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

***Signed:*** _____ ***Date:*** *11/01/2024*

**OFFICE OF ENVIRONMENTAL SUSTAINABILITY**

# INSPECTOR'S REPORT ON AN INDUSTRIAL EMISSIONS LICENCE APPLICATION, LICENCE REGISTER NUMBER P0515-02

**TO: DIRECTOR**

| **FROM: BRIAN COFFEY, ELP INSPECTOR** | **DATE: 11 JANUARY 2024** |
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| Applicant: | Laragan Farms Limited |
| CRO number: | 339007 |
| Location/address: | Laragan, Elphin, County Roscommon |
| Application date: | 3 June 2016 |
| Class of activity (under EPA Act 1992 as amended): | 6.2: The rearing of pigs in an installation where the capacity exceeds:<br>(b) 2,000 places for production pigs which are each over 30kg. |
| Category of activity under IED (2010/75/EU): | 6.6(b) Intensive rearing of pigs with more than 2,000 places for production pigs (over 30kg), or |
| Main CID: | CID (EU) 2017/302 (15 February 2017). Establishing (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the intensive rearing of poultry or pigs. |
| All relevant CIDs, BREF documents and legislation are listed in appendices of this report. | |
| Activity description/background:<br>Existing activity for the rearing of pigs in an installation with capacity for 3,900 production pigs. | |
| Additional information received: | No |
| No of submissions received: | 9 |
| Environmental Impact Assessment required: No | Stage 2 Appropriate Assessment required: Yes |
| | |

# 1. Introduction

This is an Agency initiated licence review for an Industrial Emissions Directive (IED) licence to carry on an activity under Part IV of the Environmental Protection Agency Act 1992, as amended (hereafter referred to as the EPA Act). The review was initiated on 03 June 2016, to bring the existing licence, P0515-01, into compliance with the following legislation:

- Directive 2010/75/EU on Industrial Emissions (Integrated Pollution Prevention and Control);
- Regulation 1069/2009 on Animal By-products;
- European Communities (Industrial Emissions) Regulations 2013 (SI 138 of 2013); and
- European Union (Good Agricultural Practice for Protection of Waters) Regulations 2014 (SI 31 of 2014).

The licensee has not submitted any information in support of the review; therefore, the site-specific information used to complete this licence review is predominately from the original licence application, and the site's annual environmental reports.

Laragan Farms Limited operates a 700-sow integrated pig unit at Laragan, Elphin, County Roscommon under an EPA-granted licence granted on 14 February 2003. Details of the existing site capacity and infrastructure are provided in Table 1.1 below.

In April 2003, the licensee instigated judicial review proceedings of the licence, challenging the inclusion of certain conditions. Laragan Farms v EPA 2003/268 JR was adjourned generally with liberty to reapply December 2006, pending the outcome of another EPA legal case regarding the classification of pig manure and landspreading. The latter case was since concluded with a reference to the relevant Supreme Court order and an Agency-initiated review to bring the licence up to date with current legislative requirements.

The Agency has informed Laragan Farms, that Laragan Farms' proceedings are now considered moot in light of the change in legislative regime, i.e. pig slurry is now by legislation categorised as an animal by-product, whereas the complaint, the subject of the Laragan legal proceedings, was that the EPA had incorrectly characterised it as waste.

In July 2016 and January 2022, the Agency indicated that it would proceed with this Agency-initiated review to bring P0515-01 up to date with current legislative requirements.

No changes to the installation or scale of activity carried out on-site are proposed. Additional licence conditions to bring the activity into compliance with the Commission Implementing Decision (CID) have been included as part of the review.

**Table 1.1. Stock numbers permitted under the existing licence.**

| *Pig categories* | *Number of animals* |
|---|---|
| Dry Sows | 580 |
| Farrowing sows | 120 |
| Maiden gilts | 100 |
| Boars | 20 |
| Weaners | 2,800 |
| Finishers | 3,800 |
| Total no. animals | 7,420 |

For the purposes of the IED categorisation this equates to 700 sows and 3,900 production pigs. Schedule 1(i) *Animal Numbers Housed at the Facility* in the original P0515-01 licence, contained a note that permitted a 20% increase in finisher numbers held on site for up to 2 weeks under specific circumstances. This note does not reflect the current Agency approach of avoiding variations in animal limits due to ammonia and odour emission impacts and as such has not been transposed to this RD.

A map of the site layout is included in Appendix 1 of this report. Note that this map is the original site boundary as stated in condition 1.4 of the existing licence P0515-01.

## 2. Description of activity

The installation is located in a rural location, with most development near the installation consisting of dwelling houses, farmyards and a quarry.

The main activities at this installation occur during normal working hours. Stock inspections are carried out every day, including weekends and bank holidays and additional essential activities may be undertaken outside of core working hours.

The pig production process on this farm is typical of many other Irish units. The installation consists of a number of pig houses to cater for the different pig age categories on-site, along with slurry collection and storage tanks, and ancillary structures and equipment necessary for the accommodation, management and husbandry of the animals, and administration of the unit. The process involves the rearing of stock specifically bred from the on-site sows for meat production. Pigs will be reared at the installation until they reach the required finishing weight of approximately 100 kg. All houses will be fully cleaned out after each group of pigs is removed.

Gilts being reared on-site to become replacement breeding stock are deemed production pigs for the purposes of emission assessment as part of this licence review. Should a reviewed licence issue for the activity, these animals will be classified as maiden gilts. However, the RD does allow for production pigs to remain on-site during a transitionary period (six months) in order to finish any pig rearing cycle already commenced (Schedule A).

The principal inputs to the operation are bedding, feed, water, veterinary medicines and energy (electricity, and gas for heating). The main by-product of pig rearing is organic fertiliser (slurry). These are discussed in further detail below.

## 3. Planning Status

No new developments have been proposed as part of this licence review. Planning permission is in place for the carrying out of the existing activity at the installation. Furthermore, no planning applications were made since the grant of P0515-01.

## 4. Environmental Impact Assessment (EIA) Screening

No developments or alterations to the site occurred as part of this review. Therefore, this licence review has not been made subject to an EIA.

## 5. Best Available Techniques and CID

This licence review process takes account of Commission Implementing Decision establishing BAT conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the intensive rearing of poultry or pigs (CID 2017/302).

Additional conditions have been incorporated into the RD to address BAT Conclusions and these are detailed throughout this report. Any relevant BAT-AELs have been specified in the emissions sections of this report. I consider that the BAT Conclusion requirements will be adequately addressed through the conditions and limits specified in the RD.

## 6. Emissions

### 6.1 Emissions to Air

This section addresses emissions to air from the installation and the environmental impact of those emissions.

#### 6.1.1 Channelled Emissions to Air

There are no main emission points to air from the installation.

#### 6.1.2 Fugitive Emissions

The only fugitive emissions from this sector are dust, odour and ammonia. These are discussed below. The nearest third-party dwellings potentially affected by fugitive emissions are detailed below (Table 6.1).

**Table 6.1: Nearest third-party residential dwellings**

| Distance from Site | Direction from Site |
|---|---|
| 100 m | East |
| 210 m | North |

#### 6.1.3 Dust

Dust may arise from the expulsion of warm air from ventilation systems on-site, vehicle movements, removal of organic fertiliser, filling of meal storage bins and the loading and unloading of animals during periods of dry weather. Pigs are to be housed on fully slatted floors, therefore negating the need for a bedding material, and consequently limiting dust from bedding. Minimal dust impact may occur locally within the installation boundary during site operations.

No complaints or submissions were received in relation to dust for this site by the Agency or by the licensee.

Good housekeeping at the installation and keeping the concrete surface in a clean condition will minimise dust from the installation.

The RD specifies the following to prevent the generation and emission of dust:

- To use one or a combination of the techniques listed in BAT 11 to prevent or reduce dust emissions from the animal houses (Condition 6).

Dust is not expected to be a significant issue beyond the installation boundary.

### 6.1.4 Odour

Odour arising from the activity could have the potential to cause impairment to those living nearby. The nearest third-party residential dwellings are given in Table 6.1 above.

No complaints or submissions relating to odour have been received by the Agency.

The implementation of BAT on site will reduce odour emissions. Conditions in relation to BAT 3, 12, 13 and 30 are included in the RD. The licensee is required to provide an odour management plan which addresses the sources of odour from the installation, and mitigation measures to minimise odours.

Therefore, odour is not expected to be a significant issue.

