

*This Report has been referred to the Board by the Director David Flynn.*



Signed: \_

Date: 18/10/2024



**OFFICE OF ENVIRONMENTAL  
SUSTAINABILITY**

**INSPECTOR'S REPORT ON AN INDUSTRIAL EMISSIONS LICENCE  
APPLICATION, LICENCE REGISTER NUMBER P0447-02**

**TO: THE DIRECTORS**

**FROM: Philip Stack, ICER Inspector**

**DATE: 18/10/2024**

Applicant:	Ashleigh Farms (Waterford) Limited
CRO number:	249215
Location/address:	Ashleigh House, Ballynameelagh, Cappagh, County Waterford
Application date:	27 May 2021
Classes of activity (under EPA Act 1992 as amended):	6.2: The rearing of pigs in an installation where the capacity exceeds: (a) 750 places for sows, or (b) 2,000 places for production pigs which are each over 30kg. 11.1: The recovery or disposal of waste in a facility, within the meaning of the Act of 1996, which facility is connected or associated with another activity specified in this Schedule in respect of which a licence or revised licence under Part IV is in force or in respect of which a licence under the said Part is or will be required.
Categories of activity under IED (2010/75/EU):	6.6(b) Intensive rearing of pigs with more than 2,000 places for production pigs (over 30kg), or 6.6(c) Intensive rearing of pigs with more than 750 places for sows.
Main CID:	CID (EU) 2017/302 (15 February 2017). Establishing (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the intensive rearing of poultry or pigs.  All relevant CIDs, BREF documents and legislation are listed in appendices of this report.
Activity description/background:	Expansion of an existing activity for the rearing of pigs in an installation with capacity for 900 sows and 4,655 production pigs.
Additional information received:	Yes (27 July 2021, 16 December 2022, 10 October 2023, 01 November 2023, 10 January 2024, 29 April 2024, 27 August 2024)
No of submissions received:	10
Environmental Impact Assessment required: Yes	Stage 2 Appropriate Assessment required: Yes
Environmental Impact Statement submitted (EIS): Yes (27 May 2021)	Natura Impact Statement (NIS) submitted: Yes (16 December 2022)

## 1. Introduction

This is an assessment of an application for an Industrial Emissions Directive (IED) licence to carry on an activity under Part IV of the Environmental Protection Agency Act 1992, as amended (hereafter referred to as the EPA Act).

Ashleigh Farms (Waterford) Limited owns and operates an integrated pig unit at Ashleigh House, Ballynameelagh, Cappagh, County Waterford. The licensee's existing licence was issued on 28 August 2000. Details of the current and proposed site capacity and infrastructure are provided in Table 1.1 below for clarity.

The review application proposes an anaerobic digester, a revised site boundary, and a relocated storm water discharge point. The licensee had originally proposed an increase in stock numbers and the installation of a carcass incinerator as part of the licence review, but subsequently withdrew these parts of the proposal. As a result, there is no increase in stock numbers proposed as part of this licence review application.

There will also be additional licence conditions to bring the activity into compliance with the Commission Implementing Decision (CID).

**Table 1.1. Application details.**

	<i>Existing</i>	<i>Proposed</i>
<i>No. of animal houses</i>	9	9
<i>Pig categories</i>		
<i>Dry Sows</i>	701	701
<i>Farrowing sows</i>	199	199
<i>Boars</i>	20	20
<i>Maiden gilts</i> <sup>Note 1</sup>	65	0
<i>Weaners</i>	3,100	3,100
<i>Production pigs</i> <sup>Note 2</sup>	4,500	4,565
<i>Total no. animals</i>	8,585	8,585

Note 1: To be included under the category of production pigs.

Note 2: Referred to as finishers in licence ref. no. P0447-01.

For the purposes of the IED categorisation this equates to 900 sows and 4,565 production pigs.

A map of the site layout is included in Appendix 1 of this report.

## 2. Description of activity

The installation is in a rural location, with most development near the installation consisting of dwelling houses and farmyards. Pig farming has been carried out on this site for several decades. The present enterprise employs 6 people.

The main activities at this installation occur during normal working hours. Stock inspections are carried out every day, including weekends and bank holidays and additional essential activities may be undertaken outside of core working hours. The installation currently operates in accordance with the requirements of the Department of Agriculture, Food and the Marine.

The pig production process on this farm is typical of many other Irish units. The installation will consist of 9 pig houses sub-divided to cater for the different pig categories on-site, along with slurry collection and storage tanks, and ancillary structures and equipment necessary for the accommodation, management and husbandry of the animals, and administration of the unit. The process involves the rearing of stock specifically bred from the on-site sows for meat production. Pigs will be reared at the installation until they reach the required finishing weight of approximately 100 kg. All houses will be fully cleaned out after each group of pigs is removed.

The type of pig house used for this activity is a simple closed building of block, metal sheeting, and timber/wood construction, built over an impervious concrete slurry tank. The houses are thermally insulated where appropriate. Automatic feeding and ventilation systems operate on a 24-hour basis. The principal inputs to the operation are feed, water, veterinary medicines and energy (electricity, biogas and fuel oil). The main by-product of pig rearing is organic fertiliser (pig slurry). These are discussed in further detail below.

The licensee has installed an anaerobic digester on-site, which utilises a portion (approximately 5,500 m<sup>3</sup> per year) of the pig slurry produced on-site as its sole feedstock. While the anaerobic digester has been described as a pilot anaerobic digester by the licensee in the application, as it has been in operation for several years, it is no longer considered by the Agency to be part of a pilot project.

### **3. Planning Status**

A number of planning applications have been made by the licensee for the area within the installation boundary since the last licence was granted in 2000 (Planning ref. no. 07/193 and 16/729). An EIS was submitted with the previous licence application (Ref P0447-01) in 1998.

On 21 July 1999, Waterford City and County Council granted planning permission (Ref: 99/57) for the expansion and retention of a 900-sow integrated pig unit. This application was accompanied by an EIS. On 10 July 2007, Waterford City and County Council granted planning permission (Ref: 07/193) to construct a new loose dry sow house and to extend the adjacent farrowing house. This planning permission did not entail an increase in animal numbers and as such did not trigger the need for a new EIA. On 15 February 2017, Waterford City and County Council granted planning permission (Ref: 16/729) for the construction of an anaerobic digester and associated infrastructure, including an aboveground digestate tank. This development work has been completed.

Details of these planning applications and permissions have been provided in the application form.

The licensee has submitted the EIS associated with planning permission ref. no. 99/57. The Agency has had regard to the reasoned conclusions reached by the planning authority in undertaking its environmental impact assessment of the activity.

Schedule A of the RD limits the number of pigs by category which may be housed on-site. This is the capacity that is specified in the EIS submitted in support of the application and in the planning permissions granted for the installation.

#### **4. Environmental Impact Assessment (EIA) Screening**

In accordance with section 83(2A) of the EPA Act, the Agency must ensure that before a licence or revised licence is granted, that the application is made subject to an EIA, where the activity meets the criteria outlined in section 83(2A)(b) and 83(2A)(c).

In accordance with the EIA Screening Determination, the Agency has determined that the activities are likely to have a significant effect on the environment, and accordingly is carrying out an assessment for the purposes of EIA.

The activity exceeds the following threshold in Part 1 of Schedule 5 of the Planning and Development Regulations 2001, as amended:

- 17(b) Installations for the intensive rearing of pigs with more than 3,000 places for production pigs (over 30 kilograms).

An EIS was submitted to the Agency as part of the application on 27 May 2021. This is addressed in the 'EIA' section later in this report.

#### **5. Best Available Techniques and CID**

BAT for the installation was assessed against the BAT conclusions contained in Commission Implementing Decision of 15 February 2017 establishing BAT conclusions for the intensive rearing of poultry or pigs (2017/302/EU) and in any other relevant BREF documents specified in the appendices of this report. A detailed BAT assessment was carried out by the licensee and is included in section 4.7 of the application form. Additional conditions have been incorporated into the RD to address BAT Conclusions are detailed throughout this report. Any relevant BAT-AELs have been specified in the emissions sections of this report.

I consider that the applicable BAT Conclusion requirements are addressed through the technologies and techniques as described in the application, as well as the conditions and limits specified in the RD.

#### **6. Emissions**

##### **6.1 Emissions to Air**

This section addresses emissions to air from the installation and the environmental impact of those emissions.

##### **6.1.1 Channelled Emissions to Air**

There are no main emission points to air from the installation.

There are a number of proposed emissions points at the installation, relating to a 21kWh biogas-fuelled boiler used as the main heating source and a 42 kWh fuel oil boiler, formerly used to provide heat for the activity and currently retained as a backup. Due to their emission characteristics, these are regarded as minor emissions to

atmosphere, and are not, therefore, considered environmentally significant. These minor emissions are not considered as part of this impact assessment. As the thermal input for each boiler is not greater than one Megawatt, the Medium Combustion Plant Directive does not apply.

There are no further emission points to air at this installation.

### 6.1.2 Diffuse Emissions

The only fugitive emissions from this sector are dust, odour, ammonia, and methane. These are discussed below. The nearest third-party dwellings potentially affected by fugitive emissions are detailed below (Table 6.1).

**Table 6.1: Nearest third-party residential dwellings**

<i>Distance from Site</i>	<i>Direction from Site</i>
200 m	East
260-270 m (4)	North/Northwest
350 m	West
370 m	Northeast

There is a possibility of diffuse emissions of methane from the anaerobic digester. The RD contains a condition obliging the licensee to prepare and implement a programme for the identification and reduction of diffuse emissions from the anaerobic digester and associated plant and to have in place a stand-by flare to ensure that in the event of a breakdown of the gas-fired boiler, methane produced by the anaerobic digester will continue to be combusted rather than released to air (Condition 6).

### 6.1.3 Dust

Dust may arise from the expulsion of warm air from ventilation systems on-site, vehicle movements, removal of organic fertiliser, filling of meal storage bins and the loading and unloading of animals during periods of dry weather. Pigs are and will be housed on fully slatted floors, therefore negating the need for a bedding material, and consequently limiting dust from bedding. Minimal dust impact may occur locally within the installation boundary during site operations.

No complaints or submissions were received in relation to dust for this site by the Agency, HSE, or by the licensee.

The licensee has stated that good housekeeping at the installation and keeping the concrete surface in a clean condition will minimise dust from the installation.

The RD specifies the following to prevent the generation and emission of dust:

- To use one or a combination of the techniques listed in BAT 11 to prevent or reduce dust emissions from the pig houses (Condition 6).

Dust is not expected to be a significant issue beyond the installation boundary.

### 6.1.4 Odour

The animal houses will be cleaned at the end of each batch, with the slurry removed from below the houses on a frequent basis via a vacuum system to the covered slurry stores. Houses will be stocked at optimum levels and adequately ventilated, to minimise odour emissions. The techniques described in the section on ammonia will also serve to minimise odour production at the installation.

Three submissions from local residents in relation to odour have been received outlining that odour from the installation is causing nuisance. In addition, the OEE received seven complaints from two residents between 2018 and 2020 in relation to odour.

The licensee has provided an odour management plan (OMP) for the installation which addresses the sources of odour and mitigation measures to minimise odours. As part of the OMP, the licensee completed a Baseline Odour Assessment in which it was noted that:

- Strong persistent pig slurry odours were detected around the aboveground slurry stores and at one of the fattening houses. These odours were attributed to a slurry spillage in this area on the previous day.
- Moderate and intermittent pig slurry odour was detected at the fattening house on the eastern boundary.
- No odours were detected at the other pig houses on-site.

The licensee has proposed the following measures to reduce odour emissions from the installation:

- Covering of the external slurry store and proposed external digestate store.
- Frequent removal of slurry to the anaerobic digester or aboveground slurry store.
- Feeding low protein diets.
- Addition of an odour control agent, 'Active NS', to slurry, which the licensee states can reduce both ammonia and odour emissions.
- Weekly on-site odour assessments by staff.

The licensee no longer proposes the installation of a carcass incinerator on-site.

The RD specifies the following odour control conditions:

- That odour from the activity shall not result in an impairment of, or an interference with amenities or the environment beyond the installation boundary (Condition 5).
- To use a diet formulation and nutritional strategy to reduce the total nitrogen and phosphorus excreted, as per BAT 3 and BAT 4 (Condition 6).
- To use a combination of the techniques listed in BAT 13 to prevent/reduce odour emissions/impact from the site (Condition 6).
- That the licensee carries out an odour survey of the site operations weekly and in response to any complaint received (Condition 6).
- That the licensee maintains and implements an odour management plan and incorporates it into the Environment Management System (EMS) for the installation, as per BAT 12 (Condition 6).
- The odour management plan shall be reviewed annually (Condition 6).
- Should odour become an issue on-site, the RD includes a condition whereby the licensee can be required to reduce stock or install abatement to reduce odour emissions (Condition 6).
- That carcasses stored on-site will be stored in covered leak-proof containers and transported off-site in covered, leak proof containers at least fortnightly (Condition 8).

