



This document has been cleared for submission to the Director by the Programme Manager, Frank Clinton  
 Signed: N Kearey Date: 8/4/13

**OFI  
 LICENSING &  
 RESOURCE USE**

**INSPECTORS REPORT ON A LICENCE APPLICATION**

<b>To:</b>	Dara Lynott, Director	
<b>From:</b>	Pamela McDonnell	<b>- LICENSING UNIT</b>
<b>Date:</b>	8 APRIL 2013	
<b>RE:</b>	Application for an IPPC Licence from BALLYFASKIN ENTERPRISES LIMITED, Licence Register P0915-01	

<b>Application Details</b>	
Class of activity:	6.2: The rearing of pigs in an installation, whether within the same complex or within 100 metres of the same complex, where the capacity exceeds 2000 places for the production of pigs and 285 places for sows in an integrated unit.
Category of Activity under IPPC Directive (2008/1/EC):	6.6(b) – Installations for the intensive rearing of pigs with more than 2,000 places for production pigs (over 30kg).
Category of Activity under IED Directive (2010/75/EC):	6.6(b) – Intensive rearing of pigs with more than 2,000 places for production pigs (over 30kg).
Licence application received:	16 <sup>th</sup> April 2010
Notices under Article 8 issued	11 <sup>th</sup> May 2010; 12 <sup>th</sup> January 2011; 13 <sup>th</sup> June 2011 (reminder letter)
Information under Article 8 received:	6 <sup>th</sup> January 2011; 7 <sup>th</sup> February 2011
Notice under Article 24 issued:	10 <sup>th</sup> January 2012
Information under Article 24 received:	7 <sup>th</sup> February 2012
Notices under Article 11(2)(b)(ii) issued:	8 <sup>th</sup> March 2012; 17 <sup>th</sup> May 2012
Information under Article 11(2)(b)(ii) received:	1 <sup>st</sup> May 2012; 25 <sup>th</sup> February 2013; 4 <sup>th</sup> March 2013 and 5 <sup>th</sup> March 2013
EIS received:	16 <sup>th</sup> April 2010; 1 <sup>st</sup> May 2012

Notice under Section 87(1I)(g)(i) issued:	28 <sup>th</sup> November 2012
Response to Section 87(1I)(g)(i) Notice received:	11 <sup>th</sup> January 2013 (via email)
Notice under 87(1F) received:	23 <sup>rd</sup> October 2012
Response to 87(1F) Notice made:	25 <sup>th</sup> October 2012
Planning Decision Made:	6 <sup>th</sup> December 2012 (Planning Ref: 12/306)
Submissions received:	3: HSE, 14 <sup>th</sup> June 2010; Department of Environment, Community and Local Government, 15 <sup>th</sup> June 2010; Peter Sweetman & Associates 14 <sup>th</sup> March 2012
Site notice inspected:	5 <sup>th</sup> May 2010
Site visits:	3 <sup>rd</sup> May 2012

## Company

This licence application is for a 600 sow pig production unit at Ballyfaskin Enterprises Limited, Ballyfauskeen, Ballylanders, Co. Limerick. Ballyfaskin Enterprises Limited (CRO number: 425481) employs 3 people and normal working hours on the site are between 0600hrs to 2000hrs.

The pig unit is owned by Mr. Pat Ryan and was established at Ballyfauskeen in the late seventies. The site has been renovated since then with buildings being added, extended and replaced under various planning permissions (Planning ref no: 06/3801, 07/2101, 09/588). It currently operates as a 400 Sow Integrated Unit with a weekly output of bacon pigs from the site of approximately 250 animals. The site houses 2500 production pigs (pigs over 30kg in weight which are being fattened for slaughter).

On the 6<sup>th</sup> December 2012, a notice of decision to grant planning permission was issued by Limerick County Council (Planning ref: 12/306) for the construction of a new loose welfare friendly dry sow house, 3 fattening houses, a new farrowing house, a feed mill, new site entrance including access road and associated site works. The permission also allows the replacement of two existing farrowing houses, an existing fattening house and a gilt house. The changes on site will increase the capacity of the activity to a 600 sow pig production unit, with a capacity to house 3750 production pigs and finishing approximately 17,500 pigs per annum. An EIS was submitted in support of the planning application. This EIS was submitted to the Agency for inclusion in the licence application on the 1<sup>st</sup> May 2012. In response to a Section 87(1I)(g) notice from the Agency, the planning authority stated they had no comment to make in relation to the licence application and EIS save to confirm that planning permission has been granted and that the appeal period expired on the 11<sup>th</sup> January 2013. The grant of permission was issued on the 17<sup>th</sup> January 2013. The applicant has advised that the new development will likely be completed by Q2 2015.

It should be noted that the EIS which was received on the 1<sup>st</sup> May 2012, and which relates to planning permission ref: 12/306, has been considered as part of this licence assessment. The EIS which was submitted with the licence application on the 16<sup>th</sup> April 2010, and which relates to a previous planning permission, was not considered.

While the licence application is made for an installation with over 2,000 places for production pigs (over 30kg), the activity is also above the IPPC licensing threshold of 285 places for sows, as specified under the First Schedule of the EPA Acts 1992, as amended. Both criteria fall under Class 6.2 of the First Schedule, therefore the Recommended Determination (RD) accounts for both thresholds.

