



**OFFICE OF
LICENSING &
GUIDANCE**

**REPORT OF THE TECHNICAL COMMITTEE ON
OBJECTIONS TO LICENCE CONDITIONS**

TO:	Directors	
FROM:	Technical Committee	- LICENSING UNIT
DATE:	31 st January 2006	
RE:	Objection to Proposed Determination for Hogg Enterprises Limited, IPPC Reg: 622	

Application Details	
Class(s) of activity:	6.2 The rearing of pigs in an installation, whether within the same complex or within 100 metres of the same complex, where the capacity exceeds 285 places for sows in an integrated unit.
Location of activity:	Clohamon Mills, Bunclody, County Wexford.
Licence application received:	01/11/2001
PD issued:	21/07/2005
First party objection received:	17/08/2005
Third Party Objection received	11/08/2005, 17/08/2005,
Submissions on Objections received:	None

Company

The application relates to an existing pig finishing unit at Clohamon Mills, Bunclody, Co Wexford, where pigs are finished to approximately 95kgs live weight. The installation houses up to 2050 finishers and 2030 weaners.

Planning permission for the activity is not required as it is a pre 1963 development.

1 submission was received in relation to the application. The Board considered this submission at Proposed Determination (PD) stage.

Consideration of the Objection

The Technical Committee; comprising of Frank Clinton (Chair) and Niamh O'Donoghue, has considered all of the issues raised in the objections. This report details the Committee's comments and recommendations following the examination of the objections, and following discussions with Agency Inspectors Ann-Marie Donlon and Pat Byrne, who provided comments on the points raised.

The objections raise several issues which have been dealt with previously by the Agency in the consideration of objections to IPPC licences for the pig sector. This report considers the first party & third party objections.

First Party Objection

The Applicant makes objection (A) in relation to 11 conditions of the Proposed determination.

A.1 Condition 1.3.

The applicant objects to the inclusion of the feed storage facilities and computerised wet feed facilities in the scope of the licence as set out in condition 1.3 which states:

For the purposes of this licence, the installation authorised by this licence, is the area of land outlined in red on the ‘Site Plan’, scale 1:500, received on the 1/09/2003 as part of the application and associated plant including feed storage facilities and computerised wet feed facilities. Any reference in this licence to “installation” shall mean the area thus outlined in red and associated plant. The licensed activity shall be the carried on only within the area outlined.

The applicant suggest that the word ‘including’ (shown underlined above) could be replaced with the word ‘excluding’.

Technical Committee’s Evaluation: The definition of ‘installation’ in the PoE Acts 1992 & 2003 reads:

‘installation’ means a stationary technical unit or plant where the activity concerned referred to in the First Schedule is or will be carried on, and shall be deemed to include any directly associated activity, whether licensable under this Part or not, which has a technical connection with the first-mentioned activity and is carried out on the site of that activity

On the basis of this definition the Technical Committee agrees with the licensing inspector that the feed storage facilities and computerised wet feed facilities are an integral part of the activity and are rightfully covered by the terms of the licence.

Recommendation: No Change to the content of the condition. However a small typographical error should be corrected in the last sentence of the condition. The condition should now read as follows:

For the purposes of this licence, the installation authorised by this licence, is the area of land outlined in red on the ‘Site Plan’, scale 1:500, received on the 1/09/2003 as part of the application and associated plant including feed storage facilities and computerised wet feed facilities. Any reference in this licence to “installation” shall mean the area thus outlined in red and associated plant. The licensed activity shall be carried on only within the area outlined.

A.2. Condition 2.1.2

The applicant objects to Condition 2.1.2 which states:

The licensee shall be satisfied that the recipient of the slurry/manure is aware of the nutrient management plan (Condition 8.8.4), code of practice and buffer zones covering landspreading (Condition 8.8.6) and of the requirements for storage of the slurry/manure (Condition 6.6.2).

The applicant takes the view that he has no responsibility for ensuring that the recipients of slurry are aware of these matters.

