January 2018

Friends of the Earth Northern Ireland

Submission to the Environmental Audit Committee's Nitrates Inquiry

About Friends of the Earth

Friends of the Earth England, Wales and Northern Ireland is committed to the protection and improvement of the environment, a good life for everyone who lives on our planet and a green economy that respects the limits of the natural world.

Our goal is that by 2030 the next generation will enjoy an environment that's getting better: a safer climate, flourishing nature and healthy air, water and food.

Friends of the Earth Northern Ireland has been campaigning in Northern Ireland since the late 1970s on a wide variety of issues.

Given the significant impact of nitrates on human health, protected habitats and general landscape features we welcome this consultation. Although we are mainly restricting our submissions to the major impact of agriculture on nitrate pollution in Northern Ireland, Friends of the Earth is also concerned about the relationship between nitrates and mining.

Many quarries are unauthorised and we have probably the biggest unlawful mine in an SPA in Europe at Lough Neagh. We also know that over 50% of applications for mining are for retrospective applications which suggest the damage has already been carried out. In other words it may be methodologically very difficult to assess nitrates from unauthorised activity but this is essential in order to establish baseline levels and cumulative impacts.

We also attach two appendices. Appendix one is a recent Letter to Causeway Coast and Glens Council regarding the major Limavady Pig farm. Appendix two is our briefing on Ballynahone Bog and the likely impact from a nearby poultry unit on its SAC status.

Both case studies represent the extent of system failure in dealing with the nitrates issue in Northern Ireland.

1. Executive Summary

- Northern Ireland is at a crisis point with nitrates pollution
- The Going for Growth Strategy is responsible for a significant increase in pollution
- The Going for Growth Strategy is unlawful as it was implemented without a Strategic Environmental Assessment
- There are significant concerns around compliance with other legal obligations
- The planning system has failed to deal with the complexity and the volume of applications for factory farms
- A moratorium on intensive poultry and pig units is urgently needed
- Independent scientific reviews and baseline surveys are required to establish the scale and the mitigation needed to deal with the nitrates crisis
- We are failing adequately to assess nitrates from individual units and there are no visible cumulative assessments
- The problem with nitrates should be seen in the context of wider regulatory failures in Northern Ireland's environmental governance, especially the lack of an independent regulator[1]

2. Scale of Nitrates pollution

2.1 The Northern Ireland Environment Agency *"2016 Northern Ireland Nitrates Article 10 Report"* notes:

- 46% of river water bodies across NI are considered to be failing water quality standards indicative of eutrophic and hyper-eutrophic conditions; and
- 58% of lake water bodies across NI are considered to be failing water quality standards indicative of eutrophic and hyper-eutrophic conditions (16 out of 21 lakes).

2.2 In an email dated 18 November 2017 from Mark Livingston, NIEA, he stated: *"Critical levels of ammonia are exceeded at 95% of our designated sites in NI. NIEA are not encouraging any increase in the total volume of Nitrogen spread across NI. Manure and inorganic fertilisers applied to soils already account for 44% of all ammonia emissions (34% and 10% respectively)".*

2.3 Despite the fact that we appear to be exceeding thresholds the NI Agri-food Strategy Board's "*Going for Growth*" action plan published by DARD, now DAERA, in 2013 set a target of dramatically increasing the number of livestock without assessing the impacts of pollution. For example, breeding sows are to increase by 40% to 52,000 by 2020. 52,000 breeding sows and circa 1,379,040 finishing pigs have the potential to increase the total Nitrate produced from NI pigs to circa 4,114,115 kg N/year.

2.4 The Strategic Investment Board Northern Ireland's website (www.sibni.org) relating to the "Sustainable Utilisation of Poultry Litter" notes: *"The industry produces around 260,000 Tonnes per annum of poultry litter. Taking account of the … expansion identified within the Agri-food Strategy*

[1] For further reading on this issue and a history of reports on systemic maladministration in environmental governance : *https://www.nienvironmentlink.org/cmsfiles/Environmental-Governance-NI-Ecocentric-Final-Report-2016.pdf;* The issues relating to governance deficits and the costs of failure have been developed in research by Ciara Brennan, Ray Purdy and Peter Hjerp *"Political, economic and environmental crisis in Northern Ireland: the true cost of environmental governance failures and opportunities for reform"* NILQ Vol 68 No 2 (2017).

Boards' action plan, the annual production of poultry litter could rise to circa 400,000 Tonnes per annum of which only circa 100,000 Tonnes per annum (25%) can currently be disposed of sustainably".

2.5 The NIEA presentation: "*Why are we worried about Digestate*" at the Anaerobic Digestion Bio-resources Association Conference 2017 (www.adbioresources.org) noted that:

> *Since 2010 ammonia [NH_3] emissions in Northern Ireland have been steadily increasing against a backdrop of declining animal numbers and lower fertiliser use (particularly on grassland).*
>
> *Ammonia emissions in NI accounted for 12% of the total UK ammonia emissions in 2013.*
>
> *The per capita average Ammonia Emissions for NI is over four times that of the other UK nations.*
>
> *NI ammonia Emissions are geographically clustered around areas with high densities of intensive livestock farms.*
>
> *NI ammonia emissions from AD plants has grown from almost zero prior to 2010 to over 700 Tonnes per annum by 2016*

2.6 From 2017 to 2019 there are 103 AD sites either in construction or with applications approved / submitted in NI.

2.7 These 103 AD sites are estimated to process an additional 1,400,000 Tonnes of feedstock, more than double the current total feedstock (677,000 tonnes) processed by 42 AD plants currently operating in NI.

2.8 The projected total feedstock of 2,077,000 Tonnes processed per annum by 2019 has the potential to generate 1,869,300 Tonnes of digestate. Disposal of this digestate by land spreading will result in 1,551,519 kg NH_3/year based on an emissions factor of 0.83 kg NH_3/Tonne. This calculation excludes site based ammonia emissions from storage and processing of feedstock and storage of digestate before disposal which could contribute an additional 128,774 kg/NH_3/year.

2.9 The Anaerobic Digestion Bio-resources Association Conference website[2] notes that of the 42 biogas plants currently operating in NI, 24 were commissioned since 2015 with 37 (88%) processing Agricultural feedstock. NI has more digesters per capita than England, Wales and Scotland.

2.10 The Agri-food Strategy Boards' Expert Working Group retained by DAERA published the "Sustainable Agricultural Land Management Strategy for NI" in 2016.