For the purposes of the IPPC Directive (2008/1/EC), the activity carried out by Ballyfaskin Enterprises Limited is included in Category 6.6(b) "Installations for the intensive rearing of pigs with more than 2,000 places for production pigs (over 30kg)" of Annex I of the Directive. For the purposes of the EU IED Directive (2010/75/EU), the activity is included in Category 6.6(b) "Intensive rearing of pigs with more than 2,000 places for production pigs (over 30kg)" of Annex I of the Directive.

The RD provides for the existing animal capacity on site and allows for an increase in animal numbers when the required slurry storage capacity is available at the installation, i.e., 26 weeks in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010.

As the pig unit was established in the 1970's (and granted planning permissions throughout the 2000's) the development is considered to be an "established" activity for planning purposes. Therefore the pig unit was required to apply to the Agency for a licence on or before the 8<sup>th</sup> May 2007, as specified by the Environmental Protection Agency Act 1992 (Established Activities) Order, 2006. The Agency was in written contact with the applicant since November 2007. The licence application was received by the Agency on the 16th April 2010.

### **Process Description**

The pig production process on this farm is typical of many other Irish pig units. The installation consists of animal houses, manure collection and storage tanks, and the ancillary structures and equipment necessary for the accommodation, management and husbandry of the animals, and the administration of the unit. The expansion of the development will replace 4 existing animal houses and add 5 new houses as well as a feed mill. A new site entrance including access road will also be provided.

The installation currently stocks 400 sows, 100 maiden gilts, 5 boars, 2300 weaners and 2500 production pigs. Subject to the availability of sufficient slurry storage at the installation, stock numbers may be increased such that the maximum number of animals on site will be 600 sows, 150 maiden gilts, 10 boars, 3450 weaners and 3750 production.

The ECJ have issued a judgement in Case C585/10 that 'places for sows' means 'places for sows' in subheading 6.6(c) of Annex I to Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control, as amended by Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006, must be interpreted as meaning that it includes places for gilts (female pigs which have already been serviced, but have not yet farrowed).

Further details of slurry production and storage capacities are provided later in this report.

## **Emissions**

### Air

The main atmospheric emission from the installation is ventilation air from pig houses and gas volatilisation from the organic manure. Odour emissions are also associated with activities on-site such as the loading and movement of pig manure.

The applicant states that the installation is controlled to a level that does not affect amenity beyond the site boundary. This is achieved by the application of good practice in animal husbandry and in the management of manure handling operations.

The pig unit is located in a rural area, approximately 3km east of the village of Ballylanders. The nearest residential dwellings to the unit that are not owned by the applicant are approximately 140m northwest and approximately 340m north of the unit. The land in the immediate vicinity of the pig unit is farmland and is not populated to any great extent. The HSE confirmed in their submission (detailed below) that they have not received any odour complaints in relation to the installation to date.

The applicant has provided an odour management plan for the new development which addresses the sources of odour from the expanded development and mitigation measures to minimise odours.

To ensure odour levels are sufficiently controlled, Condition 5.4 of the RD requires the licensee to maintain an odour management programme which shall aim to minimise the odours arising on-site.

Dust may arise as fugitive emissions from the ventilation systems on site. Good housekeeping practices will minimise the occurrence of dust. The RD requires that dust (and odour) do not cause a nuisance beyond the site boundary.

### Emissions to Sewer

There are no emissions to sewer from this installation.

### Emissions to Waters

There are no emissions to water from this installation.

### Surface Water

The installation is sited approximately 1.5km west of the River Aherlow (WFD Code: IE\_SE\_16\_1178) which currently has a WFD status of Good. The River Aherlow flows to the River Suir and becomes part of the Lower River Suir SAC (Site Code 002137) approximately 13.5km downstream from the location of the piggery.

All clean surface water run-off and storm water discharges to field drains through discharge points SW1 and SW2. The field drains flow to a tributary of the River

Aherlow (Aherlow Trib 6, WFD segment code 16\_2582). Surface water from the installation should be uncontaminated and therefore have no impact on surface water quality off site. Condition 6.8.5 of the RD requires that there shall be no unauthorised discharge of polluting matter to water. In accordance with Condition 6.8 and Schedule C.2.3 Monitoring of Storm Water Emissions of the RD the applicant is required to monitor surface water discharges at SW1 and SW2 quarterly for BOD and COD and to carry out a weekly visual inspection of the stormwater monitoring points.

Once the expansion of the installation has been completed, the RD requires the licensee to submit an updated drawing of the surface water discharge points which depicts any changes in the location of these discharge points on foot of the expansion works.

All soiled water is diverted to underground and overground manure storage tanks.

#### Emissions to ground

The installation is located above the Knockaskallen Groundwater body (IE\_SE\_G\_087), which currently has a WFD status of Good.

There is an existing septic tank on site for the disposal of domestic sewage from the farm. The percolation area of the septic tank is the only emission to ground from this installation. The RD includes a standard condition which requires the licensee to provide and maintain a wastewater treatment plant for the treatment of sanitary effluent, the waste water treatment system and percolation area shall satisfy the criteria set out in the Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses ( $\leq 10$  p.e.), published by the EPA.

