



Regional Inspectorate, McCumiskey House
Richview, Clonskeagh Road, Dublin 14, Ireland
Cigireacht Réigiúnach, Teach Mhic Chumascaigh
Dea-Radharc, Cluain Sceach, Átha Cliath 14, Éire

Tel: +353 1 268 0100 Fax: +353 1 268 0199
Email: info@epa.ie Website: www.epa.ie

Lo Call: 1890 334499

Mr Brady
DDS Brady Farms Limited
Ballyglasson
Mostrim
Co. Longford

Date: 21st March 2016

reg. No. P0408-02

Review by the Agency of an Industrial Emissions Licence

Dear Mr Brady

I refer to the Agency's notice which was issued to Mr Donal Brady dated 18th December 2014 inviting a submission in relation to its review of the Industrial Emissions licence Reg. No. P0408-01 and to our letter of 10th March 2015 addressed to Mr Donal Brady, copies of correspondence attached.

Mr Brady, as the licensee, had asked the Agency not to proceed with the review before his proceedings against the Agency were determined. Those proceedings were settled last June. Mr Brady has not made any submission in relation to the review since then and it is now noted that the Industrial Emissions Licence Reg. No. P0408-01 has transferred to DDS Brady Farms Limited.

Please note that, if you, as the current licensee for this activity, wish to make a submission on the review, you should do so within 8 weeks from the date of this letter. The Agency may thereafter proceed to consider the review.

Any submission received outside that time may not be considered.

Yours sincerely

Patrick Byrne
Senior inspector
Environmental Protection Agency



Regional Inspectorate, McCumiskey House,
Richview, Clonskeagh Road,
Dublin 14, Ireland.

Cigreachta Réigiúnach, Teach Mhic Chumascaigh,
Dea-Radharc, Bothar Cluain Sceach,
Baile Átha Cliath 14, Éire

T: +353 1 268 0100

F: +353 1 268 0199

E: info@epa.ie

W: www.epa.ie

LoCall: 1890 33 55 99

Mr Donal Brady
Carrickboy Farms
Ballyglassin
Edgeworthstown
Co. Longford.

Date: 18/12/2014

Reg. No. P0408-02

Notice for the purposes of Section 87(1) (b) of the EPA Acts 1992, as amended – Review by the Agency of an Industrial Emissions Licence

Dear Mr Brady,

I am to advise, in accordance with Section 87(1) (b) of the EPA Acts, that the Agency intends initiating a review of your existing Industrial Emissions Licence, Register Number: P0408-01, for an installation located at Carrickboy Farms, Ballyglassin, Edgeworthstown, Co. Longford.

The review is being initiated in accordance with the provisions of Section 90(4)(iv) of the EPA Acts in order to bring your licence into compliance with new legislation introduced since your existing licence was issued, including:

- Protection of the Environment Act 2003;
- Directive 96/61/EC on Integrated Pollution Prevention and Control;
- Directive 2010/75/EU on Industrial Emissions (Integrated Pollution Prevention and Control);
- Regulation 1069/2009 on Animal By-Products;
- European Communities (Industrial Emissions) Regulations 2013 (SI 138 of 2013); and
- European Union (Good Agricultural Practice for Protection of Waters) Regulations 2014 (SI 31 of 2014).

In accordance with Section 90(7) of the EPA Acts, you are required, for the purposes of the review of your licence, to submit the following information:

- An updated non-technical summary of the activity and associated emissions;
- Identify any changes to the activity and emissions that have occurred since the existing licence was issued by the Agency on the 22nd October 1999, in particular provide details of the animal numbers housed at the installation (sows, including served gilts, weaners, production pigs);
- Provide an updated site boundary map (outlined in red), site layout plan showing buildings, emission points, monitoring points;
- Provide details of the management and control of organic fertiliser on-site;

- Provide a record of movement of organic fertiliser off-site for 2013 and 2014 which identifies the quantity, dates and details of importers (name and herd number);
- With regard to baseline reports, please provide a report on an assessment undertaken in accordance with Stages 1 to 3 of the *European Commission Guidance concerning baseline reports (available at <http://www.epa.ie/licensing/industrialemissionslicensing/>) under Article 2(2) of Directive 2010/75/EU on industrial emissions [Regulation 9(2)(n)];*
- Tabulate all of the BAT conclusions from the BREF document for Intensive Rearing of Poultry and Pigs (July 2003). For each BAT conclusion, indicate whether it is applicable to your installation. Where you consider a BAT conclusion to be inapplicable, provide a justification for this. Complete Table 1.

Similarly, please tabulate any relevant conclusions on BAT from the following BREF documents:

- Reference Document on Best Available Techniques for Energy Efficiency, February 2009
- Reference Document on Best Available Techniques on Emissions from Storage, July 2006

Any other relevant conclusions on BAT should also be tabulated. The following details should also be included in your tables [Regulation 9(2)(h)]:

For each BAT conclusion, state how the BAT requirement is being met, if it is proposed to be put in place and the timeline for implementation. Details of any proposals must be provided. Where you do not propose to meet the requirements of a particular BAT conclusion, provide reasons and a justification.

