 <p>Environmental Protection Agency An Ghníomhaireacht um Chaomhnú Comhshaoil</p>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME	
TO:	David Flynn, Director
FROM:	Niamh Connolly and Katelyn Grant, Inspectors, Environmental Licensing Programme
DATE:	29/04/2024
RE:	Agency initiated Technical Amendment (TA) to Industrial Emissions (IE) licence Register No. P0396-01, held by Derra Farms Limited, for an installation located at Derrynanool, Mitchelstown, County Cork, 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. P0396-01, granted to Derra Farms Limited, Derrynanool, Mitchelstown, County Cork.

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, NERGE, 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, NERGE, 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 21/07/2023, Derra Farms Limited, P0396-01 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 21/07/2023, 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 (P0396-01, Derra Farms Limited).

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

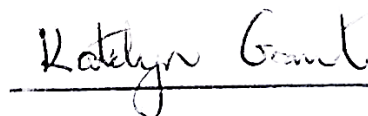
This memo recommends that the changes be accommodated by a Technical Amendment of the P0396-01, Derra Farms Limited licence in accordance with Section 96(1)(c) of the EPA Act 1992 as amended.

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 P0396-01, Derra Farms Limited.

BAT conclusions (IRPP CID)	Reg. No.	Changes required through technical amendment
2017/302/EU	P0396-01, Derra Farms Limited	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 P0396-01, Derra Farms Limited.

Site Name and Site Code	Distance To SAC/SPA (km)	Qualifying Interests (* denotes a priority habitat)	Citation
Carrigeenamronety Hill SAC (002037)	5.5 Northwest	Habitats 4030 European dry heaths Species 1421 Killarney Fern (<i>Trichomanes speciosum</i>)	NPWS (2021) Conservation Objectives: Carrigeenamronety Hill SAC 002037. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
Ballyhoura Mountains SAC (002036)	7.5 Northwest	Habitats 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> 4030 European dry heaths 7130 Blanket bogs (* if active bog)	NPWS (2016) Conservation Objectives: Ballyhoura Mountains SAC 002036. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
		Habitats	

Galtee Mountains SAC (000646)	11.1 Northeast	<p>4010 Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>4030 European dry heaths</p> <p>4060 Alpine and Boreal heaths</p> <p>6230 Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)*</p> <p>7130 Blanket bogs (* if active bog)</p> <p>8110 Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>8210 Calcareous rocky slopes with chasmophytic vegetation</p> <p>8220 Siliceous rocky slopes with chasmophytic vegetation</p>	NPWS (2016) Conservation Objectives: Galtee Mountains SAC 000646. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
Blackwater River (Cork/Waterford) SAC (002170)	10.5 South	<p>Habitats</p> <p>1130 Estuaries</p> <p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1220 Perennial vegetation of stony banks</p> <p>1310 <i>Salicornia</i> and other annuals colonising mud and sand</p> <p>1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)</p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation</p> <p>91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p>	NPWS (2012) Conservation Objectives: Blackwater River (Cork/Waterford) SAC 002170. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

		<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>1421 Killarney Fern (<i>Trichomanes speciosum</i>)</p> <p>1103 Twaite Shad (<i>Alosa fallax fallax</i>)</p> <p>1099 River Lamprey (<i>Lampetra fluviatilis</i>)</p> <p>1096 Brook Lamprey (<i>Lampetra planeri</i>)</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>1029 Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)</p> <p>1355 Otter (<i>Lutra lutra</i>)</p>	
Lower River Suir SAC (002137)	14 Northeast	<p>Habitats</p> <p>1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)</p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritim</i>)</p> <p>3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation</p> <p>6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</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>	NPWS (2017) Conservation Objectives: Lower River Suir SAC 002137. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

		<p>91J0 <i>Taxus baccata</i> woods of the British Isles*</p> <p>Species</p> <p>1355 Otter (<i>Lutra lutra</i>)</p> <p>1092 White-clawed Crayfish (<i>Austropotamobius pallipes</i>)</p> <p>1106 Salmon (<i>Salmo salar</i>)</p> <p>1095 Sea Lamprey (<i>Petromyzon marinus</i>)</p> <p>1096 Brook Lamprey (<i>Lampetra planeri</i>)</p> <p>1099 River Lamprey (<i>Lampetra fluviatilis</i>)</p> <p>1103 Twaite Shad (<i>Alosa fallax fallax</i>)</p> <p>1029 Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)</p>	
Blackwater Callows SPA (004094)	14.3 Southeast	<p>Birds</p> <p>A050 Wigeon (<i>Anas penelope</i>)</p> <p>A052 Teal (<i>Anas crecca</i>)</p> <p>A038 Whooper Swan (<i>Cygnus cygnus</i>)</p> <p>A156 Black-tailed Godwit (<i>Limosa limosa</i>)</p> <p>Habitats</p> <p>Wetlands</p>	NPWS (2022) Conservation objectives for Blackwater Callows SPA [004094]. First Order Site-specific Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage.