Inspector's Report
WW17.WW0422

Development	Licence to discharge trade effluent to waters at Donore Quarry, Donore, County Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	16/02
Applicant	Irish Cement Limited
Type of Application	Licence to Discharge Trade Effluent to Waters under Section 4 of the Water Pollution Act 1977 as amended.
Planning Authority Decision	Grant Licence
Appellant	Irish Cement Limited
Type of Appeal	1st Party Appeal against Conditions under Section 8 of the Water Pollution Act 1977 (as amended).
Observer	None
Date of Site Inspection	22nd July 2016
Inspector	Paul Caprani

Contents

1.0 Introduction

1.1. WW17.WW0422 relates to a first party appeal against a number of conditions attached to a licence to discharge trade effluent to waters at a quarry outside the village of Donore, County Meath. A total of seven conditions attached to the licence have been appealed by the applicant.

2.0 Site Location and Description

2.1. The subject site is located to the immediate north of the small village of Donore approximately four kilometres south-west of Drogheda and approximately two kilometres west of Junction 9 on the M1. Access to the quarry is provided off the main road leading east of the village towards Junction 9 on the M1 Motorway. The quarry itself occupies an upland area to the north of the village. The site is relatively large and incorporates an irregular shape. The quarry is used on an intermittent basis for the extraction of shale which is exported off site and used in the manufacture of cement at the neighbouring Platin manufacturing plant which is located c.3 km to the south east. I estimate that the quarry covers an area of just less than 30 hectares.

2.2. In terms of surrounding land uses, a number of residential estates located in the northern environs of Donore Village are situated to the south of the subject quarry. An agricultural buffer zone ranging between 100 and 150 metres separate the southern boundary of the quarry from the residential estates referred to. A agglomeration of one-off houses are located on lands to the north-east of the subject site. I estimate approximately 13 dwellings are located within 500 metres of the north-eastern boundary of the subject site. The main area of quarrying activity takes place in the northern portion of the site. A number of haul roads are located within this area. Also within the northern and central portion of the site are excavated areas where rainfall accumulates within the quarry catchment.

2.3. In terms of existing operations on site, information contained on file indicates that operations occur on an intermittent basis only. The quarry water which accumulates within the site comprises of rainfall only. It appears from the information contained on file that the water table in this instance has not been breached and therefore there is little or no contribution from groundwater flow within the quarry. The information on file also indicates that no domestic wastewater trade effluent is generated on site. No hydrocarbon oil is stored on site and the water which accumulates on site is not used in the processing or manufacturing of activities on site. The quarry water which accumulates on site absorbs minerals in the underlying shale that contain heavy metals. The water from the quarry floor, before being discharged off site is pumped to a neutralisation mixer which is located adjacent to settlement pond 1 near the eastern boundary of the site. The neutralisation mixer involves the periodic dosing of the quarry water being discharged off site with magnesium hydroxide so that the pH is maintained at a range of 6 to 9 in order to allow for the precipitation of heavy metals from the water.

2.4. Settlement Pond 1 has the following dimensions approximately (23m x 26m x 2.7m) giving it an overall cubic capacity of c.1,600 m^3. The treated quarry water collected in settlement pond 1 has a retention time of approximately seven days before being discharged to a Settlement Pond 2 near the north-western boundary of the site. This settlement pond is approximately (60m x 12m x 3m) in width giving it an overall capacity of c. 2160 m^3. According to the information submitted with the licence application water from Settlement Pond 1 is only discharged to settlement pond 2 when the supernatant liquid is sampled and an appropriate pH is determined. Water is retained in Settlement Pond 2 for approximately two to three days and within this time further precipitation of heavy metal hydroxides takes place. When it is determined that the pH level in the water is within appropriate limits, the water is released via a settlement pond discharge valve off site.

2.5. The treated water is discharged via a drainage ditch to the River Boyne which is a designated Natura 2000 site approximately 600 metres to the west and north-west of the subject site.

