

***This Report has been cleared for submission to the Director by Senior Inspector Niamh O Donoghue.***

**Signed:** 

**Date: 29/11/2024**



## OFFICE OF ENVIRONMENTAL SUSTAINABILITY

### INSPECTOR'S REPORT ON AN INDUSTRIAL EMISSIONS LICENCE APPLICATION, LICENCE REGISTER NUMBER P1183-01

<b>TO:</b>	DIRECTOR
<b>FROM:</b>	Philip Stack, Industrial and Carbon Emissions Regulation (ICER), Inspector
<b>DATE:</b>	29 November 2024
<b>Applicant:</b>	O'Connell Poultry Farms Limited
<b>CRO number:</b>	515665
<b>Location/address:</b>	Ahawilk, Feohanagh, Castlemahon, County Limerick
<b>Application date:</b>	04 May 2022
Class of activity (under EPA Act 1992 as amended):	6.1(a): The rearing of poultry in installations where the capacity exceeds 40,000 places.
Category of activity under IED (2010/75/EU):	6.6(a): Intensive rearing of poultry with more than 40,000 places for poultry.
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: Existing activity for the rearing of poultry (broilers) in an installation with capacity for 76,000 birds.	
Additional information received:	Yes (24 September 2024)
No of submissions received:	Seven
Environmental Impact Assessment required: Yes	Stage 2 Appropriate Assessment required: No
Environmental Impact Assessment Report submitted (EIAR): Yes (04 May 2022)	
Site visit: N/A	Site notice check: 14 May 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).

O' Connell Poultry Farms Limited operates a poultry (broiler) unit at Ahawilk, Feohanagh, Newcastle West, County Limerick. The installation will operate at a capacity of 76,000 broilers, either free-range or conventionally raised, depending on market demand.

**Table 1.1. Application details.**

	Existing	Proposed
Bird type	Broiler (free-range/conventional)	Broiler (free-range/conventional)
Number	76,000	76,000/100,000
No. of poultry houses	4	4

The licence application is for an installation to be operated at a capacity of either 76,000 free-range broilers or 100,000 conventionally raised broilers, and the assessment undertaken is on the basis of these capacities, however, the Recommended Determination (RD) limits capacity to a maximum of 76,000 broilers in line with planning. Of 76,000 free-range broilers, the number is limited to 67,500 until the applicant can demonstrate that nutrient deposition in the range area complies with the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. This is discussed further in section 6.2 below.

The applicant is currently operating the installation at 76,000 conventional places. The EPA's Office of Environmental Enforcement (OEE) were notified that this is above the licensing threshold.

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

## 2 Description of activity

The installation is located in a rural location with most development near the installation consisting of dwelling houses and farmyards. Poultry farming has been carried out on this site since the 1990s. The present enterprise provides part-time employment for the applicant.

The main activities at this installation occur during normal working hours between 06:00 and 20:00. Stock inspections are and will be carried out every day, including weekends and bank holidays and additional essential activities may be undertaken outside of core working hours. The installation will operate in accordance with the requirements of the Department of Agriculture, Food and the Marine, and under the Bord Bia Poultry Products Quality Assurance Scheme (PPQAS).

The process involves the rearing of stock specifically bred for lean poultry meat production, from day old chicks delivered from the hatchery, until they are removed from site and taken to the processing installation (6 – 7 weeks). At the end of each rearing cycle the houses are destocked, and the birds are sold for processing. Following the removal of poultry litter (also termed organic fertiliser), the poultry houses are cleaned and left empty for a period of 1 – 2 weeks, to allow for complete drying after the cleaning process. The houses are then restocked.

The type of broiler house used for this activity is a timber outer skin with a lining of insulation board and mineral wool on an impervious concrete base. The houses are and will be thermally insulated, with a computer-controlled ventilation system and artificial lighting. Automatic feeding and ventilation systems operate on a 24-hour basis. The solid flooring of each broiler house is and will be bedded with wood shavings/chopped straw over its entire area immediately prior to housing each new batch brought from the hatchery. The principal inputs to the operation are bedding, feed, water, veterinary medicines and energy (electricity, diesel for back-up generator, and gas for heating).

The main by-product of poultry rearing is organic fertiliser (poultry litter and wash water). These are discussed in further detail below.

### 3 Planning Status

A number of planning applications have been made by the applicant for the area within the installation boundary.

On 18 October 2018, Limerick City and County Council granted planning permission ref. no. 18/25 for the construction of two new poultry houses, in addition to the two existing poultry houses.

On 14 September 2021, Limerick City and County Council granted planning permission ref. no. 21/469 for the change of site layout and site boundaries previously granted under planning permission ref. no. 18/25. This planning permission limits the number of birds on-site to 76,000.

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

The applicant has submitted the EIAR associated with planning permission 18/25. 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 birds housed on-site to 76,000 broilers as per the capacity specified in the planning permissions granted for the installation. The EIAR prepared in support of the application addressed impacts from 112,000 broilers and, as such, fully addresses the potential impacts from the lower number applied for in the IED licence application.

### 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 activity is likely to have a significant effect on the environment, and accordingly is carrying out an assessment for the purposes of EIA.

Having considered the information provided by the applicant, which satisfies the requirements of Annex II A of the EIA Directive, it has been determined that the activity is likely to give rise to significant effects on the environment by virtue of its nature, size or location. This determination has been made having regard to the following:

The activity exceeds the following threshold in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended:

- 1(e)(i) Installations for the intensive rearing of poultry not included in Part 1 of the above Schedule which would have more than 40,000 places for poultry.