Technical Committee's Evaluation: For the purposes of clarity, the Technical Committee wish to state the following:

- The conditions of a licence speak to the licensee and sets out the obligations upon the licensee.
- The legal obligations of a holder of waste and the circumstances governing the transfer of control of waste are dealt with in the Waste Management Acts, 1996 to 2003. In this context, and in lay terms, it is understood that the legislation sets out the following requirements; the applicant can transfer their waste (slurry/manure) and thus their responsibility in regard to that waste to a third party farmer provided that they can satisfy themselves that their waste is, firstly, recovered by the third party farmers and also that the third party farmers are holding and recovering the waste in a manner that will not or is not likely to cause environmental pollution. The requirements of IPPC licence conditions (especially in this case Conditions 2.1.2, 6.6.2 and 8.8.6) are central to discharging that burden of responsibility. If the third party farmer chooses to ignore these, then the Agency cannot be satisfied that the slurry is being used in a manner that will not or is not likely to cause environmental pollution and is not likely to approve the use of that farmer's landbank for the landspreading of slurry from the activity. It is the responsibility of the Local Authority to enforce local environmental issues that are not regulated by the Agency.

Recommendation: No change

A.3. Condition 3.5

The applicant objects to the requirement to have in storage an adequate supply of containment booms and/or suitable absorbent material, on the basis that the condition is vague in its present form.

Technical Committee's Evaluation: It is essential that there is an adequate supply of suitable absorbent material available on-site in order to protect surface water/groundwater in the event of potential spills from storage areas, slurry tankers or diesel trucks. This requirement is of particular importance and relevance on this specific site given its remarkably close proximity to the Slaney River.

Recommendation: No change

A.4. Condition 5.4

The applicant objects to the requirements (as set out in Condition 5.4) for an odour management programme on the grounds that it (the condition) is written in terms that are vague and indefinite.

The condition states:

The licensee shall, within twelve months of the date of grant of licence, submit an odour management programme for agreement with the Agency outlining odour reduction measures appropriate for the site. The odour management programme shall as a minimum address the following: the use of low-protein feeds; covering of open slurry storage tanks; renovate existing buildings to incorporate low emission housing design; and investigating the use and efficacy of biological slurry additives. The licensee shall implement this odour management programme with the agreement of the Agency, within a specified timeframe. The odour management programme shall be reviewed annually and amendments thereto notified to the Agency for agreement as part of the Annual Environmental Report (AER). A report on the programme, including the success in meeting odour reduction on site, shall be prepared and submitted to the Agency as part of the AER.

Technical Committee's Evaluation: The activity in question is a 540 integrated sow rearing unit which is situated in / at the edge of the village of Cloghamon, Co. Wexford. The Inspector's Report which was prepared at Proposed Determination stage stated that, "...The operation and management of the unit would appear to be carried out to a very high standard...". The efforts made by the operator to run the installation in a responsible manner are acknowledged. However, there is a history of complaints about odours from this pig unit. Five complaints to the Agency were made specifically about this activity in 2004, a number of new complaints were received by the Agency in 2005 and five complaints were received by Wexford County Council in the same period.

The Odournet Report (Odour Impact and Odour Emission Control Measures for Intensive Agriculture, R&D report Series No. 14) suggests that an activity of the size and type in question would be likely to have a significant odour (6 odour units) impact at a distance of only 500 m from the facility. Because of the high likelihood of odour impact, the close proximity of the unit to the village of Cloghamon the TC agrees with the Licensing Inspector's position which would require the licensee to establish and implement an odour management programme. The particular issues requiring special attention in the case of this integrated sow unit have been identified by the Licensing Inspector in the condition as written.

The TC takes the view that; in response to the applicant's assertion that the language of the condition is vague and indefinite, the English wording of the condition should be slightly amended in accordance with the recommendation below.

Recommendation:

The wording of Condition 5.4 should be amended as follows to provide for greater clarity and definition:

*The licensee shall, within twelve months of the date of grant of licence, submit an odour management programme for agreement with the Agency outlining odour reduction measures appropriate for the site. The odour management programme shall as a minimum address the following: the use of low-protein feeds; **the** covering of open slurry storage tanks; **the renovation of** existing buildings to incorporate low emission housing design and **the investigation of** the use and efficacy of biological slurry additives. The licensee shall implement this odour management programme with the agreement of the Agency, within a specified timeframe. The odour management programme shall be reviewed annually and amendments thereto notified to the Agency for agreement as part of the Annual Environmental Report (AER). A report on the programme, including the success in meeting odour reduction on site, shall be prepared and submitted to the Agency as part of the AER.*

A.5 Condition 7.1

The applicant objects to condition 7.1 which states:

The licensee shall carry out an audit of the energy efficiency of the site within one year of the date of grant of this licence. The audit shall be carried out in accordance with the guidance published by the Agency; “Guidance Note on Energy Efficiency Auditing”. The energy efficiency audit shall be repeated at intervals as required by the Agency.

