



OF

This memo has been cleared for submission to the Board by Programme Manager, Frank Clinton  
 Signed: Frank Clinton Date: 20/06/12

**LICENSING & RESOURCE USE**

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

<b>TO:</b>	Directors
<b>FROM:</b>	Technical Committee - <b>LICENSING UNIT</b>
<b>DATE:</b>	5 <sup>th</sup> June 2012
<b>RE:</b>	Objections to Proposed Determination for Woodville Pig Farms Ltd., Woodville, Ballymackey, Co. Tipperary, IPPC Licence No.: P0467-02

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 750 places for sows in a breeding unit, 285 places for sows in an integrated unit, or 2,000 places for production pigs".
Location of activity:	Breeding Unit: Woodville, Ballymackey, Co. Tipperary. Production Pig Unit: Ballyknockane, Ballymackey, Co. Tipperary. Anaerobic Digester: Ballaghveny, Ballymackey, Co. Tipperary.
Licence application received:	24 <sup>th</sup> November 2008
Proposed Determination (PD) issued:	20 <sup>th</sup> September 2011
First party objection received:	17 <sup>th</sup> October 2011
Third Party Objection received:	12 <sup>th</sup> October 2011 17 <sup>th</sup> October 2011
Submissions on Objections received:	2 <sup>nd</sup> December 2011
Article 40(1) notices of extension of time issued:	20 <sup>th</sup> February 2012 11 <sup>th</sup> June 2012

**Company**

Woodville Pig Farms Limited is located in a rural area of Co. Tipperary approximately 12 km north east of Nenagh town. Woodville Pig Farms Ltd was granted an IPPC licence Reg. No. 467-01 to operate a 620 sow integrated unit located at Woodville, Ballymackey, Nenagh, Co. Tipperary on 29 March 2000. By agreement with the Agency under IPPC licence Reg No. P0467-01 the maximum licensed animal numbers were amended to a 920 sow breeding unit on 20 April 2004. The licence review application P0467-02 to which this technical committee report relates, addresses a

920 sow breeding unit at Woodville, the inclusion of an existing 8,000 production pig unit at Ballyknockane (the combination of which provides an integrated unit) and a proposed anaerobic digester at Ballaghveny.

There were no submissions received in relation to the licence application.

### **Consideration of the Objections**

The Technical Committee, comprising of Donal Grant (Chair) and Suzanne Wylde has considered all of the issues raised in the Objections and this report details the Committee's comments and recommendations following the examination of the objections. The Technical Committee consulted Agency Senior Inspector Mr Patrick Byrne, who provided comments on the points raised.

This report considers one valid first party objection, two valid third party objections and one submission on the third party objection.

## **First Party Objection**

<b>Objection No. 1</b>	<b>Date Received</b>
Mr Tim Cullinan, Woodville Pig Farms Ltd., Woodville, Ballymackey, Co. Tipperary.	17 <sup>th</sup> October 2011

An objection was received from Mr Cullinan on behalf of Woodville Pig Farms Limited on 17<sup>th</sup> October 2011. Correspondence, received on 11<sup>th</sup> October 2011 from the licensee was referenced as a submission on the Proposed Determination (PD). The two pieces of correspondence, received on the 11<sup>th</sup> and 17<sup>th</sup> October were combined by the Agency to form a single consolidated objection by Woodville Pig Farms Ltd. The objection relates to a number of conditions in the proposed determination which they wished to have removed or amended. These objections and the response of the Agency are outlined below.

The principal objection relates to the removal of a class of activity from the licence (Class 11.1, associated with the proposed Anaerobic Digestion Plant). According to the objection, Woodville Pig Farms Ltd. no longer wishes to develop an Anaerobic Digestion (AD) plant at the site at Ballaghveny. It is stated in the objection that Mr. Cullinan owns the land at Ballaghveny, on which any proposed AD plant may be developed, but in the objection it is stated that the AD plant would be owned and operated by a separate company, Tipperary Milling Ltd, if developed in the future. The removal of the Class 11.1 activity from the licence will result in a multitude of changes to the Proposed Determination (PD), all of which have been identified by the licensee. The licenced site boundary would also change as a result of any changes to the activities carried out at the installation. Revised drawings were submitted with the objection by Mr. Cullinan. The removal of Class 11.1 activity from the licence and the subsequent changes to the licence are addressed here as one single objection. All other objections, detailed in the letter dated 17<sup>th</sup> October 2011 will then be addressed separately in this report.

It should be noted that the objection submitted by the licensee also contained a number of comments in relation to the content of the Inspector's Report, however as these comments did not refer to specific conditions of the PD they have not been addressed in this report.

**Objection A: Removal of Class 11.1 activity and associated terms/conditions/schedules from the licence.**

The licensee, in their objection, outlined the reasons for the changes to the classes of activity carried out at the installation. They stated that the lands on which the Class 11.1 activity was scheduled to take place, are in the ownership of Mr. Cullinan, but that a different company, Tipperary Milling Limited will lease the lands and would undertake the activity separate to any activities carried out at the Woodville Pig Farms Ltd. installation, class 6.2 (pig rearing) activity. The objection was accompanied by a number of appendices and documents that detailed the changes to the PD that the licensee believed necessary to remove the Class 11.1 activity (Anaerobic Digestion).

**Technical Committee's Evaluation:**

The TC accepts the reasons for the change of activity at the installation and agrees with the licensee that a number of changes must be made to the PD to reflect the removal of Class 11.1 activity from the PD. The recommendation below lists the necessary changes to the PD, in particular Class 11.1 will be deleted, the site boundary will be amended to exclude the land at Ballaghveny, and conditions and schedules associated with the proposed Anaerobic Digestion process will be deleted.

**Recommendation:** Delete/amend the following text/terms/conditions/schedules of the PD:

**Cover page** – delete the text *Anaerobic Digester: Ballaghveny, Ballymackey, Co. Tipperary.*

**Introduction** – amend the text to read as follows:

*The installation is authorised to undertake the following activity under the terms of this revised licence:*

- 1) to incorporate an existing production pig unit located at Ballyknockane, Ballymackey, Nenagh, County Tipperary.*

*The breeding unit and production pig unit are located on separate sites within approximately 1.8 km of each other.*

**Glossary of Terms** – delete the following terms relating to Class 11.1 activity:

*Biogas Plant*

*CHP*

*Digestate*

*Hours of waste/material acceptance*

**Part I Schedule of Activities Licensed** – amend the text to read as follows:

*In pursuance of the powers conferred on it by the Environmental Protection Agency Acts 1992 to 2011, the Agency proposes to determine the review of the existing licence (Reg. No. P0467-01) granted to:*

*Woodville Pig Farms Limited, Woodville, Ballymackey, Nenagh, County Tipperary, under Section 90(2) of the said Acts to carry on the following activities:*

- the rearing of pigs in an installation, whether within the same complex or within 100 metres of the same complex, where the capacity exceeds 750 places for sows in a breeding unit, 285 places for sows in an integrated unit and 2,000 places for production pigs; and*

