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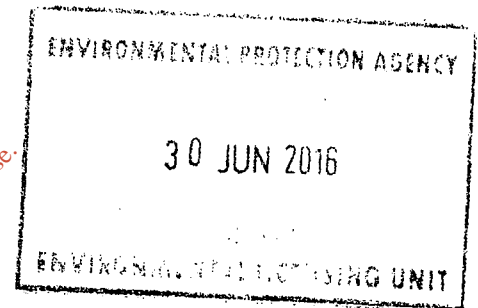
Date 29 June 2016

Your Ref.

Our Ref. JVK/RH/LAR2/1

and

Mr Patrick Byrne
Senior Inspector
Environmental Licensing Programme
Office of Climate, Licensing Resource and Research
Environmental Protection Agency Headquarters
PO Box 3000
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BY REGISTERED POST

Re: Our Client: Laragan Farms Limited and Proposed Review of Licence Reg No P0515-01 Submission on behalf of our client relating to the proposed review as provided for by Regulation 12(3) of the EPA (Industrial Emissions) (Licensing) Regulations 2013 (S.I. 137 of 2013).

Dear Sir,

We refer to your letter of the 3rd June addressed to Mr Edward O'Connor of Laragan Farms Limited which has been referred to us. As you are no doubt aware, we are on record for Laragan Farms Limited in the ongoing High Court judicial review case entitled *Laragan Farms Limited -v- The Environmental Protection Agency, Ireland and The Attorney General- High Court - Record No. 2003/268JR*. That case was adjourned generally with liberty to re-enter in December, 2006 pending the outcome of the Donal Brady -v- EPA case with which no doubt you are familiar. As the Brady case was recently resolved, we are now in the process of re-entering the Laragan case with a view to progressing same to a conclusion. We had written to Barry Doyle & Company a number of months ago stating that this was the action our client intended to take. We are therefore surprised to read the contents of your letter of the 3rd June, 2016 addressed to Mr O'Connor.

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We are surprised by the said letter as the Licence, the subject matter of the proposed review, is currently the subject matter of the legal proceedings outlined above which seek a range of reliefs in respect of that Licence.

Many of the grounds in those proceedings which identify inappropriate procedures adopted by the Agency during the course of consideration and determination of the application may have been conceded as wrong but the Agency has not agreed any corrections with the licensee.

Our client has at all material times asserted that the decision by the Agency to characterise and categorise pig manure as managed in his installation as waste was fundamentally incorrect both as a matter of law and as a matter of practice. Its characterisation as waste by the Agency provided for a Licence which required our client to be responsible for assessing soils and soil depth on customers'/third party fields, and for the disposal or recovery of the manure by spreading it on the third party lands. That would have had the consequence of rendering our client liable for the activities of persons on lands over which it had no control. As you are no doubt aware, this matter has been resolved in the Brady case by the Court of Justice of the European Union and we understand reflected in an Order of the Supreme Court under-pinning an agreed settlement of issues recognising that slurry produced in an intensive pig farm and stored pending delivery to farmers in order to be used by them as fertiliser on their land constitutes not "waste" within the meaning of that provision but a by-product when that producer intends to market the slurry on terms economically advantageous to himself in a subsequent process, provided that such reuse is not a mere possibility but a certainty, without any further processing prior to reuse and as part of the continuing process of production.

It is clear therefore from the result in the Brady case that the Agency previously erred in law in classifying the slurry produced on our client's farm as waste and further erred in imposing, as part of the Licence which it has granted to Laragan Farms Limited, conditions requiring it to control spreading activities carried out by third parties on lands owned by them and to be liable for those activities.

As stated above, our client intends to now re-enter its case and so while these proceedings are still extant, it would be completely inappropriate if not an abuse of process for the Agency to proceed with any review of the Licence the subject matter of the said proceedings.

Our client does not object to the licence being reviewed as proposed after the issues in the outstanding proceedings have been resolved.

Please acknowledge receipt.

Yours faithfully,


CALLAN TANSEY