### 6.1.5 Ammonia

The report "*Ireland's Informative Inventory Report 2024*"<sup>1</sup> (EPA, 2024) identifies agriculture as the primary contributor (99.4%) of Irish ammonia emissions in 2022, emitting a total of 128.64 kilotonnes (kt) of ammonia in that year. According to that report, ammonia emissions from the pig sector in 2022 accounted for 6.1 kt. The Department of Agriculture, Food and the Marine (DAFM) has published a '*Code of Good Agricultural Practice for reducing Ammonia Emissions from Agriculture*'<sup>2</sup>, as required by the National Emission Ceiling Directive (NECD). This installation will emit approximately 11 tonnes of ammonia per annum.

Ammonia emissions from this activity could have the potential to impact sensitive receptors in the vicinity of the installation. The Agency screened the impact of ammonia emissions and nitrogen deposition at European sites using a screening model (SCAIL Agriculture<sup>3</sup>) which indicated potentially elevated ammonia emissions and nitrogen deposition. The model results indicated the potential for the pig rearing process to contribute to ammonia emissions and nitrogen deposition at European sites. The SCAIL Agriculture screening model is conservative. The screening was based on standard animal housing and did not include the use of mitigation measures on-site.

This licence review is for a number of upgrades to the site, which will lead to improved environmental standards and efficiencies and a reduction in ammonia emissions. The Agency has issued a guidance document to assist applicants and licensees in undertaking an assessment of the impacts of ammonia and nitrogen titled "*Assessment of the impact of ammonia and nitrogen on Natura 2000 sites from intensive agriculture installations*" (EPA, May 2021). The potential impact of ammonia on Natura sites was assessed in accordance with the above procedure and it was concluded that ammonia emissions from the proposed changes to the installation will be less than those from the existing installation due to the use of mitigation measures and the licensee's decision not to increase animal numbers above the numbers permitted by the existing licence.

Qualifying interests in European sites will not be negatively affected by the change in ammonia emissions from the installation, due to the reduction in emissions associated with the improvements in slurry management, covering of external slurry stores, and lower protein diets.

The licensee proposed the following to meet the requirements of BAT (BAT 3 (nutritional strategy to reduce nitrogen excretion), BAT 16 (slurry stores), and BAT 30 (reduction of ammonia emissions to air from each pig house):

- Application of nutritional techniques to reduce the amount of nitrogen, and accordingly, ammonia produced by the pigs. BAT 3 requires the licensee to employ at least one of a number of techniques to reduce nitrogen emissions from the animals.

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<sup>1</sup> [https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/IIR\\_Ireland\\_2024v1.pdf](https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/IIR_Ireland_2024v1.pdf)

<sup>2</sup> <https://www.gov.ie/en/publication/9a6c6-code-of-good-agricultural-practice-for-reducing-ammonia-emissions-from-agriculture/>

<sup>3</sup> SCAIL Agriculture is a web-based screening tool available at <http://www.scail.ceh.ac.uk/>

- The licensee has stated that they will reduce the crude protein content of the animal feed. According to the BREF document for this sectoral CID, for each 1% decrease in the protein content of animal feed, ammonia emissions can be decreased by 5-15%. (Condition 6).
- Multiphase feed will also be used by the licensee. The BREF document details various reductions when compared to single phase feeding for both sows (17-22%) and weaners (9-18%) dependent on the number of phases, feed types and growth stage of the animals (Condition 6).
- In order to meet the BAT 30 requirements, the licensee will use the following techniques in the animal houses:
  - the utilisation of a deep pit combined with the above combination of nutritional management techniques in the existing animal houses,
  - frequent slurry removal and transfer to the anaerobic digester or external covered store, and
  - appropriate design and management of slurry storage in the form of reducing the ratio between the emitting area and volume of the slurry stores, by minimising the stirring of slurry, and by covering the slurry stores on-site.

In the absence of any ammonia reducing techniques, this installation would emit approximately 17 tonnes of ammonia per annum. By incorporating the ammonia reducing techniques outlined above, the licensee will achieve significantly reduced ammonia emissions. By applying nutritional and slurry management techniques, ammonia emissions from the installation will be approximately 11 tonnes per annum. The nutritional and slurry management standards and emission factors are specified and required in Conditions 3 and 6, and Schedule B of the RD.

The licensee has stated that the design of the buildings, adherence to good management practices, and implementation of the required mitigation measures will reduce ammonia emissions from the installation. The RD specifies the following additional ammonia minimisation conditions:

- To establish, maintain and implement an Ammonia Management Programme within three months of the date of grant of the licence and, in accordance with BAT 23, undertake an estimation/calculation of the reduction in ammonia emissions from the activity achieved by implementing BAT (Condition 5).
- To use a diet formulation and nutritional strategy to reduce the total nitrogen excreted, as per BAT 3 (Condition 6).
- To use a combination of the applicable techniques listed in BAT 16 to reduce ammonia emissions to air from slurry and digestate stores (Condition 6). The techniques specified are a reduction of the ratio between the emitting surface area and the volume of the slurry store, minimisation of the stirring of slurry, and having rigid or flexible covers in place.
- To use one or a combination of the applicable techniques listed in BAT 30 to reduce ammonia emissions to air from each pig house (Condition 6).
- To complete an estimation of ammonia emissions from the houses in accordance with BAT 25 (Schedule C).

The emission limits in Schedule B.1 are in accordance with those set out in the CID.



The potential for ammonia emissions from the landspreading of pig slurry is covered in the Organic Fertiliser section later in this report.

## 6.2 Emissions to Water and Ground

### 6.2.1 Emissions to Surface Waters

There are no direct process emissions to surface waters from this activity.

### 6.2.2 Emissions to ground/groundwater

There are no direct process emissions to ground/groundwater from this activity. The licensee states in the application that there has been no historical contamination of groundwater at the site.

### 6.2.3 Other emissions to ground/groundwater

There is an existing septic tank and percolation area. The RD includes a standard condition which requires the licensee to provide and maintain a waste water treatment plant for the treatment of sanitary effluent and that the waste water treatment system and percolation area shall satisfy the criteria set out in the *Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (Population Equivalent ≤ 10)* (2009) published by the EPA.

## 6.3 Storm water discharges

Storm water arises on-site from rainwater collected from clean yards and from the roofs of buildings. All clean storm water is diverted away from soiled areas of the site by a storm water collection system around each house and is diverted by gravity for discharge via a single, existing discharge point (SW-1) into a field drain on the southern boundary of the site. This discharge point will be relocated to accommodate new plant associated with the anaerobic digester and external slurry store. The discharge point will have a silt trap installed prior to discharge, prior to discharge commencing through the new point.

The table below gives details on installation's storm water discharges to waters, the type of on-site abatement proposed, as well as details of the receiving water.

**Table 6.2: Stormwater discharge point details**

Discharge Reference	Monitored parameters (monitoring frequency)	Abatement	Drainage areas	Discharging to
SW-1	Visual (weekly); COD/BOD (as required by the Agency)	Silt trap	Roofs and clean yards	Field drain >> River Brickey

The drain flows to the River Brickey, which discharges to the Dungarvan Harbour SPA approximately 9.0 km downstream of the installation. The River Brickey currently has a WFD status of 'poor' (waterbody code: IE\_SE\_17B010050). There are no identified drinking water abstraction points on the River Brickey.

The storm water discharged from the installation should be uncontaminated and, therefore, should have no qualitative impact on receiving waters.

The only period during which there is potential for contamination of surface waters is during removal of organic fertiliser (pig slurry) and during the loading or unloading of

animals. Most movement of animals is via covered slatted passages and loading directly on to trailers, which separates clean and soiled waters, minimises the quantity of soiled water produced and keeps yard areas clean. The areas around the animal houses where the loading and unloading occurs will be concreted and designed in such a way that any pig slurry will be diverted to the slurry storage tanks under the houses. All soiled water from the washing of the houses will be diverted to the organic fertiliser storage tanks under the animal houses.

The licensee has stated that the proposed infrastructure, adherence to good management practices, and implementation of the required mitigation measures will mitigate the risk of storm water contamination. The RD requires the following in relation to storm water management:

- That all uncontaminated storm water be diverted to the storm water drainage system (Condition 6).
- That an up-to-date site drainage map be maintained on-site, and that the storm water drainage system be inspected weekly and maintained properly at all times (Condition 6).
- That a rainwater collection and drainage system for all pig houses on-site be provided and maintained (Condition 6).
- That an inspection chamber at the outlet of the storm water drainage system be maintained. (Condition 3).
- That a silt trap be provided and maintained on the existing storm water discharge point within three months of the date of grant of the licence, and that any new storm water discharge points shall be fitted with silt traps in advance of discharge (Condition 6).
- That the storm water discharge is visually inspected weekly and monitored for Chemical Oxygen Demand (COD) or Biological Oxygen Demand (BOD) as required by the Agency, in accordance with Schedule B.5 *Monitoring of Storm Water Discharges*.

The RD contains standard conditions in relation to the storage and management of materials and wastes. The RD also requires that accident and emergency response procedures are put in place. The controls pertaining to accidents and emergencies are addressed in the Prevention of Accidents section later in this report.

#### **6.4 Noise**

The main sources of noise at the installation include the operation of equipment, ventilation systems, the back-up generator, vehicle deliveries/collections, and animals. As mentioned earlier, the nearest third-party residential dwelling is 200 m away.

There has been no history of noise complaints at the installation, and none have been received by the Agency, the licensee or the HSE. No submissions have been received outlining that noise is a cause for concern from the installation.

Noise emissions are primarily minimised by implementing good management practices. Noise conditions and emission limit values, which apply at the noise-sensitive locations, have been included in the RD.

- Noise from the installation shall not exceed the limit values set out in Schedule B.4 *Noise Emissions* of the RD at the noise sensitive locations (Condition 4).
- The use of one or a combination of the techniques listed in BAT 10 to prevent/reduce noise emissions from the site (Condition 6).

- A requirement that a noise survey be carried out of the site operations, as required by the Agency (Condition 6).

In accordance with the EPA document Guidance Note for Noise: *Licence Applications, Surveys and Assessments in relation to Scheduled Activities (NG4)* (2016), the daytime ELV has been changed from 55dB LAeq to 55dB LAr, to allow for corrections for tonal noise, and an evening time ELV has been introduced.

## 7. Waste Generation

Certain wastes are generated on-site as part of the licensable activity. Waste generated on-site will mainly comprises of spent fluorescent tubes, fallen stock (animal carcasses), veterinary/chemical waste containers and general waste. The total quantities estimated to be generated are given in Table 7.1 below. The licensee employs a number of measures at the installation for the prevention and/or minimisation of waste.

**Table 7.1: Estimated waste generation**

<i>Waste Type</i>	<i>Estimated quantity (tonnes) per annum</i>
Animal Carcasses	59.3
General Waste	0.52
Veterinary Waste	0.002

In accordance with the hierarchy specified in the IED, waste generated at the site will, in order of priority, be minimised, be prepared for re-use, recycling, recovery or disposal. Conditions relating to waste management have been included in Condition 8 of the RD. Carcasses are stored temporarily on-site in covered skips, before being transported to an appropriately licensed installation.

A fly and rodent control programme is in place to cover the existing installation. The programme as implemented will be in line with Bord Bia and Department of Agriculture, Food and The Marine requirements.

Condition 3 of the RD requires the licensee to establish, maintain and implement a pest control programme in accordance with relevant DAFM guidelines. These guidelines take account of the requirements of the Campaign for Responsible Rodenticide Use (Ireland).

## 8. Organic Fertiliser

The installation will necessarily generate organic fertiliser (pig slurry, including soiled/wash water). Details are given in Table 8.1 below.

**Table 8.1: Organic fertiliser**

	<i>Organic fertiliser</i>
<i>Quantity produced per annum</i>	19,000 m <sup>3</sup>
<i>Number of storage tanks/stores on-site</i>	18
<i>Total storage capacity on-site (ex. freeboard)</i> <sup>Note 1</sup>	15,562 m <sup>3</sup>
<i>No. weeks storage on-site</i>	42
<i>End use off-site</i>	Landspreading by customer farmers

Note 1: There is an additional 1,771 m<sup>3</sup> of storage in the anaerobic digestate store and the anaerobic digestion tank.

Soiled/wash water is generated by the activity during routine cleaning and at the end of each batch of pig. The farm operates an all in-all out-batch production system. Once the pigs are removed, the houses are washed down, with the resulting wash water being washed through the slatted floors into the tanks below, adding to the total volume of organic fertiliser produced. After washing, the houses are allowed to dry and then disinfectant applied. The wash water may contain insignificant quantities of disinfectant from the previous washing cycle.

Condition 8 of the RD requires that the licensee maintains a record of organic fertiliser sent off-site for use in accordance with the requirements of the Nitrates Regulations<sup>4</sup>. The licensee is required under the licence to submit to DAFM by the 31<sup>st</sup> of December annually details in relation to the quantity of organic fertiliser (pig slurry) exported (Record 3 form) off-site. The record must also be maintained at the installation for inspection by the Agency, Local Authority or DAFM. DAFM may use the record of export of organic fertiliser to identify the recipient of the organic fertiliser and the quantity received.

The Animal By-product (ABP) Regulations<sup>5</sup> impose legal requirements on the licensee, the 'commercial haulier' and the user of the organic fertiliser. These requirements include use of a 'commercial document' to record details required under the regulations. The licensee is required to receive a completed copy of the 'commercial document' from the transporter confirming the final destination.