Groundwater monitoring results were provided for one well (W1 – now known as GW1) as part of the EIS. Nitrate levels in the sample (taken in November 2006) were below the relevant thresholds in the European Communities Environmental Objectives (Groundwater) Regulations, 2010. Total coliforms were present at 12 MPN/100mls which exceeds the EPA's Interim Guideline Value for the protection of groundwater (OMP/100mls), however no faecal coliforms were detected in the sample. This well is used for domestic purposes for the applicant's house and his parent's house, both located adjacent to the site. Groundwater *Schedule C.6.1* of the RD requires annual monitoring of the on-site well (GW1) for nitrate, total ammonia and faecal coliforms.

The RD requires the storage of all liquid fuels, chemicals etc. in bunded areas to avoid the risk of spillage and requires the storage of all manure generated on-site in a manner which does not pollute ground or surface waters. The applicant states that a leak detection system will be provided under all new structures and facilities in the proposed development. Details of the number of leak detection chambers and their location are not available. Schedule C.2.4 of the RD requires the applicant to seek agreement from the Agency on the location and reference numbers of all leak detection monitoring points and to submit an updated site layout plan, showing the location of these points, within 3 months of completion of the expansion works. Schedule C.2.4 prescribes the monitoring requirements for each of the proposed leak detection systems.

Condition 6.6 requires an assessment of underground and overground effluent storage tanks including integrity testing of pipelines and liquid feed storage tanks within twelve months of date of grant of this licence, and at least once every five

years thereafter. In the case of new storage facilities installed on site, the assessment shall be undertaken in advance of utilisation. Proposals for repair of any defects identified are to be included in a tank and pipeline assessment report to be submitted as part of the Annual Environmental Report. Such assessment will highlight any potential sources of groundwater contamination on-site, if present. The applicant has advised that there has been no historical contamination of groundwater at the site to date.

#### Manure Management and Recovery

The operation of the pig unit at current pig capacity (400 sows) results in the production of approximately 13,619m<sup>3</sup> of slurry per annum (including washwater). The total storage capacity for slurry at the installation is approximately 7127m<sup>3</sup> (including deductions for freeboard), which is in excess of the 26 weeks required under the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010.

Pig slurry/manure generated on-site is recovered by landspreading. The applicant submitted a fertiliser plan for 2012 and has identified 21 farmers who are available/seeking to accept slurry/manure from the installation as fertiliser for their farms (1128 usable hectares in the surrounding area of County Limerick, County Cork and County Tipperary). The applicant has calculated that these farms have a need for up to 22,313 m<sup>3</sup> pig manure per year based on the nitrogen balance for the farms.

If the site expands to 600 sow capacity as proposed, annual slurry production is estimated at 20,433m<sup>3</sup>. The total storage capacity for slurry will be approximately 14,358m<sup>3</sup> (including deductions for freeboard) when the development is complete, which is in excess of the 26 weeks required under the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010. The spreadlands identified in the 2012 fertiliser plan will accommodate the increased slurry produced.

The RD requires that pig slurry/manure is recovered in accordance with the requirements set out in European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 and the Conditions of the RD (Condition 8). All movements of slurry/manure shall be recorded in an 'organic fertiliser register' and the record of all movements shall be submitted to the Department of Agriculture, Food and the Marine annually, and maintained on site.

Where pig manure is used as a fertiliser on agricultural land, in accordance with European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 and the Conditions of the Recommended Determination (RD), it is not expected that such application would cause pollution.

#### Waste

Waste arising on-site includes animal carcasses, domestic waste, packaging, veterinary waste, and fluorescent tubes. Waste generated on-site is sent off site for disposal or recovery.

Animal carcasses and animal tissue waste is stored in a sealed water proof steel container prior to collection and transportation to ABP Proteins Waterford for rendering (IPPC Licence Reg. No. P0040-02) which is an EPA licensed rendering

plant. Used veterinary sharps are stored in a sealed container and removed off site to SRCL Limited (W0055-02) for disposal. Domestic refuse arising from work areas and canteens is removed to Mr. Binman Limited (W0061-02). Fluorescent lighting tubes are accumulated in a container on the site and brought to a civic amenity site periodically by the applicant.

The RD requires that waste sent off site is transported and recovered/disposed in accordance with National and European Legislation and requires maintenance of records on matters relating to the waste management operations and practices at this site.

### Noise

The applicant states that the activities currently on site do not generate noise levels that could be detected at the site boundary, similar to most pig farms in the country. They also state that the proposed development for the site will not result in audible noise outside of acceptable limits at or beyond the site boundary. They have not received complaints relating to noise emissions from the installation.

Noise emissions generally have not been identified as a significant nuisance associated with pig units. The pig farm is located in a rural area which is not populated to any great extent. It is not anticipated that noise emissions from the unit will cause disturbance at the nearest noise sensitive locations. Therefore standard noise conditions and emission limit values have been included in the RD.

### **Use of Resources**

The main resources used at the installation are animal feed, water, veterinary medicines, disinfectants and energy (electricity and heating oil).

Approximately 5,200 tonnes of feed is consumed annually. This will increase to 8,000 tonnes per year when the expansion works have been completed.

Water for pigs and for washing is acquired from 1 private well located off-site. The RD requires the installation of a water meter on the water supply and a log of usage to be recorded by the licensee. It is estimated that 15,500m<sup>3</sup> of water is used annually. This will increase to 24,000m<sup>3</sup> annually following the expansion of the site.

The average volume of heating oil used on site is 10,000L per annum and 210,000 kW of electricity is used per year. This will increase to approximately 15,000 L heating oil and 320,000kW of electricity per annum.

