

Our Reference: FPL/184/

Your Reference:

6 April 2021

By email submission: Meath County Council

Re: Application No 21/424

Applicant: Dawn Meats Ireland UC

Proposed Development: Construction of an extension to an existing wastewater treatment plant (WWTP) where the works include:- a) Demolition of an existing storage building (17.50m²) and construction of a new single-storey industrial type building to enclose the DAF unit granted planning permission under planning reference LB180300 and to provide new enclosed storage and control rooms (total floor area 119m²). b) Install a new sludge press at intake to WWTP, change aeration tank to anoxic tank, install 2 no. additional aeration tanks, alteration to perimeter berm to increase the footprint of WWTP, by 539m² to that granted planning permission under planning permission LB180300. C) Treated wastewater rising main from the site of the proposed development to new discharge point at the River Boyne (distance 7.2km), where pipeline shall be laid along a section of Windmill Road, the L1013, Yellow Furze Road, the L1600 (Boyne Road), and the unnamed local road leading from the L1600 to the private lands abutting the River Boyne at the discharge point. This planning application is accompanied by an Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS). This application relates to a development which is for the purposes of an activity which holds an Industrial Emissions Licence (Reg No. P0811-02).

Development address: Painestown, Seneschalstown, Dollardstown,, Hayestown-Carnuff Little & Ardmulchan, Navan, Co. Meath

Date of application: 5 March 2020

Name of Observer Protect East Meath Limited (Company No 495141)

Address of Observer 7 Riverside Cottages, Julianstown, Co Meath

Name of Agent FP Logue Solicitors

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Dear Sir or Madam

Introduction

I act for Protect East Meath Limited, 7 Riverside Cottages, Julianstown, Co Meath. I have been instructed by my client to make the following submission to Meath County Council (the "Council") setting out its observations on the above-mentioned application for planning permission. On behalf of my client, I request that the Council takes due account of this submission in its determination of that application and that it refuses planning permission for the proposed development.

The fee of €20 is to be paid by credit card – please phone 01 531 3510.

Observations

Protect East Meath makes the following observations in relation to the application.

Access to information

- While some files were uploaded to the Council website in downloadable pdf format many were either in an inaccessible format ("DJVU") or stored as individual JPEGs for each page which cannot be easily downloaded. My client found it very difficult to consult many of the lengthy technical documents.
- Moreover, the Council refused to provide pdf copies of all the planning files when requested. A representative of my client offered to come to the Council office and take a copy of the files submitted on CD but was informed that the Council had not received a CD with an electronic copy of the application. However, the cover letter on the file indicates that 6 No CDs were submitted to the Council. My client notes also that Regulation 97 of the planning regulations requires the submission of a searchable electronic copy of the EIAR.
- The obstruction by the Council of effective access to the file invalidates the procedure which must either be restarted or extended to allow my client time to obtain and review pdf copies of the documents.

Invalidity of the application – insufficient particulars of the development

- The applicant has failed to provide sufficient particulars of the rising main pipeline and the works at the outfall on the river Boyne. This is a breach of article 23 of the planning and development regulations.
- It would be in everyone's interest if this obvious defect in the application was remedied now by the Council at an early stage rather than allowing a clearly incomplete application to progress through the lengthy permitting procedure.

Habitats Directive – Strict Protection

- It is impossible to survey such an extensive development in an area of high environmental sensitivity on a single day in February.
- There are no otter or bat surveys on the file and there is no information about the qualifications and experience of those who carried out the limited surveying, the methodology used, and the data gathered. It is clear also that the national guidelines for otter and bat surveying have not been applied and there is no explanation for this.
- It is a legal requirement that the impact on strict protection species be assessed prior to permission being granted. Therefore, the Council is not in a position to grant permission based on the information on the planning file.

Habitats Directive – Appropriate Assessment

- There is no or no adequate description of the works within and/or affecting the SAC and SPA.
- Works such as this directly in an SAC and SPA are in fact prohibited under EU law.
- The Fossit classification system is not appropriate for surveying habitats protected by the Habitats Directive, nor is it an appropriate way to classify whether habitat loss will affect QIs in these European sites.
- There are no salmon, lamprey, kingfisher or otter surveys and there are no surveys of the detailed aspects of the affected habitats which might have an affect on these species including within their natural range in the SAC and SPA.
- There is no adequate surveying of the area susceptible to significant effects in the SAC and SPA.
- There is no description of the best scientific knowledge relevant to the application (note that the SAC and SPA don't have detailed supporting documentation).
- There is no basis for the screening conclusion given the lack of scientific information and the lack of specification of the works.
- The stage II AA conclusion is erroneously based on a limited assessment of water quality – there is no scientific basis for reading water quality conclusions into the appropriate assessment conclusion.

Water Framework Directive (WFD)

- The approach is based on “assimilative capacity” – this is not a WFD concept.
- The analysis and conclusion are based on alleged maintenance of good status only – this is contrary to the decision in the *Weser* case.
- In any event there is not enough information to evaluate whether the alleged “good” status would be maintained
- The analysis does not consider all of the quality components that make up the elements of ecological status or chemical status under WFD.
- There is no consideration of chemical status at all
- There is no consideration of fish or aquatic flora in relation to ecological status.
- There are no local flow rate measurements, bearing in mind that the location is near a wier. The flow rate measurement that is presented is too far downstream to be useful.
- There is no consideration of how the chemical components that are actually considered contribute to or affect Q
- There is no consideration that BOYNE_150 is moderate status and that the outfall is close to or at the boundary between BOYNE_150 and BOYNE_160.
- The analysis seems to compare mean effluent concentrations with 95%ile limits – this is mathematically incorrect.

Environmental Impact Assessment

- The EIAR is insufficient based on all of the issues raised above.
- As an alternative waste water should be reused or a pipeline could be constructed to a municipal WWTP – these are reasonable alternatives and they should be considered as part of the EIA procedure.

Conclusion

For the reasons set out in this letter the application should be refused.

Yours sincerely

Fred Logue
On behalf of Protect East Meath Limited