There will be no landspreading of organic fertiliser conducted and/or permitted within the installation boundary, and consequently there will be no additional ammonia emissions from landspreading activities within the installation boundary. It is important to note that the IE licence relates to the site of the activity for which the licence application is made and does not extend to the lands on which organic fertiliser may be used as fertiliser. The Nitrates Regulations specify when organic fertiliser can be applied to land and the application rates, and these are enforced by the DAFM and Local Authorities.

Under the ABP Regulations, pig slurry is categorised as a category 2 Animal By-product and the options for its disposal/recovery are set out in Article 13 of Regulation 1069/2009, as amended.

The Nitrates Regulations (Article 10(1)) require that a minimum of 26-weeks' storage capacity for organic fertiliser is provided. The pig slurry produced by the animals is contained in the slatted tanks under each animal house or removed to an over-ground slurry store. The areas around the houses will be concreted and designed such that any pig slurry produced here during animal loading and unloading is diverted to the slurry storage tanks under the houses. Pig slurry is removed from the tanks under

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<sup>4</sup> S.I. No. 113 of 2022 European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022.

<sup>5</sup> EU Animal By-Product Regulation (EC) No. 1069 of 2009 and Regulation (EU) No. 142 of 2011, given legal effect by The European Union (Animal By-Product) Regulations 2014 (SI No. 187/2014), laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal By-Products Regulation) as amended.

each pig house directly to tanker and immediately removed off-site. A portion of the pig slurry is removed directly to the anaerobic digester, with the digestate (anaerobically digested slurry) stored in an adjacent above-ground tank.

The licensee has identified 27 farmers who are available to accept organic fertiliser and/or digestate from the installation as fertiliser for their farms (2,531 usable hectares in the surrounding area of County Waterford). The licensee has calculated that these farms have a need for up to 286,888 m<sup>3</sup> organic fertiliser per year based on the nitrogen balance for the farms.

The quantity of nitrogen and phosphorus generated by the activity at the proposed licence capacity is approximately:

- 78,300 kg N per year, and
- 15,300 kg P per year,

based on figures available in the Nitrates Regulations (annual nutrient excretion rates for livestock).

The RD contains the following additional requirements relating to the management of pig slurry:

- To monitor the total nitrogen and phosphorus excreted in manure annually, in accordance with BAT 24 (Condition 6).
- That slurry only be stored under the pig houses or designated manure stores (Condition 8).
- That all storage tanks are integrity assessed at least once every three years (Condition 6).
- That a combination of the techniques listed in BAT 6 be used to reduce the generation of wash water on-site (Condition 6).
- That one or a combination of the techniques listed in BAT 7 be used to reduce the emissions to water from wash water on-site (Condition 6).
- That any organic fertiliser spilled to ground during loading, shall be collected and returned to storage or to the vehicle into which it was being loaded (Condition 8).
- That a freeboard of at least 200 mm from the top of covered organic fertiliser storage tanks and 300 mm from the top of uncovered organic fertiliser storage tanks is maintained, as a minimum, at all times and that this is clearly indicated in the tank (Condition 6).

## 9. Energy Efficiency and Resource Use

The operation of the installation involves the consumption of fuel, electricity and resources. The proposed quantities to be used in a 900-sow integrated unit are given below.

**Table 9.1: Estimated resource usage**

<b>Resource</b>	<b>Quantity per annum</b>
Electricity	792 MWh
Water (on-site and off-site wells)	23,980 m <sup>3</sup>
Water Abstraction registration required:	Yes
Fuel oil	500 m <sup>3</sup> (back-up)
Feed	7000-7500 t

The licensee employs a variety of technologies to maximise the efficient use of energy within the installation, including regular preventative maintenance of equipment, use of energy efficient lighting systems and thermal insulation.

The only source of water for the activity is three wells, two of which are located outside the licensed boundary. The RD requires the licensee to carry out monitoring of the well annually. The installation is located on the Dungarvan groundwater body (IE\_SE\_G\_052), a regionally important karstified aquifer, which has a WFD status of 'good'. In accordance with the European Union (Water Policy) (Abstractions Registration) Regulations 2018 (S.I. No. 261 of 2018) those who abstract 25 m<sup>3</sup> of water or more per day are required to register their water abstraction with the EPA. The licensee has registered the abstraction (ref. R00521).

The RD specifies that the licensee undertake the following in relation to energy and resource efficiency:

- Annual maintenance of the animal house heating systems and the back-up generator (Condition 3).
- To maintain a water meter on all water supplies (Condition 3).
- To use a combination of the techniques listed in BAT 8 (efficient use of energy) and BAT 5 (efficient use of water) (Condition 7).
- To undertake an assessment of the efficient use of resources and energy in all site operations, undertake an energy audit, repeated at intervals as required by the Agency with the recommendations of the audit being incorporated into the Schedule of Environmental Objectives and Targets as outlined in Condition 2 (Condition 7).

## 10. Prevention of Accidents

A certain amount of accident risk is associated with the licensable activity. For this installation, potential accidents and measures for prevention/limitation of consequences are given in the table below.

**Table 10.1: Potential accidents and measures for prevention/limitation of consequences**

<p>Potential for an accident or hazardous/emergency situation to arise from activities at the installation</p>	<ul style="list-style-type: none"> <li>- Surface water and/or ground/groundwater contamination during pig removal and washing.</li> <li>- Surface water and/or ground/groundwater contamination by spillage of organic fertiliser, fuel or other polluting materials.</li> <li>- Surface water and/or ground/groundwater contamination due to leaks from tanks.</li> <li>- Accidental diversion of wash water to storm water drainage system.</li> <li>- Accidental emissions of noise, dust or odour such as to cause nuisance outside the site boundary.</li> </ul>
<p>Preventative/Mitigation measures to reduce the likelihood of accidents and mitigate the effects of the consequences of an accident at the installation</p>	<ul style="list-style-type: none"> <li>- The provision and maintenance of adequate slurry storage facilities.</li> <li>- The storage of potentially polluting liquids in bunded areas.</li> <li>- The provision of concrete aprons around wash water areas.</li> </ul>

	<ul style="list-style-type: none"> <li>- The protection of gas/fuel tanks from accidental damage.</li> <li>- The separation of wash water and clean storm water, with wash water diverted directly to the organic fertiliser storage tanks under the animal houses.</li> </ul>
Additional measures provided for in the RD	<ul style="list-style-type: none"> <li>- The regular visual examination and inspection of the storm water discharge point(s) and storm water drainage system (Condition 6).</li> <li>- The provision of more than 26-weeks organic fertiliser (pig slurry) storage capacity (Condition 3).</li> <li>- Accident prevention and emergency response procedures requirements (Condition 9).</li> <li>- A preventative maintenance programme (Condition 2).</li> </ul>

The risk of accidents and their consequences, and the preventative and mitigation measures listed above, have been considered in full in the assessments carried out throughout this report. It is considered that the conditions of the RD and the mitigation measures proposed will significantly reduce the likelihood of accidental emissions occurring and limit the environmental consequences of such an event should it occur.

## 11. Cessation of Activity

A certain amount of environmental risk is associated with the cessation of any licensable activity (site closure). The licensee has provided a list of measures to be taken in the event of site closure/cessation of activity. These measures are listed in attachment 9.1 of the application form. Condition 10 of the RD requires the proper closure of the activity with the aim of protecting the environment.

### Baseline Report

Where an activity involves the use, production or release of Relevant Hazardous Substances, and having regard to the possibility of soil and groundwater contamination at the site of the installation, the IED requires operators to prepare a baseline report. A baseline screening assessment was undertaken by the licensee, in accordance with Stages 1 to 3 of European Commission Guidance<sup>6</sup>.

The screening assessment determined that, considering the type and quantity of substances used as part of the activity, the location of these substances on the site, in view of the soil and groundwater characteristics, and the measures to be taken to prevent accidents and incidents, the possibility of soil and groundwater contamination

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<sup>6</sup> European Commission Guidance concerning baseline reports under Article 22(2) of Directive 2010/75/EU on industrial emissions.

at the site of the installation is considered to be low. I am satisfied that a full baseline report (stages 4 to 8) is not required.

Nonetheless, upon cessation of the activity, Condition 10 of the RD requires the licensee to take certain measures to ensure that there is, to the satisfaction of the Agency, no remaining risk of environmental pollution at the site.

## 12. Fit and Proper Person

### Technical Ability

The licensee has held a licence issued by the EPA since 2000, P0447-01. It is considered that the licensee has demonstrated the technical knowledge required to operate this installation.

### Legal Standing

Neither the licensee nor any relevant person has relevant convictions under the Environmental Protection Agency Act 1992, as amended, or under any other relevant environmental legislation.

### ELRA, CRAMP and Financial Provision

The licence category and proposed installation were assessed for the requirements of Environmental Liabilities Risk Assessment (ELRA), Closure, Restoration and Aftercare Management Plan (CRAMP) and Financial Provision (FP), in accordance with Agency guidance. Under this assessment it has been determined that ELRA, CRAMP and FP were not required.

### Fit and Proper Conclusion

It is my view that the licensee can be deemed a Fit and Proper Person for the purpose of this review application.

## 13. Submissions

While the main points raised in the submissions are briefly summarised in the table below, the original submission should be referred to at all times for greater detail and expansion of particular points.

The issues raised in the submissions are noted and addressed in this Inspector's Report and the submissions were taken into consideration during the preparation of the Recommended Determination (RD).

**Table 13.1: Submissions summary**

1.	<b>Name &amp; Position:</b> Patrick and Georgina O'Keefe, Residents	<b>Organisation:</b> NA	<b>Date received:</b> 27 April 2021
<b>Issues raised:</b> The submission outlines the odour nuisance experienced by the residents of one of the nearest dwellings to the installation. They state that the odour nuisance has recurred over several years, has been extremely foul and has negatively impacted their ability to have guests to their home or garden, and that attempts to liaise with the licensee have been to no avail. They have previously lodged complaints in relation to the odour with the EPA.			
<b>Agency response:</b>			



	<p>The changes to the installation covered by the licence review no longer propose an increase in pig numbers on-site. The measures proposed to achieve BAT compliance at the installation, namely improvements in slurry management, covering of external slurry stores, and lower protein diets, will reduce odour emissions from the installation and should reduce the potential for odour nuisance for nearby residents. The odour section of this report contains further information.</p>		
2.	<p><b>Name &amp; Position:</b> Phil O'Brien, Resident</p>	<p><b>Organisation:</b> NA</p>	<p><b>Date received:</b> 29 April 2021</p>
	<p><b>Issues raised:</b> The submission is from a third party living near the installation and objects to the licence review on the grounds of odour nuisance and water contamination from the installation.</p> <p><u>Odour nuisance</u></p> <p>The submission describes the impact of odour nuisance from the installation, which has left them unable to open windows or have visitors to their home due to the odour. They state that they have engaged with the licensee in the past regarding the odour, but without observing any improvement.</p> <p><u>Water contamination</u></p> <p>The submission includes water sampling results from the submitter's well, which is their source of drinking water. The results indicate that the water is contaminated with Total Coliforms and E-Coli, both of which are indicative of contamination with faecal matter (slurry or sewage).</p> <p><b>Agency response:</b> With regard to odour nuisance, please see the response to the above submission. The odour section of this report contains further information.</p> <p>The Emissions to Water and Ground and Storm Water Discharges sections cover the potential for the installation to contaminate surface or groundwater and measures taken to prevent this. Landspreading of organic fertiliser occurs outside of the licensed boundary and is carried out in accordance with the Nitrates Regulations and Animal By-product Regulations. This is monitored and controlled by the Department of Agriculture Food and the Marine (DAFM), Department of Housing, Local Government and Heritage (DHLGH) and the Local Authorities (LAs).</p>		
3.	<p><b>Name &amp; Position:</b> Trish Smullen and Clare Glanville, Senior Geologist</p>	<p><b>Organisation:</b> Geological Survey Ireland</p>	<p><b>Date received:</b> 28 June 2021</p>
	<p><b>Issues raised:</b> <i>The submission provided a number of observations in relation to geoheritage, groundwater, landspreading of organic fertiliser, and various datasets available from the GSI.</i></p> <ul style="list-style-type: none"> <li><i>The submission states that there is one County Geological Site (CGS) located close to the poultry site, Ballynameelagh Caves, Co. Waterford. However, they also state that "there are no envisaged</i></li> </ul>		

