig houses, with the exception of 4 existing pig houses which will remain in-situ, and to construct 5 No. pig houses, and an extension to 1 No. existing pig house, in accordance with animal welfare and nitrates regulations, together with all ancillary structures and all associated site works, on the site of existing pig farm at Finaway, Ballyjamesduff, Co. Cavan.

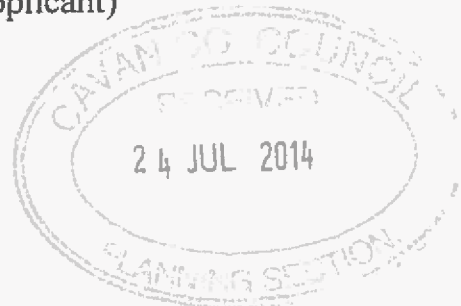
An Environmental Impact Statement (E.I.S.) relating to this proposed development will be submitted with this planning application.

This application relates to a development, which is for the purposes of an activity requiring a licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013.

The planning application and Environmental Impact Statement may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours and that a submission or observation in relation to the application may be made to the authority in writing on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the authority of the application, and such submissions or observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission.

Signed:  (on behalf of applicant)

Paraic Fay B.Agr.Sc.,
C/o C.L.W. Environmental Planners Ltd.,
The Mews,
23 Farnham St.,
Cavan.



Date of erection of Site Notice: 24th July 2014

Ref No. 14/239

25/07/2014

Bogue Pigs
C/o Paraic Fay
C.L.W. Environmental Planners Ltd
The Mews
23 Farnham St
Cavan

Re: Planning and Development Acts 2000 – 2004

A Chara,

I wish to acknowledge receipt of your application for PERMISSION to demolish all existing pig houses, with the exception of 4 existing pig houses which will remain in situ, and to construct 5 no. pig houses, and an extension to 1 no. existing pig house, in accordance with animal welfare and animal welfare regulations, together with all ancillary structures and all associated site works on the site of existing pig farm. An Environmental Impact Statement (EIS) relating to this proposed development will be submitted with this application. This application relates to a development, which is for the purposes of an activity requiring a licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013 at Finaway Ballyjamesduff Co Cavan which was received on 24/07/2014.

The drawings and specifications submitted with your application are being examined by the Council's technical staff and you will be notified of the Council's decision in due course.

Please note that no work should be carried out in connection with the proposal until a written grant of permission to do so has been received by you from this Council.

Please note that the validity of this application is subject to the Site Notice complying with the Regulations. An inspection of the site will be carried out within a period of 5 weeks from the date of receipt of your application. If in the event of the Site Notice not complying with the Regulations, this application will be declared invalid.

Please quote the above reference number when contacting the Planning Office regarding your application

Mise le meas,

Assistant Staff Officer.

Cavan County Council
Planning Referral Sheet

Planning Reference:

14/239

Applicants Name:

Bogue, Pij8

Date Referred:

6/8/14

Completed form to be returned before:

27/8/14

Engineering Area:

BFD

Location:

Finaway, Ballyjamescuff

Road No:

L-7074-0

Previous Planning Ref:

07/710

For Completion By Area Engineer

Site Notice Details

Date Site Inspection took place:

Is Notice Displayed:

YES NO

Is site Notice visible and legible from public road

YES NO

Planning Conditions/Comments

Signed: _____

Dated: _____

For inspection purposes only.
Consent of copyright owner required for any other use.

7th August 2014

Inland Fisheries Ireland
North Western River Basin District
Corlesmore
Ballinagh
Co Cavan

Planning and Development Act 2000 - 2002
Planning and Development Regulations 2001 to 2007
Planning Reg. No:- 14/239

Dear Sir,

An Application for Planning Permission for the under-mentioned development has been received by this Council

Location: Finaway, Ballyjamesduff, Co Cavan

Nature of Development : to demolish all existing pig houses , with the exception of 4 existing pig houses which will remain in situ, and to construct 5 no. pig houses, and an extension to 1 no. existing pig house, in accordance with animal welfare and nitrates regulations, together with all ancillary structures and all associated site works, on the site of existing pig farm. An Environmental Impact Statement (EIS) relating to this proposed development will be submitted with this application. This application relates to a development, which is for the purposes of an activity requiring a licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013

Applicant: Bogue Pigs

Date of Receipt of application: 24th July 2014

Copies of submitted plans are attached.

