

BEAG

Ballyglasson Environmental Action Group Ballyglasson, Carrickboy, Co. Longford

Reg No. P0408-02

Environmental
Protection Agency
- 3 DEC 2015

Dear Sir/Madam,

We are writing, on behalf of BEAG, to strongly object to the further expansion and licensing of the piggery at Ballyglasson, Carrickboy, County Longford as advertised in the *Longford Leader*, October 16th 2015 (ref 15176).

Our objection is based on a number of grounds including:

- Previous, illegal and unauthorised construction on the site;
- A pattern of building by retention rather than planning permission
- No Environmental Impact Statement (EIS) included with the planning application (EIA should deal with *direct and indirect effects*, as per *Edenderry Power Plant* High Court judgment, October 2015);
- Previous applications without EIA
- Nuisance - this facility *already* produces extensive air and water pollution making life extremely difficult for neighbours over many years;
- That no attempt has been made to mitigate the effects by installing Anaerobic Digester
- Numerous breaches of conditions;
- Numerous examples of non-compliance with terms.

The applicant in this case, Mr Brady, carried out several unauthorised developments, including the construction of additional farrowing and sow houses, without planning permission as noted in letter to Mr. Brady from Longford County Council on July 5th 2004. Such abuse of the planning process should not be rewarded by sanctioning 'business as usual' when it suits the Applicant to use the planning process to his advantage.

Planning/licensing procedures should be respected by all citizens at all times, not on an *a la carte* basis. If an ordinary citizen utterly disregarded terms and conditions in a similar manner, he/she would certainly not be rewarded by being licensed to continue showing contempt, at a later date.

Summary of non-compliance 2004-2015

Furthermore, there are many examples of non-compliance with the conditions of the original licence granted by the Environmental Protection Agency ('EPA') – as shown by your own records.

- Failure to pay the EPA regarding outstanding invoices: "I refer to invoices issued to your company by the Agency for the years 1999 to 2004 inclusive, in accordance with the financial condition of your IPC (Reg no.408) granted on October 22nd 1999. The agency notes that these charges remain unpaid to date" (Letter from EPA to Mr. Brady April 27th 2005).
- "Mr Brady has been found to be in non-compliance with the conditions of the IPC licence following an on-site inspection" (Letter to Mr Brady from EPA 17/11/2006).
- EPA letter noted non-compliance in relation to waste management on-site; site drainage; fuel spillage risk and mismanagement of slurry disposal (Letter 2007).
- "The Agency is extremely concerned at the level of non-compliance at this facility" (Letter from EPA to Mr. Brady 8/12/2008).
- "It is of serious concern that the licensee has failed to respond to any written correspondence from the Agency concerning inspection findings" (Letter from EPA to Mr. Brady 8/12/2008).
- In addition, the Agency noted non-compliance regarding Waste Management including – hazardous veterinary waste "being disposed of as non-hazardous waste"; installation of an underground animal feed storage facility without prior Agency agreement; uncovered carcass abandoned outside a pig house; damaged asbestos sheets not properly wrapped or stored; oil spillages; animal passageways uncovered resulting in waste water entering the water system; surface water run-off not appropriately dealt with resulting in this contaminated water running into the water used by neighbours and neighbouring farms (Letter from EPA 8/12/2008).
- "Submission of a Fertiliser Plan/Nutrient Management Plan for 2009 was not made" (Letter from EPA to Mr. Brady 27/4/2009).
- In 2009, the EPA informed Mr Brady that "a number of incidents were not notified to the agency as required" (Letter from EPA to Mr. Brady, 15th May 2009).
- The breaches continued in 2011 when Mr Brady "failed to furnish the EPA with a full PDF AER." (Letter from EPA to Mr. Brady July 28th 2011).
- In addition, although the total number of animals permitted under licence reg no P0408 is 19,509 – an inspection carried out by the EPA on 17/10/2012 found 20,624 animals on site.
- During the same inspection, the date of the movement of 'fertiliser' off-site and the signature of the recipient farmers were not made available
- In addition, the licensee was not performing weekly inspections at the surface water discharge points. Mr. Brady even denied that the EPA inspectors had a right to inspect the operation despite the fact that this was a clearly stated condition of the licence and refused to provide documents for an inspection in 2015 (Site Visit Report 20/10/15).

If the Applicant is unable, unwilling or too uncaring to meet requirements under the current system, how is he going to do so with an extended operation?

Disregard for Planning & Licensing

Not only does Mr. Brady demonstrate a pattern of disregard for planning procedures but he also shows contempt for the licensing process. Approval and licensing of the current application – despite the catalogue of failures outlined - would be a travesty, suggesting that terms and conditions are meaningless, non-binding and merely aspirational, at best and that the EPA is doing no more than playing games regarding environmental protection – its *raison d'etre*.

On this basis, any citizen would be entitled to believe that conditions attached to planning/licensing can be ignored as long as the licensee says *mea culpa* at the appropriate time and carries on with business as usual.

Do Planning/Licensing laws apply equally to all?

This application is more than just an application - it is a test of the integrity of the planning/licensing process and those who administer it on behalf of the public. It is also an opportunity for the EPA to establish its credentials and demonstrate that laws apply equally to all – ordinary citizens in the same way as those who have the means to influence political opinion.

Nothing is more precious than the air we breathe – when this air is polluted to the extent that it is heavy laden with slurry fumes, this constitutes a gross violation of the rights of those affected by it. Despite frequent suggestions from BEAG and requests from others no attempt has been made to mitigate the effects of slurry smells.

The installation of an Anaerobic Digester to mitigate the smell and to transform the toxic gases into energy is the priority with this plant – not permission to create yet more contamination and pollution. BEAG urges the EPA to investigate and take action on the many irregularities in relation to this plant and to use this opportunity to radically overhaul the current woefully inadequate standards at the plant.

Finally, climate change is the biggest challenge currently facing our planet. Ireland has consistently failed to meet its greenhouse gas emissions targets (see, for example *Irish Independent* 9/09/2014). The intensive farming sector is the biggest contributor to greenhouse gas emissions in Ireland. In light of this and in the context of the UN Conference on Climate Change which is taking place in Paris at this very time, it would be morally wrong, socially irresponsible (also taking into account animal welfare) and legally questionable (where no attempt is being made by the applicant to address the issue) to facilitate an expansion of an intensive industrial farm to add further to the greenhouse gas emissions crisis.

BEAG members will closely monitor this application/licensing process.

Joe Murray

Teresa Murray