



Submission

Submitter:	Miss Elaine McGoff
Organisation Name:	An Taisce
Submission Title:	Kilkenny Cheese IPC
Submission Reference No.:	S010407
Submission Received:	28 June 2022

Application

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

See below for Submission details.

Attachments are displayed on the following page(s).

IPC Licence Section,
Environmental Protection Agency.

27th June 2022

**RE: Kilkenny Cheese Application to EPA for an Industrial Emissions
Licence, Application P1180-01**

A Chara,
An Taisce welcomes the opportunity to comment on this IPC licence application.

1. Water Framework Directive

The strict legal requirements of the Water Framework Directive (WFD) were clearly elucidated in Case C- 461/13 Weser where the CJEU held:

"Article 4(1)(a)(i) to (iii) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy 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."

While the EIA does provide a chapter on water quality, it does not appear that a specific WFD assessment as required under Article 4 of the Water Framework Directive has been

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Stuart McCaul (Secretary), Anne O'Sullivan (Treasurer), Hugh O'Reilly, John Sweeney

provided in the consultation material made available to the public. This assessment is necessary to determine whether this project may cause a deterioration of the status of a body of surface water or where it may jeopardise the attainment of good surface water status or of good ecological potential and good surface water chemical status. We would highlight that Article 5 of the Surface Water Regulations 2009 requires a public authority, in the performance of its functions, not to undertake those functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status of a body of surface water.

The discharge point for this plant is into the River Suir, which while currently designated as good status, is at risk of failing to maintain good WFD status. The EPA must satisfy itself that the assessment it carries out for the purposes of Article 4 of the WFD is robust enough to allow the agency to reach the conclusion that by licensing this discharge the requirements of the WFD will not be undermined. Specifically, they should assess how increasing the load to a system which is already at risk of achieving its WFD objectives is ecologically and legally robust, and a thorough cumulative assessment for the purposes of Article 4 of the WFD should be undertaken.

Is mise le meas,

A handwritten signature in black ink, appearing to read 'Elaine McGoff', written in a cursive style.

Elaine McGoff, PhD

Natural Environment Officer, An Taisce- The National Trust for Ireland.