Dear Mr. Walsh

Further to your submission of 16 December 2013, received on 18 December 2013, in relation to an application for an Industrial Emissions licence in respect of an installation at Martin and Mhairi Dempsey, Barnagurry, Kiltimagh, County Mayo (Reg. No. P0971-01).

I am to advise you in accordance with Regulation 42(8)(a) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended, that the Agency has made a determination that an Appropriate Assessment is not required as the project, individually or in combination with other plans or projects, is not likely to have a significant effect on a European site(s). Notification of this determination is attached for your reference.

The application and associated correspondence, including acknowledgements, notifications and general correspondence are available to view on the Agency website at www.epa.ie. You are advised to refer to the website for information on the progress of the application.

Please direct any further correspondence in relation to this matter to Administration, Office of Climate, Licensing & Resource Use, Environmental Protection Agency, Headquarters, P.O. Box 3000, Johnstown Castle Estate, County Wexford.

Yours sincerely,

Noeleen Keavey
Programme Officer
Environmental Licensing Programme
Office of Environmental Sustainability
Appropriate Assessment Screening Determination

In accordance with Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 and 2013, the Agency has undertaken Appropriate Assessment screening 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 European Sites. In this context, particular attention was paid to the European Sites listed below.

Consent Details:

<table>
<thead>
<tr>
<th>Reg. No.</th>
<th>PO971-01</th>
</tr>
</thead>
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<tr>
<td>Applicant Name:</td>
<td>Martin and Mhairi Dempsey</td>
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<td>Type of Consent Sought:</td>
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<td>Location of Installation:</td>
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<tr>
<td>Licence/Permit Application Date:</td>
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</table>

European Site(s) assessed:

- River Moy SAC (002298)
- Urlaur lakes SAC (001571)
- Balla Turlough SAC (000463)
- Errit Lough SAC (000607)
- Carrowbehy/ Caher Bog SAC (000597)

Date of AA Screening Determination: 19th January 2016

AA Screening Determination:

That the activity is not directly connected with or necessary to the management of the site as a European site and 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 a European site, and accordingly the Agency determined that an Appropriate Assessment of the activity was not required.

This determination was based on the following reasons:

- The installation is not located within a European site.
- The manure generated at the installation has a high dry matter content and remains within the concrete-floored, covered broiler houses until all broilers are removed at the end of the batch. Therefore there is no pathway between the manure and surface water/groundwater while the houses are stocked. When the houses are destocked the manure is removed from the sheds and loaded onto lorries for transport off site for anaerobic digestion and the houses are brushed and washed down. The movement of the manure shall be recorded by means of commercial documents (as required by the Animal By-product Regulations) and also submission of a record of the export (Record 3) to Department of Agriculture, Food and the Marine (DAFM) in accordance with the Nitrates Regulations. In addition, the anaerobic
digestion plant to which the organic fertiliser is sent is regulated by a licence from the EPA (Future Pigs Limited, Licence Register No. PO420-03). The use of the applicant’s poultry manure by Future Pigs Ltd will not cause environmental pollution and I am satisfied beyond reasonable scientific doubt that this method of handling the organic fertiliser (poultry manure) from the activity will not have a significant effect on any European site.

- The Recommended Determination (RD) will require that Gullies 1, 3 and 4 are diverted to the washwater tanks before manure removal or cleaning activities commence so that washwater is not discharged to ground. The risk of surface water or groundwater contamination as a result of accidental emissions during washing activities, or from spillage from the wash water tanks, is minimal. Given the distance between the activity and any surface water or groundwater based European site, the quantity of washwater, and the low level of contaminants in the washwater, it is considered that even if an accidental emission of wash water were to occur the washwater and its constituents will be completely assimilated in the water body before it reaches the European Site. In any event, the RD will specify that there can be no unauthorised discharge of polluting matter to surface water.

- Wash water is used as a fertiliser on lands that are not within the installation boundary. While the applicant proposes to send all poultry litter off site for anaerobic digestion the RD will provide that poultry manure may be sent off site for use as fertiliser by farmers 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 on which organic fertiliser may be used as fertiliser. The transport of organic fertiliser is subject to the Animal By-Product Regulations and commercial documents when removed by a commercial haulier. The control of application of all fertilisers to land, including organic fertiliser, is controlled by the Nitrates Regulations and the competent authorities are the Department of Agriculture, Food and the Marine (DAFM) and Local Authorities. The Nitrates Regulations make it possible for DAFM to know and take account of the additional input of nitrogen and phosphorous from the proposed activity, with a view to ensuring there is no downstream environmental pollution. I consider that the use of poultry manure and wash water as fertiliser in accordance with the Nitrates Regulations will not cause environmental pollution and I am satisfied beyond reasonable scientific doubt that that use of wash water and poultry manure as fertiliser from the activity will not have a significant effect on any European sites.