*at Woodville, Ballymackey, County Tipperary (breeding unit) and Ballyknockane, Ballymackey, County Tipperary (production pig unit) and subject to the following twelve*

*Conditions, with the reasons therefor and associated schedules attached thereto.*

**Part III Conditions:**

Condition 1.3 – delete

Condition 1.4 – amend to read as follows:

*For the purposes of this licence, the installation authorised by this licence are the areas of land outlined in red on the drawings in Appendix B to the first party objection received on 17<sup>th</sup> October 2011. Any reference in this licence to "installation" shall mean the areas thus outlined in red. The licensed activities shall be carried on only within the areas outlined.*

Condition 2.2 – delete

Condition 3.2 – delete

Condition 3.7 – delete

Condition 3.8 – delete

Condition 3.11 – delete

Condition 3.13 – delete

Condition 3.14.3 – delete

Condition 3.14.4 – delete

Condition 5.5 – amend to read:

**5.5 Odour Control**

*The licensee shall, within one year 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; renovation of existing buildings to incorporate low emission housing design, and investigate 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 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.*

Condition 5.6 – delete

Condition 6.1 – delete

Condition 6.4 – delete

Condition 6.5 – delete

Condition 6.9 – delete

Condition 6.11 – delete

Condition 6.12 – delete

Condition 6.13 – amend to read:

**6.13 Geomembrane-lined Slurry Storage Basins**

**6.13.1** *The licensee shall undertake a visual inspection of the leak detection inspection chambers on a weekly basis. The licensee shall maintain a record of these inspections on-site for inspection by authorised personnel of the Agency at all reasonable times.*

**6.13.2** *The licensee shall undertake analysis of any discharge from the leak*

*detection inspection chambers on a biannual basis as specified in Schedule C.2.4 Monitoring of Any Discharge from the Manure Storage Basin Leak Detection Inspection Chamber, of this licence.*

*6.13.3 The licensee shall ensure that adequate infrastructure is in place to contain slurry/manure in the event of a spillage or overflow from the basins.*

Condition 6.15 – amend to read:

*6.15 Storm Water*

*6.15.1 A visual examination of the storm water discharge shall be carried out weekly. A log of such inspections shall be maintained.*

*6.15.2 The drainage system (i.e., gullies, manholes, any visible conduits and such other aspects as may be agreed) and bunds shall be inspected weekly, desludged as necessary and properly maintained at all times. All sludge and drainage from these operations shall be collected for safe disposal. The drainage system and bunds shall be properly maintained at all times.*

*6.15.3 The licensee shall provide and subsequently maintain a rainwater collection and drainage system for all pig housing on-site.*

*6.15.4 The licensee shall divert all uncontaminated surface water run-off from roofs and non-contaminated impervious areas of the site, to the surface water drainage system. Following reconstruction/construction at the installation this drainage system shall discharge through four outfalls as identified in Schedule C.2.3 Monitoring of Storm Water Emissions. The licensee shall provide and maintain an inspection chamber(s) at the outlet(s) of the surface water drainage system.*

*6.15.5 There shall be no unauthorised discharge of polluting matter to water.*

*6.15.6 The licensee shall monitor storm water discharges in accordance with Schedule C.2.3 Monitoring of Storm Water Emissions of this licence. The results of monitoring shall be reported annually as part of the AER.*

Condition 6.20 – delete

Condition 6.22.1 – amend to read as follows:

*6.22.1 The licensee shall carry out a noise survey of the site operations as required by the Agency. The survey programme shall be undertaken in accordance with the methodology specified in the 'Environmental Noise Survey Guidance Document' published by the Agency.*

Condition 7.2 – amend to read:

*7.2 The audit shall identify all opportunities for energy use reduction and efficiency and the recommendations of the audit shall be incorporated into a Resource Use and Energy Programme.*

Condition 7.3 – amend to read:

*7.3 The licensee shall identify opportunities for reduction in the quantity of water used on site including recycling and reuse initiatives, wherever possible. Reductions in water usage shall be incorporated into a Resource Use and Energy Programme.*

Condition 7.4 – amend to read:

*7.4 The licensee shall undertake an assessment of the efficiency of use of raw*

*materials in all processes, having particular regard to the reduction in waste generated. The assessment should take account of best international practice for this type of activity. Where improvements are identified, these shall be incorporated into a Resource Use and Energy Programme.*

Condition 8.1 – delete

Condition 8.4 – delete

Condition 8.5 – amend to read:

*8.5 The loading and unloading of materials shall be carried out in designated areas protected against spillage and leachate run-off.*

Condition 8.9 – delete

Condition 8.13 – delete

Condition 10.2 – delete

Condition 10.3 – delete

Condition 10.4 – delete

Condition 11.1 – delete

Condition 11.7 (ii) – delete

Condition 11.9 (i) – amend to read:

*(i) the tonnages and EWC Code for the waste*

Condition 11.9 (viii) – amend to read:

*(viii) the results of any waste analyses required under Schedule C: Control & Monitoring, of this licence.*

Condition 11.9 (ix) – delete

Condition 11.12 – delete

**Remove the word 'Digestate' from the following:**

Definition of 'Freeboard' in the glossary of terms

Condition 3.14

Condition 2.5.2

Condition 6.14

Condition 6.16

Condition 6.19

Condition 8.3

Condition 8.7

Schedule D: Annual Environmental Report

Schedule A.1 Waste Related Processes – delete

Schedule A.2 Waste/Material Acceptance – delete

Schedule A.3 Animal Numbers Housed at the installation – rename as Schedule A.1

Schedule B.1 Emissions to Air – amend to read:

*There shall be no emissions to air of environmental significance.*

Schedule C.1.1 Control of Emissions to Air – amend to read:

*There shall be no emissions to air of environmental significance.*

Schedule C.1.2 Monitoring of Emissions to Air – amend to read:  
*There shall be no emissions to air of environmental significance.*

Schedule C.2.3 Monitoring of Storm Water Emissions – amend to read:

**Emission Point Reference No**  
**Note 1:**

Breeding unit:  
 SW2 as identified on Drawing No. 001 entitled "*Rev site plan Stormwater routes*"  
 Production pig unit:  
 SW1 as identified on Drawing No. 003 entitled "*Ballyknockane Pig Farm Site Plan – Stormwater layout*"

Parameter	Monitoring Frequency	Analysis Method/Technique
<b>COD or BOD</b>	Quarterly	Standard method
<b>Visual Inspection</b>	Weekly	Sample and examine for colour and odour.

**Note 1:** The licensee shall provide monitoring points within the site boundary for all surface water discharges.

**Note 2:** Monitoring to commence from the date of the operation of the anaerobic digester.

Schedule C.2.4 Monitoring of Any Discharge from the Manure Storage Leak Basin Detection Inspection Chambers – amend to read:

***C.2.4 Monitoring of Any Discharge from the Manure Storage Leak Detection Inspection Chambers***

**Emission Point Reference No:**

Production pig Unit:  
 LD D as identified on Drawing No 004A, entitled "*Ballyknockane Pig Farm Site Plan – Integrity Pipework layout*".

