



**OFFICE OF ENVIRONMENTAL
SUSTAINABILITY**

ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

TO: MARIE O'CONNOR, PROGRAMME MANAGER

FROM: PHILIP STACK

DATE: 01/09/2021

RE: Recommendation to consider the following application for an IED licence to have been abandoned: Doon Farm Enterprises Limited (P1024-02).

Recommendation:

The Director 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, after the expiration of the specified period of 28 days if;

- No response/submission is received, or
- If a response/submission is received pursuant to the Notice, and the Agency does not consider that the submission constitutes an 'adequate response',

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 Doon Farm Enterprises Limited (P1024-02) for a class 6.2(b) activity at Doon, Araglin, Kilworth, County Cork, 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 *EPA (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

Doon Farm Enterprises Limited applied previously for an IE licence (P1024-01) on 23rd July 2015, to carry out a 6.2 (b) activity at an installation located at Doon, Araglin, Kilworth, County Cork. This licence application was abandoned by the Agency on 31 May 2016 due to a lack of response from the applicant to the Agency's repeated request for further information (RFI).

The current application by Doon Farm Enterprises Limited (P1024-02) is for a 500-sow integrated unit (keeping of progeny onsite until fattened to 100-110kg), with up to 4000 production pigs being kept onsite, also located at Doon, Araglin, Kilworth, County Cork. This application was received by the Agency on 3rd April 2017.

In relation to the current application, at the time of writing five submissions have been received. Of these, four submissions were received relating to various aspects of the Birds and Habitats Directives and Appropriate Assessment and one submission was from the Health Service Executive.

There has been a substantial quantity of correspondence between the Agency and the applicant in the years since the application was first made (3rd April 2017). This correspondence history is summarised in the following table. An 'inadequate response' is defined as one that does not fully address all queries in the Agency's request for further

information with sufficient information and detail to allow the inspector to progress the application. To date, the applicant has not provided all of the information required under Regulation 9 of the *EPA (Industrial Emissions)(Licensing) Regulations 2013*.

Notable ELP Communication	Date issued	Applicant's response
Acknowledgement of the receipt of the application by ELP	07/04/2017	N/A
RFI under Regulation 10(2)(b)(ii) of the EPA (Industrial Emissions) (Licensing) Regulations 2013.	29/05/2017	Inadequate response received on 18/04/2018
RFI under Regulation 10(2)(b)(ii) of the EPA (Industrial Emissions) (Licensing) Regulations 2013.	13/06/2018	Inadequate response received on 23/10/2018
Appropriate Assessment (AA) Screening Determination (Screened in)(Re-issued with cover letter)	21/04/2020	N/A
RFI under Regulation 10(2)(b)(ii) of the EPA (Industrial Emissions) (Licensing) Regulations 2013.	22/04/2020	No response
RFI Reminder Notice requesting a response by 15/01/2021	07/01/2021	Response requesting a deadline extension of 4 weeks received on 15/01/2021
Notice granting a deadline extension of 4 weeks	18/01/2021	Response requesting a deadline extension until 24/06/2021 received on 24/02/2021
Notice granting a deadline extension until 01/06/2021	05/03/2021	Response requesting a deadline extension of 2 months received on 31/05/2021

No further submissions have been made by the applicant to the Agency since 31st May 2021. In addition to the above-listed communications, the Agency has requested extensions to the PD due date on six occasions between receipt of the applicant's inadequate response in October 2018 and prior to issuance of a further RFI in April 2020, to which the applicant has on each occasion agreed.

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 *EPA (Industrial Emissions)(Licensing) Regulations 2013*, that the Agency take the opinion that the identified application for a licence application 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. The application may be progressed if the applicant submits a full, adequate response. I also recommend that OEE should be notified that a licensable activity may be operational in the absence of a licence or licence application and that further investigation and, as relevant, enforcement may be required.



Philip Stack
Inspector
Office of Environmental Sustainability