

File With _____

CORRESPONDENCE FORMAppeal No: ABP 313378-22

M _____

Please treat correspondence received on 26th July as follows:

- | | |
|--|--|
| 1. Update database with new agent for Applicant/Appellant _____
2. Acknowledge with BP <u>20</u>
3. Keep copy of Board's Letter <input type="checkbox"/> | 1. RETURN TO SENDER with BP _____
2. Keep Envelope: <input type="checkbox"/>
3. Keep Copy of Board's letter <input type="checkbox"/> |
|--|--|

Amendments/Comments

BP 20 - Response from EPA
to Board direction
requesting info

4. Attach to file

- | | |
|---|---|
| (a) R/S <input type="checkbox"/> | (d) Screening <input type="checkbox"/> |
| (b) GIS Processing <input type="checkbox"/> | (e) Inspectorate <input type="checkbox"/> |
| (c) Processing <input type="checkbox"/> | |

RETURN TO EO ☒Karen Hickey

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>Karen Hickey</u>	AA: <u>Stephen Sutton</u>
Date: <u>2/8/22</u>	Date: <u>9/8/22</u>

File With _____

SECTION 131 FORM

Appeal NO: ABP 313378-22Defer Re O/H ☐

TO: SEO

Having considered the contents of the submission dated/received 26/7/22
fromEPA

I recommend that section 131 of the Planning and Development Act, 2000

be/not be invoked at this stage for the following reason(s): no new material
issues raisedE.O.: Karen HickeyDate: ~~18/8~~ 9/8/22

To EO: _____

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached
submission

to: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

From: Bord
Sent: Tuesday 26 July 2022 15:04
To: Appeals2
Subject: FW: Your Ref: ABP-313378-22 - Notification of Planning Application: Rathescar Middle/Gunstown/Whiteriver, Dunleer, Co Louth
Attachments: 00206B9FA2EF220713144105.pdf

From: EIAPanning <eiapanning@epa.ie>
Sent: Tuesday, July 26, 2022 2:33 PM
To: Bord <bord@pleanala.ie>
Subject: Your Ref: ABP-313378-22 - Notification of Planning Application: Rathescar Middle/Gunstown/Whiteriver, Dunleer, Co Louth

Your Ref: ABP-313378-22, Planning Authority Ref: 21/1499
Notification of Planning Application: Construction of 4 poultry houses. Rathescar
Middle/Gunstown/Whiteriver, Dunleer, Co Louth

Dear Ms Hickey,

I refer to your correspondence dated 08th July 2022 requesting comments from the Agency on the planning application and EIAR for the above referenced development. In accordance with Section 87(1F) of the EPA Act 1992 as amended (hereafter referred to as the EPA Act), the Agency makes the following observations.

The development proposed may require a licence under Class 6.1 of the EPA Act. The Agency has not received a licence application relating to the development described above.

It is noted that the planning application was accompanied by an EIAR. Should the Agency receive a licence application for the development, the applicant will be required to submit the associated EIAR to the Agency as part of the licence application. The EIAR will be considered and assessed by the Agency and the Agency shall ensure that before the licence is granted, the licence application will be made subject to an Environmental Impact Assessment as respects the matters that come within the functions of the Agency and in accordance with Section 83(2A) and Section 87(1G)(a) of the EPA Act. In addition, consultation on the licence application and EIAR will be carried out in accordance with Section 87 (1B) to (1H) of the EPA Act as appropriate. All observations from the planning authority will be taken into account as part of the Agency's assessment and before making a decision in relation to the licence application. Please also note that you will be requested to provide the documentation relating to the EIA you have carried out to the Agency under Section 173A(4) of the Planning and Development Act 2000 as amended.

Should a licence application be received by the Agency all matters to do with emissions to the environment from the activities proposed, the licence application documentation and EIAR will be considered and assessed by the Agency.

Where the Agency is of the opinion that the activities, as proposed, cannot be carried on, or cannot be effectively regulated under a licence then the Agency cannot grant a licence for such an activity. Should the Agency decide to grant a licence in respect of the activity, as proposed, it will incorporate conditions that will ensure that appropriate National and EU standards are applied, and that Best Available Techniques (BAT) will be used in the carrying on of the activities.

