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## ***Appendixes***

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Calculations**



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***Appendix No. 1***

***Customer Farmland Details***

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**2025 Fertiliser Plan**

Farm	Farm Bogue Pigs UC	Herd No	Dept. Of Ag	Total N	Total P	Area	NPH (2020)	Storage (weeks)	Meal (Est.)	Chemical P	Sheep/Horses	Silage 2 Cut	Est. Max allocation 2025
1		Q1641744	2025	0	0	290.58	0.00		0.0	0			11762
2							#DIV/0!		0.0	0			0
3							#DIV/0!		0.0	0			0
4							#DIV/0!		1.1	0			0
5							#DIV/0!		0.0	0			0
6							#DIV/0!		0.0	0			0
7							#DIV/0!		0.4	0			0
<b>Total</b>													<b>11762</b>

Estimated production

640	Sows	m3/hd/week	0.174	Weeks	52.00
			<b>5,790.7</b>		

Capacity %	203.1
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***Appendix No. 2***

***Site Location Map (1:2,500 & 1:10,560)***

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***Appendix No. 3***

***Site Layout  
(Not to scale)***

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Existing drainage ditches or watercourses in the vicinity of the subject site, shown like this.











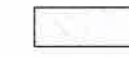
-  Slatted Passageways hatched like this.
-  Concrete Passageways hatched like this.

All uncovered areas where surface water run-off may be contaminated will be closed in (walled) and all runoff will be piped into an existing or proposed underground tank.  
All new passages will be slatted.

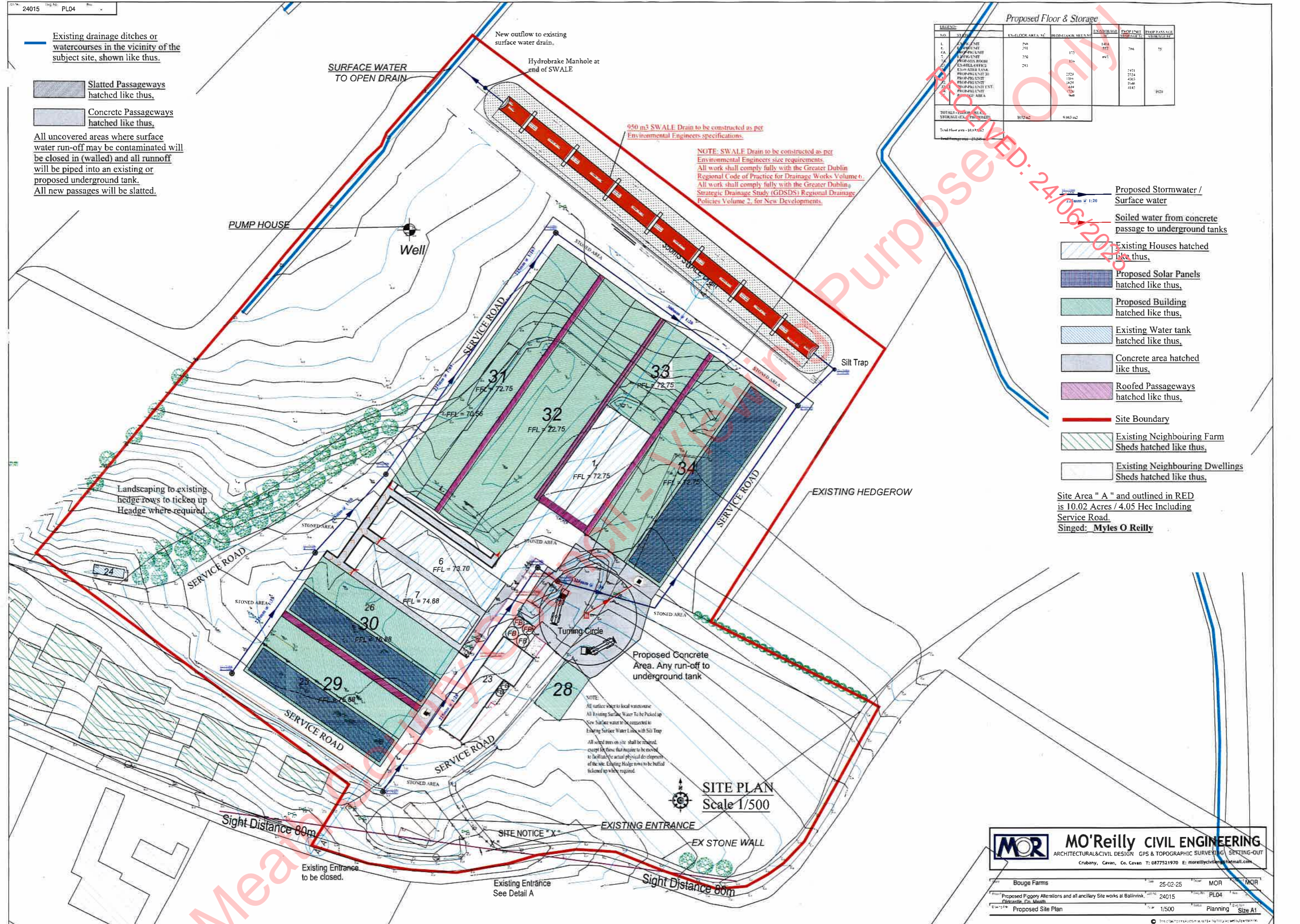
Proposed Floor & Storage

NO.	DESCRIPTION	ENVELOPE AREA (m <sup>2</sup> )	PROPOSED AREA (m <sup>2</sup> )	EXISTING AREA (m <sup>2</sup> )	PROFIT (m <sup>2</sup> )	LOSS (m <sup>2</sup> )
1	PROPOSED UNIT	258	258	148	110	0
2	PROPOSED UNIT	291	291	175	116	0
3	PROPOSED UNIT	350	350	195	155	0
4	PROPOSED UNIT	283	283	158	125	0
5	PROPOSED UNIT	252	252	142	110	0
6	PROPOSED UNIT	116	116	65	51	0
7	PROPOSED UNIT	128	128	75	53	0
8	PROPOSED UNIT	424	424	240	184	0
9	PROPOSED UNIT	758	758	440	318	0
10	PROPOSED UNIT	648	648	375	273	0
TOTALS		3632	3632	2083	1549	0
TOTAL FLOOR AREA		3632				
TOTAL STORAGE AREA		1632				
TOTAL AREA		5264				

NOTE: SWALE Drain to be constructed as per Environmental Engineers size requirements.  
All work shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works Volume 6.  
All work shall comply fully with the Greater Dublin Strategic Drainage Study (GSDS) Regional Drainage Policies Volume 2, for New Developments.

-  Proposed Stormwater / Surface water
-  Soiled water from concrete passage to underground tanks
-  Existing Houses hatched like this.
-  Proposed Solar Panels hatched like this.
-  Proposed Building hatched like this.
-  Existing Water tank hatched like this.
-  Concrete area hatched like this.
-  Roofed Passageways hatched like this.
-  Site Boundary
-  Existing Neighbouring Farm Sheds hatched like this.
-  Existing Neighbouring Dwellings Sheds hatched like this.

Site Area "A" and outlined in RED is 10.02 Acres / 4.05 Hec Including Service Road.  
Signed: Myles O Reilly














NOTE:  
All surface water to local watercourse.  
All Existing Surface Water To be Picked up.  
New Surface water to be connected to Existing Surface Water Lines with Silt Trap.  
All wind trees on site shall be retained, except for those that require to be removed to facilitate the actual physical development of the site. Existing Hedgerows to be buffed / ticked up where required.

SITE PLAN Scale 1/500


**MOR** MO'Reilly CIVIL ENGINEERING  
ARCHITECTURAL & CIVIL DESIGN GPS & TOPOGRAPHIC SURVEYING SETTING-OUT  
Crabany, Cavan, Co. Cavan T: 0877521970 E: moreillycivileng@gmail.com

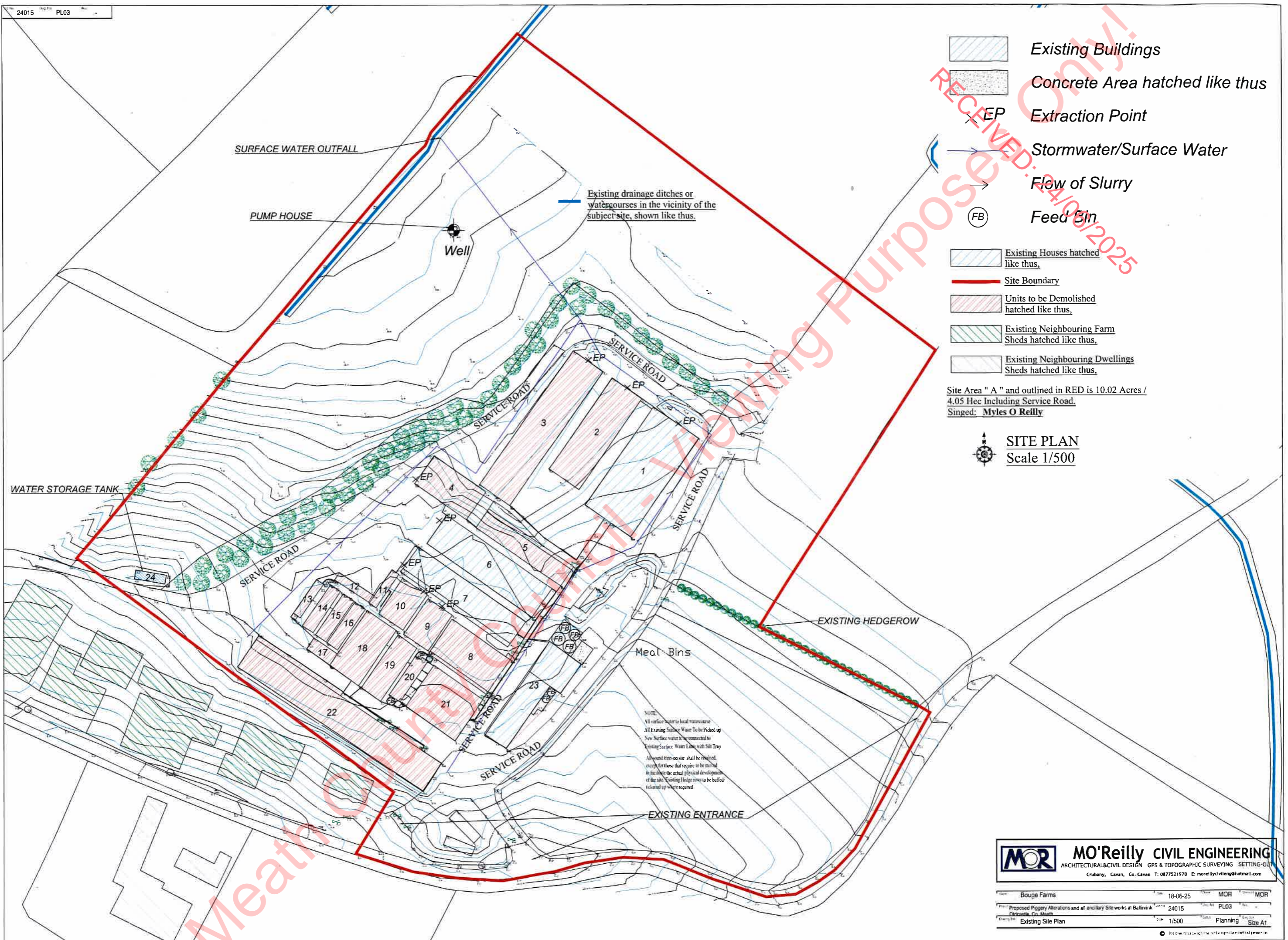
Project	Bouge Farms	Date	25-02-25	Client	MOR
Drawn	MOR	Scale	1/500	Discipline	Planning
Checked	MOR	Project No.	24015	Sheet No.	PL04
Approved	MOR	Project Name	Proposed Piggery Alterations and all ancillary Site works at Balinrink, Clonsilla, Co. Meath	Sheet Title	Proposed Site Plan
Scale	1/500	Project Size	Site A1		

-  Existing Buildings
-  Concrete Area hatched like this
-  Extraction Point
-  Stormwater/Surface Water
-  Flow of Slurry
-  Feed Bin

-  Existing Houses hatched like this,
-  Site Boundary
-  Units to be Demolished hatched like this,
-  Existing Neighbouring Farm Sheds hatched like this,
-  Existing Neighbouring Dwellings Sheds hatched like this,

Site Area " A " and outlined in RED is 10.02 Acres / 4.05 Hec Including Service Road.  
 Singed: **Myles O Reilly**

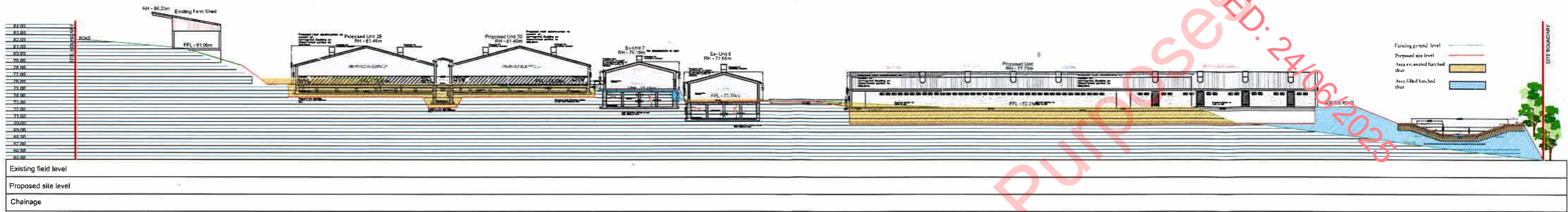
 **SITE PLAN**  
 Scale 1/500



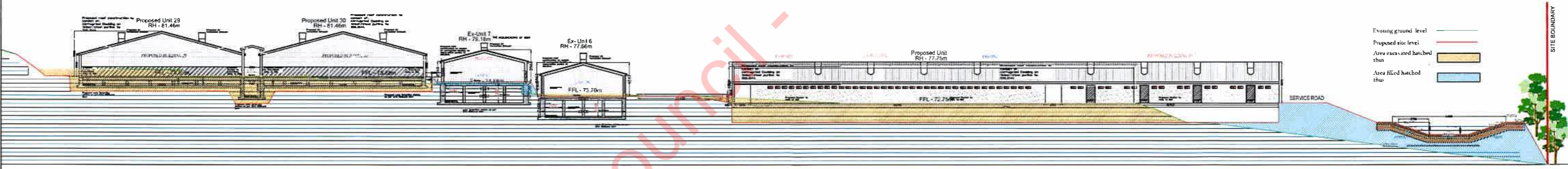
NOTE:  
 All surface water to local watercourse  
 All Existing Surface Water To be Picked up  
 New Surface water to be connected to  
 Existing Surface Water Line with Silt Trap  
 All wood on site shall be retained  
 except for those that require to be moved  
 to facilitate the actual physical development  
 of the site. Existing Hedge rows to be buffed  
 back up where required

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Date	Bouge Farms	18-06-25	Client	MOR	Project	MOR
Project	Proposed Piggery Alterations and all ancillary Site works at Balinink, Clonsilla, Co. Meath	24015	Scale	PL03	Sheet	
Drawing No.	Existing Site Plan	1/500	Discipline	Planning	Size	A1



Site Section A-A  
Scale 1/300



SECTION A-A  
Scale 1/200

Do not scale from this drawing. Use figured dimensions only. All elevations and dimensions to be reported to the engineer. This drawing to be read in conjunction with relevant consultants drawings.

NO.	DATE	BY	CHKD	DESCRIPTION

REV	DATE	BY	CHKD	DESCRIPTION
A	12.02.08	MOR		ABCEDEFGHI

**MOR** **MO'Reilly CIVIL ENGINEERING**  
 ARCHITECTURAL & CIVIL DESIGN GPS & TOPOGRAPHIC SURVEYING SETTING-OUT  
 Crubany, Cavan, Co. Cavan T: 0877521970 E: moreillycivileng@hotmail.com

Client	Bouge Farms	Date	16-06-25	Drawn	MOR	Checked	MOR
Project	Proposed Piggy Alterations and all ancillary Site works at Ballinink, Olocastle, Co. Meath	Drawn No.	24015	Checked No.	PL05		
Drawing No.	Existing Elevations - Buildings to be Demolished	Scale	1/300/250	Project	Planning	Sheet	Size A1



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***Appendix No. 4***

***Engineers Drawings  
(Not to scale)***

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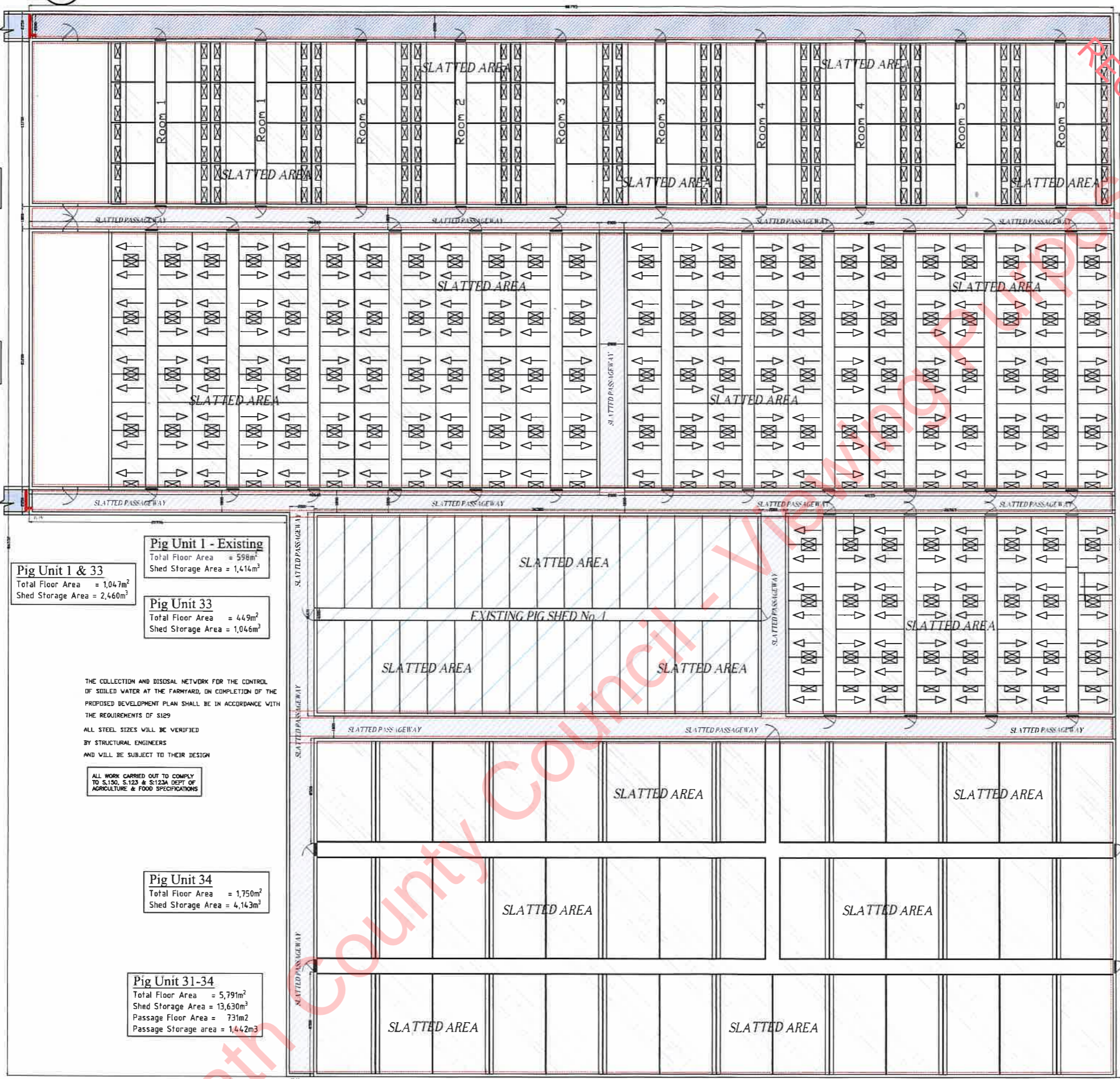




Silo

**Pig Unit 31**  
 Total Floor Area = 1,166m<sup>2</sup>  
 Shed Storage Area = 2,724m<sup>3</sup>

**Pig Unit 32**  
 Total Floor Area = 1,828m<sup>2</sup>  
 Shed Storage Area = 4,303m<sup>3</sup>



**Pig Unit 1 & 33**  
 Total Floor Area = 1,047m<sup>2</sup>  
 Shed Storage Area = 2,460m<sup>3</sup>

**Pig Unit 1 - Existing**  
 Total Floor Area = 598m<sup>2</sup>  
 Shed Storage Area = 1,414m<sup>3</sup>

**Pig Unit 33**  
 Total Floor Area = 449m<sup>2</sup>  
 Shed Storage Area = 1,046m<sup>3</sup>

**Pig Unit 34**  
 Total Floor Area = 1,750m<sup>2</sup>  
 Shed Storage Area = 4,143m<sup>3</sup>

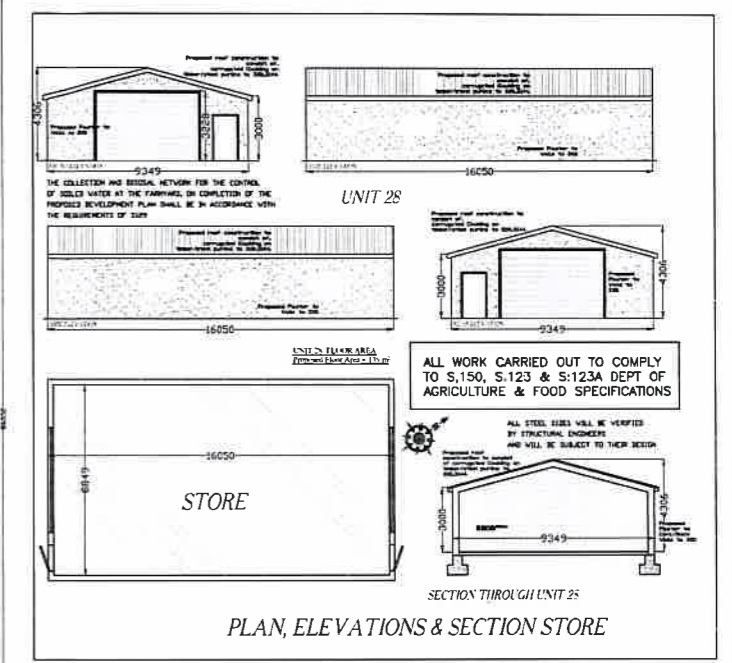
**Pig Unit 31-34**  
 Total Floor Area = 5,791m<sup>2</sup>  
 Shed Storage Area = 13,630m<sup>3</sup>  
 Passage Floor Area = 731m<sup>2</sup>  
 Passage Storage area = 1,442m<sup>3</sup>

THE COLLECTION AND DISPOSAL NETWORK FOR THE CONTROL OF SOILED WATER AT THE FARMYARD, ON COMPLETION OF THE PROPOSED DEVELOPMENT PLAN SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF S129

ALL STEEL SIZES WILL BE VERIFIED BY STRUCTURAL ENGINEERS AND WILL BE SUBJECT TO THEIR DESIGN

ALL WORK CARRIED OUT TO COMPLY TO S:150, S:123 & S:123A DEPT OF AGRICULTURE & FOOD SPECIFICATIONS

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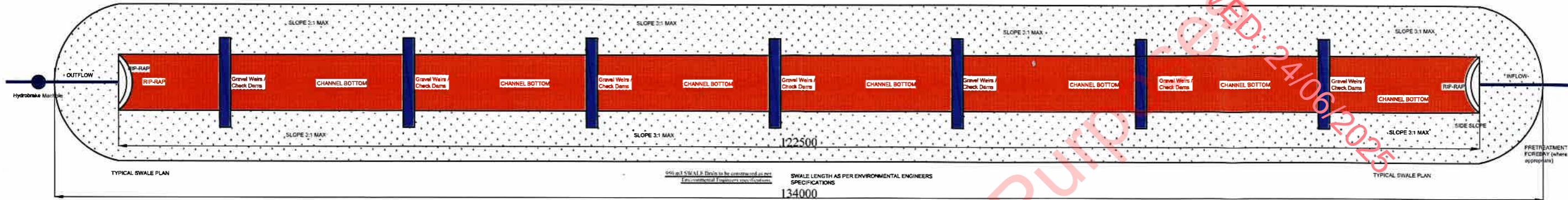


**MOR** MO'REILLY CIVIL ENGINEERING  
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 Oranby, Co. Wick, Co. Wick T: 0877821970 E: morreillyciv@me.com

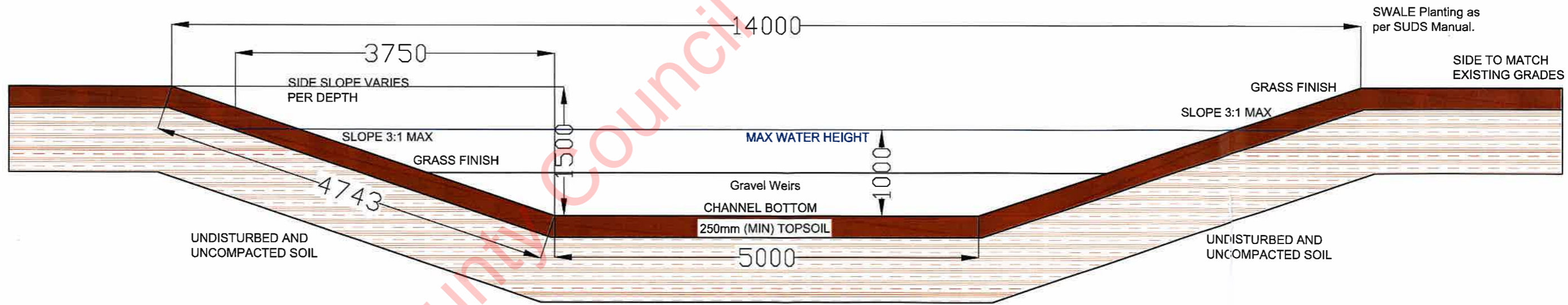
Client	Bouge Farms	Date	18-06-25	Drawn	MOR	Checked	MOR
Project	New Proposed Piggery Alterations and all auxiliary site works at Ballinacree, Co. Wick, Job No. 24015						
Drawn By	PL01b	Date	1/175	Scale	Planning	Sheet	Size A1
Plans - Units 1, 28 - 31 - 32 - 33 - 34							

Meath County Council





SWALE PLAN  
Scale 1/375



TYPICAL SWALE  
CROSS-SECTION

950 m3 SWALE Drain to be constructed as per Environmental Engineers specifications.

SWALE SECTION  
Scale 1/50

Do not scale from this drawing, use figured dimensions only. All errors and omissions to be reported to the engineer. This drawing to be read in conjunction with relevant consultants drawings.

NO.	DATE	BY	CHKD	DESCRIPTION

NO.	DATE	BY	CHKD	DESCRIPTION

**MOR** **MO'Reilly CIVIL ENGINEERING**  
 ARCHITECTURAL & CIVIL DESIGN GPS & TOPOGRAPHIC SURVEYING SETTING-OUT  
 Crubeny, Cavan, Co. Cavan T: 0877521970 E: moreillycivleng@hotmail.com

Site: Bouge Farms Date: 16-06-25 Drawn: MOR Checked: MOR  
 Project: Proposed Piggery Alterations and all ancillary Site works at Ballinink, 24015, Co. Meath, PL10  
 Drawing No: SWALE Drain Scale: 1/275 & 1/50 Planning Size A3



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***Appendix No. 5***

***Environmental Protection Agency  
– Draft Advice Notes on EIS  
– Project Type 13***

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## PROJECT TYPE 13

<b>Pig-rearing installations; Poultry-rearing installations.</b>	
<b>Introduction</b>	The principal concerns which are likely to arise in this context stem from the issues of waste handling (mainly slurry/manure) and odours. The significance of impacts is very much a factor of the site's proximity to sensitive receptors such as aquifers or residences. Such projects frequently dispose of wastes at locations which are not adjacent to the animal rearing operations.
<b>Project Description</b>	<b>Checklist of items to be described:-</b>
<b>Construction:-</b>	<ul style="list-style-type: none"> <li>▼ Extension of infrastructure (water, power, access);</li> <li>▼ Site preparation works;</li> <li>▼ Materials;</li> <li>▼ Access.</li> </ul>
<b>Operation (including relevant alternatives):-</b>	<ul style="list-style-type: none"> <li>▼ Access and transportation;</li> <li>▼ Food, storage, handling and transportation;</li> <li>▼ Water and power supply;</li> <li>▼ Quantification of inputs (feed, stock, power);</li> <li>▼ Quantification of outputs (animal wastes, products, other wastes);</li> <li>▼ Animal housing structures and associated activities, heating, ventilation, cleaning;</li> <li>▼ Other structures (offices, maintenance);</li> <li>▼ Waste storage, handling and transportation;</li> <li>▼ On-site infrastructure, water storage, roads, fences;</li> <li>▼ Waste disposal areas and transportation routes;</li> <li>▼ Waste disposal methods including equipment, duration, frequency, seasons, weather conditions, monitoring and recording.</li> </ul>
<b>Decommissioning (if applicable):-</b>	<ul style="list-style-type: none"> <li>▼ Removability of structures;</li> <li>▼ Long-term contamination.</li> </ul>
<b>Growth:-</b>	▼ Potential changes in numbers, types, intensity or methods.
<b>Associated developments:-</b>	<ul style="list-style-type: none"> <li>▼ Processing plants;</li> <li>▼ Foodstuff suppliers;</li> <li>▼ Breeding stock suppliers;</li> <li>▼ Equipment suppliers;</li> <li>▼ Off-site infrastructure upgrading.</li> </ul>
<b>Environmental Effects</b>	<b>Typical significant impacts likely to affect:-</b>
<b>Human Beings</b>	▼ Nuisance and loss of amenity.
<b>Fauna</b>	<ul style="list-style-type: none"> <li>▼ Introduction of predator and scavenger species;</li> <li>▼ Pest control measures;</li> <li>▼ Spreading of disease as a result of contact with contaminated domestic animals/birds, carcasses or slurry.</li> </ul>
<b>Flora</b>	<ul style="list-style-type: none"> <li>▼ Potential effects on vegetation due to eutrophication, effluent seepage/run-off;</li> <li>▼ Waste spreading</li> </ul>
<b>Soils (and Geology)</b>	<ul style="list-style-type: none"> <li>▼ Nutrient levels;</li> <li>▼ Assimilative capacity of soils;</li> <li>▼ Transmissivity and conductivity of geology.</li> </ul>

Pig-rearing installations; Poultry-rearing installations.	
<b>Water</b>	<ul style="list-style-type: none"> <li>▼ Leakage of effluent (including during transportation);</li> <li>▼ Pollution by contaminated run-off;</li> <li>▼ Disposal of carcasses;</li> <li>▼ Location and timing of slurry spreading.</li> </ul>
<b>Air</b>	<ul style="list-style-type: none"> <li>▼ Malodours arising from housing units and manure/slurry stores;</li> <li>▼ Malodours arising from slurry spreading;</li> <li>▼ Malodours due to transportation of livestock/slurry;</li> <li>▼ Noise (particularly in anticipation of feeding);</li> <li>▼ Volatilisation of ammonia.</li> </ul>
<b>Climate</b>	<ul style="list-style-type: none"> <li>▼ Gases emitted from slurry/manure;</li> <li>▼ Methane (contribution to greenhouse gases);</li> <li>▼ Ammonia (contribution to acidifying gases).</li> </ul>
<b>The Landscape</b>	<ul style="list-style-type: none"> <li>▼ Visibility of structures;</li> <li>▼ Potential visual impact as a result of water body eutrophication;</li> <li>▼ Impact of odours on amenities and landscape character.</li> </ul>
<b>Material Assets</b>	<ul style="list-style-type: none"> <li>▼ Potential positive impact if slurry/manure gases are trapped for energy usage;</li> <li>▼ Source of soil nutrients.</li> </ul>
<b>Cultural Heritage</b>	
<b>The Interaction of the Foregoing</b>	
<b>Possible Mitigation Options</b>	
	<ul style="list-style-type: none"> <li>▼ Re-cycling of slurry/manure as energy source or fertiliser;</li> <li>▼ Monitoring of waste disposal;</li> <li>▼ Management of waste disposal;</li> <li>▼ Noise absorption measures;</li> <li>▼ Effective slurry containment.</li> </ul>



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*Appendix No. 6*

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*Appendix No. 7*

*Manure Storage Capacity*

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## Slurry Storage Capacity

House Ref. No.	Current Slurry Storage (M <sup>3</sup> )	Proposed Slurry Storage (M <sup>3</sup> )	Post Development Slurry Storage (m3)
1	1414		1414
2(To be demolished)	424		
3(To be demolished)	632.00		
4 (To be demolished)	444.00		
5(To be demolished)	117.00		
6	557.00		557
7	679.00		679
8(To be demolished)	91.00		
9(To be demolished)	128.00		
10(To be demolished)	127.00		
11(To be demolished)	15.00		
12(To be demolished)	16.00		
13(To be demolished)	14.00		
14(To be demolished)	29.00		
15(To be demolished)	30.00		
16(To be demolished)	30.00		
17(To be demolished)			
18(To be demolished)	244.00		
19(To be demolished)	151.00		
20(To be demolished)			
21(To be demolished)	103.00		
22(To be demolished)	772.00		
29		932.00	932
30		932.00	932
31		2,724.00	2,724
32		4,303.00	4,303
33		1,046.00	1,046
34		4,143.00	4,143
Passageways		1,854.00	1,854
<b>Total</b>	<b>6,017.00</b>	15,934.00	<b>18,584.00</b>
Proposed Annual slurry Production =			5,794.88
Proposed Available Slurry Storage Capacity (months) =			38.48



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***Appendix No. 8***

***Feed Details***

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Paul & Vincent Limited  
Longford Road  
Edgeworthstown  
Co. Longford  
**Tel:** 043 667 1149  
**Fax:** 043 667 1331  
**Email:** info@paul-vincent.ie  
**Web:** www.paulandvincent.ie

Bogue Pigs Unlimited  
Dreenan  
Cavan  
Co. Cavan

Date 20/06/2025

Dear Dermot

I can confirm that Bogue Pigs UL Ballinrink Unit use low protein diets that are formulated to the optimum amino acid content, a range of synthetic amino acids are used in the formulations to limit the total protein levels in the diet. This limits the amount of crude protein consumed by the pig and helps to reduce odours and nitrogen excretion.

Diets formulated for this farm also contain phytase enzymes which enables the reduction of total phosphorus in the feed and subsequently minimises nutrition excretion in the pig slurry.

Yours Sincerely



Rory O Connor



ISO Reg No: 139



UFAS: 1006





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***Appendix No. 9***

***Animal Tissue Disposal***

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Michael Galligan  
Gortnaleck  
Ballyconnell  
Co.Cavan

Gortnaleck,  
Ballyconnell,  
Co.Cavan

20/06/2025

To whom it may concern,

I, Michael Galligan, t/a Fallin Bird Ltd, Gortnaleck, Ballyconnell, Co. Cavan can confirm that I am charged with collecting and transporting off site all fallen stock at a pig unit at Ballinrink, Oldcastle, Co.Meath formerly and locally known as Pat Plunketts.

This involves weekly carcass collection, for and on behalf of Bogue Pigs U.C

This agreement has been in place since Bogue Pigs acquired this premises in February 2024.

Yours Sincerely,

Michael Galligan

Michael Galligan

Fallin Bird Ltd

Fallin Bird Ltd

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***Appendix No. 10***

***Local Water Quality Survey***

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Environmental Protection Agency

### EPA RIVER QUALITY SURVEYS: BIOLOGICAL

Biotic indices ("Q Values") reflect average water quality at any location as follows:

Q Value*	WFD Status	Pollution Status	Condition **
Q5, Q4-5	High	Unpolluted	Satisfactory
Q4	Good	Unpolluted	Satisfactory
Q3-4	Moderate	Slightly polluted	Unsatisfactory
Q3, Q2-3	Poor	Moderately polluted	Unsatisfactory
Q2, Q1-2	Very Poor	Very polluted	Unsatisfactory

\* These Values are based primarily on the relative proportions of pollution sensitive to tolerant macroinvertebrates (the young stages of insects primarily but also snails, worms, shrimps etc.) resident at a river site. The intermediate values (Q1-2, 2-3, 3-4 etc.) denote transitional conditions. The scheme mainly reflects the effects of organic pollution (i.e. de-oxygenation and eutrophication) but where a toxic effect is apparent or suspected the suffix '0' is added to the biotic index (e.g. Q1/0, 2/0 or 3/0). An asterisk after the Q value (e.g. Q3\*) indicates something worthy of special attention, typically heavy siltation of the substratum.

\*\* "Condition" refers to the likelihood of interference with beneficial or potential beneficial uses.

Also presented is a description of the exact location surveyed with relevant OS Grid Reference, WFD river water body code and relevant Local Authority.

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## Hydrometric Area 26

Name	Code
AGHNASHANNAGH STREAM	26A11
AGHOO STREAM	26A04
AHASCRAUGH	26A01
ANADERRYBOY	26A03
ANNAGHCOOLEEN	26A43
ARDERRY STREAM	26A10
ARDGLASS STREAM	26A12
ARIGNA (ROSCOMMON)	26A02
BALLAGHADERREEN STREAM	26B28
BALLINURE	26B01
BALLINURE TRIB SOUTH	26B06
BALLYDANGAN	26B14
BALLYMORE STREAM	26B33
BELLA	26B02
BELLAVALLY STREAM	26B32
BISHOP'S LOUGH STREAM (MOINEEN)	26B13
BLACK (SOUTH LEITRIM)	26B04
BLACK (WESTMEATH)	26B05
Black South of Glen Lough	26B18
BOLEYBAUN STREAM	26B30
BOOR	26B07
BOYLE	26B08

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Name	Code
BREEDOGE	26B09
BRENSFORD	26B10
BROSNA NORTH	25B28
Bursan Stream	26B31
CAMLIN	26C01
CARRICKNABRAHER	26C02
CARROWROE STREAM	26C33
CASTLEGAR	26C03
CASTLEPOLLARD STREAM	26C16
CLOGHER (ROSCOMMON)	26C18
CLOONCOOSE STREAM	26C20
CLOONE	26C05
CLOONEIGH	26C06
CLOONFOWER STREAM	26C21
CLOONKEEN STREAM	26C11
CLOONLYON	26C07
COMOGE	26C12
CREELAGHTA	26C22
CREEVYQUIN STREAM	26C45
CROSS (ROSCOMMON)	26C10
CUILLEEN STREAM	26C17
CULLIAGH STREAM	26C14
CURRAGHMULMURRY	26C44
CURRAGHROE STREAM	26C15

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Name	Code
DERRINWEER STREAM	26D24
DERRYHIPPOO	26D01
DERRYMULLAN STREAM	26D07
DERRYNANANTA STREAM	26D23
DIFFAGHER	26D02
DRUMBAD 26	26D56
DRUMLISH STREAM EAST	26D03
DRUMLISH STREAM WEST	26D04
DRUMSHANBO or AGHAGRANIA STREAM	26D05
DUNGOLMAN	26D06
EMMOO STREAM	26E03
ESLIN	26E01
FALLAN	26F01
FARDRUMMAN STREAM	26F06
FEORISH (BALLYFARNON)	26F02
FEORISH (TARMONBARRY)	26F03
FRANCIS	26F05
GAINÉ	26G01
GLORE (WESTMEATH)	26G02
GOWLAUNREVAGH	26G12
HIND	26H01
INNY	26I01
ISLAND	26I03
JIGGY (HIND)	26J01

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Name	Code
KILLADISKERT STREAM	26K16
KILLEGLAN	26K04
KILLIAN	26K01
KILLUKIN	26K02
KILMACTRANNY	26K03
KILTACLARE STREAM	26K06
KINARD	26K07
LAURENCETOWN STREAM	26L07
LECARROW (LOUGH REE)	26L01
LENAMORE STREAM	26L06
LISDALY STREAM	26L02
LISSAPHOBBLE	26L04
LISSYDALY STREAM	26L10
LUNG	26L03
MANTUA STREAM	26M13
MIHANBOY	26M04
MILL BROOK STREAM (JINNY)	26M14
MOUNTAIN (ROSCOMMON)	26M03
MOUNTNUGENT	26M02
MOUNTNUGENT TRIB NORTH	26M05
MULLENMEEHAN STREAM	26M12
OGULLA	26O07
OWENGAR (LEITRIM)	26O02
OWENMORE (GLANGEVLIN)	26O03

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Name	Code
OWENNAFOREESHA	26O04
OWENNAYLE	26O05
OWENUR	26O06
Pound (Mounnugent)	26J05
RATH	26R01
RELAGH	26R05
RHINE	26R04
RIFFEY	26R03
RINN	26R02
ROCKSAVAGE	26R07
SCRAMOGE	26S01
SHAD LOUGH STREAM	26S13
SHANNON (Upper)	26S02
SHIVEN (SOUTH)	26S03
SLATTAGH MORE STREAM	26S14
SMAGHRAAN	26S04
SPRINGFIELD	26S05
STROKESTOWN	26S08
SUCK	26S07
TANG	26T02
TERMON STREAM	26T03
TRIB FALLAN WEST	26F52
YELLOW (BALLINAGLERA)	26Y01
YELLOW (CASTLEPOLLARD)	26Y02

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INNY

26I01

Date Surveyed (last survey year only): 10/07/24, 11/07/24, 11/09/24, 12/07/24, 18/07/24, 31/07/24

## Biological Quality Rating (Q Values)

Station Code	1971	1973	1977	1981	1984	1987	1992	1996	1999	2002	2005	2008	2009	2011	2014	2017	2020	2023	2024
RS26I010060						4	3	3	3	3	3				3	3	3-4		3-4
RS26I010100				3-4	3-4	4	4	3-4	3-4			3-4		3-4	3-4	3-4	4	3-4	3-4
RS26I010200	4	4	4	4	4	3-4	3-4	3-4	3	3	3	3-4*		3-4	3-4	3-4	4		3-4
RS26I010300				4	4-5	4	3-4	4	3	3	3-4	3-4		4	3-4	3-4	4		4
RS26I010400				4	4	4													
RS26I010500	3-4	3-4	4	3-4	3-4	3-4	3-4	3-4	3-4	3-4	3-4	3-4		3	3	3	3-4		3
RS26I010550					4	4													
RS26I010600			4-5	4-5	4-5	4	3-4	3-4		3-4*	3-4			3-4	3-4	3-4	3-4		3-4
RS26I010650	4	4		5	4-5	4-5													
RS26I010700							3	3-4	3-4	4	3-4	3		4	4	4	3		3
RS26I010750							3-4	3-4	3-4	4	3-4								3
RS26I010800	4	4-5	4	4	4-5	4	3-4	4	4	3-4	4	4		4	3-4	4	3-4		3-4
RS26I010900		5	4	4	5	4	4	4-5	4	4	3-4								
RS26I011000	5	4	4-5	5	4-5	5	3-4	4	4	3-4	4	4		4	4	4	4		
RS26I011080						5	4												
RS26I011120					4-5	5													

Station Code	1971	1973	1977	1981	1984	1987	1992	1996	1999	2002	2005	2008	2009	2011	2014	2017	2020	2023	2024
RS26I01150						5	3-4	4	3-4	3-4	3-4	3-4		4	4	4	4		
RS26I01200	4	4-5	4-5	4-5	4-5	5	3-4	4	4	4	4								
RS26I01300				4	4-5	4-5	4												
RS26I01320					4-5	4-5		3-4											
RS26I01350	4-5	4-5	4-5	4-5	4-5	4-5	4-5	3-4	4	4	4		4	4-5	4	4	4	4	4
RS26I01400				4-5	4-5	5	4	3-4	4	4	4								

#### Most Recent Assessment:

Ten sites were sampled on the river Inny in 2024 with few changes observed throughout. Only one site in the upper section 0300 Ballinrink bridge achieved good ecological status. The remaining three sites were at moderate ecological condition (0060, 0100, 0200). The site 0200 declined from good to moderate ecological condition with lower taxon numbers observed than previously recorded here. There was also a decline at Finnea bridge with fewer cased caddis taxa observed compared to previous. The lower section of the Inny remained in unsatisfactory condition from 0600 to 0800. Satisfactory conditions were observed however at Shrle bridge.

