

# Addendum

## Update

One further objection email dated 9<sup>nd</sup> October 2019 has been received. A number of points have been raised.

The Officials re-consulted Shared Environmental Services with the objection email.

1. The objection states that Shared Environmental Services (SES) failed to complete an appropriate Assessment under Habitats Regulations.

However SES completed an appropriate Assessment under the Habitats Regulation dated 5<sup>th</sup> Sept. 2019.

2. The objection states that SES applied an NIEA screening zone of 7.5km from the building and not from the land application of the disposal of the waste.

SES have in turn replied that this statement is factually incorrect. The disposal of waste is not on land but is being transported to the Tully AD plant and the utilisation of litter at Tully Biogas Plant is carried out under an extant PPC Permit.

3. Objection states that SES screened out further assessment the poultry litter disposal, based on the proposed “contract” with a waste treatment plant. It is stated that the treatment of poultry litter does not exempt it from an assessment of its final destination in terms of its potential for adverse effects on European sites and the waste treatment plant is not the final destination of the poultry litter.

The Habitats Regulations at Regulation 47 provide that a competent authority is not required to assess the implications of a project which could be more appropriately assessed by another competent authority. In this case IPRI as the regulator of the AD plant is the appropriate authority. Furthermore the final product is classified as fertiliser rather than waste and the utilisation of poultry litter is carried out under an extant PPC permit.

4. The objection states that S.E.S. relied upon a consultation response from NIEA which stated that Moy Park Utilistion Strategy was agreed by NIEA in 2015. It states that NIEA subsequently confirmed that no approval was given and no SEA nor HRA was completed on this document. The statement by NIEA provides no certainty on a sustainable outlet for the poultry litter nor that it will have no adverse effect on designated European sites.

SES state that Moy Park litter Utilisation Strategy was not considered in the HRA Appropriate Assessment.

5. Objection states that SES relied upon a consultation reply from NIEA stating that the Tully AD plant is compliant with Habitats Regulations and that this response from Pollution Prevention and Control Team does not confirm that the Tully AD Plant is compliant. NIEA failed to complete an Appropriate Assessment for the approval of the permit as they failed to consider the land spreading of liquid waste from this plant and therefore the approval of the NIEA permit was unlawful. In addition NIEA completed their HRA under 2012 DAERA operating policy on Nitrogen depositing which they have now determined is at variance with the Habitats Regulations and therefore SES cannot rely upon this HRA with any certainty that there will be no adverse impact on designated European sites from this poultry project. Furthermore the ammonia mitigation technology at the waste treatment plant have failed to prevent fugitive emissions.

The poultry litter from the proposed poultry units will be transported to the Tully AD Plant which had its own assessment before any operation was authorised. Tully AD Plant has an extant PPC permit in place. This is licenced by IPRI.

6. Email stated objection regarding SES statement in their HRA:” No conceivable effect from the operation of this proposal on any European designated sites”.

This position was set out in the consultation response from SES of 09/10/17. However this position has now been updated as per their response of 05/09/19 where stage 2 Appropriate Assessment was carried out.

## **RECOMMENDATION**

That the Committee notes the content of this objection however on balance the objections do not carry sufficient weight to warrant refusal and agrees with the recommendation to approve as set out in paragraph 9.1 of the Planning Committee Report.