	<p><i>impacts on the integrity of current CGSs by the proposed development”.</i></p> <ul style="list-style-type: none"> <li><i>The Groundwater Data Viewer indicates a 'Regionally Important Aquifer - Karstified (diffuse)' underlies the piggery. The Groundwater Vulnerability map indicates the area covered is variable. We would therefore recommend use of the Groundwater Viewer to identify areas of High to Extreme Vulnerability and 'Rock at or near surface' in your assessments. The Karst Viewer indicates there are several caves in the vicinity of the piggery.</i></li> </ul> <p><i>If the waste arising from the intensive piggery is being landspread, it should comply with the Licensed Landspreading Groundwater Protection Response and indicated site assessment requirements for the particular groundwater vulnerability, aquifer and source protection area setting, as well as the relevant current EPA guidelines.</i></p> <p><b>Agency response:</b> The Agency notes the comments included in the submission.</p> <p>Landspreading of organic fertiliser occurs outside of the licensed boundary and is carried out in accordance with the Nitrates Regulations and Animal By-product Regulations. This is monitored and controlled by the Department of Agriculture Food and the Marine (DAFM), Department of Housing, Local Government and Heritage (DHLGH) and the Local Authorities (LAs).</p>		
4.	<p><b>Name &amp; Position:</b> Miss Siobhan Murphy, Principal Environmental Health Office</p>	<p><b>Organisation:</b> Environmental Health Department, HSE South - Waterford</p>	<p><b>Date received:</b> 12 August 2021</p>
	<p><b>Issues raised:</b></p> <p><i>The HSE submission is based on a visit to the locality by Ms. Siobhan Murphy, Environmental Health Officer and provides a summary of their findings. The submission makes a number of observations in relation to the licence application. The issues raised include site location, manure, surface/storm water, water supply, waste, odour, noise, dust, pest control, and oil and chemical storage. The HSE also confirmed in their submission that they have not received any complaints relating to the installation to date. The submission refers only to those areas within the remit of the HSE.</i></p> <p><i>Specific recommendations and observations highlighted by the HSE include:</i></p> <ul style="list-style-type: none"> <li><i>If it is proposed to use any groundwater well as a potable water supply for staff or domestic use, the water quality must comply with S.I. No. 278 of 2007 E.C (Drinking Water) Regulations 2007 and routine monitoring must be undertaken as evidence of compliance.</i></li> <li><i>The Environmental Health Service recommends that fallen animals are incinerated as soon as possible and if short term storage is required prior to incineration, storage details (length of time, storage container and storage conditions) must be specified as a condition of the licence.</i></li> <li><i>The incinerator must be constructed to cater for the anticipated moisture content (including fats and oils) of pig carcasses and must be leak proof. Integrity testing and maintenance must be undertaken annually.</i></li> </ul>		

	<ul style="list-style-type: none"> <li>• <i>The Environmental Health Service recommends that an odour monitoring programme is implemented to ensure that fugitive odours cannot be detected at the boundary of the plant.</i></li> <li>• <i>It is noted that there is 'a central open slurry storage tank' at the facility and it is recommended that this unit is secured and that minimal agitation of the slurry contained in this tank is undertaken. It is also recommended that the slurry storage tank is covered or enclosed in order to reduce odours and prevent rainwater ingress and the potential for flooding.</i></li> <li>• <i>Ventilation must be provided to all sheds to avoid the build-up of odours.</i></li> <li>• <i>The EHS recommends that noise emissions from the facility (including from animals, plant and machinery, vents and traffic) is assessed and that limits are specified in the licence.</i></li> <li>• <i>It is recommended that a Pest Control Plan is drawn up for the facility in its entirety.</i></li> <li>• <i>That the integrity of the septic tank is checked annually and that it is emptied a maximum of every five years.</i></li> <li>• <i>Landspreading from the site will have a cumulative effect. Each farm accepting slurry will have to take account of the nature of their own soils and the water table levels on their farms so as to minimise the impact of landspreading on the local environment. Information relating to the movement of organic fertilisers on or off the holding should be maintained and compliance with land spreading requirements as specified in the Nitrates Directive (91/676/EEC) and the National Nitrates Action Programmes (NAP) ensured.</i></li> </ul>		
	<p><b>Agency response:</b></p> <p>The main issues raised in the submission are noted and addressed in the relevant sections of the Inspector's Report.</p> <ul style="list-style-type: none"> <li>• The licensee no longer proposes the installation of a carcass incinerator on-site.</li> <li>• The licensee will minimise agitation of the slurry and the RD requires that the external slurry stores are covered within 6 months of the date of grant of a licence.</li> <li>• Odour and noise are addressed in the relevant sections of this report.</li> <li>• Pest control is addressed in the 'Waste Generation' Section of this report.</li> <li>• The septic tank is addressed in the Emissions to Water and Ground section of this report.</li> <li>• Landspreading of organic fertiliser occurs outside of the licensed boundary and is/will be carried out in accordance with the Nitrates Regulations and Animal By-product Regulations. This is monitored and controlled by the Department of Agriculture Food and the Marine (DAFM), Department of Housing, Local Government and Heritage (DHLGH), and the Local Authorities (LAs).</li> </ul>		
5.	<p><b>Name &amp; Position:</b> Anonymous</p>	<p><b>Organisation:</b> NA</p>	<p><b>Date received:</b> 02 September 2021</p>
	<p><b>Issues raised:</b></p>		

	<p><i>The submission raises concerns about potential odours and emissions of dioxins from the proposed carcass incinerator. They indicate that they believe the carcass incinerator would require planning permission.</i></p> <p><b>Agency response:</b></p> <p>The licensee no longer proposes to install a carcass incinerator on-site.</p>		
6.	<p><b>Name &amp; Position:</b> Mr. Peter Sweetman</p>	<p><b>Organisation:</b> Peter Sweetman and Wild Ireland Defense CLG</p>	<p><b>Date received:</b> 27 October 2022</p>
	<p><b>Issues raised:</b> The submission states that the CJEU has found that compliance with European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2017 (S.I. 605 of 2017) cannot be considered a mitigation measure when conducting an appropriate assessment.</p> <p><b>Agency Response:</b> The submission did not provide a reference to the Court of Justice of the European Union (CJEU) case to which it refers. However, the judgments of the CJEU form part of this review application assessment, as appropriate. The landspreading of organic fertilizer was considered in carrying out AA and regard was had to the regulatory systems in place, i.e. European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022.</p>		
7.	<p><b>Name &amp; Position:</b> Aislinn Byrne</p>	<p><b>Organisation:</b> None stated</p>	<p><b>Date received:</b> 14 December 2022</p>
	<p><b>Issues raised:</b></p> <p><i>The issues raised in the submission are as follows:</i></p> <p><i>"I am objecting to the following applications on the grounds that factory farming, or intensive agriculture, is seriously damaging the environment. The systems currently in place in the respective counties of the applicants are insufficient to deal with the current level of animal agriculture. Approving licenses for additional intensive farming would be wilfully destroying the land and the environment and putting peoples health at risk.</i></p> <p><i>Separately it is cruel to farm animals in this manner. It's raises questions around the health of the animals and and therefore the end product that is being sold to humans. It is putting smaller farmers out of business".</i></p> <p><i>The submission goes on to list by Reg. No., all of the pig and poultry licence applications upon which the submission is to be made.</i></p> <p><b>Agency response:</b></p> <p>The assessment of this application included an Environmental Impact Assessment (EIA), an examination of the submitted Environmental Impact Statement (EIS) and undertaking of an Environmental Impact Assessment (EIA) of the activity. The EIA Directive, among other things, sets down various factors to be considered during the EIA process for project categories such as</p>		

	<p>intensive agriculture developments, and includes impacts on the following factors:</p> <ol style="list-style-type: none"> <li>human beings, fauna and flora,</li> <li>soil, water, air, climate and the landscape,</li> <li>material assets and cultural heritage,</li> <li>the interaction between the factors referred to in points (a), (b) and (c).</li> </ol> <p>The Agency will not grant a licence or revised licence unless it is satisfied that emissions comply with relevant emission limit values and standards prescribed under regulations.</p> <p>The submission also mentions animal cruelty concerns and Ireland has legislation governing animal welfare, which are the responsibility of the Dept. of Agriculture, Food and the Marine (DAFM).</p> <p>The submission also mentions financial implications of intensive farming over "smaller farmers". The viability of a business, including farming, is beyond the scope of the EPA Licensing Process.</p>		
8.	<p><b>Name &amp; Position:</b> Laura Broxson</p>	<p><b>Organisation:</b> National Animal Rights Association</p>	<p><b>Date received:</b> <i>17 December 2022</i></p>
<p><b>Issues raised:</b></p> <p><i>The issues raised in the submission are as follows:</i></p> <ul style="list-style-type: none"> <li><i>The submitter states that the application should be refused as it is "not ethically acceptable to kill or consume any living creature".</i></li> <li><i>The submission states that "Ireland's ammonia emissions have not met EU limits for 7 out of the last 9 years" and that "almost all of Ireland's ammonia emissions come from agriculture". It states that "more than half are located in Monaghan and Cavan, counties already struggling with excess manure".</i></li> <li><i>The submission goes on to include some of the damage that can be caused by ammonia pollution and PM2.5 to the environment and human beings.</i></li> <li><i>It concludes that "for animal rights, human health and safety, and the impact it would have on the environment, these 36 applications need to be refused".</i></li> </ul> <p><i>The submission goes on to list by Reg. No., all of the pig and poultry licence applications upon which the submission is to be made.</i></p> <p><b>Agency response:</b></p> <ul style="list-style-type: none"> <li>The principle of whether it is ethical to consume meat is beyond the remit of the EPA.</li> <li>Ireland is addressing ammonia emissions from the agricultural sector through the implementation of 'Ag Climatise – A roadmap towards Climate Neutrality'. The recommendations of this document, regarding the national reduction of ammonia levels, are considered during the assessment of licence applications.</li> </ul>			

- All intensive agriculture EPA licensed facilities are required to operate to the best available techniques (BAT) standard as specified in the Commission Implementing Decision (CID) for the intensive rearing of poultry or pigs. This includes the requirement to implement techniques for the reduction and control of ammonia emissions.
- Due to the number of intensive agriculture applications/reviews and licences, especially in the Cavan/Monaghan, the EPA published guidance on how applicants should assess the predicted impact of air emissions. This has specific restrictions on applications in the Cavan/Monaghan area.

The assessment of this application included undertaking of an Environmental Impact Assessment (EIA) of the activity. Further information on this can be seen in the 'Ammonia', 'Dust' and 'EIA' sections of this report.

9.	<b>Name &amp; Position:</b> Mr. Peter Sweetman	<b>Organisation:</b> N/A	<b>Date received:</b> 25 March 2023
<p><b>Issues raised:</b> <i>In the submission Mr. Sweetman quotes the following from the Courts of Justice of the European Union judgement for cases C-29317 and C-29417:</i></p> <p><i>1. Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that the grazing of cattle and the application of fertilizers on the surface of land or below its surface in the vicinity of Natura 2000 sites may be classified as a 'project' within the meaning of that provision, even if those activities, in so far as they are not a physical intervention in the natural surroundings, do not constitute a 'project' within the meaning of Article 1(2)(a) of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.</i></p> <p><b>Agency response:</b> Organic fertiliser is something which may be sold to farmers for use on their farms but that ultimate use does not form part of the project in respect of which the Agency was considering a licence application. The spreading of organic fertiliser on farms is regulated by the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2022 (S.I. 113 of 2022) which gives effect to the 5th Nitrates Action Programme (2022 to 2025) published in accordance with the Nitrates Directive. The 5th Nitrates Action Programme was subject to appropriate assessment (as referred to in section 16.5.4 of the Agency's Inspector's report) and a strategic environmental assessment.</p>			
10.	<b>Name &amp; Position:</b> Mr. Peter Sweetman	<b>Organisation:</b> Peter Sweetman and on behalf of Wild Ireland Defence CLG	<b>Date received:</b> 15 June 2023
<p><b>Issues raised:</b> <i>The submission:</i></p>			

- *States that the EPA must assess the disposal of the waste from these developments,*
- *States that the threshold for Appropriate Assessment is set out in Kelly -v-An Bord Pleanála [2014] IEHC 400 (25 July 2014), and*
- *References four CJEU judgements in the context of Article 6 of the Habitats Directive, specifically C-323/17, C-258/11, C-293/17 and C-294/17.*

**Agency response:**

The submitter's reference to "these developments" refers to pig and poultry industrial emissions licence applications.

I am satisfied that I have sufficient information available to complete an Appropriate Assessment Screening, in an appropriate manner, to assess in view of best scientific knowledge and the conservation objectives of the site, if the project individually or in combination with other plans or projects is likely to have a significant effect on a Natura 2000 Site.

The Appropriate Assessment section of this report details the results of the appropriate assessment conducted as part of the licence application. The licensee has provided sufficient information regarding the wastes produced by the activities, as well as their disposal off-site. More information on waste can be found in the waste section of this report.

The submitter quotes Case C-323/17 where the court noted that "*in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site*".

I am satisfied that the screening conducted as part of this application to determine whether or not an Appropriate Assessment was required was consistent with case C-323/17 and did not take into account measures that would mitigate any potential impacts on Natura 2000 sites.

The submitter quotes Kelly -v- An Bord Pleanála [2014] IEHC 400 which references CJEU case C-258/11 where the court noted that in order for a regulatory body such as the Agency to grant approval "*it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned*".

I am satisfied that there is sufficient information available to the Agency to conclude beyond reasonable scientific doubt that emissions and discharges from the proposed project will not have any adverse effects on the integrity of any European site. The Appropriate Assessment section of this report details the results of the appropriate assessment conducted as part of the licence review. The licensee has provided sufficient information regarding the wastes produced by the activity, as well as their disposal off site. More information on waste can be found in the waste section of this report.