An EIAR was submitted to the Agency as part of the application on 04 May 2022. 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 applicant and is included in Section 4.7 of the application form. Additional conditions have been incorporated

into the RD to address BAT Conclusions and these 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.

#### 6.1.2 Fugitive Emissions

The only fugitive emissions from this sector are dust, odour and ammonia. 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**

Distance from Site	Direction from Site
200 m, 430 m, 460 m	Northwest
230 m	West
300 m, 550 m	Southwest

#### 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. 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, the HSE or the applicant.

The applicant has stated that good housekeeping at the installation 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 animal house(s) (Condition 6).

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

#### 6.1.4 Odour

The potential impact from odour from poultry house odours is minimal as houses are stocked at optimum levels, adequately ventilated, and the litter kept as dry as possible. Odour may arise when removing the organic fertiliser from the houses and when the houses are cleaned; however, this is deemed to be minor because it is removed once in every 6-8 week cycle (approximately seven times per annum) and takes 4-5 hours to completely remove the organic fertiliser from the houses. All organic fertiliser from the houses is and will be removed off-site by a registered contractor.

No complaints or submissions relating to odour have been received by the Agency, the HSE or the applicant. Therefore, odour is not expected to be a significant issue.

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 and reduce odour emissions from the site (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).
- That organic fertiliser shall not be stored in the open pending its collection (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 127.8 kilo tonnes (kt) of ammonia in that year. According to that report, ammonia emissions from the poultry sector in 2022 were approximately 4.9 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 6.7 tonnes of ammonia per annum, including ammonia emitted from free-range areas. The installation will emit approximately 6.1 tonnes if operated as a conventional broiler rearing installation.

Ammonia emissions from this activity may have the potential to impact sensitive receptors in the vicinity of the installation. However, ammonia emissions and nitrogen deposition have been modelled by the applicant, and checked by the EPA, using a screen model (SCAIL Agriculture<sup>3</sup>) and the predicted concentration of ammonia and nitrogen deposition at European sites will not cause an impact on the designated sites (See the Appropriate Assessment section of this report).

Qualifying interests in European sites will not be affected by ammonia emissions from the installation, due to the distance between the installation and the designated sites, the type and physical characteristics of the designated sites, and associated dispersion/mitigation techniques proposed by the applicant.

The applicant 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 one or a combination of the techniques listed in BAT 32 to reduce ammonia emissions to air from each house for broilers (Condition 6).
- To complete an estimation of ammonia emissions from the poultry 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 poultry litter is covered in the Organic Fertiliser section later in this report.

<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/>

## 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

The only emission to ground from the activity will be defecation during the time that the birds have access to the range areas. The Nitrates Regulations<sup>4</sup> will apply to the range area and therefore organic nitrogen application must not exceed 170 kg per hectare. There will be no outdoor access during the first four weeks of the eight-week cycle, and during the second four weeks of the cycle, access is only available for an average of eight hours a day. During this period, approximately 20 % of the birds are outdoors at any one time. Based on this, the applicant has calculated that approximately 5 % of the total volume of organic fertiliser generated by the activity will be deposited in the range area. This equates to an estimated nutrient loading of 120 kg of nitrogen and 45 kg of phosphorus per hectare per annum, once stocked at the proposed 76,000 broilers, which is compliant with the Nitrates Regulations for nitrogen but has the potential to exceed these regulations for phosphorus unless mitigated correctly.

The phosphorus loading of 45 kg per hectare per annum would require approximately five cuts of grass annually to mitigate phosphorus accumulation. As this may not be reasonable to achieve, the Agency has reduced the free-range capacity to 67,500 broilers to lower the nutrient burden. However, the RD provides for the applicant to demonstrate that the soil type in the range area can sustainably support a higher stocking density, allowing for an increase in the free-range capacity subject to the Agency's approval.

When birds are reared under a conventional system, there are no direct process emissions to ground/groundwater from this activity.

The RD requires the applicant to do the following:

- Only allow faecal deposition in the free-range areas where it complies with the Nitrates Regulations (Condition 5).
- Carry out a comprehensive risk assessment to determine the risk posed to ground/groundwater by the free-range aspect of the operation (Condition 6).

### 6.2.3 Other emissions to ground/groundwater

There are no other emissions to ground or groundwater.

## 6.3 Storm Water Discharges

Storm water arises on-site from rainwater collected from clean yards and from the roofs of buildings.

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 three discharge points (SW-1, SW-2 and SW-3) into field drains on the eastern boundary of the site. All of the discharge points will have a silt trap installed prior to discharge. Clean storm water from the roofs of houses 1 and 2 discharges in part to ground via French drains (gravel-filled trench) which run alongside the houses. No storm water from yard areas will discharge to the French drains.

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

**Table 6.2: Storm water discharge point details**

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

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 >> Balliniska Stream >> River Deel
SW-2	Visual (weekly); COD/BOD (as required by the Agency)	Silt trap	Roofs and clean yards	Field drain >> Balliniska Stream >> River Deel
SW-3	Visual (weekly); COD/BOD (as required by the Agency)	Silt trap	Roofs and clean yards	Field drain >> Balliniska Stream >> River Deel

The drains flow to the Balliniska Stream, which joins the River Deel (Newcastlewest) approximately 3.0 km downstream of the installation. The River Deel (Newcastlewest) currently has a WFD status of 'poor' (waterbody code: IE\_SH\_24D020400). There is one identified drinking water abstraction point on the River Deel (Newcastlewest), the Castlemahon W.S. (1900PUB1042\_1), which is approximately 7.1 km downstream of the installation. The site is above the Newcastle West groundwater body (Ref: IE\_SH\_G\_190) which has a Water Framework Status of 'good'.