Table 1 CONCLUSIONS ON BAT (One table for each relevant BAT reference document)

Title of Document Intensive Rearing of Poultry and Pigs (July 2003)			
BAT reference Number	BAT Statement	Applicability to installation	Proposed/ in place
<i>e.g. BAT 1</i>	<i>e.g. BAT is to implement and adhere to an environmental management system (EMS) that incorporates all of the following features:</i>	<i>e.g. Applicable</i>	<i>e.g. Standardised EMS in place</i>

- Section 83(5) (xi) specifies that the Agency shall not grant a licence unless it is satisfied that the licensee is a fit and proper person. Section 84(4) specifies the information required to enable a determination to be made by the Agency.
 - Indicate whether the licensee or other relevant person has been convicted under the EPA Act 1992, as amended, the Waste Management Act 1996, as amended, the Local Government (Water pollution) Acts 1977 and 1990 or the Air Pollution Act 1987.
 - Provide details of the licensee's technical knowledge and/or qualifications, along with that of other relevant employees.
 - Provide information to show that the person is likely to be in a position to meet any financial commitments or liabilities that may have been or will be entered into or incurred in carrying on the activity to which the application relates or in consequence of ceasing to carry out that activity or in consequence of ceasing that activity.
- Undertake a screening for Appropriate Assessment and state whether the activity, individually or in combination with other plans or projects, is likely to have a significant effect on a European Site(s), in view of best scientific knowledge and the conservation objectives of the

site(s). Where it cannot be excluded, on the basis of objective scientific information, following screening for Appropriate Assessment, that an activity, either individually or in combination with other plans or projects, will have a significant effect on a European Site, provide a Natura Impact Statement, as defined in Regulation 2(1) of the European Communities (Birds and Natural Habitats) Regulations (S.I. 477 of 2011). Where based on screening it is considered that an Appropriate Assessment is not required, provide a reasoned response.

Please submit one signed original, one hard copy and 2 copies on CD-ROM in electronic searchable PDF format within 8 weeks of the date of this letter, i.e., 12th February 2015, addressed to Environmental Licensing Programme, Office of Climate, Licensing Resources and Research, EPA, Headquarters, PO Box 3000, Johnstown Castle Estate, Co Wexford.

For the purposes of the review, the reference number in the Register of Licences is No. P0408-02.

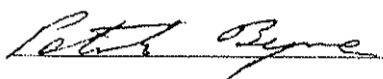
On 18th December 2014, a newspaper notice will be published in the Irish Independent in accordance with Regulation 12(1) of the Environmental Protection Agency (Industrial Emissions) (Licensing) Regulations 2013, stating that the EPA is initiating a review of your licence.

SUBMISSIONS – THIS IS NOT OBLIGATORY.

In accordance with Regulation 12(3) of the EPA (Industrial Emissions) (Licensing) Regulations 2013 (S.I. 137 of 2013), you are entitled but not required to make a submission relating to the review within four weeks of the date of this notice, i.e., by 24th January 2015 (having disregarded the period between the 24th day of December and the 1st day of January, both days inclusive). As the offices of the Agency are closed on that day, in accordance Regulation 2(2) of the above referenced Regulations, the latest date for receipt of a submission is extended to 5.00 pm on 26th January 2015.

It should be noted that where you fail or refuse to comply with the above requirements of the Agency within the specified timeframe, the Agency may proceed to determine the review without the information requested and that this may have consequences for the Agency's ability to grant a reviewed licence.

Yours sincerely



Patrick Byrne, Senior Inspector,

Environmental Licensing Programme,

Office of Climate, Licencing Resources & Research



Regional Inspectorate, McCumiskey House
Richview, Clonskeagh Road, Dublin 14, Ireland
Cigireacht Réigiúnach, Teach Mhic Chumascaigh
Dea-Radharc, Cluain Scaich, Átha Cliath 14, Éire

Tel: +353 1 268 0100 Fax: +353 1 268 0199
Email: info@epa.ie Website: www.epa.ie

Lo Call: 1890 334499

Mr Donal Brady
Carrickboy Farms
Ballyglassin
Edgeworthstown
Co. Longford.

Date: 10/03/2015

Reg. No. P0408-02

Dear Mr Brady,

I refer to your letter dated 26 January.

Whilst the Agency was initially inclined to share your view that it was undesirable to commence a review while proceedings were pending, it has reconsidered its position in light of comments from the Supreme Court that there was no reason for it not to initiate a review of the licence.

In that respect, you will note that Section 90 of the EPA Act as amended provides that, at the conclusion of a licence review the Agency may issue a new licence in substitution for the previous licence. It is therefore open to the Agency to issue a new licence which would not be tainted by any invalidity that might attach to the previous licence.

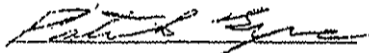
The Agency will of course take account of any judgment that may issue from the Supreme Court prior to determination of the review.

In those circumstances, you may wish to make a substantive response to the items of information requested in the Agency letter dated the 18th December 2014 which would inform a review of your licence, or further in relation to the grant, and / or content, of a reviewed licence. The Agency will take account of your response in consideration of the licence review, however it should be noted that where you fail or refuse to provide the information requested by the Agency it may proceed to

determine the review without the information requested and that this may have consequences for the Agency's ability to grant a reviewed licence.

If you wish to discuss the scope and extent of the information requested please contact Patrick Byrne at 01-2680100 to arrange a meeting.

Yours sincerely



Patrick Byrne, Senior Inspector,
Environmental Licensing Programme,
Office of Climate, Licencing Resources & Research