#### Station Details

Station Code	Station Location	WFD Waterbody Code	Easting	Northing	Local Authority
RS26I010060	Bridge N.W. of Ballinvally	IE_SH_26I010100	256651	279490	Meath County Council
RS26I010100	Bridge 1 km S. of Oldcastle	IE_SH_26I010100	255075	279122	Meath County Council
RS26I010200	Castlecor: 1st bridge d/s Station 0100	IE_SH_26I010200	253053	280629	Meath County Council
RS26I010300	Ballinrink Bridge	IE_SH_26I010300	249470	280964	Cavan County Council
RS26I010400	INNY - Ross Br	IE_SH_26I010500	247269	283054	Cavan County Council
RS26I010500	Finnea Br	IE_SH_26I010500	240225	281429	Cavan County Council
RS26I010550	INNY - 2 km d/s Lough Kinale	IE_SH_26I010600	240632	279966	Longford County Council

Station Code	Station Location	WFD Waterbody Code	Easting	Northing	Local Authority
RS261010600	Camagh Bridge	IE_SH_261010600	239176	275613	Longford County Council
RS261010650	INNY - Float Br	IE_SH_261010700	239240	272478	Westmeath County Council
RS261010700	Bridge near Shrubbywood	IE_SH_261010700	238727	270036	Westmeath County Council
RS261010750	INNY - Clonave Br d/s L Derravaragh	IE_SH_261010800	239039	266581	Westmeath County Council
RS261010800	Ballinalack Br	IE_SH_261010800	234799	264703	Monaghan County Council
RS261010900	INNY - Ballycorkey Br	IE_SH_261011000	231252	263958	Westmeath County Council
RS261011000	Ballynacarrow Br	IE_SH_261011000	225875	260285	Longford County Council
RS261011080	INNY - 300 m u/s Abbeyshrule Br	IE_SH_261011150	223034	259306	Longford County Council
RS261011120	INNY - 500 m d/s Abbeyshrule Br	IE_SH_261011150	222558	258650	Longford County Council
RS261011150	Clynan or New bridge	IE_SH_261011150	221439	258604	Longford County Council
RS261011200	INNY - Newcastle Br	IE_SH_261011350	218355	256980	Longford County Council
RS261011300	INNY - Ballymahon Br	IE_SH_261011350	215851	256906	Longford County Council
RS261011320	INNY - 500 m d/s Ballymahon Br	IE_SH_261011350	215252	256484	Longford County Council
RS261011350	Shrulle Br	IE_SH_261011350	213497	255849	Longford County Council
RS261011400	INNY - Red Br	IE_SH_261011400	211930	255015	Longford County Council

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***Appendix No. 11***

***Waste Disposal***

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# WASTE FACILITY PERMIT

Issued By: CAVAN COUNTY COUNCIL



Issued under: Waste Management Act, 1996, as amended & Waste Management (Facility Permit & Registration) Regulations 2007, as amended.

WFP Register Number:

WFP-CN-20-0001-01

Issued to: Permit Holder

Wilton Waste Recycling Limited  
T/A Wilton Waste Recycling &  
Wilton Recycling, Kiffa,  
Crosserlough, County Cavan.

Location of Facility:

Kiffa, Crosserlough, County  
Cavan.

Permit Holder Contact Details:

Mr. Rodney Wilton  
049 4336476  
info@wiltonwaste.com

Date Granted: 05<sup>th</sup> August 2020

Date of Expiry: 04<sup>th</sup> August 2025

Signed :

Date:

6/8/20

Director of Services

**NOTE 1:** The granting of this Waste Facility Permit, and any condition imposed by it, does not exempt the holder of the Waste Facility Permit from complying with the statutory obligations of any relevant legislation, including water pollution, air pollution, waste, litter and planning legislation or legal liabilities under any other enactment or regulations whatsoever. The permit holder is legally responsible for all aspects of the operation and management of the Permitted activity.

**NOTE 2:** Should the permit holder wish to continue to operate after the date of expiry, an application to review the facility permit shall be made to Cavan County Council in accordance with Article 31 (1) of the Regulations no later than 60 working days before the date of expiry of this waste facility permit

**NOTE 3:** Should the permit holder not wish to continue waste activities at any time or after the date of expiry of this waste facility the permit holder shall by notice in writing to Cavan County Council surrender the facility permit in accordance with Article 29 of the Regulations.



National Waste Collection Permit Office

Offaly County Council  
Aras an Chontae  
Charloville Road  
Tullamore  
Co. Offaly  
Telephone: 057 9357428  
Email: [contactus@nwcpo.ie](mailto:contactus@nwcpo.ie)

## WASTE COLLECTION PERMIT

### Waste Management (Collection Permit) Regulations, 2007 as amended

Offaly County Council as the National Waste Collection Permit Office being a nominated authority under Section 34(1)(aa) of the Waste Management Act 1996, has granted a waste collection permit to:

Applicant Name:	Wilton Waste Recycling Ltd (herein called the permit holder)
Trading As:	Wilton Waste Recycling/Wilton Recycling/Dolly Skip Hire/Wilton Scrap Metals
Permit Number:	NWCPO-12-11001-07
Trading Address:	Kiffa Crosserlough Co. Cavan
Registered Company Address:	Kiffa Crosserlough Co. Cavan
Permit Holder Phone Number:	0494374825
Valid From:	12/10/2023
Valid to and Expires on	June 25, 2028

This permit, issued to the aforementioned permit holder, is subject to the attached schedule of conditions.

Any non-compliance with the conditions of this permit is an offence under the Waste Management (Collection Permit) Regulations, 2007 as amended and Section 34(1) of the Waste Management Act 1996.

Signed:

Programme Manager

Date:

12/10/2023



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***Appendix No. 12***

***Met Data***

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Clones 1978–2007 averages													
TEMPERATURE (degrees Celsius)	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Year
mean daily max	7.2	7.8	9.7	12.1	15.1	17.4	19.2	18.8	16.6	13.1	9.8	7.6	12.9
mean daily min	1.6	1.6	3.0	4.2	6.5	9.5	11.4	11.1	9.2	6.6	3.9	2.3	5.9
mean temperature	4.4	4.7	6.4	8.1	10.8	13.4	15.3	15.0	12.9	9.9	6.8	5.0	9.4
absolute max.	14.8	16.3	16.9	21.5	25.9	29.3	30.5	28.3	25.3	20.1	16.9	14.8	30.5
min. maximum	-3.8	-0.4	2.3	0.0	0.0	10.1	10.7	11.3	10.7	6.2	1.6	-5.7	-5.7
max. minimum	12.0	11.3	11.0	12.1	13.4	16.9	18.7	18.0	17.1	15.4	12.7	12.6	18.7
absolute min.	-12.4	-7.3	-6.8	-3.8	-3.7	1.6	4.6	3.5	0.2	-4.5	-5.4	-11.0	-12.4
mean num. of days with air frost	9.4	8.5	5.0	2.5	0.4	0.0	0.0	0.0	0.0	1.1	4.2	7.4	38.4
mean num. of days with ground frost	17.0	15.0	13.0	11.0	6.0	1.0	0.0	0.0	2.0	5.0	12.0	15.0	97.0
mean 5cm soil	3.5	3.6	5.2	8.1	12.1	14.9	16.4	15.6	12.8	9.3	6.2	4.4	9.4
mean 10cm soil	4.0	4.0	5.3	7.7	11.1	14.0	15.6	15.1	12.7	9.6	6.7	4.9	9.2
mean 20cm soil	4.6	4.6	6.0	8.1	11.3	14.0	15.7	15.5	13.5	10.6	7.6	5.6	9.8
<b>RELATIVE HUMIDITY (%)</b>													
mean at 0900UTC	89.9	88.7	86.6	81.8	77.4	78.8	81.7	84.6	87.3	89.3	90.8	90.9	85.7
mean at 1500UTC	83.3	77.3	72.9	67.5	66.5	68.7	69.6	71.2	72.8	77.3	82.5	85.9	74.6
<b>SUNSHINE (hours)</b>													
mean daily duration	1.5	2.2	3.0	4.6	5.6	4.6	4.4	4.2	3.6	2.8	1.8	1.2	3.3
greatest daily duration	7.5	9.8	11.0	13.1	15.5	16.0	15.2	14.4	12.0	9.6	8.5	6.9	16.0
mean num. of days with no sun	12.1	8.3	6.0	3.8	2.2	2.6	2.2	2.8	4.0	6.9	10.3	13.2	74.3
<b>RAINFALL (mm)</b>													
mean monthly total	87.6	71.0	84.0	61.6	63.4	70.9	70.8	88.7	76.2	102.7	85.1	98.4	960.4
greatest daily total	30.0	26.9	34.0	23.5	37.7	38.1	50.3	74.6	27.1	43.8	33.1	31.9	74.6
mean num. of days with $\geq$ 0.2mm	20	17	20	16	16	17	18	18	18	20	19	19	218
mean num. of days with $\geq$ 1.0mm	15	12	15	12	12	12	13	13	13	15	14	15	161
mean num. of days with $\geq$ 5.0mm	6	5	6	4	4	5	4	5	5	7	6	7	64
<b>WIND (knots)</b>													
mean monthly speed	9.2	9.4	9.4	7.9	7.2	6.7	6.3	6.3	7.0	7.8	8.2	8.7	7.8
max. gust	70	81	69	61	53	50	53	49	57	62	60	72	61.4
max. mean 10-minute speed	46	51	41	34	35	31	30	29	37	37	35	44	37.5
mean num. of days with gales	0.6	0.4	0.4	0.1	0.0	0.0	0.0	0.0	0.0	0.1	0.1	0.4	2.2
<b>WEATHER (mean no. of days with...)</b>													
snow or sleet	4.9	4.7	3.8	1.1	0.3	0.0	0.0	0.0	0.0	0.0	0.6	2.6	18.0
snow lying at 0900UTC	2.8	1.1	0.8	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.2	1.2	6.2
hail	0.8	1.6	2.8	2.3	1.3	0.1	0.1	0.0	0.1	0.6	0.4	0.8	10.8
thunder	0.1	0.1	0.1	0.1	0.8	1.0	0.5	0.8	0.1	0.1	0.0	0.1	3.8
fog	3.7	3.6	2.1	2.2	1.5	1.3	1.6	2.9	4.0	3.5	4.0	4.4	34.8

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Mullingar 1979–2008 averages													
TEMPERATURE (degrees Celsius)	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Year
mean daily max	7.4	7.9	9.8	12.1	14.9	17.3	19.2	18.9	16.7	13.2	9.9	7.9	12.9
mean daily min	1.5	1.5	2.8	4.1	6.3	9.2	11.1	10.8	8.9	6.2	3.5	2.2	5.7
mean temperature	4.5	4.7	6.3	8.1	10.6	13.2	15.2	14.8	12.8	9.7	6.7	5.0	9.3
absolute max.	13.8	15.4	19.1	21.6	25.0	28.3	29.7	29.1	25.0	20.1	17.3	14.6	29.7
min. maximum	-3.2	-0.6	1.4	4.1	0.0	10.1	10.9	11.4	10.6	6.3	2.7	-1.7	-3.2
max. minimum	11.6	11.5	11.5	12.5	12.7	15.3	17.4	18.0	16.8	15.4	12.5	12.4	18.0
absolute min.	-14.9	-6.6	-8.0	-4.4	-2.6	0.2	3.8	2.1	0.0	-4.4	6.9	-12.4	-14.9
mean num. of days with air frost	9.9	8.9	5.5	3.1	0.4	0.0	0.0	0.0	0.0	1.5	5.4	8.2	43.0
mean num. of days with ground frost	17.9	16.2	14.0	10.8	5.1	0.8	0.0	0.1	1.7	6.3	12.1	15.4	100.4
mean 5cm soil	3.3	3.3	5.0	8.1	11.8	14.8	16.3	15.5	12.8	8.9	5.7	4.1	9.1
mean 10cm soil	3.7	3.7	5.1	7.6	11.0	14.1	15.8	15.2	12.8	9.3	6.2	4.5	9.1
mean 20cm soil	4.3	4.4	5.8	8.1	11.4	14.3	16.1	15.8	13.7	10.3	7.2	5.2	9.7
<b>RELATIVE HUMIDITY (%)</b>													
mean at 0900UTC	90.8	89.8	87.6	81.9	78.3	79.7	82.1	84.8	87.6	89.9	91.7	91.8	86.5
mean at 1500UTC	83.4	77.8	72.8	68.1	67.1	69.1	69.9	70.6	72.1	77.0	82.2	85.9	74.7
<b>SUNSHINE (hours)</b>													
mean daily duration	1.8	2.5	3.2	4.9	5.8	5.0	4.6	4.6	3.9	3.2	2.2	1.6	3.6
greatest daily duration	8.2	9.9	10.9	13.6	15.4	15.9	15.3	14.4	12.2	10.1	8.6	7.3	15.9
mean num. of days with no sun	10.3	7.2	5.3	2.9	1.9	2.2	1.8	1.9	3.3	5.7	8.4	11.0	62.0
<b>RAINFALL (mm)</b>													
mean monthly total	91.7	72.0	78.3	62.1	68.7	70.5	61.8	80.8	73.8	102.1	82.4	97.1	941.3
greatest daily total	30.3	24.7	29.5	27.6	26.1	52.9	26.6	58.2	42.1	48.8	43.7	38.8	58.2
mean num. of days with >= 0.2mm	19	17	20	15	16	16	16	17	17	19	18	19	209
mean num. of days with >= 1.0mm	15	13	15	11	12	11	11	13	12	14	13	14	154
mean num. of days with >= 5.0mm	6	5	5	4	5	4	3	5	4	6	6	7	60
<b>WIND (knots)</b>													
mean monthly speed	9.0	9.1	9.1	7.7	7.3	6.7	6.4	6.3	6.7	7.5	7.8	8.3	7.6
max. gust	67	71	59	56	58	48	48	50	51	59	62	73	58.5
max. mean 10-minute speed	38	36	36	30	34	26	27	28	32	36	32	39	32.8
mean num. of days with gales	0.3	0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.2	0.8
<b>WEATHER (mean no. of days with..)</b>													
snow or sleet	5.0	4.4	3.5	1.6	0.2	0.0	0.0	0.0	0.0	0.0	0.4	2.7	17.8
snow lying at 0900UTC	2.7	0.9	0.8	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.1	1.0	5.7
hail	0.6	0.9	2.0	2.0	1.1	0.2	0.1	0.1	0.1	0.5	0.2	0.3	8.1
thunder	0.1	0.2	0.2	0.3	0.9	0.9	1.2	0.8	0.1	0.1	0.1	0.1	4.9
fog	3.4	3.0	2.4	2.0	1.8	1.3	1.9	2.9	4.0	4.1	4.1	4.3	35.1

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***Appendix No. 13***

***Appropriate Assessment***

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**Noreen McLoughlin, MSc**

Environmental Consultant

Whitehill  
Edgeworthstown  
Co. Longford  
☎ (087) 4127248 / (043) 6672775  
✉ noreen.mcloughlin@gmail.com

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**APPROPRIATE ASSESSMENT SCREENING REPORT FOR A  
PROPOSED DEVELOPMENT AT BALLINRINK,  
OLDCASTLE, CO MEATH**



**Bogue Farms**  
c/o Paraic Fay  
C.L.W. Environmental Planners Ltd  
The Mews  
23 Farnham Street

April 2025

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# 1 INTRODUCTION

## 1.1 BACKGROUND

Article 6 of the EU Habitat's Directive (Council Directive 92/43/EEC) requires that all plans and projects be screened for potential impacts upon Special Areas of Conservation (SACs) or Special Protection Areas (SPAs). The aim of this screening process is to establish whether or not a full Appropriate Assessment of the proposed plan or project is necessary.

A comprehensive assessment of the potential significant effects of a proposed development in Ballinrink, Oldcastle, Co. Meath on designated sites was carried out in April 2025 by Noreen McLoughlin, MSc, MCIEEM of Whitehill Environmental. This assessment allowed areas of potential ecological value and potential ecological constraints associated with this proposed development to be identified and it also enabled potential ecological impacts associated with the proposed development on designated sites to be assessed. It will allow Meath County Council, as the competent authority, to issue an Appropriate Assessment determination of the proposed development.

The location of the proposed development is within the Zone of Influence of sites designated under European Law. As such and in accordance with Article 6(3) of the EU Habitat's Directive (Council Directive 92/43/EEC) regarding Appropriate Assessment, this screening exercise for Appropriate Assessment was carried out in order to identify whether any significant impacts on designated sites are likely.

## 1.2 REGULATORY CONTEXT

### RELEVANT LEGISLATION

The Birds Directive (Council Directive 2009/147/EC) recognises that certain species of birds should be subject to special conservation measures concerning their habitats. The Directive requires that Member States take measures to classify the most suitable areas as Special Protection Areas (SPAs) for the conservation of bird species listed in Annex 1 of the Directive. SPAs are selected for bird species (listed in Annex I of the Birds Directive), that are regularly occurring populations of migratory bird species and the SPA areas are of international importance for these migratory birds.

The EU Habitats Directive (92/43/EEC) requires that Member States designate and ensure that particular protection is given to sites (Special Areas of Conservation) which are made up of or support particular habitats and species listed in annexes to this Directive.

Articles 6(3) and 6(4) of this Directive also call for the undertaking of an Appropriate Assessment for plans and projects not directly connected with or necessary to the management of, but which are likely to have a significant effect on any European designated sites (i.e. SACs and SPAs).

The Water Framework Directive (WFD) (2000/60/EC), which came into force in December 2000, establishes a framework for community action in the field of water policy. The WFD was transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. 722 of 2003). The WFD rationalises and updates existing legislation and provides for water management on the basis of River Basin Districts (RBDs). RBDs are essentially administrative areas for coordinated water management and are comprised of multiple river basins (or catchments), with cross-border basins (i.e. those covering the territory of more than one Member State) assigned to an international RBD. The aim of the WFD is to ensure that waters achieve at least good status by 2027 and that status does not deteriorate in any waters.

#### **Appropriate Assessment and the Habitats Directive**

Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora – the ‘Habitats Directive’ - provides legal protection for habitats and species of European importance. Article 2 of the Directive requires the maintenance or restoration of habitats and species of European Community interest, at a favourable conservation status. Articles 3 - 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as *Natura 2000*. Natura 2000 sites are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/EEC).

Articles 6(3) and 6(4) of the Habitats Directive sets out the decision-making tests for plans or projects affecting Natura 2000 sites. Article 6(3) establishes the requirement for Appropriate Assessment:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”

Article 6(4) deals with the steps that should be taken when it is determined, as a result of appropriate assessment, that a plan/project will adversely affect a European site. Issues dealing with alternative solutions, imperative reasons of overriding public interest and compensatory measures need to be addressed in this case.

Article 6(4) states:

"If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member States shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest."

#### The Appropriate Assessment Process

The aim of Appropriate Assessment is to assess the implications of a proposal in respect of a designated site's conservation objectives.

The 'Appropriate Assessment' itself is an assessment which must be carried out by the competent authority which confirms whether the plan or project in combination with other plans and projects will have an adverse impact on the integrity of a European site.

Screening for Appropriate Assessment shall be carried out by the competent authority as set out in Section 177U(1) and (2) of the Planning and Development Act 2000 (as amended) as follows:

(1) A screening for appropriate assessment of a draft Land use plan or application for consent for proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site.

(2) A competent authority shall carry out a screening for appropriate assessment under subsection (1) before—

- (a) a Land use plan is made including, where appropriate, before a decision on appeal in relation to a draft strategic development zone is made, or
- (b) consent for a proposed development is given.'

The competent authority shall determine that an Appropriate Assessment is not required if it can be excluded, that the proposed development, individually or in combination with other plans or project will have a significant effect on a European site.

Where the competent authority cannot exclude the potential for a significant effect on a European site, an Appropriate Assessment shall be deemed required.

Where an Appropriate Assessment is required, the conclusions of the Appropriate Assessment Report (Natura Impact Statement (NIS)) should enable the competent authority to ascertain whether the plan or proposed development would adversely affect the integrity of the European site. If adverse impacts on the integrity of a European site cannot be avoided, then mitigation measures should be applied during the appropriate assessment process to the point where no adverse impacts on the site remain. Under the terms of the Habitats Directive consent can only be granted for a project if, as a result of the appropriate assessment either (a) it is concluded that the integrity of any European sites will not be adversely affected, or (b) after mitigation, where adverse impacts cannot be excluded, there is shown to be an absence of alternative solutions, and there exists imperative reasons of overriding public interest for the project should go ahead.

Section 177(V) of the Planning and Development Act 2000 (as amended) outlines that the competent authority shall carry out the Appropriate Assessment, taking into account the Natura Impact Statement (amongst any other additional or supplemental information). A determination shall then be made by the competent authority in line with the requirements of Article 6(3) of the Habitats Directive as to whether the plan or proposed development would adversely affect the integrity of a European site, prior to consent being given.

## 2 METHODOLOGY

### 2.1 APPROPRIATE ASSESSMENT

This Statement of Screening for Appropriate Assessment (Stage 1) has been prepared with reference to the following:

- European Commission (2018). Managing Natura 2000 Sites: The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.
- European Commission (2021). Assessment of Plans and Projects Significantly Affecting Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.
- European Commission (2006). Nature and Biodiversity Cases: Ruling of the European Court of Justice.
- European Commission (2007). Clarification of the Concepts of: Alternative Solution, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission.
- Department of Environment, Heritage and Local Government (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

The EC Guidance sets out a number of principles as to how to approach decision making during the process. The primary one is 'the precautionary principle' which requires that the conservation objectives of Natura 2000 should prevail where there is uncertainty.

When considering the precautionary principle, the emphasis for assessment should be on objectively demonstrating with supporting evidence that:

- There will be no significant effects on a Natura 2000 site;
- There will be no adverse effects on the integrity of a Natura 2000 site;
- There is an absence of alternatives to the project or plan that is likely to have an adverse effect to the integrity of a Natura 2000 site; and
- There are compensation measures that maintain or enhance the overall coherence of Natura 2000.

This translates into a four stage process to assess the impacts, on a designated site or species, of a policy or proposal.

The EC Guidance states that "each stage determines whether a further stage in the process is required". Consequently, the Council may not need to proceed through all four stages in undertaking the Appropriate Assessment.

The four-stage process is:

**Stage 1: Screening** – The process which identifies the likely impacts upon a Natura 2000 site of a project or plan, either alone or in combination with other projects or plans, and considers whether or not these impacts are likely to be significant;

**Stage 2: Appropriate Assessment** – The consideration of the impact on the integrity of the Natura 2000 site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts;

**Stage 3: Assessment of Alternative Solutions** – The process which examines alternative ways of achieving objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site;

**Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain** – An assessment of the compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

In complying with the obligations set out in Articles 6(3) and following the guidelines described above, this screening statement has been structured as a stage by stage approach as follows:

- Description of the proposed project;
- Identification of the Natura 2000 sites close to the proposed development;
- Identification and description of any individual and cumulative impacts on the Natura 2000 sites likely to result from the project;
- Assessment of the significance of the impacts identified above on site integrity. Exclusion of sites where it can be objectively concluded that there will be no significant effects.

## 2.2 STATEMENT OF COMPETENCY

This AA Screening report was carried out by Noreen McLoughlin, BA, MSc, MCIEEM. Noreen has an honours degree in Zoology and an MSc in Freshwater Ecology from Trinity College, Dublin and she has been a full member of the Chartered Institute of Ecology and Environmental Management for over nineteen years. Noreen has over 21 years' experience as a professional ecologist in Ireland.

## 2.3 DESK STUDIES & CONSULTATION

Information on the site and the area of the proposed development was studied prior to the completion of this statement. The following data sources were accessed in order to complete a thorough examination of potential impacts:

- National Parks and Wildlife Service - Aerial photographs and maps of designated sites, information on habitats and species within these sites and information on protected plant or animal species, conservation objectives, site synopses and standard data forms for relevant designated sites.
- Environmental Protection Agency (EPA)- Information pertaining to water quality, geology and licensed facilities within the area;
- Myplan.ie – Mapped based information;
- National Biodiversity Data Centre (NBDC) – Information pertaining to protected plant and animal species within the study area;
- CLW Environmental Planners – Site plans, development description and information on potential emissions.
- Meath County Council – Information on planning history in the area for the assessment of cumulative impacts.

## 2.4 ASSESSMENT METHODOLOGY

The proposed development was assessed to identify its potential ecological impacts and from this, the Zone of Influence (Zoi) of the proposed development was defined. Based on the potential impacts and their Zoi, the Natura 2000 sites potentially at risk from direct, indirect or in-combination impacts were identified. The assessment considered all potential impact sources and pathways connecting the proposed development to Natura 2000 sites, in view of the conservation objectives supporting the favourable conservation condition of the site's Qualifying Interests (QIs) or Special Conservation Interests (SCIs).

The conservation objectives relating to each Natura 2000 site and its QIs/SCIs are cited generally for SACs as "to maintain or restore the favourable conservation condition of the

Annex I habitat(s) and/or Annex II species for which the SAC has been selected”, and for SPAs “to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA”.

As defined in the Habitat’s Directive, the favourable conservation status of a habitat is achieved when:

- Its natural range and area it covers within that range is stable or increasing;
- The specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future;

The favourable conservation status of a species is achieved when:

- The population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats;
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future;
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Where site-specific conservation objectives (SSCOs) have been prepared for a European site, these include a series of specific attributes and targets against which effects on conservation condition, or integrity, can be measured. Where potential significant effects are identified, then these SSCO should be considered in detail.

### 3 SCREENING

#### 3.1 DEVELOPMENT DESCRIPTION

In 2024, Bogue Pigs Unlimited Company were granted planning permission for works at their existing pig farm in Ballinrink, Oldcastle, Co. Meath. Planning permission was granted here for the following:

A) Demolish / decommission 11 No. existing pig houses, 5 No. additional modular type pig houses and 1 No. store (Ref. 4, 5 and 8-22 inclusive) and B) construct 3 No. replacement pig houses (Ref. 25, 26 and 27), extensions to 4 No existing pig houses (Ref: 1A, 2A, 6A and 7A), and 1 No. general purpose store (Ref. 28), together with all ancillary structures and all associated site works arising from the above proposed development.

The farm currently has capacity for 280 sows. The applicant is now seeking permission to revise the above plans and buildings to allow for an increase stock on the farm to 640 breeding sows. A change in operation will mean that there will be no increase in the overall volume of slurry produced, i.e., 5,790m<sup>3</sup>. In addition, atmospheric emissions will decrease by 4% due to the change in stock type.

An extract from the planning drawings can be seen in Figure 1.

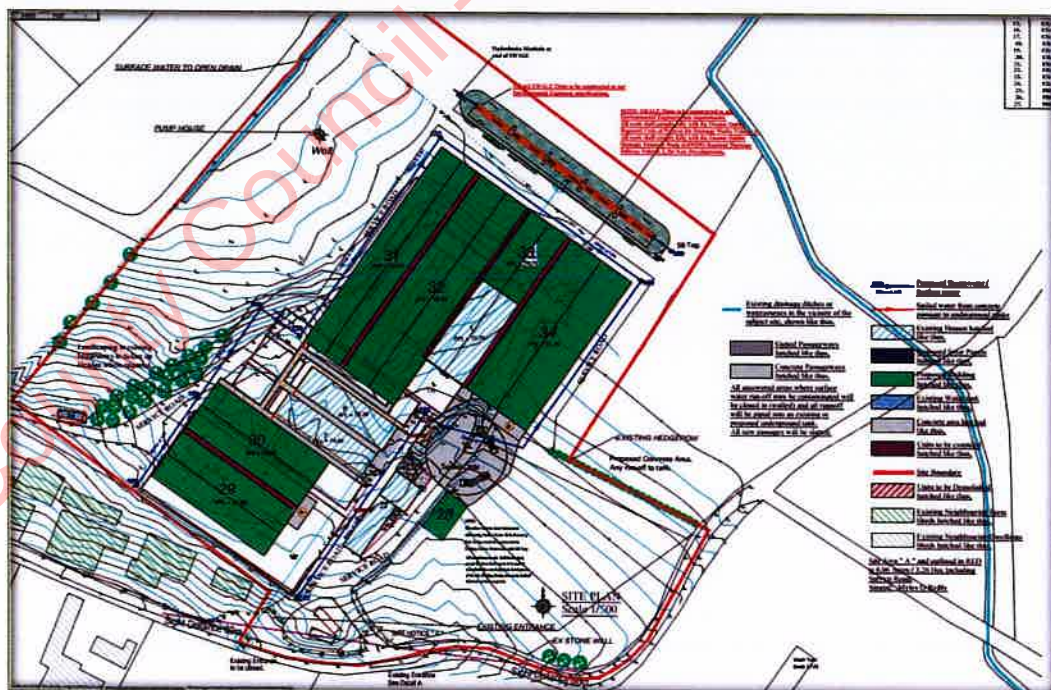


Figure 1 – Proposed Site Plan (M O'Reilly Civil Engineering)

Construction methods for the new structures will be standard and will follow best practice guidelines at all stages. All structures will be compliant with the recommendations of the Department of Agriculture, Food and the Marine. The operation of the farm and all its associated activities will be done in accordance with S.I. 113 of 2022.

### **S.I. 113 OF 2022**

The European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 provides a basic set of measures to ensure the protection of waters, including drinking water sources, against pollution caused by nitrogen and phosphorus from agricultural sources, with the primary emphasis being on the management of livestock manures and other fertilisers. The purpose of these Regulations is to give effect to Ireland's Nitrates Action Programme. This directive outlines measures that must be followed during the land-spreading of manure. These measures are summarised in the points below.

- The amount of livestock manure applied in any year to land on a holding, together with that deposited to land by livestock, shall not exceed an amount containing 170 kg nitrogen per hectare.
- The spreading of any organic fertiliser during certain times of the year is prohibited.
- Farmers must keep within the overall maximum fertilisation rates for nitrogen and phosphorus.
- Farmers must have sufficient storage capacity to meet the minimum requirements of the regulations.
- All storage facilities must be kept leak proof and structurally sound.
- Records for the movement of fertilisers must be kept.
- Chemical fertilisers, livestock manure and other organic fertilisers, effluents and soiled water must be spread as accurately and as evenly as possible.
- An upward-facing splash plate or sludge irrigator on a tanker or umbilical system must not be used for the spreading of organic fertiliser or soiled water.
- Chemical fertilisers, livestock manure, soiled water or other organic fertilisers must not be spread when:
  - The land is waterlogged;
  - The land is flooded, or it is likely to flood;
  - The land is frozen, or covered with snow;
  - Heavy rain is forecast within 48 hours;
  - The ground slopes steeply and there is a risk of water pollution, when factors such as surface run-off pathways, the presence of land drains, the absence of hedgerows to mitigate surface flow, soil condition and ground cover are taken into account.
- Chemical fertilisers must not be spread on land within 2 metres of a surface watercourse.

Table 1 shows the buffer zones for various water bodies (lakes, rivers, wells etc.). Soiled water, effluents, farmyard manures or other organic fertilisers must not be spread inside these buffer zones.

Water Feature	Buffer Zone
Any water supply source providing 100m <sup>3</sup> or more of water per day, or serving 500 or more people	200m (or as little as 30m where a local authority allow)
Any water supply source providing 10m <sup>3</sup> or more of water per day, or serving 50 people or more	100m (or as little as 30m where a local authority allows)
Any other water supply for human consumption	25m (or as little as 15m where a local authority allows)
Lake shoreline or a turlough likely to flood	20m
Exposed cavernous or karstified limestones features	15m
Any surface watercourse where the slope towards the watercourse exceeds 10%	10m
Any other surface waters	5m

Table 1 – Requirements for the Application of Fertilisers and Soiled Water as set out in S.I. 113 of 2022

Prior to its approval, a Natura Impact Statement was prepared for the Nitrates Action Programme (NAP) by RPS (2022). This Natura Impact Statement considered the potential of the measures proposed within the NAP to give rise to adverse effects on the integrity of European Sites, with regard to their qualifying interests, associated conservation status and the overall site integrity, alone and in combination with other relevant plans and programmes. The NIS concluded that the adoption of the NAP will not adversely affect the integrity of any European Site either alone or in combination with other relevant plans or programmes and subject to securing the mitigation measures prescribed in the NIS.

The applicant is fully aware of his obligations under S.I. 113 of 2022 and he will meet all the requirements under this Directive with the proposed application.

### 3.2 SITE LOCATION AND SURROUNDING ENVIRONMENT

The site in question is approximately 3.3ha and it is located in a rural area within the townland of Ballinrink. Access to the site is via the existing entrance and access road into the farm and this is just off a local, third-class road. The site is situated 5.9km west of Oldcastle and 5.2km south of Mount Nugent.

The main land-use surrounding the application site is agriculture and improved agricultural grassland is the dominant habitat locally and this habitat largely surrounds the site. Other natural habitats represented in the area include semi-improved and wet grasslands, broadleaved woodlands (Mullaghmeen Woods), hedgerows, treelines and watercourses. Site location maps can be seen in Figures 2 and 3 whilst an aerial photograph of the site and its surrounding habitats can be seen in Figure 4.



Figure 2 – Map showing the Location of the Proposed Development Site (Pinned)



Figure 3 – Map showing the Location of the Proposed Development Site (Outlined in Red).

#### HABITATS WITHIN THE SITE

The application site does not lie within or adjacent to any area that has been designated for nature conservation purposes. The main habitat within the application site currently is buildings and artificial surfaces, i.e., the existing pig houses, access roads and concrete aprons around the houses. The replacement / extended house will be constructed within the existing built footprint of the site. There are also areas of Improved Agricultural Grassland in the northern and south-eastern sections of the site. The boundaries of the site consist of hedgerows whilst there is a mature treeline present to the west of the existing buildings.

### WATER FEATURES AND QUALITY

The application site is located within the Upper Shannon Hydrometric Area (26) and River Catchment (26F), and the Inny Sub-Catchment (010) and Sub-Basin (040). There is an open drain present at the north-western corner of the application site (approximately 58m west of proposed construction works). Clean surface water from the site is being directed to this drain. This drain connects via a small stream to the River Inny, which is 339m north of the application site. The River Inny flows in a north-westerly direction and it enters Lough Sheelin at a point 3.5km north-west of the application site.

The EPA have classed the ecological status of the Inny River and its tributaries at points close to the application site as moderate status. Lough Sheelin is also noted to be of moderate status. Under the requirements of the Water Framework Directive, this is unsatisfactory and all water bodies are obliged to meet good status within a specified time frame. The next target date for meeting the objectives is 2027.



Figure 4 – Aerial Photograph of the Site (Outlined in Red) and its Surrounding Habitats © Google

### 3.3 NATURA 2000 SITES IDENTIFIED

In accordance with the guidelines issued by the Department of the Environment and Local Government, a list of Natura 2000 sites within 15km of the proposed development have been identified and described according to their site synopsis, qualifying interests and conservation objectives. In addition, any other sites further than this, but potentially within its zone of interest were also considered. The zone of impact may be determined by an assessment of the connectivity between the application site and the designated areas by virtue of hydrological connectivity, atmospheric emissions, flight paths, ecological corridors etc.

For significant effects to arise, there must be a potential impact facilitated by having a *source*, i.e., the proposed development and activities arising out of its construction or operation, a *receptor*, i.e., the European site and its qualifying interests and a subsequent *pathway* or *connectivity* between the source and receptor, e.g., a water course. The likelihood for significant effects on the European site will largely depend on the characteristics of the source (e.g., nature and scale of the construction works), the characteristics of the existing pathway and the characteristics of the receptor, e.g., the sensitivities of the Qualifying Interests (habitats or species) to changes in water quality.

There are eleven Natura 2000 designated sites within 15km of the application site. These sites are summarised in Table 2 and a map showing their locations relative to the application site is shown in Figure 5. A full description of the sites can be read on the website of the National Parks and Wildlife Service ([www.npws.ie](http://www.npws.ie)).