3.0 **Planning Authority's Assessment of Licence Application**

3.1. According to information contained on file Meath County Council initiated a licence review on the 6th September, 2012. Details of this letter is contained in Appendix B of the grounds of appeal.

3.2. An application was lodged on behalf of the applicants by Brady Shipman and Martin on 19th May, 2014. It comprised of the following:

- A completed application form.
- An assessment of the impact of the discharge on receiving waters.
- Details of mineral data sheets and information on the products used.
- Details of chemicals/bunding.
- A Stage 1 Appropriate Assessment Screening Report.

3.3. On 23rd May, 2014 further information was submitted including details showing the sludge deposition location and further data regarding the chemical composition of the water on site.

3.4. On 8th September, 2015 further details were requested by Meath Co Council in relation to the following:

- Clarification regarding the dimensions of the lagoon areas on site.
- Further clarification in respect of the retention times of the settlement lagoons.
- Further details with regard to the timeframes for the installation of a flow measuring device.

- Further details in relation to the treatment and deposition of the settled sludge on site. In this regard the licensee may wish to seek clarification from the EPA on the status in terms of the Waste Management Acts of removing sludge materials from the treatment system lagoons.

- Further clarification with regard to discharge flow rates in the context of retention times within the settlement ponds.

- Meath County Council wish to advise the applicant that it tested samples on the 14th April, 2015 and the samples showed compliance with ELVs for metals not detailed in the licensee submitted monitoring.

- It is stated that on receipt of this information a licence will be issued.

3.5. **Further Submission on behalf of the Applicant**

A submission was received on 11th December, 2015 indicating the following:

- Further details in relation to the size and capacity of the settlement ponds. With regard to retention times it is stated that the system must continue to meet the licence discharge limits for all factors and this should be reflected in any condition attached.

- With regard to the flow measuring device it is stated that on foot of discussions with suppliers it is suggested that a timeframe of six months be reflected in the licence.

- With regard to the issue of sludge removal it is stated that the quantities involved are so small and the period between sludge removals so long that it is considered appropriate to retain the material within the quarry. The material could be covered with subsoil and topsoil and grass seeded if required to avoid potential run-off. Any such run-off will be retained within the quarry in any case.

3.6. In terms of discharge from the site it is suggested that a condition could be incorporated to ensure that discharge does not exceed 200 m^3 per hour and 2,000 m^3 per day.

The licensing authority's comments in respect of the other conditions are noted.

3.7 Meath Co Council's Decision

3.8 Meath County Council issued a decision in respect of the licence application on 1st April, 2016. The Board will note that no report is contained on file in respect of the review of the licence application (Although a copy of the original report relating to the Licence Application dated 22/03/2016 in attached to the Meath Co Councils response to the grounds of appeal). A total of 6 conditions were attached.

- Condition No. 1 related to general layout and operations.
- Condition No. 2 relates to effluent characteristics.
- Condition No. 3 relates to the monitoring regime.
- Condition No. 4 relates to access by authorised personnel.
- Condition No. 5 relates to change of use of the development.
- Condition No. 6 relates to the contributions to the licence authority.

4.0 **Planning History**

4.1. There appears to be no planning history associated with the appeal site.

4.2. I note that the map contained on file which plots the planning history applications makes reference to QC2084 in respect of the subject site. However according to the planner's report in respect of this application QC2084, this Quarry Registration Application appears to relate to the Irish Cement sister plant located at Platin, approximately 3 kilometres to the south of the subject site.

5.0 **Grounds of Appeal**

5.1. An appeal was submitted on behalf of Irish Cement Limited by Brady Shipman and Martin. The grounds of appeal set out details in respect of:

- The source of the contaminated effluent (namely heavy metals precipitated from the shale rock).
- The treatment of the effluent.
- Details of the original licence granted by Meath County Council in 1998.
- Details of the receiving waters and characteristics of the effluent.
- And details of assimilative capacity calculations.