2.11 This strategy aims to increase productivity of grassland by at least one tonne of Dry Matter (DM) per Hectare via the redistribution of nutrients from the projected increased number/scale of intensive farms to extensive farms which have not exceeded their Overall Nitrogen Limits.[3] The NI average grass DM yield is 5.8T/ha/year with Achievable Yield cited at 12T/ha/year and top 10% at 16T/ha/year.[4]

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[2] www.adbioresources.org

[3] DAERA, 2016: Delivering Our Future, Valuing Our Soils: A Sustainable Agricultural Land Management Strategy for NI

[4] DAERA, 2016: Presentation by John Gilliland, Chairman Expert Working Group on a Strategy for Land Management

2.12 The strategy is based on a concept of "Sustainable Intensification" which is focused on achieving an "Efficient Use of Resources" on per unit of input i.e hectare of land rather than on a per unit of output i.e. kilo of milk, meat, food crop.

2.13 The strategy aims to justify in environmental terms the "Going for Growth" target of increasing production (60% growth in sales by 2020) by proposing agroforestry planting on grassland to increase biomass boiler wood pellet supply and to reduce ammonia drift from intensive livestock units as well as increasing carbon sequestration. A Strategic Environmental Assessment was not completed on the "Going for Growth Action Plan" nor the "Sustainable Agricultural Land Management Strategy". Therefore their impact on nitrate emissions has not been determined.

2.14 Ammonia levels have been reducing in the UK except in NI. Monitoring in NI has shown that atmospheric ammonia is increasing in NI. Monitoring of European habitats has found that most habitats are at risk from high ammonia levels. Most of the designated sites and priority habitats have reached or exceeded their critical levels of ammonia.[5]

3. Environment and human health impacts

3.1 Nitrogen enrichment or terrestrial eutrophication can impact on valuable ecosystems such as bogs, upland and lowland heath, semi-natural grassland and woodlands by changing the mix of species present. Additionally, if nitrogen is deposited in large amounts, soils, streams and lakes become acidic and aquatic biodiversity can be adversely affected. The deposition of ammonia onto sensitive habitats can occur in close proximity to the source or be blown over a long distance before deposition takes place, usually by rain.[6] Greater detail on habitat effects – source www.apis.ac.uk .

3.2 The "Nitrogen Cycle" has been replaced by the "Nitrogen Cascade" with terrestrial and aquatic eutrophication resulting in further emissions of nitrous oxides and nitrogen oxides. Nitrogen deposition is the third largest driver of biodiversity loss and a significant source of nutrient runoff affecting water quality. Air pollution in the UK costs the economy some £15-20 billion per year and results in 40-50,000 premature deaths per year.[7]

4. Sources of nitrate pollution

4.1 NIEA 2016 Northern Ireland Nitrates Article 10 Report notes:

> *Agriculture is the largest source of N discharges to surface water. (91% of all ammonia emissions in 2015)*

[5] Regulatory Position Statement: "Anaerobic Digestion (AD) of Agricultural Manure and Slurry", November 2016, p5,6.
[6] Regulatory Position Statement: "Anaerobic Digestion (AD) of Agricultural Manure and Slurry", November 2016, p3
[7] NIEA, 2017, Anaerobic Digestion Bio-resource Conference paper: "Why are we worried about Digestate", www.adbioresources.org

Compared to the previous reporting period (2008-2011), an overall increase of 5% (2012-2015) in the combined total N discharges, with a 6% increase from agriculture and 3% from sewage.

Chemical fertiliser in 2015 was 78 kg/ha/year, up 2 kg from 2011.

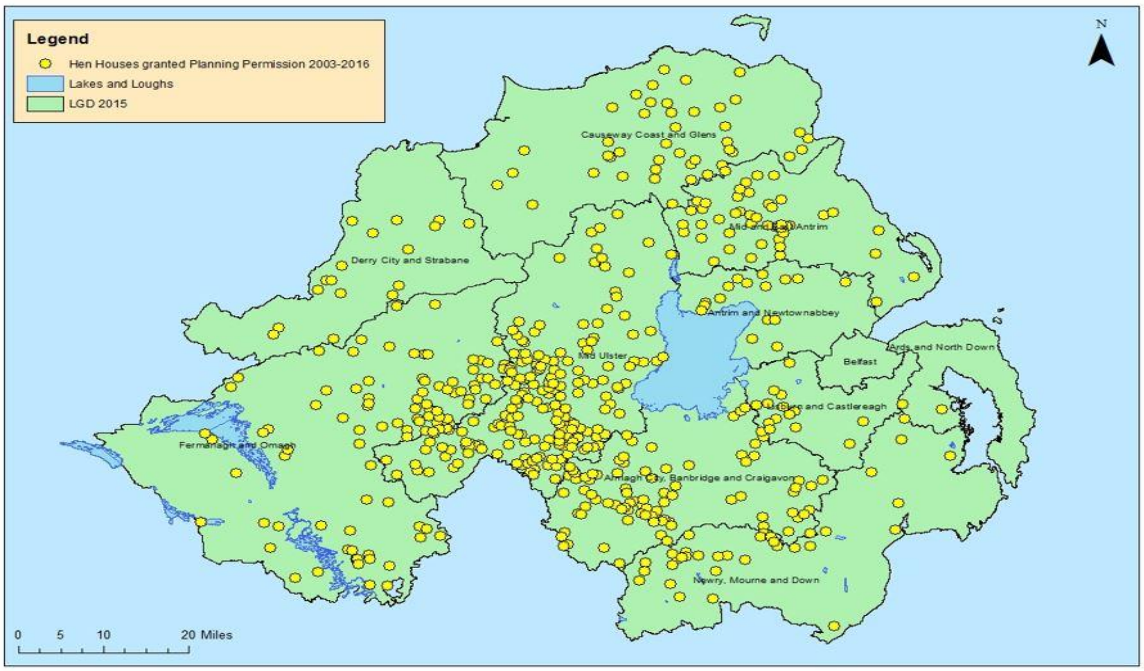
Amount of N imported in feedstuffs had also increased, up 10.5% from 2011.

Cattle manure accounted for 70% of total manure N production.

4.2 The total amount of manure produced (118 kg N/ha/year) on farms in NI had remained relatively unchanged from 2011 to 2015 as bovine production decreased whilst pig and poultry increased.

4.3 The NIEA 2016 NI Nitrates Article 10 Report did not provide a breakdown of nitrate emissions from anaerobic digestion plant processes, the land spreading of the waste, the growing and fertilising of the feedstock crops, and the processing of non-agricultural feedstock.

4.4 There are around 1,000 major new poultry units developed in Northern Ireland in recent years many of which are identified this map. Cumulative assessments between units or with other forms of agriculture have in general not been carried out.



5. Problems concerning the Regulation of Nitrates

Derogation

5.1 According to the DAERA website www.daera-ni.gov.uk: "*DAERA delivers record CAP payments*" dated 18 December 2017 only 1,471 farms out of 23,395 received a Cross-Compliance Inspection which means that 94% of farms receiving payments did not have a NAP Inspection in 2017.

