

File With _____

SECTION 131 FORM

Appeal NO: ABP-321395-24

Defer Re O/H

TO: SEO

Having considered the contents of the submission dated/ received 28/02/2025
from

EPA 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 planning issues raised

E.O.: Karen Byrne

Date: 3/03/2025

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: _____

File With _____

CORRESPONDENCE FORM

Appeal No: ABP- 321395-24

M _____

Please treat correspondence received on 28/02/2025 as follows:

1. Update database with new agent for Applicant/Appellant _____ 2. Acknowledge with BP <u>23</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"/>
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Amendments/Comments
<u>EPA response to the Board's letter</u>

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 <input type="checkbox"/>
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	Plans Date Stamped <input type="checkbox"/> Date Stamped Filled in <input type="checkbox"/>
EO: <u>Karen Byrne</u>	AA: <u>[Signature]</u>
Date: <u>3/03/2025</u>	Date: <u>04/03/25</u>

David Behan

From: Bord
Sent: Friday 28 February 2025 13:52
To: Appeals2
Subject: FW: ABP-321395-24
Attachments: ABP-321395-24.pdf

From: EIAPanning <eiapanning@epa.ie>
Sent: Friday 28 February 2025 13:18
To: Bord <bord@pleanala.ie>
Subject: ABP-321395-24

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

ABP Ref: 321395-24, Laois Co Co Ref: 2460311

Notification of Planning Application: Tuleka Trading Company, 'Extend an existing pig farm consisting of five modern animal house units, three feed silo's, together with all ancillary site works', Graigue, Ballinakill, County Laois

Dear Sir/Madam,

I refer to your correspondence received 11th February 2025 requesting comments from the Agency on the planning appeal and Environmental Impact Assessment Report (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 below observations.

Mr. Paul Tully, Moate Pig Unit, Ballinakill, Portlaoise, County Laois was issued an Integrated Pollution Control (IPC) Licence (Register No: P0710-03) on 22nd December 2011 for the below listed activity. The licence was amended on 18th December 2013 to incorporate the requirements of an Industrial Emissions (IE) Licence. The IE licence is currently under review (Reg No: P0710-04). The licence review application was received on 05th February 2025 for the following activity:

Regulated Activity	Main Class	Activity Description (Regulated Activity)	Name (EPA Act Industry Sector)
6.2 (b)	Yes	The rearing of pigs in an installation where the capacity exceeds - (b)Intensive 2,000 places for production pigs which are over 30kg	Agriculture

The review licence application P0710-04 may need to be updated to accommodate the changes proposed as part of the planning application.

The licence review application *was* accompanied by an EIAR. The EIAR was notified by the Agency to An Bord Pleanala on 07th February 2025. No response has been received to date.

Details of the licence and any amendments, licence review application and EIAR may be viewed on the Agency's website www.epa.ie. It is noted that the EIAR submitted with the licence review application *appears* to be the same EIAR submitted with the planning application.

It is noted that the planning application was accompanied by an EIAR. Should the applicant wish to include the changes proposed in the planning application as part of the licence review application, the applicant will be required to submit the associated EIAR to the Agency as part of the licence review application, if it hasn't already been submitted.

The EIAR will be considered and assessed by the Agency and the Agency shall ensure that before the licence is granted, the licence review 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. An Bord Pleanála will be consulted and 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. 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 review application.

The licence review application is currently under assessment. All matters to do with emissions to the environment from the activities proposed, the licence review 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.

The IE licence review application identifies that the site boundary only relates to the site of the pig 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 pig 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 (pig 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 2022 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 review 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,
Marian Doyle

Water, Energy and Business Support Programme
Office of Environmental Sustainability
An Clár um Cheadúnú Comhshaoil

Oifig um Inbhuanaitheacht Chomhshaoil



053-916 0600 (Switch)

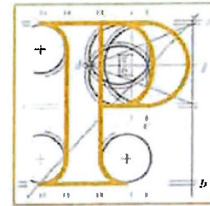
eiaplanning@epa.ie

www.epa.ie



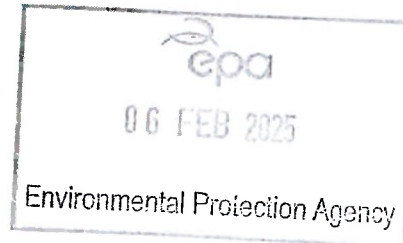
Our Case Number: ABP-321395-24

Planning Authority Reference Number: 2460311



**An
Bord
Pleanála**

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



Date: 05 February 2025

Re: Extend an existing pig farm consisting of five modern animal house units, three feed silo's, together with all ancillary site works. This application is accompanied by a Natura Impact Statement (NIS) and Environmental Impact Assessment Report (EIAR). A revised EIAR and NIS were submitted with Further Information.
Graigue, Ballinakill, County Laois.

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 (as amended) and Article 68 of the Planning and Development Regulations, 2001 (as amended) by contacting their website at <https://www.eplanning.ie/LaoisCC/AppFileRefDetails/2460311/0>. A copy of the environmental impact assessment report, revised environmental impact assessment report (and both the natura impact statement and revised natura impact statement) are also available on their website.

A copy of the environmental impact assessment report, revised environmental impact assessment report are available to view on the An Bord Pleanála website at: <https://www.pleanala.ie/en-ie/case/321395>.

In accordance with section 87 (1F) of the Environmental Protection Agency Act 1992, as amended, 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.

Tel	Tel	(01) 858 8100
Glao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

(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.

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 March 2025**.

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,



Laura Grady Lawlor
Executive Officer
Direct Line: 01-8737309

EPA05

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