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 from the poultry houses and when the houses are washed out. All wash water will be diverted to four underground wash water storage tanks. Wash water from the yards at the front of the houses flows into the same collection drains which channel clean storm water to the discharge points; however, during the wash out of the houses, this wash water is diverted to the wash water tanks for storage.

The applicant 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 a rainwater collection and drainage system for all poultry houses on-site be provided and maintained (Condition 6).
- 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 always maintained properly (Condition 6).
- That inspection chambers at the outlets of the storm water drainage system be provided and maintained within three months of the date of grant of the licence (Condition 3).
- That a silt trap be provided and maintained on all existing storm water discharge points 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 wash water is diverted to the wash water storage tanks prior to the commencement of poultry litter removal and washing of the houses, until such time that wash down activities are completed, and that a written procedure and records of this are maintained (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 Storm Water Discharge Monitoring*

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 approximately 200 m away.

Free-range birds will be outside during daylight hours only and confined to the poultry houses during nighttime hours. Feeding activities will only be carried out indoors. The applicant has calculated that birds will be outside of the poultry houses for approximately 20 weeks of the year once stocked at full capacity, there will be approximately 20% of the birds outside at any one time. Birds will be confined to the poultry houses for the entire rearing cycle, when being raised conventionally.

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

Noise emissions will primarily be 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).

## 7 Waste Generation

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

**Table 7.1: Estimated waste generation**

Waste Type	Estimated quantity (tonnes) per annum
Animal Carcasses	5-10
Mixed Waste	< 1
Paper & Cardboard	< 1
Fluorescent Light Tubes	< 0.1

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 and will be 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 and will be extended to cover the expanded site. 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 applicant 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 (poultry litter and wash water). Details are given in Table 8.1 below.

**Table 8.1: Organic fertiliser**

	Wash water	Poultry litter
Quantity produced per annum.	115 m <sup>3</sup>	650-750 tonnes
Number of storage tanks/stores on-site	5	0
Total storage capacity on-site (ex. freeboard)	120.5 m <sup>3</sup>	NA
No. weeks storage on-site	49	0
End use off-site	Landspreading by applicant	Mushroom composting / landspreading via contractor
Contractor Name	N/A	M.J. Kehoe Transport Ltd.
Contractor DAFM No.	N/A	HAC 2340

Condition 8 of the RD requires that the applicant maintains a record of organic fertiliser sent off-site for use on land or for compost production in accordance with the requirements of the Nitrates Regulations<sup>5</sup>. The applicant will be required under the licence to submit to DAFM by the 31st of December annually details in relation to the quantity of organic fertiliser (poultry litter and wash water) 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>6</sup> impose legal requirements on the applicant, 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 applicant will be required to receive a completed copy of the 'commercial document' from the transporter confirming the final destination.

Other than defecation in the range areas, there will be no landspreading of poultry litter conducted or permitted within the installation boundary, and consequently there will be no additional ammonia emissions from landspreading of poultry litter within the installation boundary. Due to the low nitrogen content of wash water, any additional ammonia emissions from landspreading of wash water within the range area is deemed to be negligible. 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.

### 8.1 Organic Fertiliser (Poultry Litter)

Under the ABP Regulations, poultry litter 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.

<sup>5</sup> S.I. No. 113 of 2022 European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022.

<sup>6</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.

Poultry litter must be transported either by the applicant (or staff member) or by a haulier registered with the Department of Agriculture, Food and the Marine. Poultry litter is and will be moved off-site by an approved and registered contractor for use in mushroom compost production, and/or by other customer farmers for use as an organic fertiliser. The DAFM provides detailed Codes of Practice for the handling and use of poultry litter, which includes, amongst other things, disease prevention (poultry litter may cause botulism in cattle on the farm on which it is spread and neighbouring farms).

The application includes a letter from M.J. Kehoe Transport Limited, confirming they will take poultry litter from the installation (details given in Table 8.1 above). The Nitrates Regulations (Article 11(1)) require that a minimum of 26-weeks' storage capacity for organic fertiliser is provided. The applicant is exempt from this storage period once there is a contract in place for the removal of poultry litter by a registered contractor, as set out above. Such exemption is provided in accordance with Article 14(1) of the Nitrates Regulations. Condition 3 of the RD requires compliance with the relevant articles of the Nitrates Regulations, i.e. that either such a contract or the required storage is in place.

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

18,240 kg N per year, and

6,840 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 poultry litter:

- To monitor the total nitrogen and phosphorus excreted in manure annually, in accordance with BAT 24 (Schedule B).
- To inspect the integrity of the floors of all deep litter houses after each wash down, repair any damaged or cracked floors as necessary, and maintain a record of inspections and any necessary remedial actions taken (Condition 6).
- That poultry litter only be stored within the poultry houses (Condition 8).
- 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)

## 8.2 Wash water

Wash water is generated by the activity every 8-10 weeks. Prior to washing, the floors will be brushed to reduce the quantity of poultry litter that could potentially enter the wash water system. 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.

Wash water details are given in Table 8.1 above. The total wash water storage capacity is sufficient to meet the 26-week storage capacity requirement in the Nitrates Regulations.