5.2 According to the NIEA 2016 Article 10 and Derogation Report: *"for 2012-2015 the compliance rate from NAP inspections varied from 72 -100%. The nitrate concentration in groundwater in one of*

the four high Derogation Catchments in 2015 showed an increase between +1 to +5mg/l compared to 2008-2011. One groundwater monitoring site (Ards) had an average concentration between 25 and 40 mg/l and another (East Belfast) had an average concentration >50mg/l. However, Biological indicators of Eutrophication were not assessed."

5.3 The NIEA 2015 Nitrates Derogation Report notes that 297 farms out of approximately 25,600 direct aid claimants (i.e. 1.2%) operated under an approved Derogation in 2016. In 2015, a total of 226 farms were approved for derogation and 12 of these farms (5.3%) were selected for on-farm inspections.

5.4 The 2015 Derogation Report notes that the number of surface water monitoring sites had decreased from 622 in 2008-2011 to 156 stations in 2015. Groundwater sites were reduced from 71 to 53.[8] Reinforced Water Monitoring conducted under previous derogations was suspended 2 years ago (2014), there are no results to report in the current reporting period (2015-2016).[9] Limitations with respect to resolution and precision were evident in the 2009-2014 sampling programme in which bi-monthly sampling failed to produce consistent evidence of increases or decreases in N or P concentrations in rivers annually or seasonally. [10] [11]

AD plants

5.5 An Email from NIEA CEO David Small dated 24/11/17 confirms: *"NIEA is aware of 37 operating AD plants of which 8 AD plants are going through the process of obtaining a Waste Management License, and are already in operation…As many of the applications were screened out at 1km, and the resultant digestate was not taken into account, NIEA has undertaken to reassess all HRAs (Habitat Regulation Assessments) for anaerobic digestion plants."* (para 3.5.6)

5.6 The Department for Infrastructure confirms that there have been 179 Planning Approvals for AD plants in Northern Ireland. Ofgem confirm that 48 AD plants have been certified as power generation sites in NI.

Priority Habitats

5.9 The NIEA Policy Statement 20 on Energy Generation[12] regarding Air Quality Screening sets contradictory screening limits of 2km and 7.5km for designated sites and only considers priority habitats within 500 metres from the proposal but does not specify the proximity of land spreading of waste to the sites and habitats.

5.7 As agreed by NIEA, circa 200 poultry units included within the Moy Park Litter Utilisation Strategy were exempted from a full Habitats Assessment (for Planning Approval and IPPC permitting) including Air Dispersal Modelling of Ammonia emissions from the disposal of waste by land spreading, incineration and anaerobic digestion in NI, GB and ROI.

[8] NIEA, 2016: 2015 Nitrates Derogation Report,, Table 2, p13 www.daera-ni.gov.uk
[9] NIEA, 2016: 2015 Nitrates Derogation Report, p31 www.daera-ni.gov.uk
[10] NIEA, 2016: 2015 Nitrates Derogation Report, p32 www.daera-ni.gov.uk
[11] Waste and Contaminated Land (Northern Ireland) Order 1997. The Waste Management Licensing Regulations (Northern Ireland) 2003. NIEA regulates the activities of waste processing by an Anaerobic Digestion plant via the issuing of Waste Management Licenses. Regulation 17 provides for the exemption for small scale waste storage and waste recovery operations.
[12] NIEA, June 2017: Regulatory Position Statement 20: "Energy Generation – Anaerobic Digestion" pp6, 8.

5.8 NIEA require air dispersion modelling to assess exposure of receptors, such as designated sites and protected habitats, to ammonia. The NIEA guidance on Air Dispersion Modelling Reports[13] sets a screening limit of 7.5km for assessment of impact on designated sites with sensitive habitats of the farm in relation to farm buildings but does not specify emissions from the land spreading of waste.

5.9 The SCAIL model initial screening threshold of 1% over the Critical Level for Designated Sites and 10% over for Priority Habitats was limited to emissions from litter/manure storage and not from land-spreading of waste and thereby exempted projects from more detailed modelling or site specific investigations. ADMS and AERMOD models have also been limited to forecasting emissions from buildings and manure stores. Omitting emissions from land spreading of waste underestimated the Critical Load and impact on Critical Levels of Nitrates on Designated Sites and Priority Habitats at which significant ecological damage occurs.

5.10 The NIEA guidance on Air Dispersion Modelling[14] on in-combination impacts sets a screening threshold for process contribution of <1% resulting in an in-combination impact assessment of other projects and plans not being required. When the PC is >1% then an in-combination assessment is required with any other project and plans currently proposed or operational since 2011 (Background Ammonia Levels relate to measurements last taken in 2011).

5.11 It is the current working position of NIEA to only accept applications that produce up to 10% of the Critical Level for all designated sites that could be impacted. Outside designated sites the current position is to allow for up to 50% of the Critical Level for a priority habitat.[15]

5.12 As IPPC permits are *only* required for intensive pig and poultry units above the threshold number of pigs and birds, emissions from other intensive livestock farms (dairy), anaerobic digestion plants (Waste Management Licenses, Waste Management Exemptions), waste water treatment plants, Water Utility Water Discharge Consents, Industrial Water Discharge Consents, and the land spreading of waste were *excluded* from Cumulative Impact Assessments and in-combination assessments required under the Habitats Directive.

5.13 NIEA also requires Nutrient Management Plans as part of its assessment of IPPC and planning applications for intensive pig and poultry units. As previously noted intensive *dairy farms did not require an IPPC permit and AD plants were not required to produce a NMP for their Waste Management License application.*

Nutrient Management Plans

5.14 The NMPs are based on matching the maximum organic manure and chemical fertiliser application to the Crop Nutrient Requirement with the aim of not exceeding the Overall Nitrogen Fertiliser Limits.

5.15 Maximum Nitrogen application rates have been set for grassland irrespective of whether it is for 3 cuts of silage, single cut big bale silage, reseeding, or grazing stocking density and therefore may be in excess of crop nutrient requirement.

[13] NIEA, Sept. 2017: "Guidance for Operators on producing an Air Dispersion Modelling Report for a PCC Farming Application
[14] NIEA, Sept. 2017: "Guidance for Operators on producing an Air Dispersion Modelling Report for a PCC Farming Application p6.
[15] NIEA, June 2017: Regulatory Position Statement 20: "Energy Generation – Anaerobic Digestion" pp5,6.

5.16 Nitrogen limits are for the whole area of grassland and not for individual fields and therefore individual fields may be in excess of crop requirements.