The RD specifies conditions dealing with water, energy and raw material use, reduction and efficiency on site.

### **Compliance with EU Directives**

#### IED Directive (2010/75/EU)

The installation falls within the scope of Category 6.6 (b), 'Intensive rearing of pigs with more than 2000 places for production pigs (over 30kg)' of Annex 1 and Chapter II of the IED.

#### IPPC Directive (2008/1/EC)

The installation falls within the scope of Category 6.6 (b), 'Installations for the intensive rearing of pigs with more than 2000 places for production pigs (over 30kg)' of Annex 1 of Council Directive 2008/1/EC concerning integrated pollution prevention and control.

The RD as drafted takes account of the requirements of this Directive. BAT is taken to be represented by guidance given in the IPPC reference document on BAT for Intensive Rearing of Poultry and Pigs, July 2003.

#### Water Framework Directive (2000/60/EC)

The only emissions to surface water from this installation are uncontaminated storm water emissions from roofs and yards. Schedule C.2.3 of the RD requires quarterly BOD/COD monitoring and a weekly visual inspection for storm water emissions. Condition 6.8.5 of the RD states that there shall be no unauthorised discharge of polluting matter to water. Condition 6.7 of the RD specifies that all slurry generated on site shall be stored in a manner which does not pollute ground or surface water.

Slurry/manure generated on the installation shall be recovered to land as fertiliser in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010, S.I. 610 of 2010, and the conditions of the RD.

These measures will aid in achieving the target of good water quality by 2015 under the Water Framework Directive (Directive 2000/60/EC).

#### EU Nitrates Regulations (91/676/EEC)

The Nitrates Directive (91/676/EEC) has the objective of reducing water pollution caused or induced by nitrates from agricultural sources and to further prevent such pollution with the primary emphasis being on the management of livestock manures and other fertilisers. This Directive has been transposed into Irish legislation by the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010, S.I. 610 of 2010.

There are over 26 weeks slurry storage at the installation and the RD specifies the minimum slurry storage requirements for this installation in accordance with the Nitrates Regulations. The RD requires that where pig manure is landspread such practice shall be undertaken in accordance with the Regulations and the conditions of the RD.

#### Habitats Directive (92/43/EC) & Birds Directive (79/409/EEC)

There are no discharges from the installation directly into any European Site designated under the EU Habitats or Birds Directives. However there are two Special Areas of Conservation (SACs) in close proximity to the site, the Galtee Mountains (Site Code 000646) (4km east of the activity) and the Lower River Suir (Site Code 002137) (13.5km downstream of the activity).

A screening for Appropriate Assessment was undertaken to assess, in view of best scientific knowledge and the conservation objectives of the site, if the expanded



activity (600 sow unit), individually or in combination with other plans or projects, is likely to have a significant effect on the European Sites.

The screening assessment undertaken demonstrates that the activity is not likely to have significant effects, in terms of maintaining favourable conservation status of the qualifying interests, on the Galtee Mountains SAC having regard to its conservation objectives, due to the distance between the activity and the SAC and the fact that appropriate site management will ensure the activity's impact on the surrounding area is low. A screening of the activity in relation to the potential impact on the Lower River Suir SAC rules out the likelihood of significant impact on the European Site in view of its conservation objectives. Clean surface water from the site ultimately discharges to the River Aherlow, which becomes part of the Lower River Suir SAC. The stretch of the River Aherlow nearest the installation, and into which the surface water from the site eventually discharges, has a Q value of 4. The surface water from the installation should be uncontaminated and therefore will have no impact on surface water quality off site. Furthermore, the potential impact on the European Sites from landspreading associated with the activity is not considered likely to have a significant impact on the SACs due to the requirement for all landspreading to be undertaken in accordance with the Nitrates Regulations (S.I. No. 610 of 2010).

The screening assessment undertaken demonstrates that the activity is not likely to have significant effects, in terms of maintaining favourable conservation status of the qualifying interests, on the European Sites having regard to its conservation objectives due to the nature and scale of the activity and manure management requirements prescribed in the Nitrates Regulations and in the RD. On the basis of screening undertaken, it is considered that an Appropriate Assessment is not necessary.

Regard was had to the planning inspector's report for the most recent grant of permission relating to the installation (ref: 12/306). According to the planning inspector, "it is considered that the development will not exercise a significant effect on any SAC or SPA. I do not consider an Appropriate Assessment is necessary."

#### Regulation (EC) No 1069/2009, Animal By-products Regulation

Animal tissue and carcasses arise due to mortalities. The waste shall be stored on site temporarily in sealed leak proof containers. The waste is collected and transported to ABP Proteins Waterford (IPPC Licence Reg. No. P0040-02) where the material is rendered in accordance with the Animal By-product Regulations. Manure/slurry (organic fertiliser) is classified as a category 2 animal by-product, in accordance with the Animal By-product Regulations.

#### Environmental Impact Assessment Directive(85/337/EEC)

The applicant submitted an Environmental Impact Statement (EIS) which was prepared in support of planning application Ref.12/306.

Planning permission was granted for this development by Limerick County Council on 17th January 2013.