Parameter	Monitoring Frequency <sup>Note 1</sup>	Analysis Method/Technique
<b>COD or BOD</b>	Biannually	Standard method
<b>Nitrate (as N)</b>	Biannually	Standard method
<b>Total Coliforms</b>	Biannually	Standard method
<b>Visual Inspection</b>	Weekly	Sample and examine for colour and odour.

**Note 1:** Monitoring to commence within three months of completion of construction.

Schedule C.2.5 Monitoring of Any Discharge from the Tank Leak Detection Inspection Chambers – amend to read:

**Emission Point Reference No:**

Production pig Unit: LD A, LD B and LD C, as identified on Drawing No 004A, entitled "*Ballyknockane Pig Farm Site Plan – Integrity Pipework layout*" (received 20 July 2010).

Parameter	Monitoring Frequency <sup>Note 1</sup>	Analysis Method/Technique
COD or BOD	Biannually	Standard method
Visual Inspection	Weekly	Sample and examine for colour and odour.

**Note 1:** Monitoring to commence within three months of completion of construction.

Schedule C.4 Waste and Slurry/Manure/Digestate Monitoring – amend to read:

#### **C.4 Slurry/Manure Monitoring**

Waste Monitoring Reference(s):

As labelled on Drawing No. 003 entitled "Ballyknockane Pig Farm Site Plan – Stormwater layout" (production pig unit) and Drawing No. 001 entitled "Rev site plan Stormwater routes" (breeding unit) (received on 20 July 2010), of the application.

Class	Frequency	Parameter	Monitoring Reference
Slurry/Manure	Weekly and 1 <sup>st</sup> January annually	Available storage capacity	<b>Production Pig Unit:</b> Fattening Houses A, B, C, 6 & 7 <b>Breeding Unit:</b> Farrowing House No. 2, Dry Sow Houses No. 4 and 10a, First Weaner House No.7, Second Stage Weaner Houses No. 14 and 15.
Slurry/Manure Other <sup>Note 2</sup>	Annually	Nutrients (N, P & K) <sup>Note 1</sup>	Untreated slurry

**Note 1:** Nutrient concentrations in the *Nitrates Regulations* (S.I. No. 610 of 2010) may be complied with as an alternative.

**Note 2:** Analytical requirements to be determined on a case by case basis.

Schedule C.6.1 Groundwater Monitoring – amend to read:

#### **C.6.1 Groundwater Monitoring**

**Location :** AGW1 (Breeding unit), AGW2 (Breeding unit) and AGW3 (Breeding unit)  
AGW1 (Production Pig unit) and AGW2 (Production Pig unit)

Parameter	Monitoring Frequency	Analysis Method/Techniques
COD	Biannually	Standard Method
Nitrate	Biannually	Standard Method
Total Ammonia	Biannually	Standard Method
Faecal Coliforms	Biannually	Standard Method
Total Coliforms	Biannually	Standard Method

Schedule C.7 Control of Anaerobic Digester – delete.



Schedule D Annual Environmental Report – Delete the following text:  
*Nutrient mass balance calculated for the anaerobic digestion process.*  
*Schedule of Environmental Objectives and Targets.*  
*Environmental management programme – report for previous year.*  
*Environmental management programme – proposal for current year.*  
*Boiler efficiency test results.*  
*Fugitive emissions programme report.*  
*Report on the use of solid/fibrous digestate and sulphate by-product.*  
*Development/Infrastructural works summary (completed in previous year and/or prepared for current year).*

### **Objection B. Glossary of Terms**

The licensee objects to the use of the following terms and requests that they be replaced with more appropriate terms as used and defined in SI 610 of 2010:

*Customer Farmers* be deleted and replaced by *Occupier of a Holding*,  
*Customer Farmer's Lands* be deleted and replaced by *Holding*, and  
*Landspreading* be deleted and replaced by *The Application to Land*.

### **Technical Committee's Evaluation:**

The terms used to describe the management of manure are used in all licences granted for class 6.2 activities. Recommended amendments to the glossary of terms in Objection F below addresses a number of amendments to the terms used in the glossary.

**Recommendation:** Refer to recommended changes under Objection F below. No other changes are recommended.

### **Objection C. Condition 6.2, Condition 8.12.4 & table headed "Lands used for landspreading" in Schedule C.6.2**

6.2 The licensee shall carry out such sampling, analyses, measurements, examinations, maintenance and calibrations as set out below and as in accordance with *Schedule C: Control & Monitoring*, of this licence.

- 6.2.1 Analyses shall be undertaken by competent staff in accordance with documented operating procedures.
- 6.2.2 Such procedures shall be assessed for their suitability for the test matrix and performance characteristics shall be determined.
- 6.2.3 Such procedures shall be subject to a programme of Analytical Quality Control using control standards with evaluation of test responses.
- 6.2.4 Where any analysis is sub-contracted it shall be to a competent laboratory.

### ***Schedule C.6.2 Land used for Landspreading***

Monitoring Location: All lands included in the landbank

Conditions	Monitoring Frequency <sup>Note 2</sup>	Analysis Method/Technique <sup>Note 3 &amp; 4</sup>
<b>Soil Sampling</b> <sup>Note 1</sup>	Prior to the preparation of an NMP Every six years	Morgan's P test Morgan's P test

**Note 1:** The sampling area shall not exceed 4 hectares. Exceptionally, where soil types and cropping of lands were similar during the previous years, a sample area of up to 8 hectares shall be deemed acceptable.

**Note 2:** The licensee may assume 'Index 3' for preparation of nutrient management plans.

**Note 3:** Peach, M. and English, L. (1944) 'Rapid micro chemical test'. *Soil Science* 57:167 or as otherwise specified by the Department of Agriculture, Fisheries and Food.

**Note 4:** Soil analysis shall only be carried out by a soil-testing laboratory that meets the requirements of the Department of Agriculture, Fisheries and Food.

The objection relates to the implied requirement on the licensee to monitor and control customers' farmlands and holdings as proposed in both Condition 6.2. and Schedule C.6: Ambient Monitoring. The applicant identifies that this is the same proposed requirement as is set down in more specific terms in Condition 8.12.4. which states that: *Soil monitoring shall be undertaken as outlined in Schedule C.6 Ambient Monitoring [and] C.6.2 Land Used for Landspreading of this licence and a summary report included as part of the Nutrient Management Plan.* The applicant states that nowhere in the application did it suggest that the applicant had used or continued to use any land for landspreading or for any action associated with the deposition of manure or any other fertiliser on farmland. The applicant therefore objects to Condition 6.2 and Schedule C.6 of the PD and believes that they should both be removed from the PD because they are not applicable to the installation.

The applicant also objects to the requirement for ambient monitoring on lands not within his ownership. The applicant states that he has no authority to either access, control or monitor lands that are not in his ownership, nor does he have the authority to require any landowners/customers to conduct any sampling or testing included in the PD.

