



Objection

Objector:	Mr. Paraic Fay
Organisation Name:	CLW Environmental Planners Limited
Objector Address:	The Mews, 23 Farnham Street, Cavan, Co. Cavan.
Objection Title:	Objection to Mullan Poultry Products Ltd
Objection Reference No.:	OS011755
Objection Received:	24 September 2024
Objector Type:	Applicant
Oral Hearing Requested?	No

Application

Applicant:	Mullan Poultry Products Ltd.
Reg. No.:	P1157-01

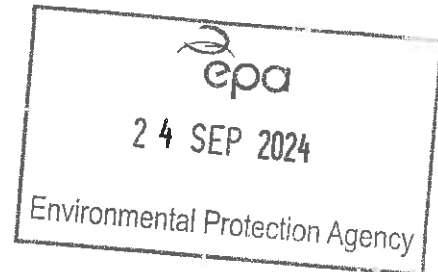
See below for Objection details.

Attachments are displayed on the following page(s).

Office of Environmental Sustainability,
Environmental Protection Agency,
P.O. Box 3000,
Johnstown Castle Estate,
Co. Wexford

23rd September 2024

Re: **Mullan Poultry Products Ltd. P1157-01**
Drumturk, Emyvale, Co. Monaghan
Objection to Proposed Determination issued 29/08/2024



Dear Sir/Madam,

I refer to previous Agency correspondence of 29th August last. After in excess of 3 years progressing this application the applicant is extremely disappointed in the decision of the Agency in this regard.

Point of Objection: As detailed in the decision and the inspectors report, the reason for refusal comes down to the Agency's assessment and interpretation of the application at hand re: **Compliance with License Application Instruction Note 1 (IN 1) Assessment of the Impact of Ammonia and Nitrogen on Natura 2000 sites from Intensive Agricultural Enterprises.**

When one steps back and considers the overall nature, scale and scope of this licence application for the expansion of an existing farm in line with the planning permission as granted, and while acknowledging the requirement to protect all Natura 2000 sites, and the wider environment at large, it is incredulous to think that the Agency, on the basis of, what the applicant considers a mis-interpretation of this guidance, could determine to refuse a licence to facilitate a development when their own reports detail that

- **"The existing , below IE Licensing threshold, poultry house with a conventional housing system and stocked with 40,000 broilers will emit 3.2 tonnes of ammonia. If licensed, the proposed expanded installation would emit approximately 3.15 tonnes of ammonia per annum with low emission housing or 7.2 tonnes of ammonia with standard housing."**

As detailed in the application the applicant had committed to this low emission housing which would **result in a reduction of ammonia emissions from the development**, a point as outlined above that the Agency agreed with. This is in keeping with Section 6 of License Application Instruction Note 1 (IN 1) Assessment of the Impact of Ammonia and Nitrogen on Natura 2000 sites from Intensive Agricultural Enterprises.

Step 6 of the Guidance, under which this application was to be assessed is clear, concise and precise –

Demonstrate that emissions from the new installation will be less than those from the existing installation”.

It is clear from the application and the Agency’s assessment of the application that the applicant has complied with this requirement and the application should be assessed on this basis.

The crux of this refusal, or as the applicant would see it the mis-interpretation of the guidance, seems to stem from an interpretation by the Agency, as detailed in the Inspectors report, that for the emissions from the existing activity to be considered they have to be existing and operational prior to the implementation of the Licence Instruction Note (IN1). This was addressed in correspondence to the Agency dated 4th May 2022.

It should be noted that this proviso is not detailed, or implied, anywhere in the Instruction Note, and as detailed above Step 6 makes no reference to same. On the contrary, the guidance states that;

- **“Other sources of nitrogen and ammonia (Other Pcs) to the Natura 2000 site(s), which could act in combination with emissions from the proposed/expanded installation, to impact the protected habitat, must be accounted for at relevant stages of the appropriate assessment process”.**

There is no time limit/cut off point here and the applicant has addressed same that by demonstrating that the expanded development, if licensed and completed, will reduce ammonia emissions from the farm below currently existing levels (i.e. the emissions from the expanded development are less than those that will be saved by upgrading the existing development to low emission specifications, resulting in a combined net reduction in ammonia emissions from the farm, which as previously detailed has been acknowledged by the Agency), therefore when assessed in combination with the existing installation (as per Step 6 of the guidance) will / can only reduce potential impacts on Natura 2000 sites.

Elsewhere the guidance details that the following “must be included:

- Developments that have planning permission and/or licenses but are not yet (fully) operating; including those both above and below licensing thresholds that may contribute to ammonia and nitrogen emissions.”
- Developments that started operating / increased their numbers, after the most recent update of background emissions, including those both above and below licensing thresholds

The guidance acknowledges that there are other sites out there that may have planning permission granted (both above and below EPA threshold) and may not be fully operating and that these have to be taken into account. At no point are dates attached to this consideration as would be implied in the inspectors report.

For the Agency,

- to put to one side the ammonia reduction to be achieved by granting the license to the proposed farm,
- which complies with Step 6 of the aforementioned instruction note, and reduces overall ammonia emissions,
- in favour of seeking to apply/imply in this specific instance an effective cut off date (that is not in the guidance, and essentially conflicts with the guidance – as stated elsewhere in the guidance the following must be taken into account “Developments that have planning permission and/or licenses but are not yet (fully) operating; including those both above and below licensing thresholds that may contribute to ammonia and nitrogen emissions) specifically for this application,

is a regrettable, essentially self destructive (in that it will stifle the ammonia reduction measures proposed by the applicant to reduce overall net emissions), and, somewhat incredulous interpretation of this instruction note that singles out the applicant for punitive treatment, while ironically at the same time acknowledging that granting a licence to the applicant would reduce ammonia emissions and thus not alone comply with Step 6 of the guidance Note, but also provide for the higher standard of Environmental Protection that the Agency are prescribed to promote/ensure.

The applicant is requesting that the Agency review their decision in this instance and grant a licence for the proposed development to allow the applicant upgrade his existing activities and develop his farm in line with the higher environmental standards as proposed in the application, while at the same time reducing ammonia emissions and potential impacts.

Yours Sincerely,



Paraic Fay B.Agr.Sc.



41 MAIN STREET CAVAN

MFAF66K7

93-20-51

www.communisite.com 9608 12/16

Pay EPA or order

Date 23rd Sept 2024

Two Hundred and Fifty
Three Euro €253-00



IRELAND 100723
Allied Irish Banks, p.l.c.

#MFAF66K7

CLW ENVIRONMENTAL PLANNERS LTD

[Handwritten signature]

93-20-51 MFAF66K7