The RD specifies the following odour control conditions:

- That odour from the activity shall not result in an impairment of, or an interference with amenities or the environment beyond the installation boundary (Condition 5).
- To use a diet formulation and nutritional strategy to reduce the total nitrogen and phosphorus excreted, as per BAT 3 and BAT 4 (Condition 6). The RD limits the crude protein content of the animal feed (Condition 6 and Schedule C).
- To use a combination of the techniques listed in BAT 13 to prevent/reduce odour emissions/impact from the site (Condition 6).
- That the licensee carries out an odour survey of the site operations as required by the Agency or in response to any complaint received (Condition 6).
- That the licensee prepares, maintains and implements an odour management plan, and incorporates it into the Environment Management System (EMS) for the installation, as per BAT 12 (Condition 6).
- An odour management plan shall be submitted within 12 months of the date of grant of licence, outlining odour reduction/abatement measures appropriate to the site and be reviewed annually (Condition 6).
- Should odour become an issue on-site, the RD includes a condition whereby the licensee can be required to reduce stock or install abatement to reduce odour emissions (Condition 6).
- That carcasses stored on-site will be stored in covered leak-proof containers and transported off-site in covered, leak proof containers at least fortnightly (Condition 8).

### 6.1.5 Ammonia

The report "*Ireland's Informative Inventory Report 2023*[1]*'* (EPA, 2023) identifies agriculture as the primary contributor (99.4%) of Irish ammonia emissions in 2021, emitting a total of 124.65 kilotonnes (kt) of ammonia in that year. According to that report, ammonia emissions from the pig sector in 2021 accounted for 6.4 kt. The Department of Agriculture, Food and the Marine (DAFM) has published a '*Code of Good Agricultural Practice for reducing Ammonia Emissions from Agriculture*[2]*'*, as required by the National Emission Ceiling Directive (NECD).

This installation, following implementation of BAT on-site, will emit approximately 23.4 tonnes of ammonia per annum.

Ammonia emissions from this activity may have the potential to impact sensitive receptors in the vicinity of the installation. The Agency screened the impact of ammonia emissions and nitrogen deposition at European sites using a screening model (SCAIL Agriculture[3]) which indicated potentially elevated ammonia emissions and nitrogen deposition.

The model results indicate the potential for the pig rearing process to contribute to ammonia emissions and nitrogen deposition at Annaghmore Lough (Roscommon) SAC (001626), Clooneen Bog SAC (002348), Mullygollan Turlough SAC (000612), Lough Forbes Complex SAC (001818), Ballykenny-Fisherstown Bog SPA (004101), Corbo Bog SAC (002349), Cloonshanville Bog SAC (000614), Lough Ree SAC (000440), Lough Ree SPA (004064), Bellanagare Bog SAC (000592), Bellanagare Bog SPA (004105), Brown Bog SAC (002346), Lough Gara SPA (004048) and Fortwilliam Turlough SAC (000448). The SCAIL Agriculture screening model is conservative.

As this was an Agency initiated licence review, the Agency commissioned a full site-specific model (not a screen model), as part of the completion of an Ecological Baseline Report, using more refined details in accordance with the requirements of AG4[4]. The model indicated no significant impacts in the SACs or SPAs.

This licence review will update the existing licence conditions to ensure they are consistent with CID 2017/302. Any upgrade of the site will lead to improved environmental standards and efficiencies and a reduction in ammonia emissions.

Qualifying interests in European sites will not be affected by ammonia emissions from the installation as a result of this licence review, due to the distance between the installation and the designated sites, the type and physical characteristics of the designated sites, and associated mitigation techniques conditioned in the RD.

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[1] https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/Ireland-IIR-2023-finalv2.1.pdf

[2] https://www.gov.ie/en/publication/9a6c6-code-of-good-agricultural-practice-for-reducing-ammonia-emissions-from-agriculture/

[3] SCAIL Agriculture is a web-based screening tool available at http://www.scail.ceh.ac.uk/

[4] Air Dispersion Modelling from Industrial Installations Guidance Note (AG4): https://www.epa.ie/publications/compliance--enforcement/air/air-guidance-notes/epa-air-dispersion-modelling-guidance-note-ag4-2020.php

The design of the buildings, adherence to good management practices, and implementation of the required mitigation measures will reduce ammonia emissions from the installation. The RD specifies the following additional ammonia minimisation conditions:

- To establish, maintain and implement an Ammonia Management Programme within six months of the date of grant of the licence and, in accordance with BAT 23, undertake an estimation/calculation of the reduction in ammonia emissions from the activity achieved by implementing BAT (Condition 5).
- To use a diet formulation and nutritional strategy to reduce the total nitrogen excreted, as per BAT 3 and BAT 4 (Condition 6).
- To use a combination of the applicable techniques listed in BAT 16 to reduce ammonia emissions to air from slurry stores (Condition 6).
- To use one or a combination of the applicable techniques listed in BAT 30 to reduce ammonia emissions to air from each house for pigs (Condition 6).

The potential for ammonia emissions from the landspreading of organic fertiliser is covered in the Organic Fertiliser section later in this report.

## 6.2 Emissions to Water and Ground

### 6.2.1 Emissions to Surface Waters

There are no direct process emissions to surface waters from this activity.

### 6.2.2 Emissions to ground/groundwater

There are no direct process emissions to ground/groundwater from this activity. There is no known historical contamination of groundwater at the site.

### 6.2.3 Other emissions to ground/groundwater

There is an existing septic tank and percolation area on-site for the treatment of sanitary effluent. The RD includes a standard condition which requires the licensee to provide and maintain a wastewater treatment plant for the treatment of sanitary effluent and that the waste water treatment system and percolation area shall satisfy the criteria set out in the *Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)* published by the EPA.

## 6.3 Storm water discharges

Storm water arises on-site from rainwater collected from clean yards and from the roofs of buildings. All clean storm water is diverted away from soiled areas of the site by a storm water collection system around each house and is diverted by gravity for discharge via a single discharge point (SW1) into a field drain on the northern boundary of the site.

The table below gives details on installation's storm water discharges to waters, as well as details of the receiving water.

**Table 6.2: Stormwater discharge point details**

| Discharge Reference | Monitored parameters (monitoring frequency) | Abatement | Drainage areas | Discharging to |
|---|---|---|---|---|
| SW-1 | Visual (weekly); COD/BOD (quarterly) | None | Roofs and clean yards | Field drain >> Mihanagh Stream >> Cuilmore River |

Drains flow towards the Mihanagh Stream, which joins the Cuilmore River approximately 1.4 km downstream of the installation. The Cuilmore River currently has a WFD status of 'moderate' (waterbody code: IE_SH_26C240750). There are no identified drinking water abstraction points on the Cuilmore River.

The storm water discharged from the installation should be uncontaminated and, therefore, should have no qualitative impact on receiving waters.

The only period during which there is potential for contamination of surface waters is during removal of organic fertiliser (pig slurry) and during the loading or unloading of animals. Most movement of animals is via covered slatted passages and loading directly on to trailers, which separates clean and soiled waters, minimises the quantity of soiled water produced and keeps yard areas clean. The areas around the animal houses where the loading and unloading occurs is concreted and designed in such a way that any pig slurry is diverted to the slurry storage tanks under the houses. All soiled water from the washing of the houses is diverted to the organic fertiliser storage tanks under the animal houses.

The existing infrastructure and adherence to good management practices will mitigate the risk of storm water contamination. The RD requires the following in relation to storm water management:

- That all uncontaminated storm water be diverted to the storm water drainage system (Condition 6).
- That an up-to-date site drainage map be maintained on-site, and that the storm water drainage system be inspected weekly and maintained properly at all times (Condition 6).
- That a storm water/rainwater collection and drainage system for all pig houses on-site be maintained (Condition 6).
- That an inspection chamber at the outlet of the storm water drainage system be maintained (Condition 3).
- That the storm water discharge is visually inspected weekly and monitored for Chemical Oxygen Demand (COD) or Biological Oxygen Demand (BOD) as required by the Agency, in accordance with Schedule C.2.3 *Monitoring of Storm Water Discharges.*

The RD contains standard conditions in relation to the storage and management of materials and wastes. The RD also requires that accident and emergency response procedures are put in place. The controls pertaining to accidents and emergencies are addressed in the Prevention of Accidents section later in this report.

## 6.4 Noise

The main sources of noise at the installation include the operation of equipment, ventilation systems, vehicle deliveries/collections, and animals. As mentioned earlier, the nearest third-party residential dwelling is approximately 100m away.