I have considered and examined the content of the EIS and other material (information submitted in the licence application, the planning permission ref 12/306, planning inspectors report, correspondence between the Agency and the planning authority carried out under Section 87(1I) of the EPA Acts and submissions made by

third parties in relation to the EIS). I consider that having examined the relevant documents and with the addition of this Inspector's Report that the likely significant direct and indirect effects of the activity have been identified, described and assessed in an appropriate manner as required in Article 3 and in accordance with Articles 4 to 11 of the EIA Directive as respects the matters that come within the functions of the Agency. I consider that the EIS also complies with the EPA (Licensing) Regulations 1994, as amended.

**Environmental Impact Assessment (EIA)**

An EIA, as respects the matters that come within the functions of the Agency, has been carried out in accordance with Section 83(2A) of the EPA Acts.

Consultation was carried out between Limerick County Council and the Agency in accordance with Section 87(1F) and Section 87(1I)(g), of the EPA Acts. The submissions and observations exchanged between Limerick County Council and the Agency have been considered as part of this assessment. All third party submissions received which are relevant to impacts on the environment have also been considered and taken into account

The submitted EIS and the assessment preceding this part of the 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.

**Likely significant effects**

The following section identifies, describes and assesses the main likely significant direct and indirect effects of the proposed activity on the environment, as respects the matters that come within the functions of the Agency, for each of the following factors: human beings, flora, fauna, soil, water, air, climate, the landscape, material assets and cultural heritage. The main mitigation measures proposed to address the range of predicted significant impacts arising from the activity have also been outlined.

**1. Human Beings**

Likely significant effect	Description of effect	Mitigation measures proposed by applicant in EIS or IPPC licence application <sup>Note 1</sup>
Reduction in air quality	Odours & dust from site operations	Odour and dust management plans as described in Table 5 below.
Noise	Noise from operation of installation	Outlined in Table 5 below Compliance with Noise ELVs in IPPC licence.
Landscape and visual	Minimal impact on landscape expected.	Retain and strengthen hedgerows.

**Note 1:** and/or as outlined above in this report

**2. Flora & fauna**

Likely significant effect	Description of effect	Mitigation measures proposed by applicant in
---------------------------	-----------------------	--

		<b>EIS or IPPC licence application</b> <sup>Note 1</sup>
Alteration of species composition of watercourse	In the event of chemical/fuel spill form operation of activity	All fuels or chemicals kept on site will be stored in bunded areas.  Accidental spillages cleaned up immediately.

**Note 1:** and/or as outlined above in this report

### 3. Soil, Geology and Hydrology

<b>Likely significant effect</b>	<b>Description of effect</b>	<b>Mitigation measures proposed by applicant in EIS or IPPC licence application</b> <sup>Note 1</sup>
Groundwater pollution	From leakage of leachate/manure from underground tanks.	Maintaining integrity of structures.  Annual monitoring of site well.

**Note 1:** and/or as outlined above in this report

### 4. Water

<b>Likely significant effect</b>	<b>Description of effect</b>	<b>Mitigation measures proposed by applicant in EIS or IPPC licence application</b> <sup>Note 1</sup>
Loss or alteration of habitats and species in drainage ditch	From alteration of hydrology and sediment deposition as flow in drainage ditch increases following rainfall (less surface area on site for rain to percolate).	None proposed.
Fuel/chemical spills	From refuelling operation and storage of chemicals.	All fuels or chemicals kept on site will be stored in bunded areas.  Accidental spillages cleaned up immediately.

**Note 1:** and/or as outlined above in this report

### 5. Air & Climate

<b>Likely significant effect</b>	<b>Description of effect</b>	<b>Mitigation measures proposed by applicant in EIS or IPPC licence application</b> <sup>Note 1</sup>
----------------------------------	------------------------------	---

Dust generation dispersion and deposition	Dust generated from the operational phase.	Regular yard washing/road sweeping and wheel wash facility during construction  Thorough cleaning of buildings between batches  Adequate ventilation systems
Odours	Odour from site operation, slurry storage and dead animal management.	Odour Management Plan submitted.
Emissions from oil combustion (CO, NOx, SO2, Particulates, greenhouse gases)	From combustion of fuel to heat the buildings.	Energy efficiency conditions are included in the IPPC Recommended Determination (RD).
Noise	From the operation of activity (water, feed and ventilation systems, deliveries, transport and movement of livestock)	Good work practices and maintenance of equipment.

**Note 1:** and/or as outlined above in this report

## 6. Landscape, Material Assets & Cultural Heritage

Likely significant effect	Description of effect	Mitigation measures proposed by applicant in EIS or IPPC licence application <sup>Note 1</sup>
Visual impact and impact on landscape character	Completed buildings will represent a minor feature in an otherwise low lying setting.	Retain and strengthen hedgerows.
Increase in use of raw materials	Minor increase in use of natural resources.  Increase in usage of groundwater	Resource use conditions are included in the IPPC RD.
Impact on Archaeology & architecture	Site is considered to be of low significant archaeological potential. There are no protected structures within the footprint of the activity.	None proposed.

**Note 1:** and/or as outlined above in this report

### Assessment of parts 1 to 6 and the interaction of effects and factors

An EIA as regards the functions of the planning authorities was carried out by the planning authority when granting planning permission for the development (Planning File Ref. 12/306). This EIA addressed the significant likely effects of the

development. The Planning Authority did not provide any additional observations to the Agency under Section 87 of the EPA Acts.