- In addition, the Agency notes that the activities which can take place within European sites are restricted by legislation. Under Statutory Instrument 94 of 1997, made under the European Communities Act 1972 and in accordance with the obligations inherent in the Council Directive 92/43/EEC of 21 May 1992 (the Habitats Directive) on the conservation of the natural habitats and species of wild fauna and flora, all persons must obtain the written consent from the Minister for the Environment, Community and Local Government before performing particular operations on, or affecting, particular habitats where they occur on lands / waters within the candidate Special Area of Conservation. The NPWS website provides lists of Notifiable Actions for various types of habitat. For example, for upland grasslands, scree and inland cliffs, the following Notifiable Actions are specified:
  - adding fertiliser of any sort to areas not previously fertilised
  - applying fertiliser which would increase the level of nitrogen in the soil
- applying fertiliser which would increase the level of phosphorus in the soil
- applying phosphorus to soils which already have in excess of the REPS index 2 levels
- using fertiliser on slopes over 25 degrees creation of new tracks or paths

Hence, further regulatory controls exist for the spreading of fertilisers within European sites.

- The use as fertiliser of all organic fertiliser from any farm is under the same controls as that outlined above (Nitrates Regulations and Animal By-Product Regulations). Therefore, it is considered that the regulatory systems in place will ensure that cumulative impacts as a result of the use of organic fertiliser on land from this activity will not have a significant effect on any protected sites.

- Based on use of SCAIL Agriculture\(^1\), ammonia emissions from this activity are not predicted to have a significant impact on sensitive receptors within the European Sites listed above. Based on the model output nitrogen deposition as a result of this activity will not have a significant effect on sensitive receptors within these European sites.

- Noise levels from poultry installations are very low and as the nearest SAC is 1km northwest from the installation (River Moy SAC), it is considered that noise will not impact on noise sensitive qualifying interests (such as the salmon and otter) within that European Site. All other SACS are considered to be outside the zone of influence for the very low noise emissions arising at the installation. It is noted that there are no SPAs within the zone of influence of the site.

- The risk of accidents from this installation is extremely low but if they were to occur would most likely involve the release of wash water to surface water via the gully system on site. It is considered that the conditions of the RD in relation to bunding and the protection of surface water and ground water are sufficient to ensure that accidental emissions from the activity will not impact on the qualifying interests of the European sites identified above, particularly in light of the nature of the potential accidental emissions, the distance between the installation and the European sites and the lack of a directly connecting surface water pathways to those European sites.

- The installation is located in a rural area where the predominant farming activities involve the rearing of livestock. There are only 3 other licensed intensive poultry rearing installations within a 15km radius of the installation. Given the small scale of emissions associated with these activities, it is considered that the activity in combination with other plans or projects will not have a significant effect on any protected sites. For the foregoing reasons it was concluded there will be no significant effects on the qualifying interests of any European sites arising from air emissions, water emissions, noise emissions or accidental emissions from the activity.

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\(^1\) SCAIL Agriculture is a web based screening tool available at [http://www.scail.ceh.ac.uk/](http://www.scail.ceh.ac.uk/)
Mr. Peter Sweetman  
Rossport South  
Ballina  
County Mayo  

02/02/2016  

Reg. No: P0971-01  

IE Licence Application by Martin and Mhairi Dempsey in respect of Barnagurry, Kiltimagh, County Mayo.  

Dear Mr. Sweetman  

Further to your submission of 24 May 2013, received on 27 May 2013, in relation to an application for an Industrial Emissions licence in respect of an installation at Barnagurry, Kiltimagh, County Mayo (Reg. No. P0971-01).  

I am to advise you in accordance with Regulation 42(8)(a) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended, that the Agency has made a determination that an Appropriate Assessment is not required as the project, individually or in combination with other plans or projects, is not likely to have a significant effect on a European site(s). Notification of this determination is attached for your reference.  

The application and associated correspondence, including acknowledgements, notifications and general correspondence are available to view on the Agency website at www.epa.ie. You are advised to refer to the website for information on the progress of the application.  

Please direct any further correspondence in relation to this matter to Administration, Office of Climate, Licensing & Resource Use, Environmental Protection Agency, Headquarters, P.O. Box 3000, Johnstown Castle Estate, County Wexford.  

Yours sincerely,  

[Signature]  
Noeleen Keavey  
Programme Officer  
Environmental Licensing Programme  
Office of Environmental Sustainability
Appropriate Assessment Screening Determination

In accordance with Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 and 2013, the Agency has undertaken Appropriate Assessment screening 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 European Sites. In this context, particular attention was paid to the European Sites listed below.

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AA Screening Determination:

That the activity is not directly connected with or necessary to the management of the site as a European site and 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 a European site, and accordingly the Agency determined that an Appropriate Assessment of the activity was not required.