The submitter quotes cases C-293/17 and C-294/17 where the court ruled *“Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that the grazing of cattle and the application of fertilisers on the surface of land or below its surface in the vicinity of Natura 2000 sites may be classified as a ‘project’ within the meaning of that provision, even if those activities, in so far as they are not a physical intervention in the natural surroundings, do not constitute a ‘project’ within the meaning of Article 1(2)(a) of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.”*

Organic fertiliser is something which may be distributed to farmers for use on their farms, but that ultimate use does not form part of the project in respect of which the Agency considers a licence application. Ultimately, the location on which landspreading of organic fertiliser from the installation may occur, can vary across and within any given year.

The spreading of organic fertiliser on farms is regulated by the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2022 (S.I. 113 of 2022) which gives effect to the 5th Nitrates Action Programme (2022 to 2025), published in accordance with the Nitrates Directive.

I am satisfied that the appropriate assessment conducted as part of this application is considered in compliance with the rulings of the Courts of Justice of the European Union judgement for cases C-293/17 and C-294/17.

## **14. Consultations**

### **14.1 Cross Office Consultation**

The Industrial & Carbon Emissions Regulation (ICER) and the Office of Environmental Enforcement (OEE) routinely liaise in relation to the licensing of the intensive agricultural sector. This in part has informed the assessment of this application.

I consulted OEE Inspectors Suzanne Breen and Brendan Kissane in relation to this site. The OEE raised some concerns regarding the potential for odour nuisance from the proposed carcass incinerator.

The last site visit by OEE in 2023 raised one non-compliance in relation to an unbunded fuel tank and five observations in relation to contamination of storm water, spills of slurry and animal feed, and monitoring. At the time of the visit, pig numbers as recorded in the stock register were in compliance with the existing licence, P0447-01.

Two other non-compliances were raised in 2023, both in relation to storm water monitoring which had not been carried out as required by the licence. One compliance investigation was raised by OEE for the site in 2020 in relation to the unauthorised construction and operation of the anaerobic digester, which is one of the subjects of this licence review. The proposed carcass incinerator has been withdrawn from the application by the licensee.



## **14.2 Transboundary Consultations**

There were no transboundary consultations undertaken as there were no transboundary impacts identified.

## **15. Appropriate Assessment**

Appendix 2 lists the European sites assessed, their associated qualifying interests and conservation objectives along with the assessment of the effects of the activities on the European sites.

A screening for Appropriate Assessment (AA) was undertaken to assess, in view of best scientific knowledge and the conservation objectives of the site, if the activities, individually or in combination with other plans or projects are likely to have a significant effect on any European Site. In this context, particular attention was paid to the European Sites at Blackwater River (Cork/Waterford) SAC (002170), Dungarvan Harbour SPA (004032), Helvick Head to Ballyquin SPA (004192), Helvick Head SAC (000665), Blackwater Estuary SPA (004028), Glendine Wood SAC (002324), Ardmore Head SAC (002123), and Comeragh Mountains SAC (001952).

The activities are 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 activities, 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 activities was required. This determination has been made in light of the following reasons:

- Air emissions from the installation have the potential for adverse impact on sensitive receptors due to elevated ammonia levels and / or nitrogen deposition at European sites.
- There are potential surface water pathways connecting the installation to European sites, therefore, there is potential for adverse impact of emissions to water and their consequential potential impact on sensitive receptors cannot be ruled out at European sites.

A Natura Impact Statement was received by the Agency on 16 December 2023.

An Inspector's Appropriate Assessment has been completed and has determined, 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 activities, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site, in particular Blackwater River (Cork/Waterford) SAC (002170), Dungarvan Harbour SPA (004032), Helvick Head to Ballyquin SPA (004192), Helvick Head SAC (000665), Blackwater Estuary SPA (004028), Glendine Wood SAC (002324), Ardmore Head SAC (002123), and Comeragh Mountains SAC (001952), having regard to their conservation objectives and will not affect the preservation of these sites at favourable conservation status if carried out in accordance with this RD and the conditions attached hereto for the following reasons:

- The installation is not located within a European site.
- It is proposed that storm water run-off from the roof and paved areas will be

directed into local watercourses.

- There will be no direct emissions to surface waters or groundwater within the installation boundary.
- There is a surface water pathway connecting the installation to one of the European sites, but the site (the Dungarvan Harbour SPA) is 9.0 km downstream of the installation.
- The storm water collection system will include a silt trap on all storm water lines prior to discharge of the storm water from the site.
- The risk of surface water or groundwater contamination because of accidental emissions during washing activities, or spillage from slurry tanks is minimal, given the distance between the activity and a European site.
- It is proposed that slurry and digestate will be applied to farmlands in accordance with the Nitrates Regulations. The licence, if granted, relates to the site of the activity for which the licence application is made, i.e. the rearing of pigs within the installation boundary, and does not extend to the lands beyond the installation boundary on which organic fertiliser may be used.
- Activities which can take place within European sites are restricted by legislation. All persons must obtain the written consent from the relevant Minister before performing particular operations on, or affecting, particular habitats where they occur on lands or waters within the SACs and SPAs.
- The closest European site is approximately 1.0 km away from the installation boundary (Blackwater River (Cork/Waterford) SAC) and is considered outside of the zone of influence of noise emissions arising at the installation.
- The installation is in a rural area where the predominant farming activities involve the rearing of livestock. There are two other licensed intensive agricultural installations within a 5 km radius of the installation. These installations are each required to operate in accordance with the conditions of an EPA licence.
- The licence review is for the re-development of parts of the site. The upgrade of this site and reviewed licence will lead to improved environmental standards and efficiencies.
- Regard has been had to the EPA's Licence Application Guidance (Assessment of the Impact of Ammonia and Nitrogen on Natura 2000 Sites from Intensive Agriculture Installations, Version 1, May 2021) in addition to the online screening tool SCAIL Agriculture as part of this Appropriate Assessment Screening Determination.
- The licensee has proposed a number of mitigation measures which comply with BAT to minimise emissions of ammonia and therefore, nitrogen deposition at the designated sites.
- Emissions of ammonia and nitrogen deposition from the proposed change to the activity will be lower than those from the existing activity due to frequent removal of approximately 50 % of slurry to the anaerobic digester and covering of the external slurry and digestate storage tanks.

In light of the foregoing reasons no reasonable scientific doubt remains as to the absence of adverse effects on the integrity of those European Sites Blackwater River (Cork/Waterford) SAC (002170), Dungarvan Harbour SPA (004032), Helvick Head to

Ballyquin SPA (004192), Helvick Head SAC (000665), Blackwater Estuary SPA (004028), Glendine Wood SAC (002324), Ardmore Head SAC (002123), and Comeragh Mountains SAC (001952).

Regard has been had to the submissions received concerning Appropriate Assessment as detailed in the Submissions section of this report.

## **16. Environmental Impact Assessment**

### **16.1 EIA Introduction**

This application was accompanied by an Environmental Impact Statement (EIS).

The EIS submitted with this application was the same EIS submitted to the Planning Authority as part of planning permission ref. no. 99/57 and was submitted to the planning authority prior to 15 May 2017. Therefore, this assessment is being undertaken in accordance with the requirements of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

As part of this environmental impact assessment, I have carried out an examination, analysis and evaluation of all the information provided by the licensee (including the EIS), the existing licence, Register Number: P0447-02, information received through consultation, the documents associated with the assessments carried out by Waterford City and County Council and the issues that interact with the matters that were considered by that authority and which relate to the activity, written submissions, as well as considering any supplementary information where appropriate. All of the documentation received was examined and I consider that the EIS complies with the provisions of Article 5 of the 2011 EIA Directive when considered in conjunction with the additional material submitted with the application.

I am satisfied that the information contained in the EIS has been prepared by competent experts and that the environmental effects arising as a consequence of the activity have been satisfactorily identified, described and assessed.

Having specific regard to EIA, this Inspector's Report as a whole is intended to identify, describe and assess for the Agency the likely significant direct and indirect effects of the activity on the environment, as respects the matters that come within the functions of the Agency, for each of the following environmental factors: human beings, fauna and flora, soil, water, air, climate, the landscape, material assets and the cultural heritage.

This Inspector's Report addresses the interaction between those effects and the related development forming part of the wider project. The cumulative effects, with other developments in the vicinity of the activities have also been considered, as regards the combined effects of emissions. The mitigation measures proposed to address the range of predicted significant effects arising from the activity have been outlined. This Inspector's Report provides conclusions to the Agency in relation to such effects.

A summary of the submissions made by third parties has been set out above in the 'Submissions' section of this report.

I am satisfied that the public have been given early and effective opportunity to participate in the environmental decision-making procedure.

### **16.2 Consultation with Planning Authorities in relation to EIA**

Consultation was carried out between Waterford City and County Council and the Agency under the relevant section of the EPA Act.

Waterford City and County Council did not provide any observations to the Agency on the licence application and EIS.

### **16.3 Consultation with other competent authorities**

There was no consultation with other competent authorities in relation to this application.

### **16.4 Alternatives**

The matter of alternatives is addressed in Chapter 4 of the EIS. It examines alternative sites, layouts, processes, and management of by-products.

As the sizeable pig houses already exist at the installation, the consideration of an alternative location was deemed not appropriate. Alternative layouts were considered, with the existing layout being chosen as the most efficient and practical layout. In this regard, I consider that the matter of the examination of alternatives has been satisfactorily addressed.

### **16.5 Likely Significant Direct and Indirect Effects**

The likely significant direct and indirect effects of the activities on the following factors as set out in Article 3 of the EIA Directive are considered in this section:

- e) human beings, fauna and flora;
- f) soil, water, air, climate and the landscape;
- g) material assets and cultural heritage;
- h) the interaction between the factors referred to in points (a), (b) and (c).

#### **16.5.1 Human Beings**

##### **Identification, Description and Assessment of Effects**

Human beings are mainly addressed in Chapter 6.0 of the EIS. The potential direct and indirect effects on human beings are associated with emissions to air, dust, odour, noise emissions, emissions to water, waste generation, and accidental emissions. Should emissions exceed environmental quality standards this could have implications for human beings.

The effects identified and described above have been assessed in the following sections of the licence assessment part of this report:

- Emissions to Air;
- Emissions to Water and Ground;
- Noise;
- Waste Generation;
- Organic Fertiliser; and
- Prevention of Accidents.

There is also the potential for accidental emissions to the environment, due to human error or failure of containment infrastructure. Accidental emissions are addressed in the 'Prevention of Accidents' section of this report.

Cumulative effects of the activity in relation to human beings have been assessed and is considered that there is not likely to be a significant cumulative effect from the activity and other activities/developments. There are no likely significant direct, indirect or cumulative effects identified.

### **Mitigation and Monitoring**

Mitigation measures and monitoring in relation to human beings are detailed in the following sections of this report:

- Emissions to Air;
- Emissions to Water and Ground;
- Noise;
- Waste Generation;
- Organic Fertiliser; and
- Prevention of Accidents.

### **Conclusions**

I have examined all the information on human beings, provided by the licensee, received through consultations, written submissions, as well as considering any supplementary information, where appropriate. I am satisfied that the potential effects identified will be avoided, managed and mitigated by the measures identified and through the proposed conditions of the RD. I am, therefore, satisfied that the operation of the activity is not likely to have any unacceptable direct or indirect effects in terms of human beings.

#### **16.5.2 Flora and Fauna**

##### **Identification, Description and Assessment of Effects**

Flora and Fauna are mainly addressed in Chapter 6.3.1 and 6.3.2 of the EIS. The EIS describes the habitats and species at and in the vicinity of the installation. The surrounding land is used as arable land and intensive grassland. The proposed development will occur primarily within the existing footprint of the installation.

There are eight Natura 2000 sites within 15 km of the installation. The licensee also submitted a Natura Impact Statement (Refer to the Appropriate Assessment section of this report).

The potential direct and indirect effects on flora and fauna are related to effects on aquatic flora and fauna and their habitats due to effects on water quality, disturbance to fauna due to noise emissions, and effects due to air emissions (e.g. ammonia emissions and nitrogen deposition). The effects identified and described above have been assessed in the following sections of this report:

- Emissions to Air;
- Emissions to Water and Ground;
- Storm water Discharges;
- Waste Generation;
- Noise;
- Organic Fertiliser; and
- Prevention of Accidents.

There is also the potential for accidental emissions to the environment, due to spillages or human error, which may impact on flora and fauna. Accidental emissions are addressed in the Prevention of Accidents section earlier in this report. Landspreading of organic fertiliser could impact on water quality, however, this occurs outside of the licensed boundary. This must be carried out in accordance with the Nitrates Regulations and Animal By-product Regulations, which are monitored and controlled by DAFM and the Local Authorities (LAs). In addition, the Government's Food Vision 2030 was published in August 2021 and sets out four high level mission statements for the Agri-Food sector. This document proposes more targeted agri-environmental schemes under the next CAP Strategic Plan to protect Ireland's habitats and species from emissions from the agricultural sector. This Agri-Food Strategy (AFS) also included an Appropriate Assessment (AA) which concluded that "the adoption of the AFS would not have significant adverse effects on the integrity of any Natura 2000 sites with the inclusion of the mitigation recommendations."