There has been no history of noise complaints at the installation and none have been received by the Agency, the licensee or the HSE. No submissions have been received outlining that noise is a cause for concern from the installation.

Noise emissions are primarily minimised by implementing good management practices. Noise conditions and emission limit values, which apply at the noise-sensitive locations have been included in the RD.

- Noise from the installation shall not exceed the limit values set out in Schedule *B.4 Noise Emissions* of the RD at the noise sensitive locations (Condition 4).
- The use of one or a combination of the techniques listed in BAT 10 to prevent/reduce noise emissions from the site (Condition 6).
- A requirement that a noise survey be carried out of the site operations, as required by the Agency (Condition 6).

In accordance with the EPA document Guidance Note for Noise: *Licence Applications, Surveys and Assessments in relation to Scheduled Activities (NG4)* (2016), the day time ELV has been changed from 55dB LAeq to 55dB LAr, to allow for corrections for tonal noise, and an evening time ELV of 45dB LAr has been introduced.

## 7. Waste Generation

Certain wastes are generated on-site as part of the licensable activity. Waste generated on-site will mainly comprise of spent fluorescent tubes, fallen stock (animal carcasses), veterinary/chemical waste containers and general waste.

Conditions relating to waste management have been included in Condition 8 of the RD. This requires the licensee to ensure waste generated shall be prepared for re-use, recycling or recovery. Carcasses are stored temporarily on-site in covered skips, before being transported to an appropriately licensed installation.

Condition 3 of the RD requires the licensee to establish, maintain and implement a pest control programme in accordance with relevant DAFM guidelines. These guidelines take account of the requirements of the Campaign for Responsible Rodenticide Use (Ireland).

## 8. Organic Fertiliser

The installation will necessarily generate organic fertiliser (pig slurry, including soiled/wash water). Documentation submitted in support of the application for the existing licence indicated that the installation generates approximately 10,660 $m^3$ of slurry per annum.

Soiled/wash water is generated by the activity during routine cleaning and at the end of each batch of pig. The farm operates an all-in all-out batch production system. Typically, once the pigs are removed, the houses are washed down, with the resulting wash water being washed through the slatted floors into the tanks below, adding to the total volume of organic fertiliser produced. After washing, the houses are allowed to dry and then disinfectant applied. The wash water may contain insignificant quantities of disinfectant from the previous washing cycle.

Condition 8 of the RD requires that the licensee maintains a record of organic fertiliser sent off-site for use on land in accordance with the requirements of the Nitrates

Regulations[5]. The licensee is and will be required under the licence to submit to DAFM by the 31st of December annually details in relation to the quantity of organic fertiliser (wash water/pig slurry) exported (Record 3 form) off-site. The record must also be maintained at the installation for inspection by the Agency, Local Authority or DAFM. DAFM may use the record of export of organic fertiliser to identify the recipient of the organic fertiliser and the quantity received.

The Animal By-product (ABP) Regulations[6] impose legal requirements on the licensee, the 'commercial haulier' and the user of the organic fertiliser. These requirements include use of a 'commercial document' to record details required under the regulations. The licensee is and will be required to receive a completed copy of the 'commercial document' from the transporter confirming the final destination.

There is and will be no landspreading of organic fertiliser conducted or permitted within the installation boundary, and consequently there will be no additional ammonia emissions from landspreading activities within the installation boundary. It is important to note that the IE licence relates to the site of the activity for which the original licence application, P0515-01, is made and does not extend to the lands on which organic fertiliser may be used as fertiliser. The Nitrates Regulations specify when organic fertiliser can be applied to land and the application rates, and these are enforced by the DAFM and Local Authorities.

As stated earlier, under the ABP Regulations, pig slurry is categorised as a category 2 Animal By-product and the options for its disposal/recovery are set out in Article 13 of Regulation 1069/2009, as amended.

The pig slurry produced by the animals is contained in the slatted tanks under each animal house. The areas around the houses will be concreted and designed such that any pig slurry produced here during animal loading and unloading is diverted to the slurry storage tanks under the houses. Animal manure is removed by the licensee from the slatted tanks under each pig house directly to tanker and immediately removed off-site.

While there are no external slurry storage tanks within the installation at present, conditions relating to the regulation of external storage have been included in the RD to allow for their use at a future date.

As part of the licence application for P0515-01, the licensee identified farmers who are available to accept organic fertiliser from the installation as fertiliser for their farms in other parts of County Roscommon.

The Nitrates Regulations (Article 10(1)) require that a minimum of 26-weeks' storage capacity for organic fertiliser is provided. The under-house slurry storage tanks have

[5] S.I. No. 113 of 2022 European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022.
[6] EU Animal By-Product Regulation (EC) No. 1069 of 2009 and Regulation (EU) No. 142 of 2011, given legal effect by The European Union (Animal By-Product) Regulations 2014 (SI No. 187/2014), laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal By-Products Regulation) as amended.

an estimated total capacity of 7,890 $m^3$ (net of freeboard) or 38 weeks which is sufficient to meet the 26-week storage capacity requirement in the Nitrates Regulations.

The quantity of nitrogen and phosphorus generated by the activity at the proposed licence capacity of 700-sow integrated unit is approximately 60,900 kg N per year and 11,900 kg P per year, based on figures available in the Nitrates Regulations (annual nutrient excretion rates for livestock).

The RD contains the following additional requirements relating to the management of poultry litter:

- To monitor the total nitrogen and phosphorus excreted in manure annually, in accordance with BAT 24 (Condition 6).
- That slurry only be stored under the animal houses or designated manure stores (Condition 8).
- That all storage tanks are integrity assessed at least once every three years (Condition 6).
- That a combination of the techniques listed in BAT 6 be used to reduce the generation of wash water on-site (Condition 6).
- That one or a combination of the techniques listed in BAT 7 be used to reduce the emissions to water from wash water on-site (Condition 6).
- That a freeboard of at least 200 mm from the top of covered organic fertiliser storage tanks and 300 mm from the top of uncovered organic fertiliser storage tanks is maintained, as a minimum, at all times and that this is clearly indicated in the tank (Condition 6).

## 9. Energy Efficiency and Resource Use

The operation of the installation involves the consumption of fuel, electricity and resources. The estimated quantities to be used pigs 700 sows and 3,900 production pigs are given below.

**Table 9.1: Estimated resource usage**

| Resource | Quantity per annum |
|---|---|
| Electricity | 245,900 kWh (Source: 2022 Annual Environmental Report) |
| Liquified Petroleum Gas | 65,000 $m^3$ (Source: P0515-01 application) |
| Water (GWS/on-site well)<br>Water Abstraction registration: | 20,425$m^3$<br>R00279-01 |
| Feed | 3,800 t |
| Kerosene/Diesel | Back-up generator only |

The licensee employs a variety of technologies to maximise the efficient use of energy within the installation including regular preventative maintenance of equipment.

The only source of water for the activity is an on-site well. The RD requires the applicant to carry out monitoring of the well annually. The applicant has provided monitoring results for the on-site well which shows no evidence of contamination from the activities at the site.

The installation is located on the Carrick on Shannon (IE_SH_G_048), groundwater body, a Karstic bedrock, which has a WFD status of 'Good'.

In accordance with the European Union (Water Policy) (Abstractions Registration) Regulations 2018 (S.I. No. 261 of 2018) those who abstract 25 $m^3$ of water or more per day are required to register their water abstraction with the EPA. The licensee has registered the ground water well abstraction, reg. no. R00279-01.

The RD specifies that the licensee undertake the following in relation to energy and resource efficiency:

- Annual maintenance of the animal house heating systems and the back-up generator (Condition 3).
- To install and maintain a water meter on all water supplies (Condition 3).
- To use a combination of the techniques listed in BAT 8 (efficient use of energy) and BAT 5 (efficient use of water) (Condition 7).
- To undertake an assessment of the efficient use of resources and energy in all site operations, undertake an energy audit, repeated at intervals as required by the Agency with the recommendations of the audit being incorporated into the Schedule of Environmental Objectives and Targets as outlined in Condition 2 (Condition 7).

## 10. Prevention of Accidents

A certain amount of accident risk is associated with the licensable activity. For this installation, potential accidents and measures for prevention/limitation of consequences are given in the table below.