Should an IE licence application be received in relation to the above referenced development, it will define the site boundary. In most cases, the site boundary only relates to the site of the poultry rearing and directly associated activities which occur within that defined site boundary. Activities such as the processing of animal feed, use of organic fertiliser as fertiliser beyond the site boundary etc. cannot be controlled by a condition of an IE licence which may be granted for the poultry rearing activity because they do not occur within the defined site boundary. In relation to the management and use of organic fertiliser, when it leaves the installation (poultry rearing activity), the IE licence cannot specify conditions governing, and making the licensee liable for, the use of organic fertiliser by, or the actions of, the subsequent holder of the organic fertiliser generated. The recipient of organic fertiliser is responsible for the management and use of the organic fertiliser in accordance with the applicable regulations (European Union (Good Agricultural Practice for Protection of Waters) Regulations 2002 and Animal By-Products Regulations (Regulation (EC) No. 1069/2009)).

Finally, please note that in accordance with Section 87(1D)(d) of the EPA Act, the Agency cannot issue a Proposed Determination on a licence application which addresses the development above until a planning decision has been made.

For all further queries and correspondence relating to planning matters, please contact eiaplanning@epa.ie.

Yours faithfully,

Environmental Licencing Programme
Office of Environmental Sustainability
An Clár um Cheadúnú Comhshaoil
Oifig um Inbhuanaitheacht Chomhshaoil



053-916 0600 (Switch)

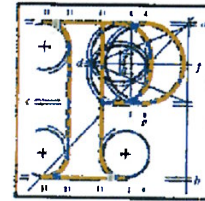
eiaplanning@epa.ie

www.epa.ie



Our Case Number: ABP-313378-22

Planning Authority Reference Number: 211499



**An
Bord
Pleanála**

~Environmental Protection Agency
Environmental Licensing Programme
PO Box 3000
Johnstown Castle Estate
Co. Wexford
Y35 W821



Date: 08 July 2022

Re: Construction of 4 poultry houses . EIAR and NIS submitted planning application . This application relates to a development which is for the purposes of an activity requiring a Licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013 Rathescar Middle/Gunstown/Whiteriver, Dunleer, Co Louth

Dear Sir / Madam,

I refer to the above-mentioned proposed development which is the subject of a current planning appeal submitted to An Bord Pleanála.

The planning application, along with other documents relating to the planning authority decision and copies of the appeal made to the Board are available for inspection at the offices of the planning authority in accordance with section 38 of the Planning and Development Act, 2000 and Article 68 of the Planning and Development Regulations, 2001 by contacting their website at www.louthcoco.ie. A copy of the environmental impact assessment report (and natura impact statement) is also available on their website.

In accordance with section 87 of the Environmental Protection Agency Act 1992, as Inserted by Article 5 (1F) of the European Union (Environmental Impact Assessment Report) (Integrated Pollution Prevention and Control) Regulations 2012 you are requested to:

- (i) Confirm to An Bord Pleanála that the proposed development the subject of the application for permission is development comprising or for the purposes of an activity requiring a licence or a review of a licence on the application, under section 83 or under section 90(1)(b) of the Act.
- (ii) If a licence or a review of a licence is required, you are also requested to submit to An Bord Pleanála observations you may have on the application for permission including the environmental impact assessment report.
- (iii) Confirm licence number of an Industrial Emissions Licence in relation to this development if any.

**Tell
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost**

**Tel
LoCall
Fax
Website
Email**
(01) 858 8100
1890 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

**64 Sráid Maolbhríde
Baile Átha Cliath 1
D01 V902**

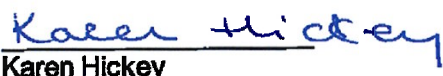
**64 Marlborough Street
Dublin 1
D01 V902**

Accordingly, any observations or response in relation to the proposed development should be received by An Bord Pleanála not later than **4 weeks** from the date of this request i.e. not later than **5.30 p.m. on the 4th August 2022**.

If you have any queries in relation to the matter, please contact the undersigned officer of the Board.

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,


Karen Hickey

Direct Line: 01-8737295

EPA05

Teil
Glaio Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Website
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