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EPA
Johnstown Castle
Wexford

2012-06-04

RE; P0936-01 Mr Brian Honeyman and Mr Ivars Mozumacs Corderrybane,
Castleblaney, Co Monaghan,

Dear Sir/Madam

The inspector found;

*Without the details of where the waste manure is being disposed of it is not possible to come to a conclusion that the development is **not** capable of having an effect on an SAC. The applicant has submitted an Appropriate Assessment (AA) screening report on the assessment of the likely effects of the activity on Lough Oughter and associated loughs SAC. The most significant impact is the potential for pollution of ground and surface water arising from the poultry manure generated at the installation. All poultry manure will be exported off site in accordance with the requirements of the Nitrates Regulations. The conclusion of the screening report is that a full Appropriate Assessment is not required for this licence application. Given the considerable distance of the SAC from the site, the poultry laying and associated activities will not have a significant adverse effect on the conservation objectives or integrity of the SAC.*

This is now the wrong test, the test is as set out in the opinion of the Advocate General in case such 256/11 point 46;

*Each of those versions suggests that the test is set at a lower level and that the question is simply whether the plan or project concerned **is capable of having an effect**. It is in that sense that the English 'likely to' should be understood.*

The sections headed Environmental Impact Assessment Directive(85/337/EEC) and Environmental Impact Assessment (EIA) are so far outside the law as interpreted the CJEU in case 50/09 (copy attached) and Section 171A of the planning Acts, and totally fail to address the Guidelines published by the Minister in March 2013 (copy attached).

An Environmental Impact Statement (EIS) was not required by the Planning Authority for this planning.

This IPPC licence application is required to be supported by an EIS as the activity falls within the mandatory EIA threshold as defined in the Planning and Development Regulations 2001.

The original licence application identified a maximum capacity of 55,000 birds when at full production. However, following completion of the proposed development (Ref. 12/292) the site will be able to accommodate on average 96,000 birds, the recommended determination (RD) limits the number of laying hens to 96,000.

We fully support the submission of Meath County Council as follows;

Meath County Council states that in the absence of an appropriate and comprehensive Nutrient Management Plan, they cannot make a decision as to the likely impacts of spreading poultry manure on the lands in question. The applicant should be requested to submit further information in an effort to demonstrate an ability to spread poultry manure on lands in Meath without having an adverse effect on soils, surface waters or groundwater's.

The EPA response;


Response: As part of the licence application, the applicant submitted a separate report entitled "Confidential Information", wherein details of individual customer farms for landspreading of poultry manure are given. I have assessed this confidential information. When the Agency issues a final determination on the licence application, the confidential Information will be returned to the applicant, to be maintained on-site for inspection at all reasonable times, and updated as necessary.

We have no confidence with the inspector's ability to have " *assessed this confidential information,*" as the inspector states in her report.

The submitted EIS and the assessment as described in this Inspectors Report address the likely significant direct and indirect effects arising from the activity, as respects the matters that come within the functions of the Agency.

This is an Annex I development for which an Environmental Impact Assessment has not been carried out.

Yours faithfully



Peter Sweetman and Swans and the Snails Ltd
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