In particular the applicant objects to the requirement for the energy audit to be carried out “...at intervals as required by the Agency...”. The objection is based on the fact that this requirement is vague and uncertain. The objection suggests that the timeframe for the repeat of the energy audit should be specified as every 5 years.

Technical Committees Evaluation:

The requirement for the carrying out of an energy audit at the facility arises out of the IPPC Directive and out of the EPA Acts 1992 & 2003. Specifically Section 83(5) (viii) states that the Agency shall not grant a licence or a revised licence for an activity unless it is satisfied that energy will be used efficiently in the carrying on of the activity. It is unlikely that there would be a requirement for a repeat of an energy audit, at this activity, at a frequency in excess of every 5 years. If for some unforeseen reason the Agency required an audit be done before the elapse of the 5-year period (assuming that the 5 year interval is acceded to) then it could require such an audit under the provisions of Condition 6.3 of the licence.

Recommendation: Wording of Condition 7.1 should be amended as follows:

The licensee shall carry out an audit of the energy efficiency of the site within one year of the date of grant of this licence. The audit shall be carried out in accordance with the guidance published by the Agency; “Guidance Note on Energy Efficiency Auditing”. The energy efficiency audit shall be repeated at 5 yearly intervals.

A.6 Condition 8.2

The Applicant objects to Condition 8.2, which deals with materials handling & waste disposal issues. In particular the applicant objects to the requirement for an “authorised waste contractor” to be engaged in the transportation of waste from the facility.

Condition 8.2 states;

Waste sent off-site for recovery or disposal shall be transported only by an authorised waste contractor. The waste shall be transported only from the site of the activity to the site of recovery/disposal in a manner which will not adversely affect the environment and in accordance with the appropriate National and European legislation and protocols.

Animal tissue or carcasses sent off site for disposal/recovery shall be transported in covered, leak proof containers.

The transport of slurry/manure via the public road shall be carried out in sealed containers such that no spillage can occur.

Technical Committee’s Evaluation: The Waste Management (Collection Permit) Regulations 2001 (S.I. No’s 402 and 540 of 2001) suggest that the requirement for a permit is extended to anyone calling to a piggery operation and hauling away manure for spreading on land. The DoEHLG have subsequently confirmed in writing that a private farmer (as distinct from a waste haulage/spreading contractor) collecting manure for spreading on his/her own land does not require a collector’s permit. A minor amendment of the condition would clarify matters. The applicant cannot require such a person to apply for a permit, however the applicant cannot pass control of waste other than to a person or contractor authorised or exempted/excluded from the requirements of the Permit Regulations.

The slurry/manure produced by a pig unit is listed as a waste in the European Waste Catalogue:

020106 animal faeces, urine and manure (including spoiled straw) effluent, collected separately and treated off-site.

Slurry/manure generated on-site is sent off site for recovery on farms proposed by the applicant as part of the IPPC licence application. The slurry/manure is recovered by the farmer to provide nutrients to the farmers land. The condition aims to control the movement of slurry/manure off-site in a similar manner to any waste removed off site.

Condition 8.2

Recommendation: Replace Condition 8.2 with the following:

8.2 Waste sent off-site for recovery or disposal shall be transported only **by an authorised waste contractor or an exempted person (S.I. Nos 402 and 540 of 2001)**. The waste shall be transported only from the site of the activity to the site of recovery/disposal in a manner which will not adversely affect the environment and in accordance with the appropriate National and European legislation and protocols.

8.2.1 Animal tissue or carcasses sent off site for disposal/recovery shall be transported in covered, leak proof containers.

8.2.2 The transport of slurry/manure via the public road shall be carried out in sealed containers such that no spillage can occur.

A.7 Condition 8.8 (8.8.1, 8.8.3, 8.8.4, 8.8.6, 8.8.7) and Condition 11.9

The applicant objects to a number of elements of Condition 8.8 and to Condition 11.9 which deals with matters related to the landspreading of wastes from the activity. The main thrust of the argument by the applicant in the objection against these conditions is to the use of the term landspreading, and to the inability of the applicant to control the activities of others (i.e., farmers who apply waste slurry from the activity on lands which are not owned by the licensee).