The wash water is considered suitable for use on land as an organic fertiliser and such use is provided for by the Nitrates Regulations and Animal By-product Regulations.

The applicant intends to apply the wash water to the approximately 7.6 ha range area at the installation. The applicant has demonstrated in the application that the addition of wash water from the installation will not result in a stocking rate above 170 kg organic nitrogen per hectare stocking rate, the maximum specified in the Nitrates Regulations. The estimated total N application rate resulting from defecation by birds in the range area and application of the wash water is approximately 135 kg organic nitrogen per hectare.

The RD contains the following conditions relating to the management of wash water:

- That wash water storage tanks be fitted with high liquid level indicators within three months of the date of grant of this licence (Condition 3).
- That all storage tanks are integrity assessed within three months of date of grant of this licence and before utilisation for proposed tanks, and at least once every three years thereafter (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 a freeboard of at least 200 mm from the top of covered wash water storage tanks and 300 mm from the top of uncovered wash water storage tanks is maintained, as a minimum, at all times and that this is clearly indicated in the tank (Condition 6).
- That the loading and unloading of materials shall be carried out in designated areas protected against spillage and leachate run-off (Condition 8).

## 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 at a capacity of 100,000 birds are given below. As the licence will limit bird numbers to 76,000 broilers, as allowed by planning permissions for the site, the actual quantities of energy and resources used will be smaller.

**Table 9.1: Estimated resource usage**

Resource	Quantity per annum
Electricity	100,000 kWh
Liquified Petroleum Gas	10,000 m <sup>3</sup>
Water (on-site wells)	5,000 m <sup>3</sup>
Water Abstraction registration required:	No
Feed	2,700 tonnes
Kerosene/Diesel	Back-up generator only

The applicant 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 are two on-site wells. The RD requires the applicant to carry out monitoring of the wells annually. The installation is located within the Newcastle West Ground Waterbody (IE\_SH\_G\_190), which currently 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 applicant is not required to register their abstraction.

The RD specifies that the applicant 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 install and 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 and to 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**

Potential accidents and measures to prevent	
Potential for an accident or hazardous/emergency situation to arise from activities at the installation	<ul style="list-style-type: none"> <li>• Surface water and/or ground/groundwater contamination during poultry 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>
Preventative/Mitigation measures to reduce the likelihood of accidents and mitigate the effects of the consequences of an accident at the installation	<ul style="list-style-type: none"> <li>• The provision and maintenance of adequate wash water 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> <li>• The protection of gas/fuel tanks from accidental damage.</li> <li>• The separation of wash water and clean storm water, including diversion of the storm water collection system to wash water holding tanks during cleaning.</li> </ul>
Additional measures provided for in the RD	<ul style="list-style-type: none"> <li>• Integrity assessment and maintenance of the wash water network and poultry house floors as required (Condition 6).</li> <li>• The regular visual examination and inspection of the storm water discharge point(s) and storm water drainage system (Condition 6).</li> <li>• No storage of organic fertiliser (poultry litter) on-site, other than what is in the animal houses during the poultry rearing cycle at the installation (Condition 8) or deposited in the free-range areas.</li> <li>• The provision of more than 26-weeks organic fertiliser (wash water) 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 applicant 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 applicant in accordance with Stages 1 to 3 of European Commission Guidance<sup>7</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 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 applicant 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 applicant has operated a poultry installation at this site for several years. It is considered that the applicant has demonstrated the technical knowledge required to operate this installation.

### Legal Standing

Neither the applicant nor any relevant person has relevant convictions under the EPA Act, 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 applicant can be deemed a Fit and Proper Person for the purpose of this 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> Andrew Curtin, Principal Environmental Health Officer	<b>Organisation:</b> Health Service Executive	<b>Date received:</b> 17 June 2022
	<b>Issues raised:</b> <i>The submission makes a number of observations in relation to the licence application. The topics raised include site location; surface and ground water; soiled water (wash water), poultry litter and waste management; noise; dust and odour.</i>		

<sup>7</sup> European Commission Guidance concerning baseline reports under Article 22(2) of Directive 2010/75/EU on industrial emissions.

The HSE also confirmed in their submission that they have not received any complaints in relation to the existing activity at the installation to date. The submission refers only to those areas within the remit of the HSE.

- The nearest property is owned by the family of the applicant, Mr Patrick O’Connell, and is located approximately 80 m west of the site.
- That the licence includes mitigation and monitoring conditions to ensure that water quality in the River Bunoke is protected from any potential contamination from runoff from the facility.
- That if the on-site well is supplies potable water to a domestic residence, the water supply should be tested annually in order to ensure that the supply does not pose a risk to the health of the users.
- That a record is kept of how frequently wash water tanks are emptied and a record is maintained of the landbank on which organic fertiliser is to be spread and made available to the EPA.
- That wash tanks are integrity tested on an annual basis.
- That poultry litter is not removed during periods of heavy rain.
- That a programme for the inspection and maintenance of ventilation fans is put in place to minimise any potential impact of noise from the ventilation fans on sensitive receptors.
- That further details are provided on how the applicant proposes to prevent an odour nuisance from the poultry farm.