5.17 Nitrogen fertiliser limits for grassland already take into account the application of available nitrogen from manures, regardless of type. Therefore, nitrogen from livestock manures applied to grassland is not subtracted from the Overall Nitrogen Fertiliser Limit and therefore grassland fields may exceed the limit.

5.18 Arable crop nutrient requirements are based on the level of residual nitrogen within the soil from previous crops expressed as Soil Nitrogen Supply Index and the DEFRA Fertiliser Manual. There are 3 SNS Index levels and the majority of crops fall within one Index for all soil types.

5.19 NMPs crop and grass nutrient requirements take no account of the variation in length of growing season influenced by altitude, soil type, and rainfall.

5.20 NMPs assume 50% of applied nutrients are taken up by growing plants with the remainder released into the environment. They also assume all types of waste have the same degree of leaching and emissions into groundwater, soil, surface water, and air.

5.21 NMPs fail to account for variation in Soil Groundwater Vulnerability Indexes between farms.

5.22 NMPs are based on "self-reporting" by the potential polluter. There is no independent verification of the information submitted.

Planning

5.23 Under the Review of Public Administration the responsibility for planning was transferred in 2015 to 11 Local Councils with regional/significant project planning approvals retained by the Department for Infrastructure.

5.24 In addition, the responsibility for undertaking Planning Application Habitats Assessments was transferred from NIEA to Shared Environmental Services as an agent of the Local Councils.

5.25 Planning approval for intensive agriculture and AD plants, which have received assessment by Shared Environmental Services, were approved prior to assessment and approval by NIEA for IPPC permits or Waste Management Licenses and Waste Water Discharge Consents for which NIEA was also obliged to complete Habitats Regulation Assessments.

5.26 The Agri-food Strategy Board's "Going for Growth" action plan progress report for September 2016 noted actions by NIEA in fast tracking IPPC permits for poultry units and subordinate legislation Planning (General Development Procedure) Order (NI) 2015 in operation by April 2015 setting time limits for Statutory Consultees to complete their assessments.[16]

Eutrophication

5.27 The NIEA Water Utility Summary Report 2014 and 2015 notes that nutrient sampling is only required for discharges into areas declared as sensitive (eutrophic). Discharges to freshwater sensitive areas only require phosphorus analysis and discharges to marine sensitive areas require nitrogen analysis. In 2014, out of a total of 18 discharge sites, only 1 required Total Nitrogen analysis and 14

[16] DAERA, 2016: Agri-food Strategy Board progress report for quarter ending 30th September 2016, para 39, 43

required ammonia analysis of which 9 failed the standard. In 2015, no site required Total Nitrogen analysis out of 17 sites, and 8 sites failed ammonia standards out of 12 which required analysis.

5.28 Once an area has been identified as sensitive or potentially sensitive to eutrophication, qualifying WWTWs (> 10,000 population) discharging into a sensitive area are obliged to remove all nitrogen to Directive standards within 7 years. Since 2005, 85% of NI total land drainage catchments have been designated as sensitive with further designations in subsequent reviews.[17]

6. Concluding points

6.1 The majority of water bodies in NI are failing water quality standards indicative of eutrophic and hyper-eutrophic conditions. 85% of the land area in river catchments are designated as Sensitive (eutrophic) under the Waste Water Directive. 95% of European designated sites in Northern Ireland have concentrations of nitrates which exceed Critical Levels at which significant ecological damage occurs. The Nitrogen Cascade has been demonstrated in Northern Ireland as it is the only region of the UK with increasing levels of ammonia.

6.2 The "Going for Growth" targets are projecting a growth in the intensive pig and poultry sectors which will increase the emissions of nitrates from agriculture.

6.3 The Sustainable Agricultural Land Management Strategy and the panel on ammonia [18] was an attempt to justify, in environmental terms, the Going for Growth targets and potential nitrates emissions. However, it is based on a flawed concept of resource efficiency which will promote further nitrates emissions and a culture of "entitlement" to use/trade maximum nitrate emissions.

6.4 The rapid growth in the number of AD plants has increased the volume of nitrate emissions from the growing of green energy crops, feedstock storage, and processing and the land spreading of the resultant digestate.

6.5 The Nitrates Action Programme has been ineffective in reducing nitrates emissions as it is based on "self-reporting" by the potential polluter to the enforcement agency.[19] There is no independent verification of the data submitted in Nutrient Management Plans in terms of neither the nutrient status of the soils nor the nutrient status of the organic fertiliser. The NMPs are based on assumptions which may be overestimating crop requirements and underestimating Overall Nitrogen Fertiliser application Limit. Only a very small number of farms are inspected under NAP.

6.6 Indeed, the NIEA Quality Protocol results in the underestimation of the nutrient content of AD plant digestate allowing farms to exceed their Overall Nitrogen Fertiliser Limit.

6.7 The inappropriate use of screening thresholds to rule out full Habitat Assessments including ammonia emissions has affected circa 179 AD plant, 200 poultry unit, and 32 pig unit planning approvals since 2011. The screening threshold policies were not based on objective scientific evidence.

[17] NIEA, 2015, Review of Sensitive Areas in NI under the UWWTD 2008-2013. www.daera-ni.gov.uk
[18] The Making Ammonia Visible report was not carried out by an expert panel as they accepted they lacked the expertise (page three) nor is it independent of industry
[19] In 2018 DAERA allowed land spreading in winter months in cases of need but does not require the landowner to inform DAERA in advance creating a further culture of self-regulation and self reporting

6.8 Cumulative Assessments of proposals only considered other projects with IPPC permits and thereby omitted the vast majority of ammonia emitting projects including dairy farms and sewage treatment works.[20]

6.9 The NIEA policy of "fast tracking" planning applications and IPPC Permits for intensive poultry units along with the NIEA agreed Moy Park Litter Utilisation Strategy has resulted in the majority of these projects failing to assess their Total Ammonia emissions. The SEA, EIA, HRA processes act as a pyramid of environmental decision making that have systemically failed, or been overlooked, to regulate nitrates.

6.10 The export of manure between farms and to other Member States is regulated by NAP, animal by-products, and planning regulations with no evidence of integration between the regulations which may be leading to confusion and lack of enforcement between the applicants and respective competent authorities in both Member States.

