

Signed: 

Date: 24th October 2024

 Environmental Protection Agency <i>An Ghniamhaireacht um Chaomhnú Comhshaoil</i>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
REPORT OF THE TECHNICAL COMMITTEE ON OBJECTIONS TO PROPOSED DETERMINATION	
TO: Directors	
FROM: Technical Committee	INDUSTRIAL & CARBON EMISSIONS REGULATION
DATE: 24 October 2024	
RE: Objection to Proposed Determination for Mullan Poultry Products Limited, Drumturk, Emyvale, County Monaghan, IEL Reg: P1157-01	

Application Details	
Classes of Activity (under EPA Act 1992 as amended):	6.1 (a) The rearing of poultry in installations where the capacity exceeds 40,000 places.
Licence application received:	20 July 2021
PD issued:	29 August 2024
First party objection received:	1
Third Party Objection received:	0

Company

The licence application relates to a proposed 90,000-place poultry (broiler) farm at Drumturk, Emyvale, County Monaghan.

The licence application P1157-01 was received by the Agency on 20 July 2021. The application was for a proposed expansion of an activity for the rearing of poultry (broilers). The capacity of the existing farm is 39,400 birds in one poultry house. The proposal was for an increase to 90,000 birds in two houses.

There were eight submissions received in relation to the application and these were considered by the Board at PD stage.

Consideration of the Objection

The Technical Committee, comprising of Zara Cleere (Chair) has considered all of the issues raised in the objection and this report details the Committee's comments and recommendations following the examination of the objections and the documents associated with the industrial emissions licence application.

This report considers the first party objection received.

The objections raised are summarised below. However, the original objection should be referred to for greater detail and further expansion of particular points.

First Party Objection

The applicant has made one main point of objection relating to the Agency's assessment and interpretation of the application regarding compliance with Licence Application Instruction Note 1 (IN1) *Assessment of the Impact of Ammonia and Nitrogen on Natura 2000 sites for Intensive Agriculture Enterprises*, hereafter referred to as IN1. IN1 was updated in March 2023, as part of a regular review.

The point of objection is dealt with below.

A. Refusal to grant Industrial Emissions Licence (P1157-01)

The applicant objects to the Agency's decision not to grant a licence for the proposed development outlining that it considers the Agency to have misinterpreted the above-mentioned guidance (IN1) in making this decision.

The applicant outlines that the Agency's interpretation is that, in order for emissions from the existing activity to be considered, the installation must be existing and operational prior to the implementation date of IN1 (May 2021), a proviso the applicant considers is not detailed or implied in IN1.

The applicant considers the licence application to be in compliance with IN1 in that it complies with Step 6, the requirement to 'Demonstrate that emissions overall from the new installation will be less than those from existing'.

The applicant states that the licence application is for the expansion of an existing farm in line with planning permission granted and quotes from the Inspectors Report:

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

The applicant states that, as detailed in their application form, they have committed to low emission housing which would result in a reduction of ammonia emissions from the development and this is in keeping with Step 6 of IN1.

The applicant discusses that IN1 details conflicting information which indicates how proposed/expanded installations should be accounted for when assessing a licence application. IN1 states:

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

The applicant explains that their understanding is that there is no time limit or cut off point in IN1 and that they have demonstrated that the proposed expanded development would reduce ammonia emissions from the farm to below the currently existing levels. They go on to explain that this being the case, when an assessment is carried out in combination with the existing installation (as per Step 6 of IN1) the proposed development could only reduce potential impacts on Natura 2000 sites.

The applicant outlines that IN1 acknowledges the presence of and takes into account intensive agriculture installations (IAIs) both above and below licensing thresholds that are not yet (fully) operating. The applicant goes on to state that 'at no point are dates attached to this consideration as would be implied in the IR'.

It is the applicant's opinion that:

- Ammonia reduction would be achieved by granting the licence for the proposed development.
- The proposed development complies with Step 6 of IN1 and reduces the overall ammonia emissions.
- There is no implementation date in IN1 applicable to this licence application.

Technical Committee's Evaluation:

The TC notes the applicant's objection and comments in relation to the Agency's assessment of the licence application regarding IN1.