In addition the applicant objects to the requirements of Condition 8.12.4 regarding the monitoring of soil on landspreading lands and the requirement for nutrient management plans for those same lands, stating that the monitoring of soil outside the installation on customers holdings is not a matter for the licensee. The objection makes reference to both section 52(2)(a) and section 83(3)(d) of the EPA Acts 1992 and 2003 stating that the "*EPA knows or should know that these and similar "landspreading" conditions clearly conflict with legislation in force by denying and disregarding provisions in S.I. 252 of 2008<sup>1</sup> and S.I. 253 of 2008<sup>2</sup> and in S.I. 610 of 2010 that classify manure as Category 2 by-product, authorise sale or supply and transfer of manure from producers for use as organic fertiliser or soil improver and assigns responsibility for all aspects of the use of the manure/fertiliser to the occupier of the holding on which it is deposited on land.*"

### **Technical Committee's Evaluation:**

The PD does not require the licensee to monitor or control the activities of the customer farmers who use/recover as fertiliser the slurry generated at the installation.

Condition 6.2 is a general condition that requires that any sampling and analysis for parameters listed in the schedules to the licence and any reference methods for calibration of automated measuring systems shall be carried out in accordance with

<sup>1</sup> European Communities (Transmissible spongiform encephalopathies and animal by-products) Regulations 2008 (S.I. 252 of 2008)

<sup>2</sup> Diseases of animals act 1966 (Transmissible spongiform encephalopathies) (Fertilisers and soil improvers) Order 2008 (S.I. 253 of 2008).

CEN standards. The condition provides that if CEN standards are not available alternative standards that will ensure the provision of data of an equivalent scientific quality will apply. The TC considers that it is appropriate to require the applicant to undertake sampling, analysis and reference measurements to a CEN standard or an alternative standard. The condition applies to all the schedules of the licence, for example, storm water emissions and groundwater monitoring.

The recommended changes outlined under Objection F below address many of the points raised in this objection. It includes the recommendation that Condition 8.12 and *Schedule C.6.2 Land Used for Landspreading* be deleted. The recommended changes to conditions under objections F focus on the activities, including management of manure/slurry, at the installation.

**Recommendation:** Refer to recommended changes under Objection F below. No other changes are recommended.

#### **Objection D. Condition 6.6**

*6.6 The licensee shall ensure that groundwater monitoring well sampling equipment is available/installed on-site and is fit for purpose at all times. The sampling equipment shall be to Agency specifications.*

The licensee objects to this condition on the grounds that he is not aware of the Agency specification for groundwater sampling equipment and believes that *standard good practice for taking grab samples of water from the wells should be adequate for purpose in this site*. The licensee requests that the condition be amended to make it clear that sophisticated sampling equipment not generally installed on pig farms will not be required at the installation.

#### **Technical Committee's Evaluation:**

The PD is not prescriptive in terms of what infrastructure is necessary to provide for groundwater samples to be collected from the groundwater well. The groundwater well sampling equipment may be the water supply pumps and water infrastructure currently on-site. However, it must be possible to take a sample from the well, before mixing of the abstracted water with water from any off-site water supply. In the case of monitoring boreholes, they may not be equipped with pumps, piping and taps, and therefore sampling equipment may be required to facilitate periodic monitoring. The TC recommends no change to the condition.

**Recommendation:** No change.

#### **Objection E. Condition 6.16**

*The licensee shall ensure that a freeboard of at least 200 mm from the top of each covered slurry/manure/digestate storage tank and 300 mm from the top of uncovered slurry/manure/digestate storage tanks is maintained, as a minimum, at all times. The required freeboard shall be clearly indicated in the tank.*

The applicant objects to the unreasonable interpretation of the statutory requirement in relation to freeboard as per the above condition. The applicant states that the

requirement for inclusion of the equivalent of 200 mm freeboard in the gross slurry storage capacity in the holding is a statutory requirement and this requirement should replace this proposed condition.

**Technical Committee's Evaluation:**

The TC acknowledges that Articles 5, 7 & 9 of S.I. 610 of 2010 make reference to storage capacity required for slurry on "the holding". However, the footnote in Table 1 "Slurry storage capacity required for sows and pigs" of *Schedule 2 Criteria as to Storage Capacity and Nutrient Management* of S.I. No. 610 of 2010, reads as follows:

*An additional 200mm freeboard must be provided in all covered tanks and 300mm freeboard in all uncovered tanks. Allowance must also be made for net rainfall during the specified storage period for uncovered tanks.*

This footnote above explicitly refers to all covered tanks and all uncovered tanks.

The storage requirement of Condition 6.16 of the PD is additional to the requirement of Condition 3.14 which stipulates 'a minimum of 26 weeks storage of slurry'. As is stated in Condition 1.7 of the PD, 'This licence is for the purposes of IPPC licensing under the EPA Acts 1992 to 2007 only and nothing in this licence shall be construed as negating the licensee's statutory obligations or requirements under any other enactments or regulations'. Furthermore, the licence may require infrastructure or measures in addition to those that are specified under statutory regulations such as S.I. No. 610 of 2010.

The TC considers that it is reasonable to require that the freeboard must be clearly indicated in the tanks. The mechanism by which the freeboard must be indicated is not specified in the PD.

<b>Recommendation:</b> No change.
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**Objection F. Condition 8.12 and sub conditions, Condition 11.10 and Schedule D: Annual Environmental Report**

8.12 *Slurry/Manure/Digestate shall only be recovered by landspreading subject to the following conditions:*

8.12.1 *The licensee shall maintain on-site, for inspection by authorised persons, and submit to the Agency, within three months of the date of grant of this licence and thereafter by the first of March annually, the following information:*

- (i) *A calculation of the predicted slurry production for the current calendar year (1<sup>st</sup> January to 31<sup>st</sup> December) based on the animal numbers predicted to be housed at the installation during the current calendar year. The licensee shall, based on the above, calculate the predicted quantity of nitrogen and phosphorus to be generated during the current calendar year; and*
- (ii) *A summary table of customer farmers who may receive slurry/manure in the current calendar year. The table shall include as a minimum the 'Customer Farmer's Code' (Customer farmer's name shall be maintained on-site), and 'Quantity of*

*Slurry (m<sup>3</sup>)' (that may be used/recovered on the customer farmer's land in the current calendar year).*

- 8.12.2 The Summary table (referred to in condition 8.12.1(ii)) may be updated during the calendar year, based on a nutrient management plan or Nitrogen and Phosphorus Statement, to include additional customer farmers who may seek to receive slurry/manure during the year.*
- 8.12.3 The licensee shall maintain on site, for inspection by authorised persons, a current nutrient management plan or Nitrogen and Phosphorus Statement for all customer farmers' lands on which slurry/manure may be recovered in the current calendar year. The Nitrogen and Phosphorus statements or nutrient management plan shall demonstrate, to the satisfaction of the Agency, a nutrient need equal to or greater than the quantity of slurry/manure (and nutrients) predicted to be generated at the installation under Condition 8.12.1(i) above. Nutrient management plans may be based on Nitrogen and Phosphorus statements issued by the Department of Agriculture, Fisheries and Food.*
- 8.12.4 Soil monitoring shall be undertaken as outlined in Schedule C.6 Ambient Monitoring, C.6.2 Land Used for Landspreading of this licence where nutrient management plans, required under condition 8.12.3 are based on soil monitoring results. A summary report of soil monitoring results shall be maintained on-site as part of the nutrient management plan required under condition 8.12.3 above.*
- 8.12.5 Slurry shall only be supplied to customer farmers for whom a current nutrient management plan or Nitrogen and Phosphorus statement is maintained on-site.*

Condition 8.12 refers to recovery of slurry by landspreading subject to certain stipulations. The licensee objects to the inclusion of this condition as they maintain that the content of the condition is not relevant or applicable to the licensee or to his installation or the licensable activity. The objection states that the licensee '*does not recover manure by "landspreading" or otherwise, not in the installation and not anywhere else*', and thus maintains that the condition is not relevant to the installation.

The licensee states that he believes "*that the Agency...know that the producers of pig manure/fertiliser and suppliers of that pig manure/fertiliser to farmers who want it for their holdings, are required by separate legislation, that is independent of the IPPC system, to store it, manage it and use it in accordance with prescribed standards binding on them in the context of their holdings*".

- 11.10 The licensee shall maintain an 'organic fertiliser register' to the satisfaction of the Agency, showing, as a minimum, details in accordance with Article 23 of S.I. No. 610 of 2010 European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 and as otherwise specified by the Agency or Department of Agriculture, Fisheries and Food in accordance with the Regulations.*

The licensee objects to the presentation of the Organic Fertiliser Register in the Annual Environmental Report due to the potential public display of personal data of customer farmers that is not otherwise meant to be made available to the public.

They ask that the proposed condition be amended accordingly or that the Agency 'indemnify [Woodville Pig Farms Limited] against any legal action that might be taken by any party against it for breach of the Data Protection Acts of 1988 and 2003'.

**Technical Committee's Evaluation:**

Section 83(5)(a)(v) of the EPA Acts 1992 to 2007 states that:

*The Agency shall not grant a licence or revised licence for an activity-*

*(a) unless it is satisfied that-.....*

*(v) any emissions from the activity will not cause significant environmental pollution,....*

The Agency issued the PD on the basis that the applicant provided information in relation to the nutrient requirement of identified lands. This demonstrated, to the satisfaction of the Agency, a need for fertiliser on identified lands that may be provided by the slurry that would be generated at the installation.

The TC notes that since the Proposed Determination (PD) was issued in August 2011, the Board of the Agency considered a proposal from the Department of Agriculture, Food and the Marine (DAFM) in December 2011 on a new approach for the control and management of organic fertiliser in the intensive agriculture sector. Based on the proposal the Agency agreed to amended conditions included in IPPC licences granted to the intensive agricultural sector associated with the control and management of manure/slurry (organic fertiliser). The TC recommends that the PD as issued should be amended in accordance with the conditions agreed by the Board of the Agency in December 2011.

**Recommendation:**

**Delete the following definitions, conditions and schedules:**

Glossary

Buffer zone	Area excluded from landspreading of slurry/manure/digestate.
Landspreading	The application of slurry/manure/digestate to farmland.
NMP	Nutrient Management Plan.

Condition 8

- 8.3 The transport of slurry via the public road shall be carried out in sealed containers such that no spillage can occur.
- 8.12 Slurry/Manure/Digestate shall only be recovered by landspreading subject to the following conditions:
  - 8.12.1 The licensee shall maintain on-site, for inspection by authorised persons, and submit to the Agency, within three months of the date of grant of this licence and thereafter by the first of March annually, the following information:
    - (i) A calculation of the predicted slurry production for the current calendar year (1<sup>st</sup> January to 31<sup>st</sup> December) based on the animal numbers predicted to be housed at the installation during the current calendar year. The licensee shall, based on the above, calculate the predicted quantity of nitrogen and phosphorus to be generated during the current calendar year; and

- (ii) A summary table of customer farmers who may receive slurry/manure in the current calendar year. The table shall include as a minimum the 'Customer Farmer's Code' (Customer farmer's name shall be maintained on-site), and 'Quantity of Slurry (m<sup>3</sup>)' (that may be used/recovered on the customer farmer's land in the current calendar year).
- 8.12.2 The Summary table (referred to in condition 8.12.1(ii)) may be updated during the calendar year, based on a nutrient management plan or Nitrogen and Phosphorus Statement, to include additional customer farmers who may seek to receive slurry/manure during the year.
- 8.12.3 The licensee shall maintain on site, for inspection by authorised persons, a current nutrient management plan or Nitrogen and Phosphorus Statement for all customer farmers' lands on which slurry/manure may be recovered in the current calendar year. The Nitrogen and Phosphorus statements or nutrient management plan shall demonstrate, to the satisfaction of the Agency, a nutrient need equal to or greater than the quantity of slurry/manure (and nutrients) predicted to be generated at the installation under Condition 8.12.1(i) above. Nutrient management plans may be based on Nitrogen and Phosphorus statements issued by the Department of Agriculture, Fisheries and Food.
- 8.12.4 Soil monitoring shall be undertaken as outlined in Schedule C.6 Ambient Monitoring, C.6.2 Land Used for Landspreading of this licence where nutrient management plans, required under condition 8.12.3 are based on soil monitoring results. A summary report of soil monitoring results shall be maintained on-site as part of the nutrient management plan required under condition 8.12.3 above.
- 8.12.5 Slurry shall only be supplied to customer farmers for whom a current nutrient management plan or Nitrogen and Phosphorus statement is maintained on-site.

**Condition 11**

- 11.10 The licensee shall maintain an 'organic fertiliser register' to the satisfaction of the Agency, showing, as a minimum, details in accordance with Article 23 of S.I. No. 610 of 2010 European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 and as otherwise specified by the Agency or Department of Agriculture, Fisheries and Food in accordance with the Regulations.
- 11.12 The licensee shall maintain a register of animal numbers housed at the installation. The register shall be devised to reflect the classes of animal specified in *Schedule A.3 Animal Numbers Housed at the Installation*, of this licence. This register is to be updated weekly and available on-site for inspection by the Agency.

**Schedule C.6 Ambient Monitoring**

**C.6.2 Land used for Landspreading**

Monitoring Location: All lands included in the landbank

Conditions	Monitoring Frequency <sup>Note 2</sup>	Analysis Method/Technique <sup>Note 3 &amp; 4</sup>
Soil Sampling <sup>Note 1</sup>	Prior to the preparation of an NMP Every six years	Morgan's P test Morgan's P test

**Note 1:** The sampling area shall not exceed 4 hectares. Exceptionally, where soil types and cropping of lands were similar

- during the previous years, a sample area of up to 8 hectares shall be deemed acceptable.
- Note 2:** The licensee may assume 'Index 3' for preparation of nutrient management plans.
- Note 3:** Peach, M. and English, L. (1944) 'Rapid micro chemical test'. *Soil Science* 57:167 or as otherwise specified by the Department of Agriculture, Fisheries and Food.
- Note 4:** Soil analysis shall only be carried out by a soil-testing laboratory that meets the requirements of the Department of Agriculture, Fisheries and Food.

