

Signed 

Date 16/04/2025

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|  | OFFICE OF ENVIRONMENTAL SUSTAINABILITY |
| MEMORANDUM | |
| TO: | PROGRAMME MANAGER |
| FROM: | Philip Stack Industrial Control and Environmental Regulation Programme |
| DATE: | 16 April 2025 |
| RE: | Application for an Industrial Emissions Licence Review, licence register number P1024-02 – Fee Refund request |
| Applicant: | Doon Farm Enterprises Limited |
| CRO number: | 425804 |
| Location/address: | Doon, Araglin, Kilworth, County Tipperary |
| Application date: | 03 April 2017 |

Recommendation: The Programme Manager is asked to approve the recommendation as set out below that the fee refund request be rejected.

Background

An application for an Industrial Emissions (IE) licence was received from Doon Farm Enterprises Limited on 03 April 2017 for the operation of an integrated pig rearing activity located at Doon, Araglin, Kilworth, County Tipperary, (Licence Register Number P1024-02).

The licence application was made for the rearing of pigs in an installation with capacity for 500 sows and 3,500 production pigs. The activity falls within the following Class of Activity in the First Schedule of the Environmental Protection Agency (EPA) Act 1992 as amended:

- 6.2(a) - The rearing of pigs in an installation where the capacity exceeds 750 places for sows, and
- 6.2(b) - The rearing of pigs in an installation where the capacity exceeds 2,000 places for production pigs which are each over 30kg.

On the 05 January 2017, the Agency received a letter from the consultant acting on behalf of the applicant requesting consideration for a partial waiver of the application fee. The Agency responded on 31 January 2017, stating that it did not consider a waiver on the application fee appropriate, but that it would consider a refund/partial refund of fees upon issue of the Final Determination. The applicant resubmitted the refund request upon making the application 03 April 2017. A Final Determination for this application (P1024-01) issued on 13 January 2025.

Assessment

In accordance with the Environmental Protection Agency (Licensing Fees) Regulations 1994 as amended, the applicable fee for a licence application of a large activity under Activity Class 6 for Intensive Agriculture is €8,888.

The activity of Class 6: rearing of pigs where the capacity is more than more than 2,000 production pigs, as outlined above, requires the activity to be licenced by the Agency and the Agency is statutorily bound to impose the prescribed fee, as set out in the regulations, for such applications.

The Environmental Protection Agency (Licensing Fees) Regulation 2013, provide the Agency with absolute discretion to refund or waive the fee payable in accordance with these Regulations where it is satisfied that payment of the fee in full would not be just and reasonable.

This application involved a full assessment of the licensable activity, including a site visit. The application also contained an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).

Due to information gaps in the application, the Agency had to issue repeated requests for further information (RFIs) to the applicant.

In September 2021, the Agency took the decision to initiate the abandonment of the application due the applicant's failure to provide the Agency with the additional information required to enable the Agency to progress with the assessment of the application. Based on the extent of both inspector and administrative resources necessary to bring the application to Final Determination, I consider that the fees, as prescribed for a large activity, are fair and reasonable.

The Agency resources expended in the processing of this application is the key criterion in assessing a refund request. Given this application involved significant technical and administrative work from the Industrial Control and Environmental Regulation, refund is not considered appropriate.

Recommendation

I recommend any refund of the licence application fee in this case is not appropriate for the reasons outlined above.

Signed,

Philip Stack

Philip Stack
Inspector