



## OFFICE OF ENVIRONMENTAL SUSTAINABILITY

### ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

TO: MARIE O'CONNOR, PROGRAMME MANAGER

FROM: PHILIP STACK

DATE: 19/02/2021

RE: Recommendation to consider the following application for a review of an IED licence to have been abandoned: Clondrisse Pig Farm Limited (P0975-02).

### Recommendation:

The Programme Manager is asked to APPROVE the recommendation of this memo that the Agency moves to consider the above referenced application to have been abandoned and that a Notice under Regulation 19(2) of the EPA (Industrial Emissions)(Licensing) Regulations 2013 should be served to the applicant. This notice requires that the applicant within 28 days, beginning on the date of the notice, make a submission in writing as to why the application should not be regarded as having been abandoned.

That the Agency shall after the expiration of the specified period of 28 days if;

- No response/submission is received or;
- If a submission is made to the Agency pursuant to the notice, and after an assessment of that submission the Agency considers that insufficient information has been received to enable a proposed determination to be made

consider making a declaration under Reg 19(3) that the application be regarded as having been abandoned.

### Introduction

The First Schedule of the EPA Act 1992 as amended, indicates that the following classes of activity require a licence:

- 6.1 The rearing of poultry in installations where the capacity exceeds 40,000 places.
- 6.2 The rearing of pigs in an installation where the capacity exceeds –
  - (a) 750 places for sows, or
  - (b) 2,000 places for production pigs which are each over 30kg.

In relation to the licence application by Clondrisse Pig Farm Limited (P0965-01) for a class 6.2(b) activity at Joristown Upper, Killucan, County Westmeath, it is noted that the applicant has not provided all of the information required under Regulation 9 of the EPA (Industrial Emissions)(Licensing) Regulations 2013. The correspondence history between the applicant and Agency is outlined in the 'Assessment' section below.

## **Regulation 19(2) of the EPA (Industrial Emissions) (Licensing) Regulations 2013**

In accordance with Regulation 19(2) of the *Environmental Protection Agency (Industrial Emissions)(Licensing) Regulations 2013*, where the Agency is of the opinion that an application for a licence has been abandoned, it may give to the applicant a notice stating that fact and require that person, within a period specified in the notice (being a period of not less than 14 or not more than 28 days beginning on the date of the giving of the notice), to make to the Agency a submission in writing as to why the application should not be regarded as abandoned. Regulation 19(3) provides that where such a notice has been given, the Agency may, at any time after the expiration of the period specified in the notice and after considering the submission (if any) made to the Agency pursuant to the notice, declare that the application to which the notice relates shall be regarded as having been abandoned.

The 'Assessment' section below examines whether the provisions of Regulation 19 should be used for the above referenced application.

## **Assessment**

Clondrisse Pig Farm Limited was granted an IE licence (P0975-01) on 22<sup>nd</sup> February 2017, to carry out a 6.2 (b) activity at an installation located at Joristown Upper, Killucan, County Westmeath. The applicant had applied for a licence for a 625 sow integrated unit (keeping of progeny onsite until fattened to 110kg), with up to 3,318 production pigs onsite. Due to submissions made to the Agency in relation to odour nuisance experienced at nearby sensitive receptors, the licence ultimately granted by the Agency permitted 625 sows and 0 production pigs. The licensee applied for a review of this licence (P0975-02) on 11<sup>th</sup> June 2018 requesting to increase the number of production pigs permitted onsite from 0 to 3,800.

In relation to the current application, at the time of writing five submissions have been received. Of these, two submissions were received relating to various aspects of the Birds and Habitats Directives and Appropriate Assessment, one relating to Environmental Impact Assessment, one from the Department of Culture, Heritage, and the Gaeltacht, and one submission from the Health Service Executive.

As noted above, the application was received by the Agency on 11<sup>th</sup> June 2018. The Agency requested an extension to the PD due date on 24 July 2018, which the applicant granted on 31<sup>st</sup> August 2018. On the 5<sup>th</sup> December 2018, the applicant was issued with a request for further information under Regulation 10(2)(b)(ii) of the *EPA (Industrial Emissions)(Licensing)*

*Regulations 2013* requesting that the applicant respond within eight weeks. On the 12<sup>th</sup> of December, the Agency issued a further notice under Regulation 11(2)(b) of the EPA (IE) (Licensing) Regulations 2013, informing the applicant that the EIS submitted as part of the application did not adequately identify, describe and assess the direct and indirect effects of the development on the environment, and requesting that an updated EIS be submitted to the Agency within 4 months. The applicant has not submitted a response to either of these notices.

An RFI reminder notice was issued to the applicant on 07<sup>th</sup> January 2021 requesting that the outstanding information be submitted to the Agency within 4 weeks. The applicant was informed in the RFI Reminder Notice issued on 07<sup>th</sup> January 2021 that failure to supply the Agency with the outstanding information may result in the Agency activating Regulation 19 of the *EPA (Industrial Emissions)(Licensing) Regulations, 2013* and deeming the application to have been abandoned.

No response from the applicant has been received to date and the applicant has therefore not provided all of the information required under Regulation 9 of the *EPA (Industrial Emissions)(Licensing) Regulations 2013*.

As the applicant has failed to provide the Agency with the additional information required to enable the Agency to progress with the assessment of the application, it is considered that it is appropriate to issue a Notice under Regulation 19(2) of the *EPA (Industrial Emissions)(Licensing) Regulations 2013*.

## **Recommendation**

I recommend that in accordance with Regulation 19(2) of the *Environmental Protection Agency (Industrial Emissions)(Licensing) Regulations 2013*, that the Agency take the opinion that the identified application for a licence review has been abandoned. I recommend that a notice under Regulation 19(2) of these Regulations be served on the applicant requiring the applicant, within a period of 28 days, beginning on the date of the giving of the notice, to make a submission in writing as to why the application should not be regarded as having been abandoned.

I recommend that after the expiration of the specified period of 28 days if;

- No response/submission is received or;
- if a submission is made to the Agency pursuant to the notice, and after an assessment of that submission the Agency considers that insufficient information has been received to enable a proposed determination to be made,

the Agency will consider making a declaration under Reg 19(3) that the application be regarded as having been abandoned.

*Philip Stack*

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Philip Stack  
Inspector  
Office of Environmental Sustainability