Cumulative effects of the activity in relation to flora and fauna have been assessed and it is considered that there is not likely to be a significant cumulative effect from the activity and other activities/developments. There are no likely significant direct, indirect or cumulative effects identified.

### **Mitigation and Monitoring**

Mitigation measures and monitoring in relation to flora and fauna are detailed in the following sections of this report:

- Emissions to Air;
- Emissions to Water and Ground;
- Storm Water Discharges;
- Waste Generation;
- Noise;
- Organic Fertiliser; and
- Prevention of Accidents

### **Conclusions**

I have examined all the information on flora and fauna, provided by the licensee, received through consultations, written submissions, as well as considering any supplementary information, where appropriate. I am satisfied that the potential effects identified will be avoided, managed and mitigated by the measures identified and through the proposed conditions of the RD. I am, therefore, satisfied that the operation of the activity is not likely to have any unacceptable direct or indirect effects in terms of flora and fauna.

#### **16.5.3 Soil**

##### **Identification, Description and Assessment of Effects**

Soil is addressed in Chapter 6.2 of the EIS. The installation will be located on a greenfield site in a fertile productive agricultural area. This area has a relatively flat to gently undulating topography similar to a significant part of Co. Waterford and surrounding areas. The proposed developments are primarily within the existing site footprint, with a small portion of land area currently used as arable land also to be utilised. Any potential contamination issues are dealt with in the 'baseline report' section of this report.

The potential direct and indirect effects on soil are associated with emissions to air, emissions to water, and accidental emissions. Should emissions exceed environmental

quality standards this could have implications for soil. The potential effects identified and described above have been assessed in the following sections of this report:

- Emissions to Air;
- Emissions to Water and Ground;
- Organic Fertiliser;
- Waste Generation;
- Prevention of Accidents; and
- Cessation of Activity.

There is also the potential for accidental emissions to the environment, due to spillages or human error, which may impact on soil. Accidental emissions are addressed in the 'Prevention of Accidents' section earlier in this report. Landspreading of organic fertiliser could impact on land or soil, however, this occurs outside of the licensed boundary. This must be carried out in accordance with the Nitrates Regulations and Animal By-product Regulations, which are monitored and controlled by DAFM and the Local Authorities (LAs).

Cumulative effects of the activity in relation to soil have been assessed and is considered that there is not likely to be a significant cumulative effect from the activity and other activities/developments. There are no likely significant direct, indirect or cumulative effects identified.

### **Mitigation and Monitoring**

Mitigation measures and monitoring in relation to soil are detailed in the following sections of this report:

- Emissions to Air;
- Emissions to Water and Ground;
- Organic Fertiliser;
- Waste Generation;
- Prevention of Accidents; and
- Cessation of Activity.

### **Conclusions**

I have examined all the information on soil, provided by the licensee, received through consultations, written submissions, as well as considering any supplementary information, where appropriate. I am satisfied that the potential effects identified will be avoided, managed and mitigated by the measures identified and through the proposed conditions of the RD. I am, therefore, satisfied that the operation of the activity is not likely to have any unacceptable direct or indirect effects on soil.

#### **16.5.4 Water (including Waste Water)**

##### **Identification, Description and Assessment of Effects**

Water is mainly addressed in Chapter 6.1.2 and 6.2 of the EIS. The site is within the Dungarvan groundwater body (IE\_SE\_G\_052), a regionally important, karstified aquifer, which has a WFD status of 'good' and a vulnerability of 'high'.

The site lies within the Colligan-Mahon catchment area and Colligan\_SC\_010 sub-catchment. Storm water from the roof and yard area will discharge via a silt trap to a field drain towards the River Brickey which is approximately 240 m south of the site.

There are no emissions to water from the site. The potential direct and indirect effects on water relate to storm water discharges, and sanitary facility emissions. Should the

emissions/discharges cause an exceedance of Water Quality Standards in the receiving water, this could have potential effects on water quality, aquatic biodiversity and human beings. The effects identified and described above have been assessed in the following sections of this report:

- Emissions to Water and Ground;
- Storm Water Discharges;
- Organic Fertiliser; and
- Prevention of Accidents.

There is also the potential for accidental emissions to water or groundwater to occur. The likelihood of accidental emissions to water is considered low in light of the measures outlined in the 'Prevention of Accidents' section above and in light of the conditions in the RD. This is addressed in Prevention of Accidents section of this report.

The site is in a rural area with most of the developments in the vicinity of the installation being dwelling houses and farmyards. There are two other intensive agriculture EPA licensed installations within 5 km of the installation and no other significant industrial developments. These installations are each required to operate in accordance with the conditions of an EPA licence and none have emissions to surface water. Due to the nature of those activities and the controls in place, it is considered that there will be no significant cumulative effect from the emissions and storm water discharges from the activity and from other activities/developments in the area.

Landspreading of organic fertiliser, which occurs outside of the licensed boundary, could cause pollution of surface waters or groundwater. To prevent this, the application of fertilisers to land is controlled by the Nitrates Regulations. These give legal effect in Ireland to the Nitrates Directive and to our Nitrates Action Programme (NAP) and controls the management and application of livestock manure and other fertilisers. The NAP is required to be reviewed every four years. In 2022, the Department of Housing, Local Government and Heritage undertook an Appropriate Assessment of the current NAP (5<sup>th</sup> NAP 2022-2025), which included a Natura Impact Statement (February 2022) for Irelands NAP and concluded that the NAP would not result in adverse effects on European site integrity either alone or in combination with other plans and programmes.

As mentioned earlier, the AFS sets out four high level mission statements for the sector. One of its mission statements is to become a 'Climate smart, environmentally sustainable Agri-food sector'. This target is underpinned by seven goals one of which, to "Protect High Status Sites and Contribute to Protection & Restoration of Good Water Quality and Healthy Aquatic Ecosystems". The report identified five actions under this goal including protecting water from agricultural pollution and reduce use of agricultural pesticides. Its associated AA concluded "the adoption of the AFS would not have significant adverse effects on the integrity of any Natura 2000 sites with the inclusion of the mitigation recommendations."

The National River Basin Management Plan (2022-2027) was published in September 2024. Over the period of this river basin planning cycle, there are measures being undertaken to meet the environmental objectives of the WFD. These include measures such as implementation of the Nitrates Action Programme (Nitrates Regulations) and associated inspection regime. Targeted monitoring as envisaged under the Plan allied with multi-party enforcement (EPA/LA/DAFM) provides an early warning of potential problems/improvements and of the possible need to adapt the Plan to ensure protection of our waters.



Cumulative effects of the activity in relation to water have been assessed and is considered that there is not likely to be a significant cumulative effect from the activity and other activities/developments. There are no likely significant direct, indirect or cumulative effects identified.

### **Mitigation and Monitoring**

Mitigation measures and monitoring in relation to water are detailed in the following sections of this report:

- Emissions to Water and Ground;
- Storm Water Discharges;
- Organic Fertiliser; and
- Prevention of Accidents.

### **Conclusions**

I have examined all the information on water (including Storm Water) provided by the licensee, received through consultations, written submissions, as well as considering any supplementary information, where appropriate. I am satisfied that the potential effects identified will be avoided, managed and mitigated by the measures identified and through the proposed conditions of the RD. I am, therefore, satisfied that the operation of the activity is not likely to have any unacceptable direct or indirect effects on water.

#### **16.5.5 Noise**

##### **Identification, Description and Assessment of Effects**

Noise is mainly addressed in Chapter 6.1.3 of the EIS. The installation is in a rural location and is 200 m from the nearest sensitive receptor. The potential direct and indirect effects of noise associated with the operation of the activity is the potential to cause nuisance for those living near the activity or to affect noise sensitive species near the site. The effects have been assessed in the 'Noise' section of this report.

There is also the potential for accidental noise emissions. This is addressed in the 'Prevention of Accidents' section of this report.

Cumulative effects of the activity in relation to noise and vibration have been assessed and is considered that there is not likely to be a significant cumulative effect from the activity and other activities/developments. There are no likely significant direct, indirect or cumulative effects identified.

### **Mitigation and Monitoring**

Mitigation measures and monitoring in relation to noise are detailed in the 'Noise' section of this report.

### **Conclusions**

I have examined all the information on noise provided by the licensee, received through consultations, written submissions, as well as considering any supplementary information, where appropriate. I am satisfied that the potential effects identified will be avoided, managed and mitigated by the measures identified and through the proposed conditions of the RD. I am, therefore, satisfied that the operation of the activity is not likely to have any unacceptable direct or indirect effects in terms of noise.

## 16.5.6 Air

### Identification, Description and Assessment of Effects

Air is mainly addressed in Chapter 6.1.4 of the EIS. The potential direct and indirect effects on air are associated with emissions to air of ammonia, dust and odour from the pig housing, and dust from the installation yard. Should emissions cause an exceedance of air quality standards or critical levels/loads, this could have implications for air quality, human health and biodiversity within and beyond the site boundary. General site dust and odour emissions have the potential to impact human beings and cause nuisance.

The effects identified and described above have been assessed in the following sections-of this report:

- Emissions to Air;
- Organic Fertiliser; and
- Prevention of Accidents.

There is also the potential for accidental emissions to the environment. This is addressed in the 'Prevention of Accidents' section of this report.

In relation to cumulative effects, it is noted that there are two EPA-licensed intensive agriculture installations within 5 km of the installation. Emissions to air from these activities have been considered during the licensing process for each of these installations and as they are required to comply with the conditions of their licences, these installations should not have any significant emissions of odour, dust or ammonia under normal operations. In this assessment, it has already been determined that air emissions from the installation will not significantly affect local air quality.

As stated previously, the Agency has issued a guidance document to assist applicants in undertaking an assessment of the impacts of ammonia and nitrogen, including cumulative assessments, titled "Assessment of the impact of ammonia and nitrogen on Natura 2000 sites from intensive agriculture installations" (EPA, May 2021). Improvements on this site (i.e. anaerobic digestion and covering of external slurry stores) will reduce overall ammonia emissions from this installation, leading to a reduced overall cumulative value in the region.

According to *'Ireland's Informative Inventory Report 2024'* (EPA 2024), which contains the most recent data, ammonia emissions in 2022 from the pig sector were 6.1 kt (or 4.8% of Ireland's National emissions). This installation will emit 11 tonnes per annum. In December 2020, the Government issued *'Ag Climatise – A Roadmap towards Climate Neutrality'*. This is a roadmap of actions for agriculture to cut GHG emissions as well as ammonia emissions significantly over the next decade, and up to 2050. The road map lists actions aiming to reduce the cumulative impact of ammonia emissions from the sector as a whole.

As mentioned earlier, the AFS sets out four high level mission statements for the sector one of which is to become a 'Climate smart, environmentally sustainable Agri-food sector'. Another of its seven goals is to develop a climate neutral food system by 2050 and improve air quality. As stated, its associated AA concluded "the adoption of the AFS would not have significant adverse effects on the integrity of any Natura 2000 sites with the inclusion of the mitigation recommendations."

As detailed previously in the 'Emissions to Air' section of this report, Ireland is addressing ammonia emissions (including emissions from landspreading) in

accordance with the NECD and S.I. No. 232/2018, European Union (National Emission Ceilings) Regulations 2018. The Code of Good Agricultural Practice as referred to earlier in this report contains guidelines on topics including *inter alia* low emission spreading and fertiliser management, as well as animal feed and housing.

Approximately 4.0% of the ammonia emissions that originate from landspreading in Ireland come from the pig sector. This equates to 1.1% of Ireland's total ammonia emissions. The organic fertiliser generated by the activity represents a negligible quantity relative to the total quantity of organic fertiliser arising from the livestock sectors in (cattle, sheep, pigs and poultry).

Cumulative effects of the activity in relation to air have been assessed and it is considered that there is not likely to be a significant cumulative effect from the activity and other activities/developments. There are no likely significant direct, indirect or cumulative effects identified.

### **Mitigation and Monitoring**

Mitigation measures and monitoring in relation to air, including ammonia, dust and odour, are detailed in the following sections of this report:

- Emissions to Air;
- Organic Fertiliser; and
- Prevention of Accidents.

### **Conclusions**

I have examined all the information on Air (including ammonia, dust and odour) provided by the licensee, received through consultations, written submissions, as well as considering any supplementary information, where appropriate. I am satisfied that the potential effects identified will be avoided, managed and mitigated by the measures identified and through the proposed conditions of the RD. I am, therefore, satisfied that the operation of the activity is not likely to have any unacceptable direct or indirect effects in terms of Air (including ammonia, dust and odour).

#### **16.5.7 Climate**

##### **Identification, Description and Assessment of Effects**

Chapter 6.3.5 of the EIS addresses Climate. Climate change is a significant global issue which affects weather and environmental conditions (air, water and soil) which consequently affects human beings, material assets, cultural heritage, the landscape and flora and fauna. Climate change is caused by warming of the climate system by enhanced levels of atmospheric greenhouse gases (GHG) due to human activities. GHGs are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), nitrogen trifluoride (NF<sub>3</sub>) and sulphur hexafluoride (SF<sub>6</sub>).