**Table 10.1: Potential accidents and measures for prevention/limitation of consequences**

| | |
|---|---|
| Potential for an accident or hazardous/emergency situation to arise from activities at the installation | - Surface water and/or ground/groundwater contamination during pig removal and washing.<br>- Surface water and/or ground/groundwater contamination by spillage of organic fertiliser, fuel or other polluting materials.<br>- Surface water and/or ground/groundwater contamination due to leaks from tanks.<br>- Accidental diversion of wash water to storm water drainage system.<br>- Breakdown/malfunction of the on-site waste water treatment plant.<br>- Accidental emissions of noise, dust or odour such as to cause nuisance outside the site boundary. |
| Preventative/Mitigation measures to reduce the likelihood of accidents and mitigate the effects of the consequences of an accident at the installation | - The provision and maintenance of adequate wash water and slurry storage facilities.<br>- The installation of a new double skin bunded diesel tank.<br>- The storage of potentially polluting liquids in bunded areas.<br>- The concreting of yards around houses.<br>- The provision of concrete aprons around wash water areas.<br>- The protection of gas/fuel tanks from accidental damage. |

| | |
|---|---|
| Additional measures provided for in the RD | - The regular visual examination and inspection of the storm water discharge point(s) and storm water drainage system (Condition 6).<br>- No storage of organic fertiliser on-site, other than what is under the animal houses during the pig rearing cycle at the installation (Condition 8).<br>- The provision of more than 26-weeks organic fertiliser storage capacity (Condition 3).<br>- Provision and maintenance of the on-site water water treatment plant (Condition 3).<br>- Accident prevention and emergency response procedures requirements (Condition 9).<br>- A preventative maintenance programme (Condition 2). |

The risk of accidents and their consequences, and the preventative and mitigation measures listed above, have been considered in full in the assessments carried out throughout this report. It is considered that the conditions of the RD and the mitigation measures proposed will significantly reduce the likelihood of accidental emissions occurring and limit the environmental consequences of such an event should it occur.

The risk of accidents and their consequences, and the preventative and mitigation measures listed above, have been considered in full in the assessments carried out throughout this report. It is considered that the conditions of the RD and the mitigation measures proposed will significantly reduce the likelihood of accidental emissions occurring and limit the environmental consequences of such an event should it occur.

## 11. Cessation of Activity

A certain amount of environmental risk is associated with the cessation of any licensable activity (site closure). Condition 10 of the RD requires the proper closure of the activity with the aim of protecting the environment.

Where an activity involves the use, production or release of relevant hazardous substances, and having regard to the possibility of soil and groundwater contamination at the site of the installation, the IED requires operators to prepare a baseline report. Consistent with other pig-rearing IE licences, the Agency is satisfied there are no relevant hazardous substances used, produced or released in relation to the licenced activity.

Nonetheless, upon cessation of the activity, Condition 10 of the RD requires the licensee to take certain measures to ensure that there is, to the satisfaction of the Agency, no remaining risk of environmental pollution at the site.

## 12. Fit and Proper Person

Technical Ability

The licensee has held a licence issued by the EPA since 14 February 2003, P0515-01. It is considered that the licensee has demonstrated the technical knowledge required to operate this installation.

Legal Standing

Neither the licensee nor any relevant person has relevant convictions under the EPA Act, or under any other relevant environmental legislation.

ELRA, CRAMP and Financial Provision

The licence category and proposed installation were assessed for the requirements of Environmental Liabilities Risk Assessment (ELRA), Closure, Restoration and Aftercare Management Plan (CRAMP) and Financial Provision (FP), in accordance with Agency guidance. Under this assessment it has been determined that ELRA, CRAMP and FP were not required.

Fit and Proper Conclusion

It is my view that the licensee can be deemed a Fit and Proper Person for the purpose of this review.

## 13. Submissions

While the main points raised in the submissions are briefly summarised in the table below, the original submission should be referred to at all times for greater detail and expansion of particular points.

The issues raised in the submissions are noted and addressed in this Inspector's Report and the submissions were taken into consideration during the preparation of the Recommended Determination (RD).

**Table 13.1: Submissions summary**

| **1.** | **Name & Position** | **Organisation:** | **Date received:** |
|---|---|---|---|
| | Mr Peter Sweetman | Peter Sweetman & Associates | 17 July 2018 |

**Issues raised:**

*The submission provides a copy of judgment of the 12 April 2018 by the CJEU, in relation to Case C-323/17 and quotes the ruling from that judgment that:*

*"Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."*

**Agency Response:**

In the Appropriate Assessment section of this report, I have addressed the potential for significant effects of the project on European sites and have detailed the results of an Appropriate Assessment conducted as part of the licence review.

There are 14 European sites within 25 km of the installation. Any European sites more than 25 km distance from the installation fall well outside of the potential zone of influence of the activity, so it was not necessary to consider them further.

This assessment determined that the activity is not directly connected with or necessary to the management of any European site and through setting out of

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| | a set of reasons, determined that an Appropriate Assessment of the activity is required, and for this reason required an Ecological Baseline Report to complete this licence review.<br><br>Qualifying interests and conservation objectives of each individual site were examined as part of that assessment.<br><br>The Appropriate Assessment section details the results of the appropriate assessment screening and the appropriate assessment conducted as part of the licence review. | | |
| **2.** | **Name & Position**<br><br>Mr Peter Sweetman | **Organisation:**<br><br>Peter Sweetman & Associates | **Date received:**<br><br>29 January 2019 |
| | **Issues raised:**<br><br>*The submission refers to CJEU case references C-258/11, C-164/17, C-323/17, C-461/17 and joined cases C-293/17 and C-294/17, and states the following:*<br><br>*"Any licence granted by the EPA for the following applications must comply with the Habitats and Birds Directives and must comply with the following judgements of the CJEU."*<br><br>**Agency response:**<br><br>The requirements of the EIA Directive (2011/92/EU as amended by 2014/52/EU) and the Habitats Directive (92/43/EC) and Birds Directive (2009/147/EC) are considered as part of the Environmental Impact Assessment and Appropriate Assessment sections of this report. In addition, the judgments of the Court of Justice of the European Union form part of this assessment, as appropriate.<br><br>Judgment reference numbers C-293/17 and C-294/17 relate to habitat protection and the impacts from nitrogen deposition. The legislation governing ammonia emissions from livestock installations across Member States varies and is not directly comparable. The Judgment references C-293/17 and C-294/17 relate to the system in The Netherlands, where a new approach was adopted in 2015 in the form of a 'programmatic' (or integrated) approach to nitrogen/ammonia (Programmatische Aanpak Stikstof - PAS). This approach deals with the assessment requirements of the Habitats Directive Article 6(3) at a 'programmatic' level considering general reduction trends as well as (planned) management and restoration measures with the purpose to establish a "room for development" for subsequent permits. The PAS has been successfully challenged in the courts (C-293/17 & C-294/17) on the grounds that it is not in accordance with the Habitats Directive. This approach is not used in Ireland.<br><br>See also the section on appropriate assessment later in this. | | |
| **3.** | **Name & Position:**<br><br>Mr. Peter Sweetman | **Organisation:**<br><br>Peter Sweetman and on behalf of Wild Ireland Defence CLG | **Date received:**<br><br>13 October 2020 |

**Issues raised:**

*The issues raised in the submission are as follows:*

*In the submission Mr. Sweetman indicated that "it is not possible to perform an Appropriate Assessment Screening to the standard required by Finlay J in Kelly -v- An Bord Pleanála [2014] IEHC 400 (25 July 2014). Without the full information as to the method and place of disposal of the waste.*

*It is our submission that the EPA Acts as interpreted by the EPA are not in compliance with the Environmental Impact Assessment Directive Article 11."*

**Agency response:**

I am satisfied that I have sufficient information available to complete an Appropriate Assessment Screening, in an appropriate manner, to assess in view of best scientific knowledge and the conservation objectives of the site, if the project individually or in combination with other plans or projects is likely to have a significant effect on a European Site. An Appropriate Assessment Screening Determination was issued on 29 November 2023, which included specific reasons for determining that a Stage 2 Appropriate Assessment was required, and subsequently an Ecological Baseline Report was produced.

The Appropriate Assessment section of this report details the results of the appropriate assessment screening conducted as part of the licence review. More information on waste can be found in the waste section of this report.

There is sufficient information to conclude beyond reasonable scientific doubt that the disposal of waste arising from the proposed project will not have any adverse effects on the integrity of any European site.

I am satisfied that the EPA's interpretation of the EPA Act is in accordance with Article 11 of the EIA Directive, and members of the public have access to a review procedure that is impartial, fair, equitable, timely and not prohibitively expensive. Information on the EPA's licensing process, including access to administrative and judicial review procedures, is available to the public on the EPA's website, at
https://www.epa.ie/our-services/licensing/industrial/industrial-emissions-licensing-ied/industrial-emissions-licensing-process-explained-/
As part of this licence assessment process, including AA screening, regard has been given to all submissions received.

| 4. | **Name & Position** | **Organisation:** | **Date received:** |
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| | Mr. Peter Sweetman | Peter Sweetman and Wild Ireland Defence CLG | 27 October 2022 |

**Issues raised:**

*The submission states that the CJEU has found that compliance with European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2017 (S.I. 605 of 2017) cannot be considered a mitigation measure when conducting an appropriate assessment.*

**Agency Response:**

The submission did not provide a reference to the Court of Justice of the European Union (CJEU) case to which it refers. However, the judgments of the CJEU form part of this review application assessment, as appropriate. The

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| | landspreading of organic fertiliser was considered in carrying out AA and regard was had to the regulatory systems in place, i.e. *European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022*. | | |
| **5.** | **Name & Position**<br>Aislinn Byrne | **Organisation:**<br>Member of the public | **Date received:**<br>14 December 2022 |
| | **Issues raised:**<br>*The issues raised in the submission are as follows:*<br>"*I am objecting to the following applications on the grounds that factory farming, or intensive agriculture, is seriously damaging the environment. The systems currently in place in the respective counties of the applicants are insufficient to deal with the current level of animal agriculture. Approving licenses for additional intensive farming would be wilfully destroying the land and the environment and putting peoples health at risk.*<br>*Separately it is cruel to farm animals in this manner. It's raises questions around the health of the animals and therefore the end product that is being sold to humans. It is putting smaller farmers out of business".*<br>*The submission goes on to list by Reg. No., the pig and poultry licence applications upon which the submission is to be made.*<br>**Agency response:**<br>The Agency will not grant a licence or revised licence unless it is satisfied that emissions comply with relevant emission limit values and standards prescribed under regulations. As this licence review will update the existing licence conditions to ensure they are consistent with CID 2017/302, the result of this process will lead to a net decrease in emissions from the licenced activity relative to operating under the existing licence conditions which came into effect in 1999.<br>The submission also mentions animal cruelty concerns and Ireland has legislation governing animal welfare, which are the responsibility of the Dept. of Agriculture, Food and the Marine (DAFM).<br>The submission also mentions financial implications of intensive farming over "smaller farmers". The viability of a business, including farming, is beyond the scope of the EPA Licensing Process. | | |
| **6.** | **Name & Position**<br>Laura Broxson | **Organisation:**<br>National Animal Rights Association | **Date received:**<br>17 December 2022 |
| | **Issues raised:**<br>*The issues raised in the submission are as follows:*<br>• *The submitter states that the application should be refused as it is "not ethically acceptable to kill or consume any living creature".*<br>• *The submission states that "Ireland's ammonia emissions have not met EU limits for 7 out of the last 9 years" and that "almost all of Ireland's ammonia emissions come from agriculture". It states that "more than* | | |

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| | *half are located in Monaghan and Cavan, counties already struggling with excess manure".*<br>• *The submission goes on to include some of the damage that can be caused by ammonia pollution and PM2.5 to the environment and human beings.*<br>• *It concludes that "for animal rights, human health and safety, and the impact it would have on the environment, these 36 applications need to be refused".*<br>*The submission goes on to list by Reg. No., the pig and poultry licence applications upon which the submission is to be made.*<br>**Agency response:**<br>The principle of whether or not it is ethical to consume meat is beyond the remit of the EPA.<br>Ireland is addressing ammonia emissions from the agricultural sector through the implementation of 'Ag Climatise – A roadmap towards Climate Neutrality'. The recommendations of this document, regarding the national reduction of ammonia levels, are considered during the assessment of licence applications.<br>All intensive agriculture EPA licensed facilities are required to operate to the best available techniques (BAT) standard as specified in the Commission Implementing Decision (CID) for the intensive rearing of poultry or pigs. This includes the requirement to implement techniques for the reduction and control of ammonia emissions.<br>Due to the number of intensive agriculture applications/reviews and licences, especially in the Cavan/Monaghan, the EPA published guidance on how applicants should assess the predicted impact of air emissions. This has specific restrictions on applications in the Cavan/Monaghan area.<br>No developments or alterations to the site occurred as part of this review. Therefore, this licence review has not been made subject to an EIA. | | |
| **7.** | **Name & Position:**<br>Mr Peter Sweetman | **Organisation:**<br>Peter Sweetman | **Date received:**<br>27 March 2023 |
| | **Issues raised:**<br>*In the submission Mr. Sweetman quotes the following from the Courts of Justice of the European Union judgement for cases C-29317 and C-29417:*<br>*1. Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that the grazing of cattle and the application of fertilizers on the surface of land or below its surface in the vicinity of Natura 2000 sites may be classified as a 'project' within the meaning of that provision, even if those activities, in so far as they are not a physical intervention in the natural surroundings, do not constitute a 'project' within the meaning of Article 1(2)(a) of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.* | | |

**Agency response:**

Organic fertiliser is something which may be distributed to farmers for use on their farms, but that ultimate use does not form part of the project in respect of which the Agency considers a licence application. Ultimately, the location on which landspreading of organic fertiliser from the installation may occur, can vary across and within any given year.

The spreading of organic fertiliser on farms is regulated by the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2022 (S.I. 113 of 2022) which gives effect to the 5th Nitrates Action Programme (2022 to 2025), published in accordance with the Nitrates Directive.

In 2022, the 5th Nitrates Action Programme was subject to appropriate assessment (as referred to in this Agency's Inspector's Report) and a strategic environmental assessment. In addition, the referenced Courts of Justice ruling stated that "Article 6(3) of Directive 92/43 must be interpreted as not precluding national programmatic legislation which allows the competent authorities to authorise projects on the basis of an 'appropriate assessment' within the meaning of that provision, carried out in advance and in which a specific overall amount of nitrogen deposition has been deemed compatible with that legislation's objectives of protection."

The appropriate assessment screening conducted as part of this application is considered in compliance with the rulings of the Courts of Justice of the European Union judgement for cases C-29317 and C-29417.

| **8.** | **Name & Position:** | **Organisation:** | **Date received:** |
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| | Mr. Peter Sweetman | Peter Sweetman and on behalf of Wild Ireland Defence CLG | 15 June 2023 |

**Issues raised:**

*The submission:*

- *States that the EPA must assess the disposal of the waste from these developments.*
- *States that the threshold for Appropriate Assessment is set out in Kelly -v- An Bord Pleanála [2014] IEHC 400 (25 July 2014).*
- *References four CJEU judgements in the context of Article 6 of the Habitats Directive, specifically C-323/17, C-258/11, C-293/17 and C-294/17.*

**Agency response:**

The submitter's reference to "these developments" refers to pig and poultry industrial emissions licence applications.

I am satisfied that I have sufficient information available to complete an Appropriate Assessment Screening, in an appropriate manner, to assess in view of best scientific knowledge and the conservation objectives of the site, if the project individually or in combination with other plans or projects is likely to have a significant effect on a Natura 2000 Site.

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| | The Appropriate Assessment section of this report details the results of the appropriate assessment conducted as part of the licence application. Sufficient information regarding the wastes produced by the activities was available, as well as their disposal off-site. More information on waste can be found in the waste section of this report.<br><br>The submitter quotes Case C-323/17 where the court noted that "*in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site*".<br><br>I am satisfied that the screening conducted as part of this application to determine whether or not an Appropriate Assessment was required was consistent with case C-323/17 and did not take into account measures that would mitigate any potential impacts on Natura 2000 sites.<br><br>The submitter quotes Kelly -v- An Bord Pleanála [2014] IEHC 400 which references CJEU case C-258/11 where the court noted that in order for a regulatory body such as the Agency to grant approval "*it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned".*<br><br>I am satisfied that there is sufficient information available to the Agency to conclude beyond reasonable scientific doubt that emissions and discharges from the proposed project will not have any adverse effects on the integrity of any European site. The Appropriate Assessment section of this report details the results of the appropriate assessment conducted as part of the licence review. Sufficient information regarding the wastes produced by the activity, as well as their disposal off site was available. More information on waste can be found in the waste section of this report.<br><br>The submitter quotes cases C-293/17 and C-294/17 where the court ruled "*Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that the grazing of cattle and the application of fertilisers on the surface of land or below its surface in the vicinity of Natura 2000 sites may be classified as a 'project' within the meaning of that provision, even if those activities, in so far as they are not a physical intervention in the natural surroundings, do not constitute a 'project' within the meaning of Article 1(2)(a) of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment."*<br><br>Organic fertiliser is something which may be distributed to farmers for use on their farms, but that ultimate use does not form part of the project in respect of which the Agency considers a licence application. Ultimately, the location on which landspreading of organic fertiliser from the installation may occur, can vary across and within any given year.<br><br>The spreading of organic fertiliser on farms is regulated by the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2022 (S.I. 113 of 2022) which gives effect to the 5th Nitrates Action Programme (2022 to 2025), published in accordance with the Nitrates Directive. |

