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Mr. Eoin O'Brien

Mr. Paraic Fay

On behalf of Mr. Eoin O'Brien

05 August 2021

Reg. No.: P0790-03

Further Notice under the EPA (Industrial Emissions) (Licensing) Regulations 2013, in respect of a licence review from Mr. Eoin O'Brien for an installation located at Mogeely Pig Farm, Annistown, Killeagh, County Cork.

Dear Sirs,

I refer to the EPA's notices of 23 October 2019 and 31 March 2020 requesting information in respect of your licence review application and your response received on 13 April 2021.

You are advised that there remains outstanding information, as required under the EPA (Industrial Emissions) (Licensing) Regulations 2013, as amended. You are therefore required to submit the outstanding information detailed below:

1. **Environmental Impact Statement (EIS):** The EIS submitted with the application (dated March 2017) is not the EIS which was submitted with planning reference 12/6635. You are required to submit the EIS (dated December 2012) associated with this planning permission.
2. **Animal Numbers:** The application provides conflicting figures in relation to pig numbers to be housed on site. It is noted that these numbers were clarified in the further information received on 28 June 2018 as 1,500 sows and 12,400 production pigs subject to 20% variation. However, planning reference 12/6635 permits 1,500 sows and the corresponding EIS for this planning permission (dated December 2012) outlines 9,000 fatteners and 400 (maiden gilts) which is a total of 9,400 production pigs. During the site visit on 22 July 2021, the applicant advised that the higher number of 12,400 for production pigs was to account for weaners above 30kg. However, this is not supported by the relevant planning permission or the corresponding EIS. You are required to:
 - a) Provide written confirmation from the planning authority that planning permission provides for:
 - i. 12,400 production pigs; and
 - ii. A 20% variation in all pig numbers.

- b) If an increase in pig numbers is authorised by the planning permission as above:
 - i. Update the Air Quality Impact Assessment Report, Natura Impact Statement and the Ammonia Impact Assessment Report to account for increased animal numbers; and
 - ii. Update all other relevant sections of the application, where appropriate, where any revised animal numbers will affect resources and materials used or produced by activity e.g. slurry volumes, waste, water, electricity, fuel usage etc.

- 3. **House Nomenclature/Numbering:** Having regard to the further information received on 13 April 2021, the nomenclature/numbering of the animal houses varies between the Air Quality Impact Assessment Report, the Ammonia Impact Assessment Report, the Storm Drainage Layout Plan, the Farm Structures/Tanks Layout Plan and the Manure Drainage Layout Plan. All the animal houses and the common structures in the three layout plans should have the same nomenclature/numbering and, these should correspond to the Air Quality Impact Assessment Report and the Ammonia Impact Assessment Report.
 - a) You are required to update the layout plans and modelling reports accordingly.

- 4. **Site Boundary:** The site boundary outlined on the Storm Drainage Layout Plan differs to that outlined in the Manure Drainage Layout Plan and the Farm Structures/Tanks Layout Plan. Furthermore, a site boundary change was not outlined in the application, but the existing site boundary line differs from the conflicting boundaries outlined above. During the site visit on 22 July 2021, the applicant confirmed that the boundary is to be expanded to the north of the existing site.
 - a) You are required to submit details of the proposed boundary expansion and to update the layout plan(s) accordingly.

- 5. **Condition of the Site:** Conflicting information has been provided in relation to the age of the existing buildings and the number of existing buildings. During the site visit on 22 July 2021, the applicant confirmed that not all development works permitted by PP 06/4260 were completed and that most of the developments work permitted by PP 12/6635 are already complete. You are required to confirm:
 - a) For all houses (using common house nomenclature/numbering as above):
 - i. Which houses have been built;
 - ii. Which houses have yet to be built;
 - iii. Which houses have been demolished;
 - iv. Which houses have yet to be demolished;
 - v. Date each house (all 16 which will be within the proposed installation boundary) was/will be built; and
 - vi. Relevant planning permission for each house (all 16 which will be within the proposed installation boundary).