The installation does not operate under a GHG Emissions Permit in accordance with the European Communities (Greenhouse Gas Emissions Trading) Regulations 2012, (S.I. 490 of 2012 and amendments). Therefore, this site is not subject to the European Communities (Greenhouse Gas Emissions Trading) Regulations 2012, (S.I. 490 of 2012 and amendments) (the EU ETS). It is therefore a requirement of the IED to investigate how direct emissions of CO<sub>2</sub> might be minimised.

Indirect emissions of CO<sub>2</sub> may arise due to the use of electricity from the national grid. These emissions are covered under the EU ETS at the generating plant, but the

licensee is also required to address electricity usage as part of energy efficiency management.

The Irish Government approved "Ireland's Climate Action Plan (CAP24)" on 21 May 2024, which is the third annual update to Climate Action Plan 2019 and the second to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021. Anaerobic digestion is specifically mentioned in the Climate Action Plan 2024, with the aim to increasing heat recovery from agri-food residues through a network of anaerobic digestion/biomethane production plants as set out in the National Biomethane Strategy published on 28 May 2024.

The potential direct and indirect effects on climate are associated with storage and spreading of pig slurry (nitrous oxide) and usage of fossil fuels (carbon dioxide).

In relation to cumulative effects, any combustion process will inevitably produce quantities of gases, including GHGs, which have the potential to impact on air quality. However, it is usually the other combustion gases that negatively impact air quality as opposed to the greenhouse gases. In this assessment, it has already been determined that emissions from the installation will not significantly affect local air quality, individually or cumulatively. However, any discussion of GHG emissions must be extended to national and global climate impact.

As part of the non-ETS (Emissions Trading Scheme) sector the GHG emissions from this site are covered by Ireland's commitments under the Effort Sharing Decision (Decision No 406/2009/EC) and the Effort Sharing Regulation (Regulation (EU) 2018/842) from 2021.

Given the small quantity of climate altering substances that could be released from the activity, in a national context, I consider that the impact of any emissions from the installation on climatic considerations should be minimal.

It is considered that the likelihood of accidental emissions occurring which could affect climate is low in light of the measures outlined in the 'Prevention of Accidents' section above and the proposed conditions in the RD. Therefore, there are no likely significant direct, indirect or cumulative effects identified.

### **Mitigation and Monitoring**

Mitigation measures and monitoring in relation to climate are detailed in the following sections of this report:

- Emissions to Air;
- Organic Fertiliser;
- Prevention of Accidents; and
- Energy Efficiency.

Conditions 2 and 7 of the RD deal with energy efficiency matters at the installation.

### **Conclusions**

I have examined all the information on climate provided by the licensee, received through consultations, written submissions, as well as considering any supplementary information, where appropriate. I am satisfied that the potential effects identified will be avoided, managed and mitigated by the measures identified and through the proposed conditions of the RD. I am, therefore, satisfied that the operation of the

activity is not likely to have any unacceptable direct or indirect effects in terms of air and climatic factors.

#### **16.5.7.1 The Landscape**

##### **Identification, Description and Assessment of Effects**

The potential direct and indirect effects on the landscape are described in Chapter 6.1.1 of the EIS. Any disturbance of the landscape has the potential to impact on human beings and their enjoyment of the surrounding area due to visual impacts. These matters are dealt with in the decision of the planning authority to grant planning permission for the developments on-site and are not controlled by the Agency. The planning authority has considered the effects to be acceptable.

The installation is located in a rural, predominantly agricultural area. Emissions from the operation of the activity will not affect the agricultural landscape of the area.

No significant cumulative effects on the landscape have been identified. Therefore, there are no likely significant direct, indirect or cumulative effects identified.

##### **Mitigation and Monitoring**

There are no specific mitigation measures or monitoring proposed in the RD.

##### **The Landscape Conclusions**

These matters are dealt with in the decision of the planning authority to grant planning permission for the developments on-site and are not controlled by the Agency. They have considered the effects to be acceptable.

The RD does not propose to include any additional mitigation measures in relation to landscape.

### **16.5.8 Material Assets and Cultural Heritage**

#### **16.5.8.1 Material Assets (including resource use and waste generation)**

##### **Identification, Description and Assessment of Effects**

Chapter 6.3.7 of the EIS addresses Material Assets, and include information on traffic, transport, agricultural and non-agricultural property, and resources (both natural and others) such as energy and water. Material assets such as roads and traffic and built services are dealt with in the decision of the planning authority to grant permission for the development and are not controlled by the Agency. The planning authority has considered the effect to be acceptable.

The use of natural resources by the activity will not be significant. There are sufficient supplies of electricity and water to serve the requirements of the development. These matters are dealt with in the decision of the planning authority to grant planning permission for the developments on-site. The production of waste by the activity is assessed in the 'Waste Generation' section of this report.

The effects identified and described above have been assessed in the following section of this report:

- Waste Generation; and
- Energy Efficiency and Resource Use.

No significant cumulative effects on material assets have been identified. Therefore, there are no likely significant direct, indirect or cumulative effects identified.

### **Mitigation and Monitoring**

Mitigation measures and monitoring in relation to material assets are detailed in the following sections of this report:

- Waste Generation;
- Energy Efficiency and Resource Use.

### **Material Assets Conclusions**

I have examined all the information on material assets provided by the licensee, received through consultations, written submissions, as well as considering any supplementary information, where appropriate. I am satisfied that the potential effects identified will be avoided, managed and mitigated by the measures identified and through the proposed conditions of the RD. I am, therefore, satisfied that the operation of the activity is not likely to have any unacceptable direct or indirect effects in terms of Material Assets.

Material assets such as roads, traffic and built services are dealt with in the decision of the planning authority to grant planning permission for the developments on-site and they have considered the effects to be acceptable.

The RD does not propose to include any additional mitigation measures in relation to material assets.

### **16.5.8.2 Cultural Heritage**

#### **Identification, Description and Assessment of Effects**

Chapter 6.3.3 of the EIS addresses the potential direct and indirect effects on cultural heritage. Any loss of archaeological or architectural heritage could impact negatively on human beings. These matters are dealt with in the decision of the planning authority to grant planning permission for the developments on-site and are not controlled by the Agency. The planning authority has considered the effect to be acceptable.

There are no buildings or features of architectural significance and no known archaeological features at or near the site of the installation. There is a church 300 m west of the site. It is very difficult to envisage any pathway by which emissions from the operation of the activity could impact any feature which might be present.

No significant cumulative effects on the cultural heritage have been identified. Therefore, there are no likely significant direct, indirect or cumulative effects identified.

### **Mitigation and Monitoring**

There are no specific mitigation measures or monitoring proposed in the RD.

### **Cultural Heritage Conclusions**

These matters are dealt with in the decision of the planning authority to grant planning permission for the developments on-site and are not controlled by the Agency. They have considered the effects to be acceptable.

The RD does not propose to include any additional mitigation measures in relation to cultural heritage.

### **16.5.8.3 Overall Conclusions for Material Assets and Cultural Heritage**

I have examined all the information on material assets and cultural heritage provided by the licensee, received through consultations, written submissions, as well as considering any supplementary information, where appropriate. I am satisfied that the potential effects identified will be avoided, managed and mitigated by the measures identified. I am, therefore, satisfied that the operation of the activity is not likely to have any unacceptable direct or indirect effects in terms of material assets and cultural heritage.

### **16.5.9 Interactions**

Interactions of effects are considered in Chapter 6.3.6 of the EIS. The most significant interactions between the factors as a result of the activity are summarised below.

#### **Human beings, air, and fauna and flora**

Potential effects from emissions to air may impact on human beings, air quality and flora and fauna as demonstrated in the 'Emissions to Air' section above. As demonstrated such effects are considered not to be likely or significant.

#### **Water, soil, and fauna and flora**

Accidental discharges of wash water, slurry or other substances to ground may directly and indirectly affect soil, groundwater quality, surface water quality downstream, aquatic habitats and aquatic flora and fauna. Indirect effects on soil, groundwater quality, surface water quality, habitats and flora and fauna may arise from landspreading slurry which arises from the activity. As demonstrated in the 'Emissions to Water and Ground' section above, such effects are not considered to be likely or significant.

### **Conclusions**

I have considered the interactions between human beings, flora and fauna, land, soil, water, air, climate, material assets, cultural heritage and landscape, and the interaction of the likely effects identified throughout this report. I am satisfied that the potential effects identified will be avoided, managed and mitigated by the measures identified and through the proposed conditions of the RD. I am, therefore, satisfied that the operation of the activity is not likely to have any unacceptable direct or indirect effects in terms of the interaction between the foregoing environmental factors.

## **16.6 Reasoned Conclusion on the significant effects**

Having regard to the examination of environmental information contained above, and in particular to the content of the EIS and supplementary information provided by the licensee, and the submissions from the planning authority and third parties in the course of the application and when supplemented by my assessment as contained in this report, it is considered that the potential significant direct and indirect effects of the activities on the environment are as follows:

- Emissions to air,
- Noise emissions, and
- Accidental leakages or spills.

Having assessed those potential effects, I have concluded as follows:

- Emissions to air will be mitigated through inclusion of abatement (including the use of low protein feed, frequent slurry removal to an external store, and covering of external slurry stores), imposing emission limit values to comply with the CID, and implementing monitoring, maintenance and control measures.

- Noise emissions will be mitigated through imposing daytime, evening-time and nighttime noise limits at noise sensitive locations, and implementing monitoring, maintenance and control measures.
- Accidental leakages or spills will be mitigated through inspection and maintenance of bunds and tanks, and accident and emergency requirements specified in the RD.

Having regard to the effects (and interactions) identified, described and assessed throughout this report, I consider that the monitoring, mitigation and preventative measures proposed will enable the activity to operate without causing environmental pollution, subject to compliance with the RD. The conditions of the RD and the mitigation measures proposed will significantly reduce the likelihood of accidental emissions occurring and limit the environmental consequences of an accidental emission should one occur.

## **17. EPA Charges**

The annual enforcement charge recommended in the RD is €8,497, which reflects the anticipated enforcement effort required and the cost of monitoring.

## **18. Recommendation**

The Agency, in considering an application for a licence or the review of a licence, shall have regard to section 83 of the EPA Act. The Agency shall not grant a licence or revised licence unless it is satisfied that emissions comply with relevant emission limit values and standards prescribed under regulation. In setting such limits and standards, the Agency must ensure they are established based on the stricter of either, or both, the limits and controls required under BAT, and those required to comply with any relevant environmental quality standard. The Agency shall perform its functions in a manner consistent with section 15 of the Climate Action and Low Carbon Development Act 2015 as amended.

The RD specifies the necessary measures to provide that the installation shall be operated in accordance with the requirements of section 83(5) of the EPA Act and has regard to the AA and the EIA. The assessment is consistent with section 15 of the Climate Action and Low Carbon Development Act 2015 as amended. The RD gives effect to the requirements of the Environmental Protection Agency Act 1992, as amended and has regard to submissions made.

I recommend that a Proposed Determination be issued subject to the conditions and for the reasons as drafted in the RD.

Signed



Philip Stack, ICER Inspector

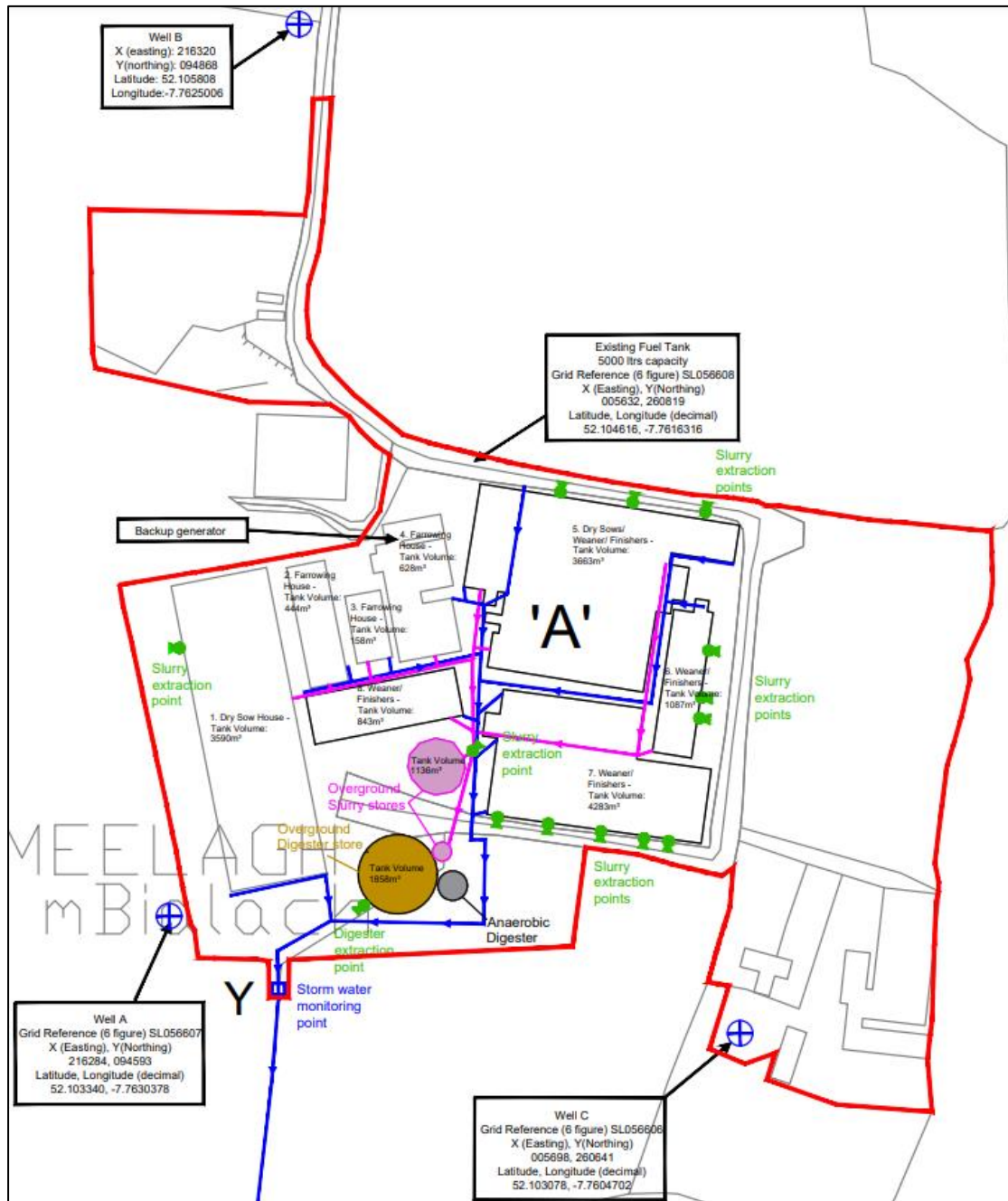


**Procedural Note**

In the event that no objections are received to the Proposed Determination on the application, a licence will be granted in accordance with section 87(4) of the Environmental Protection Agency Acts 1992 as amended, as soon as may be after the expiration of the appropriate period.