Section 13 of the submission specifically relates to the grounds of appeal. These are summarised in more detail below.

Condition 1.10

Condition 1.10 requires *"a visual examination of surface water discharge shall be carried out daily. A log of such examinations shall be maintained for inspection by officers of the licensing authority*".

It is stated that the requirement for a visual examination does not take account of the fact that there will be no effluent being discharged for most of the time. It is requested that the condition be reworded to reflect the requirement of a visual examination of surface water discharge to be carried out on each day during the effluent is being discharged.

Condition 1.14

This condition requires the licensee to ensure that the site is at all times stocked with an adequate supply of oil/chemical spill kits including booms and suitable absorbent materials and that staff are trained in the appropriate use and deployment of such equipment.

The requirement for an adequate supply of oil/chemical spill kits is unreasonable. Condition No. 1.15 prohibits the storage of hydrocarbon oil and therefore spill kits are not required. The requirement to adhere to this condition would represent a significant waste of resources. A spill of magnesium hydroxide would result in this material being released to Settlement Pond 1 which is the intended destination in any case. It is requested therefore that this condition be deleted.

Condition 1.16

This condition requires the licensee to provide a discharge sampling and inspection point for the treated discharge and he/she shall ensure that this is maintained to provide a safe access for inspection and sampling. Access shall be provided such that ground samples and composite samples can be taken of the treated effluent discharge.

It is stated that Condition No. 1.18 requires the provision of a flow proportion sampling device for effluent. The appellant is appealing this requirement and therefore to ensure consistency the appellant requests the deletion of the words "*and composite samples*" in the above condition.

Condition 1.17

Condition 1.17 requires the licensee shall install a flow measuring device in order to measure and log the flow rate in the final treated effluent discharge to waters. The flow measuring device shall be installed within six months of the date of the grant of licence. Records of daily flows (a total volume discharge per day, plus hourly flow rates on the dates of discharges) shall be maintained and submitted to the licensing authority on a quarterly basis. The flow measuring device shall be calibrated and maintained to ensure the accuracy of measurements. Evidence of flow measurement calibration shall be submitted to the licensing authority upon request.

The appeal argues that, as drafted, this condition could be interpreted as requiring the recording of the total volume discharge per day even if no effluent is discharged.

For clarity it is requested that this be clarified. Irish Cement has sought proposals for equipment vendors for flow measurements as required by this condition and to date a satisfactory proposal has not been forthcoming. A revised wording of the condition which is deemed to be more appropriate is set out in the grounds of appeal.

Condition 1.18

This condition requires the licensee to install, operate and maintain an automated composite sampler to provide for 24 hour flow that proportional composite sampling of the final treated effluent discharge. The composite sampler shall be operated and maintained in such a manner to ensure that sampling accurately reflects the effluent discharge. The automated composite sampler shall be installed within six months of the date of grant of licence.

The grounds of appeal argue that a flow proportion composite sampler is impractical for a situation because the discharge is based on infrequent batches of a treated effluent rather than continuous discharge. A batch of effluent is well mixed by the time it is discharged. It is therefore considered that the requirement for a flow proportional composite sampler is excessive and disproportionate because of the nature of effluent, the frequency of discharge and the assimilative capacity of receiving waters. Therefore the most practical and reasonable method of sampling is by a grab sample. Irish Cement requested the condition is deleted and replaced by the following:

The licensee shall take three grab samples of equal volume. The timing of these samples being respectively approximately when 25%, 50% and 75% of the batch has been discharged. The samples shall be aggregated before analysis.

Condition 2.2

Note 2 of this condition states that maximum limit values apply to 24 hour flow – proportionate composite samples and grab samples.

On the basis that Irish Cement is appealing the requirement for a flow proportional composite sampling device, it is requested that Note Two of Condition 2.2 be deleted.

Condition 6.2

This condition requires that In the event that the frequency or extent of monitoring, investigations or testing carried out by the licensing authority needs to be increased, the licensee shall contribute such sums as determined by the licensing authority to defray its costs in relation to the additional monitoring, investigations or testing.