- b) All other structures permitted by planning (e.g. pump houses, offices etc.) which are to be built or demolished; and
 - c) Whether the final house to be completed (referred to as a block of three) will be defined as one house or three houses. Ensure that the total number of houses corresponds with the number authorised by planning permissions. If necessary, update all relevant layout plans and modelling reports.
6. **Storm Water Drainage:** Conflicting information has been provided in the application with regards to the locations and grid references for the SW1 and SW2 discharge points and the two soakaways. During the site visit on 22 July 2021, the applicant confirmed that both SW1 and SW2 and the two soakaways are in place. You are required to:
- a) Provide grid references for both discharge points and the two soakaways;
 - b) Update the Storm Drainage Layout Plan to include the locations of both discharge points and the two soakaways; and
 - c) Confirm each soakaway is fully within the proposed installation boundary.
7. **Groundwater Well:** During the site visit on 22 July 2021, the applicant confirmed that the onsite well was de-commissioned to facilitate development works and a new well was installed and operating. You are required to:
- a) Provide the grid reference for the new well;
 - b) Update the Storm Drainage Layout Plan accordingly; and
 - c) Water abstractions exceeding 25m³ (25,000 litres) per day are required to be registered with the Agency, in accordance with the European Union (Abstractions Registration) Regulations 2018. Details on the registering of a water abstraction can be found on the Agency website at the following link:
<https://www.epa.ie/our-services/licensing/freshwater--marine/water-abstraction/>.
- i. Confirm that the abstraction associated with the new well outlined in your application has been registered with the EPA, and provide the registration number.
8. **Organic Fertiliser:** Conflicting information has been provided in the application with regards to slurry storage and management:
- a) During the site visit on 22 July 2021, the applicant confirmed that the depth of the covered slatted passages (FS19, FS20 and FS21) varies and that these passages are used for additional storage during the 'closed period' in addition to the external tanks (FS18 and FS17). You are required to:
 - i. Confirm the range of depths for FS19, FS20 and FS21;
 - ii. Provide a breakdown of the storage available on-site during the 'closed period';
 - iii. Clarify whether the slatted tanks underneath the houses (FS1 to FS16) are included in this storage capacity;

- iv. Confirm the frequency of slurry removal, if any, from FS1 to FS16 during the 'closed period'; and
 - v. Clarify whether 26 weeks' storage capacity will be available on-site during the 'closed period' taking account of the frequency of slurry removal from FS1 to FS16.
 - b) During the site visit on 22 July 2021, the applicant advised that a decision had not yet been made on the type of cover proposed for FS18 (open over-ground circular tank). Confirm the type of cover that will be installed on both FS17 and FS18;
 - c) During the site visit on 22 July 2021, the applicant advised that slurry is removed once or twice a fortnight. You are required to confirm the frequency of slurry removal and clarify whether it varies e.g. during the 'closed period';
 - d) During the site visit on 22 July 2021, the applicant advised that the slatted tanks are linked to the existing slurry lagoon with the circular tank as additional storage and that the slurry flows by gravity to the slurry lagoon and that a vacuum system for frequent slurry removal is not in place or proposed to be installed. This conflicts with the information provided to date in the application. A "vacuum system for frequent slurry removal" is outlined and modelled in the Ammonia Impact Assessment Report. The modelling and report will need to be revised to reflect the system in place onsite; and
 - e) Provide a copy of the coded summary table of lands that slurry will be exported to for 2021 which includes the total import capacity (m³) available.
9. **Resource use:** Conflicting information has been provided in the application with regards to resource use and management:
- a) During the site visit on 22 July 2021, the applicant advised that an Air to Water heating system was installed 18 months ago and that they would be retaining the existing oil tank and boiler as a back-up. You are requested to:
 - i. Update all relevant sections of the application to reflect the use of this heating system; and
 - ii. Update all relevant sections of the application to account for revised resource figures e.g. electricity and fuel usage.
 - b) Insufficient detail has been provided with regards to the boiler:
 - i. Update the relevant layout plan to outline the location of the boiler; and
 - ii. Complete in full Section 7.4.1 of the application form. All required details in the tables must be submitted as well as a full assessment of the impact of any main emissions. In relation to any minor emissions, the response must include a detailed specification for the boiler including their thermal input. The applicant should ensure all emissions are correctly classified as either main/minor and correctly numbered in accordance with Agency guidance.
 - c) The locations and number of the diesel and oil tanks vary on the Pig Manure Drainage Layout Plan and the Storm Drainage Layout Plan and conflict with the

current locations and number as observed during the site visit on 22 July 2021.

You are required to:

- i. Update the layout plan(s) so that they correspond and outline accurately the current locations and if applicable the proposed location(s) and number of all fuel tanks onsite;
 - ii. Confirm the capacity of each tank; and
 - iii. Provide details of the protection proposed for each tank to avoid damage by vehicles or trailers.
- d) The electricity usage provided conflicts with the figures outlined in the Annual Environmental Reports for the existing installation:
- i. Clarify the existing electricity usage ensuring the correct unit of measurement is used i.e. watt-hours; and
 - ii. Update the proposed electricity usage based on the points above.