Technical Committee's Evaluation: For the purposes of clarity, the Technical Committee wish to restate the following:

- The conditions of a licence speak to the licensee and sets out the obligations upon the licensee.
- The legal obligations of a holder of waste and the circumstances governing the transfer of control of waste are dealt with in the Waste Management Acts, 1996 to 2003. In this context, and in lay terms, it is understood that the legislation sets out the following requirements; the applicant can transfer their waste (slurry/manure) and thus their responsibility in regard to that waste to a third party farmer provided that they can satisfy themselves that their waste is, firstly, recovered by the third party farmers and also that the third party farmers are holding and recovering the waste in a manner that will not or is not likely to cause environmental pollution. The requirements of IPPC licence conditions (especially in this case Conditions 8 and 11) are central to discharging that burden of responsibility. If the third party farmer chooses to ignore these, then the Agency is likely to prevent the licensee giving waste to that farmer again. It is the responsibility of the Local Authority to enforce local environmental issues that are not regulated by the Agency
- In respect of the use of the term 'landspreading', the Technical Committee has only the following comment to make. Waste slurry / manure will be taken from the integrated sow unit and it will be spread on land ("*...by the farmers using the manure for its fertiliser value on their farms...*"). This process of spreading manures on land can reasonably be described as landspreading.
- It should be clearly understood that it was the applicant who submitted the list of farms in support of his application as lands likely to be used for the recovery of waste slurry from the activity.

Recommendation: No change to Conditions 8.8.1, 8.8.3, 8.8.4, 8.8.6, 8.8.7, or 11.9.

A.8 Condition 8.8.9

The applicant objects to the requirements of Condition 8.8.9 which states :

The assessment on the groundwater vulnerability of agreed or proposed spread-lands shall be available to the Agency for inspection at all reasonable times at the installation. The assessment shall be undertaken in accordance with the EPA publication “Landspreading of Organic Waste: Guidance on Groundwater Vulnerability Assessment of Land”, 2004.

The view taken in the objection is that the applicant is being forced to retain information relating to the lands and property of third parties, that he is being forced to hold this information, which could be regarded as confidential, on his site. The applicant objects to the imposition of this responsibility.

Technical Committee Evaluation: The issues raised by the objection in this case have been discussed at length between the Agency and the farmer representative body (IFA) over the recent years. The Agency’s position in relation to the provision of information on spreadlands has been set out comprehensively in a letter from the Board of the Agency to the Irish Farmers Association dated 18/11/2004. There has been no substantial change to the position in the intervening period. It is the view of the Agency and the Technical Committee (in this case) that in order to ensure the appropriate level of openness and transparency in relation to information on activities integral to a licensed activity, specified information on spreadlands used by a licensee must be made available to the Agency when requested. In order to achieve this, the licensee will have to retain this information and for ease of regulation and enforcement the view has been taken that the licensee shall hold this information on the site of the licensed activity.

Recommendation: No change

A.9 Condition 9.2

The applicant objects to the terms of Condition 9.2 which states:

The licensee shall, within six months of date of grant of this licence, ensure that a documented Emergency Response Procedure is in place, which shall address any emergency situation which may originate on-site including a flood event. This Procedure shall include provision for minimising the effects of any emergency on the environment. This procedure shall be reviewed annually and updated as necessary.

The argument contained in the objection is the ‘...very wide and broad-ranging term “any accident and emergency situation which may originate on-site....’, and it goes on to cite an example of a road-accident when mortalities are being taken from the activity to a rendering facility. The applicant questions his role or his power to act in such a situation.

Technical Committee Evaluation: The condition, as written, does not imply that the licensee has any specific roles, beyond normal civilian obligations, in relation to accidents or incidents such as road accidents or other incidents which occur outside the

boundary of the activity. The objector seems to have misinterpreted the terms of the condition to mean that the Emergency Response Procedure should also deal with road-traffic accident type of emergencies, which may take place on the public road. This is not the case as such measures are the responsibility of the emergency authorities.

Recommendation: No Change.

A10 Condition 12.1.1

The applicant objects to the annual charge contained in Condition 12.1.1. The condition states:

The licensee shall pay to the Agency an annual contribution of €5,200, or such sum as the Agency from time to time determines, having regard to variations in the extent of reporting, auditing, inspection, sampling and analysis or other functions carried out by the Agency, towards the cost of monitoring the activity as the Agency considers necessary for the performance of its functions under the Environmental Protection Agency Acts, 1992 and 2003.

The objection states that this charge seems to be in excess to the level of charge, which was applied to other similar licenses in recent times.

Technical Committees Evaluation: The charge imposed in Condition 12.1.1 is consistent with the charge applied to other similar activities in the sector. The charge is not directly related to the size of the activity (in terms of number of pigs) but is based on the anticipated time input by enforcement inspection personnel during the first year of the life of the licence. In years subsequent to the first year it may be appropriate to reduce (or increase) the level of the fee based on the experience gained in the first year.