Site Name & Code	Distance	Qualifying Interests	Potential Significant Effects
Moneybeg and Clareisland Bog SAC 002340	3.5km west	<ul style="list-style-type: none"> <li>• Active raised bog</li> <li>• Degraded raised bogs still capable of regeneration</li> <li>• Depressions on peat substrates of the Rhynchosporion</li> </ul>	<p><i>There is no hydrological connectivity between the application site and this SAC, therefore effects on this site arising from emissions to surface water can be ruled out.</i></p> <p><i>Atmospheric emissions from the site will decrease due to the change in farm operations. No significant effects upon this SAC arising from emissions due to the proposed development.</i></p>
Lough Sheelin SPA 004065	3.5km north-west  4.2km downstream	<ul style="list-style-type: none"> <li>• Great Crested Grebe Podiceps cristatus</li> <li>• Pochard Aythya ferina</li> <li>• Tufted Duck Aythya fuligula</li> </ul>	<p><i>Having regards to the hydrological connectivity between the application site and this SPA, then significant effects upon this SPA arising</i></p>

		<ul style="list-style-type: none"> <li>• Goldeneye <i>Bucephala clangula</i></li> <li>• Wetlands &amp; waterbirds</li> </ul>	<p>from the construction and operation of the farm on this site will be considered further.</p> <p>Atmospheric emissions from the site will decrease due to the change in farm operations. No significant effects upon this SPA arising from emissions due to the proposed development.</p>
White Lough, Ben Loughs and Lough Doo SAC 001810	6.7km south	<ul style="list-style-type: none"> <li>• Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp.</li> <li>• <i>Austropotamobius pallipes</i> (White-clawed Crayfish)</li> </ul>	<p>There is no hydrological connectivity between the application site and this SAC, therefore effects on this site arising from emissions to surface water can be ruled out.</p> <p>Atmospheric emissions from the site will decrease due to the change in farm operations. No significant effects upon this SAC arising from emissions due to the proposed development.</p>
Lough Bane and Lough Glass SAC 002120	9.1km south-east	<ul style="list-style-type: none"> <li>• White-clawed crayfish (<i>Austropotamobius pallipes</i>)</li> <li>• Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp</li> </ul>	<p>There is no hydrological connectivity between the application site and this SAC, therefore effects on this site arising from emissions to surface water can be ruled out.</p> <p>Atmospheric emissions from the site will decrease due to the change in farm operations. No significant effects upon this SAC arising from emissions due to the proposed development.</p>
Lough Kinale and Derragh Lough SPA 004061	9.4km west	<ul style="list-style-type: none"> <li>• Pochard <i>Aythya ferina</i></li> <li>• Tufted Duck <i>Aythya fuligula</i></li> <li>• Wetlands &amp; waterbirds</li> </ul>	<p>There is no hydrological connectivity between the application site and this SPA, therefore effects on this site arising from emissions to surface water can be ruled out.</p> <p>Atmospheric emissions from the site will decrease due to the change in farm operations. No significant effects upon this SPA arising from emissions due to the proposed development.</p>
Derragh Bog SAC 002201	9.6km west	<ul style="list-style-type: none"> <li>• Degraded raised bogs still capable of natural regeneration</li> <li>• Bog woodland</li> </ul>	<p>There is no hydrological connectivity between the application site and this SAC, therefore effects on this site arising from emissions to</p>

			<p>surface water can be ruled out.</p> <p>Atmospheric emissions from the site will decrease due to the change in farm operations. No significant effects upon this SAC arising from emissions due to the proposed development.</p>
Lough Lene SAC 002121	10.8km south	<ul style="list-style-type: none"> <li>• White-clawed crayfish (<i>Austropotamobius pallipes</i>)</li> <li>• Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp.</li> </ul>	<p>There is no hydrological connectivity between the application site and this SAC, therefore effects on this site arising from emissions to surface water can be ruled out.</p> <p>Atmospheric emissions from the site will decrease due to the change in farm operations. No significant effects upon this SAC arising from emissions due to the proposed development.</p>
Lough Derravaragh SPA 004061	13km south	<ul style="list-style-type: none"> <li>• Whooper swan <i>Cygnus cygnus</i></li> <li>• Pochard <i>Aythya arina</i></li> <li>• Tufted duck <i>Aythya fuligula</i></li> <li>• Coot <i>Fulica atra</i></li> <li>• Wetlands &amp; waterbirds</li> </ul>	<p>There is no hydrological connectivity between the application site and this SPA, therefore effects on this site arising from emissions to surface water can be ruled out.</p> <p>Atmospheric emissions from the site will decrease due to the change in farm operations. No significant effects upon this SPA arising from emissions due to the proposed development.</p>
The River Boyne and River Blackwater SAC 002299	13.8km south-east	<ul style="list-style-type: none"> <li>• River lamprey (<i>Lampetra fluviatilis</i>)</li> <li>• Salmon (<i>Salmo salar</i>)</li> <li>• Otter (<i>Lutra lutra</i>)</li> <li>• Alkaline fens</li> <li>• Alluvial forests with alder <i>Alnus glutinosa</i> and ash <i>Fraxinus excelsior</i></li> </ul>	<p>There is no hydrological connectivity between the application site and this SAC, therefore effects on this site arising from emissions to surface water can be ruled out.</p> <p>Atmospheric emissions from the site will decrease due to the change in farm operations. No significant effects upon this SAC arising from emissions due to the proposed development.</p>
The River Boyne and River Blackwater SPA 004232	14km south-east	<ul style="list-style-type: none"> <li>• Common kingfisher <i>Alcedo atthis</i></li> </ul>	<p>There is no hydrological connectivity between the application site and this SPA, therefore effects on this site arising from emissions to</p>

			<p>surface water can be ruled out.</p> <p>Atmospheric emissions from the site will decrease due to the change in farm operations. No significant effects upon this SPA arising from emissions due to the proposed development.</p>
Garriskill Bog SAC 000679	14.8km south-west	<ul style="list-style-type: none"> <li>• Active raised bogs</li> <li>• Degraded raised bogs still capable of natural regeneration</li> <li>• Depressions on peat substrates of the Rhynchosporion</li> </ul>	<p>There is no hydrological connectivity between the application site and this SAC, therefore effects on this site arising from emissions due to surface water can be ruled out.</p> <p>Atmospheric emissions from the site will decrease due to the change in farm operations. No significant effects upon this SAC arising from emissions due to the proposed development.</p>

Table 2 – Natura 2000 Sites within 15km of Application Site

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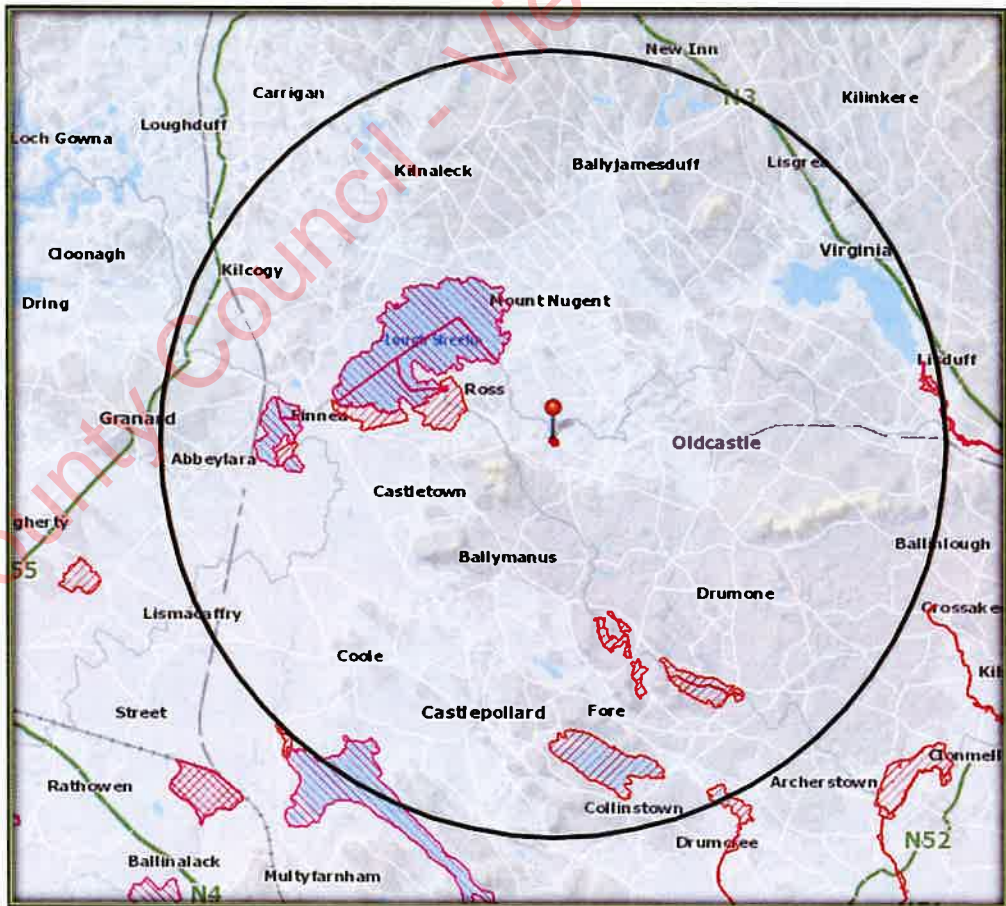


Figure 5 – The Application Site (Red Dot) in relation to the Natura 2000 Sites within 15km. SACs – Red Hatching; SPAs – Pink Hatching

## LOUGH SHEELIN SPA

### Site Synopsis

Lough Sheelin is a medium- to large-sized lake, with a maximum length of 7 km. The lake lies at the top 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 once classified as a highly eutrophic system, however it is now classed as moderately eutrophic (EPA). Swamp vegetation occurs along parts of the shoreline. There are some very small offshore islands which are mostly wooded. The lake was formerly one of the top trout fisheries in the country.

Despite very variable water quality in recent decades, Lough Sheelin remains a very important site for wintering waterfowl and especially diving duck. It supports nationally important populations of four species: Great crested grebe *Podiceps cristatus*, pochard *Aythya ferina*, tufted duck *Aythya fuligula* and goldeneye *Bucephala clangula*. A range of other species occur in relatively low numbers, including mute swan *Cygnus olor*, mallard *Anas platyrhynchos* and Eurasian coot *Fulica atra*.

The NPWS Qualifying Interests of Lough Sheelin SPA are:

- Great Crested Grebe *Podiceps cristatus*
- Pochard *Aythya ferina*
- Tufted Duck *Aythya fuligula*
- Goldeneye *Bucephala clangula*
- Wetlands & waterbirds

### Site Specific Conservation Objectives

Site specific conservation objectives for this site were prepared in 2025<sup>1</sup>. These SSCOs are summarised in Table 3.

<sup>1</sup> NPWS (2025) Conservation Objectives: Lough Sheelin SPA 004065. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.

Qualifying Interest	SSCO	Attribute – Measure - Target
Great Crested Grebe <i>Podiceps cristatus</i> [A005]	To restore the favourable conservation condition of this species in the Lough Oughter Complex SPA	<ul style="list-style-type: none"> <li>• Winter population trend - Percentage change in number of individuals - Long term winter population trend is stable or increasing.</li> <li>• Winter spatial distribution - Hectares, time and intensity of use - Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population target.</li> <li>• Disturbance at wintering site - Intensity, frequency, timing and duration - Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution.</li> <li>• Barriers to connectivity and site use - Number, location, shape and hectares - Barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA.</li> <li>• Forage spatial distribution, extent and abundance - Location, hectares, and forage biomass - Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target.</li> <li>• Roost spatial distribution and extent - Location and hectares of roosting habitat - Sufficient number of locations, area and availability of suitable roosting habitat to support the population target.</li> </ul>
Pochard <i>Aythya ferna</i> [A059]	To restore the favourable conservation condition of this species in the Lough Oughter Complex SPA	<ul style="list-style-type: none"> <li>• Winter population trend - Percentage change in number of individuals - Long term winter population trend is stable or increasing.</li> <li>• Winter spatial distribution - Hectares, time and intensity of use - Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population target.</li> <li>• Disturbance at wintering site - Intensity, frequency, timing and duration - Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution.</li> <li>• Barriers to connectivity and site use - Number, location, shape and hectares - Barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA.</li> <li>• Forage spatial distribution, extent and abundance - Location, hectares, and forage biomass - Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target.</li> <li>• Roost spatial distribution and extent - Location and hectares of roosting habitat - Sufficient number of locations, area and availability of suitable roosting habitat to support the population target.</li> </ul>
Tufted Duck <i>Aythya fligula</i> [A061]	To restore the favourable conservation condition of this species in the Lough Oughter Complex SPA	<ul style="list-style-type: none"> <li>• Winter population trend - Percentage change in number of individuals - Long term winter population trend is stable or increasing.</li> <li>• Winter spatial distribution - Hectares, time and intensity of use - Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population target.</li> <li>• Disturbance at wintering site - Intensity, frequency, timing and duration - Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution.</li> <li>• Barriers to connectivity and site use - Number, location, shape and hectares - Barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA.</li> </ul>

		<ul style="list-style-type: none"> <li>• Forage spatial distribution, extent and abundance - Location, hectares, and forage biomass - Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target.</li> <li>• Roost spatial distribution and extent - Location and hectares of roosting habitat - Sufficient number of locations, area and availability of suitable roosting habitat to support the population target.</li> </ul>
Goldeneye <i>Bucephala clangula</i> [Ao67]	To <i>restore</i> the favourable conservation condition of this species in the Lough Oughter Complex SPA	<ul style="list-style-type: none"> <li>• Winter population trend - Percentage change in number of individuals - Long term winter population trend is stable or increasing.</li> <li>• Winter spatial distribution - Hectares, time and intensity of use - Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population target.</li> <li>• Disturbance at wintering site - Intensity, frequency, timing and duration - Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution.</li> <li>• Barriers to connectivity and site use - Number, location, shape and hectares - Barriers do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA.</li> <li>• Forage spatial distribution, extent and abundance - Location, hectares, and forage biomass - Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target.</li> <li>• Roost spatial distribution and extent - Location and hectares of roosting habitat - Sufficient number of locations, area and availability of suitable roosting habitat to support the population target.</li> </ul>
Wetlands [A999]	To <i>maintain</i> the Favourable conservation condition of wetland habitats in Lough Oughter Complex SPA as a resource for the regularly-occurring migratory waterbirds that utilise these areas.	<ul style="list-style-type: none"> <li>• Wetland Habitat Area – (ha) – No significant loss to wetland habitat within the SPA, other than that occurring from natural patterns of variation.</li> <li>• Wetland habitat quality and functioning - Quality and function of the wetland habitat - No significant impact on the quality or functioning of the wetland habitat within the SPA, other than that occurring from natural patterns of variation.</li> </ul>

Potential Significant Effects

The proposed demolition and construction of the replacement structures, along with the changes in stock type and numbers, will not lead to any loss or fragmentation of any habitats within Lough Sheelin SPA. All demolition / construction works will be over 58m from the drain in the north-western corner of the site. This means that run-off from the works will not enter this drain and they will not be mobilised downstream towards Lough Sheelin SPA.

There will be an overall decrease in atmospheric emissions from the farm of c.16%, therefore the proposed development will not give rise to any significant effects upon this SPA due to the atmospheric emissions generated compared to existing levels.

### 3.4 IMPACT ASSESSMENT

The potential significant effects of the proposed development on the Natura 2000 sites within 15km will be considered further.

Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on nearby Natura 2000 site:

The construction and operation of the proposed development at Ballinrink will have no significant effects upon the designated sites identified. There are no individual elements of the proposed project that are likely to give rise to negative impacts on these Natura 2000 sites. There will be no impacts upon designated habitats or species arising from the predicted emissions from this facility. There is an adequate distance between the proposed development site and all designated areas to ensure that no direct impacts will occur.

There are other agricultural activities ongoing close to the current application site, therefore cumulative impacts arising from the operation of these farms together were considered. All farms, regardless of whether licensed by the EPA or not, are required to operate within the legalisation defined in S.I. 113 of 2022 regarding manure storage, minimisation of soiled water and general good agricultural practice, etc. Therefore, cumulative impacts arising from the combined operation of these activities with the proposed operation of the poultry farm at Ballinrink will be negligible.

The land-spreading of the manure produced at the proposed facility has also been considered as part of this process. Records for the distribution and movement of all the manure produced will be kept on site and presented to the Department of Agriculture, Food and Marine if necessary. All organic fertilisers will replace the use of chemical fertiliser; therefore, there will be no overall increase in the amount of nutrients spread.

All farmers that receive the manure from the proposed farm will do so under the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2022. Upon the receipt of the manure, they will be informed of their obligation under this legalisation. Compliance with these regulations will minimise cumulative impacts as well as any impacts upon water quality.

Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the nearby Natura 2000 sites by virtue of:

**Size and scale:** Having regards to the small size and scale of the development in relation to the overall size of the Natura 2000 sites identified, then the likelihood of any direct, indirect or cumulative impacts upon this designated site is low.

**Land-take:** There will be no land-take from any designated site. There will be no interference with the boundaries of any designated site. There will be no loss of any undesignated priority habitats.

**Distance from Natura 2000 site or key features of the site:** There are eleven Natura 2000 sites within 15km of the application site. The closest sites include the Moneybeg and Clareisland Bogs SAC and Lough Sheelin SPA. These sites are 3.5km west / north-west of the application site.

**Resource requirements (water abstraction etc.):** No resources will be taken from any Natura 2000 site and there are no resource requirements that will impact upon any designated site.

**Emissions:** All proposed construction and demolition work on the site will be 58m from the drain that lies in the north-western corner of the site. Having regards this separation distance, there will be no run-off from the works into this drain and significant effects upon the Lough Sheelin SPA arising from emissions to water will not arise.

For atmospheric emissions, the EPA have recently produced guidance documents for the assessment of impacts of emissions on Natura 2000 sites (*Assessment of the Impact of Ammonia and Nitrogen on Natura 2000 sites from Intensive Agriculture Installations, EPA 2021, updated 2024*). This document contains a step-by-step assessment process which allows the applicant to ascertain the level of assessment and information needed when determining potential effects from emissions on Natura 2000 sites. Step 6c of the flow chart (Appendix I) makes a provision for applicants to demonstrate that the emissions from the new installations will result in an overall reduction in emissions from the baseline numbers.

Although there will be an increase in stock arising from the proposed development, the changes in stock type will result in an overall reduction of atmospheric emissions by approximately 16%. As the final emissions from the farm upon completion of the works will be the same as that previously permitted, detailed atmospheric modelling is not required in this instance.

**Excavation requirements:** Excavated material from the construction will be used on site. Bare soil will be reseeded straight away where appropriate. Any remaining soil will be disposed of in a responsible manner in a licensed facility away from any designated sites.

**In-Combination / Cumulative Impacts:** The proposed application was considered in combination with other developments or proposed developments in the Ballinrink / Oldcastle areas and the surroundings townlands. There are no past or pending applications that could lead to cumulative impacts upon the Natura 2000 sites when considered in combination with this current application. Any future individual application that has the potential to impact upon a Natura 2000 site will be subject to Appropriate Assessment as required under Articles 6(3) of the Habitats Directive.

**Transportation requirements:** There will be no additional transportation requirements resulting from the proposed development and associated works that will have any impact upon the Natura 2000 sites identified.

**Duration of construction, operation, decommissioning etc:** Once construction begins, it should be complete within one year.

Describe any likely changes to the nearby Natura 2000 sites arising as a result of:

**Reduction of habitat area:** The proposed development lies outside the boundaries of the Natura 2000 sites identified in Section 3.3. There will be no reduction of designated habitat area or habitats used by any protected bird species. There will be no impacts upon the qualifying interest of any SAC / SPA.

**Disturbance to key species:** There will be no direct disturbance to any species listed in Annex I of the Birds Directive or Annex II of the Habitats Directive.

**Habitat or species fragmentation:** There will be no habitat or species fragmentation within any SAC or SPA. No ecological corridors between the proposed site and any designated area will be damaged or destroyed.

**Reduction in species density:** There will be no reduction in species density.

**Changes in key indicators of conservation value (water quality etc.):** There will be no negative impacts upon surface or ground water quality. There will be no negative impacts upon the water quality in any designated site.

Describe any likely impacts on the nearby Natura 2000 sites as a whole in terms of:

**Interference with the key relationships that define the structure or function of the site:** It is not considered likely that there will be any impacts on the key relationships that define the structure or function of the Natura 2000 sites identified.

Provide indicators of significance as a result of the identification of effects set out above in terms of:

**Loss - Estimated percentage of lost area of habitat:** None

**Disruption & disturbance / Fragmentation:** None

**Change to key elements of the site (e.g. water quality etc.):** None

### 3.5 FINDING OF NO SIGNIFICANT EFFECTS

Finding of No Significant Effects Report Matrix	
<b>Name of project</b>	Development at an Existing Pig Farm at Ballinrink, Oldcastle, Co. Meath.
<b>Name and location of Natura 2000 site</b>	There are eleven Natura 2000 sites within 15km of the application site. The closest sites include the Moneybeg and Clareisland Bogs SAC and Lough Sheelin SPA. These sites are 3.5km west / north-west of the application site.
<b>Description of project</b>	A Small Scale Agricultural Development
<b>Is the project directly connected with or necessary to the management of the site?</b>	No
<b>Are there other projects or plans that together with project being assessed could affect the site?</b>	No
The Assessment of Significance of Effects	
<b>Describe how the project is likely to affect the Natura 2000 site</b>	Having regard to the location, nature and scale of the proposed development, it is considered that there is no potential for significant effects either from the proposed development on its own or in combination with other plans and projects.
<b>Explain why these effects are not considered significant</b>	Not applicable as there is no potential for negative impacts
<b>Describe how the project is likely to affect species designated under Annex II of the Habitats Directive.</b>	No impacts likely
Data Collected to Carry out the Assessment	
<b>Who carried out the assessment</b>	Noreen McLoughlin, MSC, MCIEEM. Consultant Ecologist
<b>Sources of data</b>	NPWS, EPA, National Biodiversity Data Centre, Meath County Council
<b>Level of assessment completed</b>	Stage1 Appropriate Assessment Screening
<b>Where can the full results of the assessment be accessed and viewed</b>	Full results included

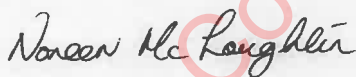
#### 4 APPROPRIATE ASSESSMENT CONCLUSION

In accordance with Article 6(3) of the Habitats Directive, the relevant case law, established best practice and the precautionary principle, this AA Screening Report has examined the details of the project in relation to the relevant Natura 2000 sites within 15km of the application site.

At this stage of the AA process, it is for the competent authority, i.e., Meath County Council, to carry out the screening for AA and to reach one of the following determinations:

- a) AA of the proposed development is required if it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites;
- b) AA of the proposed development is *not* required if it can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites.

It is of the opinion of the author that an AA of the proposed development is not required as it can be excluded, on the basis of objective information provided in this report, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites.

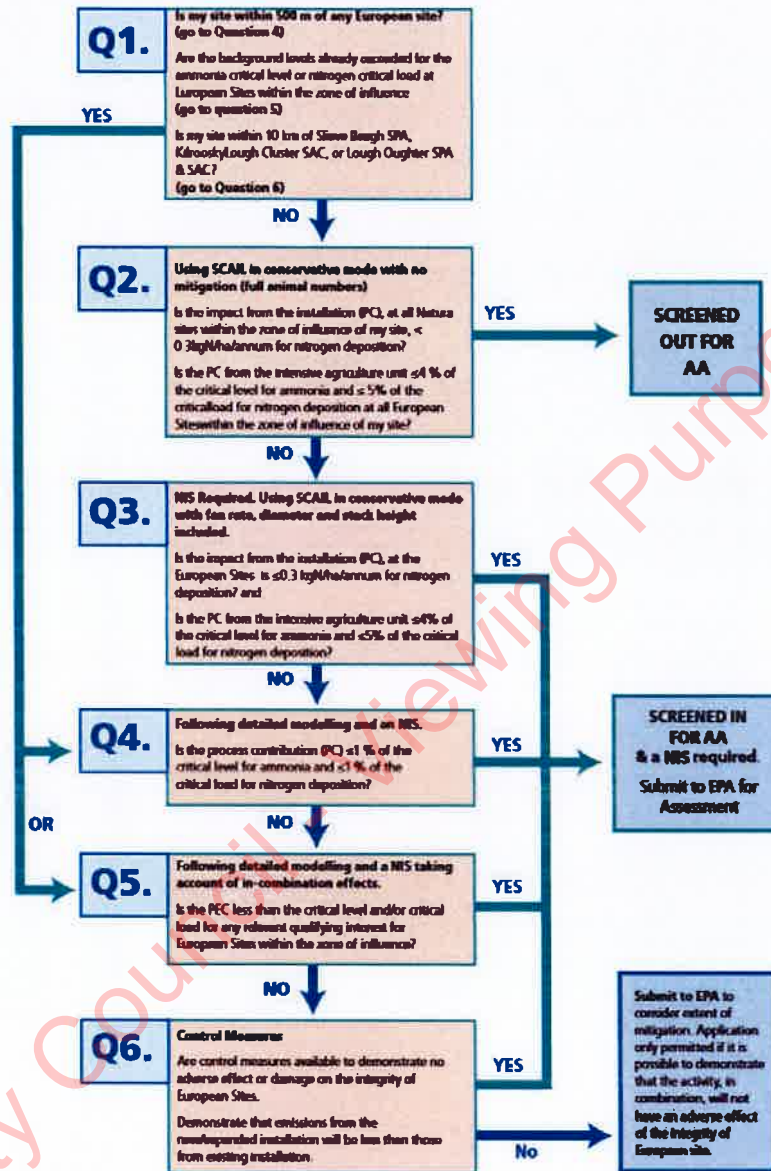


Noreen McLoughlin, MSc, MCIEEM.  
Ecologist.

(PI Insurance details available on request)

# Appendix I: EPA FLOW CHART (2024)

## APPENDIX 1. FLOWCHART





**CLW**

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***Appendix No. 14***

***Resource and Waste  
Management Plan***

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CLW Environmental Planners Ltd.

The Mews,  
23 Farnham Street,  
Cavan,  
Co. Cavan

Phone: 049-4371447/9

Fax: 049-4371451

E-mail: info@clw.ie

**Resource and Waste Management Plan**

**For**

**Proposed Development**  
**On Existing Pig Farm**

**At**

**Ballinrink,**  
**Oldcastle,**  
**Co. Meath.**

**Date: 20/06/2025**

**Applicant:**

Bogue Pigs Unlimited Company,  
Ballinrink,  
Oldcastle,  
Co. Meath.

**Proposed Development:**

- A. Demolish / decommission 13 No. existing pig houses, 5 No. additional modular type pig houses and 1 No. store (Ref. 2-5 and 8-22 inclusive) and
- B. construct 5 No. replacement pig houses, an extension to 1 No existing pig house, and, 1 No. general purpose store,
- together with all ancillary structures and all associated site works arising from the above proposed development, and, in lieu of developments previously approved under planning Ref. 24/60324, at

**Location:**

Ballinrink,  
Oldcastle,  
Co. Meath.

### **Background:**

The following Resource and Waste Management Plan (RWMP) has been completed in accordance with the EPA, Best Practice Guidelines for the preparation of Resource and Waste Management Plans for Construction and Demolition Projects, EPA 2021. The project description, Roles and Responsibilities (incl. Management) have been detailed in the aforementioned CEMP.

### **Introduction and Purpose of the RWMP.**

The management of C&D waste on this site should reflect the waste management hierarchy, with waste prevention and minimisation being the first priority succeeded by reuse and recycling. The subsequent use of recycled materials in reconstruction works also reduces the quantities of waste which ultimately needs to be consigned to landfill sites. This proposed development has been

In this phase of the development, the proposed development has been subdivided into 3 areas of work for the purposes of this plan;

1. Demolition of Existing Structures.
2. Site Development
3. Construction of pig houses, ancillary store and associated works.

### **Prevention of Waste:**

The primary effort therefore should be to engage in waste prevention and reduce the amount of waste generated in the first place i.e. minimise the resources needed to do the job. Prevention is financially advantageous as it reduces the purchase of construction materials and reduces the need to remove wastes from the site.

The prevention of waste can be minimized by;

- Renovating existing buildings where appropriate.
- Re-using materials where appropriate.
- Re-cycling wastes where appropriate.
- Waste disposal as a last resort.

**Renovation:** which retains and repairs existing structural and decorative elements, with the introduction only where necessary of new items, contributes greatly to a reduction in C&D waste arising.

While the developments to be demolished have been maintained and upgraded through the years they are now reaching the end of their useful life, and further renovation/repair is not economically viable.

**Reuse of Waste:**

Material that is generated should be reused on site or salvaged for subsequent reuse to the greatest extent possible and disposal should only be considered as a last resort. Initiatives should be put in place to maximise the efficient use/reuse of materials. Innovative initiatives to avoid the need for disposal should be investigated.

**Recycling of Waste:**

In relation to the small volume of waste which cannot be used on site there are a number of established markets available for the beneficial use of this C&D waste:

- waste timber can be recycled as shuttering or hoarding, or sent for reprocessing as medium density fibreboard;
- waste concrete can be utilised as fill material for roads or in the manufacture of new concrete when arising at source subject to compliance with local and national requirements as outlined in relevant regulations. All C&D waste from the proposed development (excl. clean soil and stone) will be moved off site by an approved permitted contractor, unless otherwise agreed with Meath Co. Co.
- in addition, the technology for the segregation and recovery of stone, for example, is well established, readily accessible and there is a large reuse market for aggregates as fill for roads and other construction projects. Bitmac and Asphalt can also be recycled in roads projects.

**Overall Management of C&D Waste on the Farm:**

As this is a typical agricultural development, there are no waste streams with the potential for significant adverse environmental impact. The site owner, is experienced at carrying out similar development projects on this, or other farms, and will be responsible for the management of C & D waste from this farm. All external contractors to be used will be experienced with regard to pig farm developments.

### **Demolition Plan:**

This phase of the proposed development will involve the demolition of c. 19 No. Pig House and ancillary store/structures. It is important to emphasise the potential for certain procedures to contribute to a reduction in excessive material wastage on site. The demolition of the buildings will be carried out in the following way;

1. Emptying of all feed storage bins and implementation of rodent control programme on site. (Follow Bord Bia approved rodent control programme that was implemented on-site when the farm was operational).
2. Removal of any remaining organic fertiliser/soiled water from the storage tanks and allocation of same to customer farmers in accordance with S.I. 113 of 2022, as amended as per normal agricultural practice.
3. Disconnection of services (E.S.B., Water etc.)
4. Identification of any Hazardous wastes on site. This would include Asbestos and Fluorescent light tubes. **An asbestos survey is to be completed in advance off demolition and this RWMP revised to take account of any findings (In keeping with Condition 12 (c) of the previously granted permission). Where required a separate Asbestos management plan will be put in place by an approved specialist. Where Asbestos is found to be present same is to be taken down, wrapped appropriately by trained personnel and moved off-site by an approved specialist contractor.**
5. Identification, removal and segregation of any re-usable and/or saleable equipment/fixtures/fittings.
6. Removal of any remaining fixtures and fittings (incl. electrical) and segregation into recyclable and/or disposal.
7. Removal of Building superstructure and separation into timber, steel, rubble and other (insulation etc.).
8. Proper removal of same off-site to authorised sites via appropriately registered and authorised contractors.

**Note: Designated skips/storage areas to be provided for different waste streams.**

### **Site - Development Plan:**

The proposed development is to be completed on a brown field area, in close proximity to the existing pig farm structures. This will involve excavating the site of the proposed developments to facilitate site leveling requirements and the construction of foundations. This will involve the excavation of a certain amount of clean soil and stone. This material will be used to level low-lying parts of the site.

### **Construction Plan:**

**Key Materials / Quantities:** It is important to emphasise the potential for certain purchasing procedures to contribute to a reduction in excessive material wastage on site. Examples include:

- ordering materials on an "as needed" basis to prevent oversupply;
- purchasing coverings, panelling or other materials in shape, dimensions and form that minimises the creation of excessive scrap waste on site;
- ensuring correct storage and handling of construction materials to minimise generation of damaged materials/waste
- ensuring correct sequencing of operations.

**Design Approach:** The proposed development of a regular shaped building, similar, and in some cases identical construction methods to that previously completed on this site and/or other similar pig farms, will minimise the amount of waste material on the site. A significant amount of materials can be manufactured to the required size off site. In order to minimize wastage and other adverse impacts;

- where possible all concrete and aggregates will be ordered and supplied to exactly meet requirements.
- The proposed steel superstructure for the buildings will be made to order off site, and will only require erection on site, thus eliminating any waste.
- The roofing timbers can be ordered to size thus eliminating the need for cutting and wastage.
- All internal fixtures and fittings will be made to order off site and delivered to the site for installation.
- Any wastes that may arise on site will be appropriately stored, recycled where possible with any remaining wastes disposed of as previously outlined.

**Construction and Demolition Waste Types and  
projected disposal/recovery routes:**

- Metal and Electrical - To be removed, segregated and stored for re-use on the farm or recycling –  
Wilton Waste and Recycling –  
**NWCPO-12-11001-07  
& WFP-CN-20-0001-01**
- Fluorescent Tubes - Wilton Waste and Recycling  
subsequently sent to Enva Ireland Ltd. **WCP-  
DC-08-1116-01**, Clonminam Industrial  
Estate, Portlaoise, Co. Laois.
- Insulation/Timber - Excess to be removed by/to Wilton Waste  
and Recycling – **NWCPO-12-11001-07  
& WFP-CN-20-0001-01**
- General Waste` - To be removed offsite by/to  
Wilton Waste and Recycling –  
**NWCPO-12-11001-07  
& WFP-CN-20-0001-01**
- Soil/Stone/Rubble - To be used as infill material as part  
of proposed site works and /or in the  
construction of internal roadways.
- Asbestos` - To be removed offsite by  
(Contractor to be determined on  
completion of Asbestos Survey)

**\* All waste materials to be transported by the applicant or appointed, authorised and permitted contractor to approved sites as detailed in the accompanying Waste Collection Permit.**

**Conclusion:**

Due to the nature of the proposed development, i.e. agricultural, there are no areas of significant concern with regard to the proposed development. The volume of waste emanating from the proposed works will be minimized by optimizing the construction process and pre-fabricating a significant proportion of the house off-site. The operator is greatly experienced at overseeing similar developments on this, and other pig farms and will be in charge of the management of the construction waste management plan.

Appropriate records are to be maintained of all materials sent off site for recycling/disposal.

Signed:



Pádraic Fay  
BAgrSc

Signed:

Date: 20/06/2025

**Attachment No. 1 Waste Record Sheet**

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## APPENDIX D RESOURCE AND WASTE INVENTORY TEMPLATE

LoW Code	Description	Volume Generated (tonnes)	Prevention (tonnes) (non-waste)	Reused (tonnes) (non-waste)	Recycled (tonnes) (waste)	Recovered <sup>11</sup> (tonnes) (waste)	Disposed (tonnes) (waste)	Unit Cost Rate (€/tonne)	Total Cost (€)
17 01 01	Concrete								
17 01 02	Bricks								
17 01 03	Tiles and Ceramics								
17 02 01	Wood								
17 02 02	Glass								
17 02 03	Plastic								
17 03 02	Bituminous Mixtures								
17 04 01	Copper, Bronze, Brass								
17 04 02	Aluminium								
17 04 03	Lead								
17 04 04	Zinc								
17 04 05	Iron and Steel								
17 04 06	Tin								
17 04 07	Mixed Metals								
17 04 11	Cables								
17 05 04	Soil and Stone								
17 06 04	Insulation Material								

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<sup>11</sup> Recovered here includes energy recovery, backfilling and other recovery.

LoW Code	Description	Volume Generated (tonnes)	Prevention (tonnes) (non-waste)	Reused (tonnes) (non-waste)	Recycled (tonnes) (waste)	Recovered <sup>11</sup> (tonnes) (waste)	Disposed (tonnes) (waste)	Unit Cost Rate (€/tonne)	Total Cost (€)
17 08 02	Gypsum								
17 09 04	Mixed C&D Waste								
17 01 06*	Mixtures of, or separate fractions of concrete, bricks, tiles and ceramics containing hazardous substances								
17 02 04*	Glass, plastic and wood containing or contaminated with hazardous substances								
17 03 01*	Bituminous mixtures containing coal tar								
17 04 09*	Metal waste contaminated with hazardous substances								
17 05 03*	Soil and stones containing hazardous substances								
17 06 05*	Construction materials containing asbestos								
	Other resources (non-waste materials) (specify as needed)								
	Other wastes (specify as needed)								

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***Appendix No. 15***

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***Appendix No. 16***

***European Communities (Welfare of Farmed Animals) Regulations 2010 – S.I. 311 of 2010***

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STATUTORY INSTRUMENTS.

**S.I. No. 311 of 2010**

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EUROPEAN COMMUNITIES (WELFARE OF FARMED ANIMALS)  
REGULATIONS 2010

**(Prn. A10/0932)**

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S.I. No. 311 of 2010

EUROPEAN COMMUNITIES (WELFARE OF FARMED ANIMALS)  
REGULATIONS 2010

ARRANGEMENT OF REGULATIONS

*Part 1*

PRELIMINARY & GENERAL

1. Citation
2. Interpretation
3. Codes of practice

*Part 2*

ANIMAL WELFARE GENERALLY

4. Scope
5. Obligation to ensure welfare of an animal

*Part 3*

WELFARE OF LAYING HENS

6. Application of Part 3
7. General conditions for keeping laying hens
8. Free range or barn systems
9. Un-enriched cage systems
10. Enriched cage systems
11. Register

*Part 4*

WELFARE OF CHICKENS KEPT FOR MEAT PRODUCTION

12. Application of Part 4
13. General conditions for keeping chickens meant for meat production
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RECEIVED: 24/06/2025

Meath County Council - Viewing Purposes Only!

S.I. No. 311 of 2010

EUROPEAN COMMUNITIES (WELFARE OF FARMED ANIMALS)  
REGULATIONS 2010

I, BRENDAN SMITH, Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Council Directive No. 93/119/EEC of 22 December 1993<sup>1</sup>, Council Directive 98/58/EC of 20 July 1998<sup>2</sup>, Council Directive No. 1999/74/EC of 19 July 1999<sup>3</sup> and Commission Directive 2002/4/EC of 30 January 2002<sup>4</sup>, Council Directive No 2007/43/EC of 28 June 2007<sup>5</sup>, Council Directive No. 2008/119/EC of 18 December 2008<sup>6</sup> and Council Directive No. 2008/120/EC of 18 December 2008<sup>7</sup>, hereby make the following regulations-

## Part 1

## PRELIMINARY AND GENERAL

*Citation*

1. These Regulations may be cited as the European Communities (Welfare of farmed animals) Regulations 2010 and come into operation on 30 June 2010.

*Interpretation*

2. (1) In these Regulations—

“animal” means an animal (including fish, reptiles or amphibians) bred or kept for the production of food, wool, skin or fur or for other farming purposes;

“authorised officer” means-

- (a) an authorised officer within the meaning of section 17A (inserted by the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) of the Diseases of Animals Act 1966 (No. 6 of 1966),
- (b) an authorised person or inspector within the meaning of the Protection of Animals Kept for Farming Purposes Act 1984 (No. 13 of 1984),
- (c) an authorised officer within the meaning of the European Communities (Food and Feed Hygiene) Regulations 2009 (S.I. No. 432 of 2009),

<sup>1</sup>O.J. No. L 340 of 31.12.1993, p. 21.

<sup>2</sup>O.J. No. L 221 of 8.8.1998, p. 23.

<sup>3</sup>O.J. No. L 203 of 3.8.1999, p. 53.

<sup>4</sup>O.J. No. L 30 of 31.1.2002, p.44.

<sup>5</sup>O.J. No. L182 of 12.7.2007 p. 19

<sup>6</sup>O.J. No. L010 of 15.1.2009 p. 7

<sup>7</sup>O.J. No. L047 of 18.2.2009 p. 5

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 2nd July, 2010.*

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- (d) a member of the Garda Síochána,
- (e) an officer of Customs and Excise, or
- (f) a person appointed under Regulation 30;

“calf” means a bovine animal less than six months old;

“Calves Directive” means Council Directive No.2008/119/EC of 18 December 2008;

“Chicken welfare Directive” means Council Directive No 2007/43/EC of 28 June 2007;

“General Welfare Directive” means Council Directive No. 98/58/EC of 20 July 1998;

“Laying Hens Directive” means Council Directive No. 1999/74/EC of 19 July 1999 and Commission Directive 2002/4/EC of 30 January 2002;

“Minister” means Minister for Agriculture, Fisheries and Food;

“Pigs Directive” means Council Directive No. 2008/120/EC of 18 December 2008;

“premises” includes land, with or without buildings;

“registered veterinary practitioner” has the same meaning as in the Veterinary Practice Act 2005 (No. 22 of 2005);

“Slaughter Directive” means Council Directive No. 93/119/EEC of 22 December 1993.

(2) A word or expression that is used in these Regulations and is also used in the Chicken welfare Directive, the Calves Directive, the General Welfare Directive, the Laying Hens Directive, the Pigs Directive or the Slaughter Directive has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Directive in which it occurs.

*Codes of practice*

3. (1) The Minister may-

- (a) publish or cause to be published codes of practice, or
- (b) adopt a code of practice published by another person (whether within the State or otherwise),

for the purpose of providing practical guidance relating to any of the purposes of these Regulations.

(2) The Minister may amend or replace a code of practice referred to in paragraph (1).

(3) A person who has in his or her possession or under his or her control an animal of a particular class or description shall have due regard to a code of practice (if any) that relates to an animal of that class or description or kept under similar types of management or husbandry practices, published or adopted in accordance with paragraph (1).

(4) If a person fails to comply with a code of practice, that person is not by reason only of that failure liable in any civil or criminal proceedings but the code of practice is admissible in evidence in proceedings and a court may take account of any failure to act in accordance with it in deciding any question in the proceedings.

## Part 2

### ANIMAL WELFARE GENERALLY

#### *Scope*

4. (1) This Part does not apply to—

- (a) an animal living in the wild,
- (b) subject to paragraph (2), an animal used in competitions, shows, cultural or sporting events or activities while being so used,
- (c) an experimental or laboratory animal that is the subject of a licence issued under the Cruelty to Animals Act 1876, or
- (d) an invertebrate animal.

(2) Notwithstanding paragraph (1)(b), these Regulations apply to an animal of a kind or species that is normally bred or kept for the production of food, wool, skin, fur or feathers or for use in, or for the purpose of, the farming of land or of animal husbandry and, in particular, includes animals of the bovine, ovine, porcine and caprine species, equidae and poultry.

#### *Obligation to ensure welfare of an animal*

5. (1) A person shall take all necessary steps to ensure the welfare of an animal in his or her possession, in his or her control or under his or her care and to ensure that the animal is not caused unnecessary pain, suffering or injury.

(2) A person shall ensure that the conditions under which an animal (other than fish, a reptile or an amphibian) is bred or kept, having regard to its species and degree of development, adaptation and domestication, and to its physiological and ethological needs in accordance with established experience and scientific knowledge, comply with Schedule 1.

## Part 3

## WELFARE OF LAYING HENS

*Application of Part 3*

6. (1) This Part applies to premises where there are 350 or more laying hens.