The detailed assessment set out before this section of the Inspector's Report fully considers the range of likely significant effects on human beings, flora, fauna, soil, water, air, climate, landscape, material assets and cultural heritage, as respects the matters that come within the functions of the Agency, (as identified in parts 1-7 above), with due regard given to the mitigation measures proposed to be applied. The potential adverse impacts on human beings associated with the activity relate mostly to interrelated effects, which are covered in the section below.

A table of potential significant interaction of impacts is provided in Table 4.2 of the EIS. I have considered the interaction between the factors referred to in parts 1-7 above and the interaction of the likely effects identified (as well as cumulative impacts with other developments in the vicinity of the activity). The EIS identifies mitigation measures to address identified potential significant interactions. The RD includes conditions as considered appropriate to key interactions associated with the licensable activity.

I am satisfied that proposed mitigation measures are adequate. I do not consider that the interactions identified are likely to cause or exacerbate any potentially significant environmental effects of the activity.

### **Overall Conclusion on Environmental Impact Assessment**

The licence application has been made subject to an EIA as respects the matters that come within the functions of the Agency as outlined above. All matters to do with emissions to the environment from the activity proposed (existing activity and proposed new development); the licence application documentation and EIS have been considered and assessed by the Agency. The assessments carried out by the planning authority and the submissions and observations exchanged between the planning authority and the Agency have been considered as part of this assessment.

I consider that having examined the relevant documents and with the addition of this Inspector's Report that the likely significant direct and indirect effects of the activity have been identified, described and assessed in an appropriate manner as required in Article 3 and in accordance with Articles 4 to 11 of the EIA Directive, as respects the matters that come within the functions of the Agency.

It is considered that the mitigation measures as proposed and the licence conditions included in the RD will adequately control any likely significant environmental effects from the activity.

### **Cross Office Liaison**

Extensive communication has taken place between the Environmental Licensing Programme and the Office of Environmental Enforcement (OEE) in relation to licensing of the intensive agricultural sector. Advice and guidance issued by the OEE co-ordinated Intensive Agriculture Sectoral Working Group was followed in my assessment of this application.

## **Best Available Techniques (BAT)**

I have examined and assessed the application documentation and I am satisfied that the site, technologies and techniques specified in the application and as confirmed, modified or specified in the attached Recommended Determination comply with the requirements and principles of BAT. I consider the technologies and techniques as described in the application, in this report, and in the RD, to be the most effective in achieving a high general level of protection of the environment having regard - as may be relevant - to the way the installation is located, designed, built, managed, maintained, operated and decommissioned.

## **Fit & Proper Person Assessment**

The Fit & Proper Person test requires three elements of examination, technical ability, legal standing, and financial standing. Ballyfaskin Enterprises Limited was incorporated on the 25<sup>th</sup> August 2006. Mr Patrick Ryan, who is the Managing Director of Ballyfaskin Enterprises Limited, has operated a piggery enterprise for approximately 30 years and is therefore considered to have appropriate technical ability. Ballyfaskin Enterprises Limited, and other relevant persons, has no previous convictions. Due to the nature of the activity, pig rearing, it is not likely to lead to significant environmental liabilities. It is my view, and having regard to the provisions of Section 84(5) of the EPA Acts and the Conditions of the RD, that the applicant can be deemed a Fit & Proper Person for the purpose of this licence.

## **Submissions**

Three submissions have been received in relation to this application.

### **1. 14<sup>th</sup> June 2010 Health Service Executive (HSE)**

This submission was made by an Environmental Health Officer (EHO) for the Environmental Health Service (EHS) of the HSE.

#### **(i) *Submission Point i: Drinking Water***

The submission points out that there are four source protection areas within the vicinity of the application – the Cullane Group Water Supply (site is 2.6km from the source of supply and 1.7km from the outer protection zone of the source), the Ballyduff Group Water Supply (site is 2.75km from the source of supply and 1.6km from the outer protection zone of the source), Anglesboro Public Water Supply (site is 3.2km from the borehole of this supply) and Ballylanders Public Water Supply (site is 1.2km from the borehole of this supply and 210m from the outer protection zone of the source).

The submission states that where landspreading gives rise to a risk to the above identified groundwater sources, a precautionary approach should be adopted. The submission points out that the land in the immediate environs of the piggery is of poor quality and has a high water table which makes it unsuitable for landspreading. Spreading of manure close to the above sources should be strictly supervised, with appropriate buffer zones for each source being implemented and strictly observed. The HSE recommend that the applicant conduct a vulnerability assessment of all landspreading areas and that subsoil thickness over all spread lands should be verified. Where

the spread lands infringe on the zone of contribution of the aquifer they should be removed from the spread land. They state the applicant should be requested to have regard to the Teagasc Code of practice for Spreading of Slurry. The HSE also recommend that regard should be given to the fact that agricultural run-off is known to be a potential source of oocysts which cause cryptosporidiosis and accordingly caution should be exercised.

The existing site is served by two groundwater wells, one of which is located a mile from the site. The monitoring results for the well on site, which serves the two dwelling houses, the dairy operation and a section of the pig farm, indicated the presence of 12 coliforms/100ml, which exceeds the E.C Drinking Water Regulations 2007 acceptable level of 0 MPN/100ml. The submission recommends that this well is tested without delay for bacteriological and chemical criteria. In the event of non-compliance, appropriate disinfection of the supply to ensure potability shall be sought. The HSE recommend that the location of the drainage system serving the parental home should be confirmed in order to ensure that it is adequate distance from the well onsite.