Recommendation: No Change

A11. Condition 12.1.2

The applicant objects to the insertion of Condition 12.1.2. stating:

This proposed condition is not included in the great majority of licenses issued by the agency to date to enterprises in this class of licensable activity. The Agency ought to treat similar enterprises in a similar manner and so ought to delete the proposed condition 12.1.2.

Technical Committee's Evaluation: The condition referred to is a standard condition and has; in fact, been included in licences for activities in class 6.2 which are similar to the activity for which a licence is applied for in this case.

Recommendation: No change

THIRD PARTY OBJECTIONS:

There were two third part objections to the terms of the Proposed Determination:

- B. Objection from Mr James Brady, Irish Farmers Association, Irish Farm Centre, Bluebell, Dublin 12., and
- C. Objection from Martin Ryan, John Moulton, Aidan Kenny, Thomas Bookey and James Kehoe / PJ Kehoe, c/o Martin Ryan, Kilrush, Bunclody, Co Wexford.

Objection B begins with a preamble / commentary which does not relate to specific conditions of the Proposed Determination for Register Number 662. This preamble does contain the following passage:

The proposed determination of the application in Reg. No. 622 contains conditions that are unclear and appear to require the licence applicant to control or attempt to exert some form of control over some of his farmer customers' farming operations that are not subject to control by either the applicant or the agency. Those farmers who are customers for pig manure are not party to the application or the licence when issued. Our objection will suggest some amendments that we believe would contribute and make possible compliance with some conditions with which compliance is not possible.

B.1 Objection to the glossary of terms

The Objection relates to the terms 'client list' *sic.* and 'weaner'.

The term "Clients List" is defined in the Glossary of Terms as meaning :

"A list of customer farmers and associated farmlands used for the recovery of slurry/manure from the installation in accordance with an approved Nutrient Management Plan."

Technical Committee's Evaluation: In the wording of the objection it is indicated that "...*The licensee (sic) has customers who use pig manure as a source of nutrient on their farms in accordance with the relevant regulations and Good Farming Practice...*". This is in no way at odds with the definition which is contained in the Glossary of Terms. As well as needing information on who these customer farmers are, the Agency; as the regulatory authority, needs to know the details of the associated farmlands which are to be used for recovery purposes.

The term "weaner" is defined in the Glossary of Terms as meaning:

" Any pig under 30kg in weight and weaned from a sow."

Technical Committee's Evaluation: In licensing of activities the Agency is not confined only to the use of language contained in the IPPC Directive or in relevant National Legislation. The word 'weaner' is defined in the Oxford Dictionary as meaning " a young animal recently weaned". The word weaner is an appropriate term to use to describe a

type or class of animal that which will be cared for as part of the overall husbandry on the site of the licensed activity.

Recommendation: No change

B2. Objection to Condition 1.3

The objection relates to the inclusion of the associated feed storage and computerised wet feed facilities in the terms of the licence.

Technical Committee's Evaluation: This issue is specifically addresses as part of the applicant's objection in paragraph A1 above (please refer to Paragraph A1 above).

Recommendation: No change

B3. Objection to Conditions 8.8.1, 8.8.4, 8.8.6, 8.8.7 and 8.8.8.

The objection here relates to a view that the licensee has no power or responsibility for the activities or practices of others who use slurry or manures from his activity on their lands.

Technical Committee's Evaluation: The objections presented in relation to conditions 8.8.1, 8.8.4, 8.8.6, and 8.8.7 are argued in a manner that is very close to the arguments presented against the same conditions by the applicant. Therefore the issues raised by the IFA will not be addressed specifically. Rather, the responses which have been put forward at Paragraph A7 above hold true in this case. (please refer to paragraph A7 above).

Recommendation: No change

B4. Objection to Condition 8.8.9.

The objection here relates to a view that the licensee should not reasonably be required to retain information on the site of the activity in relation to lands of others.

Technical Committee's Evaluation: The objections presented in relation to conditions 8.8.9 is argued in a manner that is very close to the argument presented against the same condition by the applicant. Therefore the issue raised by the IFA will not be addressed specifically. Rather, the responses which have been put forward at Paragraph A8 above hold true in this case. (please refer to paragraph A8 above).

Recommendation: No change

B5. Objection to "...the letter which was issued to the licensee on 21st July 2005...".