**Agency response:**

- The nearest third-party dwelling is 200 m to the northwest of the installation.
- The RD includes a number of conditions in relation to the protection of water. The ‘Emissions to Water and Ground’ and ‘Storm water discharges’ sections of this report contain more information on this.
- The RD requires annual monitoring of groundwater from the on-site wells.
- The ‘Organic Fertiliser’ section of this report has more information in relation to wash water generated at the installation. The RD includes conditions in relation to wash water storage, tank specifications and integrity testing of wash water tanks.
- Landspreading of organic fertiliser occurs outside of the licensed boundary and is and will be carried out in accordance with the Nitrates Regulations and Animal By-Product Regulations. This is enforced by the DAFM and the Local Authorities. The RD includes conditions in relation to handling and storage of poultry litter on-site.
- Odour and noise are addressed in the relevant sections of this report. The RD includes conditions in relation to noise and odour from the activity and the implementation of a programme for maintenance of all plant and equipment at the installation.

2.	<b>Name &amp; Position:</b> Mr. Peter Sweetman	<b>Organisation:</b> Mr. Peter Sweetman and Wild Ireland Defense CLG	<b>Date received:</b> 27 October 2022
<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. This application was screened out for appropriate assessment. However, the judgments of the CJEU form part of this application assessment, as appropriate.</p>			
3.	<b>Name &amp; Position:</b> Aislinn Byrne	<b>Organisation:</b> Member of the public	<b>Date received:</b> 14 December 2022
<p><b>Issues raised:</b> The issues raised in the submission are as follows: “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</p>			

*additional intensive farming would be wilfully destroying the land and the environment and putting peoples health at risk.*

*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".*

*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.*

**Agency response:**

The assessment of this application included an Environmental Impact Assessment (EIA) screening, an examination of the submitted Environmental Impact Assessment Report (EIAR) 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 intensive agriculture developments, and includes impacts on the following factors:

- (a) population and human health;
- (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- (c) land, soil, water, air and climate;
- (d) material assets, cultural heritage and the landscape;
- (e) the interaction between the factors referred to in points (a) to (d).

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.

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). 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.

4.	<b>Name &amp; Position:</b> Laura Broxson	<b>Organisation:</b> National Animal Rights Association	<b>Date received:</b> 17 December 2022
<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 or not 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>			

	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul> <p>The assessment of this application included the assessment of emissions to air, including ammonia and dust emissions. It also included an Environmental Impact Assessment (EIA), an examination of the submitted Environmental Impact Assessment Report (EIAR) and undertaking of an EIA of the activity. Further information on this can be seen in the ‘ammonia’, ‘dust’ and ‘EIA’ sections of this report.</p>		
5.	<b>Name &amp; Position:</b> Caroline Rowley	<b>Organisation:</b> Ethical Farming Ireland	<b>Date received:</b> 30 December 2022
<b>Issues raised:</b> <p><i>The issues raised in the submission are as follows:</i></p> <ul style="list-style-type: none"> <li>• <i>The submitter cites the Agency’s responsibilities under Section 52(2) of the EPA Act, in relation to the Agency’s need to keep itself informed of policies and objectives of public authorities, of the requirement to have regard for the need for high standard of environmental protection and the requirement to have regard to the need for precaution in relation to potentially harmful effects of emissions.</i></li> <li>• <i>The submission discusses the government’s targets for reducing greenhouse gas emissions under the programme for government, DAFM’s ‘Ag Climatise – A Roadmap towards Climate Neutrality’ (Ag Climatise) and the Climate Action Plan 2023.</i></li> <li>• <i>The submission states, the Programme for Government (inter alia) commits Ireland to an average 7% per annum reduction in overall greenhouse gas emissions from 2021 to 2030 (a 51% reduction over the decade) and to achieving net zero emissions by 2050.</i></li> <li>• <i>It cites the following from the government’s Ag Climatise document: “In total, approximately 80% of the agricultural GHG inventory is related directly to the number of animals and the management of the manure they produce. This roadmap is based on stabilising methane emissions and a significant reduction in fertiliser related nitrous oxide emissions, leading to an absolute reduction in the agricultural greenhouse gas inventory by 2030. Any increase in biogenic methane emissions from continually increasing livestock numbers will put the achievement of this target in doubt”.</i></li> <li>• <i>The submission notes that the Climate Action Plan 2023 emphasises that agriculture is the largest source of Ireland’s emissions (33.3%).</i></li> <li>• <i>The submission notes that the application documents do not appear to model chicken or pig population numbers and therefore appear to assume they remain stable.</i></li> <li>• <i>The submission states that approval of the application is likely to exacerbate Ireland’s ongoing breach of its National Emission Reduction Target relating to ammonia. It again states that the relevant documents do not appear to model pig and poultry populations, and instead appear to assume the populations of these livestock types remain stable.</i></li> <li>• <i>The submission states that the increase in pig or poultry numbers proposed in the application contradicts this assumption, with the resulting increase in greenhouse gases and ammonia increasing the risk of Ireland breaching (a) the greenhouse gas emissions targets to which it has committed and (b) the exacerbating its existing non-compliance with ammonia targets. This amounts to a failure of duty by the Agency and would breach sections 52(2)(a), (b) and (c) of the EPA Act.</i></li> <li>• <i>Ethical Farming Ireland urges the Agency to reject the application.</i></li> </ul> <p><b>Agency response:</b></p> <ul style="list-style-type: none"> <li>• <i>The Agency, in conducting its licence assessments, has regard to the government’s targets for reducing greenhouse gas emissions, the Ag Climatise document, and the Climate Action Plan 2023, as detailed in this report.</i></li> </ul>			



