

**ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM**

**TO:** MARIE O'CONNOR, PROGRAMME MANAGER

**FROM:** PHILIP STACK

**DATE:** 09 MAY 2022

**RE:** Recommendation to declare the following IED licence review application to have been abandoned: Woodville Pig Farms Limited (P0467-03).

**Recommendation:**

The Programme Manager is asked to APPROVE the recommendation of this memo that the Agency moves to consider the above referenced review application to have been abandoned and that a Notice under Regulation 19(2) of the EPA (Industrial Emissions)(Licensing) Regulations 2013 (hereafter referred to as 'the Regulations'), should be served to the licensee. This notice requires that the licensee 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.

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;

that the Agency will 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 Woodville Pig Farms Limited (P0467-03) for class 6.2(a) and 6.2(b) activities at Woodville and Ballyknockane, Ballymackey, Nenagh, County Tipperary, it is noted that the licensee has not provided all of the information required under Regulation 9 of the Regulations despite repeated opportunities and requests to do so, beginning in October 2020. The correspondence history between the licensee and Agency is outlined in the 'Assessment' section below.

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

In accordance with Regulation 19(2) of the Regulations, 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**

Woodville Pig Farms Limited made a licence review application on 26<sup>th</sup> May 2020, to expand an existing 920-sow integrated unit (keeping of all progeny onsite until fattened to 90-110kg), located across two locations at Woodville and Ballyknockane, Ballymackey, Nenagh, County Tipperary, to a 1,650-sow integrated unit.

In relation to the current application, at the time of writing one submission has been received. The received submission relates to Appropriate Assessment.

As noted above, the licensee's initial application was received by the Agency on 26<sup>th</sup> May 2020. The Agency issued a request for further information (RFI) under Regulation 10(2)(b)(ii) of the Regulations on 14 October 2020. There has been a substantial quantity of correspondence between the Agency and the licensee in the intervening years. This correspondence history is summarised in the table below.

The Agency has defined an 'inadequate response' 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.

<b>Notable ELP Communication</b>	<b>Date issued</b>	<b>Applicant's response</b>
Appropriate Assessment (AA) Screening Determination (Screened in).	23/09/2020	

RFI under Regulation 10(2)(b)(ii) of the Regulations.	14/10/2020 (response due within 8 weeks)	<ul style="list-style-type: none"> <li>On 10/03/2021 the licensee requested an extension to the deadline, which was granted on 16/03/2021.</li> <li>The licensee requested and was granted an extension to the deadline on 13/04/2021.</li> <li>An inadequate response was received on 14/05/2021.</li> </ul>
RFI reminder under Regulation 10(2)(b)(ii) of the Regulations seeking information omitted from or unclear in licensee's response.	17/06/2021	<ul style="list-style-type: none"> <li>An inadequate response was received on 11/08/2021.</li> </ul>
RFI reminder under Regulation 10(2)(b)(ii) of the EPA (Industrial Emissions) (Licensing) Regulations 2013 seeking information omitted from or unclear in licensee's response.	19/08/2021	<ul style="list-style-type: none"> <li>A partial response was received on 17/09/2021, requesting further time in which to prepare odour and ammonia modelling.</li> </ul>
RFI reminder under Regulation 10(2)(b)(ii) of the EPA (Industrial Emissions) (Licensing) Regulations 2013 seeking information omitted from or unclear in licensee's response.	12/10/2021 and 19/10/2021	<ul style="list-style-type: none"> <li>An inadequate response was received on 03/12/2021.</li> </ul>
RFI reminder under Regulation 10(2)(b)(ii) of the Regulations seeking information omitted from or unclear in licensee's response.	10/12/2021	<ul style="list-style-type: none"> <li>A request for a deadline extension was received on 07/02/2022 and granted on 14/02/2022.</li> <li>A further request for a deadline extension was received on 28/02/2022.</li> <li>The licensee was informed via a phone call on 07/03/2022 that no further extension request would be granted, but if a full response was received prior to preparation of a memo recommending the abandonment of the licence review application, that it would be considered.</li> <li>An inadequate response was received on 22/03/2022.</li> </ul>

The licensee's most recent response was deemed an inadequate response, as defined above, due to problems with the ammonia model, including the use of an incorrect emission factor. Additionally, the licensee proposed, for the first time, the use of a type of low emission housing, without providing any supporting information to technically describe the housing system; its compliance with BAT; or justification for the substantial reduction in ammonia

emissions claimed, for which there appears to be no supporting evidence base. The missing information does not allow the Agency to progress the application without issuing a further significant RFI under Regulation 10(2)(b)(ii) of the Regulations.

To date, the licensee has not provided all of the information required under Regulation 9 of the Regulations.

In addition to the above-listed communications, the Agency requested an extension to the PD due date on one occasion, to which the licensee agreed.

The licensee was informed on multiple occasions, including the Agency's final communication of 14 February 2022, that failure to supply the Agency with the outstanding information may result in the Agency activating Regulation 19 of the Regulations and deeming the review application to have been abandoned.

As the licensee has failed to provide the Agency with the additional information required to enable the Agency to progress with the assessment of the review application, it is considered that it is appropriate to issue a Notice under Regulation 19(2) of the Regulations.

### **Recommendation**

I recommend that in accordance with Regulation 19(2) of the Regulations, that the Agency take the opinion that the identified application for a licence has been abandoned. I recommend that a notice under Regulation 19(2) of these Regulations be served on the licensee requiring the licensee, 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  
Inspector  
Office of Environmental Sustainability