***Schedule D: Annual Environmental Report***

- Organic Fertiliser Register (Slurry/Manure/Digestate)

**Amend the following conditions/schedules to read as follows:**

**Insert the following conditions/schedules:**

Glossary

<b>Animal By-Product Regulations</b>	Regulation (EC) No. 1069 /2009 of the European Parliament and of the Council of 21 October 2009
<b>Customer Farmers</b>	Farmers who may use/recover <b>organic fertiliser</b> generated at the installation as fertiliser on their lands.
<b>IFI</b>	Inland Fisheries Ireland
<b>Places for Sows</b>	Places for female pigs after their first farrowing and places for gilts, (i.e., female pigs which have already been serviced, but have not yet farrowed).

***C.4 Waste and Slurry/Manure/Digestate Monitoring***

Refer to recommended changes under Objection A.

Condition 2

2.5.2 Personnel/contractors performing specifically assigned tasks shall be qualified on the basis of appropriate education, training and/or experience, as required.

Condition 6 (**Note:** Insert after Condition 6.16 and renumber following conditions accordingly).

6.17 The licensee shall calculate and record the quantity of organic fertiliser stored on-site on the 1<sup>st</sup> January annually. The licensee shall maintain the record on-site and the record shall be available for inspection by authorised persons, including Agency personnel.

**Replace Condition 11.10 with the following:**

**11.10 Organic Fertiliser Movements**

- 11.10.1 The licensee shall record all organic fertiliser movements off-site in an 'organic fertiliser register' which shall be available for inspection on-site by authorised persons.
- 11.10.2 The licensee shall maintain an 'organic fertiliser register' to the satisfaction of the Agency, showing, as a minimum the name, herd number of the customer farmer receiving organic fertiliser, quantity of organic fertiliser, date of movement off site, and details in accordance with Article 23 of S.I. No. 610 of 2010 European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 and as otherwise specified by the Agency or Department of Agriculture, Food



- and the Marine.
- 11.10.3 The licensee shall, on or before the 31<sup>st</sup> December annually, submit to the Department of Agriculture, Food and the Marine the completed records of movement of organic fertiliser from the installation (referred to as 'Record 3' by the Department of Agriculture, Food and the Marine). The record shall be in accordance with Article 23 of S.I. No. 610 of 2010 European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 and as otherwise specified by the Agency or Department of Agriculture, Food and the Marine. A copy of the record submitted shall be maintained on site for inspection.
- 11.10.4 The licensee shall calculate and record by the 31<sup>st</sup> of January annually:
- (i) the quantity of organic fertiliser generated by the animals housed on-site in the previous calendar year;
  - (ii) the total quantity of organic fertiliser moved off site and recorded in the organic fertiliser register and 'Record 3' as submitted to the Department of Agriculture, Food and the Marine in the previous calendar year;
  - (iii) the opening quantity of organic fertiliser (1<sup>st</sup> January of the previous year); and closing quantity of organic fertiliser (1<sup>st</sup> January of the current year).
- These details shall be submitted to the Agency as part of the AER.

**Schedule D: Annual Environmental Report**

Include the following additional reports/records:

- Quantity of organic fertiliser generated during the AER reporting year.
- Quantity of organic fertiliser moved off-site and recorded during the AER reporting year.
- Opening and closing quantity of organic fertiliser at the installation.

**Objection G. Condition 11.11 and Schedule A.3**

*The licensee shall maintain a register of animal numbers housed at the installation. The register shall be devised to reflect the classes of animal specified in Schedule A.3 Animal Numbers Housed at the Installation, of this licence. This register is to be updated weekly and available on-site for inspection by the Agency.*

***Schedule A.3 Animal Numbers Housed at the installation***

<b>Animal Class</b>	<b>Numbers from date of grant of licence</b> <small>Note 1,2</small>
<b>Farrows/Suckling Sows</b>	220
<b>Dry Sows</b>	700
<b>Gilts</b>	109
<b>Boars</b>	12
<b>Weaners</b>	3850
<b>Production Pigs</b>	8000

**Note 1:** This excludes suckling pigs maintained on site.

**Note 2:** A 20% increase in the number of production pigs held on site, for a period not exceeding 2 weeks, is permissible. The frequency of such occurrences must be kept to a minimum. Any other variation in any of the animals numbers specified requires prior agreement from the Agency

The licensee states in their objection that they have applied to North Tipperary County Council for planning permission to increase the pig numbers at the Breeding Unit at Woodville. They have proposed an additional column to be added to Schedule A.3 above with proposed numbers of animals to be housed at the installation subject to planning permission being granted by North Tipperary County Council. The proposed amendment to the schedule is as follows:

Animal Class	Numbers from date of grant of licence Note 1,2	Proposed Numbers Note 1,2,3
<b>Farrows/Suckling Sows</b>	220	350
<b>Dry Sows</b>	700	850
<b>Gilts</b>	109	300
<b>Boars</b>	12	15
<b>Weaners</b>	3850	6600
<b>Production Pigs</b>	8000	8000

**Note 1:** This excludes suckling pigs maintained on site.

**Note 2:** A 20% increase in the number of production pigs held on site, for a period not exceeding 2 weeks, is permissible. The frequency of such occurrences must be kept to a minimum. Any other variation in any of the animals numbers specified requires prior agreement from the Agency.

**Note 3:** Subject to planning permission being granted for the Breeding Unit at Woodville.

### **Technical Committee's Evaluation**

In their objection, the licensee submitted a copy of an EIS they had prepared as part of an application for planning permission to North Tipperary County Council. The planning permission application is for the development of buildings at the Woodville Breeding Unit to increase stock numbers as outlined above. The TC notes that conditional permission was granted for the development by North Tipperary County Council on 15<sup>th</sup> December 2011.

A planning application for development works to accommodate additional stock numbers at the installation (Woodville site) was previously submitted to North Tipperary County Council in 2010. The Inspector's report states, in relation to that planning application and associated EIS, that:

*North Tipperary County Council notified the EPA that the breeding unit planning application (Planning File Reference. No. 10/510163) which was accompanied by an EIS was withdrawn on 8 February 2011. An EIS, associated with the increase in sow numbers, was provided to the EPA by Tipperary County Council. The Agency has not been informed by the licensee of a subsequent planning application having been submitted to North Tipperary County Council. The EIS cannot be approved prior to a subsequent planning application being made and EIS submitted. **Therefore the proposal to increase stock numbers (sow numbers from 920 to 1,200) at the breeding unit is not considered in this licence review application.***

It is considered beyond the scope of a Technical Committee to assess and approve an EIS for the proposed development as part of an objection to a PD. Such an assessment should be undertaken as part of a further licence review. A review would provide for statutory bodies and any other interested parties to consider the changes proposed in the EIS. Consideration of the EIS during the objection stage of the licensing process could not provide for such communication and consideration by others.