7. Recommendations

7.1 That a moratorium is placed on any new intensive poultry and pig units until a SEA[21] for the Going for Growth Strategy is carried out;

7.2 That an independent review of the legal compliance by DAERA is carried out with respect to the Strategic Environmental Assessment, EIA, Habitats, Nitrates and Water Framework Directives;

7.3 That the MOU with the Ulster Farmers' Union and DAERA is rescinded and a precautionary approach is applied to nitrates regulation;

7.4 That independent scientific study is carried out on the scale and impacts of nitrates pollution in Northern Ireland on species, habitats and the wide landscape with appropriate transboundary assessments;

7.5 That urgent health impact study is carried out;

7.6 That an assessment of nitrates from mining, both authorised and unauthorised, is carried out;

7.7 The monitoring of nitrogen discharges from sewage treatment works is restricted to plants serving populations greater than 10,000 people and discharging into marine catchments. Due to NI's spatial settlement patterns the Total Nitrogen discharges of a large number of small towns, villages, and single rural dwellings sewage systems needs to be monitored; and

7.8 Post Brexit monitoring and regulation of Nitrates needs to be considered and current transboundary baseline figures established given that three out of four River Basin Districts are shared with the Republic of Ireland.

[20] Also, due to the significant reduction in water quality monitoring sites, the Article 10 and Derogation reports to the EU Commission on Nitrogen concentrations in rivers may not be reliable.

[21] As required by the The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004

Appendices

February 2014

Briefing

Ballynahone Bog

Ten thousand years of history at the crossroads

The background

On 17 December 2013 a planning application[22] was approved immediately adjacent to Ballyhahone bog, Maghera, Co Derry/Londonderry.

This will allow an intensive chicken broiler facility to be built. The development has a floor area of over 2,500m^2, and consist of two units, each extending to the same length as a football pitch. Despite initial strenuous objections[23] from the Northern Ireland Environment Agency, the Ulster Wildlife Trust, and the Friends of Ballynahone Bog the DOE gave approval. This is the third intensive facility to be approved in very close proximity to this finite natural wonder, similar developments having been granted permission by DOE in 2010 and 2013.

We will explain how the effect of these approvals will result in the loss of this habitat, a unique home for some of our rarest plants and wildlife and why we must now urgently act to demand that this most recent perverse decision is reversed.

After the approval of the holiday resort at the Giant's Causeway, in the wilderness setting of our only World Heritage Site, we predicted[24] nowhere would be safe. What happened at the Giant's Causeway is now happening at Ballynahone Bog and across Northern Ireland.

A unique and special place

This is a lowland raised bog, important because it is the second largest area of this habitat left in Northern Ireland. It is arguably the best example of its kind left in Northern Ireland. A local community group describes it as "a jewel in the crown of the local landscape in south Derry." [25] It is one of the largest lowland-raised bogs remaining in Ireland.

Ballynahone Bog has been studied by bogland ecologists, archaeologists and climatologists for years. Seamus Heaney, and others, have written in the past to support the conservation of this wilderness.

[22] Planning application reference number H/2009/0645/F
[23] Refer to the submission made in relation to the above planning application
http://epicdocs.planningni.gov.uk/ShowCaseFile.aspx?appNumber=H/2009/0645/F
[24] http://www.foe.co.uk/northern_ireland/press_releases/giants_causeway_threatened_21022012.html
[25] http://www.ancarn.org/269-789/projects/envision/Preserving-Ballynahone-Bog-impacts-of-local-drainage-international-conservation

Ballynahone bog is one of the few high quality bogs left with an intact dome. It is designated for its ecology and plantlife[26]. Bog rosemary is a rare plant found in Ballynahone and in very few other places in Northern Ireland.

It is not just an Area of Special Scientific Interest[27] but now one of a few National Nature Reserves in Northern Ireland. Like the adjacent Curran Bog, also under threat from this development, it has been designated a Special Area of Conservation (SAC)[28], making it a site of European significance supposedly afforded the strictest environmental protection, and a Ramsar site of international importance. The bog is one of our last great natural wildernesses, rich in culture, archaeology, local pride, and yet of global significance.

Permitting a known and understood threat

The bog is already under stress from earlier attempts at drainage but work undertaken by the Ulster Wildlife Trust on behalf of the Management Committee (made up of the Ulster Wildlife Trust, NIEA and the Friends of Ballynahone Bog) has been carried out to try and redress these problems. This work, and significant public funding, will be undermined by the current threat.

The impacts of this current proposal, and other similar developments recently approved, will result in plumes of airborne pollution falling onto the bogland habitat and changing its ecology beyond recognition. Critically, the prevailing winds will carry emissions over the important central dome of the bog.

The raised bog at Ballynahone was created by several species of moss called *Sphagnum.* These species live in very low nutrient conditions as they can replace *cations* (eg sodium and calcium) in the surrounding water with hydrogen ions through a complex and very sensitive ion-exchange mechanism. The result is that the water becomes acid. Material doesn't decay and organic matter accumulates, leading to the build-up of a raised bog. Any input of alkaline material such as ammonia or particulates that contain *cations* will disrupt this mechanism and kill the moss in the surface layer. [29]

It is disturbing to realise that the effects of this type of airborne threat is, in some ways, more insidious that direct peat extraction.

Research by the Centre for Ecology and Hydrology has demonstrated that the airborne pollution is a major invisible threat to peatbogs. They carried out a joint study with researchers from the Northern Ireland Environment Agency (part of the DOE) into the effects of intensive livestock rearing on another lowland raised bog in Moninea, Co. Fermanagh[30]. The research concluded that the threat of ammonia deposition from a nearby poultry farm resulted in visible damage to plantlife including, in some cases, a 50% loss of sphagnum moss and "…provides a salutary lesson of how farming activities can have an acute effect on the integrity of a Special Area of Conservation". The report concluded that a development of this nature "…highlights the widespread nature of the ammonia threat to such ecosystems where lichens and bryophytes are essential to their integrity".

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[26] http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?EUCode=UK0016599

[27] http://www.doeni.gov.uk/niea/protected_areas_home/new_assi_landing_page/county_londonderry-2/ballynahone_bog_assi.htm

[28] http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?EUCode=UK0016599

[29] An assessment of the risks from this planning application is available from Dr David Jewson, Friends of Ballynahone Bog, and further identified in comments from NIEA in the planning application and in NIEA research papers

[30] https://www.google.co.uk/search?q=niea&oq=niea&aqs=chrome..69i57j0l5.7425j0j9&sourceid=chrome&espv=210&es_sm=93&ie=UTF-8#q=moninea+bog+a+case+study&safe=off

Representations from staff within the NIEA drew attention to the potential damaging effects on Ballynahone and the scale of the threat. At least twice they recommended refusal in the strongest terms.

Inexplicably, the NIEA then changed its mind. In the end, they recommended approval, hiding behind a process we describe as self-regulation by the developer to monitor their own impacts. Monitoring is not mitigation. Self-monitoring is not regulation. Self-monitoring and self-regulation conditions are not likely to be enforced by the planning regime in Northern Ireland. Self-regulation represents an abdication of legal responsibility to adequately assess, regulate and monitor impacts and risks.

