

ENVIRONMENTAL PROTECTION AGENCY ACT 1992 AS AMENDED

NOTIFICATION OF A PROPOSED DETERMINATION OF AN APPLICATION FOR AN INDUSTRIAL EMISSIONS LICENCE IN ACCORDANCE WITH SECTION 87(2) OF THE ENVIRONMENTAL PROTECTION AGENCY ACT 1992 AS AMENDED.

In pursuance of the powers conferred on it by the above mentioned Act the Agency proposes to determine the application for a licence application by:

Mullan Poultry Products Limited, Emyvale, County Monaghan, CRO Number 694891, (Licence Register No. P1157-01), under Section 83(1) of the said Act in the following manner:

The applicant submitted the application, plans, documents and other particulars on 20 July 2021.

It is proposed, for the reasons hereinafter set out, to refuse the application for a licence to the above named applicant to carry on the following activity:

- 6.1 (a) The rearing of poultry in installations where the capacity exceeds 40,000 places,

at Drumturk, Emyvale, County Monaghan, for the following reasons:

- Slieve Beagh SPA is approximately 9 km away from the applicant's installation site. Ammonia can disperse over long distances, especially in areas with multiple emission sources such as numerous pig and poultry farms within 10 km of Slieve Beagh SPA. The atmospheric transport of ammonia means that even sources 9 km away can contribute to local nitrogen deposition levels in this sensitive habitat.
- The area around Slieve Beagh has a high density of pig and poultry IE licensed farms and sub-IE threshold farms. The in-combination impact of ammonia emissions from these multiple sources will exacerbate the negative environmental effects on the SPA as the critical levels for both ammonia and nitrogen are already exceeded at the SPA.
- Background nitrogen deposition is 11.06 kg N/ha/yr and background ammonia is 4.39 µg/m³, both above their respective critical load and level of 10 kg N/ha/yr and 3 µg/m³. As such, Slieve Beagh SPA is already experiencing ammonia and nitrogen levels beyond what it can tolerate without adverse effects. Additional ammonia emissions from a new source, such as the emissions proposed in this application, would further exacerbate these conditions, having an adverse effect on the habitat that the Qualifying Interest, the Hen Harrier, is dependent on in Slieve Beagh SPA.
- Process emissions from the proposed bird numbers at the installation, in combination with other plans and projects, will contribute to ammonia levels and nitrogen deposition loads that exceed the critical level and critical limit respectively at Slieve Beagh SPA.

The Agency is not satisfied beyond reasonable scientific doubt as to the absence of adverse effects on the integrity of European Site Slieve Beagh SPA.

Note: The form and content of an objection is set out in the attached extract from the Environmental Protection Agency (Industrial Emissions) (Licensing) Regulations 2013. S.I. 137 of 2013.

The fees for an objection and request for an oral hearing of the objection are as set out in the Environmental Protection Agency (Licensing Fees) Regulations 1994 to 2006.

A copy of the Proposed Determination accompanies this notification.

OBJECTIONS/ORAL HEARING REQUESTS

The applicant and any other person may object to the proposed determination, in accordance with Section 87(5) of the EPA Act 1992 as amended. In accordance with Section 87(12) of the EPA Act 1992 as amended, objections must be received at any time no later than:

25 September 2024

A person making an objection may request an oral hearing of the objection, in accordance with Section 87(6) of the EPA Act 1992 as amended at any time no later than the date specified above.

It is important to note that any objection to the proposed determination/request for an oral hearing of the objection must be made either on-line on the Agency's website at www.epa.ie or by sending it by prepaid post to the Headquarters of the Agency, or by leaving it with an employee of the Agency **at the Headquarters of the Agency in Wexford**, during office hours, i.e. 9.00am to 5.00pm Monday to Friday.

An objection against the proposed determination must include the grounds for the objection. An objection and a request for an oral hearing of an objection must **each** be accompanied by the appropriate fee, and be addressed to the Office of Environmental Sustainability, EPA Headquarters, P.O. Box 3000, Johnstown Castle Estate, County Wexford.

A valid objection/request for an oral hearing of the objection must be received at the headquarters of the Agency **no later than 5.00 pm on the applicable date above**.

In order to be considered valid, an objection and a request, each must also comply with the other statutory requirements in relation to objections and requests for oral hearings as set out in the EPA Act 1992, as amended, the EPA (Industrial Emissions) (Licensing) Regulations 2013 and the EPA (Licensing Fees) Regulations 1994 to 2013. Extracts from the Acts and the Regulations accompany this notification.

In the event that:

- (a) no objection is taken against the proposed determination or
- (b) an objection or objections is or are taken against the proposed determination and the objection or objections is or are withdrawn,

the Agency will make its decision in accordance with the proposed determination and grant the licence as soon as may be thereafter.

A copy of the proposed determination may be downloaded from the Agency's website www.epa.ie or obtained from the Office of Environmental Sustainability, Environmental Licensing Programme, EPA Headquarters, P.O. Box 3000, Johnstown Castle Estate, County Wexford.