This determination was based on the following reasons:

- The installation is not located within a European site.
- The manure generated at the installation has a high dry matter content and remains within the concrete-floored, covered broiler houses until all broilers are removed at the end of the batch. Therefore there is no pathway between the manure and surface water/groundwater while the houses are stocked. When the houses are destocked the manure is removed from the sheds and loaded onto lorries for transport off site for anaerobic digestion and the houses are brushed and washed down. The movement of the manure shall be recorded by means of commercial documents (as required by the Animal By-Product Regulations) and also submission of a record of the export (Record 3) to Department of Agriculture, Food and the Marine (DAFM) in accordance with the Nitrates Regulations. In addition, the anaerobic
digestion plant to which the organic fertiliser is sent is regulated by a licence from the EPA (Future Pigs Limited, Licence Register No. P0420-03). The use of the applicant’s poultry manure by Future Pigs Ltd will not cause environmental pollution and I am satisfied beyond reasonable scientific doubt that this method of handling the organic fertiliser (poultry manure) from the activity will not have a significant effect on any European site.

- The Recommended Determination (RD) will require that Gullies 1, 3 and 4 are diverted to the washwater tanks before manure removal or cleaning activities commence so that washwater is not discharged to ground. The risk of surface water or groundwater contamination as a result of accidental emissions during washing activities, or from spillage from the wash water tanks, is minimal. Given the distance between the activity and any surface water or groundwater based European site, the quantity of washwater, and the low level of contaminants in the washwater, it is considered that even if an accidental emission of wash water were to occur the washwater and its constituents will be completely assimilated in the water body before it reaches the European Site. In any event, the RD will specify that there can be no unauthorised discharge of polluting matter to surface water.

- Wash water is used as a fertiliser on lands that are not within the installation boundary. While the applicant proposes to send all poultry litter off site for anaerobic digestion the RD will provide that poultry manure may be sent off site for use as fertiliser by farmers 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 on which organic fertiliser may be used as fertiliser. The transport of organic fertiliser is subject to the Animal By-Product Regulations and commercial documents when removed by a commercial haulier. The control of application of all fertilisers to land, including organic fertiliser, is controlled by the Nitrates Regulations and the competent authorities are the Department of Agriculture, Food and the Marine (DAFM) and Local Authorities. The Nitrates Regulations make it possible for DAFM to know and take account of the additional input of nitrogen and phosphorous from the proposed activity, with a view to ensuring there is no downstream environmental pollution. I consider that the use of poultry manure and wash water as fertiliser in accordance with the Nitrates Regulations will not cause environmental pollution and I am satisfied beyond reasonable scientific doubt that that use of wash water and poultry manure as fertiliser from the activity will not have a significant effect on any European sites.

- In addition, the Agency notes that the activities which can take place within European sites are restricted by legislation. Under Statutory Instrument 94 of 1997, made under the European Communities Act 1972 and in accordance with the obligations inherent in the Council Directive 92/43/EEC of 21 May 1992 (the Habitats Directive) on the conservation of the natural habitats and species of wild fauna and flora, all persons must obtain the written consent from the Minister for the Environment, Community and Local Government before performing particular operations on, or affecting, particular habitats where they occur on lands / waters within the candidate Special Area of Conservation. The NPWS website provides lists of Notifiable Actions for various types of habitat. For example, for upland grasslands, scree and inland cliffs, the following Notifiable Actions are specified:
  - adding fertiliser of any sort to areas not previously fertilised
  - applying fertiliser which would increase the level of nitrogen in the soil
applying fertiliser which would increase the level of phosphorous in the soil
applying phosphorous to soils which already have in excess of the REPS index 2 levels
using fertiliser on slopes over 25 degrees creation of new tracks or paths

Hence, further regulatory controls exist for the spreading of fertilisers within European sites.

- The use as fertiliser of all organic fertiliser from any farm is under the same controls as that outlined above (Nitrates Regulations and Animal By-Product Regulations). Therefore, it is considered that the regulatory systems in place will ensure that cumulative impacts as a result of the use of organic fertiliser on land from this activity will not have a significant effect on any protected sites.

- Based on use of SCAIL Agriculture, ammonia emissions from this activity are not predicted to have a significant impact on sensitive receptors within the European Sites listed above. Based on the model output nitrogen deposition as a result of this activity will not have a significant effect on sensitive receptors within these European sites.

- Noise levels from poultry installations are very low and as the nearest SAC is 1km northwest from the installation (River Moy SAC), it is considered that noise will not impact on noise sensitive qualifying interests (such as the salmon and otter) within that European Site. All other SACS are considered to be outside the zone of influence for the very low noise emissions arising at the installation. It is noted that there are no SPAs within the zone of influence of the site.

- The risk of accidents from this installation is extremely low but if they were to occur would most likely involve the release of wash water to surface water via the gully system on site. It is considered that the conditions of the RD in relation to bunding and the protection of surface water and ground water are sufficient to ensure that accidental emissions from the activity will not impact on the qualifying interests of the European sites identified above, particularly in light of the nature of the potential accidental emissions, the distance between the installation and the European sites and the lack of a directly connecting surface water pathways to those European sites.

- The installation is located in a rural area where the predominant farming activities involve the rearing of livestock. There are only 3 other licensed intensive poultry rearing installations within a 15km radius of the installation. Given the small scale of emissions associated with these activities, it is considered that the activity in combination with other plans or projects will not have a significant effect on any protected sites. For the foregoing reasons it was concluded there will be no significant effects on the qualifying interests of any European sites arising from air emissions, water emissions, noise emissions or accidental emissions from the activity.

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Pamela McDonnell
Office of Environmental Sustainability

Date: 19/1/16

1 SCAIL Agriculture is a web based screening tool available at http://www.scail.ceh.ac.uk/
Ms. Catherine Cosgrove  
Principal Environmental Health Officer  
HSE  
Environmental Health Service  
Primary, Community & Continuing Care  
HSE West, St Mary's Headquarters  
Castlebar  
County Mayo  
02/02/2016

Reg. No: P0971-01

IE Licence Application by Martin and Mhairi Dempsey in respect of Barnagurry, Kiltimagh, County Mayo.

Dear Ms. Cosgrove

Further to your submission of 26 October 2012, received on 30 October 2012, in relation to an application for an Industrial Emissions licence in respect of an installation at Barnagurry, Kiltimagh, County Mayo (Reg. No. P0971-01).

I am to advise you in accordance with Regulation 42(8)(a) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended, that the Agency has made a determination that an Appropriate Assessment is not required as the project, individually or in combination with other plans or projects, is not likely to have a significant effect on a European site(s). Notification of this determination is attached for your reference.

The application and associated correspondence, including acknowledgements, notifications and general correspondence are available to view on the Agency website at www.epa.ie. You are advised to refer to the website for information on the progress of the application.

Please direct any further correspondence in relation to this matter to Administration, Office of Climate, Licensing & Resource Use, Environmental Protection Agency, Headquarters, P.O. Box 3000, Johnstown Castle Estate, County Wexford.

Yours sincerely,

Noeleen Keavey  
Programme Officer  
Environmental Licensing Programme  
Office of Environmental Sustainability
Appropriate Assessment Screening Determination

In accordance with Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 and 2013, the Agency has undertaken Appropriate Assessment screening 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 European Sites. In this context, particular attention was paid to the European Sites listed below.

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AA Screening Determination:

That the activity is not directly connected with or necessary to the management of the site as a European site and 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 a European site, and accordingly the Agency determined that an Appropriate Assessment of the activity was not required.

This determination was based on the following reasons:

- The installation is not located within a European site.
- The manure generated at the installation has a high dry matter content and remains within the concrete-floored, covered broiler houses until all broilers are removed at the end of the batch. Therefore there is no pathway between the manure and surface water/groundwater while the houses are stocked. When the houses are destocked the manure is removed from the sheds and loaded onto lorries for transport off site for anaerobic digestion and the houses are brushed and washed down. The movement of the manure shall be recorded by means of commercial documents (as required by the Animal By-product Regulations) and also submission of a record of the export (Record 3) to Department of Agriculture, Food and the Marine (DAFM) in accordance with the Nitrates Regulations. In addition, the anaerobic...
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- Based on use of SCAIL Agriculture¹, ammonia emissions from this activity are not predicted to have a significant impact on sensitive receptors within the European Sites listed above. Based on the model output nitrogen deposition as a result of this activity will not have a significant effect on sensitive receptors within these European sites.

- Noise levels from poultry installations are very low and as the nearest SAC is 1km northwest from the installation (River Moy SAC), it is considered that noise will not impact on noise sensitive qualifying interests (such as the salmon and otter) within that European Site. All other SACs are considered to be outside the zone of influence for the very low noise emissions arising at the installation. It is noted that there are no SPAs within the zone of influence of the site.

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- The installation is located in a rural area where the predominant farming activities involve the rearing of livestock. There are only 3 other licensed intensive poultry rearing installations within a 15km radius of the installation. Given the small scale of emissions associated with these activities, it is considered that the activity in combination with other plans or projects will not have a significant effect on any protected sites. For the foregoing reasons it was concluded there will be no significant effects on the qualifying interests of any European sites arising from air emissions, water emissions, noise emissions or accidental emissions from the activity.

Pamela McDonnell
Office of Environmental Sustainability

Date: 19/1/16

¹ SCAIL Agriculture is a web based screening tool available at http://www.scail.ceh.ac.uk/