Any development that requires an IPPC or waste licence and planning permission and such planning application requires preparation of an EIS must be considered in accordance with the EIA Directive. While planning permission has been granted for the proposed development (December 2011), the planning application and in particular the EIS were not available for assessment in accordance with the EIA Regulations and Directive prior to issue of a PD. The Technical Committee is therefore not in a position to assess the EIS submitted with the first party objection and cannot approve an increase in stock numbers. The purpose of the objection stage of the licensing process, as provided for under Part V of the EPA (Licensing) Regulations, 1994 to 2010, is to allow for objections to the content of the PD.

**Recommendation:** No change.

## Third Party Objections

Objection No. 2	Date Received
Mr. Martin Hogan, Kylebeg, Borrisokane, Co. Tipperary.	12 <sup>th</sup> October 2011

An objection and its associated cover letter was received from Mr. Martin Hogan, Kylebeg, Borrisokane, Co. Tipperary, relating to a number of conditions in the PD which he wished to have removed or amended. These objections and the response of the Agency are outlined below. Mr. Hogan is a farmer in the vicinity of Woodville Pig Farms installation and acquires pig slurry as a fertiliser from the installation.

### **Objection 2A. Condition 6.2 & table headed "Lands used for landspreading" in Schedule C.6.2**

The objections by Mr. Hogan to Condition 6.2 & table headed "Lands used for landspreading" in Schedule C.6.2 reflect the objections of the Licensee in the first party objection outlined above.

#### **Technical Committee's Evaluation:**

Mr. Hogan objects to the same conditions for the same reasons as stated by the licensee in their objection therefore the changes recommended by the TC to Objection C and F of the first party objection are appropriate to address Mr. Hogan's concerns.

<b>Recommendation:</b> Refer to recommended changes under Objection C and F of the first party objection above.
---

### **Objection 2B. Condition 8.12**

The objections by Mr. Hogan to Condition 8.12 reflect the objections of the licensee to the same condition in the first party objection outlined above.

#### **Technical Committee's Evaluation:**

Mr. Hogan objects to the same conditions for the same reasons as stated by the licensee in their objection therefore the changes recommended by the TC to Objection F of the first party objection are appropriate to address Mr. Hogan's concerns.

<b>Recommendation:</b> Refer to recommended changes under Objection F of the first party objection above.
---

### **Objection 2C. Condition 11.8 & Schedule D: Annual Environmental Report**

The objections by Mr. Hogan to Condition 11.8 & Schedule D: Annual Environmental Report reflect the objections of the licensee to Condition 11.10 and Schedule D in the first party objection outlined above.

#### **Technical Committee's Evaluation:**

Mr. Hogan objects to the condition and schedule for the same reasons as stated by the licensee in their objection therefore the changes recommended by the TC to Objection F of the first party objection are appropriate to address Mr. Hogan's concerns.

**Recommendation:** Refer to recommended changes under Objection F of the first party objection above.

<b>Objection No. 3</b>	<b>Date Received</b>
Mr Edward O'Connor, chairman, Irish Organic Fertiliser Producers, c/o Ahearn & Co., Greatmeadow, Boyle, Co. Roscommon.	17 <sup>th</sup> October 2011

A third party objection to the PD was received from Mr. Edward O'Connor and consisted of a 14 page letter from the Irish Organic Fertiliser Producers Association, signed by Mr O'Connor as Chairman. The third party objection identifies a number of issues which the objector believes the Agency has misinterpreted in relation to the trading and transfer of manure / fertiliser from the installation to others for use in fertilising farmland remote from the installation. The objector considers that manure use on customer's lands is not a matter for control under the conditions of the licence. The objector also states that the by-product status of pig manure (and of livestock manures generally) and the right of farmers to trade manure as the fertiliser it is, needs to be recognised and respected in the licence, when granted. The TC wishes to clarify that only objections made to the Agency in relation to the Proposed Determination (PD), as approved by the Agency, may be considered by the TC. Therefore, although particular points raised in the objection in relation to the Inspector's Report have been noted, they are not included in this report.

### **Objection 3A. Condition 8.12**

The objections by Mr. O'Connor to Condition 8.12 reflect the objections of the licensee to the same condition in the first party objection outlined above.

### **Technical Committee's Evaluation:**

Mr. O'Connor objects to the same conditions for the same reasons as stated by the licensee in their objection therefore the changes recommended by the TC to Objection F of the first party objection are appropriate to address Mr. O'Connor's concerns.

**Recommendation:** Refer to recommended changes under Objection F of the first party objection above.

### **Objection 3B. Conditions 6.19 and 8.7 and Schedule C.4 Waste and Manure Monitoring**

*Condition 6.19 states:*

Monitoring of available storage capacity for slurry/manure/digestate shall be undertaken as outlined in *Schedule C.4 Waste and Slurry/Manure/Digestate Monitoring*, of this licence. Results shall be retained on-site and records of the results shall be available for inspection by authorised personnel, including Agency personnel, at all reasonable times. The results shall be submitted to the Agency in a summary report included as part of the AER.

*Condition 8.7 states:*

Slurry/Manure/Digestate for disposal/recovery off-site shall be analysed in accordance with *Schedule C: Control & Monitoring*, of this licence.

*Schedule C.4 refers to "Waste & Slurry/Manure/Digestate Monitoring".*

The objector states that pig manure is an animal by-product under EC Regulation No. 1069/2009 (and previously under EC Regulation No. 1774/2002) and is included in the definition of "fertiliser" in Article 3 of the Nitrates Regulations (S.I. No. 610 of 2010). According to the objector, Conditions 6.19, 8.7 and Schedule C.4 wrongly describe and/or label pig manure produced in the installation as "waste", when in fact pig manure is not discarded in, or from, any farm or any licensable farming installation, and when livestock manure is excluded from the scope of European and National waste legislation (refer to Article 4 of the European Communities (Waste Directive) Regulations, S.I. No. 126 of 2011). He requests that pig manure should not be dealt with as if it is "waste".

Mr. O'Connor notes that landspreading or use of pig manure is not done or proposed for the installation in this case. EU and Irish legislation prescribes that the only person who has responsibility for, or can take responsibility under the legislation for, the deposition on land of any fertiliser is the occupier of the holding on which the fertiliser is deposited.

The use of the term 'Facility' in the Glossary of Terms of the licence, as well as the use of the term waste in the conditions and schedules referred to above implies in the licence that that any customer's land that may receive manure from the installation will be considered a facility, with the meaning attributed to 'Facility' in the Glossary of Terms.

Mr. O'Connor requests that the term 'Facility' be removed from the Glossary of Terms and that Conditions 6.19 and 8.7 and Schedule C.4 be deleted from the licence.

