

Submission

Submitter:	Mr Tony Lowes
Organisation Name:	Friends of the Irish Environment
Submission Title:	Kilkenny Cheese Limited - P1180-01
Submission Reference No.:	S010390
Submission Received:	26 June 2022

Application

Applicant:	Kilkenny Cheese Limited
Reg. No.:	P1180-01

See below for Submission details.

Attachments are displayed on the following page(s).



26 June 2022

Applicant Name: Kilkenny Cheese Limited

Location: IDA Science and Technology Park, Gorteens, Belview, Kilkenny

Reference: P1180-01

Dear Sir/Madam,

We note that emissions from this development will ultimately discharge into the Lower River Suir which is classified as having 'good', 'at risk' status for the purpose of the Water Framework Directive (WFD) 2000/60/EC. The waterbodies immediately upstream and downstream of the permitted development are classified as having 'poor' and 'moderate' status respectively and are also designated as 'at risk' of not meeting their water quality objectives for the purposes of the WFD.

The WFD requires Ireland to protect and improve water quality in all waterbodies so that they achieve 'good' status by 2027. The objective is to prevent further deterioration in water quality, and to protect and enhance the status of aquatic ecosystems. In [Bund fur Umwelt v Germany \(Weser\) \(Case C-461/13\)](#) the Court of Justice held (§51):

“Article 4(1)(a)(i) to (iii) of Directive 2000/60 must be interpreted as meaning that the Member States are required—unless a derogation is granted—to refuse authorisation for an individual project where it may cause a deterioration of the status of a body of surface water or where it jeopardises the attainment of good surface water status or of good ecological potential and good surface water chemical status by the date laid down by the directive.”

Having regard to the foregoing, the Agency is legally obliged to carry out an explicit Article 4 assessment of this license application and, with reference to the best available scientific data, assess the effects on the status of the waterbodies of water concerned, including a cumulative assessment, and it is legally precluded from granting a license if any scientific doubt remains that it may jeopardise the attainment of 'good' status in the light of the criteria and requirements laid down in, inter alia, Article 4(1) of the WFD.

We note that a request for further information was issued to the Applicant on 14 June 2022. We reserve our right to make a further submission once the Applicant has submitted the requested further information and we would request that we are informed of same in due course.

Yours Sincerely,

Friends of the Irish Environment

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