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Office of Climate, Licensing & Resources Use,
Environmental Protection Agency,
PO Box 3000,
Johnstown Castle Estate,
Co. Wexford.

**RE: Industrial Emissions Activities Licence Application for Michael Noel O' Connor,
Rathcahill West, Templeglantine, Newcastle West, Co. Limerick. Reg. No: P1042-01.**

Dear Sir/Madam,

I refer to your letter dated 26th August 2016 and subsequent letters on 5th September 2016 and 13th March 2017 in relation to the above referenced Industrial Emissions Activities Licence Application for Michael Noel O' Connor.

We here-in attach our clarification response.

I trust that this submission meets with your requirements.

Yours Sincerely,

Julianne Brian

Date 15/06/2017

Included with this submission:

One signed original, with one hardcopy, as well as two copies of all documents in electronic searchable PDF format on CD-ROM

1. A screening for Appropriate Assessment was undertaken on 23rd August 2016 and the Agency determined that an Appropriate Assessment of the activity is required. Screening undertaken by the Agency, using SCAIL Agriculture, has shown that ammonia in air emissions from the activity has the potential to contribute to elevated ammonia levels at the Stacks to Mullaghareirk Mountains/West Limerick Hills and Mount Eagle SPA (site code: 004161). The SCAIL Agriculture screening tool is available at: <http://www.scail.ceh.ac.uk/>.

You are thereby required to submit a Natura Impact Statement, as defined in Regulation 2(1) of the European Communities (Bird and Natural Habitats) Regulations 2011 as amended [Regulation 9(2)(k)].

You are furthermore advised to refer to the document 'Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities', issued in 2009 by the Department of the Environment, Heritage and Local Government, and revised in 2010. This document is available at:

http://www.npws.ie/sites/default/files/publications/pdf/NPWS_2009AA-Guidance.pdf.

RESPONSE:

We are waiting on an Appropriate Assessment Report from Pat Doherty of Doherty Environmental. This will be submitted in due course.

2. In relation to the details provided in the application on the planning history of the site, it is noted that the planning application file ref 10/42 was withdrawn and planning application file ref 11/457 was refused. It is also noted that planning permission file refs 91/177 and 93/1292 relate to an address of Dorres Cross and not Rathcahill. Please clarify the permission which relate to the two existing poultry houses on site, each with capacity of 20,000 birds [Regulations 9(2)(e)].

RESPONSE:

Planning references 91/177 and 93/1292 relate to the 2 no existing poultry units situated in an area known locally as 'Dores Cross', Rathcahill, Templeglantine, Co. Limerick, under the ownership and management of Michael Noel O' Connor to which this IE Licence Application applies.

3. Provide details of the low pressure ventilation system authorised by planning permission 13/366, and clarify whether this system is currently installed and operational at the installation [Regulation 9(9)(i)]. Identify how the system meets BAT requirements [Regulation 9(2)(h)].

RESPONSE:

It is the intention of the Applicant Michael Noel O' Connor not to install the aforementioned low pressure ventilation system which Limerick County Council planning ref 13/366 refers to.

4. Submit a revised site layout map that clearly identifies the site boundary in red, and the location of the infrastructure associated with the activity. Please include poultry houses, fuel stores, any on site wells, surface water systems and surface water monitoring point(s) etc. [Regulation 9(2)(g)].

RESPONSE:

Please find attached Revised Site Plan for the Poultry Unit including for the identification of poultry houses, stores, soiled water tank, feed silos, storage tanks, on site well (W1), surface water systems and surface water monitoring points (SW1). (Attachment 1)

5. Clarify whether or not the activity currently operates at 74,000 broiler capacity.

RESPONSE:

The Poultry Unit currently operates at 74,000 broiler capacity.

6. The application states that all poultry litter generated by the activity is sent to a mushroom compost production facility. In this regard, please provide the following information [Regulation 9(2)(g)];

a. Clarify whether the figure of 480 tonnes provided in the application is the total quantity of litter produced by 74,000 broilers per annum.

RESPONSE:

The applicable volume of litter from this facility is 775 tonnes as supported by the record 3 return submitted to the DAFM for 2016 as attached.

b. Provide a detailed description of the current and proposed management, control and record keeping employed in relation to the organic fertiliser arising from the activity/proposed activity.

RESPONSE:

Litter records are kept by Michael Noel O' Connor on a batch basis. These records are maintained in accordance with Western Brand, Bord Bia and The Department of Agricultural, Food and The Marine requirements and a record of this register will be kept on site for a period of 4 – 5 years for inspection by the Environmental Protection Agency, Limerick County Council the Department of Agriculture and Food, and any other regulatory officials at any reasonable time

c. A copy of the Record 3 form for the previous year.

RESPONSE:

Attached please find submissions made to The Department Food and The Marine in relation to the Poultry Unit (Attachment 2).

d. Provide a current letter from the contractor who removes the litter from the installation confirming their agreement with the applicant. This letter should include the following:

- i. the contractor's DAFM registration details;**
- ii. the quantity of organic fertiliser to be removed from the installation by the contractor per annum; and**
- iii. the proposed destination/use of the organic fertiliser**

RESPONSE:

Attached please find a letter from Kehoe Transport Ltd. stating the contractor's registration details, the quantity of poultry litter removed by them from the unit in Templeglantine and the proposed destination of the organic fertiliser. (Attachment 3)

e. Provide an explanation of the requirements and actions taken by the applicant, the contractor and the receiver of the litter in accordance with the Animal-By-Product Regulations.

RESPONSE:

Poultry manure is a rich source of plant nutrients and is a valuable fertilizer for farmland. The organic manure from this farm may be utilized as a fertilizer source in accordance with the regulations set out in S.I. No 31 of 2014 for the purpose of efficient crop production. As an added precautionary measure only arable land is utilized for this purpose. Alternatively it may also be removed off site for composting, and used in the mushroom industry.

With regard to the use as a fertilizer we would refer to a decision of the European Court of Justice. In the joined cases of Commission v Spain (C-416/02 and C-121/03), the court held that manure will not be waste where it is used as soil fertilizer as part of a lawful practice of spreading on clearly identified parcels (regardless of whether the parcels are within or outside the agricultural holding that generated the effluent) and if its storage is limited to the needs of those spreading operations.

7. With regards to wash water produced by the activity, please provide the following [Regulation 9(2)(g)]:

a. Confirm the volumes of wash water (in m3) that will be generated per annum by the activity.

RESPONSE:

We can confirm that approximately 90.9m³ of wash water will be generated per annum.

b. Confirm the total storage capacity available, and whether 26 weeks storage capacity is available onsite and/or off-site. If the storage capacity is supplement by off-site storage please identify the type, capacity and location of the off-site storage.

RESPONSE:

The required 26 weeks storage capacity is provided onsite by the 2 no purpose build storage tanks whose locations are identified on the attached maps jointly providing a cumulative capacity of 46m³.

c. Indicate the total area of land (in acres/hectares) and location of the land available for the receipt of wash water as fertiliser. Provide a map which depicts the location of the spreadlands.

RESPONSE:

Waste water arising from the washing down of the accommodation house is spread as a fertiliser on 20 acres of land – (maps included Attachment 4).

8. In accordance with Regulation 9(2)(n):

a) Provide a report on an assessment undertaken in accordance with Stages 1 to 3 of the European Commission Guidance concerning baseline reports under Article 22(2) of Directive 2010/75/EU on industrial emissions.

b) Where the activity involves the use, production or release of relevant hazardous substances (as defined in Section 3 of the EPA Act), and having regard to the possibility of soil and groundwater contamination at the site of the installation, provide a baseline report in accordance with section 86B of the EPA Act and in accordance with the Commission's guidance.

RESPONSE:

Please find enclosed a Baseline Assessment – Attachment 5.

9. Clarify the quantity of water, gas, electricity and feed that is/will be used when fully stocked at 74,000 broiler capacity [Regulation 9(2)(f)].

RESPONSE:

Below is the approximate amount of inputs utilised on site annually fully stocked at 74,000 broiler:

Water :	1,750m ³
Gas:	54,000 litres
Electricity:	33,135 kw
Feed:	1,341 tonnes

10. Clarify whether there is a back-up generator on site. Where applicable, provide details of the type and quantity of fuel used for the back-up generator, and the capacity and type of the fuel storage facilities on site [Regulation 9(2)(f)].

RESPONSE:

There is a diesel generator onsite which is banded and fuelled when required by a mobile bowser.

11. Confirm whether the groundwater well is located within the installation boundary. Where available/applicable, furnish the results of any analysis that has been carried out on any water from well(s) within the installation boundary [Regulation 9(2)(f)].

RESPONSE:

The groundwater well is located within the site boundary as indicated on the Site Plan attached as W1.

In addition to the above please also provide an updated non-technical summary to reflect the information provided in your reply.

Letter dated 13th March 2017

1. Review the installation activities against the relevant BAT Conclusions requirements as set out in the document referenced above and demonstrate whether your installation meets BAT requirements and how these requirements are satisfied. The format of the review report should be agreed with the inspector below.

2. Tabulate all of the BAT conclusions from the CID document for the Intensive Rearing of Poultry or pigs (Feb 2017). For each BAT conclusion, indicate whether it is applicable to your installation. The following details should also be included in your table.

For all applicable BAT conclusions, state if it is proposed to be put in place and the timetable for implementation, Details of any proposals must be provided. Where you do not propose to meet the requirements of a particular BAT conclusion, provide reasons and a justification [Regulation 9(2)(b)].

Please see Attachment 6.