**NIEA [redacted] 6th April 2016**

Present: [redacted]

[redacted]

[redacted] (SES)

[redacted] (NIEA-IPRI)

[redacted] (NIEA-NED) (Part)

[redacted]

[redacted]

**2. Discussion – current planning applications: habitat impact issues**

[redacted] provided an update:

An application to request a Judicial Review is in process for the [redacted] application. Until the result is know NIEA-CDP is not providing a final response on applications where N deposits may be an issue. The local council is questioning the legality of permitting farm developments in areas which are already overloaded with ammonia, hence there are two possible outcomes to applications - (i) they may say they are not qualified to decide or (ii) recommend refusal.

[redacted] also said that staffing issues is making thorough assessment of applications difficult and that the issue of N exceedances is coming to a head. It is becoming difficult to defend NIEA-CDP's approach. If the impact is <1% of habitat critical level (CL), there is no issue. The problem is with the 10% threshold as this is the result of a policy and has not been determined scientifically. Each site is specific and needs individual assessment. In this regard the type of poultry proposed (broilers/turkeys/layers) is critical. There is a duty to review decisions by the competent authority. The problem only really applies to those sites whose contribution lies between 1 and 10% of the CL.

[redacted] may need ministerial approval to continue with the current assessment approach. There are two potential breaches: (a) failure to control background emissions and (b) failure to apply procedures.

At present NIEA will continue to use 01/01/2012 as the cut-off point for deeming emissions to be background. If new European sites are designated, a review will be required.

[redacted]

[redacted] – a determination was made that this application would require an EIA. [redacted] initially challenged this determination but finally accepted it and the EIA has been uploaded to EPIC.

[redacted] and [redacted] have been working on a planning application for a site in [redacted] which has a potential trans-boundary impact. Although the policy is still in development, the Environmental Protection Agency in RoI currently only considers N impacts from industrial facilities in its assessments.

[redacted]