Manifestly unlawful

This 'conditioning' of environmental impacts to 'post consent stage' does not fulfil legal obligations under domestic or European law when there is a real and significant risk to a site of European importance.

Moreover, not only was there a failure to carry out an Environmental Impact Assessment but the DOE, in the determination on this crucial requirement, failed to identify the existence of the Ballynahone Bog SAC (or indeed, the Curran Bog SAC).[31] Two further applications[32] for intensive livestock units have also been approved in the vicinity of theses habitats and the cumulative impacts of these developments has not been assessed. Nor have extant consents been assessed relating to impacts on Ballynahone Bog despite representations from NIEA that there is already a major physio-geographical threat to the habitat.

The requirement to carry out a Habitats Regulation Assessment under the Habitats Directive has been fraught with confusion and inadequate scientific rigour. The requirement to employ the precautionary principle (which underpins the Habitats Directive), to protect these sensitive habitats has been ignored. To guarantee the integrity of Ballynahone bog is protected from this acute and overwhelming threat beyond reasonable scientific doubt (the legal test in the Habitats Directive) has not been established.

Despair, anger, action?

There is a precedent for not giving up hope despite the fact that the planning application has recently been approved. So important and rare is this habitat that the cause of Ballynahone Bog galvanized the local community and national environmental organisations to initiate a campaign for environmental protection in the 1980s and 1990s.

In 1996 an approved planning application by Bulrush peat company to dig out the peat for horticultural use was overturned. This special habitat was saved through public pressure, from home and from an international community shocked that this globally rare habitat could be destroyed. Friends of the Earth and others argued for the protection of this site and won.

Only urgent action can now save Ballynahone

Direct intervention by the Minister for the Environment, Mark H Durkan, can revoke this application (H/2009/0645/F) and save Ballynahone bog.

[31] Refer to EIA determination of 5 November 2009
[32] Refer to application numbers H/2012/0348/F and H/2010/0417/F

Email: private.office@doeni.gov.uk

Telephone: 028 90 540540

Write: Minister for the Environment, Goodwood House, 44 – 58 May St, Belfast BT4 1NN

You may also wish to contact the officials who took this decision or recommended approval: the Chief Executive of the Northern Ireland Environment Agency, Mr Terry A'Hearn and the Acting Chief Planning Officer Mary McIntyre.[33]

Friends of the Earth Northern Ireland and the Friends of Ballynahone bog also urge you to contact the Minister for the Environment to review how his Department assessed the cumulative environmental effects on European site sensitive landscape from intensive poultry farming in relation to these other recently approved applications: H/2012/0348/F and H/2010/0417/F.

Postscript: a much bigger question

A major expansion in this industry is being planned. To protect what is left of our fragile peatlands we are calling on the Minister for the Environment and the Minister for Agriculture to undertake a Strategic Environmental Impact Assessment on the impacts of intensive livestock production affecting sensitive habitats in Northern Ireland in line with their legal obligations under European Directives.

[33] http://www.doeni.gov.uk/senior-staff-structure.pdf

Mr David Jackson
Chief Executive
Causeway Coast & Glens Borough Council
Cloonavin
66 Portstewart Road
Coleraine
BT52 1EY

Sent by email: david.jackson@causewaycoastandglens.gov.uk

14 November 2017

Dear Mr Jackson

B/2015/0005/F Pig Factory Land off Moys Road Approx. 170m south west of 171 Glenhead Road Limavady

With regards to Planning Application B/2015/0005/F for an industrial scale pig factory, which your Council is currently assessing, Friends of the Earth NI, Farms not Factories and the Soil Association are objecting in the strongest possible terms to this application.

This response develops the objection lodged on 16 September 2016 from Friends of the Earth, Farms not Factories, and Soil Association.

(In addition, the above organisations object to **LA01/2017/0785/F** a retrospective application for Planning Approval of an Anaerobic Digester, and **LA01/2015/0188/F** for a poultry farm expansion due to the absence of Habitats Regulations Assessment and cumulative impacts with **B/2015/0005/F** and wish to see this objection registered on the planning portal for these applications).

Our principal grounds for objection are on the following planning matters:

- Unknown and unacceptable impacts with regard to protected sites;
- Inconsistent with local plan policy to protect nature sites; and
- Unacceptable impacts with regard to health risks.

In our view the development must therefore be **refused**.

Overview

Planning decisions for major developments such as this can be made by Causeway Coast and Glens Borough Council. However, the size and consequences of this development are significant in that it could set a precedent and has a larger than local impact across council areas.

We remind the council that the environmental impact assessment must cover the direct and indirect effects of the proposed development on human health, biodiversity, land, soil, water, air, and climate in particular.

In our view the Environmental Statement is still insufficient and does not meet the standards of what is required by the regulations and for sound decision-making.

There is insufficient information on how much slurry, effluent, and airborne pollutants will be produced and how they will be secured and effectively managed via mitigation.

We are of the view that in light of the current information provided, it will not be possible to set enforceable and reasonable conditions to mitigate the likely significant environmental impacts of this application, and therefore it should be refused.

We support the concerns set out by the NED in DAERA's letter of the 7th September 2017 and the need for further information: "*It is the view of NED that there is insufficient information for the planning authority to undertake a robust Habitats Regulations Assessment and for NIEA to undertake an assessment on any additional ASSI features."*

We further fully support the reasons for objection set out: "*The proposal is contrary to the Planning Policy Statement 2: Natural Heritage, Policy NH 1 and 3, in that development would, if permitted, be likely to have a significant effect on the designated sites. NED therefore objects to the proposal as required by the precautionary approach set out in Commission Guidance: Managing Natura 2000 Sites and as required by the European Court of Justice in C 127/02 (Waddenzee)."*

Planning Policy for designated sites

Planning Policy Statement 2: Natural Heritage sets out at Policy NH 1 with regard to protection of international sites the following policy:

> *"Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on: a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or a listed or proposed Ramsar Site."*

It is clear that statutory consultees are not satisfied with the information that has been provided, and it is also clear that the magnitude of the application and quantities of slurry produced pose a significant pollutant risk to nearby international sites including the River Roe SAC, River Faughan SAC catchment areas as well as on land adjacent to Lough Foyle SPA. The application site is within 7.5km of River Roe and Tributaries SAC/ASSI, Bovevagh ASSI, Loughermore Mountain ASSI, Lough Foyle SPA/ASSI/Ramsar site, and has a hydrological connection with Lough Foyle SPA/ASSI and Lough Foyle Ramsar sites. Based on the information received to date, the proposed slurry and waste water land spreading locations are within 1 km of the River Faughan and Tributaries SAC/ASSI, Ervey Wood ASSI, Altmover Glen ASSI, Aghanloo Wood ASSI, Binevenagh SAC/ASSI, Magilligan SAC/ASSI, Ness Wood ASSI, Bonds Glen ASSI, Castle River valley ASSI, Ballymacallion ASSI, Smulgedon ASSI, and Carn/Glenshane Pass SAC/ASSI, which are of international and national importance and are protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002.