The grounds of appeal argue that this condition as stated allows for unfettered monitoring investigations and testing by the licensing authority. Whilst acknowledging the right of the licensing authority to carry out such monitoring, investigations and testing, Irish Cement requests that a reasonable approach is adopted and that only 'reasonable' costs be borne by the licensee. Therefore it is requested that the word 'reasonable' is inserted in the condition.

6.0 Licensing Authority's Response to the Grounds of Appeal

6.1. With regard to **Condition 1.10** it is stated that Meath County Council is agreeable to changes proposed by the appellant to this condition.

6.2. In relation to **Condition No. 1.14** Meath County Council submits that although oil is are not stored on site, a spillage of oil could occur from machinery on site and it would be appropriate that oil spill kits and absorbent materials would be available on site in responding to any spill or leak. Meath County Council suggest that the condition could be reworded using the term "oil spill kits" rather than "oil/chemical spill kits".

In respect of **Condition 1.17** Meath County Council submits that there should be no change in the wording of Condition 1.17. The wording of this condition does require that the total volume discharge per day is recorded even when that volume is zero.

The wording requires an hourly flow to be recorded only on the days when discharges occur. All other days can be recorded as zero. The change in the wording of Condition 1.17 as suggested in the grounds of appeal could effectively result in the licensee ultimately making the case that it does not have to provide any flow measurement on the discharge on the basis that a suitable flow measuring device has not been sourced. Meath County Council believes that the requirement for measurement and recording of the discharge flow is a very important element in the discharge licence as it affords a clear and unequivocal record of all instances of discharge from the site to receiving waters.

6.3. In relation to **Condition 1.18,** which relates to the operation and maintenance of an automated composite sampler to provide for 24 hour flow proportionate composite sampling, this requirement was added to give a greater level of assurance to any discharge monitoring in the context of removing the requirement for minimum retention times in settlement ponds. It is noted that Irish Cement had objected to the requirement to abide by minimum retention times and put forward a case that this was not necessary if it could be shown that discharge quality met emission limit standards. In agreeing to remove the requirement for adherence to minimum retention times in settlement ponds, the requirement for composite sampling was added to ensure all discharge monitoring data was as representative as possible. The appellant states that a flow proportionate composite sampler is impractical where discharges occur on an infrequent basis. Meath County Council consider that this type of discharge can be sampled on a flow proportionate composite sampling basis in that the sampler will simply be idle during periods when there is no discharge and will activate on a flow proportionate basis when the flow measurement signals indicate that a discharge episode has been started. It is considered that a flow proportionate composite sampling requirement adds a valuable level of assurance in the management and enforcement of discharge monitoring. It is suggested that there could be variation in heavy metal concentration over an entire batch of water being discharged over a 24 hour basis.

6.4. In terms of assimilative capacity the appellant refers to a mass balance dilution of approximately 0.8%. Meath County Council calculates a discharge dilution rate of approximately 2.3%. Thus Meath County Council submits that the reference to 24 hour flow proportionate composite sampling should be retained in any condition issued by the Board.

6.5. In respect of **Condition 6.2** Meath County Council has no objection to the appellant's request that the phrase "reasonable costs" would replace the word "costs" in this condition.

6.6. Also attached to the planning authority's response to the grounds of appeal is the detailed report of Meath Co. Council dated 23/06/2015 in respect of the licence application. It sets out the background to the licence application, details the compliance history, sets out details of the treatment provided, details of retention times, discharge flow rates and assimilative capacity and mass balance calculations. Finally the report details and assesses the appropriate assessment screening exercise undertaken by the applicant and details the monitoring requirements associated with any licence to be issued.