(2) This part is without prejudice to the generality of Regulation 5

*General conditions for keeping laying hens*

7. A person shall not have in his or her possession or under his or her control or cause or permit another person to have in his or her possession or under his or her control a laying hen unless the hen is kept and reared in conditions that comply with Schedule 2.

*Free-range or barn systems*

8. (1) Subject to paragraph (3), the owner or person in charge of a barn or free-range system used to keep laying hens shall not confine, or cause or permit another person to keep or confine a laying hen unless the premises is equipped—

(a) with either linear feeders providing at least 10 cm per hen or circular feeders providing at least 4 cm per hen,

(b) with either continuous drinking troughs providing at least 2.5 cm per hen or circular troughs providing at least 1 cm per hen,

(c) without prejudice to paragraph (4), with at least one nest for every seven hens, and

(d) with, subject to paragraph (5), adequate perches without sharp edges, mounted other than above litter, that provide space of at least 15 cm in length per hen.

(2) A person shall not provide or use nipple drinkers or cups in a barn or free-range system unless, without prejudice to paragraph (3), there is at least one nipple drinker or cup for every ten hens.

(3) A person shall not keep a laying hen in a barn or free-range system where drinking points are plumbed in to a water supply unless, at least two nipple drinkers or cups are within reach of each hen.

(4) A person shall not keep a laying hen in a barn or free-range system in group nests unless there is a minimum of 1 square metre of nest space available for every group of a maximum of 120 hens.

(5) A person shall not keep a laying hen in a barn or free-range system unless the horizontal distance between perches is at least 30 cm and the distance between a perch and a wall is at least 20 cm.

(6) A person shall not keep a laying hen in a barn or free-range system unless a littered area, that covers at least one third of the ground surface, of at least 250 square centimetres per hen is provided.

(7) A person shall not keep a laying hen in a barn or free-range system unless the floor is constructed in a manner that adequately supports each forward facing claw of the laying hen.

(8) A person shall not keep a laying hen in a barn or free-range system if-

- (a) the laying hen has access to more than four different levels,
- (b) the headroom between different levels is less than 45 centimetres,
- (c) the hen does not have equal access to drinking and feeding facilities, or
- (d) droppings from one level may fall on another level.

(9) A person shall not keep a laying hen in a barn or free-range system if the laying hens have access to open runs unless-

- (a) there are several popholes, at least 35 centimetres high and 40 centimetres wide and extending along the whole length of the building, giving access to the outer area,
- (b) a total opening of 2 metres is available for each group of 1,000 laying hens,
- (c) open runs are of an area appropriate to the stocking density and nature of the ground in order to prevent contamination, and
- (d) the stocking density does not exceed 9 laying hens per square metre usable area.

(10) A person shall, if laying hens have access to open runs, ensure that the runs are equipped—

- (a) with appropriate shelter to protect the laying hens from predators and weather conditions, and
- (b) where necessary, with appropriate drinking troughs.

*Un-enriched cage systems*

9. (1) Subject to paragraphs (2) and (3), the owner or person in charge of an un-enriched cage system shall not keep a laying hen in a cage unless-

- (a) the cage has at least 550 unrestricted square centimetres of area (measured in a horizontal plane and not including non-waste deflection plates that may restrict the available area) available for each laying hen in the cage,

- (b) a feed trough, to which each laying hen has unrestricted access, the length of which measures at least 10 centimetres multiplied by the number of laying hens in the cage, is present in the cage,
  - (c) subject to subparagraph (d), a drinking channel, to which each laying hen has unrestricted access, the length of which measures at least 10 centimetres multiplied by the number of laying hens in the cage, is present in the cage,
  - (d) where drinking points are plumbed in, at least two nipple drinkers or cups are within reach of the cage,
  - (e) the cage is at least 40 centimetres high over at least 65 per cent of its floor area and not less than 35 centimetres at any point,
  - (f) the floor of the cage is constructed in a manner that adequately supports each forward facing claw of each hen,
  - (g) the slope of the floor of the cage does not exceed 14 per cent or 8 degrees, and
  - (h) the cage is fitted with suitable claw-shortening devices.
- (2) A person shall not keep or rear laying hens in an un-enriched cage system built, renovated or brought into service for the first time after 1 January 2003.
- (3) A person shall not keep or rear laying hens in an un-enriched cage system after 1 January 2012.

*Enriched cage systems*

10. (1) The owner or person in charge of an enriched cage system shall not keep a laying hen in an enriched cage system unless-
- (a) each cage has a total area of at least 2000 square centimetres,
  - (b) at least 750 square centimetres, of which a minimum of 600 square centimetres is usable area, is available for each laying hen in each cage,
  - (c) the height of each cage other than above the usable area is at least 20 centimetres at every point,
  - (d) there is a nest in each cage,
  - (e) adequate litter is available in each cage to permit pecking and scratching by each laying hen,
  - (f) appropriate perches, that measure, in length, at least 15 centimetres multiplied by the number of laying hens in each cage, are present in the cage,

- (g) a feed trough, to which each laying hen has unrestricted access, that measures at least 12 centimetres multiplied by the number of laying hens in the cage, is present in each cage,
- (h) subject to subparagraph (i), a drinking system, to which each laying hen has unrestricted access, appropriate to the number of laying hens is provided in each cage,
- (i) if drinking points are plumbed in, at least two nipple drinkers or two cups are within reach of each laying hen,
- (j) there is a minimum aisle width of at least 90 centimetres between tiers of cages,
- (k) there is a minimum distance of 35 centimetres between the floor of the building and the bottom tier of cages, and
- (l) each cage is fitted with suitable claw-shortening devices.

*Register*

11. (1) The Minister shall cause to be established and maintained a register ("the Register") of all persons owning, keeping, rearing or having under their control laying hens.

(2) A person shall not own or have in his or her charge or under his or her control a laying hen if he or she is not entered in the Register in relation to the premises where the laying hen is located.

(3) An application under this Regulation shall be in writing, be in a form and include any information that the Minister may require.

(4) The Minister shall not consider an application for registration if the application does not contain all information sought by the Minister.

(5) The Minister may enter a person's name and particulars on the register, attach conditions to registration, vary a condition, refuse an application or revoke a registration.

(6) Without prejudice to the generality of paragraph (5), the Minister may refuse to enter a person's name on the Register, or may revoke registration if—

- (a) the application does not comply with this Regulation,
- (b) in the opinion of the Minister, the application contains a statement that is false or misleading in a material respect,
- (c) the premises to which the application or registration relates does not comply, in the opinion of the Minister, with these Regulations,
- (d) the person is, in the opinion of the Minister, not a fit person to keep laying hens,

- (e) he or she is satisfied that these Regulations have not been or will not be complied with,
- (f) the applicant or registered person has committed an offence, whether he or she has been convicted or not, under any enactment relating to animals, animal health, animal welfare or public health,
- (g) the applicant or registered person has failed to comply with a condition of registration,
- (h) a registered person has ceased to keep or rear laying hens at the premises to which registration relates,
- (i) a person is disqualified by a Court of competent jurisdiction under any enactment from keeping, dealing in or having charge or control of, directly or indirectly, laying hens, or
- (j) it is necessary, in the opinion of the Minister—
  - (i) to prevent the risk or spread of disease,
  - (ii) to eradicate disease, or
  - (iii) is necessary, incidental, supplementary or consequential for the purposes of giving effect to an act of the institutions of the European Union.

(7) Without prejudice to the generality of paragraph (5), the Minister shall refuse an application or revoke registration in accordance with paragraph (10) if the applicant or registered person has been convicted, on indictment, of an offence relating to an animal, animal health, animal welfare or public health.

(8) Other than in the case of refusal or revocation under paragraph (7) or (9), if the Minister proposes to revoke a registration, or to refuse an application, he or she shall—

- (a) notify applicant or registered person in writing of the proposal and of the reasons for the proposal, and that he or she may make representations to the Minister in relation to the proposal within 14 days of the notification,
- (b) consider a representation made before deciding whether to proceed with, modify or annul the proposal, and
- (c) notify the applicant or registered person of the decision and the reasons for the decision.

(9) If the Minister is of the opinion that it is necessary to prevent the risk of disease or to give effect to an act of an institution of the European Union, he or she may refuse an application or revoke a registration in accordance with paragraph (10).

(10) If the Minister refuses an application or revokes a registration in accordance with this paragraph, he or she shall—

- (a) notify the applicant or registered person in writing of the decision and the reasons for the decision, and that he or she may make representations to the Minister in relation to the decision within 14 days of the date of the notification,
- (b) consider a representation made, and
- (c) confirm, modify or annul the decision and notify the applicant or registered person of the decision and the reasons for the decision.

(11) A person to whom a registration is granted shall make such returns to the Minister as and when, and in a form that, the Minister may direct.

(12) A person to whom registration is granted ceases to be registered upon he or she informing the Minister, in writing that he or she has ceased to keep laying hens.

(13) The Minister may establish and maintain the register in a form that is not legible if it is capable of being converted into a legible form.

(14) If a person entered in the Register dies the Minister shall, without prejudice to paragraph (7), on the application of the personal representative of such person enter in the Register the name of the personal representative in place of that person.

(15) A person who, on the coming into operation of this Regulation, is registered under Regulation 10 of the Regulations revoked by Regulation 42 (1)(a) is considered to be registered under this Regulation and may be dealt with as if registered under this Regulation.

(16) On the coming into operation of these Regulations, an application for registration under Regulation 10 of the Regulations revoked by Regulation 42(1)(a) is considered to be an application for registration under this Regulation and shall be determined in accordance with this Regulation.

#### Part 4

##### WELFARE OF CHICKENS KEPT FOR MEAT PRODUCTION

###### *Application of Part 4*

12. (1) This Part applies to premises where there are 500 or more chickens kept for meat production but does not apply to premises—

- (a) with breeding stock only,
- (b) used solely as a hatchery,
- (c) used solely in connection with extensive indoor and free range chickens, or

(d) organically reared chickens.

(2) This part is without prejudice to the generality of Regulation 5.

*General conditions for keeping chickens meant for meat production*

13. A person shall not have in his or her possession or under his or her control or cause or permit another person to have in his or her possession or under his or her control a chicken meant for meat production—

(a) unless the chicken is kept and reared in conditions that comply with Part 1 of Schedule 3, and

(b) the stocking density on a premises or on an individual building on a premises—

(i) does not exceed 33 kilogrammes per square metre,

(ii) in the case of a premises that conforms to Parts 1 and 2 of Schedule 3, does not exceed 39 kilogrammes per square metre, or

(iii) in the case of a premises that conforms to Parts 1, 2 and 3 of Schedule 3, does not exceed 42 kilogrammes per square metre.

*Training*

14. (1) The Minister may approve appropriate training courses for the purpose of ensuring that a person has adequate training in the proper husbandry of chickens kept for meat production and, in particular, the matters listed in Part 4 of Schedule 3

(2) A person providing a course shall furnish—

(a) a person who has successfully completed a training course with a certificate (“certificate in chicken welfare”), and

(b) the Minister with the names and addresses of persons who have successfully completed the course.

(3) Notwithstanding paragraph (2)(a), the Minister may require a person to undergo additional training, if the Minister considers it necessary.

(4) A person shall not purport to act as the owner or keeper of chickens kept for meat production unless he or she has been issued with a certificate in chicken welfare.

(5) The owner or keeper of chickens kept for meat production shall provide, to persons engaged in rearing, handling or transport of the chickens, adequate training regarding the welfare of the chickens, and record the details of that training.

(6) Paragraph (4) does not apply to a person who, immediately before the making of these Regulations, was the keeper or owner of chickens kept for meat

production for a period of not less than five years (the proof of which rests with him or her).

## Part 5

### WELFARE OF CALVES AND PIGS

#### *Application of Part 5*

15. (1) This Part applies to—

- (a) calves confined for rearing or fattening, and
- (b) pigs confined for breeding, rearing or fattening.

(2) Regulations 19(1), (2), (3) and (4) and 20 apply to-

- (a) a premises built, rebuilt or used, for the first time for breeding, rearing or fattening pigs from 1 January 2003, and
- (b) all premises used for breeding, rearing or fattening pigs from 1 January 2013.

(3) This part is without prejudice to the generality of Regulation 5.

#### *Accommodation for calves and pigs*

16. (1) A person shall not have in his or her possession or under his or her control or cause or permit another person to have in his or her possession or under his or her control a calf or pig unless the conditions for keeping, rearing and fattening the calf or pig, as the case may be, comply with Part 1 of Schedule 4.

(2) A person shall not have in his or her possession or under his or her control or cause or permit another person to have in his or her possession or under his or her control a calf unless the conditions for keeping, rearing and fattening the calf comply with Part 2 of Schedule 4.

(3) A person shall not have in his or her possession or under his or her control or cause or permit another person to have in his or her possession or under his or her control a pig unless the conditions for keeping, rearing and fattening the pig comply with Part 3 of Schedule 4.

#### *Accommodation for calves*

17. (1) Subject to paragraph (3), the owner or person in charge of a premises built, rebuilt or brought into use on or after 1 January 1998 and used for rearing or fattening calves shall not confine, or cause or permit another person to confine a calf-

- (a) over eight weeks of age in an individual pen unless a registered veterinary practitioner certifies that the health or behaviour of the calf requires that it be isolated to receive treatment,

- (b) unless the pen in which the calf is confined is of a width at least equal to the height of the calf at the withers and of a length at least 10% greater than the body length of the calf, measured from the tip of the nose to the caudal end of the pin bone (tuber ischia).

(2) A person shall not keep, or cause or permit another person to keep, a calf in an individual pen with solid walls but a pen shall have perforated walls that ensure that a calf confined therein has direct visual and tactile contact with other calves unless the person is in possession of a certificate from a registered veterinary practitioner that states that the calf, due to health or behaviour, requires to be individually isolated to receive treatment.

(3) A person shall not keep calves in a group, or cause or permit another person to keep calves in a group, unless the unobstructed space available for each calf is at least equal to—

- (a) 1.5 square metres for each calf with a live weight of less than 150 kilogrammes,
- (b) 1.7 square metres for each calf with a live weight of 150 kilogrammes or more but less than 220 kilogrammes, and
- (c) 1.8 square metres for each calf with a live weight of 220 kilogrammes or over.

(4) A person shall not use, or cause or permit another person to use, premises built, rebuilt or brought into operation before 1 January 1998 for rearing or fattening calves unless the premises complies with paragraphs (1), (2) and (3).

(5) This Regulation does not apply to—

- (a) a calf kept with its mother for suckling, or
- (b) a premises with fewer than six calves.

*Accommodation for pigs*

18. (1) The owner or person in charge of a premises used for breeding, rearing or fattening pigs shall not confine, or cause or permit another person to confine, a pig unless the floor area available to each weaner or rearing pig (other than sows and gilts after service) reared in a group is at least—

- (a) 0.15 square metres for each pig of an average weight of 10 kilogrammes or less
- (b) 0.20 square metres for each pig of an average weight of between 10 kilogrammes and less than or equal to 20 kilogrammes,
- (c) 0.30 square metres for each pig of an average weight of greater than 20 kilogrammes and less than or equal to 30 kilogrammes,

- (d) 0.40 square metres for each pig of an average weight of greater than 30 kilogrammes and less than or equal to 50 kilogrammes,
- (e) 0.55 square metres for each pig of an average weight of greater than 50 kilogrammes and less than or equal to 85 kilogrammes,
- (f) 0.65 square metres for each pig of an average weight of greater than 85 kilogrammes and less than or equal to 110 kilogrammes,
- (g) 1.00 square metre for each pig of an average weight of greater than 110 kilogrammes.

(2) A person shall not keep a pig or cause or permit another person to keep a pig in a building or part of a building if there are continuous noise levels, equal to or greater than 85dBA in the building or part thereof where pigs are kept.

(3) A person shall not keep a pig, or cause or permit another person to keep a pig unless the pig is kept where there is a light intensity of 40 lux or more for a continuous period of at least 8 hours in any 24 hour period.

*Accommodation for sows and for gilts after service*

19. (1) Subject to paragraphs (2) and (3), the owner or person in charge of a premises used for breeding, rearing or fattening pigs shall not confine, or cause or permit another person to confine, either a sow or a gilt after service unless the floor area available to each sow or gilt after service reared in a group is at least—

- (a) a minimum of 2.50 square metres for each sow in a group of sows or gilts if there are fewer than 6 pigs in the group,
- (b) a minimum of 2.25 square metres for each sow in a group of sows or gilts if there are more than 5 but fewer than 40 pigs in the group,
- (c) a minimum of 2.025 square metres for each sow in a group of sows or gilts if there are 40 or more pigs in the group,
- (d) a minimum of 1.81 square metres for each gilt after service if there are fewer than 6 pigs in the group,
- (e) a minimum of 1.64 square metres for each gilt after service if there are more than 5 but fewer than 40 pigs in the group, or
- (f) a minimum of 1.48 square metres for each gilt after service if there are 40 pigs or more in the group.

(2) A minimum floor area of at least—

- (a) 1.3 square metres for each pregnant sow, or
- (b) 0.95 square metres for each gilt after service,

shall comprise a continuous solid floor and no more than 15% of the floor area referred to in this paragraph shall consist of openings designed for drainage.

(3) Subject to paragraph (4), the owner or person in charge of a premises used for breeding, rearing or fattening pigs shall not confine, or cause or permit another person to confine, either a sow or a gilt in the period commencing 28 days after service and ending 7 days before the expected date of farrowing other than in—

- (a) a group in a pen the sides of which are greater than 2.8 metres in length, or
- (b) a group in a pen the sides of which are greater than 2.4 metres in length if there are no more than five sows or gilts in the group.

(4) A person may keep a sow or gilt to which paragraph (3) refers in an individual pen during the period mentioned in that paragraph if—

- (a) there are no more than 9 sows on the premises, and
- (b) the sow or gilt may turn easily in the pen

(5) A person shall not tether or cause or permit another person to tether a sow or gilt.

(6) A person shall not have in his or her possession or under his or her control a sow or gilt that has been tethered in contravention of paragraph (5).

*Use of concrete slatted floors*

20. The owner or person in charge of a premises used for breeding, rearing or fattening pigs shall not keep, or cause or permit another person to keep, a pig on a concrete slatted floor unless—

- (a) the maximum width of each opening is no more than—
  - (i) 11 millimetres in any floor where a piglet is kept,
  - (ii) 14 millimetres in any floor where a weaner is kept,
  - (iii) 18 millimetres in any floor where a rearing pig is kept, or
  - (iv) 20 millimetres in any floor where either a sow or a gilt after service is kept,
- and
- (b) the minimum width of each slat is at least—
  - (i) 50 millimetres in any floor where a piglet or weaner is kept, or
  - (ii) 80 millimetres in any floor where a rearing pig, a sow or a gilt after service is kept.

*Restrictions on certain procedures*

21. (1) Subject to paragraph (2), a person shall not carry out or cause or permit another person to carry out a procedure (other than for therapeutic or diagnostic purposes) on a pig that is likely to result in damage to, or loss of a sensitive part of the body or the alteration of the bone structure of, a pig other than—

- (a) non-routine, uniform reduction of corner teeth of piglets, by grinding or clipping, no later than 7 days after birth, leaving an intact smooth surface where injury has occurred to a sow's teats or to the tails or ears of another pig,
  - (b) reduction in length of boars tusks where necessary to prevent injury to other animals or for safety reasons,
  - (c) non-routine docking of part of the tail where injury has occurred to the tail or ear of a pig,
  - (d) castration of male pigs by means that do not involve tearing tissue, or
  - (e) nose ringing when the pig is kept in an outdoor husbandry system.
- (2) (a) Subject to paragraph (3), a procedure outlined in paragraph (1) may only be carried out under hygienic conditions by a registered veterinary practitioner or a person who has competence relating to, and experience of, the procedure.
- (b) A person shall only carry out a procedure specified in paragraph (1) (a) or (c) if the environment, stocking density or the management system in which a pig is reared would not, in the opinion of a registered veterinary practitioner who is familiar with the premises, and has been consulted in a professional capacity regarding the necessity of carrying out the procedure, facilitate injury to the pig.
- (3) A person, other than a registered veterinary practitioner, shall not castrate or dock the tail of a pig older than 7 days.
- (4) A registered veterinary practitioner shall not castrate or dock the tail of a pig older than 7 days unless the pig is under anaesthetic and additional prolonged analgesia administered by that registered veterinary practitioner.

*Import of calves or pigs*

22. A person shall not import—

- (a) a calf, or
- (b) a pig,

from a country that is not a member state of the European Union unless the calf or pig is accompanied by a certificate, issued by a competent authority in

that country, certifying that the animal has received treatment at least equal to the treatment provided for in these Regulations.

Part 6

SLAUGHTER OF ANIMALS

*Slaughter of an animal*

23. (1) A person shall take all necessary care during movement, lairaging, restraint, stunning, slaughter or killing of an animal to ensure that the animal is spared avoidable excitement, pain or suffering.

(2) This part is without prejudice to the generality of Regulation 5.

*General requirements for slaughterhouses*

24. (1) Subject to paragraph (2), the owner or person in charge of a slaughterhouse shall ensure that-

- (a) the construction, facilities and equipment of the slaughterhouse, and its operation, are such as to spare an animal any avoidable excitement, pain or suffering, and
- (b) a soliped, ruminant, pig, rabbit or poultry brought into the slaughterhouse is—
  - (i) moved and if necessary lairaged in accordance with Part 1 of Schedule 5,
  - (ii) restrained in accordance with Part 2 of Schedule 5,
  - (iii) stunned before slaughter or killed instantaneously in accordance with Part 3 of Schedule 5,
  - (iv) bled in accordance with Part 4 of Schedule 5.

(2) Subparagraph (1)(b)(iii) does not apply in the case of an animal subject to particular methods of slaughter required by certain religious rites, if the religious authority on whose behalf slaughter is carried out is competent to apply and monitor the special provisions which apply to slaughter according to the religious rites of that religion.

(3) A religious authority to which paragraph (2) applies shall operate under the responsibility of a registered veterinary practitioner.

*Other requirements for slaughterhouses*

25. (1) The owner or person in charge of a slaughterhouse or a person engaged in the slaughter of an animal shall ensure that-

- (a) instruments, restraint and other equipment and installations used for stunning or killing are designed, constructed, maintained and used in such a way as to achieve rapid and effective stunning or killing,

- (b) suitable spare equipment and instruments are kept at the place of slaughter for emergency use and that spare equipment and instruments are properly maintained and are inspected at least once a month,
- (c) subject to paragraph (2), a person shall not move, lair, restrain, stun, slaughter or kill an animal unless that person has the knowledge and skill necessary to perform the tasks humanely and efficiently, and
- (d) a person carrying out the slaughter of an animal takes all necessary care to ensure that the animal is rendered unconscious, killed or slaughtered in a manner or by a means that does not cause unnecessary, avoidable or excessive pain or suffering to the animal.

(2) If an authorised officer is of the opinion that a person employed for slaughtering or killing an animal does not possess the necessary skill, ability and professional knowledge, the owner or the person in charge of the slaughterhouse or other premises shall, in accordance with the directions of the authorised officer and subject to any time limits that he or she may specify, arrange a staff training programme enabling such person to obtain the required training in order to satisfy the standards appropriate to that type of employment.

(3) A person shall comply with a direction under paragraph (2).

*Requirements for slaughter or killing other than at a slaughterhouse*

26. A person shall not kill or slaughter or cause or permit another person to kill or slaughter a soliped, ruminant, pig, rabbit or poultry, which is to be killed or slaughtered other than at a slaughterhouse unless Regulation 24(1)(b)(ii), (iii) and (iv) are complied with.

*Disease control, fur animal, surplus chicks*

27. (1) A person shall not slaughter or kill or permit a person to slaughter or kill a soliped, ruminant, pig, rabbit or poultry, if it is to be slaughtered or killed for the purpose of disease control, other than in accordance with Part 5 of Schedule 5.

(2) A person shall not slaughter or kill or permit a person to slaughter or kill an animal farmed for its fur other than in accordance with Part 6 of Schedule 5.

(3) A person shall not slaughter or kill or permit a person to slaughter or kill surplus day-old chicks, and embryos in hatchery waste unless they are killed as rapidly as possible in accordance with Part 7 of Schedule 5.

*Emergency and humane killing and slaughtering*

28. (1) Regulations 25 and 26 do not apply in the case of an animal which has to be killed immediately for emergency reasons.

(2) Subject to paragraph (3), the owner or person in charge of a seriously injured or diseased animal shall ensure that it is slaughtered or killed immediately to avoid unnecessary suffering, unless a registered veterinary practitioner

considers, after examining the animal, that it is not necessary to slaughter or kill the animal.

(3) A registered veterinary practitioner may authorise the transport of an injured or diseased animal for the purpose of slaughter or killing provided the practitioner is of the opinion that transport does not entail further unnecessary suffering for the animal.

*Import of meat*

29. A person shall not import meat obtained from a soliped, ruminant, pig, rabbit or poultry from a third country unless it is accompanied by a veterinary certificate certifying that the animal had been slaughtered or killed under conditions which offer guarantees of humane treatment at least equivalent to that granted to an animal of European Union origin.

Part 7

AUTHORISED OFFICERS

*Appointment of authorised officer*

30. (1) The Minister may, by instrument in writing, appoint such and so many persons as he or she thinks fit to be authorised officers for the purposes of some or all of these Regulations as may be specified in the instrument.

(2) The manager of a local authority may by instrument in writing, appoint such and so many persons as he or she thinks fit to be authorised officers for the purposes of Part 6 of these Regulations.

(3) The Minister or manager of a local authority may terminate the appointment of an authorised officer appointed by him or her, whether or not the appointment was for a fixed period.

(4) An appointment as an authorised officer ceases-

(a) if it is terminated pursuant to paragraph (3),

(b) if it is for a fixed period, on the expiry of that period, or

(c) if the person appointed is an officer of the Minister or a local authority, upon the person ceasing to be such an officer.

(5) Nothing in paragraph (4) is to be construed so as to prevent the Minister or manager of a local authority from reappointing as an authorised officer a person to whom that paragraph relates.

(6) An officer of the Minister or of a local authority shall furnish an authorised officer appointed under this Regulation with a warrant of his or her appointment as an authorised officer and, when exercising a power conferred on him or her, the officer, an officer of Customs and Excise or a member of the Garda Síochána shall, if requested by a person affected, produce the warrant or evidence that he or she is such an officer or member to the person.

*Functions of authorised officer*

31. (1) If an authorised officer has reasonable cause to suspect that—
- (a) an animal is present, has been present or may be present on a premises,
  - (b) an animal is or has been killed, slaughtered, processed, stored or otherwise dealt with on a premises, or
  - (c) a document relating to an animal is present, was present or may be present on a premises,

the authorised officer may enter the premises and he or she may—

- (i) search the premises,
- (ii) stop a person, vehicle, vessel or container,
- (iii) board and search a vehicle, vessel or container,
- (iv) examine an animal, vehicle, vessel, container or other thing that may be used in connection with an animal,
- (v) take, without payment, samples from an animal, feed or other thing or an article, substance or liquid as he or she may reasonably require and carry out or cause to be carried out on a sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient,
- (vi) require the production of a document or thing relating to an animal, feed, vehicle, vessel, container or other thing,
- (vii) retain a document or thing (for so long as is necessary),
- (viii) give a direction to, or request information of, a person regarding an animal, feed, vessel, vehicle, container, premises or other thing as he or she considers necessary,
- (ix) require the name and address of a person and the name and address of any other relevant person including the person to whom an animal or feed, is being delivered or who is causing it to be delivered,
- (x) require of a person the ownership, identity and origin of the animal or feed,
- (xi) make a record whether in writing, by photography or otherwise, or
- (xii) mark or otherwise identify an animal, feed, or a sample taken under subparagraph (v).

- (2) If an authorised officer has reasonable cause to suspect that-
- (a) an offence is being or has been committed under these Regulations,
  - (b) a contravention of an act of the institutions of the European Union relating to animal welfare is being or has been committed, or
  - (c) evidence of an offence or contravention may be, is or has been on a premises-

the authorised officer may, in addition to the powers exercisable by him or her under subsection (1)—

- (i) search a person, where the authorised officer considers it necessary,
  - (ii) seize and detain, an animal, carcass, animal product, animal by-product, animal feed, food, vessel, vehicle, container, equipment, machinery or other thing, or
  - (iii) dispose of, or require the owner or person in charge of or in possession of an animal, carcass, animal product, animal by-product, animal feed, food or other thing to deal with or dispose of it (or any equipment, machinery, plant or other thing used in connection with, or that may have been in contact with, the animal, carcass, animal product, animal by-product, animal feed or food) in a manner that the authorised officer sees fit.
- (3) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling, unless he or she has obtained a search warrant under Regulation 32 other than if he or she has reasonable cause to suspect that before a search warrant could be sought in relation to the dwelling anything to which either paragraph (1) or (2) relates is being or is likely to be destroyed or disposed of.
- (4) An authorised officer may use reasonable force, if necessary, in exercise of his or her powers under this Regulation.
- (5) An authorised officer, when exercising a power under this Regulation may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.
- (6) An authorised officer is not liable in any proceedings for anything done in the purported exercise of his or her powers under these Regulations if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.
- (7) Without prejudice to the generality of paragraph (1), a direction or requirement of an authorised officer may include conditions prohibiting,

restricting or otherwise controlling the use, processing or movement of an animal as may be specified by the authorised officer.

(8) Nothing in this Regulation operates to prejudice any power to search, or to seize or detain property, which may, apart from these Regulations, be exercised by a member of the Garda Síochána or an officer of Customs and Excise.

(9) If a member of the Garda Síochána has reasonable grounds to suspect that a person has committed an offence under these Regulations, the member may without warrant arrest the person.

#### *Search warrant*

32. (1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for suspecting-

- (a) that evidence of, or relating to, the commission or intended commission of an offence under these Regulations is to be found on a premises,
- (b) there is or was an animal, feed, equipment or other thing made, used or adapted for use (including manufacture and transport) in connection with an animal or feed, on a premises,
- (c) a document or other record related to a thing to which subparagraph (a) or (b) refers is or may be on the premises,

the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time, within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter (if necessary by use of reasonable force) the premises, vehicle, vessel or aircraft named in the warrant.

(3) If a premises is entered pursuant to a warrant issued under this Regulation, an authorised officer so entering may exercise all or any of the powers conferred on an authorised officer under these Regulations.

### Part 8

#### WELFARE NOTICE AND EMERGENCY MEASURES

##### *Welfare Notice*

33. (1) If an authorised officer is of the opinion that—

- (a) an animal is being caused unnecessary pain, suffering or injury,
- (b) an animal is at risk of being caused unnecessary pain, suffering or injury,
- (c) there is a serious risk to the welfare of an animal, herd or flock or

- (d) the conditions under which an animal, herd or flock is being bred or kept contravene these Regulations,

he or she may serve or cause to be served on the owner or keeper of the animal, herd or flock a notice (“welfare notice”) stating that opinion and directing that—

- (i) an ill or injured animal be cared for in an appropriate manner,
- (ii) veterinary or other specialist advice be obtained in respect of an ill or injured animal,
- (iii) an animal be supplied with feed appropriate to its age and species and in such quantity as will maintain it in good health,
- (iv) an animal be given access to such a supply of suitable liquid as will enable it to fulfil its fluid intake needs,
- (v) one or more animals be moved to and kept in such place as the officer specifies in the notice,
- (vi) one or more animals be sold, destroyed or otherwise disposed of in such manner and at such place (if any) as the officer may specify in the notice,
- (vii) such alterations or additions be made to the premises, land or place at which the animal is kept, or to the equipment and facilities found there, as the officer may specify in the notice,
- (viii) such alterations be made to the manner in which the animal is kept as the officer may specify in the notice, or
- (ix) such other measures be taken as are necessary to ensure that the animal is kept in a manner that complies with these Regulations.

(2) A welfare notice may specify one or more requirements or refer to one or more animals or species of animal.

(3) A requirement contained in a welfare notice may specify a time limit within which it is to be complied with.

(4) A welfare notice may require the owner or keeper of the animal to choose between two or more of the requirements specified in the welfare notice.

(5) A requirement specified in a welfare notice (in this Regulation referred to as “the earlier welfare notice”) may be modified or withdrawn in a further welfare notice and in that event the earlier welfare notice shall have effect subject to such modification or withdrawal.

(6) A person, including a person upon whom a welfare notice is served, shall not deal with an animal to which the welfare notice relates other than in accordance with the terms of the welfare notice.

(7) In the event of an appeal made pursuant to Regulation 35 a person, including the person appealing, shall not deal with an animal to which a welfare notice relates pending the determination of the appeal other than in accordance with such directions as shall be given in writing to the appellant by an authorised officer.

(8) If the terms of a welfare notice are confirmed with or without modification by the judge of the District Court hearing an appeal under Regulation 35, a person including the person who made the appeal shall not deal with an animal to which the welfare notice relates other than in accordance with the welfare notice as confirmed.

(9) Any costs pertaining to action required to comply with a welfare notice will be borne by the owner of the animal to which the welfare notice relates.

*Service of Welfare Notice*

34. (1) A welfare notice shall, subject to paragraph (2), be addressed to the person concerned by name and may be served on a person—

- (a) by giving it to the person,
- (b) by leaving it at the address at which the person ordinarily resides or, where an address for service has been furnished, at that address,
- (c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, where an address for service has been furnished, at that address, or
- (d) if the address at which the person ordinarily resides cannot be ascertained by reasonable enquiry and the compliance notice relates to a premises, by delivering it to the premises or by affixing it in a conspicuous position on or near the premises.

(2) If a welfare notice is to be served on a person who is the owner or keeper of an animal and the name of the person cannot be ascertained by reasonable enquiry, it may be addressed to that person by using the words “the owner” or “the keeper”.

(3) A person shall not, at any time within 6 months after a welfare notice is affixed under paragraph (1)(d), remove, damage or deface the notification or compliance notice without lawful authority.

(4) For the purposes of this Regulation, a company within the meaning of the Companies Acts is considered to be ordinarily resident at its registered office and every other body corporate or unincorporated body is considered to be ordinarily resident at its principal office or place of business.

*Appeal against welfare notice*

35. (1) A person may appeal within 7 days of the service of a welfare notice to the judge of the District Court having jurisdiction in the District Court District where the animal to which the welfare notice relates is situated or to the

judge of the District Court where the person bringing the appeal ordinarily resides or carries on business on the grounds that the notice or any terms thereof are not justified having regard to these Regulations and the objectives of the Calves Directive, Chicken Welfare Directive, General Welfare Directive, Laying Hens Directive or Pigs Directive (hereafter referred to as “an appeal”).

(2) An appeal may be heard at any sitting of the District Court within the appropriate District Court District.

(3) Notice of an appeal shall be served on the Minister at least 2 days prior to the hearing of the appeal by serving it on the Minister or by leaving it at the place and in the manner specified in the welfare notice.

(4) A notice of appeal shall contain a statement of the grounds upon which it is alleged that the notice or any of the terms thereof are not justified.

(5) A copy of the notice of appeal shall be lodged with the District Court Clerk in the manner specified in the welfare notice (if any) at least 2 days prior to the hearing of the appeal.

(6) On the hearing of an appeal under this Regulation a judge of the District Court may confirm, modify or annul a welfare notice.

*Power to seize and dispose of an animal*

36. (1) Without prejudice to Regulation 31 or 33, if—

- (a) the owner or keeper of an animal fails to comply with the terms of a welfare notice within the time limit specified therein,
- (b) an authorised officer has reasonable grounds for believing that the terms of a welfare notice will not be complied with,
- (c) a welfare notice has been confirmed with or without modification under Regulation 35 and the notice has not been complied with,
- (d) an authorised officer has reasonable grounds for believing that the terms of a welfare notice which has been confirmed with or without modification under Regulation 35 will not be complied with, or
- (e) pending the determination of an appeal made under Regulation 35, an authorised officer has reasonable grounds for believing that—
  - (i) a welfare notice, or
  - (ii) a direction given pursuant to Regulation 31,

has not been or will not be complied with, an authorised officer may at any time seize the animal at such premises as he or she thinks fit.

(2) An authorised officer may sell or dispose of a seized animal or cause it to be sold or be otherwise disposed of or destroyed in such manner and at such

place as the authorised officer considers appropriate in the circumstances of the case.

(3) Any profits arising out of the sale or disposal of an animal under this Regulation shall be paid to the owner of the animal less any expenses incurred in connection with seizure, maintenance, sale, disposal or destruction of the animal.

(4) The costs (including ancillary costs) of seizure, maintenance, sale, disposal or destruction of an animal under Regulation 31, this Regulation or Regulation 37 are, subject to paragraph (3), recoverable-

- (a) by deducting the costs from any sum that is or becomes payable by the Minister to the owner of the animal, or
- (b) as a simple contract debt in any court of competent jurisdiction from the person who was the owner of the animal at the time of seizure, sale, disposal or destruction took place.

*Emergency measures*

37. Notwithstanding Regulation 33(1), if an authorised officer who is a veterinary practitioner is of the opinion that an animal-

- (a) is suffering a degree of pain, suffering or injury, or
- (b) is seriously at risk of being subject to a degree of pain, suffering or injury,

and that measures should be taken immediately to relieve its pain or suffering or risk of pain or suffering, he or she may seize, sell, dispose of or destroy or may arrange for the sale, disposal or destruction of the animal.

Part 9

FINAL PROVISIONS

*Obstruction, etc*

38. A person shall not—

- (a) obstruct or impede an authorised officer in the exercise of his or her functions under these Regulations,
- (b) fail, without reasonable cause, to comply with a requirement or direction of an authorised officer under Regulation 31,
- (c) in purporting to give information to an authorised officer for the performance of the officer's functions under Regulation 31—
  - (i) make a statement that he or she knows to be false in a material particular or recklessly make a statement which is false in a material particular, or
  - (ii) fail to disclose a material particular,

- (d) tamper or otherwise interfere with a sample taken under Regulation 31, or
- (e) aid or abet a contravention of these Regulations.

*Forgery*

39. (1) A person shall not forge or utter knowing it to be forged a direction or requirement of an authorised officer under Regulation 31 (if the direction or requirement is in written form) or a welfare notice or a document purporting to be an extract therefrom (hereafter in this Regulation referred to as "a forged document").

(2) A person shall not alter with intent to defraud or deceive, or utter knowing it to be so altered a direction or requirement of an authorised officer under Regulation 31 (if the direction or requirement is in written form) or a welfare notice or an extract therefrom (hereafter in this Regulation referred to as "an altered document").

(3) A person shall not have, without lawful authority, in his or her possession or under his or her control a forged document or an altered document.

*Evidence on certificate*

40. (1) In proceedings for an offence consisting of a contravention of these Regulations, a certificate purporting to be signed by a person employed at a laboratory named in the certificate stating the capacity in which that person is so employed and stating any one or more of the following, namely—

- (a) that the person received a sample submitted to the laboratory,
- (b) that, for such period as is specified in the certificate, the person had in his or her custody a sample so submitted,
- (c) that the person gave to such other person as is specified in the certificate a sample so submitted, or
- (d) that the person carried out any laboratory examination and the result of that examination,

is, unless the contrary is proved, evidence of the matters stated in the certificate.

(2) A certificate purporting to be signed by an officer of the Minister and to certify that on a specific day or days or during the whole of a specified period—

- (a) a particular person was registered in the register,
- (b) the registration of a particular person had been revoked, or
- (c) that a particular, registration was subject to a particular condition or conditions,

is, without proof of the signature of the person purporting to sign the certificate or that he or she is an officer of the Minister, evidence, unless the contrary is shown, of the matters stated in the certificate.

(3) In proceedings for an offence under these Regulations the court may, if it considers that the interests of justice so require, direct that oral evidence of the matters stated in a certificate under paragraph (1) or (2) be given, and the court may for the purpose of receiving oral evidence adjourn the matter.

(4) In proceedings for an offence, evidence of an act of the institutions of the European Community may be given by production of a copy of the act certified by an officer of the Minister to be a copy of the act, and it is not necessary to prove the signature of the officer or that he or she is an officer of the Minister.

(5) Paragraph (4) is in addition to and not in substitution for the European Communities (Judicial Notice and Documentary Evidence) Regulations 1972 (S.I. No. 341 of 1972).

#### *Offences*

41. (1) A person who—

(a) contravenes Regulation 5, 7, 8, 9, 10, 11 (2), (12), 13, 14(4), (5), 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 (1), (3), 26, 27, 28 (2), 29, 33 (6), (7), 34 (3), 38 or 39, or

(b) fails to comply with a direction or requirement of an authorised officer under Regulation 31 or the requirements of a welfare notice or a welfare notice confirmed with or without modification,

commits an offence and is liable—

(i) on conviction to a fine not exceeding €5,000 or to a term of imprisonment not exceeding 6 months or both, or

(ii) on conviction on indictment to a fine not exceeding €100,000 or to a term of imprisonment not exceeding 3 years or both.

(2) A summary offence under these Regulations may be prosecuted by—

(a) the Minister, or

(b) in respect of Part 6, the local authority in whose functional area the alleged offence occurs.

(3) If an offence under these Regulations is committed by a body corporate or by a person purporting to act on behalf of a body corporate or on behalf of an unincorporated body of persons and it is proved to have been so committed with the consent or connivance of or to be attributable to any wilful neglect on the part of any other person who, when the offence was committed, was, or purported to act as, a director, manager, secretary or other officer (including a member of any committee of management or other controlling authority) of the

body, such other person as well as the body, or the person so purporting to act on behalf of the body, commits an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(4) If the affairs of a body corporate are managed by its members, paragraph (3) applies in relation to the acts and defaults of a member in connection with the functions of management as if the member were a director or manager of the body corporate.