10. **Baseline Report:** The baseline screening report is incomplete as it does not include all relevant hazardous substances used on-site.

- a) Provide an updated baseline screening report to take account of the proposed use, production and release of all relevant hazardous substances e.g. disinfectant (Hyperox), heating oil, diesel, fluorescent tubes, ensuring the estimated quantities to be used on-site are included in the report.

11. **BAT:** It is noted that the documentation regarding BAT (Best Available Techniques) has not been fully completed. The responses provided by the applicant to address compliance with BAT 12, 13, 16 and 30 are not acceptable with regards to the Commission Implementing Decision (CID) document for the Intensive Rearing of Poultry or Pigs (2010/75/EU, Feb 2017):

- a) BAT 12: The response provided ('An odour assessment has been completed') is not adequate as BAT 12 relates to odour management plans and the applicant has not demonstrated that there will not be an odour nuisance. You are required to provide details of the odour management plan proposed for the installation which complies with all the requirements of BAT 12;
- b) BAT 13: A combination of the techniques outlined for BAT 13 is required to comply with BAT 13. Specifically reference the combination of techniques which will be utilised on-site (i.e. a, b, c, d 1, d 2, d 3, e 1 e 2, e 3, f 1, f 2, f 3, g 1, g 2) and provide sufficient detail to clarify how the measures that will be implemented on-site will comply with the specific BAT techniques referenced;
- c) BAT 16: The response provided does not clearly reference the relevant combination of BAT techniques which will be used to comply with BAT 16 and also included information which is not relevant to BAT 16. Specifically reference the combination of techniques which will be utilised on-site (i.e. a 1, a 2, a 3, b 1, b 2, b 3, c) and provide sufficient detail to clarify how the measures that will be implemented on-site will comply with the specific BAT techniques referenced; and

- d) BAT 30: The response provided does not clarify definitively which technique(s) will be used and to what extent and contradicts evidence supplied during the site visit. You are required to:
- i. Clarify definitively which technique will be used and to what extent e.g. which tanks, which houses;
 - ii. Confirm the frequency of slurry removal and clarify whether it varies e.g. during the 'closed period';
 - iii. Provide details of the system currently in place (and proposed if applicable) for the removal of slurry from the slatted tanks to the external tanks; and
 - iv. Clarify the system currently in place (and proposed if applicable) for the removal of slurry from the external tanks.

12. **Odour:** With regards to odour assessment and the Air Quality Impact Assessment Report received on 13 April 2021, you are required to update and re-submit the modelling report taking account of the requirements below and any other relevant points outlined in this letter:

- a) Where the applicant wishes to utilise alternative emission factors to those in the Agency's guidance document (*Odour Impacts and Odour Emission Control Measures for Intensive Agriculture*, <https://www.epa.ie/publications/research/air/rd9499-odour--intensive-agriculture.php>)
 - i. These emission factors should be fully justified. Any amended emission factors can be justified in line with the various techniques outlined in the BREF document *Best Available Techniques (BAT) Reference Document for the Intensive Rearing of Poultry or Pigs, 2017*; and
 - ii. Appropriate BAT techniques may be factored into the above modelling to attain appropriate reductions in emission factors if they can be justified in line with the various techniques outlined in the BREF document *Best Available Techniques (BAT) Reference Document for the Intensive Rearing of Poultry or Pigs, 2017*.
- b) The existing licence includes a condition in relation to low protein feeds (condition 5.4). Therefore, the animals in the 'existing' houses should already be on low protein diets and it would not be appropriate to incorporate the full reduction into the modelling for the existing houses.
- c) Provide an updated 'ground level odour concentration' contour map to:
 - i. Outline the site boundary; and
 - ii. Display contours down to an odour unit of 1ou/m³. The contour map provided only displays to an odour unit of 6ou/m³.
- d) As per point 3 above, ensure all the animal houses and the storage tanks have the same nomenclature/numbering as the layout plans and the Ammonia Impact Assessment Report.
- e) The dimensions (and also nomenclature as mentioned above) of the external storage tanks outlined in the report conflict with those outlined in the 'Existing &

Proposed Pig Manure Storage Facilities' document received on 13 April 2021. The dimensions should be clarified and the modelling report and/or the 'Existing & Proposed Pig Manure Storage Facilities' document updated accordingly.