Any submissions or observations must be submitted to the Planning Authority within a period of 5 weeks beginning on the date of receipt by the Authority of the application, so as to be considered by the Authority in making it's decision on this application. If no submissions or observations are received within this period, the Planning Authority may determine this application without further notice to you.

Yours faithfully,

Senior Staff Officer

7th August 2014

An Taisce,
The Tailor's Hall,
Back Lane,
Dublin 8.

Planning and Development Act 2000 - 2002
Planning and Development Regulations 2001 to 2007
Planning Reg. No:- 14/239

Dear Sir,

An Application for Planning Permission for the under-mentioned development has been received by this Council

Location: Finaway, Ballyjamesduff, Co Cavan

Nature of Development : to demolish all existing pig houses , with the exception of 4 existing pig houses which will remain in situ, and to construct 5 no. pig houses, and an extension to 1 no. existing pig house in accordance with animal welfare and nitrates regulations, together with all ancillary structures and all associated site works, on the site of existing pig farm. An Environmental Impact Statement (EIS) relating to this proposed development will be submitted with this application. This application relates to a development, which is for the purposes of an activity requiring a licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013

Applicant: Bogue Pigs

Date of Receipt of application: 24th July 2014

Copies of submitted plans are attached.

Any submissions or observations must be submitted to the Planning Authority within a period of 5 weeks beginning on the date of receipt by the Authority of the application, so as to be considered by the Authority in making it's decision on this application. If no submissions or observations are received within this period, the Planning Authority may determine this application without further notice to you.

Yours faithfully,

Senior Staff Officer



7th August 2014

The Manager
Development Applications Unit
Built Heritage and Architectural Policy
Department of Arts, Heritage and The Gaeltecht
Newtown Road
Wexford

Planning and Development Act 2000 - 2002
Planning and Development Regulations 2001 to 2007
Planning Reg. No:- 14/239

Dear Sir,

An Application for Planning Permission for the under-mentioned development has been received by this Council

Location: Finaway, Ballyjamesduff, Co Cavan

Nature of Development : to demolish all existing pig houses , with the exception of 4 existing pig houses which will remian in situ, and to construct 5 no. pig houses, and an extension to 1 no. existing pig house, in accordance with animal welfare and nitrates regulations, together with all ancillary structures and all associated site works, on the site of existing pig farm. An Environmental Impact Statement (EIS) relating to this proposed development will be submitted with this application. This application relates to a development, which is for the purposes of an activity requiring a licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013

Applicant: Bogue Pigs

Date of Receipt of application: 24th July 2014

Copies of submitted plans are attached.

Any submissions or observations must be submitted to the Planning Authority within a period of 5 weeks beginning on the date of receipt by the Authority of the application, so as to be considered by the Authority in making it's decision on this application. If no submissions or observations are received within this period, the Planning Authority may determine this application without further notice to you.

Yours faithfully,

Senior Staff Officer

7th August 2014

Environmental Protection Agency,
PO Box 3000,
Johnstown Castle Estate,
Co. Wexford.

Planning and Development Act 2000 - 2002
Planning and Development Regulations 2001 to 2007
Planning Reg. No:- 14/239

Dear Sir,

An Application for Planning Permission for the under-mentioned development has been received by this Council

Location: Finaway, Ballyjamesduff, Co Cavan

Nature of Development : to demolish all existing pig houses , with the exception of 4 existing pig houses which will remain in situ, and to construct 5 no. pig houses, and an extension to 1 no. existing pig house, in accordance with animal welfare and nitrates regulations, together with all ancillary structures and all associated site works, on the site of existing pig farm. An Environmental Impact Statement (EIS) relating to this proposed development will be submitted with this application. This application relates to a development, which is for the purposes of an activity requiring a licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013

Applicant: Bogue Pigs

Date of Receipt of application: 24th July 2014

Copies of submitted plans are attached.