(5) In a prosecution for an offence under these Regulations, it is not a defence for the defendant to show that Regulation 6 applies to that person in respect of the premises to which the alleged offence relates if he or she is entered in the Register maintained under Regulation 11 unless he or she can show to the satisfaction of the Court that he or she has given notice in accordance with Regulation 11(13) and the Minister is put on notice of this defence no later than 10 days prior to the sitting of the Court where the case is heard.

*Revocation and savers*

42. (1) The following are revoked—

- (a) the European Communities (Welfare of farmed animals) Regulations 2008 (S.I. No. 14 of 2008),
- (b) the European Communities (Welfare of farmed animals) (Amendment) Regulations 2009 (S.I. No. 32 of 2009), and
- (c) the European Communities (Welfare of farmed animals) (Amendment)(No. 2) Regulations 2009 (S.I. No. 71 of 2009).

(2) A welfare notice within the meaning of the Regulations revoked by paragraph (1) that is in force immediately before the making of these Regulations remains in force and shall be dealt with as if it were a welfare notice.

(3) An appeal under Regulations revoked by paragraph (1) shall be dealt with as if it were an appeal under Regulation 35 of these Regulations.

(4) These Regulations are in addition to and not in substitution for the Protection of animals kept for farming purposes Act 1984 (No. 13 of 1984).

(5) In case of conflict, these Regulations prevail over the Slaughter of Animals Act 1935.

## Schedule 1

Regulation 5(2)

## CONDITIONS UNDER WHICH AN ANIMAL SHOULD BE KEPT

**Staffing.**

1. An animal shall be cared for by a sufficient number of persons possessing the appropriate ability, knowledge and professional competence.

**Inspection.**

2. An animal kept in a husbandry system in which the welfare of the animal depends on frequent human attention shall be inspected at least once a day and an animal in another system shall be inspected at intervals sufficient to detect and allow for action to avoid any suffering.

3. Adequate lighting (fixed or portable) shall be available to enable an animal to be thoroughly inspected at any time.

4. An animal which appears to be ill or injured must be cared for appropriately without delay and, where the animal does not respond to such care, veterinary advice must be obtained as soon as possible. Where necessary, a sick or injured animal shall be isolated in suitable accommodation with, where appropriate, dry comfortable bedding.

**Record keeping.**

5. The owner or keeper of an animal shall maintain a record of any medicinal treatment given and of the number of mortalities found at each inspection. Equivalent information being kept for other purposes shall suffice.

6. These records shall be retained for a period of at least 3 years and shall be made available to an authorised officer when requested by him or her.

**Freedom of movement.**

7. The freedom of movement of an animal, having regard to its species and in accordance with established experience and scientific knowledge, must not be restricted in such a way as to cause it unnecessary suffering or injury. Where an animal is continuously or regularly tethered or confined, it must be given the space appropriate to its physiological and ethological needs in accordance with established experience and scientific knowledge.

**Buildings and accommodation.**

8. Materials to be used for the construction of accommodation, and in particular for the construction of pens and equipment with which an animal may come into contact, must not be harmful to the animal and must be capable of being thoroughly cleaned and disinfected.

9. Accommodation and fittings for securing an animal shall be constructed and maintained so that there are no sharp edges or protrusions likely to cause injury to the animal.

10. Air circulation, dust levels, temperature, relative air humidity and gas concentrations must be kept within limits which are not harmful to an animal.

11. An animal kept in buildings must not be kept either in permanent darkness or without an appropriate period of rest from artificial lighting. Where the natural light available is insufficient to meet the physiological and ethological needs of an animal appropriate artificial lighting must be provided.

**Animals not kept in buildings.**

12. An animal not kept in buildings shall where necessary and possible be given protection from adverse weather conditions, predators and risks to its health.

**Automatic or mechanical equipment.**

13. All automated or mechanical equipment essential for the health and well-being of an animal must be inspected at least once daily. If defects are discovered these must be rectified immediately or, if this is impossible, appropriate steps must be taken to safeguard the health and well-being of the animal. Where the health and well-being of an animal is dependent on an artificial ventilation system, provision must be made for an appropriate backup system to guarantee sufficient air renewal to preserve the health and well-being of the animal in the event of failure of the system and an alarm system must be provided to give warning of breakdown. The alarm system must be tested regularly.

**Feed, water and other substances.**

14. An animal must be fed a wholesome diet which is appropriate to its age and species and which is fed to the animal in sufficient quantity to maintain it in good health and satisfy its nutritional needs. No animal shall be provided with food or liquid in a manner, nor shall such food or liquid contain any substance, which may cause unnecessary suffering or injury.

15. An animal must have access to feed at intervals appropriate to its physiological needs.

16. An animal must have permanent access to a suitable water supply or be able to satisfy its fluid intake needs by other means.

17. Feeding and watering equipment must be designed, constructed and placed so that contamination of food and water and the harmful effects of competition between animals are minimised.

18. No animal remedy may be administered to an animal other than an animal remedy authorised under and administered in accordance with the European Communities (Animal Remedies) (No. 2) Regulations 2007 (S.I. No. 786 of

2007) and the European Communities (Control of Animal Remedies and their Residues) Regulations 2009 (S.I. No. 183 of 2009) and no other substance may be given to an animal unless it has been demonstrated by scientific studies of animal welfare or established experience that the effect of that substance is not detrimental to the health or welfare of the animal.

**Breeding procedures.**

19. Natural or artificial breeding or breeding procedures that cause or are likely to cause suffering or injury to an animal must not be practised. This provision does not preclude the use of certain procedures likely to cause minimal or momentary suffering or injury or which might necessitate interventions which would not cause lasting injury.

20. An animal shall not be kept for farming purposes unless it can reasonably be expected, on the basis of its genotype or phenotype, that it can be kept without detrimental effect on its health or welfare.

Schedule 2

Regulation 7.

CONDITIONS UNDER WHICH LAYING HENS SHOULD BE KEPT

1. All laying hens shall be inspected by the owner or person in charge of the premises where they are located at least once each day.

2. The sound level shall be minimised and constant and sudden noises on a premises shall be avoided.

3. Ventilation fans, feeding machinery and other equipment shall be constructed, located, operated and maintained in a manner that causes the least possible noise.

4. Each building used to keep or rear laying hens shall have light levels that are sufficient to allow laying hens to see one another and be seen clearly, to investigate their surroundings visually and show normal levels of activity. Where there is natural light, light apertures shall be placed in a manner that light is distributed evenly within the accommodation.

After the first days of conditioning, lighting shall follow a 24 hour cycle, include an uninterrupted period of darkness of approximately eight hours so that the laying hens may rest and avoid problems such as immuno-depression and ocular anomalies and, otherwise, be such as to prevent health and behavioural problems. An adequate period of twilight, when the light is dimmed and which facilitates the laying hens setting down without disturbance or injury, shall be provided.

5. Without prejudice to paragraph 6, parts of buildings, equipment, machinery or other utensils that may come into contact with laying hens shall be thoroughly cleansed and disinfected at regular intervals.

6. On each occasion when depopulation is carried out, parts of buildings, equipment, machinery or other utensils that may come into contact with laying hens shall be thoroughly cleansed and disinfected prior to the introduction of a new batch of laying hens.

7. While cages are occupied, they shall be kept satisfactorily clean.

8. Droppings must be removed as often as necessary and dead laying hens must be removed when found or, at a minimum, once a day.

9. Each cage shall be constructed in a manner that prevents a laying hen from escaping.

10. Accommodation that comprises two or more tiers of cages must have devices (or other appropriate measures must be taken) to facilitate inspection of each tier and removal of laying hens without difficulty.

11. A cage door must be designed and be of such dimensions that an adult laying hen may be removed without unnecessary suffering or sustaining injury.

12. Mutilation of a laying hen is, without prejudice to point 19 of the Annex of the General Welfare Directive, prohibited.

13. Beak trimming may only be undertaken by trained and competent personnel and the beaks of laying hens over 9 days old shall not be trimmed.

Regulation 13(a)

Schedule 3

*Part 1*

CONDITIONS APPLICABLE TO PREMISES WHERE CHICKENS ARE KEPT FOR MEAT PRODUCTION.

**1. Drinkers**

Drinkers shall be positioned and maintained in such a way that spillage is minimised

**2. Feeding**

Feed shall be either continuously available or meal fed and must not be withdrawn from chickens more than 12 hours before the expected slaughter time.

**3. Litter**

All chickens shall have permanent access to litter that is dry and easily crumbled on the surface.

#### **4. Ventilation and heating**

Ventilation shall be sufficient to avoid a chicken overheating and shall operate, where necessary, in combination with heating systems to remove excessive moisture.

#### **5. Noise**

The sound level shall be minimised. Ventilation fans, feeding machinery or other equipment shall be constructed, placed, operated and maintained in such a way that they cause the least possible amount of noise.

#### **6. Light**

All buildings shall have lighting with an intensity of at least 20 lux during the lighting period, measured at birds-eye level and illuminating at least 80% of the usable area. A temporary reduction in lighting may be allowed when necessary following veterinary advice.

Within seven days of chickens being placed in a building until three days before the anticipated time of slaughter, lighting must follow a 24 hour rhythm and include periods of darkness lasting at least 6 hours, with one period of darkness of at least 4 hours, excluding dimming periods.

#### **7. Inspection**

All chickens kept for meat production must be inspected at least twice per day. Special attention must be paid to signs indicating a possible reduced level of welfare or health.

Chickens that are seriously injured or show evident signs of health disorder (such as those having difficulty in walking, abnormal accumulation of fluid or severe malformations), and are likely to suffer, shall receive appropriate treatment or be culled immediately.

A registered veterinary practitioner shall be contacted when necessary.

#### **8. Cleaning**

Those parts of a building, equipment, machinery or utensils in contact with chickens shall be thoroughly cleaned and disinfected every time final depopulation is carried out and before new birds are introduced into the building.

After final depopulation of a building, all litter must be removed and an adequate amount of clean litter that conforms to paragraph 3 provided.

#### **9. Record keeping**

The owner or keeper shall maintain an accurate record in respect of each building in which chickens are kept of—

- (a) the number of chickens introduced,

- (b) the useable area,
- (c) the hybrid or breed of the chickens,
- (d) the number of birds found dead after each inspection, with an indication of the cause of death, if known,
- (e) the number of birds culled after each inspection with the reasons for culling, and
- (f) the number of chickens remaining in the flock following the removal of chickens for sale or slaughter.

The records referred to in this paragraph shall be maintained for at least 3 years and be made available for inspection on request to an authorised officer.

#### **10. Surgical intervention**

All surgical interventions which result in damage to or loss of a sensitive part of the body or alteration of bone structure carried out for other than therapeutic reasons or diagnostic purposes are prohibited.

#### **11. Castration**

Castration of chickens shall only be carried out in accordance with the direction of a registered veterinary practitioner by persons trained in techniques of castration.

#### **12. Beak trimming**

Beak trimming may only be undertaken, after all other measures to prevent feather pecking and cannibalism have failed, by trained and competent personnel and the beaks of chickens over 9 days old shall not be trimmed.

*Regulation 13 (b)*  
*(ii)*

#### *Part 2*

#### REQUIREMENTS FOR HIGHER STOCKING DENSITIES

1. The owner or keeper shall inform the Minister, at least 15 days prior to the placement of a flock on the premises, of his or her intention to use a stocking density greater than 33 kilogrammes per square metre. The information shall state the exact stocking density proposed.

2. The owner or keeper shall maintain in each house to which a higher stocking density applies documentation describing in detail the production system and, in particular, it shall include technical detail relating to the building and equipment, including-

- (a) an accurate plan of the building including dimensions of areas occupied by chickens,

- (b) ventilation, and, if relevant, cooling and heating system, including their location, a ventilation plan detailing target air quality parameters, such as airflow, air speed and temperature,
- (c) feeding and watering systems and their location,
- (d) alarm systems and backup systems in the event of failure of any automated or mechanical equipment essential for the health and well being of the chickens, and
- (e) floor type and litter normally used.

The information maintained under this paragraph shall be kept updated and made available on request to an authorised officer.

The owner or keeper shall inform the Minister of any changes in a building, equipment or procedures used for the purposes of this Part.

3. The owner or keeper shall ensure that each building on a holding used for the purposes of this Part is equipped with ventilation and, if necessary, heating and cooling systems designed, constructed and operated in such a way that-

- (a) the concentration of ammonia (NH<sup>3</sup>) does not exceed 20 parts per million and the concentration of carbon dioxide (CO<sup>2</sup>) does not exceed 3,000 parts per million measured at the level of the chickens heads,
- (b) the inside temperature, when the outside temperature measures in the shade exceeds 30 degrees centigrade, does not exceed the outside temperature by more than 3 degrees centigrade, and
- (c) the average relative humidity measured inside the building during 48 hours does not exceed 70% when the outside temperature is below 10 degrees centigrade.

### Part 3

Regulation 13 (b)  
(iii)

#### CRITERIA FOR FURTHER INCREASING STOCKING DENSITY

1. The monitoring of the premises by the Minister over the previous two year period did not show any deficiencies with respect to the requirements of Part 3 of these Regulations.
2. Regular monitoring by the owner or keeper is carried out using codes of practice prepared in accordance with Regulation 3.
3. In at least 7 consecutive, subsequently checked flocks from a house, the cumulative daily mortality rate is less than  $1\% + 0.6\% \times$  the slaughter age of the flock expressed in days.
4. If no monitoring was carried out in the previous two years, at least one inspection shall be carried out to verify compliance with paragraphs 1 to 3.

5. Despite paragraph 3, the Minister may permit an increase in stocking density if the owner or keeper provides sufficient explanation for the exceptional nature of a higher daily cumulative mortality rate or to show that the cumulative daily mortality rate is caused by factors beyond the owner's or keeper's control.

Regulation 14

*Part 4*

TRAINING

An approved training course shall cover, at least, Community legislation concerning the protection of chickens and, in particular-

- (a) the matters referred to in this Schedule,
- (b) physiology, in particular drinking and feeding needs, animal behaviour and the concept of stress,
- (c) the practical aspects of the careful handling of chickens, catching loading and transporting chickens.
- (d) Emergency care for chickens, emergency killing and culling, and
- (e) Preventive biosecurity measures.

Regulation 16

Schedule 4

*Part 1*

CONDITIONS UNDER WHICH CALVES AND PIGS SHOULD BE KEPT

1. Materials used for the construction of accommodation and in particular boxes, stalls and equipment with which calves or pigs may come into contact shall not be harmful to the calves or pigs. Those parts of the accommodation with which an animal may come into contact shall be capable of being thoroughly cleansed and disinfected and shall be thoroughly cleansed and disinfected, using an approved disinfectant to prevent cross-infection and the build-up of disease-carrying organisms.

2. Electrical circuits and equipment shall be installed in accordance with the terms of the National Rules for Electrical Installations Second Edition 1991 (ET 101/1991) or any amendment, modification or replacement to those Rules.

3. Insulation, heating and ventilation of the building shall ensure that the air circulation, dust level, temperature, relative air humidity and gas concentrations are kept within limits which are not harmful to the calves or pigs.

4. All automated or mechanical equipment essential for the health and well-being of calves or pigs shall be inspected at least once daily. Where defects are discovered, these shall be rectified immediately or as soon as reasonable. In the

meantime, all appropriate steps shall be taken to safeguard the health and well-being of the calves or pigs until the defect has been rectified, notably by using alternative methods of feeding and maintaining a satisfactory environment.

Where an artificial ventilation system is used, provision shall be made for an appropriate back-up system to guarantee sufficient air renewal to preserve the health and well-being of the calves or pigs in the event of the failure of the system, and an alarm system, independent of the mains electricity supply, shall be provided to inform the owner or person in charge of the breakdown or fire.

The alarm system shall be tested at least once a month and maintained in proper working order.

5. Calves and pigs shall not be kept permanently in darkness. To meet their behavioural and physiological needs, the accommodation shall be well lit by natural or artificial light, for at least 8 continuous hours each day. Every source of artificial light shall be mounted so as not to cause discomfort to the calves or pigs.

An adequate source of light shall be available to enable the calves or pigs to be properly inspected at any time.

6. All housed calves reared in groups or in individual pens shall be inspected by the owner or the person in charge at least twice daily. Calves kept outside, and pigs shall be inspected at least once daily.

Any calf or pig that appears to be ill or injured shall be treated appropriately without delay and veterinary advice shall be obtained as soon as possible for any calf or pig that is not responding to the care of the owner or person in charge.

Where necessary, sick or injured calves and pigs shall be isolated in adequate accommodation with dry, comfortable bedding.

A calf or pig shall be able to turn around easily unless such movement is contrary to specific advice from a registered veterinary practitioner.

7. Where tethers are used, they shall not cause injury to the calves and shall be inspected regularly and adjusted as necessary to ensure a comfortable fit.

Each tether shall be designed to avoid the risk of strangulation or injury and to allow the calf to move in accordance with paragraph 1 Part 2.

8. Housing, pens, equipment and utensils for calves and pigs shall be properly cleansed and disinfected to prevent cross-infection and the build-up of disease-carrying organisms. Faeces, urine and uneaten or spilt food shall be removed and bedding changed as often as necessary to minimize smell and avoid attracting flies or rodents.

9. Floors shall be smooth but not slippery so as to prevent injury to the calves or pigs and so designed as not to cause injury or suffering to calves or pigs standing or lying on them. Floors shall be suitable for the size and weight of the

calves or pigs and form a rigid, even and stable surface. The lying area shall be comfortable, clean, and adequately drained and shall not adversely affect the calves or pigs. Appropriate bedding shall be provided for all calves less than 2 weeks old. If bedding is provided for pigs, it shall be clean, dry and not harmful to the pigs.

10. (a) Feeding and watering equipment for calves and pigs shall be designed, constructed, placed and maintained so that contamination of feed and water is minimized.

(b) Equipment and fittings shall be designed and maintained in such a way as to minimize, as far as is practicable, the exposure of the calves or pigs to spills of feed or water, or to faeces and urine.

11. Calves and pigs shall be cared for by a sufficient number of suitably experienced personnel.

#### Part 2

##### *Specific Provisions for Calves.*

1. Subject to Regulation 5, the accommodation for calves shall be constructed in such way as to allow each calf to lie down, rest, stand up and groom itself without difficulty. Each calf shall have a clean place in which to rest and shall, unless isolated for veterinary reasons, be able to see other calves.

2. Calves shall not be tethered, with the exception of group-housed calves which may be tethered for periods of not more than one hour at the time of feeding milk or milk substitute.

3. All calves shall be provided with an appropriate diet adapted to their age, weight and behavioural and physiological needs, to promote good health and welfare and for this purpose the food for calves shall contain sufficient iron to ensure an average blood haemoglobin level of at least 4.5 mmol/litre and a minimum daily ration of fibrous food shall be provided for each calf over 2 weeks old, the quantity being raised from 50g to 250g per day for calves from 8 to 20 weeks old.

4. All calves shall be fed at least twice a day. Where calves are housed in groups and not fed ad libitum or by an automatic feeding system, each calf shall have access to the food at the same time as the others in the group.

5. All calves over 2 weeks of age shall have access to a sufficient quantity of fresh water or be able to satisfy their fluid intake needs by drinking other liquids. However, in hot weather conditions or for calves that are ill, fresh drinking water shall be available at all times.

6. Each calf shall receive bovine colostrum as soon as possible after it is born and, in any case, within the first 6 hours of life.

*Part 3**Specific Provisions for various Categories of Pigs***Chapter I****ALL PIGS**

1. Subject to Regulation 18, accommodation for pigs shall be constructed in such way as to allow each pig lie down, rest, and stand up without difficulty. Each pig shall have a clean place in which to rest and shall, unless isolated for veterinary reasons, be able to see other pigs.

Each pig shall have access to a clean lying area that is physically and thermally comfortable, adequately drained and that is of sufficient area to allow each pig lie down at the same time.

2. If pigs are kept together, measures shall be taken to prevent fighting that goes beyond normal behaviour and to investigate the causes of fighting. If possible, measures, including provision of plentiful straw or other materials, shall be put in place. Pigs which show persistent aggression towards others or are victims of aggression shall be isolated or kept separate from the group.

3. All pigs shall be provided with an appropriate diet adapted to their age, weight and behavioural and physiological needs, to promote good health and welfare.

4. All pigs shall be fed at least once a day. Where pigs are housed in groups and not fed ad libitum or by an automatic feeding system, each pig shall have access to the food at the same time as the others in the group.

5. All pigs over 2 weeks of age shall have permanent access to a sufficient quantity of fresh water.

6. In addition to measures normally taken to prevent tail-biting and other vices and in order to enable them to satisfy their behavioural needs, all pigs, taking into account environmental conditions, management systems and stocking densities, shall be able to obtain straw or any other suitable material or object.

7. Subject to Regulation 18(2), the owner or person in charge shall take all necessary measures to ensure that pigs are not subject to constant or sudden noise.

8. A pig shall have permanent access to a sufficient quantity of suitable material, such as straw, hay, wood, peat or mushroom compost to enable proper investigation and manipulation activities, that does not compromise the health of the pig.

## Chapter II

### BOARS

9. Subject to paragraph 10, boar pens shall be sited and constructed so as to allow the boar to turn around and to hear, smell and see other pigs, and to provide for clean resting areas. The lying area shall be dry and comfortable.

The minimum unobstructed floor area of the pen for an adult boar shall be 6 square metres.

10. If pens are used for natural service, the minimum unobstructed floor area of a pen for an adult boar shall be 10 square metres.

## Chapter III

### SOWS AND GILTS

11. Pregnant sows and gilts shall, if necessary, be treated against external and internal parasites. If they are placed in farrowing crates, pregnant sows and gilts shall be thoroughly cleaned.

12. Sows and gilts shall be provided with a clean, adequately drained, comfortable lying area and shall, in the week before expected farrowing, be given suitable nesting material unless this is not technically feasible due to the slurry system in use on the premises.

13. An unobstructed area behind the sow or gilt shall be available for the ease of natural or assisted farrowing.

14. Farrowing crates where sows are kept loose shall have some adequate means, such as farrowing rails, to protect the piglets.

15. Sows and gilts shall be provided with a diet that satisfies their nutritional needs and contains sufficient quantity of suitable bulky or high fibre food to satisfy their hunger and the need to chew and to ensure that they do not display signs of hunger.

## Chapter IV

### PIGLETS

16. Piglets shall be provided with a source of heat and a solid, dry and comfortable lying area, covered with a mat or littered with suitable material, away from the sow where all of them can rest at the same time.

17. Where a farrowing crate is used, the piglets shall have sufficient space to be able to be suckled without difficulty.

18. Tail docking or tooth clipping shall not be carried out routinely except where injuries to sows' teats or to other pigs' ears or tails have occurred.

Where tooth clipping appears necessary, this shall be carried out within seven days of birth.

19. Subject to paragraph 20, piglets shall not be weaned from the sow at less than 28 days of age unless the welfare or health of the dam or piglets would otherwise be adversely affected.

20. Despite paragraph 19, piglets, if accommodated in specialised housing that has been thoroughly cleaned and disinfected immediately before the introduction of those piglets, may be weaned from the sow at no less than 21 days of age.

21. Housing to which paragraph 20 refers shall be separate, in a manner that adequately prevents the risk or spread of disease, from housing containing sows.

### Chapter V

#### WEANERS AND REARING PIGS

22. Pigs shall be placed in groups as soon as possible after weaning. They should be kept in stable groups with as little mixing as possible.

If pigs unfamiliar with one another are to be mixed, they shall be mixed at as early an age as possible and, preferably, within seven days of weaning.

Pigs shall be afforded adequate opportunity to escape and hide from other pigs.

23. An animal remedy shall not be administered, to facilitate mixing of pigs, other than in exceptional circumstances, under and in accordance with the written prescription of a registered veterinary practitioner; that prescription shall be retained by the owner or person in charge of the pigs and a copy shall be retained by the registered veterinary practitioner who prescribes the animal remedy.

#### Schedule 5

Regulation 24

#### Part 1

##### REQUIREMENTS FOR THE MOVEMENT AND LAIRAGING OF ANIMALS IN SLAUGHTERHOUSES.

###### I. General requirements.

1. A slaughterhouse shall have suitable equipment and facilities available for the purpose of unloading animals from means of transport.

2. Animals shall be unloaded as soon as possible after arrival. If delay is unavoidable they shall be protected from extremes of weather and provided with adequate ventilation.

3. Animals which might injure each other on account of their species, sex, age or origin shall be kept and lairaged apart from each other.

4. Animals shall be protected from adverse weather conditions. If they have been subjected to high temperature in humid weather they shall be cooled by appropriate means.

5. The condition and state of health of the animals shall be inspected at least every morning and evening.

6. Without prejudice to Chapter VI of Annex I to Directive 64/433/EEC, animals which have experienced pain or suffering during transport or upon arrival at the slaughterhouse, and unweaned animals, shall be stunned and slaughtered immediately. If this is not possible, they shall be separated and then stunned and slaughtered as soon as possible and at least within the following two hours. Animals which are unable to walk shall not be dragged to the place of slaughter, but shall be killed where they lie or, where it is possible and does not entail any unnecessary suffering, transported on a trolley or moveable platform to the place of emergency slaughter.

## II. Requirements for animals delivered other than in containers.

1. Equipment for unloading animals shall have non-slip flooring and, if necessary, be provided with lateral protection. Bridges, ramps and gangways shall be fitted with sides, railings or some other means of protection to prevent animals falling off them. Exit or entry ramps shall have the minimum possible incline consistent with the animal being able to retain its footing.

2. During unloading, care shall be taken not to frighten, excite or mistreat the animals, and to ensure that they are not overturned. Animals shall not be lifted by the head, horns, ears, feet, tail or fleece in such a way as to cause them unnecessary pain or suffering. When necessary, they shall be led individually.

3. Animals shall be moved with care. Passageways shall be so constructed as to minimise the risk of injury to animals, and so arranged as to exploit their gregarious tendencies. Instruments intended for guiding animals shall be used solely for that purpose, and only for short periods. Instruments which administer electric shocks may be used only for adult bovine animals and pigs which refuse to move, provided that the shocks last no more than two seconds, are adequately spaced out and that the animals have room ahead of them in which to move. Such shocks may be applied only to the muscles of the hindquarters.

4. Animals shall not be struck on, nor shall pressure be applied to, any particularly sensitive part of the body. In particular, animals' tails shall not be crushed, twisted or broken and their eyes shall not be grasped. Blows and kicks shall not be inflicted.

5. Animals shall not be taken to the place of slaughter unless they can be slaughtered immediately. If they are not slaughtered immediately on arrival they shall be lairaged.

6. A slaughterhouse shall be equipped with a sufficient number of pens for adequate lairaging of the animals with protection from the effects of adverse weather.

7. A lairage shall have:

- (a) floors which minimise the risk of slipping and which do not cause injury to animals in contact with them,
- (b) adequate ventilation, taking into account the extremes of temperature and humidity which may be expected. Where mechanical means of ventilation are required, provision shall be made for emergency back-up facilities in the event of breakdown,
- (c) artificial lighting at a level sufficient to permit inspection of all animals at any time; if necessary, adequate back-up lighting shall be available,
- (d) where necessary, equipment for tethering animals,
- (e) where necessary, adequate supplies of a suitable bedding material for all animals kept in the lairage overnight.

8. Where, in addition to the lairages referred to above, slaughterhouses, have field lairages without natural shelter or shade, appropriate protection from adverse weather shall be provided. Field lairages shall be maintained in such condition as to ensure that animals are not subjected to physical, chemical or other health hazards.

9. Animals which are not taken directly upon arrival to the place of slaughter shall have drinking water available to them from appropriate facilities at all times. Animals which have not been slaughtered within 12 hours of their arrival shall be fed, and shall subsequently be given moderate amounts of food at appropriate intervals.

10. Animals which are kept for 24 hours or more at a slaughterhouse shall be lairaged and, where appropriate, tethered, in such a way that they can lie down and feed without difficulty. Where animals are not tethered, food shall be provided in a way which will permit the animals to feed undisturbed.

### III. Requirements for animals delivered in containers.

1. Containers in which animals are transported shall be handled with care, and shall not be thrown, dropped or knocked over. Where possible, they shall be loaded and unloaded horizontally and mechanically.

2. Animals delivered in containers with perforated or flexible bottoms shall be unloaded with particular care in order to avoid injury. Where appropriate, animals shall be unloaded from the containers individually.

3. Animals which have been transported in containers shall be slaughtered as soon as possible; otherwise they shall if necessary be watered and fed in accordance with paragraph 9 of Section II.

*Part 2.*

RESTRAINT OF ANIMALS BEFORE STUNNING, SLAUGHTER OR KILLING.

1. Animals shall be restrained in an appropriate manner in such a way as to spare them any avoidable pain, suffering, agitation, injury or contusions.

However, in the case of ritual slaughter, restraint of bovine animals before slaughter using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to the animals is obligatory.

2. Animals' legs shall not be tied, and animals shall not be suspended before stunning or killing. However, poultry and rabbits may be suspended for slaughter provided that appropriate measures are taken to ensure that, on the point of being stunned, they are in a sufficiently relaxed state for stunning to be carried out effectively and without undue delay.

Furthermore, holding an animal in a restraint system may in no circumstances be regarded as suspension.

3. Animals which are stunned or killed by mechanical or electrical means applied to the head shall be presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time. The Minister may, however, in the case of solipeds and cattle, authorise the use of appropriate means to restrain head movements.

4. Electrical stunning equipment shall not be used as a means of restraint or immobilisation or to make animals move.

*Part 3.*

STUNNING OR KILLING OF ANIMALS OTHER THAN ANIMALS REARED FOR FUR.

I. Permitted Methods.

A. Stunning.

1. Captive bolt pistol.
2. Concussion.
3. Electronarcosis.
4. Exposure to carbon dioxide.

B. Killing.

1. Free bullet pistol or rifle.

2. Electrocution.
3. Exposure to carbon dioxide.

C. The Minister may, however, authorise decapitation, dislocation of the neck and the use of a vacuum chamber as a method of killing for certain specific species, provided that Regulation 23 is complied with and that specific requirements laid down in Section III of this Part are met.

## II. Specific Requirements for Stunning.

Stunning shall not be carried out unless it is possible to bleed the animals immediately afterwards.

### 1. Captive bolt pistol.

- (a) Instruments shall be positioned so as to ensure that the projectile enters the cerebral cortex. In particular, it is prohibited to shoot cattle in the poll position.

Sheep and goats may be shot in the poll position if the presence of horns prevents use of the crown position. In such cases the shot shall be placed immediately behind the base of the horns and aimed towards the mouth, and bleeding shall commence within 15 seconds of shooting.

- (b) When using a captive bolt instrument, the operator shall check to ensure that the bolt retracts to its full extent after each shot. If it does not so retract, the instrument shall not be used again until it has been repaired.
- (c) Animals shall not be placed in stunning pens unless the operator who is to stun them is ready to do so as soon as the animal is placed in the pen. Animals shall not be placed in a head restraint until the slaughterman is ready to stun them.

### 2. Concussion.

- (a) This is only permitted using a mechanically-operated instrument which administers a blow to the skull. The operator shall ensure that the instrument is applied in the proper position and that the correct strength of cartridge is used, in accordance with the manufacturer's instructions, to produce an effective stun without fracture of the skull.
- (b) However, in the case of small batches of rabbits, where a non-mechanical blow to the skull is used, that operation shall be carried out in such a way that the animal is immediately rendered unconscious and remains so until its death and in compliance with Regulation 23.

3. Electronarcosis.

A. Electrodes.

1. Electrodes shall be so placed that they span the brain, enabling the current to pass through it. Appropriate measures shall also be taken to ensure that there is good electrical contact, in particular by removing excess wool or wetting skin.

2. Where animals are stunned individually, the apparatus shall:

- (a) incorporate a device which measures the impedance of the load and prevents operation of the apparatus if the minimum required current cannot be passed;
- (b) incorporate an audible or visible device indicating the length of time of its application to an animal;
- (c) be connected to a device indicating the voltage and the current under load, and be positioned so as to be clearly visible to the operator.

B. Waterbath stunners

1. Where waterbath stunners are used to stun poultry, the level of the water shall be adjustable in order to ensure that there is good contact with the bird's head.

The strength and duration of the current used in this case will be determined by an authorised officer so as to ensure that the animal is immediately rendered unconscious and remains so until death.

2. Where poultry are stunned in groups in a waterbath, a voltage sufficient to produce a current strong enough to ensure that every bird is stunned shall be maintained.

3. Appropriate measures shall be taken to ensure that the current passes properly, in particular, by the use of good electrical contacts and by wetting the shackle-to-leg contact.

4. Waterbaths for poultry shall be adequate in size and depth for the type of bird being slaughtered, and shall not overflow at the entrance. The electrode which is immersed in the water shall extend the length of the waterbath.

5. If necessary, manual back-up shall be available.

C. Exposure to carbon dioxide.

1. The concentration of carbon dioxide for stunning pigs shall be at least 70% by volume.

2. The chamber in which pigs are exposed to the gas, and the equipment used for conveying the pigs through it, shall be so designed, constructed and maintained as to avoid injury to the pigs and compression of the chest and enable

them to remain upright until they lose consciousness. Adequate lighting shall be provided in the conveying mechanism and the chamber to allow pigs to see other pigs or their surroundings.

3. The chamber shall be fitted with devices for measuring the gas concentration at the point of maximum exposure and for giving a clearly visible and audible warning if the concentration of carbon dioxide falls below the required level.

4. Pigs shall be placed in pens or containers in which they can see each other and conveyed into the gas chamber within 30 seconds from their entry into the installation. They shall be conveyed as rapidly as possible from the entrance to the point of maximum concentration of the gas and shall be exposed to it for long enough to ensure that they remain unconscious until they have been killed.

5. The Minister may, on application, and subject to such conditions as he or she may specify, authorise the stunning of poultry by exposure to carbon dioxide or a mixture of other gases or refuse an application.

### III. Specific Requirements for Killing.

#### 1. Free bullet pistol or rifle.

These methods, which may be used to kill various species, in particular large farmed game and deer, are subject to authorisation by the Minister, who shall be satisfied, in particular, that these methods are used by duly qualified staff and are in compliance with Regulation 23.

#### 2. Decapitation and dislocation of the neck.

These methods, which are to be used only for killing poultry, are subject to authorisation by the Minister, who shall be satisfied, in particular, that these methods are used by duly qualified staff and are in compliance with Regulation 23.

#### 3. Electrocution and carbon dioxide.

The Minister may authorise the killing of various species by these methods provided that, in addition to Regulation 23, the specific provisions laid down in paragraphs 3 and 4 of Section II are complied with. The Minister may, to ensure the effectiveness of these methods, lay down the strength and duration of the current used and the concentration and length of exposure to carbon dioxide.

#### 4. Vacuum chamber.

This method, which is to be used only for the killing without bleeding of certain animals for consumption belonging to farmed game species (quail, partridge and pheasant), is subject to authorisation by the Minister. To obtain authorisation the owner or person in charge of the animals shall ensure, in addition to compliance with Regulation 23, that:

- (a) the animals are placed in an airtight chamber in which a vacuum is swiftly achieved by means of a powerful electric pump,
- (b) the vacuum is maintained until the animals are dead,
- (c) the animals are held in groups in transport containers which can be placed in the vacuum chamber, which is designed for that purpose.

*Part 4.*

**BLEEDING OF ANIMALS.**

1. For animals which have been stunned, bleeding shall be started as soon as possible after stunning and be carried out in such a way as to bring about rapid, profuse and complete bleeding. In any event, the bleeding shall be carried out before the animal regains consciousness.

2. All animals which have been stunned shall be bled by incising at least one of the carotid arteries or the vessels from which they arise.

After incision of the blood vessels, no further dressing procedures nor any electrical stimulation may be performed on the animals before the bleeding has ended.

3. Where one person is responsible for the stunning, shackling, hoisting and bleeding of animals, that person shall carry out those operations consecutively on one animal before carrying them out on another animal.

4. Manual back-up shall be available where poultry is bled by means of automatic neck-cutters so that, in the event of a breakdown, birds may be slaughtered immediately.

*Part 5*

**KILLING METHODS FOR DISEASE CONTROL.**

Permitted Methods.

- 1. Any method permitted under Part 3 that causes certain death.
- 2. Injection of an overdose of a drug with anaesthetic properties if the carcass is to be disposed of in accordance with the Animal By-products Regulation within the meaning of the European Communities (Transmissible Spongiform Encephalopathies and Animal By-Products) Regulations 2008 (S.I. No. 252 of 2008).
- 3. In addition, the Minister may, in compliance with Regulation 23, permit the use of other methods for killing conscious animals, ensuring in particular that:
  - (a) if methods are used which do not cause immediate death (for example, captive bolt shooting), appropriate measures are taken to kill the animals as soon as possible, and in any event before they regain consciousness,

(b) nothing more is done to the animals before it has been ascertained that they are dead.

4. Permitted methods of killing for disease control set out in this Schedule shall be carried out by or under the supervision of an authorised officer.

*Part 6*

METHODS OF KILLING FUR ANIMALS.

I. Permitted methods.

1. Mechanically-operated instruments which penetrate the brain.
2. Injection of an overdose of a drug with anaesthetic properties.
3. Electrocutation with cardiac arrest.
4. Exposure to carbon monoxide.
5. Exposure to chloroform.
6. Exposure to carbon dioxide.

The Minister shall decide on the most appropriate method of killing for the different species concerned in compliance with Regulation 23.

II. Specific requirements.

1. Mechanically-operated instruments which penetrate the brain.
  - (a) Instruments shall be positioned so as to ensure that the projectile enters the cerebral cortex.
  - (b) This method is permitted only if it is followed by immediate bleeding.
2. Injection of an overdose of a drug with anaesthetic properties.

Only those anaesthetics, doses and applications which cause immediate loss of consciousness followed by death may be used.

3. Electrocutation with cardiac arrest.

Electrodes shall be placed so that they span the brain and the heart and the minimum current level used shall lead to immediate loss of consciousness and cardiac arrest. However, for foxes, where electrodes are applied to the mouth and rectum, a current of an average value of 0.3 amps shall be applied for at least 3 seconds.

4. Exposure to carbon monoxide.

- (a) The chamber in which the animals are exposed to the gas shall be designed, constructed and maintained in such a way as to avoid injury to the animals and allow them to be supervised.
- (b) The animals shall be introduced into the chamber only after it has been filled with a concentration of carbon monoxide of at least 1% by volume, supplied by a source of 100% carbon monoxide.
- (c) The gas produced by an engine specially adapted for that purpose may be used to kill mustelids and chinchillas provided that tests have shown that the gas used:
  - (i) has been suitably cooled,
  - (ii) has been sufficiently filtered, and
  - (iii) is free from any irritant matter or gas.

The animals cannot be placed in the chamber until the concentration of carbon monoxide has reached at least 1% by volume.

- (d) When inhaled the gas shall first induce deep general anaesthesia and shall then cause certain death.
- (e) The animals shall remain in the chamber until they are dead.

5. Exposure to chloroform.

Exposure to chloroform may be used to kill chinchillas provided that:

- (a) the chamber in which the animals are exposed to the gas is designed, constructed and maintained in such a way as to avoid injury to the animals and allow them to be supervised;
- (b) the animals are introduced into the chamber only if it contains a saturated chloroform-air compound;
- (c) when inhaled, the gas first induces deep general anaesthesia and then causes certain death;
- (d) the animals remain in the chamber until they are dead.

6. Exposure to carbon dioxide.

Carbon dioxide may be used to kill mustelids and chinchillas provided that-

- (a) the chamber in which the animals are exposed to the gas is designed, constructed and maintained in such a way as to avoid injury to the animals and allow them to be supervised,

- (b) the animals are introduced into the chamber only when the atmosphere contains the highest possible concentration of carbon dioxide supplied by a source of 100% carbon dioxide,
- (c) when inhaled, the gas first induces deep general anaesthesia and then causes certain death, and
- (d) the animals remain in the chamber until they are dead.

*Part 7*

KILLING OF SURPLUS CHICKS AND EMBRYOS IN HATCHERY WASTE.

I. Permitted methods for the killing of chicks.

1. Use of a mechanical apparatus causing rapid death.
2. Exposure to carbon dioxide.
3. However, the Minister may permit the use of other scientifically recognised killing methods provided that they comply with Regulation 5.

II. Specific requirements.

1. Use of a mechanical apparatus producing rapid death.
  - (a) The animals shall be killed by an apparatus which contains rapidly rotating mechanically operated killing blades or expanded polystyrene projections.
  - (b) The capacity of the apparatus shall be sufficient to ensure that all animals are killed immediately, even if they are handled in large numbers.
2. Exposure to carbon dioxide.
  - (a) The animals shall be placed in an atmosphere with the highest obtainable concentration of carbon dioxide, supplied by a source of 100% carbon dioxide.
  - (b) The animals shall remain in this atmosphere until they are dead.

III. Permitted method of the killing of embryos.

1. To kill any living embryos instantaneously, all hatchery waste shall be treated by the mechanical apparatus mentioned in paragraph 1 of Section II.
2. However, the Minister may permit the use of other scientifically recognised killing methods provided that they comply with Regulation 23.