Furthermore, we draw your attention to the Environment (Northern Ireland) Order 2002 which outlines a number of criminal offences in relation to notifiable operations on ASSIs. In addition we draw your immediate attention to Article 31 of the Wildlife and Natural Environment Act 2011 which makes it an explicit criminal offence for a public authority such as your Council *to permit activities that would cause damage* to an *ASSI*. We wish you to confirm in writing that you are familiar with your obligations under this legislation.

Further, PPS2, Policy NH 3 sets out the protection of national sites as follows:

"Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of: an Area of Special Scientific Interest; a Nature Reserve; a National Nature Reserve; or a Marine Nature Reserve."

As it is likely on the basis of the quantities of slurry produced that an adverse effect may be had on nearby sites, none of which have been adequately assessed for impacts this policy again supports refusal.

Given the risk of pollution from the widespread slurry spreading (as per the new plans set out in the further environmental information), and lack of information about the control of slurry spreading, it is clear that the planning authority should refuse this application on the basis of this local policy.

Your legal requirements under the Habitats Directive

The Habitats Directive 1992/42, Article 3 requires the establishment of a coherent ecological network of Special Areas of Conservation under the title Natura 2000. The network is required to contain Special Areas of Conservation, designated under the Wild Birds Directive (2009/147). Where necessary Member States are required to improve the ecological coherence of Natura 2000 by maintaining, and where appropriate developing, features of the landscape which are of major importance for wild fauna and flora (A3(3)).

Under Article 6(1) Member States are required to establish management plans specifically designed for the sites. Article 6(2) requires Member States to take appropriate steps to avoid the deterioration of habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, "in so far as such disturbance could be significant in relation to the objectives of this Directive". Article 6(3) provides:

"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."

This obligation is implemented into Northern Irish law through regulation 43 of the Conservation (Habitats etc) (NI) Regulations 1995 (as amended).

Leading CJEU case law makes clear that planning authorities must adopt a precautionary approach when determining whether to undertake appropriate assessment[34], that is where it

[34]CJEU judgment in Waddenzee (C127/02) see above - para 44: "In the light, in particular, of the precautionary principle, which is one of the foundations of the high level of protection pursued by Community policy on the environment, in accordance with the first subparagraph of Article 174(2) EC, and by reference to which the Habitats Directive must be interpreted, such a risk exists if it cannot be excluded on the basis of objective information that the plan or project will have significant effects on the site concerned (see, by analogy, inter alia Case C-180/96 United Kingdom v Commission [1998] ECR I-2265, paragraphs 50, 105 and 107). Such an interpretation of the condition to which the assessment of the implications of a plan or project for a specific site is subject, which implies that in case of doubt as to the absence of significant effects such an assessment must be carried out, makes it possible to ensure effectively that plans or projects which adversely affect the integrity of the site concerned are not authorised, and thereby contributes to achieving, in accordance with the third recital in the preamble to the Habitats Directive and Article 2(1) thereof, its main aim, namely, ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora".

is not possible to exclude (beyond reasonable doubt) the risk of significant effects, assessment is required. The legal position on the precautionary approach has been elucidated recently in the Lough Neagh sand dredging judgment by the Court of Appeal.

In this case, a number of European protected sites are located within the vicinity of the development, including the 7.5km area affected by spreading the waste from the pig farm as extended. Given that the waste (for example) contains pathogens and chemicals which are liable to have a significant (harmful) impact on the European protected sites, the council has clearly failed to apply a precautionary approach in this case and the application must therefore be refused.

Cumulative/in combination effects: Further, the habitats screening assessment fails to assess the in combination effects of the application taken together (for example) with a number of other anaerobic digesters in the Limavady area[35], contrary to the explicit terms of Article 6(3) of the Directive[36]. By screening out a number of other projects required to be taken into account, the Council has failed to assess a key range of impacts required under the EIA Directive. First, it appears to have imposed screening criteria which preclude the proper assessment of projects liable to have a significant environmental impact (whether cumulatively or otherwise)[37]. Second, the authority is potentially in breach of the EIA Directive by setting arbitrary restrictions on the assessment of cumulative impacts (for example projects located beyond certain boundaries) contrary to leading case law[38].

As mentioned, and by way of emphasis, the risk of pollution from the widespread slurry spreading and lack of information about the control of slurry spreading require you as planning authority to refuse this application on the basis of this local policy.

You are also required under Article 191 of the Treaty of the Functioning of the European Union to adopt a precautionary approach to environmental and public health risk management. Given the fact we are already exceeding critical upper limits, for example, for ammonia deposition no further consents should be issued until you establish the cumulative impacts so that no further damage will be caused to protected sites and public health.

It is also our considered opinion that your Agents' methodology for the Habitats Regulations Assessment is repugnant to both the Directive and the Northern Ireland Regulations insofar as they are predicated on a screening matrix in their Test of Likely Significance on European Sites by only considering planned developments within 1 km N2K sites. Having studied the details of the case we have concluded that there exists incontrovertible evidence that your agent, Shared Environmental Service at Mid & East Antrim Council, and the Northern Ireland

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http://curia.europa.eu/juris/document/document.jsf?text=&docid=49452&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=498232

[35] Application numbers: B/2010/040/F, B/2011/0026/F B/2012/0195/F; B/2011/0167/F B/2013/0015/F, B/2011/0194/F, B/2012/0120/F LA01/2017/0785/F; B/2011/0167/F B/2013/0015/F and the following poultry farm cases B/2014/0270/F and E/2015/0032/F

[36] See duty to assess "in combination effects" in Article 6(3) Habitats Directive, EIA Directive (2014/52).

[37] Salzburger Flughafen, C-244/12, EU:C:2013:203, paragraph 29

[38] Case C-531/13, Marktgemeinde Straßwalchen and Others v Bundesminister für Wirtschaft, Familie und Jugend: - para 46: "It should also be borne in mind that the effectiveness of Directive 85/337 would be seriously compromised if the competent authorities of a Member State could, when deciding whether a project must be the subject of an environmental impact assessment, leave out of consideration that part of the project which is located in another Member State (judgment in Umweltanwalt von Kärnten, EU:C:2009:767, paragraph 55). For the same reasons, the assessment of the impact of other projects cannot be confined to municipal boundaries".