#### **Technical Committee's Evaluation:**

The Agency does not consider manure as "waste". However, the intensive rearing of pigs results in the production of a significant volume of manure, for which there is no use on the site of the installation. Therefore, based on the information provided to the Agency, the manure is either sold/given/supplied/transferred for use as fertiliser by other farmers.

It is acknowledged that manure is classified as a Category 2 animal by-product under the Animal By-products Regulations (Article 9 of Regulation (EC) No. 1069/2009) and under Article 13, *Disposal and use of category 2 material*, it shall be 'applied to land without processing, in the case of manure,....'. The requirements of S.I. No. 252 of 2008, S.I. No. 253 of 2008 and S.I. No. 610 of 2010 are applicable to the transfer and use of manure in addition to any requirements specified in IPPC licences. Condition 1.6 of the PD states:

*This licence is for the purposes of IPPC licensing under the EPA Acts 1992 to 2011 only and nothing in this licence shall be construed as negating the licensee's statutory obligations or requirements under any other enactments or regulations.*

The Waste Framework Directive (2008/98/EC) has been transposed into national legislation by means of S.I. No. 126 of 2011 and S.I. No. 323 of 2011. Section 4 of S.I. No. 126 of 2011, as further amended by S.I. No. 323 of 2011, substitutes for Section 3 and Section 4 of the Waste Management Act (WMA) of 1996. Section 3(1)(g) and 3(2)(b) of the Waste Management Acts (WMA) 1996 to 2011 now state that:

- 3(1) This Act {WMA} shall not apply to –
- (g) Faecal matter, if not covered by subsection 2(b), straw and other natural....

3(2) This Act {WMA} shall not apply to the following to the extent that they are covered by other Community acts:

- (a) animal by-products, including processed products covered by Regulations (EC) No. 1069/2009 of the European Parliament....

Faecal matter is covered by subsection 3(2)(b), *animal by-products*, therefore the WMA shall not apply to the extent that faecal matter is covered by other Community Acts.

The conditions in the PD are not specified on the basis of manure being considered as waste. However, manure has the potential to be waste if not managed appropriately. The licence identifies what is considered necessary for the appropriate management of the pig manure, for example storage, maintenance of records, identification of lands on which it may be recovered and preparation of nutrient management plans (or alternatively Nitrogen and Phosphorus Statements as issued by the Department of Agriculture, Food and Marine).

The TC recommends no changes to Conditions 6.19 and Condition 8.7 on the basis of this objection. Both conditions have been slightly amended to remove the term 'digestate' under Objection A of the first party objection above. Schedule C.4 has been amended under Objection F of the first party objection above.

**Recommendation:** Refer to recommended changes under Objection A and F of the first party objection above. No other changes are recommended.

### **Objection 3C: Specific Objection to Condition 8.12.4 and to Schedule C.6.2 Ambient Monitoring, Lands Used For Landspreading**

*Condition 8.12.4 states*

Soil monitoring shall be undertaken as outlined in *Schedule C.6.: Ambient Monitoring, C.6.2 Land Used for Landspreading*, of this licence where nutrient management plans, required under Condition 8.12.3, are based on soil monitoring results. A summary report of soil monitoring results shall be maintained on-site as part of the Nutrient Management Plan required under Condition 8.12.3 above.

Schedule C.6.2 refers to "*Ambient Monitoring*", and "*Land used for landspreading*" and to a "*landbank*".

The objector states that licensees do not engage in any "*landspreading*" of pig manure on any land that is subject to conditions of an IPPC licence, and cannot engage in "*landspreading*" on any other persons' land.

The objector states that land is not used for "*landspreading*" but rather to grow crops. Animal manures and other fertilisers may be deposited on land only in a controlled manner that is in compliance with statutory standards for the purpose of supporting crop production.

Licensees do not consider that customer's farmlands are part of a "*landbank*" of theirs, and are not entitled to do so. The term "*landbank*" in relation to intensive agriculture originated prior to the introduction of the Nitrates Regulations, the inclusion of livestock manures as by-product in the Animal By-Products Regulations and the exclusion of animal manures / faecal matter from the scope of waste legislation. The objector states that the term "*landbank*" was never right and should cease now.

The objector states that licensees have no entitlement to engage in monitoring any lands outside the installation. Such monitoring of land as referred to in condition 8.12.4 and Schedule C.6.2, is a matter for the individual customer farmers as may or may not be required of them under separate legislation.

The objector requests that Condition 8.12.4 and Schedule C.6.2 *Ambient Monitoring Land used for Landspreading* be deleted from the licence when granted.

**Technical Committee's Evaluation:**

The PD does not require the licensee to monitor or control the activities of the customer farmers who use/recover as fertiliser the manure generated at the installation.

The recommended changes outlined under Objection F of the first party objection above address many of the points raised in this objection. It includes the recommendation that Condition 8.12 and *Schedule C.6.2 Land Used for Landspreading* be deleted.

<b>Recommendation:</b> Refer to recommended changes under Objection F of the first party objection above.
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**Objection 3D: Condition 11.8 and Schedule D: Annual Environmental Report**

The objections by Mr. O'Connor to Condition 11.8 and Schedule D: Annual Environmental Report are similar to the objections of Mr. Hogan above to the same condition and schedule of the licence. Both third party objections reflect the objections of the licensee to Condition 11.10 and Schedule D in the first party objection outlined above.

**Technical Committee's Evaluation:**

Mr. O'Connor objects to the same condition and schedule for the same reasons as stated by the licensee in their objection therefore the changes recommended by the TC to Objection F of the first party objection are appropriate to address Mr. O'Connor's concerns.

<b>Recommendation:</b> See recommendation relating to Objection F of the first party objection above.
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## **Submission on Third Party Objections**

<b>Submission No. 1</b>	<b>Date Received</b>
Mr Tim Cullinan, Woodville Pig Farms Ltd., Woodville, Ballymackey, Co. Tipperary.	2 <sup>nd</sup> December 2011

Mr. Cullinan, on behalf of Woodville Pig Farms Ltd., responded to the objections by Mr. Hogan and Mr. O'Connor detailed above. His submission supports and agrees with everything that was said in the third party objections in relation to the transfer of manure from the installation to customer farmers.

The submission on third party objections also requested that an earlier objection, dated 11<sup>th</sup> October 2011, and including a copy of an EIS for the subsequent planning application be treated as a separate objection to the objection dated 17<sup>th</sup> October



2011. At present the two separate objections, dated 11<sup>th</sup> October and 17<sup>th</sup> October appear together on the EPA website under the title 'Objection by Applicant – No.3'.

**Technical Committee's evaluation:**

The objection dated 11<sup>th</sup> October 2011 was not accompanied by the appropriate fee and therefore was combined with the objection received on 17<sup>th</sup> October 2011 to form a single objection.

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

Signed



\_\_\_\_\_  
Donal Grant, Inspector,  
for and on behalf of the Technical Committee

