 Environmental Protection Agency An Ghníomhaireacht um Chaomhnú Comhshaoil	<b>OFFICE OF ENVIRONMENTAL SUSTAINABILITY</b>
<b>ENVIRONMENTAL LICENSING PROGRAMME</b>	
TO:	Eimear Cotter, Director
FROM:	Niamh Connolly and Katelyn Grant, Inspectors, Environmental Licensing Programme
DATE:	26/03/2024
RE:	Agency initiated Technical Amendment (TA) to Industrial Emissions (IE) licence Register No. P0710-03, held by Mr. Paul Tully, for an installation located at Moate Pig Unit, Ballinakill, Portlaoise, County Laois, to comply with the Commission Implementing Decision establishing best available techniques (BAT) conclusions for Intensive Rearing of Poultry or Pigs (CID 2017/302/EU).

## 1. Background

The Agency, in accordance with Regulation 96(1)(c) of the Environmental Protection Agency Act 1992 as amended, proposes to amend the IE licence Register No. P0710-03, granted to Mr. Paul Tully, Moate Pig Unit, Ballinakill, Portlaoise, County Laois.

The amendment relates to updating the licence conditions and emission limit values to ensure that the operation of the installation is in line with the Commission Implementing Decision establishing best available techniques (BAT) conclusions for Intensive Rearing of Poultry or Pigs (CID 2017/302/EU) (IRPP CID).

Article 14(3) of the Industrial Emissions Directive (IED) makes BAT conclusions the mandatory reference for setting permit conditions and Article 21 of the IED requires that licence Conditions and/or Schedules be **'reconsidered and, if necessary, updated'** within 4 years of publication of the CID relevant to the main activity. The installation must comply with those conditions within 4 years following the publication of the relevant CID.

## 2. Engagement with the intensive rearing of poultry or pigs' sector

Regulation 96(2) of the Environmental Protection Agency Act 1992 as amended allows the Agency to consult with the licensee before amending a licence.

The Agency engaged with the intensive rearing of poultry or pigs' sector, including the licensees, CLW Consulting, NRG, Panther Environmental Solutions, Irish Farmers Association (IFA), and Teagasc. A workshop was held on the 25/01/2023, which was attended by licensees and stakeholders including CLW Consulting, NRG, Panther Environmental Solutions, IFA, and Teagasc. The workshop covered the process for examining the licences, and the requirements for filling in the IRPP BAT conclusion CID assessment document. A cover letter and the IRPP BAT conclusion CID assessment document were emailed to the licensees on the 26/01/2023 following the workshop.

On 28/09/2023, Mr. Paul Tully, P0710-03 was advised that the EPA has decided to amend its licence under Regulation 96(1)(c) of the Environmental Protection Agency Act 1992 as amended, to incorporate the requirements of the Commission Implementing Decision (CID) on Best Available Techniques (BAT) conclusions for Intensive Rearing of Poultry or Pigs

(2017/302/EU). The public were invited to participate via newspaper notice, which was published on 28/09/2023, however, no submissions were received. All correspondence was made available on the EPA website.

### **3. Changes required through Technical Amendments**

The Agency has reconsidered the existing licence for the intensive rearing of pigs with more than 750 places for sows 6.2(a), or with more than 2,000 places for production pigs (over 30 kg) 6.2(b), which indicates that the IRPP CID requirements need to be incorporated into the existing licence (P0710-03, Mr. Paul Tully).

The overall requirements are to ensure that emissions do not exceed those set out in the IRPP CID, the operation of the installation is in line with the latest developments in best available techniques (BAT) and to achieve a high level of protection of the environment. The specific changes to the licence, in order to fulfil the requirements, are set out in Appendices 1 and 2 of this report.

#### Section 96(1) of the EPA Act:

Section 96(1) of the EPA Act states that:

"The Agency may amend a licence or revised licence for the purposes of -

- (a) Correcting any clerical error therein,
- (b) Facilitating the doing of anything pursuant to a condition attached to the licence where the doing of that thing may reasonably be regarded as having been contemplated by the terms of the condition or the terms of the licence taken as a whole but which was not expressly provided for in the condition, or
- (c) Otherwise facilitating the operation of the licence and the making of the amendment does not result in the relevant requirements of section 83(5) ceasing to be satisfied".

It is considered that the proposed amendment may be accommodated under Section 96(1)(c). To amend the licence under this criterion, two parts need to be satisfied, Part (i) otherwise facilitating the operation of the licence and Part (ii) does not result in the relevant requirements of Section 83(5) ceasing to be satisfied. The changes proposed will impose the same or stricter limits and control on the licensee to ensure compliance with the IRPP CID and are considered as otherwise facilitating the operation of the licences and will not result in the relevant requirements of Section 83(5) ceasing to be satisfied.

Based on the above assessment, it is recommended that the changes to the licence be accommodated by Technical Amendment. The proposed amendments will satisfy the criteria under Section 96(1)(c) of the EPA Act 1992 as amended allowing the Agency to amend a licence or revised licence.

The Recommended Amendment (RA) provides for the incorporation of the requirements of the Commission Implementing Decision (CID) on Best Available Techniques (BAT) conclusions for Intensive Rearing of Poultry or Pigs (2017/302/EU). The specific changes relate to the conditions and schedules of the licence, as specified in Appendix 1 of this report. Appendix 2 outlines the changes required through technical amendment for the installation.

### **4. Appropriate Assessment**

Appendix 3 lists the European Sites assessed, their associated qualifying interests and conservation objectives for the installation.