	<ul style="list-style-type: none"> <li>• Issues in relation to climate are discussed in the EIA (Climate) section of this report in terms of Government policy the Climate Action Plan 2023. Energy efficiency is discussed in the Energy Efficiency and Resource Use section of this report.</li> <li>• Ireland is addressing greenhouse gas emissions from the agricultural sector through the implementation of 'Ag Climatise – A roadmap towards Climate Neutrality'. Biogenic methane is primarily associated with ruminants, which produce methane while digesting their food, and not with pigs/poultry, which are a monogastric animal. Greenhouse gas emissions from the installation are discussed further in the EIA (Climate) section of this report.</li> <li>• Ammonia emissions are discussed in the Emissions to Air (Ammonia) and EIA (Air) sections of this report. Regard is given to government policy and national plans.</li> <li>• The EPA has published guidance on how applicants should assess the predicted impact of ammonia emissions from their proposed installation. This application has been assessed in accordance with that guidance document. The site will be required to operate in accordance with its licence requirements including BAT which will ensure minimisation of ammonia emissions. This topic is discussed further in the ammonia section and EIA sections of this report.</li> <li>• The Agency is satisfied that this licence assessment meets the requirements of sections 52(2)(a), (b) and (c) of the EPA Act.</li> </ul>		
6.	<b>Name &amp; Position:</b> Mr Peter Sweetman	<b>Organisation:</b> Mr Peter Sweetman	<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>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 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.</p> <p>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. In 2022, the 5th Nitrates Action Programme was subject to appropriate assessment (as referred to in this Agency's Inspector's Report) and a strategic environmental assessment. In addition, the referenced Courts of Justice ruling stated that "Article 6(3) of Directive 92/43 must be interpreted as not precluding national programmatic legislation which allows the competent authorities to authorise projects on the basis of an 'appropriate assessment' within the meaning of that provision, carried out in advance and in which a specific overall amount of nitrogen deposition has been deemed compatible with that legislation's objectives of protection."</p> <p>The appropriate assessment screening 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-29317 and C-29417.</p>			
7.	<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

**Issues raised:***The submission:*

- 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);
- 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 screening conducted as part of the licence application. The applicant 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 screening conducted as part of the licence review. The applicant 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 screening 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.

### 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.

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 activity, individually or in combination with other plans or projects is likely to have a significant effect on any European Site. In this context, particular attention was paid to the European Sites at the Lower River Shannon SAC (Site Code: 002165), Blackwater River (Cork/Waterford) SAC (Site Code: 002170), Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (Site Code: 004161), and River Shannon and River Fergus Estuaries SPA (Site Code: 004077).

The activity is not directly connected with or necessary to the management of any European Site and the Agency considered, for the reasons set out below, that it can be excluded, on the basis of objective information, that the activity, individually or in combination with other plans or projects, will have a significant effect on any European Site and accordingly determined that an Appropriate Assessment (AA) of the activity was not required.

- In relation to air emissions, the output of the online screening tool SCAIL Agriculture (<https://www.scail.ceh.ac.uk>) predict that ammonia emissions and nitrogen deposition as a result of the activity will not have a significant effect on sensitive receptors within the European Sites listed above.
- 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 closest European site is approximately 4 km away from the installation boundary (Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA) and is considered outside of the zone of influence of noise emissions arising at the installation.
- It is proposed that storm water run-off from the roof and paved areas will be directed into local watercourses. There will be no other direct discharge to surface waters or groundwater within the installation boundary.
- It is proposed that wash water will be applied to farmlands in accordance with the Nitrates Regulations. It is proposed that poultry litter will be transported by a contractor to composting facilities or may be used as an

organic fertiliser on 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 poultry within the installation boundary, and does not extend to the lands beyond the installation boundary on which wash water may be spread or organic fertiliser may be used.

- Given the distance from the installation to European sites and the nature and scale of emissions, it is considered that the activity in combination with other plans or projects will not have a significant effect on European Sites.

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 assessment is being undertaken in accordance with the requirements of Directive 2014/52/EU amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment. The application was accompanied by an Environmental Impact Assessment Report (EIAR).

As part of this environmental impact assessment, I have carried out an examination, analysis and evaluation of all the information provided by the applicant (including the EIAR), information received through consultation, the documents associated with the assessments carried out by Limerick City and County Council and its reasoned conclusion, 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 EIAR complies with the provisions of Article 5 of the 2014 EIA Directive when considered in conjunction with the additional material submitted with the application.

I am satisfied 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: population and human health, biodiversity, land, soil, water, air and climate, the landscape, material assets and cultural heritage.

This Inspector's Report addresses the interaction between those effects. The cumulative effects, with other developments in the vicinity of the activities have also been considered, as regards the combined effects of emissions. In addition, the vulnerability of the activity to risks of major accidents and/or disasters has been considered. 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 Limerick City and County Council and the Agency under the relevant section of the EPA Act. Limerick City and County Council did not provide any observations to the Agency on the licence application and EIAR.

### 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 5 of the EIAR. It examines alternative sites, layout and design, size, processes, and management of by-products. The process chosen offers the applicant the best fit between proposed and existing enterprises.

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 activity on the following factors as set out in Article 3 of the EIA Directive are considered in this section:

- a) *population and human health*
- b) *biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;*
- c) *land, soil, water, air and climate;*
- d) *material assets, cultural heritage and the landscape;*
- e) *the interaction between the factors referred to in points (a) to (d).*

#### 16.5.1 Population & Human Health

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

Population and human health are mainly addressed in Chapter 11 of the EIAR. The potential direct and indirect effects on population and human health are associated with emissions to air, dust, odour, noise emissions, emissions to water, waste generation, and accidental emissions. Should emissions cause an exceedance of environmental quality standards, this could have implications for population and human health.