This licence application was refused on the basis that the applicant did not demonstrate that the qualifying interest in Slieve Beagh SPA, i.e. Hen Harrier (*Circus cyaneus*), will not be adversely affected by ammonia emissions from the installation.

The licence application was submitted after the publication of IN1, a guidance document on ammonia and nitrogen emissions from intensive agriculture installations (IAIs).

IN1, published in May 2021, outlines the requirements for assessing the environmental impact of ammonia and nitrogen emissions, particularly within 10 km of designated Natura sites Slieve Beagh SPA (004167), Kilroosky Lough Cluster SAC (001786), Lough Oughter SAC (000007) and Lough Oughter SPA (004049). The proposed installation is approximately 9 km from Slieve Beagh SPA (004167).

At Slieve Beagh SPA the critical ammonia level is $3 \mu\text{g}/\text{m}^3$, but background levels are already higher at $4.39 \mu\text{g}/\text{m}^3$. Similarly, nitrogen levels exceed critical loads at this site, the critical load for nutrient nitrogen is $10 \text{ kg N}/\text{ha}/\text{yr}$ but the background level is $11.06 \text{ kg N}/\text{ha}/\text{yr}$. The applicant did not provide sufficient data, particularly detailed modelling, to show that their emissions, in combination with others, would not worsen these conditions.

While the applicant obtained planning permission before the publication of IN1, they failed to confirm the date of stocking of the existing poultry house or provide evidence of same. It is the TCs opinion that in the absence of any confirmation that the installation was fully operational prior to the publication of this instruction note, the background levels for ammonia and nitrogen would not account for emissions from the installation, as background levels apply from 2018. If the installation was not operational at this time, the granting of a licence would not represent a reduction in ammonia emissions from the installation compared with May 2021 emissions.

The applicant did not submit any detailed modelling including cumulative impact assessments, as requested by the Agency. Given the background levels for ammonia and nitrogen are already seen to be exceeded at Slieve Beagh SPA and there are an estimated 53 licenced sites and 141 unlicensed sites within 10 km of the SPA, a comprehensive in-combination assessment would be required.

Furthermore, with regard to the assertion in the objection that reduced emissions at the installation must lead to reduced impacts on Natura 2000 sites, this is not necessarily true as dispersion from the expanded site may be different from the existing dispersion pattern.

The TC recommends upholding the decision to refuse Industrial Emissions Licence No. P1157-01 on the basis that the applicant did not demonstrate that the qualifying interest in Slieve Beagh SPA, i.e. Hen Harrier (*Circus cyaneus*), will not be adversely affected by ammonia emissions from the installation.

Reason for Decision:

The TC has reached its conclusion on the basis of the following consideration:

- In the interest of the protection of the environment, in particular Slieve Beagh SPA, from ammonia levels and nitrogen deposition loads that exceed critical levels and critical limits.

Technical Committee's Evaluation:

The Technical Committee wish to clarify that any objection or submission on objection made to the Agency in relation to a licence application, can only be made to the Proposed Determination, as approved by the Board of the Agency. Therefore, the points raised by the objectors in relation to the IR report have been taken in to consideration when evaluating objections in this Technical Committee Report but are not discussed in detail in this report.

Appropriate Assessment – Technical Committee Review

The TC has reviewed the Inspector's Appropriate Assessment in the Inspector's Report and, taking into account all objections received, and the content of this TC report, the TC is satisfied that the Inspector's Report provides an adequate examination and evaluation of the effects of the activity on the European Sites concerned, Slieve Beagh SPA (Site Code: 004167), Slieve Beagh – Mullaghfad–Lisnaskea SPA (Site Code: UK9020302), Slieve Beagh SAC (Site Code: UK0016622) and Magheraveeley Marl Loughs SAC (Site Code: UK0016621), in the light of their conservation objectives.

Overall Recommendation

It is recommended that the Board of the Agency do not grant a licence to the applicant

- (i) for the reasons outlined in the proposed determination and
- (ii) subject to the reasons set out in this report.

Signed



Zara Cleere

for and on behalf of the Technical Committee