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| | I am satisfied that the appropriate assessment conducted as part of this application is considered in compliance with the rulings of the Courts of Justice of the European Union judgement for cases C-293/17 and C-294/17. | | |
| **9.** | **Name & Position**<br>Mr Peter Sweetman | **Organisation:**<br>Peter Sweetman & Associates | **Date received:**<br>29 November 2023 |
| | **Issues raised:**<br>*The submission states that the Agency had, on 7 January 2022, mistakenly asked the licensee to undertake a screening for Appropriate Assessment. The submission states that "the screening assessment is carried out by the EPA."*<br><br>**Agency Response:**<br>In a letter sent to the licensee on 7 January 2022, the Agency required the licensee to undertake a screening for appropriate assessment as is typically required during a licence review process. This does not preclude the Agency from carrying out their own Appropriate Assessment screening of the project.<br><br>Details of the Agency's Appropriate Assessment screening determination were contained in a letter sent to the licensee on 29 November 2022. The Agency concluded that Appropriate Assessment is required for this project. The Agency notified this submitter of the Agency's Appropriate Assessment screening determination on 29 November 2022. | | |

## 14. Consultations

### 14.1 Cross Office Consultation

The Environmental Licensing Programme (ELP) and the Office of Environmental Enforcement (OEE) routinely liaise in relation to the licensing of the intensive agricultural sector. This in part has informed the assessment of this application.

The last remote compliance assessment by OEE in 2021 raised no issues or observations. At the time of the visit, animal numbers in recorded in the stock register were in compliance with the existing licence, P0515-01. The last site visit by OEE in 2018 raised no issues or observations.

### 14.2 Transboundary Consultations

There were no transboundary consultations undertaken as there were no transboundary impacts identified.

## 15. Appropriate Assessment

In accordance with Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended, the Agency must ensure that before a revised licence is granted, that the Agency has undertaken Appropriate Assessment screening.

Appendix 2 lists the European sites assessed, their associated qualifying interests and conservation objectives along with the assessment of the effects of the activity on the European sites.

A screening for Appropriate Assessment (AA) was undertaken to assess, in view of best scientific knowledge and the conservation objectives of the site, if the activity, individually or in combination with other plans or projects is likely to have a significant effect on any European Site. In this context, particular attention was paid to the European Sites at Annaghmore Lough (Roscommon) SAC (001626), Clooneen Bog SAC (002348), Mullygollan Turlough SAC (000612), Lough Forbes Complex SAC (001818), Ballykenny-Fisherstown Bog SPA (004101), Corbo Bog SAC (002349), Cloonshanville Bog SAC (000614), Lough Ree SAC (000440), Lough Ree SPA (004064), Bellanagare Bog SAC (000592), Bellanagare Bog SPA (004105), Brown Bog SAC (002346), Lough Gara SPA (004048) and Fortwilliam Turlough SAC (000448).

The activity is not directly connected with or necessary to the management of any European Site and the Agency considered, for the reasons set out below, that it cannot be excluded, on the basis of objective information, that the activity, individually or in combination with other plans or projects, will have a significant effect on any European Site and accordingly determined that an Appropriate Assessment of the activity was required.

This determination was made based on the following:

- Air emissions from the installation have the potential for adverse impact on sensitive receptors due to elevated ammonia levels and/or nitrogen deposition at European sites.

An ecological baseline assessment was commissioned by the Agency from a qualified third party.

An Inspector's Appropriate Assessment has been completed and has determined, based on best scientific knowledge in the field and in accordance with the European Communities (Birds and Natural Habitats) Regulations 2011 as amended, pursuant to Article 6(3) of the Habitats Directive, that the activity, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site, in particular Annaghmore Lough (Roscommon) SAC (001626), Clooneen Bog SAC (002348), Mullygollan Turlough SAC (000612), Lough Forbes Complex SAC (001818), Ballykenny-Fisherstown Bog SPA (004101), Corbo Bog SAC (002349), Cloonshanville Bog SAC (000614), Lough Ree SAC (000440), Lough Ree SPA (004064), Bellanagare Bog SAC (000592), Bellanagare Bog SPA (004105), Brown Bog SAC (002346), Lough Gara SPA (004048) and Fortwilliam Turlough SAC (000448) having regard to their conservation objectives and will not affect the preservation of these sites at favourable conservation status if carried out in accordance with this RD and the conditions attached hereto for the following reasons:

- The installation is not located within a European site.
- The closest European site is approximately 2.4 km away.
- It is proposed that storm water run-off from the roof and paved areas will be directed via field drains to the Mihanagh Stream. There will be no other direct discharge to surface waters or groundwater within the installation boundary.
- There is no surface water pathway within 24 km downstream of the installation connecting the installation to any of the European sites.
- The proposed storm water collection system will include a silt trap on all storm

water lines prior to discharge of the storm water from the site.

- The risk of surface water or groundwater contamination because of accidental emissions during washing activities, or from spillage from the wash water tanks, is minimal, given the distance between the activity and a European site and given that there is no surface water pathway within 24 km connecting the installation with a European Site.
- Organic fertiliser (pig slurry) is and will be used as a fertiliser on farmlands in accordance with the Nitrates Regulations. The licence review, if granted, relates to the site of the activity for which the licence review is made, i.e. the rearing of pigs within the installation boundary, and does not extend to the lands beyond the installation boundary on which organic fertiliser may be used.
- Activities which can take place within European sites are restricted by legislation. All persons must obtain the written consent from the relevant Minister before performing particular operations on, or affecting, particular habitats where they occur on lands or waters within the SACs and SPAs.
- The closest European site is approximately 2.4 km away from the installation boundary (Annaghmore Lough (Roscommon) SAC) and is considered to be outside of the zone of influence of noise emissions arising at the installation.
- The installation is in a rural area where the predominant farming activities involve the rearing of livestock. There are no other licensed installations within a 5 km radius of the installation.
- The licence review is for the update of licence conditions. The required upgrade of this site and reviewed licence will lead to improved environmental standards and efficiencies.
- The license review proposes a number of mitigation measures which comply with BAT to minimise emissions of ammonia and therefore, nitrogen deposition at the designated sites.
- Regard has been had to the EPA's Licence Application Guidance (Assessment of the Impact of Ammonia and Nitrogen on Natura 2000 Sites from Intensive Agriculture Installations, Version 2, March 2023) in addition to the online screening tool SCAIL Agriculture as part of this Appropriate Assessment Screening Determination.
- Air emissions modelling concluded that there will be no increase in process emissions from the installation. The implementation of BAT at the installation will lead to an overall decrease in emissions.
- Emissions of ammonia and nitrogen deposition from the proposed change to the activity will be lower than those from the existing activity.

In light of the foregoing reasons no reasonable scientific doubt remains as to the absence of adverse effects on the integrity of those European Sites: Annaghmore Lough (Roscommon) SAC (001626), Clooneen Bog SAC (002348), Mullygollan Turlough SAC (000612), Lough Forbes Complex SAC (001818), Ballykenny-Fisherstown Bog SPA (004101), Corbo Bog SAC (002349), Cloonshanville Bog SAC (000614), Lough Ree SAC (000440), Lough Ree SPA (004064), Bellanagare Bog SAC (000592), Bellanagare Bog SPA (004105), Brown Bog SAC (002346), Lough Gara SPA (004048) and Fortwilliam Turlough SAC (000448).

## 16. EPA Charges

The annual enforcement charge recommended in the RD is €3,153 which reflects the anticipated enforcement effort required and the cost of monitoring.

## 17. Recommendation

The Agency, in considering an application for a licence or the review of a licence, shall have regard to Section 83 of the EPA Act. The Agency shall not grant a licence or revised licence unless it is satisfied that emissions comply with relevant emission limit values and standards prescribed under regulation. In setting such limits and standards, the Agency must ensure they are established based on the stricter of either, or both, the limits and controls required under BAT, and those required to comply with any relevant environmental quality standard. The Agency shall perform its functions in a manner consistent with Section 15 of the Climate Action and Low Carbon Development Act 2015 as amended.