MONITORING AND FOLLOW-UP AT SLAUGHTER REGARDING CHICKENS REARED FOR  
MEAT PRODUCTION

**1. Mortality**

1.1 In the case of stocking densities higher than 33 kilogrammes per square metre, the documentation accompanying the flock shall include the daily mortality rate and cumulative daily mortality rate calculated by the owner or keeper and the hybrid or breed of the chickens.

1.2 Under the supervision of the veterinary inspector at the establishment where chickens are to be slaughtered, the data referred to at 1.1 and the number of broilers dead on arrival at the establishment shall be recorded, indicating the premises and house of origin. The veterinary inspector shall check the plausibility of data furnished under 1.1 taking into account the number of broilers slaughtered and the number dead on arrival.

**2. Post mortem inspection**

In the context of checks carried out under Regulation (EC) No. 854/ 2004 of the European Parliament and of the Council of 29 April 2004, the veterinary inspector at the establishment where chickens are to be slaughtered shall evaluate the results of the post mortem inspection to identify possible indications of poor welfare conditions such as abnormal levels of contact dermatitis, parasitism and systemic illness at the premises or a particular house at the premises of origin.

**3. Communication of results**

If the mortality rate referred to in paragraph 1 or the results of post mortem inspection referred to at paragraph 2 are consistent with poor animal welfare conditions, the veterinary inspector at the establishment where chickens are to be slaughtered shall communicate the data to the owner or keeper of the animals who shall take appropriate remedial action and make an official report.



GIVEN under my Official Seal,  
24 June 2010.

BRENDAN SMITH,  
Minister for Agriculture, Fisheries and Food.

EXPLANATORY NOTE.

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations give effect to a series of European Directives concerning the protection of animals including broilers, laying hens, calves and pigs and animals being slaughtered.

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STATUTORY INSTRUMENTS.

**S.I. No. 113 of 2022**

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EUROPEAN UNION (GOOD AGRICULTURAL PRACTICE FOR  
PROTECTION OF WATERS) REGULATIONS 2022

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S.I. No. 113 of 2022

EUROPEAN UNION (GOOD AGRICULTURAL PRACTICE FOR  
PROTECTION OF WATERS) REGULATIONS 2022

I, DARRAGH O'BRIEN, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 91/676/EEC of 12 December 1991<sup>1</sup>, Directive 2000/60/EC of 23 October 2000<sup>2</sup>, Directive 2003/35/EC of 26 May 2003<sup>3</sup>, Directive 2006/118/EC of 12 December 2006<sup>4</sup> and Directive 2008/98/EC of 19 November 2008<sup>5</sup> hereby make the following regulations:

<sup>1</sup> O.J. No. L 375/1, 31 December 1991.

<sup>2</sup> O.J. No. L 327/1, 22 December 2000.

<sup>3</sup> O.J. No. L 156/17, 25 June 2003.

<sup>4</sup> O.J. No. L 372/19, 27 December 2006.

<sup>5</sup> O.J. No. L 312/3, 22 November 2008.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 11th March, 2022.*

EUROPEAN UNION (GOOD AGRICULTURAL PRACTICE FOR  
PROTECTION OF WATERS) REGULATIONS 2022

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PART 1  
PRELIMINARY

*Citation, commencement and application*

1. (a) These Regulations may be cited as the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022.
- (b) These Regulations shall apply to all holdings in the State.
- (c) These Regulations shall apply to all movements of livestock manure in the State.
- (d) These Regulations shall come into effect on 11<sup>th</sup> March 2022.

*Purpose of Regulations*

2. The purpose of these Regulations is to give effect to Ireland's Nitrates Action Programme pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural source.

*Revocations*

3. The European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2018, the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2020, the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) (Nos. 2 and 3) Regulations 2020, and the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2021 are hereby revoked.

*Interpretation*

4. (1) In these Regulations, save where the context otherwise requires—

“Act of 1992” means the Environmental Protection Agency Act, 1992 (No. 7 of 1992);

“Agency” means the Environmental Protection Agency established under section 19 of the Act of 1992;

“agriculture” includes the breeding, keeping and sale of livestock (including cattle, horses, pigs, poultry, sheep and any creature kept for the production of food, wool, skins or fur), the making and storage of silage, the cultivation of land, and the growing of crops (including forestry and horticultural crops);

“application to land”, in relation to fertiliser, means the addition of fertiliser to land whether by spreading on the surface of the land, injection into the land,

placing below the surface of the land or mixing with the surface layers of the land but does not include the direct deposition of manure to land by animals;

“aquifer” means a subsurface layer or layers of rock or other geological strata of sufficient porosity and permeability to allow either a significant flow of groundwater or the abstraction of significant quantities of groundwater;

“biochemical oxygen demand” for the purposes of sub-article (2) (b) (i) means a 5 day biochemical oxygen demand test done in accordance with method ISO 5815-1:2003, International Organisation for Standardization, or any update of that method;

“chemical fertiliser” means any fertiliser that is manufactured by an industrial process;

“commonage” means a land parcel which is held by two or more persons in specified shares or jointly and originally purchased from the Irish Land Commission under the Land Purchase Acts, including land over which two or more persons have grazing rights or the right to take turf;

“dry matter” for the purposes of sub-article (2)(b)(ii) means a test for total solids done in accordance with method 2540B, Standard Methods for the Examination of Water and Wastewater, American Public Health Association, 21st Edition, 2005, or any update of that method;

“eligible area” in relation to a holding and the grassland stocking rate, means the eligible area of the holding or the grassland as appropriate excluding areas under farm roads, paths, buildings, farmyards, woods, dense scrub, rivers, streams, ponds, lakes, sandpits, quarries, expanses of bare rock, areas of bogland not grazed, areas fenced off and not used for production, inaccessible areas and areas of forestry (including Christmas trees), or required to be totally destocked under a Commonage Framework Plan;

“farmyard manure” means a mixture of bedding material and animal excreta in solid form arising from the housing of cattle, sheep and other livestock excluding poultry;

“fertiliser” means any substance containing nitrogen or phosphorus or a nitrogen compound or phosphorus compound utilised on land to enhance growth of vegetation and may include livestock manure, the residues from fish farms and sewage sludge;

“grass” means permanent grassland or temporary grassland (temporary implying leys of less than four years);

“grazing livestock” means cattle (with the exclusion of veal calves), sheep, deer, goats and horses.

“groundwater” means all water that is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil;

“holding” means an agricultural production unit and, in relation to an occupier, means all the agricultural production units managed by that occupier;

“livestock” means all animals kept for use or profit (including cattle, horses, pigs, poultry, sheep and any creature kept for the production of food, wool, skins or fur);

“livestock manure” means waste products excreted by livestock or a mixture of litter and waste products excreted by livestock, even in processed form;

“local authority” means a city council or county council within the meaning of the Local Government Act, 2001 (No. 37 of 2001);

“local authority shared service” means common or combined services provided to more than one local authority, the provision of which (to the local authorities concerned) enables, assists or facilitates the carrying out of any administrative task or process necessary for or incidental to the performance of a function assigned under these regulations to local authorities.

“the Minister” means the Minister for Housing, Local Government and Heritage;

“the Nitrates Directive” means Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources;

“occupier”, in relation to a holding, includes the owner, a lessee, any person entitled to occupy the holding or any other person having for the time being control of the holding;

“OSi” means Ordnance Survey Ireland established by Ordnance Survey Ireland Act, 2001 (No. 43 of 2001).

“organic fertiliser” means any fertiliser other than that manufactured by an industrial process and includes livestock manure, dungstead manure, farmyard manure, slurry, soiled water, silage effluent, spent mushroom compost, non-farm organic substances such as sewage sludge, industrial by-products and sludges and residues from fish farms;

“ploughing” includes ploughing and primary cultivation, excluding shallow cultivation carried out to encourage natural regeneration;

“relevant local authority” means the local authority in whose administrative area a farm holding or part of a farm holding is situated;

“river basin district” means a river basin district established by the European Communities (Water Policy) Regulations, 2003 (S.I. No. 722 of 2003) or any amendment thereof in relation to the establishment of river basin districts;

“slurry” includes—

- (a) excreta produced by livestock while in a building or yard, and
- (b) a mixture of such excreta with rainwater, washings or other extraneous material or any combination of these, of a consistency that allows it to be pumped or discharged by gravity at any stage in the handling process but does not include soiled water;

“soil test” means a soil sample taken in accordance with the soil sampling procedure set out in Schedule 1 and analysed in accordance with that Schedule, at a laboratory that meets the requirements of the Minister for Agriculture, Food and the Marine for this purpose;

“soiled water” has the meaning assigned by sub-article (2);

“steep slope” means ground which has an average incline of 20% or more in the case of grassland or 15% or more in the case of other land;

“Teagasc” means the Agriculture and Food Development Authority established in September 1988 under the Agriculture (Research, Training and Advice) Act, 1988.

“tidal waters” includes the sea and any estuary up to high water mark medium tide and any enclosed dock adjoining tidal waters;

“waters” includes—

- (a) any (or any part of any) river, stream, lake, canal, reservoir, aquifer, pond, watercourse, or other inland waters, whether natural or artificial,
- (b) any tidal waters, and
- (c) where the context permits, any beach, river bank and salt marsh or other area which is contiguous to anything mentioned in paragraph (a) or (b), and the channel or bed of anything mentioned in paragraph (a) which is for the time being dry, but does not include a sewer;

“watercourses” means any body of water that is marked on a modern 1:5,000 scale OSi map.

“waterlogged ground” means ground that is saturated with water such that any further addition will lead, or is likely to lead, to surface run-off;

and cognate words shall be construed accordingly.

- (2) (a) In these Regulations “soiled water” includes, subject to this sub-article, water from concreted areas, hard standing areas, holding areas for livestock and other farmyard areas where such water is contaminated by contact with any of the following substances—

- (i) livestock faeces or urine or silage effluent,
- (ii) chemical fertilisers,
- (iii) washings such as vegetable washings, milking parlour washings or washings from mushroom houses,
- (iv) water used in washing farm equipment.

- (b) In these Regulations, “soiled water” does not include any liquid where such liquid has either—

- (i) a biochemical oxygen demand exceeding 2,500 mg per litre, or
- (ii) a dry matter content exceeding 1% (10 g/L).

- (c) For the purposes of these Regulations, soiled water which is stored together with slurry is deemed to be slurry.

- (3) In these Regulations a reference to:—

- (a) an Article, Part or Schedule which is not otherwise identified is a reference to an Article, Part or Schedule of these Regulations,

- (b) a sub-article or paragraph which is not otherwise identified is a reference to a sub-article or paragraph of the provision in which the reference occurs, and
- (c) a period between a specified day in a month and a specified day in another month means the period commencing on the first-mentioned day in any year and ending on the second-mentioned day which first occurs after the first-mentioned day.

(4) In these Regulations a footnote to a table in Schedule 2 shall be deemed to form part of the table.

## PART 2

### FARMYARD MANAGEMENT

#### *Minimisation of soiled water*

5. (1) An occupier of a holding shall take all such steps, as far as is practicable for the purposes of minimising the amount of soiled water produced on the holding.

(2) Without prejudice to the generality of sub-article (1), an occupier of a holding shall ensure, as far as is practicable, that—

- (a) clean water from roofs and unsoiled paved areas and that flowing from higher ground on to the farmyard is diverted away from soiled yard areas and prevented from entering storage facilities for livestock manure and other organic fertilisers, soiled water, and effluents from dungsteads, farmyard manure pits, silage pits or silage clamps and
- (b) rainwater gutters and downpipes where required for the purposes of paragraph (a) are maintained in good working condition.

(3) The spreading of soiled water to land is prohibited between the following dates:

- (a) Between 21<sup>st</sup> December and 31<sup>st</sup> December for all milk producers from 2022,
- (b) Between 10<sup>th</sup> December and 31<sup>st</sup> December for all milk producers from 2023,
- (c) Between 1<sup>st</sup> December and 31<sup>st</sup> December from 2024 onwards for all milk producers with the exception of winter/liquid milk<sup>6</sup> producers, and
- (d) Between 1<sup>st</sup> December and 31<sup>st</sup> December from 1<sup>st</sup> January 2025 onwards for all milk producers including winter/liquid milk<sup>1</sup> producers

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<sup>6</sup> Holdings that produce milk during the winter and hold a winter/liquid milk contract with their milk processor.

*Collection and holding of certain substances*

6. (1) Livestock manure and other organic fertilisers, soiled water and effluents from dungsteads, farmyard manure pits, silage pits or silage clamps arising or produced in a building or yard on a holding shall, prior to its application to land or other treatment, be collected and held in a manner that prevents the run-off or seepage, directly or indirectly, into groundwaters or surface waters of such substances.

(2) The occupier of a holding shall not cause or permit the entry to waters of any of the substances specified in sub-article (1).

*Provision and management of storage facilities*

7. (1) Storage facilities for livestock manure and other organic fertilisers, soiled water and effluents from dungsteads, farmyard manure pits, silage pits or silage clamps shall be maintained free of structural defect and be maintained and managed in such manner as is necessary to prevent run-off or seepage, directly or indirectly, into groundwater or surface water, of such substances.

(2) Storage facilities being provided on a holding shall—

- (a) be designed, sited, constructed, maintained and managed so as to prevent run-off or seepage, directly or indirectly, into groundwater or surface water of a substance specified in sub-article (1), and
- (b) comply with such construction specifications for those facilities as may be approved from time to time by the Minister for Agriculture, Food and the Marine.

(3) Storage facilities other than those referred to in sub-article (2) shall be of such construction and design and shall be maintained and managed in such a manner so as to comply with the requirements of sub-article (1) and article 6(2).

(4) In this article “storage facilities” includes out-wintering pads, earthen-lined stores, integrated constructed wetlands and any other system used for the holding or treatment of livestock manure or other organic fertilisers.

*General obligations as to capacity of storage facilities*

8. (1) The capacity of storage facilities for livestock manure and other organic fertilisers, soiled water and effluents from dungsteads, farmyard manure pits, silage pits or silage clamps on a holding shall be adequate to provide for the storage of all such substances as are likely to require storage on the holding for such period as may be necessary as to ensure compliance with these Regulations and the avoidance of water pollution.

(2) For the purposes of sub-article (1) an occupier shall ensure to have the storage capacity likely to be required during periods of adverse weather conditions when, due to extended periods of wet weather, frozen ground or otherwise, the application to land of livestock manure or soiled water is precluded.

(3) For the purposes of Articles 8 to 14, the capacity of storage facilities on a holding shall be disregarded insofar as the occupier does not have exclusive use of those facilities.

(4) For the purposes of Articles 10 to 14 the capacity of facilities required in accordance with these Regulations for the storage of manure from livestock of the type specified in Tables 1, 2 or 3 of Schedule 2 shall be determined by reference to the criteria set out in the relevant table and the rainfall criteria set out in Table 4 of that schedule and shall include capacity for the storage for such period as may be necessary for compliance with these Regulations of rain-water, soiled water or other extraneous water which enters or is likely to enter the facilities.

(5) The occupier of a holding shall only be eligible to avail of a derogation from the limits on the amount of livestock manure to be applied as specified in Article 20 if the capacity of storage facilities for livestock manure, effluent and soiled water on the holding is in accordance with Articles 8 and 9.

(6) Subject to sub-article (7), the spreading of all slurry must be applied by:

- (a) 8<sup>th</sup> October from 2022;
- (b) 1<sup>st</sup> October from 2023 onwards.

(7) Notwithstanding sub-article (6), slurry may be spread between 8<sup>th</sup> and 15<sup>th</sup> October in 2022, and between 1<sup>st</sup> and 15<sup>th</sup> October from 2023 in accordance with criteria to be published by the Minister, in consultation with the Minister for Agriculture, Food and the Marine, by 1<sup>st</sup> September 2022.

*Capacity of storage facilities for effluents and soiled water*

9. Without prejudice to the generality of Article 8, the capacity of facilities for the storage on a holding of—

- (a) effluent produced by ensiled forage and other crops shall equal or exceed the capacity specified in Table 5 of Schedule 2,
- (b) soiled water shall equal or exceed the capacity required to store all soiled water likely to arise on the holding during a period of 10 days,
- (c) soiled water being provided on a holding shall equal or exceed the capacity required to store all soiled water likely to arise on the holding during a period of 15 days, and
- (d) From 1<sup>st</sup> December 2023, a minimum of 3 weeks' storage capacity shall be in place on the holding and from 1<sup>st</sup> December 2024, a minimum of 4 weeks' storage capacity shall be in place on the holding except for winter/liquid milk producers where this storage must be in place by 1<sup>st</sup> December 2025.

*Capacity of storage facilities for pig manure*

10. (1) Without prejudice to the generality of Article 8, the capacity of facilities for the storage on a holding of livestock manure produced by pigs

shall, subject to sub-article (2) and Article 14, equal or exceed the capacity required to store all such livestock manure produced on the holding during a period of 26 weeks.

(2) The period specified in Schedule 3 shall, in substitution for that prescribed by sub-article (1), apply in relation to livestock manure produced by pigs on a holding where all the following conditions are met—

- (a) the number of pigs on the holding does not at any time exceed one hundred pigs, and
- (b) the holding comprises a sufficient area of land for the application in accordance with these Regulations of all livestock manure produced on the holding.

*Capacity of storage facilities for poultry manure*

11. (1) Without prejudice to the generality of Article 8, the capacity of facilities for the storage on a holding of livestock manure produced by poultry shall, subject to sub-article (2) and Article 14, equal or exceed the capacity required to store all such livestock manure produced on the holding during a period of 26 weeks.

(2) The period specified in Schedule 3 shall, in substitution for that prescribed by sub-article (1), apply in relation to livestock manure produced by poultry on a holding where all the following conditions are met—

- (a) tillage or grassland farming is carried out on the holding,
- (b) the number of poultry places on the holding does not exceed 2,000 places, and
- (c) the holding comprises a sufficient area of land for the application in accordance with these Regulations of all livestock manure produced on the holding.

*Capacity of storage facilities for manure from deer, goats and sheep*

12. Without prejudice to the generality of Article 8, the capacity of facilities for the storage on a holding of livestock manure produced by deer, goats and sheep shall, subject to Article 14, equal or exceed the capacity required to store all such livestock manure produced on the holding during a period of six weeks.

*Capacity of storage facilities for manure from cattle*

13. Without prejudice to the generality of Article 8, the capacity of facilities for the storage on a holding of livestock manure produced by cattle shall, subject to Article 14, equal or exceed the capacity required to store all such livestock manure produced on the holding during the period specified in Schedule 3.

*Reduced storage capacity in certain circumstances*

14. (1) The capacity of facilities for the storage of livestock manure on a holding may, to such extent as is justified in the particular circumstances of the holding, be less than the capacity specified in Article 10, 11, 12 or 13, as appropriate, in the case of a holding where—

- (a) the occupier of the holding has a contract providing exclusive access to adequate alternative storage capacity located outside the holding,
- (b) the occupier has a contract for access to a treatment facility for live-stock manure, or
- (c) the occupier has a contract for the transfer of the manure to a person registered under and in accordance with the European Communities (Transmissible Spongiform Encephalopathies and Animal By-products) Regulations 2008 (S.I. No. 252 of 2008) to undertake the transport of manure.

(2) Subject to sub-article (3), the capacity of facilities for the storage of live-stock manure may be less than the capacity specified in Article 12 or 13, as appropriate, in relation to—

- (a) deer, goats or sheep which are out-wintered at a grassland stocking rate which does not exceed 130 kg nitrogen until 31<sup>st</sup> December 2024 and 100 kg nitrogen from 1<sup>st</sup> January 2025 onwards at any time during the period specified in Schedule 4 in relation to the application of organic fertiliser other than farmyard manure, or
- (b) livestock (other than dairy cows, deer, goats or sheep) which are out-wintered at a grassland stocking rate which does not exceed 85 kg nitrogen at any time during the period specified in Schedule 4 in relation to the application of organic fertiliser other than farmyard manure.

The requirement for full storage for those holdings stocked between 100 kg N/ha and 130 kg N/ha applies from 1<sup>st</sup> January 2025.

(3) Sub-article (2) shall apply only in relation to a holding where all the following conditions are met—

- (a) all the lands used for out-wintering of the livestock are comprised in the holding,
- (b) the out-wintered livestock have free access at all times to the required lands,
- (c) the amount of manure produced on the holding does not exceed an amount containing 130 kg of nitrogen per hectare per annum until 31<sup>st</sup> December 2024 and 100 kg of nitrogen per hectare per annum from 1<sup>st</sup> January 2025 onwards,
- (d) severe damage to the surface of the land by poaching does not occur, and

- (e) the reduction in storage capacity is proportionate to the extent of out-wintered livestock on the holding.

(4) In this article, a grassland stocking rate of 130 kg, 100 kg or 85 kg of nitrogen, as the case may be, means the stocking of grassland on a holding at any time by such numbers and types of livestock as would in the course of a year excrete waste products containing 130 kg, 100 kg or 85 kg of nitrogen, as the case may be, per hectare of the grassland when calculated in accordance with the nutrient excretion rates for livestock specified in Table 6 of Schedule 2.

### PART 3

#### NUTRIENT MANAGEMENT

##### *Interpretation, commencement etc*

15. (1) In this Part, “crop requirement”, in relation to the application of fertilisers to promote the growth of a crop, means the amounts and types of fertilisers which are based on the relevant tables in Schedule 2 to apply to soil for the purposes of promoting the growth of the crop having regard to the foreseeable nutrient supply available to the crop from the fertilisers, the soil and from other sources.

(2) The amount of nitrogen or phosphorus specified in Table 7 or 8 of Schedule 2, as the case may be, in relation to a type of livestock manure or other substance specified in the relevant table shall for the purposes of this Part be deemed to be the amount of nitrogen or phosphorus, as the case may be, contained in that type of manure or substance except as may be otherwise specified in a certificate issued in accordance with Article 32.

(3) The amount of nitrogen or phosphorus available to a crop from a fertiliser of a type which is specified in Table 9 of Schedule 2 in the year of application of that fertiliser shall, for the purposes of this Part, be deemed to be the percentage specified in that table of the amount of nitrogen or phosphorus, as the case may be, in the fertiliser.

(4) The amount of nitrogen or phosphorus available to a crop from an organic fertiliser of a type which is not specified in Table 9 of Schedule 2 shall be deemed to be the amount specified in the table in relation to cattle manure or, where supported by the necessary analysis, the amount of nitrogen estimated on the basis of the C:N ratio of the compost in accordance with Table 9A unless a different amount has been determined in relation to that fertiliser by, or with the agreement of, the relevant local authority or the Agency, as the case may be.

(5) A reference in this Part to the “nitrogen index” or the “phosphorus index” in relation to soil is a reference to the index number assigned to the soil in accordance with Table 10 or 11 of Schedule 2, as the case may be, to indicate the level of nitrogen or phosphorus available from the soil.

(6) From 11<sup>th</sup> March 2022, on holdings with grassland stocking rates of 130 kg nitrogen per hectare from grazing livestock manure (dairy cows and other bovines two years old and over) or above prior to export of livestock

manure from the holding, a maximum crude protein content of 15% is permissible in concentrate feedstuff fed to grazing livestock on the holding between 15<sup>th</sup> April and 30<sup>th</sup> September. Records of crude protein content of concentrate feedstuff shall be kept in accordance with Article 23(1)(j).

(7) On holdings with grassland stocking rates of 170 kg nitrogen per hectare from grazing livestock manure or above prior to export of livestock manure from the holding, a liming programme shall be prepared and must establish the following:-

- (a) A calculation of liming requirements for each parcel to achieve optimum pH;
- (b) A lime application programme for the farm.

(8) The stocking rate allowance for commonage land shall not exceed 50 kg organic nitrogen per hectare.

(9) Chemical fertiliser shall not be spread on commonage land.

*Duty of occupier in relation to nutrient management*

16. (1) An occupier of a holding shall take as far as is practicable all such steps for the purposes of preventing the application to land of fertilisers in excess of crop requirement on the holding.

(2) For the purposes of the determination of the grassland stocking rate in tables 12, 13A and 13B the previous calendar year's stocking rate data shall be used.

- (3) (a) For the purposes of this article, the phosphorus index for soil shall be deemed to be phosphorus index 3 unless a soil test indicates that a different phosphorus index is appropriate in relation to that soil subject to paragraph (e).
- (b) The soil test to be taken into account for the purposes of paragraph (a) in relation to soil shall, subject to paragraph (c), be the soil test most recently taken in relation to that soil.
- (c) Where a period of four years or more has elapsed after the taking of a soil test, the results of that test shall be disregarded for the purposes of paragraph (a) except in a case where that soil test indicates the soil to be at phosphorus index 4.
- (d) The phosphorus fertilisation rate for soils with more than 20% organic matter shall not exceed the amounts permitted for Index 3 soils, subject to the provisions of paragraph (e).
- (e) For the purposes of paragraph (d), soils shall be deemed to have an organic matter content of 20% as defined on a Teagasc-EPA Indicative Soils map unless otherwise determined in soil tests carried out in accordance with this article.
- (f) From 11<sup>th</sup> March 2022 all occupiers of holdings that have a grassland stocking rate of 170 kg N/ha or above prior to export

of livestock manure, shall take soil tests and shall assume P index 4 until soil tests are taken. From 1<sup>st</sup> January 2023 all occupiers of holdings with a grassland stocking rate above 130 kg N/ha shall take soil tests and shall assume P index 4 until soil tests are taken. From 1<sup>st</sup> January 2023 all occupiers of holdings on all arable land shall take soil tests.

(4) Without prejudice to the generality of sub-article (1) and subject to sub-article (5), the amount of available nitrogen or available phosphorus applied to promote the growth of a crop specified in Table 12, 13A, 14, 15, 16, 17, 18, 19, 20 or 21 of Schedule 2 shall not exceed the amount specified in the table in relation to that crop having regard to the relevant nitrogen index or phosphorus index, as the case may be, for the soil on which the crops are to be grown. In the case of crops not identified in the tables listed above, fertilisers shall be applied in accordance with Teagasc guidance as approved by the Minister for Agriculture, Food and the Marine.

(5) Increased phosphorus build-up on grassland on farms with grassland stocking rates of 130 kg nitrogen per hectare and above shall only be permitted in accordance with the rates contained in Table 13B provided that the following conditions are met:

- (a) Soil analysis is carried out for soil phosphorus and soil organic matter contents; Soils shall be deemed to have an organic matter content of 20% as defined on a Teagasc-EPA Indicative Soils map unless otherwise determined in soil tests carried out in accordance with this article.
- (b) An occupier availing of the phosphorus build-up programme shall engage the services of a Department of Agriculture, Food and the Marine approved Farm Advisory System Advisor.
- (c) A detailed farm nutrient plan for the holding shall be submitted in a format specified by the Minister for Agriculture, Food and the Marine.
- (d) The occupier shall participate in an appropriate training programme specified by the Minister for Agriculture, Food and the Marine for the purpose of meeting the requirements of these regulations.

(6) In the case of a holding on which grazing livestock are held, the amount of available phosphorus supplied to the holding by concentrated feedstuff shall be the amount fed to such livestock in excess of 300 kg per 89 kg livestock manure nitrogen in the previous calendar year and the phosphorus content of such concentrated feedstuff shall, in the absence of a known phosphorus content or phosphorus content provided by the supplier, be deemed to be 0.5 kg phosphorus in respect of each 100 kg of such concentrated feedstuff.

(7) The nitrogen and phosphorus maximum limits in Tables 12, 13A and 13B are in addition to the nitrogen and phosphorus contained in grazing livestock manure produced on the holding.

PART 4  
PREVENTION OF WATER POLLUTION FROM FERTILISERS AND  
CERTAIN ACTIVITIES

*Distances from a water body and other issues*

17. (1) Chemical fertiliser shall not be applied to land within 2m of any surface waters.

(2) Organic fertiliser or soiled water shall not be applied to land within—

- (a) 200m of the abstraction point of any surface waters, borehole, spring or well used for the abstraction of water for human consumption in a water scheme supplying 100m<sup>3</sup> or more of water per day or serving 500 or more persons,
- (b) 100m of the abstraction point (other than an abstraction point specified in paragraph (a)) of any surface waters, borehole, spring or well used for the abstraction of water for human consumption in a water scheme supplying 10m<sup>3</sup> or more of water per day or serving 50 or more persons,
- (c) 25m of any borehole, spring or well used for the abstraction of water for human consumption other than a borehole, spring or well specified in paragraph (a) or (b),
- (d) 20m of a lake shoreline or a turlough likely to flood,
- (e) 15m of exposed cavernous or karstified limestone features (such as swallow-holes and collapse features),
- (f) subject to sub-article (12), 5m of any surface waters (other than a lake or surface waters specified at paragraph (a) or (b)), or
- (g) the distance specified in sub-article 2(f) shall be increased to 10m for a period of two weeks preceding and two weeks following the periods specified in Schedule 4.

(3) Notwithstanding the requirements of sub-articles (2)(a), (2)(b) and (2)(c), organic fertiliser or soiled water may be applied to land within:

- (a) 30m from the abstraction point in the case of any surface waters, bore-hole, spring or well used for the abstraction of water for human consumption in a water scheme supplying 10m<sup>3</sup> or more of water per day or serving 50 or more persons, or
- (b) 15m from the abstraction point in the case of any borehole, spring or well used for the abstraction of water for human consumption other than a borehole, spring or well specified in paragraph (a),

where the provisions of sub-article (4) are complied with.

(4) Organic fertiliser or soiled water may only be applied to land in accordance with sub-article (3) where a local authority or Irish Water (as the case may be) has completed a technical assessment of conditions in the vicinity

of the abstraction point, including taking into account variation in soil and subsoil conditions, the landspreading pressures in the area, the type of abstraction, available water quality evidence and the likely risk to the water supply source and the local authority, in consultation with Irish Water, where relevant, has determined that the distance does not give rise to a risk to the water supply and a potential danger to human health.

(5) A local authority may, following consultation with Irish Water, where relevant, decide to apply the landspreading restriction to the upstream catchment area and to the close proximity downstream of the abstraction point in the case of any surface waters.

(6) A local authority may, in the case of any particular abstraction point and following consultation with the Agency and, where relevant, Irish Water, specify a greater distance than that specified in sub-articles (2) or (3) where, following prior investigations by Irish Water or the local authority (as the case may be), the local authority is satisfied that such distance is appropriate for the protection of waters being abstracted at that point. The distance so specified shall be determined by the local authority using an evidence-based approach which takes into account the natural vulnerability of the waters to contamination from land spreading, the potential risk to human health arising from the landspreading activity as well as the water quality evidence, including information on water quality trends.

(7) Notwithstanding the provisions of sub-articles (2), (3) and (6), a local authority shall, following prior investigations by Irish Water or the local authority (as the case may be) and following consultation with the Agency and, where relevant, Irish Water, specify an alternative distance, including a landspreading exclusion area where necessary, in the case of a water abstraction for human consumption in a scheme supplying 10m<sup>3</sup> or more of water per day, or serving 50 or more persons, within a timeframe to be agreed with the Agency and, where relevant, Irish Water, where—

- (a) on the basis of the results of monitoring carried out for the purposes of Article 7 of the European Communities (Drinking Water) Regulations 2014 (S.I. No. 122 of 2014), the quality of water intended for human consumption does not meet the parametric values specified in Part I of the Schedule of those Regulations or the quality of water constitutes a potential danger to human health, and it appears to the local authority following consultation with the Agency and, where relevant, Irish Water, that this is due to the landspreading of organic fertilisers or soiled water in the vicinity of the abstraction point, or
- (b) investigations undertaken by Irish Water as part of the management of a water supply scheme indicate that the landspreading activity presents a significant risk to the drinking water supply or a potential danger to human health having regard to catchment factors in the vicinity of the abstraction point including but not limited to slope, vulnerability, and hydrogeology, the scale and intensity of land spreading pressures, the type of water supply source and water quality evidence, including information on water quality trends.

(8) A distance specified by a local authority in accordance with sub-articles (3), (5), (6) and (7) may be described as a distance or distances from an abstraction point, a hydrogeological boundary or topographical feature or as an area delineated on a map or in such other way as appears appropriate to the authority.

(9) In relation to sub-articles (6) and (7), "prior investigations" means, in relation to an abstraction point, an assessment of the susceptibility of waters to contamination in the vicinity of the abstraction point having regard to—

- (a) the direction of flow of surface water or groundwater, as the case may be,
- (b) the slope of the land and its runoff potential,
- (c) the natural geological and hydrogeological attributes of the area including the nature and depth of any overlying soil and subsoil and its effectiveness in preventing or reducing the entry of harmful sub-stances to water, and
- (d) where relevant, the technical specifications set out in the document "Groundwater Protection Schemes" published in 1999 (ISBN 1-899702-22-9) or any subsequent published amendment of that document.

(10) Where a local authority specifies a distance in accordance with either of sub-articles (3), (5), (6) or (7) the authority shall, as soon as may be—

- (a) notify the affected landowners, Irish Water, the Agency and the Department of Agriculture, Food and the Marine of the distance so specified,
- (b) send to the Agency a summary of the report of any investigations undertaken and the reasons for specifying the alternative distance,
- (c) make an entry in the register maintained in accordance with Article 30(6), and
- (d) publish and maintain on the local authority website an updated schedule of setback distances specified for each drinking water supply.

(11) The Agency may issue advice or direction to Irish Water or a local authority in relation to any requirements including requirements for technical assessments and prior investigations arising under sub-articles (2), (3), (4), (5), (6), (7), (8) or (9) and Irish Water or a local authority (as the case may be) shall comply with any such advice or direction given.

(12) Notwithstanding sub-article (2)(f), organic fertiliser or soiled water shall not be applied to land within 10m of any surface waters where the land has an average incline greater than 10% towards the water.

(13) Where farmyard manure is held in a field prior to landspreading it shall be held in a compact heap and shall not be placed within-

- (a) 250m of the abstraction point of any surface waters or borehole, spring or well used for the abstraction of water for human

consumption in a water scheme supplying 10m<sup>3</sup> or more of water per day or serving 50 or more persons,

- (b) 50m of any other borehole, spring or well used for the abstraction of water for human consumption other than a borehole, spring or well specified at paragraph (a),
- (c) 20m of a lake shoreline or a turlough likely to flood,
- (d) 50m of exposed cavernous or karstified limestone features (such as swallow-holes and collapse features),
- (e) 20m of any surface waters (other than a lake or surface waters specified at paragraph (a)).

(14) Organic fertiliser shall not be held in a field at any time during the periods specified in Schedule 4 as applicable to that substance.

(15) Silage bales shall not be stored outside of farmyards within 20m of surface waters or a drinking water abstraction point in the absence of adequate facilities for the collection and storage of any effluent arising.

(16) No cultivation shall take place within 2m of a watercourse identified on a modern 1:5,000 scale OSi mapping or better, except in the case of grassland establishment or the sowing of grass crops.

(17) Supplementary feeding points shall not be located within 20m of waters and shall not be located on bare rock.

(18) In the case of livestock holdings with grassland stocking rates of 170 kg nitrogen per hectare from livestock manure or above prior to export of livestock manure, bovine livestock shall not be permitted to drink directly from watercourses identified on the modern 1:5,000 scale OSi mapping or better. Where bovine livestock have direct access to watercourses on the holding, a fence shall be placed at least 1.5m from the top of the riverbank or water's edge (as the case may be). It will be permissible to move livestock across a watercourse to an isolated land parcel where necessary, provided that both sides of the watercourse are fenced.

(19) In the case of holdings identified in sub-Article 18, supplementary drinking points may not be located within 20m of surface waters.

(20) There shall be no direct runoff of soiled water from farm roadways to waters. The occupier of a holding shall comply with any specification for farm roadways specified by the Minister for Agriculture, Food and the Marine pursuant to this requirement.

(21) There shall be no direct runoff of soiled waters to waters resulting from the poaching of land on the holding.

(22) For late harvested crops and late harvested spring cereal crops, a minimum buffer of 6m shall be put in place to protect any intersecting watercourses.

*Requirements as to manner of application of fertilisers, soiled water etc*

18. (1) (a) Livestock manure, other organic fertilisers, effluents, soiled water and chemical fertilisers shall be applied to land in as accurate and uniform a manner as is practically possible.
- (b) Low emission slurry spreading equipment must be used for the application of slurry on holdings with grassland stocking rates of :
- i. 170 kg nitrogen per hectare from grazing livestock manure or above prior to export of livestock manure from the holding.
  - ii. 150 kg nitrogen per hectare from grazing livestock manure or above prior to export of livestock manure from the holding from 1<sup>st</sup> January 2023.
  - iii. 130 kg nitrogen per hectare from grazing livestock manure or above prior to export of livestock manure from the holding from 1<sup>st</sup> January 2024.
  - iv. 100 kg nitrogen per hectare from grazing livestock manure or above prior to export of livestock manure from the holding from 1<sup>st</sup> January 2025.
  - v. slurry produced by pigs on any holding from 1<sup>st</sup> January 2023.
- (c) From 1<sup>st</sup> January 2023, low emission equipment shall be used to apply livestock manure to arable land or the livestock manure shall be incorporated within 24 hours.
- (2) Organic and chemical fertilisers or soiled water shall not be applied to land in any of the following circumstances—
- (a) the land is waterlogged;
  - (b) the land is flooded or likely to flood;
  - (c) the land is snow-covered or frozen;
  - (d) heavy rain is forecast within 48 hours, or
  - (e) the ground slopes steeply and there is a risk of water pollution having regard to factors such as surface runoff pathways, the presence of land drains, the absence of hedgerows to mitigate surface flow, soil condition and ground cover.
- (3) A person shall, for the purposes of sub-article (2)(d), have regard to weather forecasts issued by Met Éireann.
- (4) Organic fertilisers or soiled water shall not be applied to land—
- (a) by use of an umbilical system with an upward-facing splashplate,
  - (b) by use of a tanker with an upward-facing splashplate,
  - (c) by use of a sludge irrigator mounted on a tanker, or

- (d) from a road or passageway adjacent to the land irrespective of whether or not the road or passageway is within or outside the curtilage of the holding.
- (5) Subject to sub-article (6), soiled water shall not be applied to land—
- (a) in quantities which exceed in any period of 42 days a total quantity of 50,000 litres per hectare, or
  - (b) by irrigation at a rate exceeding 5 mm per hour.
- (6) In an area which is identified on maps compiled by the Geological Survey of Ireland as “Extreme Vulnerability Areas on Karst Limestone Aquifers”, soiled water shall not be applied to land—
- (a) in quantities which exceed in any period of 42 days a total quantity of 25,000 litres per hectare, or
  - (b) by irrigation at a rate exceeding 3 mm per hour unless the land has a consistent minimum thickness of 1m of soil and subsoil combined.
- (7) For the purposes of sub-article (6), it shall be assumed until the contrary is shown that areas so identified as “Extreme Vulnerability Areas on Karst Limestone Aquifers” do not have a consistent minimum thickness of 1m of soil and subsoil combined.

*Periods when application of fertilisers is prohibited*

19. (1) Subject to this article, the application of fertiliser to land is prohibited during the periods specified in Schedule 4.
- (2) Sub-article (1) shall not apply in relation to the application to land of—
- (a) soiled water, subject to Article 5(3), or
  - (b) chemical fertilisers to meet the crop requirements of Autumn-planted cabbage or of crops grown under permanent cover, or
  - (c) fertilisers whose application rate or usage rate is less than 1kg per hectare of available nitrogen or phosphorus.

*Limits on the amount of livestock manure to be applied*

20. (1) The amount of livestock manure applied in any year to land on a holding, together with that deposited to land by livestock, shall not exceed an amount containing 170 kg of nitrogen per hectare. The amount considered to be applied to commonage shall not exceed 50 kg of nitrogen per hectare.
- (2) For the purposes of sub-article (1), the amount of nitrogen produced by livestock and the nitrogen content of livestock manure shall be calculated in accordance with Tables 6, 7 and 8 of Schedule 2 except in the case of pig manure or poultry manure where a different amount is specified in a certificate issued in accordance with Article 32 in relation to that manure.
- (3) For the purposes of sub-article (1), the area of a holding shall be deemed to be the eligible area of the holding.

*Ploughing and the use of non-selective herbicides*

21. (1) Where arable land is ploughed between 1<sup>st</sup> July and 30<sup>th</sup> November the necessary measures, shall be taken within 14 days of ploughing to provide for emergence of green cover. A rough surface shall be maintained prior to a crop being sown in the case of lands ploughed between 1<sup>st</sup> December and 15<sup>th</sup> January.

(2) Where grassland is ploughed between 1<sup>st</sup> July and 15<sup>th</sup> October the necessary measures shall be taken within 14 days of ploughing to provide for emergence of green cover from a sown crop.

(3) Grassland shall not be ploughed between 16<sup>th</sup> October and 30<sup>th</sup> November.

(4) (a) When a non-selective herbicide is applied to arable land or to grassland in the period between 1<sup>st</sup> July and 30<sup>th</sup> November the necessary measures shall be taken to provide for the emergence, within 6 weeks of the application, of green cover from a sown crop or from natural regeneration.

(b) When a non-selective herbicide is applied to land after 15<sup>th</sup> October, the requirement in sub-article 4 (a) shall be reduced to 75% of the relevant cereal area where a contract is in place for seed crops or crops producing grain destined for human consumption which prohibits the application of a non-selective herbicide preharvest.