Signed on behalf of the said Agency:


Tara Gillen, Authorised Person

Date of notification:

29 August 2024

Regulation 25 of the Environmental Protection Agency(Industrial Emissions) (Licensing) Regulations 2013

- Form and content of objection**
- (1) An objection shall-
 - (a) be made in writing,
 - (b) state the name and address of the objector,
 - (c) state the reference number given under Regulation 38(2) to the application or the review in the register of licences and the subject matter of the objection,
 - (d) state the grounds for the objection and the reasons, considerations and arguments on which they are based, and
 - (e) be accompanied by a fee specified in accordance with Section 99A of the Act of 1992.
 - (2) Without prejudice to Regulation 27, an objector shall not be entitled to elaborate in writing upon, or make further submissions in writing in relation to, the grounds for the objection stated in the objection, or to submit further grounds of objection and any such elaboration, submission or further grounds for the objection that is or are received by the Agency shall not be considered by it.
 - (3)
 - (a) An objection shall be accompanied by such documents, particulars or other information relating to the objection as the objector considers necessary or appropriate.
 - (b) Without prejudice to Regulation 27, the Agency shall not consider any documents, particulars or other information submitted by an objector other than the documents, particulars or other information which accompanied the objection.
 - (4) An objection shall be made -
 - (a) by sending the objection by prepaid post to the headquarters of the Agency, or
 - (b) by leaving the objection with an employee of the Agency at the headquarters of the Agency during office hours, or
 - (c) online via the website of the Agency where such facility is made available by the Agency.
 - (5) The Agency shall as soon as may be after receipt of an objection acknowledge such receipt.

Sections 87(6) & (7) of the Environmental Protection Agency Act 1992 as amended

Section 87
Processing of
applications for
licences or reviews
of licences

- (6) (a) A person making an objection under subsection (5) may request an oral hearing of the objection.
- (b) (i) A request for an oral hearing of an objection shall be made in writing to the Agency and shall be accompanied by such fee (if any) as may be payable in respect of such request in accordance with regulations under Section 99A.
- (ii) A request for an oral hearing of an objection which is not accompanied by such fee (if any) as may be payable in respect of such request shall not be considered by the Agency.
- (c) A request for an oral hearing of an objection shall be made before the expiration of the appropriate period, and any request received by the Agency after the expiration of that period shall not be considered by it.
- (7) An objection, or a request for an oral hearing under subsection (6), shall be made-
- (a) by sending the objection or request by prepaid post to the headquarters of the Agency, or
- (b) by leaving the objection or request with an employee of the Agency, at the headquarters of the Agency, during office hours, or
- (c) by such other means as may be prescribed.

FEES FOR OBJECTIONS AND ORAL HEARINGS

Summary of Environmental Protection Agency (Licensing Fees) Regulations 1994 to 2013

The following is a summary of the provisions of the above referenced regulations. Please refer to the full regulations for exact provisions.

(1) A fee shall be paid to the Agency in respect of an objection.

Fees for an objection

(2) Subject to (3) below, the fee payable under (1) above shall be the amount indicated in column (3) of the table below opposite the appropriate mention of objection in column (2) of the table below.

(3) Where an objection is made to the Agency by -

- (a) a local authority,
- (b) a planning authority,
- (c) a sanitary authority,
- (d) the National Monuments Advisory Council,
- (e) the Heritage Council
- (f) Inland Fisheries Ireland,
- (g) Failte Eireann
- (h) in the case of an activity any part of which is situate within the functional area of the Shannon Free Airport Development Company Ltd., that Company, and
- (i) An Taisce - The National Trust for Ireland,

the fee payable in respect of the objection shall be the amount indicated in column (3) of the table below opposite the mention of a reduced fee for an objection in column (2) of the table below.

Fee for request for an oral hearing

(1) Where a person making an objection under Section 87(5) of the Act of 1992, as amended, requests an oral hearing of the objection, a fee shall be paid to the Agency by that person. The fee payable in respect of a request for an oral hearing shall be the amount indicated in column (3) of the table below opposite the mention of the fee for an oral hearing in column (2) of the table below.

Column (1)	Column (2)	Column (3)
Objection Fees	Objection by the applicant or licensee	€253
	Objection by any other person other than a person mentioned at 3 above	€126
Reduced Objection fee (see 3 above)	Reduced fee for an objection	€63
Oral Hearing Fee	Fee for request for an oral hearing	€100



Headquarters

P.O. Box 3000

Johnstown Castle Estate

County Wexford

Ireland

Industrial Emissions Licence

Proposed Determination

Licence Register Number:	P1157-01
Company Register Number:	694891
Applicant:	Mullan Poultry Products Limited
Location of installation:	Drumturk Emyvale County Monaghan

INTRODUCTION

This introduction is not part of this licence and does not purport to be a legal interpretation of this licence.

Mullan Poultry Products Limited has applied to operate a poultry (broiler) unit located at Drumturk, Emyvale, County Monaghan.