The RD specifies the necessary measures to provide that the installation shall be operated in accordance with the requirements of Section 83(5) of the EPA Act and has regard to the AA. The assessment is consistent with Section 15 of the Climate Action and Low Carbon Development Act 2015 as amended. The RD gives effect to the requirements of the EPA Act and has regard to submissions made.

This report was prepared by Brian Coffey, Philip Stack, Linda Cahill, Ann Fogarty, and Brian Walsh.

I recommend that a Proposed Determination be issued subject to the conditions and for the reasons as drafted in the RD.

Signed

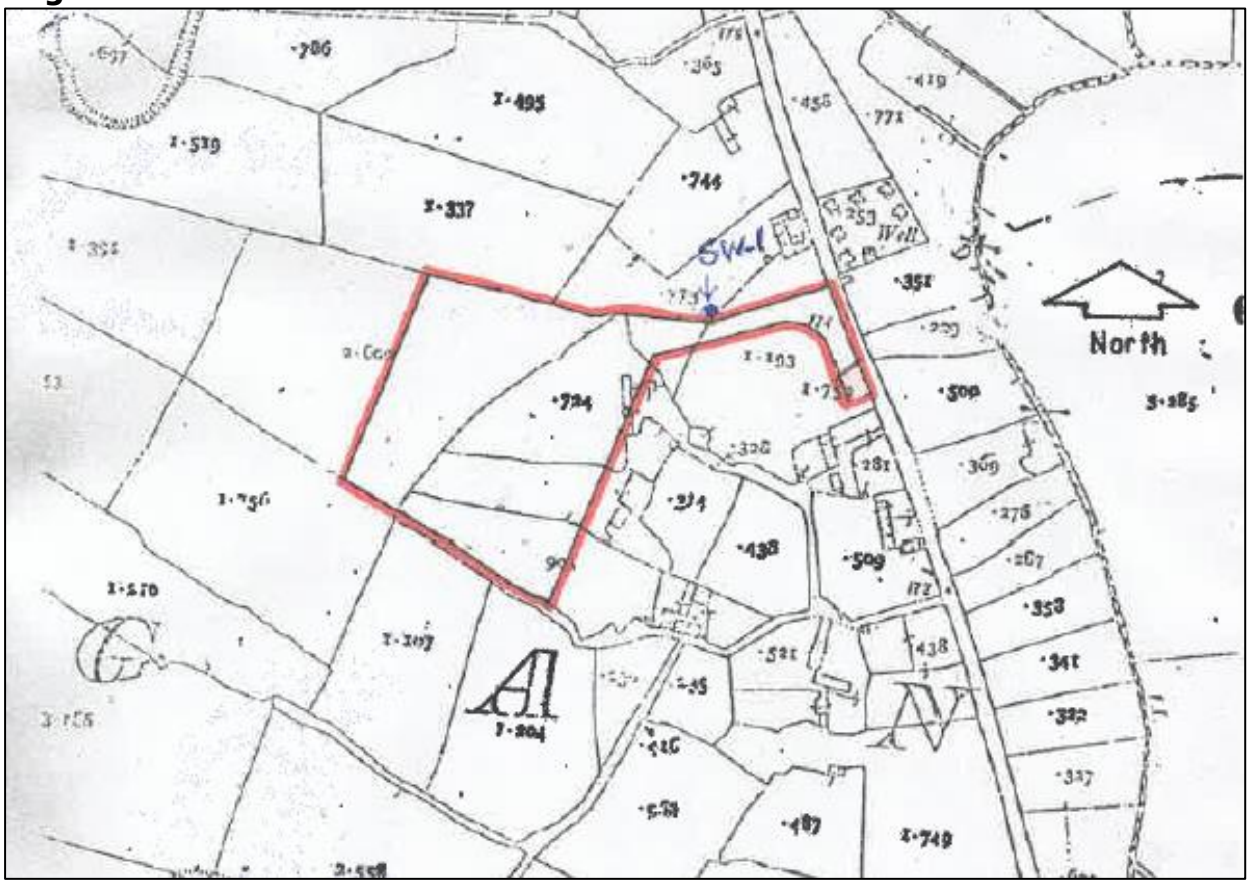
Brian Coffey, ELP Inspector

**Procedural Note**

In the event that no objections are received to the Proposed Determination on the application, a licence will be granted in accordance with Section 87(4) of the EPA Act, as soon as may be after the expiration of the appropriate period.

## Appendices

### Appendix 1: Site boundary map submitted to the Agency on 31 August 1999.



## Appendix 2: AA table

Assessment of the effects of the activity on European sites and mitigation measures conditioned in the RD.

| Site Code | Site Name | Qualifying Interests<br>*(* denotes a priority habitat)* | Conservation Objectives | Assessment |
|---|---|---|---|---|
| 001626 | Annaghmore Lough (Roscommon) SAC | **Habitats**<br>7230 Alkaline fens<br>**Species**<br>1013 Geyer's Whorl Snail *(Vertigo geyeri)* | NPWS (2019) Conservation Objectives: Annaghmore Lough (Roscommon) SAC 001626. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht. | *This site is located 2.4 km to the southwest of the installation.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interest habitats for this European Site.*<br><br>*I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.*<br><br>*The project site is not located within the vicinity of any known breeding site for Geyer's Whorl Snail at this European site.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges from the project site will not cause an impact on the conservation objectives for this European Site.* |
| 002348 | Clooneen Bog SAC | **Habitats**<br>7110 Active raised bogs*<br>7120 Degraded raised bogs still capable of natural | NPWS (2016) Conservation Objectives: Clooneen Bog SAC 002348. Version 1. National Parks and Wildlife Service, Department of | *This site is located 13.8 km to the east of the installation.* |

| Site Code | Site Name | Qualifying Interests<br>*(* denotes a priority habitat)* | Conservation Objectives | Assessment |
|---|---|---|---|---|
| | | regeneration<br>7150 Depressions on peat substrates of the Rhynchosporion<br>91D0 Bog woodland* | Arts, Heritage, Regional, Rural and Gaeltacht Affairs. | *I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interest habitats for this European Site.*<br><br>*I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges from the project site will not cause an impact on the conservation objectives for this European Site.* |
| 000612 | Mullygollan Turlough SAC | **Habitats**<br>3180 Turloughs* | NPWS (2018) Conservation Objectives: Mullygollan Turlough SAC 000612. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht. | *This site is located 13.8 km to the west of the installation.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interest habitats for this European Site.*<br><br>*I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges from the project site will not cause an impact on the conservation objectives for this European Site.* |

| Site Code | Site Name | Qualifying Interests<br>*(* denotes a priority habitat)* | Conservation Objectives | Assessment |
|---|---|---|---|---|
| 001818 | Lough Forbes Complex SAC | **Habitats**<br>3150 Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation<br>7110 Active raised bogs*<br>7120 Degraded raised bogs still capable of natural regeneration<br>7150 Depressions on peat substrates of the Rhynchosporion<br>91E0 Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)* | NPWS (2016) Conservation Objectives: Lough Forbes Complex SAC 001818. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht. | *This site is located 14.5 km to the east of the installation.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interest habitats for this European Site.*<br><br>*I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges from the project site will not cause an impact on the conservation objectives for this European Site.* |
| 004101 | Ballykenny-Fisherstown Bog SPA | **Birds**<br>A395 Greenland White-fronted Goose *(Anser albifrons flavirostris)* | NPWS (2022) Conservation objectives for Ballykenny-Fisherstown Bog SPA [004101]. First Order Site-specific Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage. | *This site is located 14.5 km to the east of the installation.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interest habitats for this European Site.*<br><br>*I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to* |

| Site Code | Site Name | Qualifying Interests<br>*(* denotes a priority habitat)* | Conservation Objectives | Assessment |
|---|---|---|---|---|
| | | | | *the lack of hydrological connectivity of the project site with the European site.*<br><br>*The project site is not located within the vicinity of any known breeding site for Greenland White-fronted Goose at this European site.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges from the project site will not cause an impact on the conservation objectives for this European Site.* |
| 002349 | Corbo Bog SAC | **Habitats**<br>7110 Active raised bogs*<br>7120 Degraded raised bogs still capable of natural regeneration<br>7150 Depressions on peat substrates of the Rhynchosporion | NPWS (2015) Conservation Objectives: Corbo Bog SAC 002349. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht. | *This site is located 16.4 km to the south of the installation.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interest habitats for this European Site.*<br><br>*I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges from the project site will not cause an impact on the conservation objectives for this European Site.* |
| 000614 | Cloonshanville Bog SAC | **Habitats**<br>7110 Active raised bogs*<br>7120 Degraded raised bogs | NPWS (2016) Conservation Objectives: Cloonshanville Bog SAC 000614. Version 1. National Parks | *This site is located 17.2 km to the west of the installation.* |