(5) Where green cover is provided for in compliance with this Article, the cover shall not be removed by ploughing or by the use of a non-selective herbicide before 1<sup>st</sup> December unless a crop is sown within two weeks of its removal.

(6) In the case of land which is ploughed in the course of a ploughing competition under the auspices of the National Ploughing Association, a temporary exemption applies in the form of an extension to the time period specified in sub-article (1) or (2) for establishment of green cover after the land is ploughed.

(7) Shallow cultivation or sowing of a crop must take place within 7 days of baling of straw post harvest. Where straw is chopped shallow cultivation or sowing a crop must take place within 7 days of harvest. In all circumstances, shallow cultivation or sowing of a crop must take place within 14 days of harvesting. In certain weather conditions, the Minister, in discussion with the Minister for Agriculture, Food and the Marine, may advise when this should not apply.

PART 5  
GENERAL

*General duty of occupier*

22. (1) An occupier of a holding shall ensure compliance with the provisions of these Regulations in relation to that holding.

(2) An occupier of a holding shall comply with any advice and/or directions which may be issued from time to time for the purposes of these Regulations by the Minister, the Minister for Agriculture, Food and the Marine or the Agency.

*Keeping of records by occupier*

23. (1) Records shall be maintained for each holding which shall indicate—

- (a) total area of the holding,
- (b) eligible area of the holding,
- (c) cropping regimes and their individual areas,
- (d) livestock numbers and type,
- (e) an estimation of the annual fertiliser requirement for the holding and a copy of any Nutrient Management Plan prepared in relation to the holding,
- (f) quantities and types of chemical fertilisers moved on to or off the holding, including opening stock, records of purchase and closing stock,
- (g) livestock manure and other organic fertilisers moved on to or off the holding including quantities, type, dates and details of exporters and importers, as the case may be, in a format specified by the Minister for Agriculture, Food and the Marine,
- (h) the results of any soil tests carried out in relation to the holding,
- (i) the nature and capacity of facilities on the holding for the storage of livestock manure and other organic fertilisers, soiled water and effluents from dungsteeds, farmyard manure pits, silage pits or silage clamps, including an assessment of compliance with Articles 9 to 14,
- (j) the quantities and types of concentrated feedstuff fed to grazing live-stock on the holding, and
- (k) the location of any abstraction point of water used for human consumption from any surface waters, borehole, spring or well.

(2) Where fertiliser is used on a holding and a certificate of the type mentioned in Article 15 or 20 was issued in relation to that fertiliser in accordance with Article 32, a copy of the certificate shall be retained and be available for inspection on the holding for a period of not less than five years from the expiry of validity of the certificate.

(3) Records shall be prepared for each calendar year by 31<sup>st</sup> March of the following year and shall be retained for a period of not less than five years.

(4) Notwithstanding sub-paragraphs (1), (2) and (3), an occupier shall, where requested by the Minister, the Minister for Agriculture, Food and the Marine, a local authority or the Agency, provide such information as is requested relating to the movement of organic fertilisers on or off the holding.

*False or misleading information*

24. A person shall not compile information which is false or misleading to a material extent or furnish any such information in any notice or other document for the purposes of these Regulations.

*Authorised person*

25. (1) In this Article, “authorised person” means—

- (a) a person who is an authorised person for the purposes of section 28 of the Local Government (Water Pollution) Act, 1977 (No. 1 of 1977), or
- (b) a person appointed under sub-article (11) to be an authorised person for the purposes of these Regulations.

(2) An authorised person may for any purpose connected with these Regulations—

- (a) enter and inspect any premises for the purposes of performing a function under these Regulations or of obtaining any information which he or she may require for such purposes,
- (b) at all reasonable times, or at any time if he or she has reasonable grounds for believing that there is or may be a risk to the environment, or that an offence under these Regulations is being or is about to be committed, arising from the carrying on of an activity at a premises, enter any premises and bring onto those premises such other persons (including a member of the Garda Síochána) or equipment as he or she may consider necessary, or
- (c) at any time if he or she has reasonable grounds for suspecting there may be a risk to the environment, or that an offence under these Regulations is being or is about to be committed, involving the use of any vehicle halt and board the vehicle and require the driver of the vehicle to take it to a place designated by the authorised person, and such a vehicle may be detained at that place by the authorised person for such period as he or she may consider necessary.

(3) An authorised person shall not enter into a private dwelling under this article unless one of the following conditions applies—

- (a) the entry is effected with the consent of the occupier or
- (b) the entry is authorised by a warrant issued under sub-article (7).

(4) Whenever an authorised person enters any premises or boards any vehicle, under this article, he or she may—

- (a) take photographs and carry out inspections, record information on data loggers, make tape, electrical, video or other recordings,
- (b) carry out tests and make copies of documents (including records kept in electronic form) found therein and take samples,
- (c) monitor any effluent, including trade effluent or other matter, which is contained in or discharged from a premises,
- (d) carry out surveys, take levels, make excavations and carry out examinations of depth and nature of subsoil,
- (e) require that the premises or vehicle or any part of the premises or anything in the premises or vehicle shall be left undisturbed for a specified period,
- (f) require information from an occupier of the premises of any occupant of the vehicle or any person employed on the premises or any other person on the premises,
- (g) require the production of, or inspect, records (including records held in electronic form) or documents, or take copies of or extracts from any records or documents, and
- (h) remove and retain documents and records (including documents held in electronic form) for such period as may be reasonable for further examination, which the authorised person, having regard to all the circumstances, considers necessary for the purposes of exercising any function under these Regulations.

(5) (a) An authorised person who, having entered any premises or boarded any vehicle pursuant to these Regulations, considers that a risk to the environment arises from the carrying on of an activity at the premises or involving the use of the vehicle, may direct the owner or occupier of the premises or the driver of the vehicle to take such measures as are considered by that authorised person to be necessary to remove that risk.

(b) If the owner, occupier or driver referred to in paragraph (a) fails to comply with a direction of an authorised person under this subsection, the authorised person may do all things as are necessary to ensure that the measures required under the direction are carried out and the costs incurred by him or her in doing any such thing shall be recoverable from the owner or occupier by him or her, or the person by whom he or she was appointed.

(6) A person shall not—

- (a) refuse to allow an authorised person to enter any premises or board any vehicle or to bring any person or equipment with him or her in the exercise of his or her powers,

- (b) obstruct or impede an authorised person in the exercise of any of his or her powers,
  - (c) give to an authorised person information which is to his or her knowledge false or misleading in a material respect, or
  - (d) fail or refuse to comply with any direction or requirement of an authorised person.
- (7) (a) Where an authorised person in the exercise of his or her powers under this Article is prevented from entering any premises, or if the authorised person has reason to believe that evidence related to a suspected offence under these Regulations may be present in any premises and that the evidence may be removed therefrom or destroyed, or if the authorised person has reason to believe that there is a significant immediate risk to the environment, the authorised person or the person by whom he or she was appointed may apply to the District Court for a warrant under this Article authorising the entry by the authorised person onto or into the premises.
- (b) If, on application being made to the District Court under this Article, the District Court is satisfied, on the sworn information of the authorised person that he or she has been prevented from entering a premises, the Court may issue a warrant authorising that person, accompanied, if the Court deems it appropriate by another authorised person or a member of the Garda Síochána, as may be specified in the warrant, at any time or times within one month from the date of the issue of the warrant, on production if so requested of the warrant, to enter, if need be by force, the premises concerned and exercise the powers referred to in sub-article (4) or (5).

(8) An authorised person may, in the exercise of any power conferred on him or her by these Regulations involving the bringing of any vehicle to any place, or where he or she anticipates any obstruction in the exercise of any other power conferred on him or her by these Regulations, request a member of the Garda Síochána to assist him or her in the exercise of such a power and any member of the Garda Síochána to whom he or she makes such a request shall comply with this request.

(9) Any certificate or other evidence given, or to be given, in respect of any test, examination or analysis of any sample shall, in relation to that sample, be evidence, without further proof, of the result of the test, examination or analysis unless the contrary is shown.

(10) When exercising any power conferred on him or her by these Regulations an authorised person shall, if requested by any person affected, produce a certificate or other evidence of his or her appointment as an authorised person.

(11) A person may be appointed as an authorised person for the purposes of these Regulations by the Minister, the Minister for Agriculture, Food and the Marine or the Agency.

(12) In this article “premises” includes land whether or not there are any structures on the land.

*Offences and related matters*

26. (1) A person who contravenes a provision of Parts 2 to 5 and Schedule 5 of these Regulations, excluding Article 17(5), (6), (7), (10) and (11), is guilty of an offence and shall be liable—

- (a) on summary conviction to a Class A fine or to imprisonment for a term not exceeding 3 months or both or,
- (b) on conviction on indictment to a fine not exceeding €500,000 or to imprisonment for a term not exceeding one year or to both such fine and such imprisonment.

(2) Where an offence under these Regulations has been committed by a body corporate and it is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person who, when the offence was committed, was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in any such capacity, that person, as well as the body corporate, is guilty of an offence and liable to be proceeded against and punished as if guilty of the first-mentioned offence.

(3) Where the affairs of a body corporate or unincorporated body are managed by its members, sub-article (2) shall apply to the acts and defaults of a member in connection with the functions of management as if such a member were a director or manager of the body.

(4) A prosecution for a summary offence under these Regulations may be taken by a local authority or the Agency.

(5) A prosecution for a summary offence may be taken by a local authority whether or not the offence is committed in the functional area of the authority.

(6) Where a court imposes a fine or affirms or varies a fine imposed by another court for an offence under these Regulations, prosecuted by the Agency or a local authority, it shall, on the application of the Agency or local authority concerned (made before the time of such imposition, affirmation or variation), provide by order for the payment of the amount of the fine to the Agency or local authority, as the case may be, and such payment may be enforced by the Agency or local authority, as the case may be, as if it were due to it on foot of a decree or order made by the court in civil proceedings.

(7) Where a person is convicted of an offence under these Regulations the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order that person to pay to the Agency or local authority concerned the costs and expenses, measured by the court, reasonably incurred by the Agency or local authority in relation to the investigation, detection and prosecution of the offence, including costs incurred in the taking of samples, the carrying out of tests, examinations and analyses and in respect of the remuneration and other expenses of employees, consultants and advisers.

- (8) (a) Where a local authority has reason to believe that an offence has been or is being committed in relation to a holding the authority may by notice require the person who appears to the authority to be the occupier to provide such information as is specified in the notice in relation to the alleged offence and it shall be the duty of that person to provide such information within the time frame specified in the notice insofar as is known to him or her.
- (b) A notice issued in accordance with paragraph (a) shall set out the provisions of Articles 22(1) and 24 and of sub-article (1).

(9) Where a local authority considers that an offence under these Regulations has been or is being committed in relation to a holding the authority shall take such enforcement measures as are warranted by the circumstances and as are necessary to ensure satisfactory compliance with these Regulations and which, save in the case of a trivial or insignificant offence or specific mitigating circumstances, shall include prosecution for the alleged offence.

- (10) (a) Where on application by motion by the Agency or a local authority to the District Court, Circuit Court or the High Court, the court hearing the application is satisfied that a person has failed or is failing to comply with a provision of Parts 2 to 5 of these Regulations, the court may by order—
- (i) direct the person to comply with the provisions,
  - (ii) make such other provision, including provision in relation to the payment of costs, as the court considers appropriate, and
  - (iii) make such interim or interlocutory order as it considers appropriate.
- (b) An application for an order under this Article may be made whether or not there has been a prosecution for an offence under these Regulations in relation to the relevant failure of compliance and shall not prejudice the initiation of a prosecution for an offence under these Regulations in relation to the failure of compliance.

(11) The powers, duties and functions assigned to a local authority or the Agency by this Article are additional to, and not in substitution for, the powers, duties and functions assigned by the Local Government (Water Pollution) Acts 1977 and 1990 or any other statute.

(12) A local authority shall maintain a register of inspections undertaken of farm holdings and information received for the purposes of Article 26(8) and shall keep updated a record of all enforcement measures undertaken in accordance with the requirements of Article 26(9) and Article 29(6).

PART 6  
FUNCTIONS OF PUBLIC AUTHORITIES

*Minister for Agriculture, Food and the Marine*

27. (1) The Minister for Agriculture, Food and the Marine shall carry out, or cause to be carried out, such monitoring and evaluation programmes in relation to farm practices as may be necessary to determine the effectiveness of measures being taken in accordance with these Regulations.

(2) The Minister for Agriculture, Food and the Marine shall, in relation to each year, make the overall results of monitoring and evaluations carried out in accordance with sub-article (1) available to the Agency, to the Minister and, on request, to a local authority.

(3) The Minister for Agriculture, Food and the Marine shall prepare and keep updated a register of all holdings and shall, on request, make a copy of the register available to the Minister, the Agency or a local authority.

(4) The Minister for Agriculture, Food and the Marine shall make available to the Minister, a local authority or the Agency a report of an inspection or inspections carried out for the purposes of these Regulations or upon written request other information in relation to any holding or holdings as the case may be where such transfer of data is necessary for the purposes of ensuring compliance with these Regulations.

(5) The Minister for Agriculture, Food and the Marine shall make available, upon written request, information in relation to any holding or holdings, as the case may be, where such transfer of data is necessary for the purposes of carrying out any functions set out in these regulations, including for the purpose of promoting compliance with these Regulations. Such information may be requested by the following:-

- (a) the Minister,
- (b) an individual local authority,
- (c) a representative local authority under a local authority shared service established for the purpose of carrying out functions set out in these regulations including for the purpose of promoting compliance with these Regulations,
- (d) Teagasc for the purpose of promoting compliance with these Regulations,
- (e) the Agency.

(6) The Minister for Agriculture, Food and the Marine shall ensure compliance with the Data Sharing and Governance Act, No. 5 of 2019 in making available any information under sub-article (5) above.

*Making and review of action programme by the Minister*

28. (1) The Minister shall, following consultation with the Minister for Agriculture, Food and the Marine and other interested parties in accordance with this Article, prepare and publish not later than 31<sup>st</sup> December 2025 and every four years thereafter, a programme of measures (hereafter in this Article referred to as “an action programme”) for the protection of waters against pollution from agriculture. An interim review of this action programme shall be undertaken by the Minister starting within the second year of the programme.

(2) An action programme required by sub-article (1) shall include all such measures as are necessary for the purposes of Article 5 of the Nitrates Directive and shall contain a review of the action programme most recently made for those purposes and of such additional measures and reinforced actions as may have been taken.

(3) The Minister shall ensure that all interested parties are given early and effective opportunities to participate in the preparation, review and revision of an action programme required by this Article and for this purpose shall—

- (a) inform interested parties by public notices or other appropriate means including electronic media, in relation to any proposals for the preparation, review or revision of an action programme,
- (b) make available to interested parties information in relation to the proposals referred to in paragraph (a) including information about the right to participate in decision-making in relation to those proposals,
- (c) provide an opportunity for comment by interested parties before any decision is made on the establishment, review or revision of an action programme,
- (d) in making any such decision, take due account of the comments made by interested parties and the results of the public participation, and
- (e) having examined any comments made by interested parties, make reasonable efforts to inform those parties of the decisions taken and the reasons and considerations on which those decisions are based, including information on the public participation process.

(4) The Minister shall ensure that such reasonable time is allowed as is sufficient to enable interested parties to participate effectively.

(5) Where the Minister publishes any information in accordance with this Article, the Minister shall—

- (a) do so in such manner as the Minister considers appropriate for the purpose of bringing that information to the attention of the public, and
- (b) make copies of that information accessible to interested parties free of charge through a website or otherwise.

(6) The Minister shall specify by way of public notice on a website or otherwise the detailed arrangements made to enable public participation in the preparation, review or revision of an action programme, including—

- (a) the address to which comments in relation to those proposals may be submitted, and
- (b) the date by which such comments should be received.

(7) In this Article “interested parties” includes persons who—

- (a) are carrying on any business which relies upon the water environment or which is affected, or likely to be affected, by the action programme, or
- (b) are carrying on any activities which have or are likely to have an impact on water status, or
- (c) have an interest in the protection of the water environment whether as users of the water environment or otherwise.

#### *Agency*

29. (1) The Agency shall prepare at four-yearly intervals a report in accordance with Article 10 of the Nitrates Directive and shall submit such report to the Minister.

(2) The Agency shall undertake a review of progress made in implementing these Regulations and shall submit a report to the Minister by 30<sup>th</sup> June 2025 and every four years thereafter with the results of that review and with recommendations as to such additional measures, if any, as appear to be necessary to prevent and reduce water pollution from agricultural sources.

(3) In preparing the reports required under sub-articles (1) and (2) the Agency shall consult with the Department of Agriculture, Food and the Marine and the co-ordinating local authority in each river basin district, and such other persons as it considers appropriate.

(4) The Department of Agriculture, Food and the Marine, the relevant local authorities and Irish Water shall provide the Agency with such information appropriate to their functions as may be requested by the Agency for the purposes of these Regulations.

(5) Each monitoring programme prepared by the Agency for the purposes of Article 10 of European Communities (Water Policy) Regulations, 2003 (S.I. No. 722 of 2003) shall include provision for such monitoring as is necessary for the purposes of these Regulations.

(6) The Agency shall make recommendations and shall, where considered necessary, give directions to each local authority in relation to the monitoring and inspections to be carried out, or other measures to be taken, by the authority for the purposes of these Regulations. The Agency may revise such recommendations and directions at such times thereafter as the Agency considers appropriate.

(7) The powers, duties and functions assigned to the Agency by these Regulations are additional to, and not in substitution for, the powers, duties and

functions assigned to the Agency by section 63 of the Environmental Protection Agency Act, 1992 (No. 7 of 1992) or any other statute.

#### *Local authorities*

30. (1) A local authority shall carry out, or cause to be carried out, such monitoring of surface waters and groundwater at selected measuring points within its functional area as makes it possible to establish the extent of pollution in the waters from agricultural sources and to determine trends in the occurrence and extent of such pollution.

(2) A local authority shall carry out or cause to be carried out such inspections of farm holdings as is necessary for the purposes of these Regulations and shall aim to co-ordinate its inspection activities with inspections carried out by other public authorities.

(3) For the purposes of sub-article (2) a local authority shall aim to develop co-ordination arrangements with other public authorities with a view to promoting consistency of approach in inspection procedures and administrative efficiencies between public authorities and to avoid any unnecessary duplication of administrative procedures and shall have regard to any inspection protocol which may be developed by the Minister, following consultation with the Minister for Agriculture, Food and the Marine.

(4) A local authority shall, in the exercise of its functions for the purposes of these Regulations—

- (a) consult to such extent as it considers appropriate with the Minister, the Minister for Agriculture, Food and the Marine, the Agency, Irish Water and such other persons as it considers appropriate, and
- (b) have full regard to any recommendations made, and comply with any direction given, to the authority by the Agency in accordance with Article 29.

(5) A local authority shall follow any protocol established by the Minister for furnishing a report of an inspection or inspections to the Department of Agriculture, Food and the Marine and such other persons as it considers appropriate for the purposes of these Regulations where non-compliance has been detected.

(6) A local authority shall maintain a register of all prior investigations carried out by the local authority itself or by Irish Water within its jurisdiction, and distances specified, for the purposes of Article 17.

#### *Compliance with Data Protection Acts*

31. The provision of information by a local authority, the Agency or the Minister for Agriculture, Food and the Marine in accordance with Article 27, 29 or 30 of these Regulations shall not be a breach of the Data Protection Acts, 1988, 2003 and 2018.

*Certificate in relation to nutrient content of fertiliser*

32. (1) A certificate of the type specified in Article 15 or 20 may be issued by a competent authority where the authority is satisfied that the nutrient content of the fertiliser in question has been assessed on the basis of appropriate methodologies based on net farm balance and is as specified in the certificate.

(2) A certificate issued under this Article shall be valid for such period, not exceeding twelve months, as shall be specified in the certificate.

(3) In this Article “competent authority” means—

- (a) the Agency in relation to fertiliser arising in an activity in relation to which there is in force a licence under Part IV of the Act of 1992, and
- (b) the Minister for Agriculture, Food and the Marine in relation to any other fertiliser.

(4) Notice of the methodologies used for the purposes of sub-article (1) shall be notified to the European Commission by the competent authority.

*Exemption for exceptional circumstances for research*

33. (1) A temporary exemption from a requirement of these Regulations may be granted to a person by the Agency or the Minister for Agriculture, Food and the Marine in the case of exceptional circumstances relating to research.

(2) A temporary exemption for the purposes of sub-article (1) shall be granted by way of certificate issued to the person carrying out the research by the Agency or the Minister for Agriculture, Food and the Marine and shall be subject to such conditions, if any, as are specified in the certificate.

(3) A certificate issued for the purposes of this Article shall specify the nature, extent and duration of the exemption to which the certificate relates and a copy of the certificate shall be sent as soon as may be to the relevant local authority.

## SCHEDULE 1

## SOIL TEST

A soil test refers to the results of an analysis of a soil sample carried out by a soil-testing laboratory that meets the requirements of the Minister for Agriculture, Food and the Marine for this purpose.

The analysis for phosphorus and, where appropriate, organic matter content and soil pH, and the taking of soil samples shall be carried out in accordance with the procedures below.

**Analysis for Phosphorus**

The Morgan's extractable P test as detailed below shall be used to determine the Soil P Index. A review of this soil test methodology for phosphorus availability will be undertaken for the mid-term review of this programme.

**Preparation of soil sample**

The soil shall be dried at 40°C for at least 24 hours (longer if necessary to ensure complete drying) in a forced draught oven with moisture extraction facilities. It shall then be sieved through a 2 mm mesh screen to remove stones and plant debris. After thorough mixing, it shall be sub-divided to obtain a representative sample. Where large samples are received at the laboratory, the entire sample shall be dried and sieved prior to sub-sampling for analysis.

**Morgan's extracting solution**

Constituents:— 1,400 ml of 40% NaOH in approximately 15 litres of water. Add 1,440 ml of glacial acetic acid. Make up to 20 litres with water and adjust pH to 4.8. The pH of the solution must be checked regularly and adjusted as necessary before use. A volume ratio of one part sieved soil to five parts of solution must be used, e.g. 6 ml of the prepared soil sample is extracted with a 30 ml volume of Morgan's extracting solution. The sample shall be shaken for 30 minutes to get a suitable mix and permit intended reaction, after which it is filtered through a No. 2 Whatman filter paper into vials for analysis. The filtered extract shall be analysed using standard laboratory techniques.

Results shall be reported in mg per litre.

**Analysis of organic matter**

Organic matter content shall be determined by loss on ignition.

Place a quantity of the prepared soil sample in an oven for 16 hours at 105°C. Remove and cool in a desiccator. Put approximately 4g of this soil into a pre-weighed crucible and determine the weight of the soil (initial weight). Place in a muffle furnace at 500°C for 16 hours for ashing. Remove the crucible, cool in a desiccator and determine the weight of the ash (final weight).

The organic matter of the soil is the difference in weight between the initial and final weights expressed as a percentage of the initial weight.

### Analysis of soil pH

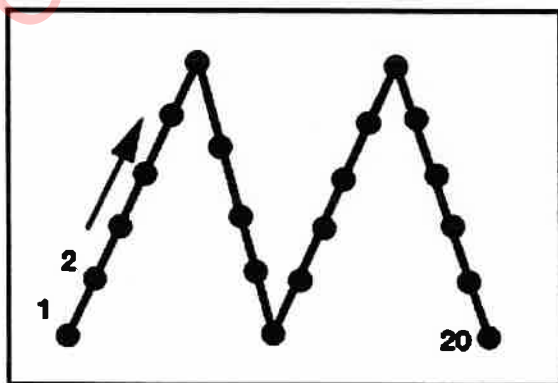
Soil pH shall be determined by measuring pH in a soil:water suspension of 1:2 ratio. Place 10 ml of dried sieved soil and 20 mls of deionised water into a suitable container. Mix thoroughly and allow to stand for at least 10 minutes. Stir for 30 seconds, and allow to settle immediately before recording the pH on a meter calibrated using buffer solutions of pH 4.0 and 7.0

### Soil Sampling Procedure

The soil sample shall be taken in accordance with the procedure as specified below:

- (a) The sampling area shall not exceed 4 hectares. Exceptionally, where soil types and cropping of lands were similar during the previous five years, a sample area of up to 5 hectares shall be deemed acceptable.
- (b) Separate samples shall be taken from areas that are different in soil type, previous cropping history, slope, drainage or persistent poor yields.
- (c) Any unusual spots such as old fences, ditches, drinking troughs, dung or urine patches or where fertiliser or lime has been heaped or spilled shall be avoided.
- (d) A field shall not be sampled for phosphorus until 3 months after the last application of any fertiliser containing this nutrient (chemical or organic).
- (e) The sampling pattern shown in the figure below shall be followed. A soil core shall be taken to the full 100 mm depth. 20 cores shall be taken from the sampling area and placed in the soil container to make up the sample. Ensure the container is full of soil.
- (f) The field and sample numbers shall be written/attached onto the soil container.

Figure 1: Sampling pattern



## SCHEDULE 2

## Article 8

CRITERIA AS TO STORAGE CAPACITY AND NUTRIENT  
MANAGEMENT

Table 1 Slurry storage capacity required for sows and pigs

Unit type	m <sup>3</sup> /week <sup>1</sup>				
	2.0:1	2.5:1	3.0:1	3.5:1	4.0:1
Water:meal ratio changing for finishers only					
Breeding unit (per sow place)	-	-	-	-	0.174
Integrated unit (per sow place)	0.312	0.355	0.398	0.441	0.483
Finishing unit (per pig)	0.024	0.031	0.039	0.046	0.053

<sup>1</sup>An additional 200mm freeboard must be provided in all covered tanks and 300mm freeboard in all uncovered tanks. Allowance must also be made for net rainfall during the specified storage period for uncovered tanks.

Table 2 Slurry storage capacity required for cattle, sheep and poultry

Livestock type	m <sup>3</sup> /week <sup>1</sup>
Dairy cow	0.33
Suckler cow	0.29
Cattle > 2 years	0.26
Cattle (18-24 months old)	0.26
Cattle (12-18 months old)	0.15
Cattle (6-12 months old)	0.15
Cattle (0-6 months old)	0.08
Lowland ewe	0.03
Mountain ewe	0.02
Lamb-finishing	0.01
Poultry — layers per 1000 birds (30% DM)	0.81

<sup>1</sup>An additional 200mm freeboard must be provided in all covered tanks and 300mm freeboard in all uncovered tanks. Allowance must also be made for net rainfall during the specified storage period for uncovered tanks.

Table 3 Storage capacity required for dungstead manure

Livestock type	Solid fraction (m <sup>3</sup> /week)	Seepage fraction (m <sup>3</sup> /week) <sup>1</sup>
Dairy cow	0.28	0.04
Suckler cow	0.25	0.03
Cattle > 2 years	0.23	0.02
Cattle (18-24 months old)	0.23	0.02
Cattle (12-18 months old)	0.13	0.01
Cattle (6-12 months old)	0.13	0.01
Cattle (0-6 months old)	0.07	0.01

<sup>1</sup>Allowance must also be made for net rainfall during the specified storage period for uncovered tanks.

Table 4 Average net rainfall during the specified storage period

County	Millimetres per week
Carlow	24
Cavan	27
Clare	32
Cork	37
Donegal	38
Dublin	17
Galway	34
Kerry	45
Kildare	18
Kilkenny	23
Laois	22
Leitrim	33
Limerick	26
Longford	23
Louth	20
Mayo	40
Meath	19
Monaghan	23
Offaly	20
Roscommon	26
Sligo	32
Tipperary	27
Waterford	31
Westmeath	21
Wexford	25
Wicklow	33

## Article 9

Table 5 Storage capacity required for effluent produced by ensiled forage

Crop	Minimum storage requirement (m <sup>3</sup> /100 tonnes)	
	Short Term Storage <sup>1</sup>	Full Storage
Grass	7	21
Arable silage	7	21
Maize	4	10
Sugar beet tops	15	50

<sup>1</sup>Only permitted where a vacuum tanker or an irrigation system is available on the holding.

## Article 14 and 20

Table 6 Annual nutrient excretion rates for livestock

Livestock type	Annual nutrient excretion rates	
	Total Nitrogen kg/year	Total Phosphorus kg/year
Dairy cow <sup>7</sup> (2022 only)	89	13
Dairy cow band 1 <sup>8</sup> (from 2023)	80	12
Dairy cow band 2 <sup>9</sup> (from 2023)	92	13.6
Dairy cow band 3 <sup>10</sup> (from 2023)	106	15.8
Suckler cow	65	10
Cattle (0-1 year old)	24	3
Cattle (1-2 years old)	57	8
Cattle > 2 years	65	10
Mountain ewe & lambs	7	1
Lowland ewe & lambs	13	2
Mountain hogget	4	0.6
Lowland hogget	6	1
Goat	9	1
Horse (>3 years old)	50	9
Horse (2-3 years old)	44	8
Horse (1-2 years old)	36	6
Horse foal (< 1 year old)	25	3
Donkey/small pony	30	5
Deer (red) 6 months — 2 years	13	2

<sup>7</sup> In 2022 the N excretion rate for the dairy cow is 89 kg N/ha and from 2023 onwards the N excretion rate will be determined by the milk yield per annum (for the 3 preceding years) as explained in footnote 8, 9 and 10

<sup>8</sup> <4,500 kg milk yield per annum

<sup>9</sup> 4,501 – 6,500 kg milk yield per annum

<sup>10</sup> >6,500 kg milk yield per annum

Deer (red) > 2 years	25	4
Deer (fallow) 6 months — 2 years	7	1
Deer (fallow) > 2 years	13	2
Deer (sika) 6 months — 2 years	6	1
Deer (sika) > 2 years	10	2
Breeding unit (per sow place)	35	8
Integrated unit (per sow place)	87	17
Finishing unit (per pig place)	9.2	1.7
Laying hen per bird place	0.56	0.12
Broiler per bird place	0.24	0.09
Turkey per bird place	1	0.4

Article 15 and 20

Table 7 Amount of nutrient contained in 1m<sup>3</sup> of slurry

Livestock type	Total Nitrogen (kg)	Total Phosphorus (kg)
Cattle	2.4	0.8
Pig	4.2	0.8
Sheep	10.2	1.5
Poultry — layers 30% DM	13.7	2.9

For the purposes of calculation, assume that 1 m<sup>3</sup> = 1,000 litres = 1 tonne = 1000 kg.

Table 8 Amount of nutrients contained in 1 tonne of organic fertilisers other than slurry

Livestock type		Total Nitrogen (kg)	Total Phosphorus (kg)
Poultry manure	broilers/deep litter	28.0	6.0
	layers 55% dry matter	23.0	5.5
	turkeys	28.0	13.8
Dungstead manure (cattle)		3.5	0.9
Farmyard manure		4.5	1.2
Spent mushroom compost		8	1.5
Sewage sludge		Total nitrogen and total phosphorus content per tonne shall be declared by the supplier in accordance with the Waste Management (Use of Sewage Sludge in Agriculture) Regulations, 1998 to 2001 and any subsequent amendments thereto and this must be submitted to the local authority.	
Dairy processing residues and other products not listed above		Total nitrogen and total phosphorus content per tonne based on certified analysis shall be provided by the supplier.	

Article 15

Table 9 Nutrient availability in fertilisers

Fertiliser	Availability (%)		
	Nitrogen	Phosphorus	
		Soil Index 1 & 2	Soil Index 3 & 4
Chemical	100	100	100
Pig and poultry manure	50	50	100
Farmyard manure	30	50	100
Spent mushroom compost	20	50	100
Cattle and other livestock manure (including that produced on the holding)	40	50	100

Table 9A Nutrient availability in compost

Compost C:N ratio <sup>1</sup>	N availability (%)
<10	25
12.5	17.5
15.0	10
17.5	5.5
>20	0.0

<sup>1</sup>The determination of the C:N ratio shall be based on a methodology agreed with the Agency or the Minister for Agriculture, Food and the Marine

Table 10 Determining nitrogen index for tillage crops

Tillage crops that follow permanent pasture			
Nitrogen Index			
Index 1	Index 2	Index 3	Index 4
The 5th tillage crop following permanent pasture. For subsequent tillage crops use the continuous tillage table.	The 3rd or 4th tillage crop following permanent pasture. If original permanent pasture was cut only, use index 1.	The 1st or 2nd tillage crop following permanent pasture (see also Index 4). If original permanent pasture was cut only, use index 2.	The 1st or 2nd tillage crop following very good permanent pasture which was grazed only.
Continuous tillage: — crops that follow short leys (1-4 years) or tillage crops			
Previous crop			
Index 1	Index 2	Index 3	Index 4
Cereals Maize	Sugar beet Fodder beet Potatoes Mangels Kale Oil seed rape, Peas, Beans		
	Leys (1-4 years) grazed or cut and grazed		
	Swedes removed	Swedes grazed in situ	
Vegetables receiving less than 200 kg/ha nitrogen	Vegetables receiving more than 200 kg/ha nitrogen		

Table 11 Phosphorus index system

Soil phosphorus index	Soil phosphorus ranges (mg/l)	
	Grassland	Other crops
1	0.0-3.0	0.0-3.0
2	3.1-5.0	3.1-6.0
3	5.1-8.0	6.1-10.0
4	> 8.0	>10.0

Table 12 Annual maximum fertilisation rates of nitrogen on grassland

Grassland stocking rate <sup>1</sup>	Available Nitrogen <sup>2</sup>
(kg/ha/year)	(kg/ha)
≤130	114
131-170	185
Grassland stocking rate greater than 170 kg/ha/year <sup>3, 4</sup>	
171-210	254
211-250	225
>250	225 <sup>5</sup>

<sup>1</sup>Total annual nitrogen (kg) excreted by grazing livestock averaged over the eligible grassland area (ha) (grazing and silage area). Stocking rate refers to grassland area only.

<sup>2</sup>The maximum nitrogen fertilisation of grassland shall not exceed that specified for stocking rates less than or equal to 170 kg/ha/year unless a minimum of 5% of the eligible area of the holding is used to grow crops other than grass or a derogation applies in respect of the holding. Where a derogation applies on the holding derogation rates apply based on stocking rate of the holding. For a new derogation applicant they may apply the derogation rate of 225 kg/ha for the 1<sup>st</sup> year only and from year 2 onwards must use rates as per stocking rate on the holding.

<sup>3</sup>This table does not imply any departure from Article 20(1) which prohibits the application to land on a holding of livestock manure in amounts which exceed 170 kg nitrogen per hectare per year, including that deposited by the animals themselves (or 250 kg in the case of a holding to which a derogation has been granted, in accordance with the Nitrates Directive).

<sup>4</sup> these fertilisation rates are only applicable where the fertiliser type specified by the Minister for Agriculture, Food and the Marine is used.

<sup>5</sup>The application of nitrogen from livestock manure (including that deposited by the animals themselves) to the eligible grassland area shall not exceed 250 kg nitrogen per hectare per year.

Table 13A Annual maximum fertilisation rates of phosphorus on grassland

Grassland stocking rate <sup>1</sup> (kg/ha/year)	Phosphorus Index			
	1	2	3	4
	Available Phosphorus (kg/ha) <sup>2,3,6</sup>			
<85	27	17	7	0
86-130	30	20	10	0
131-170	33	23	13	0
Grassland stocking rate greater than 170 kg/ha/year <sup>4,5</sup>				
171-210	36	26	16	0
211-250	39	29	19	0
>250	39	29	19	0

<sup>1</sup>Total annual nitrogen (kg) excreted by grazing livestock averaged over the eligible grassland area (grazing and silage area). Stocking rate refers to grassland area only.

<sup>2</sup>The fertilisation rates for soils which have more than 20% organic matter shall not exceed the amounts permitted for Index 3 soils, subject to the provisions in Article 16(3)(f).

<sup>3</sup>Manure produced by grazing livestock on a holding may be applied to Index 4 soils on that holding in a situation where there is a surplus of such manure remaining after the phosphorus fertilisation needs of all crops on soils at phosphorus indices 1, 2 or 3 on the holding have been met by the use only of such manure produced on the holding.

<sup>4</sup>The maximum phosphorus fertilisation of grassland shall not exceed that specified for stocking rates less than or equal to 170 kg/ha/year unless a minimum of 5% of the eligible area of the holding is used to grow crops other than grass or a derogation applies in respect of the holding.

<sup>5</sup>This table does not imply any departure from Article 20(1) which prohibits the application to land on a holding of livestock manure in amounts which exceed 170 kg Nitrogen per hectare per year, including that deposited by the animals themselves (or 250 kg in the case of a holding to which a derogation has been granted in accordance with the Nitrates Directive).

<sup>6</sup>An additional 15 kg of phosphorus per hectare may be applied on soils at phosphorus indices 1, 2, or 3 for each hectare of pasture establishment undertaken.

Table 13B Annual maximum fertilisation rates of phosphorus on grassland adopting increased P build-up application rates

Grassland stocking rate <sup>1</sup> (kg/ha/year)	Phosphorus Index			
	1	2	3	4
	Available Phosphorus (kg/ha) <sup>2,3,6</sup>			
131-170	63	43	13	0
Grassland stocking rate greater than 170 kg/ha/year <sup>4,5</sup>				
171-210	66	46	16	0
211-250	69	49	19	0
>250	69	49	19	0

<sup>1</sup>Total annual nitrogen (kg) excreted by grazing livestock averaged over the eligible grassland area (grazing and silage area). Stocking rate refers to grassland area only.

<sup>2</sup>The fertilisation rates for soils which have more than 20% organic matter shall not exceed the amounts permitted for Index 3 soils, subject to the provisions in Article 16(3)(f)..

<sup>3</sup>Manure produced by grazing livestock on a holding may be applied to Index 4 soils on that holding in a situation where there is a surplus of such manure remaining after the phosphorus fertilisation needs of all crops on soils at phosphorus indices 1, 2 or 3 on the holding have been met by the use only of such manure produced on the holding.

<sup>4</sup>The maximum phosphorus fertilisation of grassland shall not exceed that specified for stocking rates less than or equal to 170 kg/ha/year unless a minimum of 5% of the eligible area of the holding is used to grow crops other than grass or a derogation applies in respect of the holding.

<sup>5</sup>This table does not imply any departure from Article 20(1) which prohibits the application to land on a holding of livestock manure in amounts which exceed 170 kg Nitrogen per hectare per year, including that deposited by the animals themselves (or 250 kg in the case of a holding to which a derogation has been granted in accordance with the Nitrates Directive).

<sup>6</sup>An additional 15 kg of phosphorus per hectare may be applied on soils at phosphorus indices 1, 2, or 3 for each hectare of pasture establishment undertaken.

Table 14 Annual maximum fertilisation rates of available nitrogen on grassland (cut only, no grazing livestock on holding)

	Available nitrogen (kg/ha)
1st cut	112
Subsequent cuts	90
Hay	72

Table 15 Annual maximum fertilisation rates of phosphorus on grassland cut only

	Phosphorus Index			
	1	2	3	4
	Available Phosphorus (kg/ha) <sup>1,2,3</sup>			
First cut	40	30	20	0
Subsequent cuts	10	10	10	0

<sup>1</sup>The fertilisation rates for soils which have more than 20% organic matter shall not exceed the amounts permitted for Index 3 soils, subject to the provisions in Article 16(3)(f).

<sup>2</sup> The fertilisation rates apply to grassland where there is no grazing livestock on the holding.

<sup>3</sup>The fertilisation rates in this table apply to those areas of farms where hay or silage is produced for sale off the holding on farms stocked <85 kg grassland stocking rate.

Table 16 Maximum fertilisation rates of nitrogen on tillage crops

Crop	Nitrogen Index			
	1	2	3	4
	Available Nitrogen (kg/ha)			
Winter Wheat <sup>1,2</sup>	210	180	120	80
Spring Wheat <sup>1,2</sup>	160	130	95	60
Winter Barley <sup>1</sup>	180	155	120	80
Spring Barley <sup>1,3</sup>	135	100	75	40
Winter Oats <sup>1</sup>	145	120	85	45
Spring Oats <sup>1</sup>	110	90	60	30
Sugar Beet	195	155	120	80
Fodder Beet	195	155	120	80
Potatoes: Main Crop, >120 days <sup>4</sup>	250	190	170	140
Potatoes: Maincrop/seed, 90-120 days <sup>4</sup>	270	230	210	180
Potatoes: Early, 60-90 days <sup>4</sup>	210	170	150	120
Potatoes: Salad, <60 days <sup>4</sup>	140	120	100	60
Maize	180	140	110	75
Field Peas/Beans	0	0	0	0
Oil Seed Rape	225	180	160	140
Linseed	75	50	35	20
Swedes/Turnips	90	70	40	20
Kale	150	130	100	70
Forage Rape	130	120	110	90

<sup>1</sup>Where proof of higher yields is available, an additional 20 kg N/ha may be applied for each additional tonne above the following yields:

Winter Wheat — 9.0 tonnes/ha Spring Wheat — 7.5 tonnes/ha

Winter Barley — 8.5 tonnes/ha Spring Barley — 6.5 tonnes/ha

Winter Oats — 7.5 tonnes/ha Spring Oats — 6.5 tonnes/ha

The higher yields shall be based on the best yield achieved in any of the three previous harvests, at 20% moisture content.