Environment Agency (NIEA) have misapplied their responsibilities under Article 6 of the Habitats Directive, as transposed in The Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 1995 (as amended),

This policy and practice by you and your agents of merely taking into consideration the proximity of the planned development site to the N2K site is unlawful in that their Test of Likely Significance fails to take into account the additional significant effect of emissions on N2K sites, namely the land spreading of the waste generated by the development site in close proximity to N2K sites.

We hereby affirm that your officers and planning committee have acted unlawfully by failing to proceed on a precautionary basis as you have failed to demonstrate the degree of scientific certainty that is required to protect these sites insofar as these projects and plans will not have a significant effect on N2K sites, either individually or in combination with other plans or projects.

To proceed to a final decision on whether or not to grant Planning Approval for B/2015/0005/F, LA01/2017/0785/F and LA01/2015/0188/F without fully addressing the flaws in your current process, and those of your agents, would lead to an unlawful decision on your part.

Should you now attempt to fully address the flaws in the current process, and your officers and planning Committee concluded that you could award planning consent, this consent would constitute an unlawful decision given the adverse significant and cumulative effects on the Natura 2000 sites that are *already* failing to meet their conservation objectives.

Health

In our previous letter to Mr Ruari McGrath of your Council on 16 September 2016, we raised a number of issues that have not been addressed and indeed have become magnified by recent research[39], for example in relation to:

- the general diminishing of air quality due to emissions of both coarse and fine particles, odorous gases, and endotoxin;
- zoonotic infections, infections with anti-microbial resistance bacteria;
- contamination of the area with pathogens such as salmonella, clostridium difficile, campylobacter, and E.coli; and
- respiratory disorders, eg ammonia concentrations in the air are associated with acute deficits in lung function in adults and asthmatic children living in livestock-dense areas; for example those with chronic obstructive pulmonary disease who live near livestock farms report more symptoms and are more often diagnosed with an exacerbation than patients living further away from farms

There are also now many reports on lung damage and MRSA infections suffered by people working in intensive pig facilities. [40]

[39] See for example: Impacts of Intensive Livestock Production on Human Health in Densely Populated Regions http://onlinelibrary.wiley.com/doi/10.1002/2017GH000103/full

[40] http://www.tandfonline.com/doi/abs/10.1080/15298669191364721 ; https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4436301/;

http://oem.bmj.com/content/oemed/44/12/819.full.pdf
https://link.springer.com/article/10.1007%2FBF00381114

It is a matter of law and policy that health impacts are considered in planning decision-making. The purpose of national policy on waste is clearly described at paragraph 6.321 of the SPPS as follows:

> *"When decision-taking important considerations will include: the types of waste to be deposited or treated and the proposed method of disposal; impacts on human health and the environment (including environmental pollution);"*

The public health statement submitted by RPS Group on behalf of the applicant addresses a number of issues including those raised by the Public Health Agency. However the additional information fails to set out that the inherent problem with such an industrial large scale farming operation is that impacts cannot be mitigated satisfactorily. The methods by which the spread of infectious agents through slurry is controlled (paragraph 2.28 of the Public Health Statement submitted) cannot be secured by condition and is therefore unenforceable with regard to this development. This is because any spreading will be mixed with discharges from several different farms (over the time period of the development) representing a prolonged and extended risk to many receptors that cannot be identified.

The lack of any attention to these matters is very concerning and raises issues of liability for your Council under the Environmental liability Directive[41] should this application be approved.

Human Rights Law and Obligations

We refer to our previous submission on 16 September 2016:

"Planning Authorities, as emanations of the state, have an obligation under the Human Rights Act 1998 to consider the effects of their decisions on the human rights of affected third parties. The grant of permission in circumstances where there is "reasonable and convincing evidence" that the development in question would have a direct effect on the quality of life of concerned third parties has the potential to engage the Article 8 rights of those third parties, and to confer "victim" status on them under the Human Rights Act in respect of anticipated *breaches (R (Vetterlein) v Hampshire County Council [2002] Env. LR 8).*

Within the European Convention on Human Rights, the right to protection of private and family life under Article 8 can be affected in a situation involving environmental pollution even absent serious damage to health (Lopez Ostra v Spain [1995] 20 EHRR 277). The right to private and family life prevents not just physical incursions into the home or residence, but also interference from things such as noise, smell, and emissions. Any serious effect of this nature may result in a breach of Article 8 rights if it prevents the person concerned from enjoying the amenities of their home (Moreno Gomez v Spain [2005] 41 EHRR 40, a case involving noise pollution resulting from the licensing of nightclubs in the vicinity of the claimant's property).

The case law on the issue emphasises the obligation on the state to carry out a fair and reasonable balancing exercise between the Article 8 rights of individuals and the legitimate interests contained in Article 8(2).

Support for this opinion can be found in the similar case of Fadeyeva v Russia [2007] 45 EHRR 10, which involved a claimant living near a steel production plant, who claimed a right to be moved outside of the "buffer zone" established in the vicinity of the plant for the protection of residents' health. On the basis that the state had sufficient ability to take preventative or ameliorative steps, and that the balance required by Article 8 supported the argument that the

[41] Copies of the ELD regulations can be found here https://www.daera-ni.gov.uk/articles/environmental-liability

claimant's rights had been infringed, it was held that the state had breached its positive obligation to protect her right to private and family life.

Again this case involved a privately owned enterprise, and the basis of the claim was that the state should have taken action to lessen the health and/or environmental impact of the site. In the current circumstances, in which the issue is being considered at the planning stage, the balance should tilt all the more in favour of the rights of affected third parties."

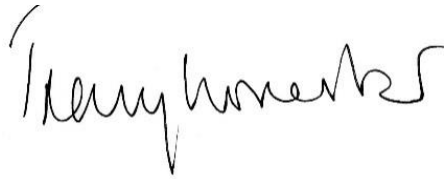
Conclusion

We raise many issues of policy and law in this detailed objection. This is, of course, just a summary of our concerns. Friends of the Earth, Farms Not Factories and the Ulster Angling Federation wish to emphasise that the purpose of this letter is to register our strongest objection and to put you on notice, should this application be unlawfully approved. Our legal options are currently being considered carefully.

We also request an urgent meeting with you to discuss this application and the other applications referred to in this letter.

Yours sincerely,

James Orr
Director, Northern Ireland
Friends of the Earth



Tracy Worcester
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Copied to:

David Sterling: Head of Civil Service
Richard Pengelly: Permanent Secretary, Department of Health

Charlie Massey: Chief Executive, General Medical Council
Andrew Dougal: Chair, Public Health Authority
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Peter May: Permanent Secretary, Department for Infrastructure
Noel Lavery: Permanent Secretary, DAERA
Andrea Kells: Chief Commissioner, PAC
Alderman McKeown: Chairperson of CC&Gs Planning Committee