The submission recommends that the applicant should be requested to identify the existence of any private wells in the vicinity of the farm. They also express concern that the location of private wells was not identified within the spread lands and that this should be addressed in a revised EIS.

Finally, the submission recommends that periodic groundwater quality monitoring of relevant parameters should be incorporated into any PD.

*Response:*

With regard to the landspreading issue, the NMP submitted as part of the licence application was assessed and it demonstrated adequate lands for use of organic fertiliser. A declaration was submitted by a suitably qualified person on behalf of the applicant certifying that pig manure may be used to fertilise any of the land identified in the NMP, in accordance with the allocations set out in the NMP and in a manner that complies with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, and will not cause, and is not likely to cause, significant environmental pollution. Therefore the Agency is satisfied that the lands identified for landspreading are suitable. The control and management of organic fertiliser and its application to land will be supervised by the Department of Agriculture, Food and Marine. In addition, the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 stipulate buffer zones for drinking water abstraction points (Article 17(2)). Under Article 17(2)(a) organic fertiliser or soiled water shall not be applied to land within 200 meters of the abstraction point of any surface watercourse, borehole, spring or well where the rate of abstraction of water for human consumption in a water scheme supplying over 100m<sup>3</sup> of water per day or the source is serving a population of 500 people or more. The Regulations allow the Local Authority to specify alternative distances as appropriate where, following prior investigations, the authority is satisfied that such other distance as may be specified by the authority is appropriate for the protection of waters being abstracted (Article 17(6)).

With regard to the operations on site, the licence requires bunding to be provided to all overground structures and for periodic tank and pipeline assessments to be carried out. Schedule C.2.4 requires weekly visual

inspections of the tank leak detection inspection chambers and biannual monitoring for BOD or COD. In addition, Condition 3.7 requires the well head on-site to be adequately protected to prevent contamination. These measures will minimise the likelihood of the onsite well and any private well in the vicinity of the site being impacted from the activity.

The potability of drinking water abstracted from the on-site well is not within the scope of the licensing process; however, as identified in the submission, treatment of the water supply prior to human consumption is advisable. Schedule C.6.1 Groundwater Monitoring of the RD requires annual monitoring of the groundwater well on site for nitrate, total ammonia, and faecal coliforms, which will indicate if the operation of the activity is impacting on groundwater quality.

(ii) *Submission Point ii: Surface Water*

The submission points out that the EIS does not identify the stream to which the surface water drains. There are no provisions for the monitoring or sampling of such surface water drainage at the point of discharge. They say an inspection chamber is present in the yard but that the surface-water run-off should be inspected closer to the point of discharge. No surface water monitoring results have been provided by the applicant. They state that a National grid reference must be given for all discharge points.

Response:

The issues identified in the submission have been considered fully in the assessment of the information provided within the original application and in response to an Article 11 Notice issued by the Agency. The issues detailed above have been addressed under previous sections of this report and within the conditions of the RD. I am satisfied that the applicant has provided adequate information to address the concerns detailed in the submission from the HSE.

(iii) *Submission Point iii: Bunding*

The submission recommends that the applicant should ensure that fuel storage areas are adequately bunded.

Response:

Appropriate conditions relating to bunding have been provided in the RD.

(iv) *Submission Point iv: Odour*

The submission notes that at the time of the HSE inspection, a faint odour was detected at the site perimeter however they have not been in receipt of odour complaints with regard to this installation. They point out that there is no monitoring of odour emissions provided for in the EIS and that the applicant shall have regard to the assessment model by Odournet UK in their report "Odour Impacts and Odour Emission Control Measure for Intensive Agriculture". A system of compliance monitoring for potential environmental emissions should be incorporated into any PD. An onus should be placed on the applicant to undertake periodic monitoring with regard to odour at site



boundaries. No emissions, including odour emissions should result in impairment of or interference with, amenities or the environment beyond the installation boundary.

It is recommended that the use of a low trajectory splash plate method is deployed in order to reduce odour during landspreading.

Response:

The facility is in a rural area, the nearest residential dwellings to the unit that are not owned by the applicant being c. 140m northwest and c. 340m north of the unit. The applicant has provided an odour management plan for the new development as part of the EIS which addresses the sources of odour from the expanded development and mitigation measures to minimise odours.

Condition 5.1 requires that no emissions, including odours, from the activity shall result in an impairment of, or an interference with amenities or the environment beyond the installation boundary. In addition Condition 5.4 requires the submission of an odour management programme, which shall address among others the use of low-protein foods, covering of open slurry storage tanks and the renovation of existing buildings.

The control and management of organic fertiliser and its application to land will be supervised by the Department of Agriculture, Food and Marine. Application of organic fertiliser shall be in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 which require that all landspreading of organic fertiliser shall be at least by low trajectory splash plate.

(v) *Submission Point v: Noise*

There are no noise assessment details included in the EIS and this is a serious omission.

Response:

The EIS states that the noise generated on site would not exceed legal limits at the site boundary. Noise emissions generally have not been identified as a significant nuisance associated with pig units. The pig farm is located in a rural area which is not populated to any great extent, and it is not anticipated that noise emissions from the unit will cause disturbance. Standard noise conditions and emission limit values have been included in the RD.