The proposed installation is on an existing, recently constructed poultry farm in a rural location. The proposed installation will accommodate 90,000 broilers within two poultry houses. The installation is currently operating below licence threshold at a capacity of 39,400 conventional broiler places within a single poultry house.

The process involves the rearing of stock specifically bred for lean poultry meat production, from day old chicks delivered from the hatchery, until they are removed from site and taken to the processing installation at approximately five to seven weeks. At the end of each rearing cycle the houses are destocked, and the birds are sold for processing. Following the removal of poultry litter (also termed organic fertiliser), the poultry houses are cleaned and left empty for a period of one to two weeks, to allow for complete drying after the cleaning process. The houses are then restocked.

The proposed activity is above the IE licensing threshold of 40,000 places specified under Annex 1 of the Industrial Emissions Directive and the First Schedule of the EPA Act 1992 as amended.

Decision and Reasons for the Decision

The Environmental Protection Agency is not satisfied, on the basis of the information available, that emissions from the activity will comply with and will not contravene any of the requirements of section 83(5) of the Environmental Protection Agency Act 1992 as amended.

The Environmental Protection Agency considers that the activity may adversely affect the integrity of European Sites. It has determined that it is not possible to ascertain that the activity, if managed, operated and controlled as proposed in the licence application will not adversely affect the integrity of a European Site, Slieve Beagh SPA.

The Agency accordingly proposes to refuse to grant a licence to Mullan Poultry Products Limited to carry on the activity listed in *Part I, Schedule of Activities Refused*.

In reaching this decision the Agency has considered: the application, Register Number: P1157-01 and the supporting documentation received from the applicant; the submissions received, the Inspector's Report dated 08 August 2024, and has carried out an Appropriate Assessment of the likely significant effects of the activity on European Sites.

It is considered that the Inspector's Report contains a fair and reasonable examination, evaluation and analysis of the likely significant effects of the activity on the environment, and adequately and accurately identifies, describes and assesses those effects. The assessment as reported in this document is adopted as the assessment of the Agency.

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. In this context, particular attention was paid to the European Sites at Slieve Beagh SPA, Slieve Beagh-Mullaghfad-Lisnaskea SPA (NI), Slieve Beagh SAC (NI), Magheraveely Marl Loughs SAC (NI) and Kilroosky Lough Cluster SAC.

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, and for this reason determined to require the applicant to submit a Natura Impact Statement.

- Air emissions were modelled by the Agency using a screen model (SCAIL Agriculture). The model results indicated that the potential for significant adverse impact of emissions to air and their consequential potential impact on sensitive receptors cannot be ruled out due to elevated ammonia levels and nitrogen deposition at European sites.

The Agency has completed the Appropriate Assessment of potential impacts on these sites and it is not possible to ascertain, 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 Slieve Beagh SPA having regard to its conservation objectives and may affect the preservation of the site at favourable conservation status if carried out in accordance with the proposed application for the following reasons:

- Slieve Beagh SPA is approximately 9 km away from the applicant's installation site. Ammonia can disperse over long distances, especially in areas with multiple emission sources such as numerous pig and poultry farms within 10 km of Slieve Beagh SPA. The atmospheric transport of ammonia means that even sources 9 km away can contribute to local nitrogen deposition levels in this sensitive habitat.
- The area around Slieve Beagh has a high density of pig and poultry IE licensed farms and sub-IE threshold farms. The in-combination impact of ammonia emissions from these multiple sources will exacerbate the negative environmental effects on the SPA as the critical levels for both ammonia and nitrogen are already exceeded at the SPA.

- Background nitrogen deposition is 11.06 kg N/ha/yr and background ammonia is 4.39 $\mu\text{g}/\text{m}^3$, both above their respective critical load and level of 10 kg N/ha/yr and 3 $\mu\text{g}/\text{m}^3$. As such, Slieve Beagh SPA is already experiencing ammonia and nitrogen levels beyond what it can tolerate without adverse effects. Additional ammonia emissions from a new source, such as the emissions proposed in this application, would further exacerbate these conditions, having an adverse effect on the habitat that the Qualifying Interest, the Hen Harrier, is dependent on in Slieve Beagh SPA.
- Process emissions from the proposed bird numbers at the installation, in combination with other plans and projects, will contribute to ammonia levels and nitrogen deposition loads that exceed the critical level and critical limit respectively at Slieve Beagh SPA.

The Agency is not satisfied beyond reasonable scientific doubt as to the absence of adverse effects on the integrity of European Site Slieve Beagh SPA.

Part I, Schedule of Activities Refused

In pursuance of the powers conferred on it by the Environmental Protection Agency Act 1992 as amended, the Agency proposes to refuse to grant this Industrial Emissions licence (P1157-01) to:

Mullan Poultry Products Limited, Emyvale, County Monaghan, CRO Number: 694891,

under Section 81(1) of the said Act to carry on the following activity:

6.1 (a) The rearing of poultry in installations where the capacity exceeds 40,000 places.

at Drumturk, Emyvale, County Monaghan.



Signed on behalf of the said Agency _____

On the 29 day of August, 2024 Tara Gillen, Authorised Person