Any submissions or observations must be submitted to the Planning Authority within a period of 5 weeks beginning on the date of receipt by the Authority of the application, so as to be considered by the Authority in making it's decision on this application. If no submissions or observations are received within this period, the Planning Authority may determine this application without further notice to you.

Yours faithfully,

Senior Staff Officer

CAVAN COUNTY COUNCIL
MEMORANDUM

DATE : 13th August 2014

FROM : Allison Treanor, Executive Environmental Scientist

TO : Director of Services, Planning Section

RE : **Local Government (Planning and Development) Acts.**
Bogue Pigs, Finaway, Ballyjamesduff, Co. Cavan
Reg. No. 14/239
SH_26_2742 – Inny Water Management Unit - SIRBD

This planning application is for facility that requires an Industrial Emissions Directive licence from the EPA.

There was previously an IPPC licence for this facility (679 & 427).

The applicant (potential purchaser) proposes to demolish all existing pig houses, with the exception of 4 existing pig houses which will remain in situ. The applicant proposes to construct 5 no. pig houses and to construct an extension to 1 no. pig house, in accordance with animal welfare and the nitrates Regulations, together with all ancillary structures and all associated site works on the site of the existing pig farm at Finaway, Ballyjamesduff, Co. Cavan.

The existing facilities have a footprint of 6085m² and the proposed facilities will have a footprint of 5900.64m².

The water supply for this facility will be an existing/new connection to a bored well and according to the EIS submitted as part of the application, the public water supply will also be available as a backup.

It is proposed to house 1250 pigs at this facility (fattening unit) which will come from the breeding site at Drumscredun, Crosserlough, Co. Cavan (14/238). The two sites will operate as an integrated pig farm. The two facilities are located 2.7kms from each other. According to the application documents based on the herd size and the proposed storage facilities, there will be capacity for 14 months of slurry storage.

The customer farmers are not named and specific addresses are not given. Appendix No. 1 and No. 6 detail that there are approximately 20 customer farmers resulting in landbank availability of circa. 1800ha. the landbanks are located in counties Cavan, Meath, Westmeath and Longford.

In relation to the landbanks in Cavan the following table details the Water Framework Directive ecological status information in relation to the customer farm locations for the organic fertiliser produced at this proposed development site.

I recommend that the Environmental Protection Agency (EPA) and Inland Fisheries Ireland (IFI) should be notified regarding the details of this application.

I recommend that the Waste Management Section of Cavan County Council are forwarded a copy of the application documents including the EIS and requested to assess and report on the Construction and Demolition Waste Management Plan submitted as part of the EIS.

If the planning authority wish to consider this development then further information is required as follows:

1. The applicant should be requested to provide details on and demonstrate on a site layout map, the proposed storm water/surface water separation, collection and drainage system to serve the proposed development including infrastructure serving same (e.g. silt traps) as well as all discharge points(s) to waters.
2. The applicant must confirm that the disposal and or disturbance of any asbestos utilised in the existing farm building structures or dwelling shall only be carried out in accordance with the appropriate regulations and under the supervision of an appropriately qualified person.

Allison Treanor
Executive Environmental Scientist

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MEMORANDUM

From Sean Guider
Waste Management Section

To Administrative Officer
Planning Section

Date 29.08.14

Subject Planning Application Ref. No. 14/239 – Planning application for Bogue Pigs for development on disused pig farm at Finaway, Ballyjamesduff, County Cavan.

I have reviewed the plans and particulars and the EIS submitted (which includes a Construction and Demolition Waste Management Plan) which was prepared by CLW Environmental Planners Limited.

It is proposed to demolish 12 existing pig houses, with the exception of 4 existing pig houses which will remain in-situ, and to construct 5 pig houses and an extension to 1 existing pig house, together with all ancillary structures and all associated site works on the site of an existing pig farm.

One of the critical issues associated with older piggeries concerns the type of roofing material that was traditionally used on pig houses and associated structures. In any development proposals concerning such structures it is of critical importance that ACM's (Asbestos Containing Materials) are identified at an early stage, quantified and that appropriate measures are put in place to ensure that ACM's are dealt with appropriately in terms of removal and handling, temporary storage, transport and disposal so as to limit environmental risk associated with such wastes.

The Construction and Demolition Waste Management Plan submitted for this development refers to the need for "Identification of any hazardous wastes on-site. This would include Asbestos and Fluorescent light tubes (If present)" (Point No. 4 in Demolition Plan). Point No. 7 of the Demolition Plan states "Removal and appropriate handling and storage of roof sheeting prior to removal off-site/reuse. Should asbestos be found to be present appropriate precautions to be taken in the removal, handling, packaging and disposal of this material."

ACM's that are removed from buildings should not be reused under any circumstances.

Recommendations

In the event that this planning application is granted, I recommend that the following conditions be applied to same ;

1. *Adequate and appropriate precautions shall be taken during the demolition and construction phases of this development so as to prevent environmental pollution as defined in the Waste Management Act 1996, as amended.*
2. *Any Asbestos Containing Materials identified and removed from the buildings associated with this development shall not be re-used and shall be suitably handled, stored, packaged and removed by an authorised waste collection contractor.*
3. *Only appropriately authorised waste collection contractors shall be used to remove wastes from the demolition and construction phases of the development.*



Sean Guider
Waste Management Section
29.08.14

CAVAN COUNTY COUNCIL
ACKNOWLEDGEMENT of RECEIPT of SUBMISSION or OBSERVATION
on a PLANNING APPLICATION

THIS IS AN IMPORTANT DOCUMENT!

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANALA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION

PLANNING AUTHORITY NAME: Cavan County Council

PLANNING APPLICATION REFERENCE: 14/239 - to demolish all existing pig houses , with the exception of 4 existing pig houses which will remian in situ, and to construct 5 no. pig houses, and an extension to 1 no. existing pig house, in accordance with animal welfare and nitrates regulations, together with all ancillary structures and all associated site works, on the site of existing pig farm. An Environmental Impact Statement (EIS) relating to this proposed development will be submitted with this application. This application relates to a development, which is for the purposes of an activity requiring a licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013 at Finaway, Ballyjamesduff, Co Cavan for Bogue Pigs

A submission/observation in writing has been received from:

Rita Tierney
Keenagh
Ballyjamesduff
Co Cavan

on 26/08/2014 in relation to the above planning application

The appropriate fee of €20 has been paid, Receipt No. 47030 refers.

The submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 - 2002 and will be taken into account by the planning authority in its determination of the planning application.

Senior Staff Officer

Dated: 28 August 2014.

14-239.

Keenagh

To. Cavan Co Council
Planning.

Ballyjamesduff
Co. Cavan
Aug 21. 2014

Dear Sir.

I Rita Tierney
of the above address wish to
Object to a piggery at
Inaway Ballyjamesduff.
No. 1 Air Pollution.
No. 2 Spreading of Slurry.
I object most strongly.

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Rita Tierney



CAVAN COUNTY COUNCIL
Central Administration Department
26 AUG 2014



Senior Staff Officer
Planning Section
Cavan County Council
Courthouse
Cavan



Regional Head Office
County Council, Leitrim
Cregganagh, Ballyvaughan, Co. Wick
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E: info@epa.ie
W: www.epa.ie
Lic. No. 1890 18 55 09



29 August 2014

Your Ref: 14/238 & 14/239

**Notification of Planning Application for Bogue Pigs, Drumsgraddan, Crosserlough and
Finaway, Ballyjamesduff, Co. Cavan**

Dear Sir/Madam,

I refer to your letters received 11th August 2014 requesting comments from the Agency on the Planning Applications and EIS for the above referenced development(s). In accordance with Section 87(1F) of the EPA Acts 1992, as amended, the Agency makes the following observations.

It appears that the location, to which the planning application 14/238 relates, may be associated with the following licence issued by the EPA.

- Mr. Bernard Maguire was issued an IPPC Licence (Register No: P0427-01) on the 03rd January 2001 for pig rearing activities at Drumsgraddan, Crosserlough, Co. Cavan and Duffcastle, Crosserlough, County Cavan.

On the basis of the information provided, the activity proposed in the planning applications will require a new licence under the EPA Acts 1992, as amended, and/or a review of the licence mentioned above. The licensee has not yet applied to the Environmental Licensing Programme for a determination in this regard.

It is noted that the planning applications were accompanied by an EIS. The EIS appears to address the key points in relation to the environmental aspects of the proposed activity which relate to the matters that come within the functions of the Agency. It also appears to address the direct and indirect effects of the development on the aspects of the environment listed in Section 83(2A)(a) of the EPA Acts (please refer to the EU (Environmental Impact Assessment) (Integrated Pollution Prevention and Control) Regulations 2012 (S.I. No. 282 of 2012)).

As part of its consideration of any licence or review application that may be received, the Agency shall ensure that before the licence or reviewed licence is granted, the licence application will be made subject to an Environmental Impact Assessment as respects the matters that come within the functions of the Agency and in accordance with Section 83(2A) and Section 87(1G)(a) of the EPA Acts. In addition, consultation on the planning application, licence application and EIS will be carried out in accordance with Section 87 (1B) to (1H) of the EPA Acts.

If and when a licence application is received by the Agency, all matters to do with emissions to the environment from the activities proposed, the licence application documentation and EIS will be considered and assessed by the Agency.

Where the Agency is of the opinion that the activities, as proposed, cannot be carried on, or cannot be effectively regulated under a licence then the Agency cannot grant a licence for such a facility. Should the Agency decide to grant a licence in respect of the activity, as proposed, it will incorporate conditions that will ensure that appropriate National and EU standards are applied, and that Best Available Techniques (BAT) will be used in the carrying on of the activities.

You are advised of the following documents:

- BREF on Intensive Rearing of Poultry & Pigs
- National legislation regarding emissions.

Please note that in accordance with section 87(1D)(d) of the EPA Acts, the Agency cannot issue a Proposed Determination on a licence application relating to the development above until a planning decision has been made. Please note that you will be requested to provide the documentation relating to the EIA you have carried out to the Agency under Section 173A(4) of the Planning and Development Acts 2000, as amended (please refer to the EU (Environmental Impact Assessment) (Integrated Pollution Prevention and Control) Regulations 2012 (S.I. No. 282 of 2012)).

Yours sincerely,



Máire Buckley
Office of Climate, Licensing & Resource Use

02 SEP 2014

Inland Fisheries Ireland
Drumsna
Carrick on Shannon
Co. Leitrim

11th September 2014

Planning Department
Cavan County Council
Courthouse
Cavan

Your ref: 14/239

Re: Application by Bogue Bigs, Finaway, Ballyjamesduff, Co. Cavan.

Dear Sir/Madam

In response to the referral of the application for the above development and having considered the content Inland Fisheries Ireland (IFI) has the following points to make:

Inland Fisheries Ireland is a statutory agency with responsibility under the provisions of the Fisheries Acts for the protection, management and conservation of Ireland's inland fisheries resource. The fisheries resource is also protected under national and EU legislation.

