



Electronic Copy

Mr. Patrick Ryan

On behalf of Ballyfaskin Enterprises Ltd

08 September 2023

Reg. No.: P0915-02

Regulation 10(2)(b)(ii) of the EPA (Industrial Emissions) (Licensing) Regulations 2013, in respect of a licence review from Ballyfaskin Enterprises Ltd for an installation located at Ballyfauskeen, Ballylanders, County Limerick.

Dear Mr. Ryan,

I refer to the application for a licence received by the EPA on 08 March 2022.

Having examined the documentation submitted, I am to advise that the Agency is of the view that the documentation does not comply with the above mentioned legislation. You are therefore requested, in accordance with the regulations, to supply the information detailed below.

1. With regards to planning permissions granted for this site:
  - a) Provide written confirmation from the planning authority as to whether or not an Environmental Impact Assessment was required for planning permission reference 14/276, by or under the Planning and Development Act 2000, as amended; and
  - b) For planning permission reference 19/1135:
    - i. Confirm the current status of the development works;
    - ii. Where the development works have been completed, confirm whether the associated infrastructure is operational and if operational the associated pig numbers; and
    - iii. Where the development works have not yet been completed, provide a proposed development schedule for construction works on site.
2. Conflicting information has been provided on the current stocking rate of the installation. The Environmental Impact Assessment Report (EIAR) submitted suggests that it is considerably higher than permitted by the existing licence (P0915-01) e.g. it is quoted that the number of finishers will be decreased by 1,400 but the current permitted number is 3,750 and the proposed number is 3,957 i.e. an increase of 207. Conflicting figures are also given for the existing and proposed weaner numbers.

- a) Confirm the current and proposed stocking rate of the installation; and
  - b) In the case of figures, calculations, or quoted reductions in emissions that have been previously provided in the application and were based on a different capacity to your response to point 2(a) above, provide updated figures, calculations and emission estimations based on the correct stocking rates (existing and proposed). For example, revised figures may need to be submitted for resources used, wastes generated, organic fertiliser produced and the corresponding storage required, emissions such as ammonia and odour and any reductions/changes in consumption, production or emissions due to the proposed activity which were previously quoted.
3. With regards to stormwater management, the following further information is required:
  - a) Provide a map outlining the surface water pathways between the storm water discharge points and the local land drains/watercourses; and
  - b) Identify the location of all stormwater discharge points on the site plan and provide grid coordinates (where installed).
4. With regards to slurry production and storage:
  - a) The values used to calculate slurry volumes produced in *Attachment 4.8.1 Operation Report* of the application, do not align with the values given in Schedule 2 Table 1 of SI 605 of 2017 European Union (Good Agricultural Practice for Protection of Waters) Regulations as stated. Re-calculate the estimated slurry production at the proposed stocking rate; and
  - b) Provide a copy of the Record 3 form (as required under Article 23 of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 as amended, for the previous year (2022).
5. Attachment 7.6.2(a) *Landspreading Controls Agri - Operational Report for the Management of Organic Fertiliser* of the application form has been incorrectly filled in. The calculations should only include specific farms which have committed to taking slurry, not the entire townland.
  - a) Fill in tables 7.6.2(iii) a and b(ii) with summary information regarding the lands that slurry will be exported to. Table 7.6.2(iii) a should include the townland and county and the area of land available for spreading (in acres/hectares) currently and proposed. Table 7.6.2(iii) b(ii) should include a farm number/code, farm location (townland/county), and the import capacity in m<sup>3</sup>;
  - b) The total import capacity available should also be provided; and
  - c) Confirm that there are sufficient spreadlands available for the total quantity of slurry generated per annum by the activity.
6. The odour assessment submitted is not satisfactory.

- a) You are required to submit a revised odour assessment taking account of the EPA odour screening tool and “Instruction note for the assessment of odour emissions from intensive agriculture pig installations”<sup>1</sup>. The updated odour assessment should include:
    - i. The input and output data from the odour screening tool; and
    - ii. An updated list of nearby sensitive receptors to include those within 650 m
  - b) The instruction note sets out what the EPA considers to be acceptable odour levels, below which licenced sites can operate without generating unacceptable odour pollution at sensitive receptors. The acceptable odour levels for existing pig-production units (includes sites licensed by the EPA between 2001 and 15th February 2017 only) is 5 O<sub>Ue</sub>/m<sup>3</sup>. The odour screening tool has indicated that odour levels may exceed 5 O<sub>Ue</sub>/m<sup>3</sup> at nearby sensitive receptors. Where the results of your updated odour assessment show that odour levels exceed 5 O<sub>Ue</sub>/m<sup>3</sup> at nearby sensitive receptors, a more detailed odour assessment is required to be submitted which evaluates odours fully and determines the level of abatement/mitigation that will be required to reduce odour levels below 5 O<sub>Ue</sub>/m<sup>3</sup> at nearby sensitive receptors.
7. With regards to Appropriate Assessment, the Natura Impact Statement (NIS) submitted does not include an assessment of the impact of ammonia emissions to air and nitrogen deposition. The NIS should be prepared in accordance with the EPA guidance document “*Assessment of the impact of ammonia and nitrogen on Natura 2000 sites from Intensive Agriculture Installations*”<sup>2</sup>. You are required to submit a revised NIS which has been updated in accordance with this guidance.

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

The requested information should be submitted to the Agency within *eight weeks* of the date of this notice, in order to allow the Agency to process and determine your application.

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](mailto:licensing@epa.ie).

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<sup>1</sup><https://www.epa.ie/publications/licensing--permitting/industrial/ied/instruction-note-and-screening-tool-for-the-assessment-of-odour-emissions-from-i.php>

<sup>2</sup> [Assessment-of-Impact-of--Ammonia-and-Nitrogen-on-Natura-sites-from-Intensive-Agriculture-Installations-2023.pdf \(epa.ie\)](#)

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 [IE Licence application guidance | Environmental Protection Agency \(epa.ie\)](#).

Please direct any queries to [licensing@epa.ie](mailto:licensing@epa.ie).

Yours faithfully,

Linda Cahill

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