<sup>2</sup>Where milling wheat is grown under a contract to a purchaser of milling wheat, an extra 30 kg N/ha may be applied.

<sup>3</sup>Where malting barley is grown under a contract to a purchaser of malting barley, an extra 20 kg N/ha may be applied where it is shown on the basis of agronomic advice that additional nitrogen is needed to address a proven low protein content in the grain.

<sup>4</sup>Length of growing season

Table 17 Maximum fertilisation rates of phosphorus on tillage crops

Crop	Phosphorus Index			
	1	2	3	4
	Available Phosphorus (kg/ha) <sup>1</sup>			
Winter Wheat <sup>2,3,5</sup>	45	35	25	0
Spring Wheat <sup>2,3</sup>	45	35	25	0
Winter Barley <sup>2,3,5</sup>	45	35	25	0
Spring Barley <sup>2,3</sup>	45	35	25	0
Winter Oats <sup>2,3,5</sup>	45	35	25	0
Spring Oats <sup>2,3</sup>	45	35	25	0
Sugar Beet	70	55	40	20
Fodder Beet	70	55	40	20
Potatoes: Main Crop	125	100	75	50
Potatoes: Early	125	115	100	50
Potatoes: Seed/Salad	125	115	100	85
Maize	70	50	40	20 <sup>4</sup>
Field Peas	40	25	20	0
Field Beans	50	40	20	0
Oil Seed Rape	55	45	35	0
Linseed	35	30	20	0
Swedes/Turnips	70	60	40	40
Kale	60	50	30	0
Forage Rape	40	30	20	0

<sup>1</sup>The fertilisation rates for soils which have more than 20% organic matter shall not exceed the amounts permitted for Index 3 soils.

<sup>2</sup>Where proof of higher yields is available, an additional 3.8 kg P/ha may be applied on soils at phosphorus 1, 2, or 3 for each additional tonne above a yield of 6.5 tonnes/ha. The higher yields shall be based on the best yield achieved in any of the three previous harvests, at 20% moisture content.

<sup>3</sup>Where pH is greater than or equal to 7, 20 kg P/ha may be applied on soils at phosphorus index 4.

<sup>4</sup>Must be incorporated prior to or during sowing.

<sup>5</sup> For winter cereals on soils of P index 1 and 2, 20 kg of the maximum P fertilisation rate may be applied up to 31<sup>st</sup> October, which must be incorporated prior to or during sowing.

Table 18 Maximum fertilisation rates of nitrogen on vegetable crops

Crop	Nitrogen Index				Maximum additional supplementation (Top dressing)
	1	2	3	4	
	Available Nitrogen (kg/ha)				
Asparagus (Establishment)	140	115	95	70	
Asparagus (After harvest)	0	0	0	0	70
Broad Beans	0	0	0	0	
French Beans	90	85	75	70	
Beetroot	140	125	105	90	
Brussels Sprouts	120	115	105	100	180
Spring Cabbage	50	35	15	0	250
Other Cabbage	150	135	115	100	100
Broccoli	120	115	100	90	120
Cauliflower (Winter and Spring)	75	50	25	0	150
Cauliflower (Summer and Autumn)	120	85	65	40	120
Carrots	90	70	40	0	
Celery	120	85	65	50	180
Courgettes	140	125	105	90	
Leeks	150	130	100	80	150
Lettuce	100	90	80	70	50
Onions	70	60	50	40	70
Scallions	90	80	70	60	60
Parsley	100	80	60	40	150
Parsnip	100	85	70	50	70
Peas (Market)	0	0	0	0	
Rhubarb	100	90	80	70	200
Spinach	140	125	105	90	100
Swede (Horticultural)	70	45	25	20	30
Swede (Transplanted crops)	90	60	30	0	

Table 19 Maximum fertilisation rates of phosphorus on vegetable crops

Crop	Phosphorus Index			
	1	2	3	4
	Available Phosphorus (kg/ha) <sup>1</sup>			
Asparagus (Establishment)	65	45	35	20
Asparagus (After harvest)	27	22	15	10
Broad Beans	65	45	35	20
French Beans	65	45	35	20
Beetroot	65	45	35	20
Brussels Sprouts	65	45	35	20
Spring Cabbage	65	45	35	20
Other Cabbage	65	45	35	20
Broccoli	65	45	35	20
Cauliflower (Winter and Spring)	65	45	35	20
Cauliflower (Summer and Autumn)	65	45	35	20
Carrots	65	45	35	20
Celery	88	65	55	28
Courgettes	65	45	35	20
Leeks	65	45	35	20
Lettuce	80	60	40	20
Onions	65	45	35	20
Scallions	65	45	35	20
Parsley	65	45	35	20
Parsnip	65	45	35	20
Peas (Market)	65	45	35	20
Rhubarb	65	45	35	20
Spinach	65	45	35	20
Swede (Horticultural)	70	60	45	35
Swede (Transplanted crops)	70	60	45	35

<sup>1</sup>The fertilisation rates for soils which have more than 20% organic matter shall not exceed the amounts permitted for Index 3 soils.

Table 20 Annual maximum fertilisation rates of nitrogen on fruit/soft fruit crops

	Available Nitrogen (kg/ha)
Apples (Dessert)	125
Apples (Culinary)	125
Pears	50
Cherries	70
Plums	70
Blackcurrants	80
Gooseberries	40
Raspberries	60
Strawberries	50
Redcurrants	60
Loganberries	50
Blackberries	50

Table 21 Annual maximum fertilisation rates of phosphorus on fruit/soft fruit crops

Index	Phosphorus			
	1	2	3	4
	Available			
Phosphorus (kg/ha) <sup>1</sup>				
Apples (Dessert)	25	16	12	8
Apples (Culinary)	20	12	10	8
Pears	16	8	4	0
Cherries	16	8	4	0
Plums	16	8	4	0
Blackcurrants	20	16	12	8
Gooseberries	20	16	12	8
Raspberries	20	16	12	8
Strawberries	16	8	4	0
Redcurrants	20	16	12	8
Loganberries	20	16	12	8
Blackberries	20	16	12	8

<sup>1</sup>The fertilisation rates for soils which have more than 20% organic matter shall not exceed the amounts permitted for Index 3 soils.

## SCHEDULE 3

*Articles 10, 11, 13 and 16*

## STORAGE PERIODS FOR LIVESTOCK MANURE

1. The storage period specified for the purposes of Articles 10(2), 11(2), 13 and 16(5)(b) is—

- (a) 16 weeks in relation to holdings in counties Carlow, Cork, Dublin, Kildare, Kilkenny, Laois, Offaly, Tipperary, Waterford, Wexford and Wicklow;
  - (b) 18 weeks in relation to holdings in counties Clare, Galway, Kerry, Limerick, Longford, Louth, Mayo, Meath, Roscommon, Sligo and Westmeath;
  - (c) 20 weeks in relation to holdings in counties Donegal and Leitrim, and
  - (d) 22 weeks in relation to holdings in counties Cavan and Monaghan.
1. Where 20% or more of a holding lies within one or more counties of higher storage requirement as specified in paragraph 1, the holding shall be deemed for the purposes of this Schedule to lie wholly within the county in relation to which the longest storage period is specified.

## SCHEDULE 4

*Articles 14, 17 and 19*

## PERIODS WHEN APPLICATION OF FERTILISERS TO LAND IS PROHIBITED

1. In counties Carlow, Cork, Dublin, Kildare, Kilkenny, Laois, Offaly, Tipperary, Waterford, Wexford and Wicklow, the period during which the application of fertilisers to land is prohibited in the period from—

- (a) 15<sup>th</sup> September to 26<sup>th</sup> January in the case of the application of chemical fertiliser and not withstanding sub-paragraph (4)
- (b) 8<sup>th</sup> October<sup>11</sup> to 12<sup>th</sup> January in the case of the application of organic fertiliser (other than farmyard manure) and not withstanding sub-paragraph (5)
- (c) 1<sup>st</sup> November to 12<sup>th</sup> January in the case of the application of farmyard manure.

<sup>11</sup> From 1<sup>st</sup> January 2023 the date for beginning of prohibited period will be 1<sup>st</sup> October

2. In counties Clare, Galway, Kerry, Limerick, Longford, Louth, Mayo, Meath, Roscommon, Sligo and Westmeath, the period during which the application of fertilisers to land is prohibited is the period from—

- (a) 15<sup>th</sup> September to 29<sup>th</sup> January in the case of the application of chemical fertiliser and notwithstanding sub paragraph (4)
- (b) 8<sup>th</sup> October<sup>6</sup> to 15<sup>th</sup> January in the case of the application of organic fertiliser (other than farmyard manure) and notwithstanding sub-paragraph (5)
- (c) 1<sup>st</sup> November to 15<sup>th</sup> January in the case of the application of farmyard manure.

3. In counties Cavan, Donegal, Leitrim and Monaghan, the period during which the application of fertilisers to land is prohibited is the period from—

- (a) 15<sup>th</sup> September to 14<sup>th</sup> February in the case of the application of chemical fertiliser and notwithstanding sub-paragraph (4)
- (b) 8<sup>th</sup> October<sup>6</sup> to 31<sup>st</sup> January in the case of the application of organic fertiliser (other than farmyard manure) and notwithstanding sub-paragraph (5)
- (c) 1<sup>st</sup> November to 31<sup>st</sup> January in the case of the application of farmyard manure.

4. In relation to the prohibited periods for spreading chemical fertiliser, the Minister shall by 1<sup>st</sup> September 2022, following consultation with the Minister for Agriculture, Food and the Marine, publish criteria for the application of slurry from the 15<sup>th</sup> January. The spreading of all chemical fertiliser shall be in accordance with these criteria from the 15<sup>th</sup> January.

5. In relation to the commencement of the closed period for slurry application, the Minister shall by 1<sup>st</sup> September 2022, following consultation with the Minister for Agriculture, Food and the Marine, publish criteria for the application of slurry from 1<sup>st</sup> October to the 15<sup>th</sup> October. The spreading of all slurry shall be in accordance with these criteria from the 8<sup>th</sup> October to the 15<sup>th</sup> October 2022 and from 1<sup>st</sup> October to the 15<sup>th</sup> October in subsequent years.



GIVEN under my Official Seal,  
9 March, 2022.

DARRAGH O'BRIEN,  
Minister for Housing, Local Government and Heritage.

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EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

These Regulations, which give effect to Ireland's Fifth Nitrates Action Programme, provide statutory support for good agricultural practice to protect waters against pollution from agricultural sources and include measures such as

- periods when land application of fertilisers is prohibited
- limits on the land application of fertilisers
- storage requirements for livestock manure, and
- monitoring of the effectiveness of the measures in terms of agricultural practice and impact on water quality.

The Regulations give further effect to several European Directives including Directives in relation to protection of waters against pollution from agricultural sources ("the Nitrates Directive"), dangerous substances in water, waste management, protection of groundwater, public participation in policy development and water policy (the Water Framework Directive).

The Regulations revoke the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2017 and other subsequent amending regulations.

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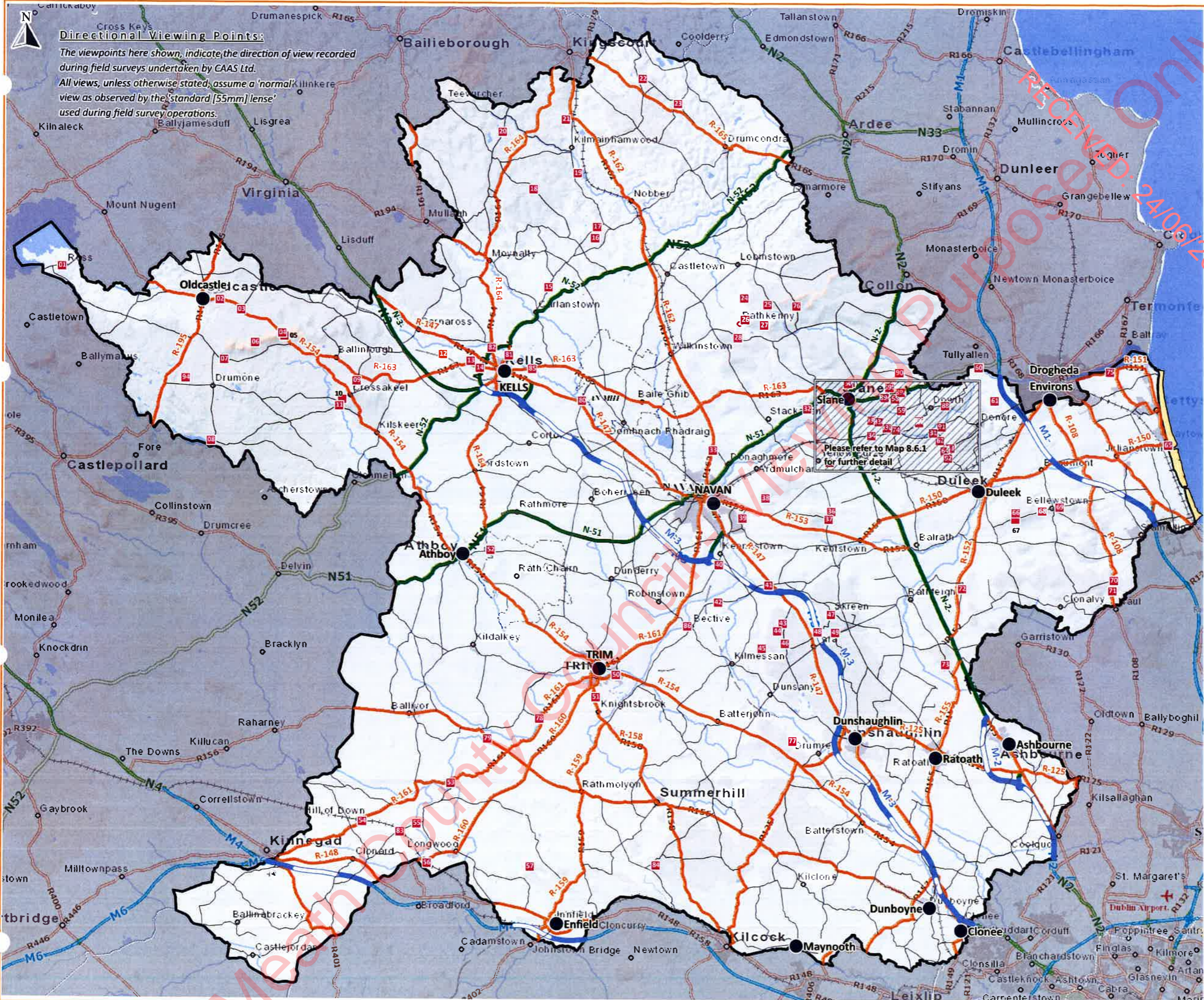
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***Appendix No. 18***

***Extracts from Meath Co.  
Development Plan***

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**LEGEND**  
 Views & Prospects  
 ■ View Reference

**PLEASE NOTE:**  
 This map MUST be read in conjunction with the accompanying Written Statement 'Protected Views & Prospects'.

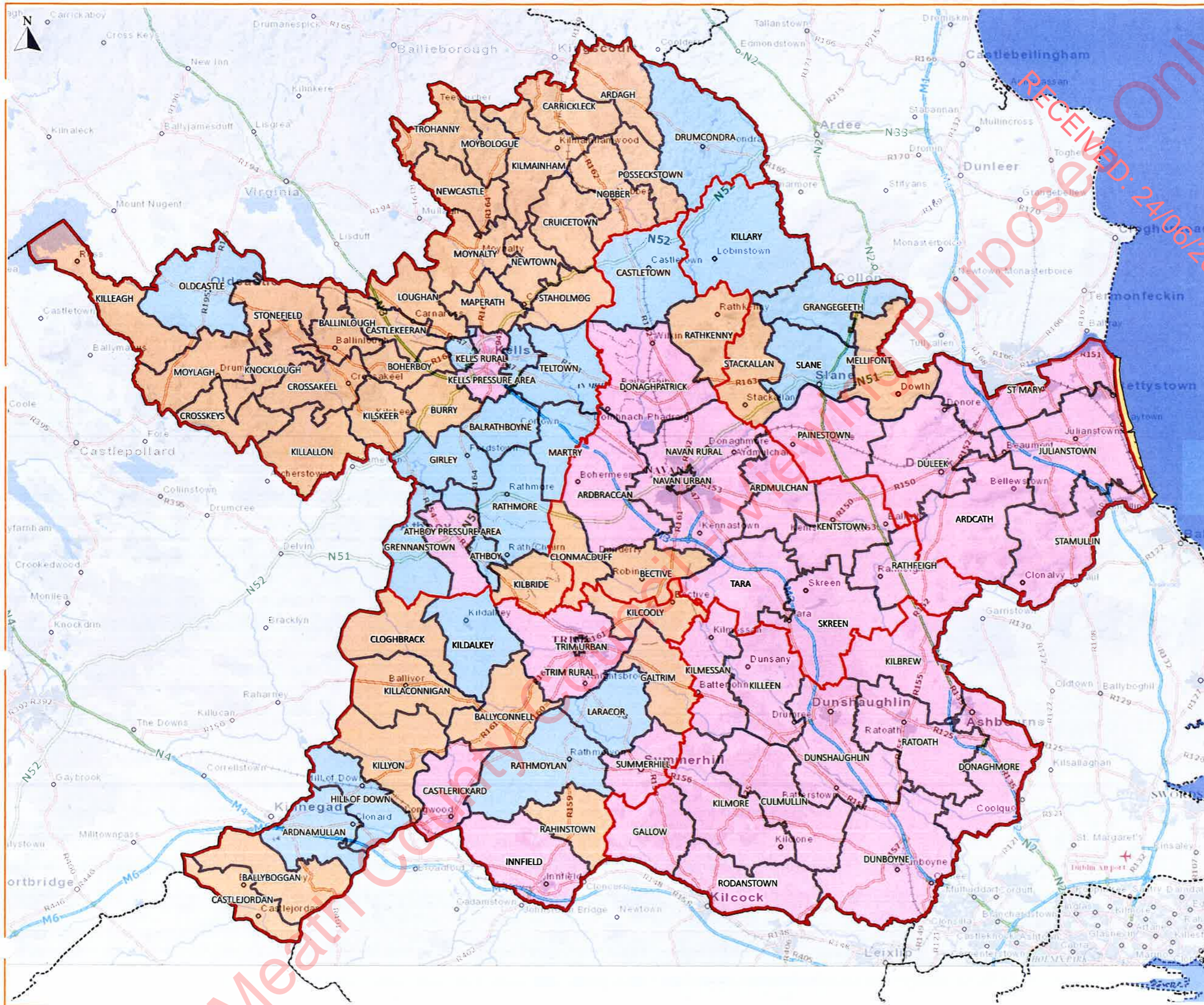
Additional Views & Prospects are identified on each respective Settlement Map (larger scale) and in their accompanying Written Statements.

Please refer to Map 8.6.1 for further detail



Note:  
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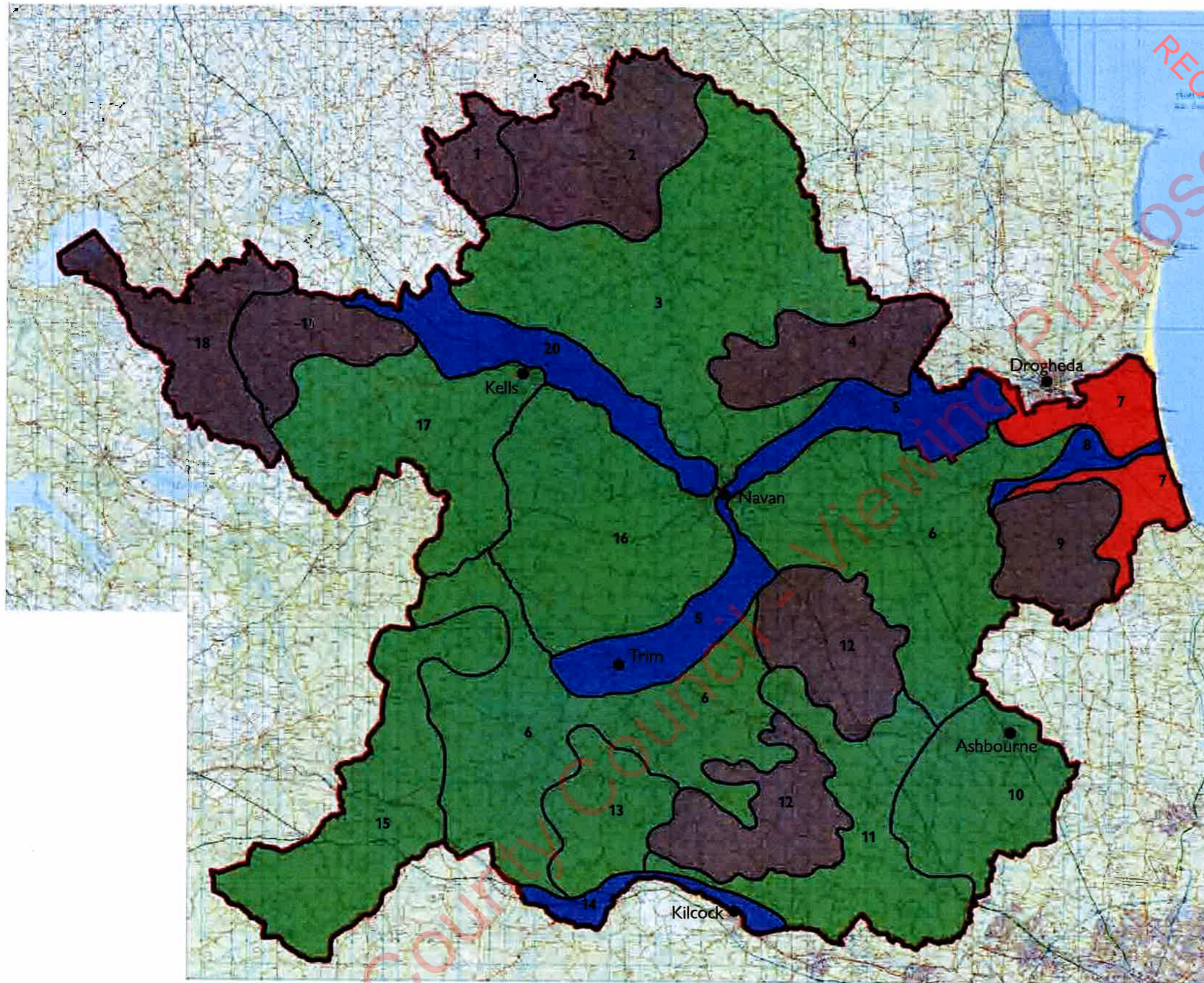




**LEGEND**

**Rural Area Type**

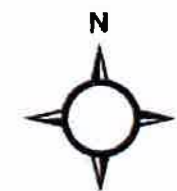
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- Strong Rural Area
- Low Development Pressure Area



**KEY**

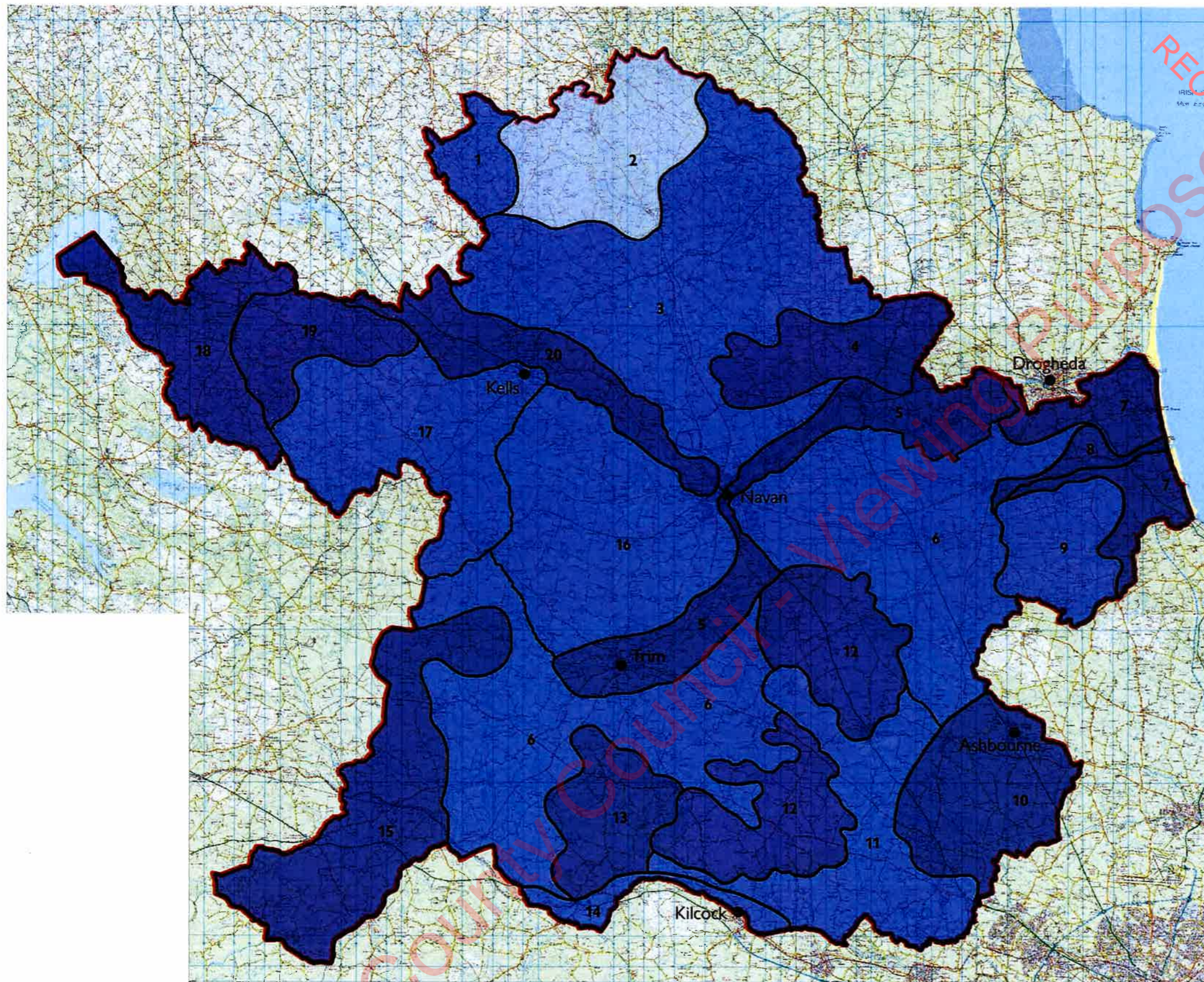
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3. North Navan Lowlands
4. Rathkenny Hills
5. Boyne Valley
6. Central Lowlands
7. Coastal Plains
8. Nanny Valley
9. Bellewstown Hills
10. The Ward Lowlands
11. South East Lowlands
12. Tara Skryne Hills
13. Rathmoylan Lowlands
14. Royal Canal
15. South West Lowlands
16. West Navan Lowlands
17. South West Kells Lowlands
18. Lough Sheelin Uplands
19. Loughcrew & Slieve na Calliagh Hills
20. Blackwater Valley

-  Landscape Character Area Boundary
-  River Corridors and Estuaries
-  Lowland Landscapes
-  Hills and Upland Areas
-  Coastal Landscape







map 01: landscape character types

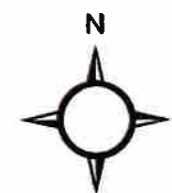
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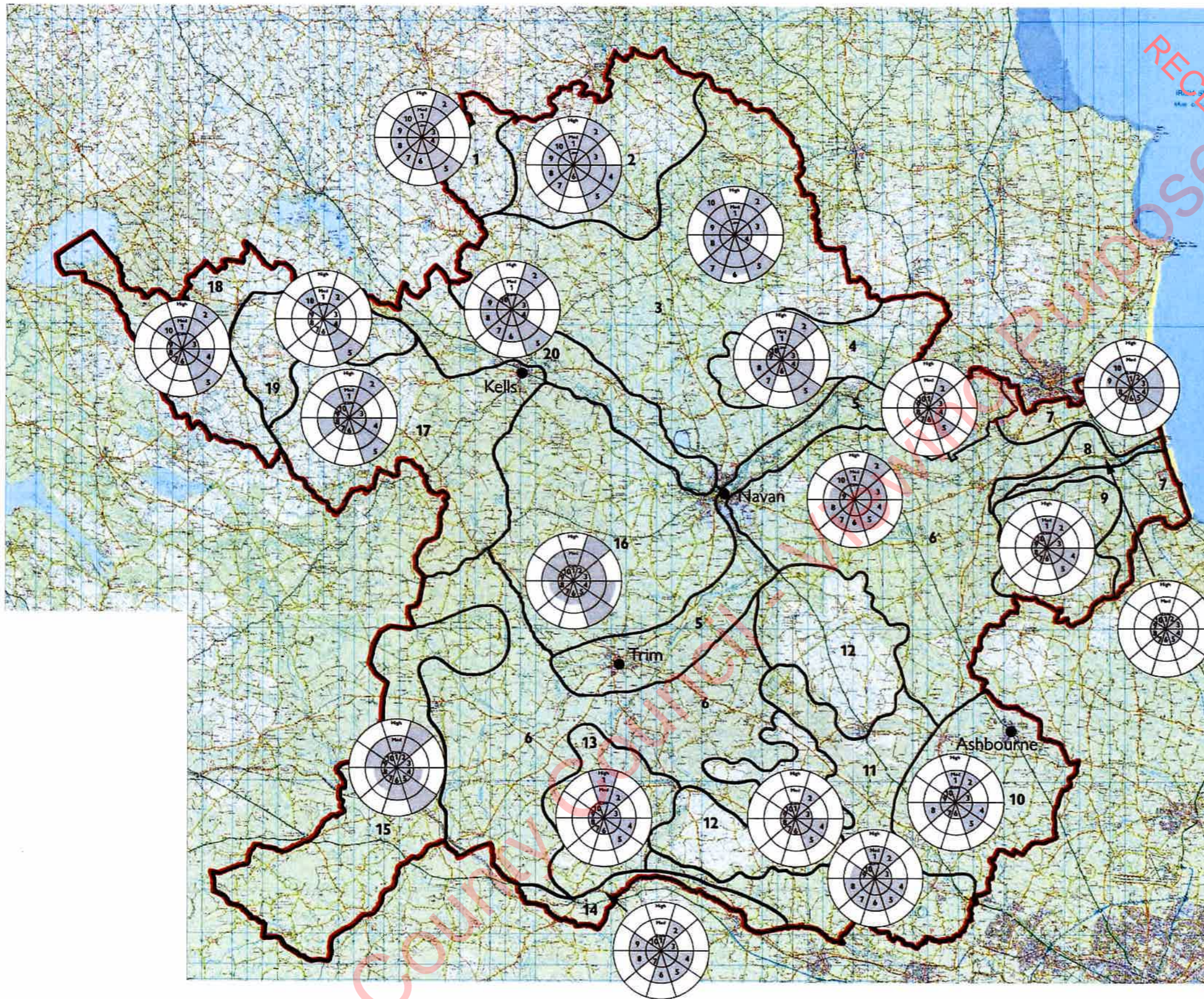
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2. North Meath Lakelands
3. North Navan Lowlands
4. Rathkenny Hills
5. Boyne Valley
6. Central Lowlands
7. Coastal Plains
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14. Royal Canal
15. South West Lowlands
16. West Navan Lowlands
17. South West Kells Lowlands
18. Lough Sheelin Uplands
19. Loughcrew & Slieve na Calliagh Hills
20. Blackwater Valley

-  Landscape Character Area Boundary
-  High Sensitivity
-  Moderate Sensitivity
-  Low Sensitivity



map 03: landscape sensitivity



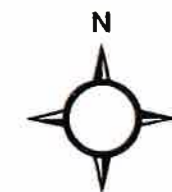
**KEY**

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16. West Navan Lowlands
17. South West Kells Lowlands
18. Lough Sheelin Uplands
19. Loughcrew & Slieve na Calliagh Hills
20. Blackwater Valley

 Landscape Character Area Boundary

**Likely Indicative Types of Development**

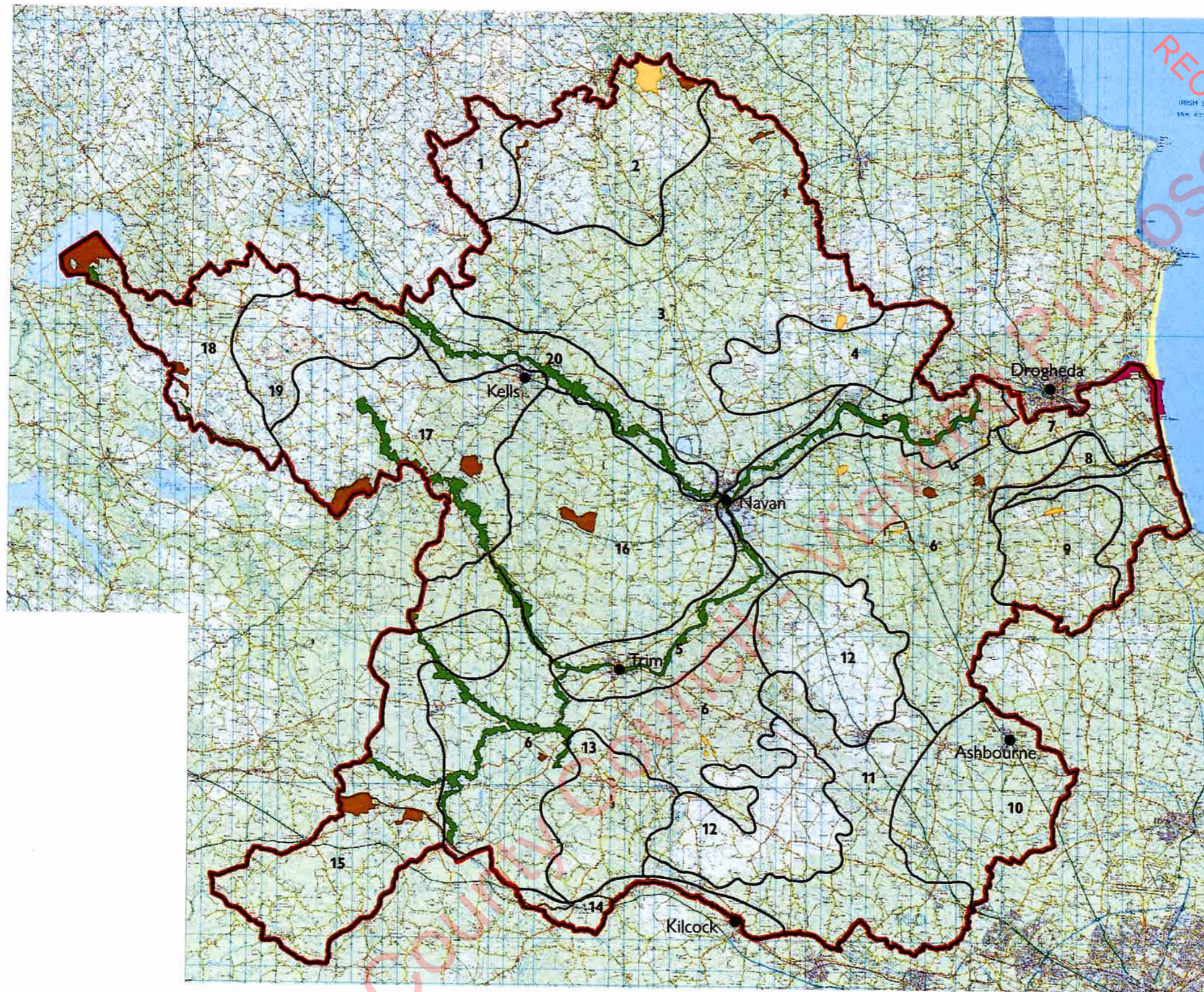
1. Large farm buildings
2. Visitor facilities
3. Multi-house developments
4. One-off houses
5. Conversion of existing buildings
6. Overhead cables, substations and masts
7. Roads and railways
8. Underground services
9. Wind turbines
10. Biomass and forestry



0 1 2 3 4 8 12 Kilometers

map 04: landscape capacity

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**KEY**

-  Candidate Special Area of Conservation (SAC)
-  Special Protection Area (SPA)
-  Proposed Natural Heritage Area (pNHA)
-  Important Habitats Formerly ASI
-  Landscape Character Area Boundary

map 16: ecological sites

Meath County Council



**CLW**

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## ***Appendix No. 19***

### ***Storm water Attenuation Calculations***

Meath County Council - Viewing Purposes Only!

# IH124 Greenfield Runoff Rate Calculation

Wednesday 14 May 2025

Client: Bogue Farms  
 Site Location: Ballinrink, Oldcastle, Co. Meath

Agent: CLW Environmental Planners, The Mews, 23 Farnham St. Cavan

The IH124 method was specifically introduced as an update to the original Flood Studies Report (1975) to address the runoff from small catchments (CIRIA C697 and IH124)

$$Q_{\text{BAR RURAL}} \text{ (m}^3\text{/s)} = 0.00108 \text{ AREA}^{0.89} \times \text{SAAR}^{1.17} \times \text{SOIL}^{2.17}$$

- $Q_{\text{BAR RURAL}}$  is the mean annual flood flow from a rural catchment (43% AEP or 2.3 year return period).
- AREA is the area of the catchment (km<sup>2</sup>)
- SAAR is the standard average annual rainfall
- SOIL is the Soil Index, SOIL = 0.1 SOIL1 + 0.3 Soil2 + 0.37 Soil3 + 0.47 Soil4 + 0.53 Soil5
- The soil type is selected based on the Flood Studies or the Wallingford Procedure WRAP maps.

### Inputs

AREA: 1.036 Ha Site AREA is 1.036Ha. As site is <50Ha, use 50Ha  
 SAAR: 970 mm Grid Reference E:249193 N:280361 - Met Eireann Mean Annual Rainfall Data  
 Soil: 0.3 FSR SPR value for SOIL type 2 is 0.3

### Outputs

$Q_{\text{BAR RURAL}}$  (l/s/Ha)- 2.67  
 Site Area (Ha)- 1.036  
 $Q_{\text{BAR RURAL}}$  (l/s)- 2.77

	l/s
$Q_1 =$	2.35
$Q_{30} =$	5.81
$Q_{100} =$	7.22

Growth Curve Factors (GCSBS)	
Return Period (years)	Growth Curve Factor
1	0.85
$Q_{\text{BAR}}$	1
10	1.7
30	2.1
100	2.61
200	2.9

## Required Attenuation Volume

Client: *Bogue Farms*

Site Location: *Ballinrink, Oldcastle, Co. Meath*

Agent: *CLW Environmental Planners, The Mews, 23  
Farnham St. Cavan*

Return Period (Years):	100
Impermeable Area (m <sup>2</sup> ):	10360.00
Controlled Outflow (l/s):	2.35
Climate Change Increase Allowance:	20%

Duration (time)	Duration (secs)	Rainfall Depth (mm)	Rainfall Incl. Climate Change (mm)	Rainfall Intensity (mm/s)	Inflow Rate (m <sup>3</sup> /s)	Inflow Rate (l/s)	Overflow Flow Rate (l/s)	Storage Rate (l/s)	Storage Volume (Litres)	Storage Volume (m <sup>3</sup> )
5 mins	300	13.9	16.68	0.05560	0.57602	576.02	2.35	573.67	172099.8	172.0998
10 mins	600	19.4	23.28	0.03880	0.40197	401.97	2.35	399.62	239770.8	239.7708
15 mins	900	22.8	27.36	0.03040	0.31494	314.94	2.35	312.59	281334.6	281.3346
30 mins	1,800	28.2	33.84	0.01880	0.19477	194.77	2.35	192.42	346352.4	346.3524
1 hours	3,600	34.9	41.88	0.01163	0.12052	120.52	2.35	118.17	425416.8	425.4168
2 hours	7,200	43.1	51.72	0.00718	0.07442	74.42	2.35	72.07	518899.2	518.8992
3 hours	10,800	48.8	58.56	0.00542	0.05617	56.17	2.35	53.82	581301.6	581.3016
4 hours	14,400	53.3	63.96	0.00444	0.04602	46.02	2.35	43.67	628785.6	628.7856
6 hours	21,600	60.4	72.48	0.00336	0.03476	34.76	2.35	32.41	700132.8	700.1328
9 hours	32,400	68.3	81.96	0.00253	0.02621	26.21	2.35	23.86	772965.6	772.9656
12 hours	43,200	74.6	89.52	0.00207	0.02147	21.47	2.35	19.12	825907.2	825.9072
18 hours	64,800	84.5	101.4	0.00156	0.01621	16.21	2.35	13.86	898224	898.224
24 hours	86,400	92.3	110.76	0.00128	0.01328	13.28	2.35	10.93	944433.6	944.4336
2 Days	172,800	104.5	125.4	0.00073	0.00752	7.52	2.35	5.17	893064	893.064
3 Days	259,200	115.6	138.72	0.00054	0.00554	5.54	2.35	3.19	828019.2	828.0192
4 Days	345,600	125.6	150.72	0.00044	0.00452	4.52	2.35	2.17	749299.2	749.2992
6 Days	518,400	143.8	172.56	0.00033	0.00345	3.45	2.35	1.10	569481.6	569.4816
8 Days	691,200	160.3	192.36	0.00028	0.00288	2.88	2.35	0.53	368529.6	368.5296

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