

This Report has been cleared for submission to the Programme Manager by the Senior Inspector, Niamh O'Donoghue



Signed:

Date: 29/06/2023



**OFFICE OF
ENVIRONMENTAL
SUSTAINABILITY**

MEMORANDUM

TO: PROGRAMME MANAGER

FROM: Philip Stack Environmental Licensing Programme

DATE: 29 June 2023

RE: Application for an Industrial Emissions Licence Application, licence register number P1142-01 – Fee Refund request

Applicant: Laragh House Farms Limited

CRO number: 648251

Location/address: Killycrone, Stradone, County Cavan

Application date: 29 January 2021

Recommendation: The Programme Manager is asked to approve the recommendation as set out below that the fee refund request be refused.

Background

An application for an Industrial Emissions (IE) licence was received from Laragh House Farms Limited on 29 January 2021 for the operation of a poultry (broiler) rearing activity located at Killycrone, Stradone, County Cavan, (Licence Register Number P1142-01).

The licence application was made for the accommodation of 143,000 broilers within 5 poultry houses. The activity falls within the following Class of Activity in the First Schedule of the Environmental Protection Agency (EPA) Act 1992 as amended:

- *6.1 - The rearing of poultry in installations where the capacity exceeds 40,000 places.*

On the 29 January 2021, the Agency received a letter from the consultant acting on behalf of the applicant requesting consideration for a partial waiver/refund of the application fee as it was felt that the required fee was excessive and, from the applicant's perspective, was not fully justified.

In light of the fee request having been received on the initiation of the licensing process, it was considered that the request would be more appropriately dealt with as a refund request upon issue of the Final Determination. A Final Determination for this application (P01142-01) issued on 07 June 2023.

Assessment

In accordance with the Environmental Protection Agency (Licensing Fees) Regulations 1994 as amended, the applicable fee for a licence application of a large activity under Activity Class 6 for Intensive Agriculture is €8,888, whereas the fee for a small activity is €3,174.

The activity is considered a "large activity" under the Environmental Protection Agency (Licensing Fees) Regulations 1994 as amended, as it exceeds 100,000 places for poultry and as such, the applicant paid a licence application fee of €8,888 for the licence application.

The activity of rearing of poultry where the capacity is more than 40,000 birds as outlined above, requires the activity to be licenced by the Agency and the Agency is statutorily bound to impose the prescribed fee, as set out in the regulations, for such applications.

The Environmental Protection Agency (Licensing Fees) Regulation 2013, provide the Agency with absolute discretion to refund or waive the fee payable in accordance with these Regulations where it is satisfied that payment of the fee in full would not be just and reasonable.

However, this application involved a full assessment of the licensable activity, including three requests for further information from the applicant. The application also contained an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS). Based on the scale of the activity and the extent of both inspector and administrative resources necessary to bring the application to Final Determination, I consider that the fees, as prescribed, are fair and reasonable.

The Agency resources expended in the processing of this application is the key criterion in assessing a refund request. Given this application involved significant technical and administrative work from the Environmental Licensing Programme, a refund is not considered appropriate.

Recommendation

I recommend that a refund of the licence application in this case is not appropriate for the reasons outlined above.

Signed,

Philip Stack

Philip Stack
Inspector