A screening for Appropriate Assessment 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.

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 can 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 not required.

The reasons for this determination are as follows:

- the installation is not located within any European site;
- this amendment is for the purposes of updating the licence to ensure compliance with the Commission Implementing Decision for the Intensive Rearing of Poultry or Pigs (2017/302/EU). This amendment updates the licence conditions and maintains or tightens the emission limit values to ensure the operation of the installation is in line with the latest developments in best available techniques (BAT) and to achieve a high level of protection of the environment; and
- the proposed changes do not substantially change the nature or extent of the operations at the installation.

## **5. Recommendation**

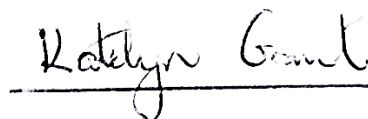
This memo recommends that the changes be accommodated by a Technical Amendment of the P0710-03, Mr. Paul Tully licence in accordance with Section 96(1)(c) of the EPA Act 1992 as amended.

I recommend that the licence amendment be approved as set out in the attached recommended Technical Amendment. The making of the amendment will not result in the relevant requirements of Section 83(5) of the EPA Act 1992 as amended, ceasing to be satisfied.

Signed,



Niamh Connolly  
Inspector  
Environmental Licensing Programme



Katelyn Grant  
Inspector  
Environmental Licensing Programme

**Appendix 1: Specific conditions in the TA to address BAT conclusion requirements.**

<b>CID/BREF/BAT Document</b>	<b>Section</b>	<b>Additional requirements introduced into TA</b>	<b>Glossary/Condition/ Schedule</b>
Intensive Rearing of Poultry or Pigs CID 2017/302/EU	Definitions	Additional definitions included in the Glossary of Terms.	Glossary of Terms
		Requirement for EMS to be updated.	Condition 2
	BAT 2	Use of BAT techniques to implement good housekeeping.	Condition 3
	BAT 3, 4, 10, 11, 13, 23 and 30	Use of BAT techniques to reduce dust, noise, odour, nitrogen and ammonia emissions. Reduction of ammonia calculations to be submitted as part of the AER.	Condition 5
	BAT 5, 8	Requirement to use BAT techniques to increase energy efficiency and water use efficiency.	Condition 7
	BAT 6, 7, 11, 16, 18, 19 and 24	Use of BAT techniques to reduce emissions to air and water.	Condition 8
		Requirement to identify BAT techniques used and submit as part of the AER.	Condition 11

**Appendix 2: Changes required through technical amendment for P0710-03, Mr. Paul Tully.**

<b>BAT conclusions (IRPP CID)</b>	<b>Reg. No.</b>	<b>Changes required through technical amendment</b>
2017/302/EU	P0710-03, Mr. Paul Tully	Updated glossary of terms.
		EMS updated in the licence.
		Emissions to air values tightened in line with the IRPP CID using BAT techniques.
		Updated emissions to water conditions to use BAT techniques in line with the IRPP CID.
		Updated licence to incorporate use of BAT techniques to increase energy and water use efficiency.

**Appendix 3: List of European Sites assessed, their associated qualifying interests and conservation objectives for P0710-03, Mr. Paul Tully.**

<b>Site Name and Site Code</b>	<b>Distance To SAC/SPA (km)</b>	<b>Qualifying Interests (* denotes a priority habitat)</b>	<b>Citation</b>
River Barrow and River Nore SAC (002162)	0.46 East and South	<b>Habitats</b> 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1170 Reefs 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) 1410 Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) 3260 Water courses of plain to montane levels with the <i>Ranunculum fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation 4030 European dry heaths 6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels 7220 Petrifying springs with tufa formation ( <i>Cratoneurion</i> )* 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles 91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*  <b>Species</b> 1096 Brook Lamprey ( <i>Lampetra planeri</i> )	NPWS (2011) Conservation Objectives: River Barrow and River Nore SAC 002162. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

		1355 Otter ( <i>Lutra lutra</i> ) 1103 Twaite Shad ( <i>Alosa fallax fallax</i> ) 1099 River Lamprey ( <i>Lampetra fluviatilis</i> ) 1095 Sea Lamprey ( <i>Petromyzon marinus</i> ) 1106 Salmon ( <i>Salmo salar</i> ) 1092 White-clawed Crayfish ( <i>Austropotamobius pallipes</i> ) 1029 Freshwater Pearl Mussel ( <i>Margaritifera margaritifera</i> ) 1990 Nore Pearl Mussel ( <i>Margaritifera durrovensis</i> ) 1016 Desmoulin's Whorl Snail ( <i>Vertigo moulinsiana</i> ) 1421 Killarney Fern ( <i>Trichomanes speciosum</i> )	
Lisbigney Bog SAC (00869)	5 Southwest	<b>Habitats</b> 7210 Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion davallianae* <b>Species</b> 1016 Desmoulin's Whorl Snail ( <i>Vertigo moulinsiana</i> )	NPWS (2021) Conservation Objectives: Lisbigney Bog SAC 000869. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
Ballyprior Grassland SAC (002256)	13.1 Northeast	<b>Habitats</b> 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates ( <i>Festuco-Brometalia</i> ) (* important orchid sites)	NPWS (2021) Conservation Objectives: Ballyprior Grassland SAC 002256. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
River Nore SPA (004233)	5.3 Southwest	<b>Birds</b> A229 Kingfisher ( <i>Alcedo atthis</i> )	NPWS (2022) Conservation objectives for River Nore SPA [004233]. First Order Site-specific

			Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage.
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