The existing pig unit at this site is located in the Sheelin catchment, close to tributaries of the Mount Nugent River, with the Finaway River, a tributary of the Mount Nugent flowing through the site. The site is currently derelict and has been for a number of years now. Lough Sheelin is a trout fishery located in counties Cavan, Meath and Westmeath, with a surface area of 1855 ha, and a total catchment area of c.24,900 ha. The catchment is characterised by intensive agriculture and the soils in the Lough Sheelin catchment have a poor hydraulic infiltration capacity, surface run-off is frequent causing manures and fertilisers to be washed off to surface water streams. ability to retain phosphorus. The lake has shown signs of eutrophication since the early 1970s.

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Lough Sheelin and the catchment area it drains is an important natural resource with significance for fisheries, angling, tourism, amenity use and nature conservation. IFI are committed to the continual monitoring and the introduction of measures to improve and work towards restoring the water quality status of Lough Sheelin and endeavour to achieve the restoration of the lake as a premium trout fishery. Sheelin is also one of the few waterbodies identified in the Water Framework Directive (WFD) monitoring programme as a river lake interaction site to measure the nutrient loading to some major lakes (EPA, 2006).

The lake is amongst the twelve lakes in Western Europe capable of supporting substantial stocks of large wild brown trout (O'Grady, 2000). The high pH of this limestone lake, combined with its low average depth profile gives it a unique trout producing potential.

Studies have shown that the Mount Nugent River and its tributaries is one of the major contributors of nutrients to Lough Sheelin (Lough Sheelin and its catchment, Water Quality Status and Nutrient Loadings 1998-2005, Kerins *et al*, 2007)

In the late 1990's the Shannon Regional Fisheries Board conducted fisheries enhancement works in the Finaway River, to increase the carrying potential in relation to juvenile trout stocks by improving nursery habitat in the Finaway River. These juvenile fish are an important component of the Lough Sheelin trout fishery, with the Mount Nugent River being one of the major spawning arteries of the Sheelin trout fishery. The works cost in the region of €40,000 and were carried out from the R194 (upstream of this development site) through the site and downstream covering a 1.5 km stretch.

IFI is seriously concerned about the suitability of this site for intensive agriculture, given that the Finaway River runs through the site.

Notwithstanding the comment above IFI's is also highly concerned in relation to management, storage and disposal of pig slurries from this development and their potential to pollute watercourses nearby and close to the spreadlands. It is noted that Inland Fisheries Ireland were not consulted at the scoping stage despite the presence of the Finaway River within the site. And the potential for the development to impact negatively on water quality and fisheries within the Mount Nugent River and Lough Sheelin through spreading of slurry.

In general IFI would welcome the upgrade of facilities based on animal welfare requirements, once all environmental aspects of the development were satisfactory and IFI were satisfied with the EIS. The works on this site represent the construction of some new pig production units and there is no longer one in operation on site. An adequate EIS must be produced to present and describe baseline data on the relevant environment and demonstrate that potential Environmental impacts have been mitigated against.

Environmental Impact Statement and description of water quality, fish stocks and aquatic habitat

With regard to the Environmental Impact Statement (EIS) IFI contends that the description of the current environment and all waters which may be impacted on in terms of all fish species, fisheries habitat and spawning grounds and aquatic habitat including the riparian zone is inadequate. The Environmental Impact Statement forms a legal document, the EIS supplied in this instance is lacking in specific description of the aquatic environment and assessment of potential impacts and appropriate mitigation measures. The EIS regulations require:

3. A description of the aspects of the environment likely to be significantly affected by the proposed project, including, in particular, population, fauna, flora, soil, water, air,

climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.

4. A description(1) of the likely significant effects of the proposed project on the environment resulting from:

- the existence of the project,
 - the use of natural resources,
 - the emission of pollutants, the creation of nuisances and the elimination of waste,
- and the description by the developer of the forecasting methods used to assess the effects on the environment.

5. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

At the very minimum a desktop study should have been conducted, the relevant data should have gathered together and interpreted to compile a picture of and commentary on the Water Quality status, fisheries and aquatic habitat. The potential impacts from this development and associated activities should have been considered in the context of the Water Framework and meeting targets under the Water Framework Directive. The water quality data presented in appendix 10. is not interpreted or integrated in any way to the EISs or discussed in the context of this application and wfd status. It would have been appropriate to obtain data gathered at the site as part of the previous IPC licence and interpret this.