| Site Code | Site Name | Qualifying Interests<br>*(* denotes a priority habitat)* | Conservation Objectives | Assessment |
|---|---|---|---|---|
| | | still capable of natural regeneration<br>7150 Depressions on peat substrates of the Rhynchosporion<br>91D0 Bog woodland* | and Wildlife Service, Department of Arts, Heritage and the Gaeltacht. | *I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interest habitats for this European Site.*<br><br>*I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges from the project site will not cause an impact on the conservation objectives for this European Site.* |
| 000440 | Lough Ree SAC | **Habitats**<br>3150 Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation<br>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)<br>7110 Active raised bogs*<br>7120 Degraded raised bogs still capable of natural | NPWS (2016) Conservation Objectives: Lough Ree SAC 000440. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. | *This site is located 17.6 km to the south of the installation.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interest habitats for this European Site.*<br><br>*I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.*<br><br>*The project site is not located within the vicinity of any known breeding site for otter at this European site.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges from the project site will not* |

| Site Code | Site Name | Qualifying Interests<br>*(* denotes a priority habitat)* | Conservation Objectives | Assessment |
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| | | regeneration<br>7230 Alkaline fens<br>8240 Limestone pavements*<br>91D0 Bog woodland*<br>91E0 Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)*<br>**Species**<br>1355 Otter *(Lutra lutra)* | | *cause an impact on the conservation objectives for this European Site.* |
| 004064 | Lough Ree SPA | **Birds**<br>A004 Little Grebe *(Tachybaptus ruficollis)*<br>A038 Whooper Swan *(Cygnus cygnus)*<br>A050 Wigeon *(Anas penelope)*<br>A052 Teal *(Anas crecca)*<br>A053 Mallard *(Anas platyrhynchos)*<br>A056 Shoveler *(Anas* | NPWS (2022) Conservation objectives for Lough Ree SPA [004064]. First Order Site-specific Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage. | *This site is located 17.7 km to the south of the installation.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interest habitats for this European Site.*<br><br>*I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.*<br><br>*The project site is not located within the vicinity of any known breeding site for the Little Grebe, Whooper Swan, Wigeon, Teal, Mallard, Shoveler, Tufted Duck, Common Scoter, Goldeneye,* |

| Site Code | Site Name | Qualifying Interests<br>*(* denotes a priority habitat)* | Conservation Objectives | Assessment |
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| | | *clypeata)*<br>A061 Tufted Duck *(Aythya fuligula)*<br>A065 Common Scoter *(Melanitta nigra)*<br>A067 Goldeneye *(Bucephala clangula)*<br>A125 Coot *(Fulica atra)*<br>A140 Golden Plover *(Pluvialis apricaria)*<br>A142 Lapwing *(Vanellus vanellus)*<br>A193 Common Tern *(Sterna hirundo)*<br>**Habitats**<br>Wetlands | | *Coot, Golden Plover, Lapwing and Common Tern at this European site.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges from the project site will not cause an impact on the conservation objectives for this European Site.* |
| 000592 | Bellanagare Bog SAC | **Habitats**<br>7110 Active raised bogs*<br>7120 Degraded raised bogs still capable of natural regeneration<br>7150 Depressions on peat | NPWS (2015) Conservation Objectives: Bellanagare Bog SAC 000592. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht. | *This site is located 18.7 km to the west of the installation.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interest habitats for this European Site.*<br><br>*I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.* |

| Site Code | Site Name | Qualifying Interests<br>*(* denotes a priority habitat)* | Conservation Objectives | Assessment |
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| | | substrates of the Rhynchosporion | | *I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges from the project site will not cause an impact on the conservation objectives for this European Site.* |
| 004105 | Bellanagare Bog SPA | **Birds**<br>A395 Greenland White-fronted Goose *(Anser albifrons flavirostris)* | NPWS (2022) Conservation objectives for Bellanagare Bog SPA [004105]. First Order Site-specific Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage. | *This site is located 18.7 km to the west of the installation.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interest habitats for this European Site.*<br><br>*I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.*<br><br>*The project site is not located within the vicinity of any known breeding site for Greenland White-fronted Goose at this European site.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges from the project site will not cause an impact on the conservation objectives for this European Site.* |
| 002346 | Brown Bog SAC | **Habitats**<br>7110 Active raised bogs*<br>7120 Degraded raised bogs still capable of natural | NPWS (2016) Conservation Objectives: Brown Bog SAC 002346. Version 1. National Parks and | *This site is located 19.4 km to the southeast of the installation.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interest habitats for this European Site.* |

| Site Code | Site Name | Qualifying Interests<br>*(* denotes a priority habitat)* | Conservation Objectives | Assessment |
|---|---|---|---|---|
| | | regeneration<br>7150 Depressions on peat substrates of the Rhynchosporion | Wildlife Service, Department of Arts, Heritage and the Gaeltacht. | *I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.*<br><br>*The project site is not located within the vicinity of any known breeding site for Whooper Swan at this European site.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges from the project site will not cause an impact on the conservation objectives for this European Site.* |
| 004048 | Lough Gara SPA | **Birds**<br>A038 Whooper Swan *(Cygnus cygnus)*<br>A395 Greenland White-fronted Goose *(Anser albifrons flavirostris)* | NPWS (2022) Conservation objectives for Lough Gara SPA [004048]. First Order Site-specific Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage | *This site is located 22.3 km to the northwest of the installation.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interest habitats for this European Site.*<br><br>*I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.*<br><br>*The project site is not located within the vicinity of any known breeding site for Whooper Swan or Greenland White-fronted Goose at this European site.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges from the project site will not* |

| Site Code | Site Name | Qualifying Interests<br>*(* denotes a priority habitat)* | Conservation Objectives | Assessment |
|---|---|---|---|---|
| | | | | *cause an impact on the conservation objectives for this European Site.* |
| 000448 | Fortwilliam Turlough SAC | **Habitats**<br>3180 Turloughs* | NPWS (2018) Conservation Objectives: Fortwilliam Turlough SAC 000448. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht. | *This site is located 24 km to the south of the installation.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interest habitats for this European Site.*<br><br>*I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.*<br><br>*The project site is not located within the vicinity of any known breeding site for Whooper Swan at this European site.*<br><br>*I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges from the project site will not cause an impact on the conservation objectives for this European Site.* |

## Appendix 3: Relevant Legislation

| The following European instruments which have been transposed into Irish legislation are regarded as relevant to this application assessment and have been considered in the drafting of the Recommended Determination. |
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| National Emissions Ceilings Directive (2016/2284) |
| Industrial Emissions Directive (IED) (2010/75/EU) |
| Environmental Impact Assessment (EIA) Directive (2011/92/EU as amended by 2014/52/EU) |
| Habitats Directive (92/43/EEC) & Birds Directive (79/409/EC) |
| Water Framework Directive [2000/60/EC] |
| Waste Framework Directive (2008/98/EC) |
| Air Quality Directives (2008/50/EC and 2004/107/EC) |
| Groundwater Directive (80/68/EEC) and 2006/118/EC |
| Environmental Liability Directive (2004/35/CE) |
| Regulation (EC) No 1069/2009, as amended (Animal By-products Regulation) |
| Nitrates Directive (91/676/ EEC) |
| Energy Efficiency Directive (2018/2002/EU) |

## Appendix 4: Other CIDs/BREF/BAT documents relevant to this assessment

| Commission Implementing Decisions | Publication Date |
|---|---|
| COMMISSION IMPLEMENTING DECISION of 15 February 2017 establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the intensive rearing of poultry or pigs (2017/302/EU) | February 2017 |
| Sectoral BREF | Publication date |
| Reference Document on the Best Available Techniques for the Intensive Rearing of Poultry or Pigs | July 2017 |
| Horizontal BREF | Publication date |
| Reference Document on the Best Available Techniques on Emissions from Storage | July 2006 |
| Reference Document on the Best Available Techniques for Energy Efficiency | February 2009 |