

 <p>Environmental Protection Agency An Ghníomhaireacht um Chaomhú Comhshaoil</p>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME	
TO:	Micheal Lehane, Director
FROM:	Niamh Connolly and Katelyn Grant, Inspectors, Environmental Licensing Programme
DATE:	26/04/2024
RE:	Agency initiated Technical Amendment (TA) to Industrial Emissions (IE) licence Register No. P0382-01, held by Kiernan Farms (Sligo) Unlimited Company, for an installation located at Carrowcushcly Pig Unit, Carrowcushcly, Ballymote, County Sligo, 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. P0382-01, granted to Kiernan Farms (Sligo) Unlimited Company, Carrowcushcly Pig Unit, Carrowcushcly, Ballymote, County Sligo.

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, NRGE, 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, NRGE, 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 12/10/2023, Kiernan Farms (Sligo) Unlimited Company, P0382-01 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 11/10/2023, 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 (P0382-01, Kiernan Farms (Sligo) Unlimited Company).

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

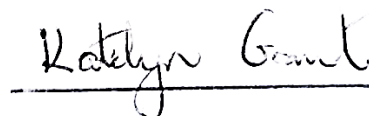
This memo recommends that the changes be accommodated by a Technical Amendment of the P0382-01, Kiernan Farms (Sligo) Unlimited Company licence in accordance with Section 96(1)(c) of the EPA Act 1992 as amended.

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.

CID/BREF/BAT Document	Section	Additional requirements introduced into TA	Glossary/Condition/ Schedule
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 2
	BAT 5, 8	Requirement to use BAT techniques to increase energy efficiency and water use efficiency.	Condition 2
	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 4
	BAT 6, 7, 11, 16, 18, 19 and 24	Use of BAT techniques to reduce emissions to air and water.	Condition 7
		Requirement to identify BAT techniques used and submit as part of the AER.	Condition 9

Appendix 2: Changes required through technical amendment for P0382-01, Kiernan Farms (Sligo) Unlimited Company.

BAT conclusions (IRPP CID)	Reg. No.	Changes required through technical amendment
2017/302/EU	P0382-01, Kiernan Farms (Sligo) Unlimited Company	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 P0382-01, Kiernan Farms (Sligo) Unlimited Company.

Site Name and Site Code	Distance To SAC/SPA (km)	Qualifying Interests (* denotes a priority habitat)	Citation
Templehouse and Cloonacleigha Loughs SAC (000636)	2.3 Southwest	<p>Habitats</p> <p>3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.</p> <p>3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</p>	NPWS (2021) Conservation Objectives: Templehouse and Cloonacleigha Loughs SAC 000636. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
Unshin River SAC (001898)	4.9 North	<p>Habitats</p> <p>3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</p> <p>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)</p> <p>6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)</p> <p>91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*</p> <p>Species</p> <p>1106 Salmon (<i>Salmo salar</i>)</p> <p>1355 Otter (<i>Lutra lutra</i>)</p>	NPWS (2021) Conservation Objectives: Unshin River SAC 001898. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.

Union Wood SAC (000638)	8.4 Northeast	<p>Habitats 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p>	NPWS (2021) Conservation Objectives: Union Wood SAC 000638. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
Bricklieve Mountains and Keishcorran SAC (001656)	8.5 Southeast	<p>Habitats 3180 Turloughs* 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) 6510 Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>) 8120 Calcareous and calcshist screes of the montane to alpine levels (<i>Thlaspietea rotundifolii</i>)</p> <p>Species 1065 Marsh Fritillary (<i>Euphydryas aurinia</i>) 1092 White-clawed Crayfish (<i>Austropotamobius pallipes</i>)</p>	NPWS (2021) Conservation Objectives: Bricklieve Mountains and Keishcorran SAC 001656. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
Ballysadare Bay SAC (000622)	9.7 North	<p>Habitats 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 2190 Humid dune slacks</p> <p>Species</p>	NPWS (2013) Conservation Objectives: Ballysadare Bay SAC 000622. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