Fish are an indicator species under the Water Framework Directive and the presence and abundance of fish species forms part of a waterbodies status under the WFD, particularly in relation to lakes, such as Lough Sheelin. It is therefore imperative that the fisheries status or the lake and its tributary streams is protected and conserved.

The monitoring carried out by IFI or other agencies is not a substitute for the monitoring and sampling which should be carried out by the applicant under the terms and conditions of any IPC licence. The author of the EIS is clearly aware of sampling taking place within the area, why then does he not make any attempt to comment on the presented water quality data for the Mount Nugent stream. (See Appendix 10.)

There is no mention of fish, aquatic life or invertebrates either within the Finaway River or the Mount Nugent River. This is entirely inappropriate as both the Finaway and Mount Nugent Rivers are salmonid watercourses.

The Finaway River has shown excellent spawning in recent years with excess of 100 wild brown trout spawning redds were recorded in the Finaway River adjacent to and upstream of the piggery in the winter 2013/2014.

There are no comments on or specific interpretation of the Mount Nugent River water quality data, its tributary streams or Lough Sheelin, just a mass of general data about the water framework directive and trends in County Cavan.

P 52 does recognise that the farm is within the Sheelin catchment, it fails to recognise the link between the watercourse, the Finaway River flowing through this site, the Mount Nugent Stream and Lough Sheelin.

The statement made on p. 2, third para re: pig numbers at the farm is misleading as there are currently no pigs at the farm, the numbers refer to those previously at the farm or within the IPC licence.

Inadequate consideration is given to third parties spreadlands and the potential for poor practice to impact on Sheelin and other River catchments. There is a need for the development to be considered in a holistic sense, comments made on p.71 do not demonstrate any recognition that poor spreading practices could impact negatively on water quality, and consequently no mitigation measures or controls are proposed, other than making sure that parties organic wastes are aware of the Nitrates Directive. It is not clear how the applicant intends to ensure third parties meet all requirements of SI 31 of 2014.

In relation to the comment made regarding Cavan County Development Plan and amenity areas, this is misleading, see details below (from the Cavan County Development Plan) regarding the amenity value of Lough Sheelin, this should be recognised and discussed within the EIS.

Major Lakes and Lake Environs

There are nine major lakes and environs. These lakes have amenity value due in part to their size and location within a scenic landscape and their recreational value.

Major Lakes & Environs	Landscape Character Area No.
1. Lough McNeen	Area 1 Cuilcagh-Anierin Uplands
2. Lough Sillan	Area 4 Drumlin Belt & Uplands of E. Cavan
3. Lough Sheelin	Area 3 Lake Catchments of South Cavan
4. Lough Ramor	Area 3 Lake Catchments of South Cavan
5. Lough Skeagh	Area 5 Highlands of East Cavan
6. Lough Nadreegel	Area 3 Lake Catchments of South Cavan
7. Lough Oughter	Area 2 The Lakelands
8. Lough Gowna	Area 2 The Lakelands
9. Brackley Lough	Area 1 Cuilcagh-Anierin Uplands

In relation to proposals for monitoring and sampling of surface water quality in the Finaway River and storm water discharges these are not sufficiently detailed. In fact no proposals are presented in relation to sampling of the Finaway River. IFI requires that details of the monitoring programme referred to in section 9 be supplied in advance of any grant of planning, giving sampling locations, frequencies and parameters tested. The proposal in Section 9.2 regarding visual weekly monitoring of storm waters is inadequate.