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 population and human health 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 population and human health 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 population and human health, provided by the applicant, 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 population and human health.

### 16.5.2 Biodiversity

#### Identification, Description and Assessment of Effects

Biodiversity is mainly addressed in Chapter 6 of the EIAR. The EIAR describes the habitats and species at and in the vicinity of the installation. There are 4 Natura 2000 designated sites within approximately 20 km of the application site, the closest being over 4 km away from the installation. The site of the application is typical of the agricultural nature of the surrounding land.

The applicant also submitted an Appropriate Assessment Screening Report (Refer to the Appropriate Assessment section of this report).

The potential direct and indirect effects on biodiversity 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 biodiversity. 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 enforced by DAFM and the Local Authorities. 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 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 biodiversity 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 biodiversity 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 biodiversity, provided by the applicant, 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 biodiversity.

### 16.5.3 Land and Soil

#### Identification, Description and Assessment of Effects

Land and soil are addressed in Chapter 7 of the EIA and in supplementary information submitted in response to a request for further information. The installation has been built on a greenfield site adjacent to the existing farm development. This area has a relatively flat to gently undulating topography similar to a significant part of Co. Limerick and surrounding areas. Land use currently in the development area is improved agricultural grassland. Any potential contamination issues are dealt with in the 'baseline report' section of this report.

The potential direct and indirect effects on land and soil are associated with emissions to air, emissions to water, and accidental emissions and access to range areas. Should emissions cause an exceedance of environmental quality standards, this could have implications for land and 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 land or 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 enforced by DAFM and the Local Authorities.

Cumulative effects of the activity in relation to land and 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 land and 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 land and soil, provided by the applicant, 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 land and soil.

### 16.5.4 Water

#### Identification, Description and Assessment of Effects

Water is mainly addressed in Chapter 12 of the EIAR. The site is above the Newcastle West groundwater body (Ref: IE\_SH\_G\_190) which has a Water Framework Status of 'good' and a vulnerability of 'low'.

The site lies within the Shannon Estuary South catchment area and Deel [Newcastlewest]\_SC\_020 sub-catchment. Storm water from the roof and yard areas will discharge via silt traps to field drain towards the Balliniska Stream which is approximately 400 m east of the site or directly to ground via French drains.

The potential direct and indirect effects on water relate to storm water discharges. Should the discharges cause an exceedance of Water Quality Standards in the receiving water, this could have potential effects on water quality, aquatic biodiversity and human health. 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 nine 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 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/Local Authority/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, Emissions to Water and Groundwater) provided by the applicant, 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 8 of the EIAR. 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 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 applicant, 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 9 of the EIAR. The potential direct and indirect effects on air are associated with emissions to air of ammonia, dust and odour from the poultry 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 health 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 nine 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.

A screening model (SCAIL) was used, which took into account the background levels of ammonia, and it is considered that there is not likely to be a significant cumulative effect on sensitive receptors as a result of the ammonia emissions from the installation and those generated by other activities/developments in the area.

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, March 2023). An earlier version of this guidance document (*Assessment of the Impact of Ammonia and Nitrogen on Natura 2000 Sites from Intensive Agriculture Installations*, Version 1, May 2021) was in use at the time that the AA Screening was conducted, nonetheless the application is in compliance with the current, updated version.

According to '*Ireland's Informative Inventory Report 2024*' (EPA 2024), which contains the most recent data, ammonia emissions in 2022 from the poultry sector were 4.9 kt (or 3.8% of Ireland's National emissions). This installation will emit 6.7 tonnes per annum when operated as a free-range installation and 6.1 tonnes per annum when operated as a conventional broiler installation. 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 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 3.1% of the ammonia emissions that originate from landspreading in Ireland come from the poultry sector. This equates to 0.8% 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 Ireland (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 applicant, 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**

Supplementary information submitted to the Agency in response to a request for further information addresses Climate. Climate change is a significant global issue which affects weather and environmental conditions (air, water and soil) which consequently affects population and human health, material assets, cultural heritage, the landscape and biodiversity. 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 applicant 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.

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

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 applicant, 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 climatic factors.

#### **16.5.8 Material Assets, Cultural Heritage and the Landscape**

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

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

Chapter 13 of the EIAR 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 have significant effects in terms of material assets. 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, and
- Energy Efficiency and Resource Use.

### **Material Assets Conclusions**

I have examined all the information on material assets provided by the applicant, 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 10 of the EIAR 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 three known archaeological features at or near the site of the installation. There are traces of three ringforts 250-300 m north 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 The Landscape

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

The potential direct and indirect effects on the landscape are described in Chapter 11 (visual amenity) of the EIAR. 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.

#### 16.5.8.4 Overall Conclusions for Material Assets, Cultural Heritage and the Landscape

I have examined all the information on material assets, cultural heritage and the landscape provided by the applicant, 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, cultural heritage and the landscape.

#### 16.5.9 Interactions Between Environmental Factors

Interactions of effects are considered in Chapter 14 of the EIAR.

The most significant interactions between the factors as a result of the activity are summarised below.

##### **Population and human health, air, and biodiversity**

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 biodiversity**

Accidental discharges of wash water 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 wash water 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 population and human health, biodiversity, 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.