7.0 Assessment

Condition 1.10

Condition no. 1.10 requires that a visual examination of the surface water discharge shall be carried out daily. The grounds of appeal argue that this condition should be re-worded to reflect the infrequent nature of the discharge and the fact that it does not take place on a daily basis. Meath Co. Council does not object to the rewording of the condition as requested. I would likewise agree that the wording of the condition should be altered to reflect that fact that discharge from the site does not take place on a daily basis. I therefore recommend that the condition be reworded as follows:

'A visual examination of the surface water discharge shall be carried out during days that effluent is being discharged from the site. A log of all such examinations shall be maintained for inspection by Officers of the Licencing Authority'.

Condition 1.14

Condition No. 14 requires that, at all times the site is stocked with an adequate supply of oil/chemical spill kits including booms and suitable absorbent materials. The grounds of appeal argue that this condition is unduly onerous as the supply of such kits are expensive and that no oils or hydrocarbons are stored on site. Furthermore it is argued that the only chemical to be stored on site is magnesium hydroxide. Any spill in this chemical will result in the chemical being released into the adjoining settlement pond. Meath Co Council in its response to the grounds of appeal has argued that it would be appropriate to store oil spillage kits on the grounds that a spillage could occur from machinery on site.

I would agree, that it would be appropriate that an oil spillage kit should be kept on site in the case that any spillage occurs within the site during periods when machinery is operating. Such spills if left uncontrolled, could potentially impact on the surrounding environment and could contaminate the settlement ponds and potentially pollute water courses in the surrounding area. I do not accept that appellant's argument that such kits represent a significant waste of resources. Small scale kits to cater for spills from machinery (as opposed to larger scale hydrocarbon/oil storage) are relatively inexpensive and would not be unduly onerous on the appellant's resources. I therefore consider that this aspect of the condition should remain.

With regard to chemical spill kits I would agree the grounds of appeal that a chemical spill kit is not necessary in this instance. Having inspected the site I would agree that any release of chemicals from the magnesium hydroxide dosing plant would

naturally gravitate into settlement pond 1. A chemical spill kit would be of little or no benefit in in such a scenario.

I therefore consider that the condition can be re-worded to omit any reference to the requirement to maintain a chemical spill kit on the site. The requirement to provide an oil/hydrocarbon spill kit on site at all times should be retained.

Condition 1.16 and Condition 1.18

Condition 1.16 and 1.18 relate to the requirement of the Licensee to install, operate and maintain an automated composite sampler to provide for 24 hour flow proportional composite sampling. This condition, according to the grounds of appeal is deemed to be impractical because the discharge is based on infrequent batches of treated effluent rather than continuous discharge. Furthermore it is argued that the requirement for a flow –proportional composite sampler is disproportionate because of the nature of the effluent, the infrequency of the discharge and the generous assimilative capacity of the receiving waters.

With regard to the frequency of discharge, the discharges from the quarry may be infrequent, but this in itself would not militate against providing a 24 hour flow-proportional composite sampler. Such samplers would only operate during periods when water is being discharged from the settlement pond. It is also clear that when operating the settlement pond is discharging substantial volumes of water – c.1000 M^3 over any 16 hour period - according to information submitted by the applicant. In fact condition 2.1 stipulates that the total volume of effluent to be discharged shall not exceed 200m^3 /hour and 2000m^3/d. Obviously the composite sampler will only operate when water is being discharged from the site. Thus the infrequent nature of the discharge would not in my view provide justification against the installation a 24 hour flow-proportional composite sampler and it cannot be argued that the installation of such a device is impractical. As pointed out by Meath Co. Council, on days when no effluent is being discharged from the quarry, the sampler will record a figure of zero.

With regard to the nature of effluent, I consider that a reasonable case can be made for incorporating such a device. The nature of the contamination is such that, if not properly treated the potential for adverse impacts downstream are significant. The pre-treated discharge is very acidic with pH values as low as 2.8. Changes in the pH of water outside the ranges of 6 to 9 can be very harmful to aquatic life and can lead to consequential changes to the proportion of Un-ionised Ammonia as N in the receiving waters. This likewise can have profound impacts on aquatic life, particularly certain species of freshwater fish. Changes in pH will obviously be proportionate to the frequency and amount of magnesium hydroxide dosing which will take place. And while mixing will certainly take place within both settlement ponds I consider that continuous composite sampling, as opposed to just grab sampling would ensure that the frequency and concentration of dosing can be appropriately monitored to ensure that the most optimum and efficient treatment in terms of magnesium hydroxide dosing is provided.

Likewise in respect of heavy metals, higher pH levels and alkaline conditions help precipitate heavy metals out of solution and neutralise acidic wastewaters. As Meath County Council set out in its response to the grounds of appeal, the precipitation of heavy metals out of solution could result in differential density horizons within the water strata in respect of suspended solids and heavy metals, particularly if retention times are reduced. As part of the consultation process undertaken in the licence review, the applicant sought that any reference to retention times would be omitted in favour of compliance with ELV's. Again composite flow monitoring, as opposed to grab sampling only, would add a valuable level of assurance in the management and enforcement of the discharge monitoring. This in my view is particularly important having regard to (a) nature of the contaminants being treated and (b) the sensitivity and the designation of the receiving waters in the River Boyne.

I therefore recommend that that condition no. 1.16 and 1.18 be retained unaltered and the requirement for the applicant to provide for 24 hour flow-proportional

composite sampling of the final treated effluent discharge remains as a condition attached to the licence.

Accordingly I recommend that Condition 2.2 (Note 2) be retained also.

Condition 1.17

Condition 1.17 relates to the installation of a flow measuring device. The applicant requests that the condition be altered on the grounds that a suitable flow measuring device has not yet been sourced and a satisfactory proposal has not been forthcoming. A request is being made for the alteration of the condition stipulating, inter alia that '*In the event that the provision and operation of a flow-measuring and recording device is reasonably practicable, the flow measuring device shall be installed within 3 months of the said date of approval by the licencing authority.*

I do not consider that the alteration of the condition to that proposed is appropriate. The applicant has provided no reasonable explanation as to why an appropriate flow measuring devices has not been forthcoming. Furthermore the wording 'reasonably practical' is vague and would prove to be impractical in terms of enforcement. It could provide a basis for the applicant to provide an opt-out in providing such important monitoring infrastructure. As suggested by the Meath Co Council, the re-wording of such a condition could effectively result in the Licensee making a case that it does not have to provide any flow measurement device on the grounds that it has been found not to be reasonably practicable. Again having regard to the nature and significance of the discharge, a discharge flow monitor is a fundamental tool in the monitoring of the discharge. It provides a clear, unambiguous and unequivocal record of discharge from the subject site.

The Licencing Authority has provided in the wording of the condition a 6 month timeframe in which to source and install the flow recording device. This is a reasonable timeframe in my opinion to procure, install and commission such a device.

Condition 6.2

The current wording of this condition states that;

'*In the event that the frequency or extent of monitoring, investigations or testing carried out by the Licensing Authority needs to be increased, the Licensee shall contribute such sums as determined by the Licensing Authority to defray its costs in relation to the additional monitoring, investigations of testing'*.

The applicant in this instance requests that this condition be altered as it allows unfettered monitoring, investigations and testing by the Licensing Authority. It therefore requests that a reasonable approach be adopted, and requests that the word "reasonable" before costs.

Meath Co Council has no objection to the re-wording of the condition as suggested in the grounds of appeal. I likewise would have no objection to inserting the word "reasonable". It is appropriate that the applicant be expected to contribute to in a reasonable manner towards any increase which could arise in respect cost associated with increased monitoring and investigations. I therefore recommend that the condition be amended accordingly.