As part of normal correspondence on 21/07/2005 the Licensing Inspector issued a letter to the applicant. Reference was made to 'client lands' in the letter and the IFA takes exception to the use of the term 'client lands'.

Technical Committee's Evaluation: The letter referred to does not form part of the Proposed Determination and its contents are of no direct relevance to the reconsideration of the Proposed Determination in the light of valid objections. Therefore the Technical Committee will not make any comment on the content of the letter referred to by the objector in this case.

Recommendation: No change

Objection C, which has been submitted by a group of individuals, opens with a preamble / commentary which does not deal with any specific condition of the Proposed Determination. This preamble refers to:

"...our long standing right and freedom to use fertiliser etc.,...."

The TC will refer again in this context to the comments as set out at Paragraph A2. above:

- The conditions of a licence speak to the licensee and sets out the obligations upon the licensee.
- The legal obligations of a holder of waste and the circumstances governing the transfer of control of waste are dealt with in the Waste Management Acts, 1996 to 2003. In this context, and in lay terms, it is understood that the legislation sets out the following requirements; the applicant can transfer their waste (slurry/manure) and thus their responsibility in regard to that waste to a third party farmer provided that they can satisfy themselves that their waste is, firstly, recovered by the third party farmers and also that the third party farmers are holding and recovering the waste in a manner that will not or is not likely to cause environmental pollution. The requirements of IPPC licence conditions (especially in this case Conditions 2.1.2, 6.6.2 and 8.8.6) are central to discharging that burden of responsibility. If the third party farmer chooses to ignore these, then the Agency is likely to prevent the licensee giving waste to that farmer again. It is the responsibility of the Local Authority to enforce local environmental issues that are not regulated by the Agency.

Recommendation: No change (on foot of this preamble to the objection)

C1. Condition 2.1.2

The objection raised in this case is the same as the objection raised by the applicant and is dealt with in detail under Paragraph A2 above. (Please refer to paragraph A2 above).

Recommendation: No change

C2. Condition 8.2

The objection raised in this case is the same as the objection raised by the applicant and is dealt with in detail under Paragraph A6 above. (Please refer to paragraph A6 above).

Recommendation: No change

C3. Condition 8.8.1

The objection raised in this case is the same as the objection raised by the applicant and is dealt with in detail under Paragraph A7 above. (Please refer to paragraph A7 above).

Recommendation: No change

C4. Condition 8.8.3

The objection raised in this case is the same as the objection raised by the applicant and is dealt with in detail under Paragraph A7 above. (Please refer to paragraph A7 above).

Recommendation: No change

C5. Condition 8.8.4

The objection raised in this case is the same as the objection raised by the applicant and is dealt with in detail under Paragraph A7 above. (Please refer to paragraph A7 above).

Recommendation: No change

C6. Condition 8.8.6

The objection raised in this case is the same as the objection raised by the applicant and is dealt with in detail under Paragraph A7 above. (Please refer to paragraph A7 above).

Recommendation: No change

C7. Condition 8.8.7 and Condition 11.9

The objections raised in these cases are the same as the objections raised by the applicant and are dealt with in detail under Paragraph A7 above. (Please refer to paragraph A7 above).

Recommendation: No change

C8. Condition 8.8.9

The objection raised in this case is the same as the objection raised by the applicant and is dealt with in detail under Paragraph A8 above. (Please refer to paragraph A8 above).

Recommendation: No change

The Objection from Martin Ryan (& others) with an address at Kilrush, Bunclody, Co Wexford concludes with a paragraph entitled “ Concluding comment and reason for the objection”. These comments do not relate to any specific conditions of the Proposed Determination but deal in a more general way with the argument as to whether slurries & manures from Hogg’s pig farm are wastes or products.

Reference is made also to the letter which was issued by the Licensing Inspector to the applicant on 21/07/2005 in relation to spread-lands which the applicant had indicated he would use for the application of slurries & manures from the site of the activity. The objectors take exception to the reference to their farmlands in this letter (their names did not appear in the letter). The letter referred to is not part of the Proposed Determination, and as such it will not be considered as part of the considerations on the objection to the Proposed determination in this case.

Recommendation: No change

Overall Recommendation:

It is recommended that the Board of the Agency grant a licence to the applicant

- (i) for the reasons outlined in the Proposed Determination and
- (ii) subject to the conditions and reasons for same in the Proposed Determination,
and
- (iii) subject to the amendments proposed in this report.

Signed

Frank Clinton

for and on behalf of the Technical Committee