#### 16.5.10 Vulnerability of the Project to Risks of Major Accidents and/or Disasters

Chapter 11 (major accidents and incidents) of the EIAR describes the expected effects deriving from the vulnerability of the activity to risks of major accidents and/or disasters that are relevant to the activity.

The potential risk of effects from accidents and/or disasters is limited due to the innate nature of the production system and activities on-site. There are no significant high risk/hazardous products used, produced and/or released by the proposed development which would pose a risk outside of the site boundary as a result of any accident/disaster.

The Seveso Directive<sup>8</sup> and Regulations are not applicable at the installation. The risks of accidents associated with the activity are dealt with in the 'Prevention of Accidents' and 'Cessation of Activity' sections of this report. The applicant assessed the vulnerability of the project and determined that due to the nature of the processes on-site,

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<sup>8</sup> Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC.

no significant risks occur and consequently, no specific mitigation measures have been proposed in relation to these effects.

### **Mitigation and Monitoring**

There are no specific mitigation measures proposed in relation to major accidents and/or disasters at the installation.

### **Conclusions**

I have examined all the information on major accidents and/or disasters provided by the applicant, 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 major accidents and/or disasters.

#### **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 EIAR and supplementary information provided by the applicant, and the submissions from the planning authority and third parties in the course of the application, it is considered that the potential significant direct and indirect effects of the activity 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 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, and
- 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 €2,559, 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 Screening 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 EPA Act 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  
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 EPA Act, as soon as may be after the expiration of the appropriate period.



# Appendices

## Appendix 1 Maps/Drawings



Excerpt from the drawing titled “Proposed Site Layout Plan Sheet 1” received by the Agency in support of the application on 22 November 2024.

## Appendix 2 AA table

Table 2A.1: List of European sites assessed, their associated qualifying interests and conservation objectives.

Site Code	Site Name	Qualifying Interests (* denotes a priority habitat)	Conservation Objectives
004161	Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA	<b>Birds</b> A082 Hen Harrier ( <i>Circus cyaneus</i> )	As per NPWS (2022) Conservation objectives for Slieve Beagh SPA [004167]. Version 1. Department of Housing, Local Government and Heritage (dated 23/09/2022).
002170	Blackwater River (Cork/Waterford) SAC	<b>Habitats</b> 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>Callitriche-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> )*  <b>Species</b> 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 pallipes</i> ) 1029 Freshwater Pearl Mussel ( <i>Margaritifera margaritifera</i> ) 1099 River Lamprey ( <i>Lampetra fluviatilis</i> )	As per 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.
002165	Lower River Shannon SAC	<b>Habitats</b> 1110 Sandbanks which are slightly covered by sea water all the time 1130 Estuaries	As per NPWS (2012) Conservation Objectives: Lower River Shannon SAC 002165. Version 1.0. National Parks and

Site Code	Site Name	Qualifying Interests (* denotes a priority habitat)	Conservation Objectives
		<p>1140 Mudflats and sandflats not covered by seawater at low tide  1150 Coastal lagoons*  1160 Large shallow inlets and bays  1170 Reefs  1220 Perennial vegetation of stony banks  1230 Vegetated sea cliffs of the Atlantic and Baltic coasts  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>Callitriche-Batrachion</i> vegetation  6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)  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>  1029 Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)  1099 River Lamprey (<i>Lampetra fluviatilis</i>)  1349 Common Bottlenose Dolphin (<i>Tursiops truncatus</i>)  1355 Otter (<i>Lutra lutra</i>)  1096 Brook Lamprey (<i>Lampetra planeri</i>)  1095 Sea Lamprey (<i>Petromyzon marinus</i>)  1106 Salmon (<i>Salmo salar</i>)</p>	Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
004077	River Shannon and River Fergus Estuaries SPA	<p><b>Birds</b>  A017 Cormorant (<i>Phalacrocorax carbo</i>)  A038 Whooper Swan (<i>Cygnus cygnus</i>)  A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)  A048 Shelduck (<i>Tadorna tadorna</i>)  A050 Wigeon (<i>Anas penelope</i>)  A052 Teal (<i>Anas crecca</i>)  A054 Pintail (<i>Anas acuta</i>)  A056 Shoveler (<i>Anas clypeata</i>)  A062 Scaup (<i>Aythya marila</i>)</p>	As per NPWS (2012) Conservation Objectives: River Shannon and River Fergus Estuaries SPA 004077. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht

Site Code	Site Name	Qualifying Interests <i>(* denotes a priority habitat)</i>	Conservation Objectives
		A137 Ringed Plover ( <i>Charadrius hiaticula</i> ) A140 Golden Plover ( <i>Pluvialis apricaria</i> ) A141 Grey Plover ( <i>Pluvialis squatarola</i> ) A142 Lapwing ( <i>Vanellus vanellus</i> ) A143 Knot ( <i>Calidris canutus</i> ) A149 Dunlin ( <i>Calidris alpina</i> ) A156 Black-tailed Godwit ( <i>Limosa limosa</i> ) A157 Bar-tailed Godwit ( <i>Limosa lapponica</i> ) A160 Curlew ( <i>Numenius arquata</i> ) A162 Redshank ( <i>Tringa totanus</i> ) A164 Greenshank ( <i>Tringa nebularia</i> ) A179 Black-headed Gull ( <i>Chroicocephalus ridibundus</i> )  <b>Habitats</b> Wetlands	

### 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) as amended & Birds Directive (2009/147/EC) as amended
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)
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