8.0 Appropriate Assessment

It is clear from the information contained on file that an AA screening report was undertaken on the subject application. It concludes that an Stage 2 Appropriate Assessment need not be undertaken in respect of the licence review on the basis that none of the habitats or species listed as qualifying interests or features will be affected by the activity either alone or in combination with other development. The discharge from the quarry is treated and discharged via two settlement ponds to a watercourse which discharges into the River Boyne and River Blackwater SPA and cSAC (Site Codes 004232 and 002299). The screening report, correctly in my opinion, identifies these sites as being the most likely to be potentially affected by the discharge from the quarry. Other European Sites in the wider vicinity are

unlikely to be affected by the proposed development due to the separation distances between the site and other European Sites in the wider area and the fact that the site does not discharge to, or is hydraulically connected with, other European Sites in the region. For this reason I consider that other European Sites can be discounted for the purposes of the AA screening assessment.

The qualifying interests associated with the River Boyne and River Blackwater SAC are:

- *Alkaline fens*
- *Alluvial forests with Alnus glutinosa and Fraxinus excelsior*

The Habitats Directive Annex II species associated with the cSAC are

- *Atlantic Salmon*
- *River Lamprey*
- *Otter*

The SPA is designated specifically for the Kingfisher only.

As the site is geographically removed from the designated Natura 2000 site, I consider that the proposal will have no impact on the habitats in question. In terms of the impact on qualifying species, on examining the file I note that Inland Fisheries Ireland, NPWS and Local Authority were notified regarding the AA screening they did not consider an NIS necessary. While the Stage 1 AA screening report incorporates the inclusion of mitigation measures in the screening exercise, I note that the inclusion of such measures are acceptable where these measures are already in place and form an intrinsic part of the overall workings and processes on site. It is evident from my site inspection that the treatment process and the settlement ponds are in-situ and appear to be in good working order. Furthermore the discharge monitoring results contained on file indicate that the existing treatment is effective in removing SS, correcting pH and

removing heavy metals. While the photographs attached to this report suggest that the orange tint in the river belies the presence of pollutants in the water. Closer examination of the discharge indicates that the water is in fact clear, and is not a tinted orange colour. The orange colour is derived from the precipitation and oxidation of heavy metals from the shale on the stream bed over a long period of time. The Discharge currently operating on site is, according to the information contained on file, not resulting in the breaching EQS's in the River Boyne. The planning authority are also satisfied that the ELV's set out in the existing licence are being met in full and as such pose no threat to the water quality of the River Boyne. Finally, it is apparent from the figures present on file that the River Boyne has ample assimilative and dilution capacity to cater for the discharge. The proposed development therefore will not have a significant effect on the qualifying interests in terms of habitats or species of the River Boyne and River Blackwater SAC either directly or indirectly.

A similar view in my opinion can be reached in respect of the SPA. The SPA was designated solely for the presence of the Kingfisher. The discharge, for the reasons stated above, will have no impact on this species of bird. Likewise as the discharge will not affect water quality downstream, it is unlikely for have an indirect impact on the Kingfisher in terms of altering the feeding grounds of this species of bird.

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 002299, (River Boyne and River Blackwater SAC) or European Site No. 004232 any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Conclusions and Recommendations

Arising from my assessment above, I recommend that conditions which were the subject of the appeal be altered/ not altered as follows:

Condition 1.10

A visual examination of the surface water discharge shall be carried out during days that effluent is being discharged from the site. A log of all such examinations shall be maintained for inspection by Officers of the Licencing Authority.

Condition 1.14

The Licensee shall ensure that the site is at all times stocked with a suitable oil spill kit including booms and suitable absorbent materials and that staff are trained in the appropriate use and deployment of such equipment.

Condition No. 1.16

Remain unaltered

Condition No. 1.17

Remain unaltered.

Condition No. 1.18

Remain unaltered.

Condition 2.2 (Note 2)

Remain unaltered.

Condition 6.2

Reword as follows:

In the event that the frequency or extent of monitoring, investigations or testing carried out by the Licensing Authority needs to be increased, the Licensee shall contribute such sums as determined by the Licensing Authority to defray reasonable costs in relation to the additional monitoring, investigations of testing'

Paul Caprani
Senior Planning Inspector
8th August, 2016.

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