Condition 4.1 requires that noise levels from the installation do not cause an exceedance of the limits stipulated in Schedule B.4 at noise sensitive locations. In addition, Condition 6.14 facilitates the Agency to require a noise survey of site operations as required.

(vi) *Submission Point vi: Pest Control*

The HSE recommend that a map indicating the location of bait points should be made available and the inspection and replenishing of bait should also be recorded. In addition, a MSDS sheet for the bait should be kept on site.

During the inspection of the facilities an in-house fly infestation was noted. Flies are a potential vector of infection and should be subject to appropriate control measures. The HSE note that appropriate control measures have not been identified or addressed in the EIA submitted.

Response:

Condition 5.3 of the RD requires that vermin and flies associated with the activity do not result in an impairment of, or an interference with, amenities or the environment at the installation or beyond the installation boundary or any other legitimate uses of the environment beyond the installation boundary. The Department of Agriculture, Food and Marine, who are the competent body for disease/infection issues in the intensive agriculture industry, have not made a submission in relation to this installation.

(vii) *Submission Point vii: NMP*

The submission states that the applicant has not identified any land holdings which he is supplying with manure and that the NMP should provide maps of all intended spread lands and soil sample results of such intended spread lands.

Response:

A full NMP was submitted to the Agency as part of the licence application. Some of the information provided contained commercially sensitive information and the applicant therefore requested it be held as confidential. Therefore this information is not available on public file.

(viii) *Submission Point viii: Health and Safety*

An adequate number of wash hand basins, with hot and cold water supply, anti-bacterial handwash and a means of hand drying, must be provided on site for handwashing.

Response:

While the licence endeavours to reduce the impact of the installation on the environment and reduce emissions in accordance with BAT, workplace Health and Safety issues are the remit of the Health and Safety Authority.

2. 15<sup>th</sup> June 2010 Department of Environment, Community and Local Government

This submission was made by the Development Applications Unit for the Department of Environment Community and Local Government.

(i) *Submission Point i: Galtee Mountains SAC*

The submission states that appropriate mitigation measures should be put in place to ensure that there is no deterioration in the water quality

downstream of the Galtee Mountains Special Area of Conservation (SAC) through either direct effects or by the spreading of manure. It states that the licence should only be granted were this is possible.

Response:

There are no discharges from the installation directly into any European Site designated under the EU Habitats or Birds Directives. However there are two Special Areas of Conservation (SACs) in close proximity to the site, the Galtee Mountains (Site Code 000646) (4km east of the activity) and the Lower River Suir (Site Code 002137) (13.5km downstream from the activity).

An Appropriate Assessment Screening was carried out, as detailed in the earlier part of this report, and it is concluded that the development is unlikely to impact on the protected sites.

Surface water from the site ultimately discharges to the River Aherlow, which becomes part of the Lower River Suir SAC. The surface water from the installation should be uncontaminated and therefore have no impact on surface water quality off site.

In addition, a declaration was submitted by a suitably qualified person on behalf of the applicant certifying that pig manure may be used to fertilise any of the land identified in the NMP, in accordance with the allocations set out in the NMP and in a manner that complies with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, and will not cause, and is not likely to cause, significant environmental pollution. Therefore the Agency is satisfied that the lands identified for landspreading are suitable and that the risk of pollution of surface water will be minimised. The control and management of organic fertiliser and its application to land off-site will be subject to the requirements of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations and subject to enforcement by the Department of Agriculture, Food and Marine and the Local Authority.

3. 14<sup>th</sup> March 2012 Mr. Peter Sweetman, Peter Sweetman & Associates, 184 Lower Rathmines Road, Rathmines, Dublin 6 on behalf of the Directors of the Swans and the Snails Ltd.

(i) *Submission Point i: Environmental Impact Assessment*

Peter Sweetman & Associates made a submission on behalf of the directors of The Swans and the Snails Ltd.

The submission states that the Directors of the Swans and the Snails Ltd believe that an Environmental Impact assessment, as required by the EIA Directive 85/337/EEC as amended by Directives 97/11/EC and 2003/35/EC and the Planning and Development (Amendment) Acts 2010, has not been carried out. They also state that it is not possible to ascertain if all facilities on site have planning permission.

The submission draws attention to the European Court of Justice Circular PD/06/08, stating that "administrative bodies such as planning authorities and An

Bord Pleanála, being emanations of the State, are bound to comply with Community law, and if necessary to disapply national law".

Response:

The current planning permission status for the site has been addressed in the Introduction section of this report.

An EIA of the activity has been carried out and is detailed in the section above titled "Environment Impact Assessment Directive (85/337/EEC)".

### **Recommended Determination (RD)**

In preparing this report and the Recommended Determination I have consulted with Agency technical and sectoral advisor Mr. Patrick Byrne. The RD gives effect to the requirements of the POE Act 2003. The RD has regard to submissions made.

### **Charges**

The recommended annual charge for the activity is €4,368 based on the predicted enforcement effort for the installation.

### **Recommendation**

I recommend that a Proposed Determination be issued subject to the conditions and for the reasons as drafted in the RD.

Signed

*Pamela McDonnell*

---

Pamela McDonnell

### **Procedural Note**

In the event that no objections are received to the Proposed Determination of the application, a licence will be granted in accordance with Section 87(4) of the Environmental Protection Agency Acts 1992 and 2007 as soon as may be after the expiration of the appropriate period.