Para 3 clearly states that activities at this site have not had any adverse impact on any of these sites (Sheelin), impacts have been detected in the Finaway River, which in turn would impact on the nutrient loading in Lough Sheelin and its water quality status. Comments made on p.52 (3rd paragraph) and section 7.13. are incorrect and fail to recognise that, following a fish kill on the Finaway River in 1992 the previous owners of this site were successfully prosecuted for Water pollution at this site. Therefore Water Quality has been impacted upon in the past by piggery operations at this site. This is a real risk and must be assessed and mitigated against to prevent a future re-occurrence.

Contrary to the statement in section 7.1.3 the applicant is not reducing stock numbers, as the farms are currently derelict.

It is stated that the pig farm is located a reasonable distance from any such areas, however again the presence of the Finaway River (and its capacity to act as a vector to Lough Sheelin downstream) within the site seems to have been completely overlooked. Appendix 6 shows that many of the spread lands are in the Mount Nugent catchment.

in relation to the designation of Lough Sheelin as a Natural Heritage area and SPA in section 9.3 these designations are not specifically referred to or interpreted within the EIS in the context of this development, they are just shown on a general map showing all in Cavan copied from Cavan county development plan.

The potential impacts identified in section 1.1 of appropriate assessment not carried forward to EIS.

The statement made in section 4.2 regarding a reduction in overall activity on the site is not accurate as there are currently no pigs on either site.

Site layout, Management and Construction

Given the close proximity of this site to the Finaway River, IFI would have concerns about underground tanks and monitoring of same, freeboard and sufficient storage capacity.

IFI has concerns about sub-terranean flow of effluents, especially given the nature of pig slurry, tanks must be well constructed according to Department of Agriculture Specifications, well maintained and tested at appropriate intervals.

There should be no discharges of contaminated waters to ground or surface waters from this development. There must be complete separation of gutter and uncontaminated roof waters from any contamination waters.

There are no details provided on surveys and works to be carried out on those structures which will not be replaced, particularly regarding effluent and slurry storage to ensure any potential impacts are reduced.

The existing structures are situated close to the watercourse and with inadequate buffer zones. The new structures should be constructed to allow a suitable buffer zone between the development and the Finaway River. A 25 metre wide buffer zone should be in place for any new buildings with a raised grassed berm between the units and river. This buffer zone will protect biodiversity within the river corridor. The riparian zone along the river will facilitate the planting of trees and shrubs to provide shading for fish and habitat for macro-invertebrates, birds and insect life. The use of a berm will allow for potential containment for run off from the site. A large silt trap and petrol interceptor should also be installed on site.

Details of storage and management of any feed stuffs on site should also be provided as animal feeds can be a potential source of pollution.

The details supplied regarding the demolition of existing units and construction of new units show no awareness of the potential for pollution to occur at this stage. Particularly in terms of run off of suspended solids, concrete for tanks, the potential for infiltration of ground water to excavations and contingency for same and settlement. At the Finaway site, consideration will need to be given to the timings of works in close proximity to a salmonid watercourse. Construction and associated works with a high risk of suspended solids pollution should not be carried out between the 1st October and the end of April without prior consultation with Inland Fisheries Ireland in order to protect spawning and juvenile trout.

Environmental mitigation measures should be provided in relation to construction at Finaway and a method statement for works at Finaway sites should be agreed with IFI in advance of demolition/construction.

An estimate of Total pig numbers should be provided within the EIS along with clear calculations in relation to the amount of slurry generated.

Notwithstanding IFI comments on site suitability, IFI requires that an Environmental Monitoring programme for this sites be agreed with IFI in advance of any grant of planning.

The EIS does not give sufficient details of the proposals to monitor the impact on all watercourses from the development, in terms of measurement to be taken and frequency of monitoring.

In summary it is IFI's view that serious consideration should be given to whether or not this site is suitable for intensive agriculture. IFI requires that the concerns, deficiencies and issues raised above should be dealt with in the form of a new application or a revised EIS and IFI given further opportunity for comment before this planning application should proceed any further.

Please do not hesitate to contact me should you have any queries.

Yours sincerely

Catherine Kerins
Fisheries Environmental Officer
Upper Shannon
Shannon River Basin District

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