

# Attachment L

## Statutory Requirements

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## L. Statutory Requirements

The EPA Acts 1992 to 2011 (Section 83 (5)(XI)) specifies that the Agency shall not grant a licence unless it is satisfied that the applicant or licence or transferee as the case may be is a fit and proper person. Section 84(4) of the Act specifies the information required to enable a determination to be made by the Agency.

- Indicate whether the applicant or other relevant person has been convicted under the EPA Acts 1992 to 2011, the Waste Management Acts 1996 to 2011, the Local Government (Water pollution) Acts 1977 and 1990 or the Air Pollution Act 1987.

**RESPONSE: The applicant has no such convictions.**

- Provide details of the applicant's technical knowledge and/or qualifications, along with that of other relevant employees.

**RESPONSE: The applicant is a highly experienced operator of a modern poultry unit.**

- Provide information to show that the person is likely to be in a position to meet any financial commitments or liabilities that may have been or will be entered into or incurred in carrying on the activity to which the application relates or in consequence of ceasing to carry out that activity.

**RESPONSE: Audited accounts can be looked at on-site if required. A signed Financial Declaration by the applicant's Accountant accompanies this application.**

In relation to those activities to which Section 83(3) of the act may apply, the requirements of Section 83(5)(i) to (v) and (vii) to (xi) of the EPA Act, 2003 shall be met by operating the facilities and managing the site so that :

### Section 83

(5) The Agency shall not grant a licence or revised licence for an activity—

(a) unless it is satisfied that—

(i) any emissions from the activity will not result in the contravention of any relevant air quality standard specified under section 50 of the Air Pollution Act 1987, and will comply with any relevant emission limit value specified under section 51 of the Air Pollution Act 1987,

**RESPONSE: Best current practice in modern ventilation systems and air handling systems and diet management mitigate odour generation from within the farmyard complex and on customer farms.**

(ii) any emissions from the activity will comply with, or will not result in the contravention of, any relevant quality standard for waters, trade effluents and sewage effluents and standards in relation to treatment of such effluents prescribed under section 26 of the Local Government (Water Pollution) Act 1977,

**RESPONSE: Soiled water arising from the washing down of the accommodation houses is utilised on the applicant's land adjacent to the unit and amounts to approximately 5 vacuum tanks a year. The application of the soiled water is regulated under the EU (Good Agricultural Practice for the Protection of Waters) 2014 S.I. 31 of 2014.**

(iii) any emissions from the activity or any premises, plant, methods, processes, operating procedures or other factors which affect such emissions will comply with, or will not result in the contravention of, any relevant standard including any standard for an environmental medium prescribed under regulations made under the European Communities Act 1972, or under any other enactment,

**RESPONSE: Combination of the good housekeeping and compliance with the sections (i) and (ii) will ensure the activity will comply with the above act.**

(iv) any noise from the activity will comply with, or will not result in the contravention of, any regulations under section 106,

**RESPONSE: Noise is not a significant issue in Intensive Agriculture facilities. Noise from the day to day operation arises from ventilating fans, deliveries and collections. The noise generated by these is inaudible outside the immediate vicinity of the buildings and adjoining yards. The activities currently on-site do not generate noise levels that could be detected at site boundary, similar to most farms in the country.**

(v) any emissions from the activity will not cause significant environmental pollution,

(vii) having regard to Part III of the Act of 1996, production of waste in the carrying on of the activity will be prevented or minimised or, where waste is produced, it will be recovered or, where that is not technically or economically possible, disposed of in a manner which will prevent or minimise any impact on the environment,

**RESPONSE: Wastes generated on the site are disposed in a manner which will minimize the impact on the environment.**

(viii) energy will be used efficiently in the carrying on of the activity,

**RESPONSE: Energy and resource usage is consumed efficiently this is further elaborated upon in section Attachment G1 of the application. An energy audit is currently being organised for this farm and same will be submitted to the Agency upon completion.**

(ix) necessary measures will be taken to prevent accidents in the carrying on of the activity and, where an accident occurs, to limit its consequences for the environment and, in so far as it does have such consequences, to remedy those consequences,

**RESPONSE: Preventative measures taken to prevent accidents and to limit consequences are elaborated upon in Attachment J.**

(x) necessary measures will be taken upon the permanent cessation of the activity (including such a cessation resulting from the abandonment of the activity) to avoid any risk of environmental pollution and return the site of the activity to a satisfactory state, and

**RESPONSE: Cessation and Decommissioning proposals are included in Attachment K of this Application.**

(xi) the applicant or licensee or transferee, as the case may be, is a fit and proper person to hold a licence, and, where appropriate, the Agency shall attach conditions relating to the matters specified in the foregoing subparagraphs to the licence or revised licence,

**RESPONSE: The applicant is a fit and proper person to hold a licence as demonstrated by descriptions in the following paragraphs.**

Section 84

(4) For the purpose of this Part, a person shall be regarded as a fit and proper person if—

(a) neither that person nor any other relevant person has been convicted of an offence under this Act, the Act of 1996, the Local Government (Water Pollution) Acts 1977 and 1990 or the Air Pollution Act 1987 prescribed for the purposes of this subsection,

**RESPONSE: Michael O' Connor has at no stage been convicted of an offence under the Act of 1996, the Local Government (Water Pollution) Acts 1977 and 1990 or the Air Pollution Act 1987 or The EPA Acts 1992 and 2003.**

(b) in the opinion of the Agency, that person or, as appropriate, any person or persons employed by him to direct or control the carrying on of the activity to which the licence or revised licence relates or will relate has or have the requisite technical knowledge or qualifications to carry on that activity in accordance with the licence or revised licence and the other requirements of this Act, and.

**RESPONSE: The farm is owned and operated by Michael Noel O' Connor, a second generation poultry farmer. He is also the responsible person and lives close to the farm at Rathcahill West, Templeglantine, Newcastle West, Co. Limerick**

(c) in the opinion of the Agency, that person is likely to be in a position to meet any financial commitments or liabilities that the Agency reasonably considers have been, or will be entered into or incurred by him in carrying on the activity to which the licence or revised licence relates or will relate, as the case may be, in accordance with the terms thereof or in consequence of ceasing to carry on that activity.

**RESPONSE: The licence application is made by Michael O' Connor and a copy of the Latest Audited Accounts can be viewed on-site if required.**

The Applicant is satisfied that the activity is not in or near, and is not likely to have an adverse effect on the integrity of

- (a) A site placed on a list in accordance with Chapter 1 of S.I. 94 of 1997 or
- (b) A site where consultation has been initiated in accordance with Article 5 of the EU Habitats Directive (94/43/EEC), or
- (c) A European site as defined in Article 2 of S.I. 94 of 1997

**RESPONSE: The applicant is satisfied that the unit is not in or near, and is not likely to have an adverse effect on the integrity of and site referenced in (a), (b), or (c) above.**

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