## Appendices

### Appendix 1: Maps/Drawings



Excerpt from Drawing No. 100 Rev. 4 'Site Layout' of the application, received by the Agency on 10 January 2024.

## Appendix 2: AA table

Table A2.1: Assessment of the effects of the activities on European sites and proposed mitigation measures.

Site Code	Site Name	Qualifying Interests (* denotes a priority habitat)	Conservation Objectives	Assessment
002170	Blackwater River (Cork/Waterford) SAC	<p><b>Habitats</b></p> <p>1130 Estuaries            1140 Mudflats and sandflats not covered by seawater at low tide            1220 Perennial vegetation of stony banks            1310 Salicornia and other annuals colonising mud and sand            1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)            1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)            3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation            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> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)*</p> <p><b>Species</b></p> <p>1096 Brook Lamprey (<i>Lampetra planeri</i>)            1106 Salmon (<i>Salmo salar</i>)            1421 Killarney Fern (<i>Trichomanes speciosum</i>)            1095 Sea Lamprey (<i>Petromyzon marinus</i>)            1355 Otter (<i>Lutra lutra</i>)            1103 Twaite Shad (<i>Alosa fallax fallax</i>)            1092 White-clawed Crayfish (<i>Austropotamobius</i>)</p>	<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>	<p>The closest part of the site is located 1.0 km to the south of the installation. I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interests for this European Site.</p> <p>I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.</p> <p>The project site is not located within the vicinity of any known breeding site for Brook Lamprey (<i>Lampetra planeri</i>), Salmon (<i>Salmo salar</i>), Killarney Fern (<i>Trichomanes speciosum</i>), Sea Lamprey (<i>Petromyzon marinus</i>), Otter (<i>Lutra lutra</i>), Twaite Shad (<i>Alosa fallax fallax</i>), White-clawed Crayfish (<i>Austropotamobius pallipes</i>), Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>), River Lamprey (<i>Lampetra fluviatilis</i>) at this European site.</p> <p>I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges associated with the changes to the activity from the project site will not cause an impact on the conservation objectives for this European Site.</p>

Site Code	Site Name	Qualifying Interests (* denotes a priority habitat)	Conservation Objectives	Assessment
		<p><i>pallipes</i>)  1029 Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)  1099 River Lamprey (<i>Lampetra fluviatilis</i>)</p>		
004032	Dungarvan Harbour SPA	<p><b>Birds</b>  A130 Oystercatcher (<i>Haematopus ostralegus</i>)  A005 Great Crested Grebe (<i>Podiceps cristatus</i>)  A069 Red-breasted Merganser (<i>Mergus serrator</i>)  A156 Black-tailed Godwit (<i>Limosa limosa</i>)  A143 Knot (<i>Calidris canutus</i>)  A140 Golden Plover (<i>Pluvialis apricaria</i>)  A169 Turnstone (<i>Arenaria interpres</i>)  A162 Redshank (<i>Tringa totanus</i>)  A141 Grey Plover (<i>Pluvialis squatarola</i>)  A048 Shelduck (<i>Tadorna tadorna</i>)  A157 Bar-tailed Godwit (<i>Limosa lapponica</i>)  A149 Dunlin (<i>Calidris alpina</i>)  A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)  A160 Curlew (<i>Numenius arquata</i>)  A142 Lapwing (<i>Vanellus vanellus</i>)</p> <p><b>Habitats</b>  Wetlands</p>	<p>NPWS (2012)  Conservation Objectives:  Dungarvan Harbour SPA  004032. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>The site is located 8.0 km to the east of the installation.</p> <p>I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interests for this European Site.</p> <p>I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to any potential hydrological connectivity of the project site with the European site being in excess of 9 km.</p> <p>The project site is not located within the vicinity of any known breeding site for Oystercatcher, Great Crested Grebe, Red-breasted Merganser, Black-tailed Godwit, Knot, Golden Plover, Turnstone, Redshank, Grey Plover, Shelduck, Bar-tailed Godwit, Dunlin, Light-bellied Brent Goose, Curlew, or Lapwing at this European site.</p> <p>I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges associated with the changes to the activity from the project site will not cause an impact on the conservation objectives for this European Site.</p>
002324	Glendine Wood SAC	<p><b>Species</b>  1421 Killarney Fern (<i>Trichomanes speciosum</i>)</p>	<p>NPWS (2020)  Conservation Objectives:  Glendine Wood</p>	<p>The site is located 11.6 km to the east of the installation.</p>

Site Code	Site Name	Qualifying Interests (* denotes a priority habitat)	Conservation Objectives	Assessment
			<p>SAC 002324. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.</p>	<p>I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interests for this European Site.</p> <p>I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.</p> <p>The project site is not located within the vicinity of any known breeding site for Killarney Fern at this European site.</p> <p>I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges associated with the changes to the activity from the project site will not cause an impact on the conservation objectives for this European Site.</p>
004028	Blackwater Estuary SPA	<p><b>Birds</b> A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A050 Wigeon (<i>Anas penelope</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>) A162 Redshank (<i>Tringa totanus</i>) A160 Curlew (<i>Numenius arquata</i>) A142 Lapwing (<i>Vanellus vanellus</i>) A149 Dunlin (<i>Calidris alpina</i>)</p> <p><b>Habitats</b> Wetlands</p>	<p>NPWS (2012) Conservation Objectives: Blackwater Estuary SPA 004028. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>The site is located 10.0 km to the southwest of the installation.</p> <p>I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interests for this European Site.</p> <p>I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.</p> <p>The project site is not located within the vicinity of any known breeding site for Bar-tailed Godwit (<i>Limosa lapponica</i>), Golden Plover (<i>Pluvialis apricaria</i>), Wigeon (<i>Anas penelope</i>), Black-tailed Godwit (<i>Limosa limosa</i>), Redshank (<i>Tringa totanus</i>), Curlew (<i>Numenius arquata</i>), Lapwing (<i>Vanellus vanellus</i>), and Dunlin (<i>Calidris alpina</i>) at this European site.</p>

Site Code	Site Name	Qualifying Interests (* denotes a priority habitat)	Conservation Objectives	Assessment
				I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges associated with the changes to the activity from the project site will not cause an impact on the conservation objectives for this European Site.
001952	Comeragh Mountains SAC	<p><b>Habitats</b></p> <p>3110 Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)</p> <p>3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation</p> <p>4010 Northern Atlantic wet heaths with Erica tetralix</p> <p>4030 European dry heaths</p> <p>4060 Alpine and Boreal heaths</p> <p>8110 Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani)</p> <p>8210 Calcareous rocky slopes with chasmophytic vegetation</p> <p>8220 Siliceous rocky slopes with chasmophytic vegetation</p> <p><b>Species</b></p> <p>1393 Slender Green Feather-moss (<i>Drepanocladus vernicosus</i>)</p>	<p><i>NPWS (2021) Conservation objectives for Comeragh Mountains SAC [001952]. Generic Version 8.0. Department of Housing, Local Government and Heritage.</i></p>	<p>The site is located 12.5 km to the northeast of the installation.</p> <p>I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interests for this European Site.</p> <p>I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.</p> <p>The project site is not located within the vicinity of any known breeding site for Slender Green Feather-moss (<i>Drepanocladus vernicosus</i>) at this European site.</p> <p>I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges associated with the changes to the activity from the project site will not cause an impact on the conservation objectives for this European Site.</p>
004192	Helvick Head to Ballyquin SPA	<p><b>Birds</b></p> <p>A346 Chough (<i>Pyrrhocorax pyrrhocorax</i>)</p>	<p><i>NPWS (2021) Conservation</i></p>	<p>The site is located 14.6 km to the south and east of the installation.</p>

Site Code	Site Name	Qualifying Interests (* denotes a priority habitat)	Conservation Objectives	Assessment
		A017 Cormorant ( <i>Phalacrocorax carbo</i> ) A188 Kittiwake ( <i>Rissa tridactyla</i> ) A103 Peregrine ( <i>Falco peregrinus</i> ) A184 Herring Gull ( <i>Larus argentatus</i> )	<i>objectives for Helvick Head to Ballyquin SPA [004192]. Generic Version 8.0. Department of Housing, Local Government and Heritage</i>	<p>I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interests for this European Site.</p> <p>I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.</p> <p>The project site is not located within the vicinity of any known breeding site for Chough (<i>Pyrrhocorax pyrrhocorax</i>), Cormorant (<i>Phalacrocorax carbo</i>), Kittiwake (<i>Rissa tridactyla</i>), Peregrine (<i>Falco peregrinus</i>), and Herring Gull (<i>Larus argentatus</i>) at this European site.</p> <p>I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges associated with the changes to the activity from the project site will not cause an impact on the conservation objectives for this European Site.</p>
000665	Helvick Head SAC	<b>Habitats</b> 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 4030 European dry heaths	<i>NPWS (2016) Conservation Objectives: Helvick Head SAC 000665. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</i>	<p>The site is located 15.8 km to the southeast of the installation.</p> <p>I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interests for this European Site.</p> <p>I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.</p> <p>I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges associated with the changes to the activity from the project site will not cause an impact on the conservation objectives for this European Site.</p>

Site Code	Site Name	Qualifying Interests (* denotes a priority habitat)	Conservation Objectives	Assessment
002123	Ardmore Head SAC	<b>Habitats</b> 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 4030 European dry heaths	<i>NPWS (2016) Conservation Objectives: Ardmore Head SAC 002123. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</i>	<p>The site is located 17.6 km to the south of the installation.</p> <p>I am satisfied beyond reasonable scientific doubt that ammonia emissions from the project site will not cause an impact on the qualifying interests for this European Site.</p> <p>I am satisfied beyond reasonable scientific doubt that storm water discharges will not cause an impact on this European Site due to the lack of hydrological connectivity of the project site with the European site.</p> <p>I am satisfied beyond reasonable scientific doubt that ammonia emissions or storm water discharges associated with the changes to the activity from the project site will not cause an impact on the conservation objectives for this European Site.</p>



### Appendix 3: Relevant Legislation

The following European instruments which have been transposed into Irish legislation are regarded as relevant to this application assessment and have been considered in the drafting of the Recommended Determination.
National Emissions Ceilings Directive (2016/2284)
Industrial Emissions Directive (IED) (2010/75/EU)
Environmental Impact Assessment (EIA) Directive (2011/92/EU as amended by 2014/52/EU)
Habitats Directive (92/43/EEC) & Birds Directive (79/409/EC)
Water Framework Directive [2000/60/EC]
Waste Framework Directive (2008/98/EC)
Air Quality Directives (2008/50/EC and 2004/107/EC)
Groundwater Directive (80/68/EEC) and 2006/118/EC
Environmental Liability Directive (2004/35/CE)
Regulation (EC) No 1069/2009, as amended (Animal By-products Regulation) and Regulation (EC) No 142/2011
Nitrates Directive (91/676/ EEC)
Energy Efficiency Directive (2018/2002/EU)

### Appendix 4: Other CIDs/BREF/BAT documents relevant to this assessment

Commission Implementing Decisions	Publication Date
COMMISSION IMPLEMENTING DECISION of 15 February 2017 establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the intensive rearing of poultry or pigs (2017/302/EU)	February 2017
Sectoral BREF	Publication date
Reference Document on the Best Available Techniques for the Intensive Rearing of Poultry or Pigs	July 2017
Horizontal BREF	Publication date
Reference Document on the Best Available Techniques on Emissions from Storage	July 2006
Reference Document on the Best Available Techniques for Energy Efficiency	February 2009