- f) As per point 8(b) above, update the modelling, if necessary, once the type of cover is confirmed.
 - g) Provide justification for the meteorological data used with regards to both wind speed and wind direction. Provide the source of the meteorological data, and specifically the wind speed data, for the site of the installation.
 - h) Provide justification for the surface roughness factor used.
 - i) The co-ordinates for House 15 are incorrect as they correspond to a location off-site). Update the report with the correct co-ordinates.
 - j) Confirm that the stack heights for all houses correspond to the release heights outlined in the report. If not and taking into account that most of the development works are already complete, confirm whether houses will be retrofitted or amend the modelling to reflect the existing release heights.
13. Provide a copy of the odour management programme required under condition 5.4 of the existing licence.
14. With regards to Appropriate Assessment, and the revised Natura Impact Statement (NIS) and the Ammonia Impact Assessment Report received 13 April 2021, the Agency is of the opinion that insufficient evidence has been provided to demonstrate that there will be no significant effects on European sites due to ammonia emissions from the installation, either individually or in combination with other plans or projects. You are required to update and re-submit the modelling report and NIS taking account of the requirements below and any other relevant points outlined in this letter:
- a) The existing licence includes a condition in relation to low protein feeds (condition 5.4). Therefore, the animals in the 'existing' houses should already be on low protein diets. Whilst it is noted that there may be further reductions of ammonia from the existing houses due to the incorporation of low protein feeds at 16% crude protein, it is not appropriate to incorporate the full reduction of 30% into the modelling for the existing houses;
 - b) It is further noted that the modelling includes a 25% reduction in ammonia emissions through the use of frequent slurry removal. However, no evidence has been provided to justify that the technique proposed meets the criteria as described in the BREF for the frequent removal of slurry to external storage i.e. the frequency of slurry removal, type of removal system etc. Furthermore, a vacuum system is not in place as indicated in the modelling report. Therefore, this 25% reduction should not be included in the modelling, unless evidence is provided that the technique as described in the BREF document can be met. The CID and associated BREF should be referred to in relation to this;

- c) As per point 3 above, ensure all the animal houses and the storage tanks have the same nomenclature/numbering as the layout plans and the Air Quality Impact Assessment Report;
- d) The dimensions (and also nomenclature as mentioned above) of the external storage tanks outlined in the report conflict with those outlined in the 'Existing & Proposed Pig Manure Storage Facilities' document received on 13 April 2021. The dimensions should be clarified and the modelling report and/or the 'Existing & Proposed Pig Manure Storage Facilities' document updated accordingly;
- e) As per point 8(b) above, update the modelling, if necessary, once the type of cover is confirmed;
- f) Provide justification for meteorological data used with regards to both wind speed and wind direction. Provide the source of the meteorological data, and specifically the wind speed data, for the site of the installation;
- g) Provide justification for the surface roughness factor used;
- h) The co-ordinates for House 15 are incorrect as they correspond to a location off-site). Update the report with the correct co-ordinates;
- i) Confirm that the stack heights for all houses correspond to the release heights outlined in the report. If not and taking into account that most of the development works are already complete, confirm whether houses will be retrofitted or amend the modelling to reflect the existing release heights;
- j) The NIS states low protein feed will result in a 25% reduction in ammonia and does not mention frequent slurry removal which conflicts with the Ammonia Modelling Report. You are required to ensure that the information outlined in the NIS corresponds to the Ammonia Impact Assessment Report; and
- k) You are required to refer to the EPA guidance document "*Assessment of the impact of ammonia and nitrogen on Natura 2000 sites from Intensive Agriculture Installations*": <https://www.epa.ie/publications/licensing--permitting/industrial/ied/Assessment-of-Impact-of--Ammonia-and-Nitrogen-on-Natura-sites-from-Intensive-Agriculture-Installations.pdf>.

All BAT/mitigation proposed, and the overall implications of their application must be factored into all your responses to this request for further information.

In addition to the above, please also provide an updated non-technical summary (Application Form, and EIS where applicable) to reflect the information provided in your reply, insofar as that information impinges on the non-technical summary.

With a view to advancing this application for determination, the above mentioned information should be submitted to the EPA within *8 weeks* of the date of this notice .

It should be noted that the eight-week period within which the Agency is to decide the proposed determination will commence on the day on which this notice has been complied with. If you have any further queries, please contact licensing@epa.ie.

In the case where any drawings already submitted are subject to revision consequent on this request, a revised drawing should be prepared in each case. It is not sufficient to annotate the original drawing with a textual correction. Where such revised drawings are submitted, provide a list of drawing titles, drawing numbers and revision status, which correlates the revised drawings with the superseded versions.

Your response to this request is to be submitted via EDEN. Guidance on how to use this portal is available on the EPA website at <https://www.epa.ie/publications/licensing--permitting/waste/how-to-open-and-respond-to-an-epa-notice-issued-to-eden.php>.

Yours faithfully,

Linda Cahill

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