



### Submission on Objection

Submitter:	Mr. Ian Lumley (An Taisce)
Submitter Address:	.
Submission on Objection Title:	Submssion on Objections - an Taisce
Submission on Objection Reference No.:	SOS006045
Submission on Objection Received:	21 April 2020

### Application

Applicant:	Dairygold Co-Operative Society Ltd and TINE Ireland Ltd
Reg. No.:	P1103-01

See below for Submission on Objection details.

Attachments are displayed on the following page(s).

EPA Licensing  
Johnstown Castle Estate  
Co Wexford

Submitted via email to: [licensing@epa.ie](mailto:licensing@epa.ie)

21<sup>st</sup> April 2020

**License Ref. P1103-01**

**Objection to proposed determination in respect of an industrial emissions licence application by Dairygold Co Operative Society Ltd and TINE Ireland Ltd for an instillation at Mogeely, Co. Cork**

To Whom It May Concern,

Thank you for circulating objections from other parties on the above proposed license determination.

It is noted that the majority of submissions focus concern on the management and impact of the effluent discharge into Cork Harbour, its cumulative impact with other discharges from the Middleton area and the complexity and efficacy of the condition providing that discharges are made according to the tidal cycle.

Of particular concern to An Taisce is the information that work on the new and upgraded pipeline and discharge location has already been carried out. Major legal questions therefore arise, as this work to accommodate the proposed cheese factory discharge has been carried out without Environmental Impact Assessment and Appropriate Assessment. While Dairygold and TINE are the licence applicants, their control only applies to the land ownership of the plant as the management of the factory discharge is via a pipeline and through a discharge plant at Rathcoursey and therefore under the control of Irish Water.

The entirety of the direct, indirect and cumulative impacts of the discharge and emissions of this milk processing plant requires integrated Environmental Impact Assessment and Appropriate Assessment. These need to include upstream impacts from production of the milk supply source in Munster and beyond upon which the plant is functionally dependent, the plant itself, and discharge from the plant in order to assess and mitigate the full impact of greenhouse gases, air pollution, effluent and other emissions.

It is submitted that the licence application as lodged is ultra vires as the discharge management is outside the applicants control and ownership. The applicants have failed entirely to explain their contractual, financial and other relationships with Irish Water. We have issued an Access to Information on the Environment request to Irish Water to establish this information for which a revised clarification is attached.

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***Protecting Ireland's heritage, safeguarding its future***

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Hugh O'Reilly, Olivia Rogers, John Sweeney  
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We request that the EPA investigates the nature, extent and legal status of the pipeline and discharge plant upgrade already constructed. We submit that the only means by which the defects in this license application can be corrected is for a new application to be submitted by Dairygold-TINE and Irish Water jointly with the following:

- i. A remedial EIA for the works already carried out to the pipeline and discharge installation at Rathcoursey; and
- ii. Information on the emissions and impact of the milk supply feed source for the plant.

Yours sincerely,

Ian Lumley  
*Head of Advocacy*  
*An Taisce – The National Trust for Ireland*

Attached: revised AIE request to Irish Water of 21 April 2020.

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*Attachment: Letter sent via email on 21<sup>st</sup> April 2020 from Ian Lumley to Irish Water clarifying original AIE request of 13<sup>th</sup> March 2020.*

21<sup>st</sup> April 2020

To Noel Shannon,

Thanks for calling this morning and was pleased at the opportunity to explain the rationale for our request.

Can you take the message below to supersede the earlier one from personal email. Have added a fifth point regarding confirmation what is already constructed.

We appreciate that there is a significant volume of information on this matter.

In order to assist your administrative staff in the most efficient and expeditious resolution of this AIE request we would propose, that while a full perusal of the information held by Irish Water is required, that you supply us with the following four information headings in electronic or hard copy form or a combination of both, whichever is convenient. References to Dairygold can be taken to refer to all associate Dairygold companies and agents.

1. The contract or agreement between Irish Water and Dairygold for the (I) construction and / or upgrading of pipeline (II) management of the discharge of effluent from Mogeely via the new and enhanced Irish Water discharge pipe from Mogeely to Cork Harbour.
2. The financial contribution paid by Dairygold to Irish Water for the pipeline construction/ upgrading work and upgrading of discharge management.
3. A map and relevant and sufficient technical details of the volume capacity of the new pipeline route from Mogeely to Cork Harbour distinguishing the sections for which (I) a new pipeline is being laid (II) an existing pipeline used and (III) an existing pipeline route increased in capacity. In order to be of assistance with providing this part of the request detailed engineering drawings are not required.
4. The Environmental Impact Assessment Screening Report and Appropriate Assessment Screening Report for the new and upgraded pipeline, and the upgrading of the discharge at Rathcoursey. If these reports or any evidence of consideration of the need for Environmental Impact Assessment.
5. How much of the new and upgraded system has already been constructed.

If the information set out under these five headings is fully provided then we would not require any further Appropriate Assessment for the new and enhanced pipeline and works to discharge facilities are not found to exist to confirm such information under this AIE request and we will inform you of this to deem the request resolved. However, if any lacunae are found we would need to obtain access all records held by Irish Water.

Thanks,

Ian Lumley  
An Taisce Head of Advocacy  
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