		1014 Narrow-mouthed Whorl Snail (<i>Vertigo angustior</i>) 1365 Harbour Seal (<i>Phoca vitulina</i>)	
River Moy SAC (002298)	10.5 Southwest	<p>Habitats</p> <p>6510 Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>)</p> <p>7110 Active raised bogs*</p> <p>7120 Degraded raised bogs still capable of natural regeneration</p> <p>7150 Depressions on peat substrates of the Rhynchosporion</p> <p>7230 Alkaline fens</p> <p>91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*</p> <p>Species</p> <p>1095 Sea Lamprey (<i>Petromyzon marinus</i>)</p> <p>1106 Salmon (<i>Salmo salar</i>)</p> <p>1092 White-clawed Crayfish (<i>Austropotamobius pallipes</i>)</p> <p>1355 Otter (<i>Lutra lutra</i>)</p> <p>1096 Brook Lamprey (<i>Lampetra planeri</i>)</p>	NPWS (2016) Conservation Objectives: River Moy SAC 002298. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
Turloughmore (Sligo) SAC (000637)	11.2 Southwest	<p>Habitats</p> <p>3180 Turloughs*</p>	NPWS (2021) Conservation Objectives: Turloughmore (Sligo) SAC 000637. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.

Flughany Bog SAC (000497)	11.8 Southwest	<p>Habitats</p> <p>7110 Active raised bogs*</p> <p>7120 Degraded raised bogs still capable of natural regeneration</p> <p>7150 Depressions on peat substrates of the Rhynchosporion</p>	NPWS (2016) Conservation Objectives: Flughany Bog SAC 000497. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
Ox Mountains Bogs SAC (002006)	11.9 West	<p>Habitats</p> <p>3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>)</p> <p>3160 Natural dystrophic lakes and ponds</p> <p>4010 Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>4030 European dry heaths</p> <p>7130 Blanket bogs (* if active bog)</p> <p>7140 Transition mires and quaking bogs</p> <p>7150 Depressions on peat substrates of the Rhynchosporion</p> <p>Species</p> <p>1528 Marsh Saxifrage (<i>Saxifraga hirculus</i>)</p> <p>1013 Geyer's Whorl Snail (<i>Vertigo geyeri</i>)</p>	NPWS (2016) Conservation Objectives: Ox Mountains Bogs SAC 002006. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
Lough Arrow SAC (001673)	12.1 Southeast	<p>Habitats</p> <p>3140 Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp.</p>	NPWS (2021) Conservation Objectives: Lough Arrow SAC 001673. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.

Doocastle Turlough SAC (00492)	12.3 Southwest	Habitats 3180 Turloughs*	NPWS (2020) Conservation Objectives: Doocastle Turlough SAC 000492. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
Lough Gill SAC (001976)	13.9 Northeast	Habitats 3150 Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) 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)* Species 1092 White-clawed Crayfish (<i>Austropotamobius pallipes</i>) 1095 Sea Lamprey (<i>Petromyzon marinus</i>) 1099 River Lamprey (<i>Lampetra fluviatilis</i>) 1106 Salmon (<i>Salmo salar</i>) 1355 Otter (<i>Lutra lutra</i>) 1096 Brook Lamprey (<i>Lampetra planeri</i>)	NPWS (2021) Conservation Objectives: Lough Gill SAC 001976. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
Cloonakillina Lough SAC (001899)	14.3 Southwest	Habitats 7140 Transition mires and quaking bogs	NPWS (2019) Conservation Objectives: Cloonakillina Lough SAC 001899. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.

Knockalongy and Knockachree Cliffs SAC (001669)	14.8 Northwest	Species 1421 Killarney Fern (<i>Trichomanes speciosum</i>)	NPWS (2020) Conservation Objectives: Knockalongy and Knockachree Cliffs SAC 001669. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
Ballysadare Bay SPA (004129)	9.7 North	Birds A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A162 Redshank (<i>Tringa totanus</i>) A149 Dunlin (<i>Calidris alpina</i>)	NPWS (2013) Conservation Objectives: Ballysadare Bay SPA 004129. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
Lough Arrow SPA (004050)	12.1 Southeast	Birds A061 Tufted Duck (<i>Aythya fuligula</i>) A004 Little Grebe (<i>Tachybaptus ruficollis</i>) Habitats Wetlands	NPWS (2022) Conservation objectives for Lough Arrow SPA [004050]. First Order Site-specific Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage.