

Electronic Copy
Mr Mark Hamill
On behalf of Westland Horticulture



16 April 2019

Reg No.: P0914-01

Notification in accordance with Section 4(5)(b) of the *European Union (Environmental Impact Assessment) (Peat Extraction) Regulations 2019* in respect of a licence application from Westland Horticulture for an installation located at Westland Horticulture, Lower Coole, Mayne, Ballinealoe & Clonsura, Near Coole & Fineagh, Westmeath

Dear Sir,

I refer to your application for a licence which was received on 31/07/2013.

As you will be aware the Government has recently published the *European Union (Environmental Impact Assessment) (Peat Extraction) Regulations 2019* (S.I. No. 4 of 2019). S.I. No 4. of 2019 came into operation on 25 January 2019 (**operative date**).

The Regulations defines peat extraction as meaning “the extraction of peat that involves an area of 30 hectares or more”.

Section 4(4) and 4(5) provide that:

(4) A person who, immediately before the operative date, was carrying on peat extraction (other than a relevant activity carried on in accordance with a licence or revised licence under this Part) shall, if he or she proposes to continue to carry on peat extraction on or after that date, apply, not later than 18 months after that date, for a licence in respect of such peat extraction.

(5) (a) Where a decision in relation to an application for a licence in respect of a relevant activity remains outstanding immediately before the operative date, the application shall be treated as an application made under subsection (4), whether or not the applicant was carrying on that activity immediately before that date, and accordingly, paragraph (b) of subsection (7) shall apply to the applicant as it applies to a person who has made an application in accordance with subsection (4).

(b) The Agency may, by notice in writing, require an applicant to whom paragraph (a) applies to provide the Agency with such information and documentation additional to the information and documentation that he or she provided the Agency in relation to the

application concerned before the operative date as the Agency considers appropriate, including —

(i) an update of the environmental impact assessment report, and

(ii) a map identifying the area to which the application relates.

Having regard to the above provisions the applicant Westland Horticulture are deemed to have made an application to the Agency for an IPC licence in respect of this activity, effective from 25 January 2019. The Agency requires that the applicant provide the following information to progress the application:

(i) an update of the Environmental Impact Statement received having specific regard to the requirements of Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU *on the assessment of the effects of certain public and private projects on the environment*;

(ii) updated maps identifying the area to which the application relates;

(iii) a screening for Appropriate Assessment and state whether the activity, individually or in combination with other plans or projects, is likely to have a significant effect on a European Site(s), in view of best scientific knowledge and the conservation objectives of the site(s). Where it cannot be excluded, on the basis of objective scientific information, following screening for Appropriate Assessment, that an activity, either individually or in combination with other plans or projects, will have a significant effect on a European Site, provide a Natura Impact Statement, as defined in Regulation 2(1) of the *European Communities (Birds and Natural Habitats) Regulations (S.I. No. 477 of 2011)*. Among other matters the NIS should assess the potential impacts on water quality arising from emissions of ammonia.

This information shall be provided to the Agency not later than **14 months** from the date of this Notice.

The Agency will separately undertake an assessment of the licence application received on 31/07/2013 to determine what if any further information is necessary to update the application. The Agency will correspond with you separately in relation to this request for further information, as appropriate.

If you have any queries please e-mail licensing@epa.ie.

Yours faithfully,

Environmental Licensing Programme
Office of Environmental Sustainability
Tel: 053 – 9160600