

Our Ref:-

DX: 29 002 LONGFORD

Your Ref:-

PMC/DDSBR00001/2

3 March, 2022

P0408-01

Patrick Byrne  
Senior Inspector  
Office of Climate, Licensing Resource and Research  
EPA Headquarters  
P.O. Box: 3000  
Johnstown Castle Estate  
Co. Wexford  
Y35 W821

Laura Burke  
Director General  
Environmental Protection Agency  
McCumiskey House  
Richview  
Clonskeagh Road  
Dublin 14

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**RE: DBS Brady Farms Limited  
Licence Registration Number P0408/01**

Dear Mr Byrne/Ms Burke,

We enclose copies of:-

1. Our letter to your Agency dated 8<sup>th</sup> February. We have not received any acknowledgement of this letter.
2. Supreme Court Order dated 10<sup>th</sup> July 2015.

Please let us know by return why the Supreme Court Order has not been complied with.

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-2-

3 March, 2022

Please let us have by return amended licence incorporating the amendments ordered by the Supreme Court.

Yours faithfully,

Connellan Solicitors

Enc.

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PMC/DDSBR00001/2

8 February, 2022

P0408-02

**Attn: Marie O'Connor**  
Environmental Protection Agency  
P O Box 3000  
Johnstown Castle Estate  
Co. Wexford  
Y35 W821

**RE: Our Client – DDS Brady Farms Limited**

Dear Sirs,

Your letter of 7<sup>th</sup> January has been handed to us for our attention.

We are instructed that in or about December 1998 our clients sought an order of certiorari against the Agency in respect of an IPPC Licence which the Agency had then issued.

We are instructed that those judicial review proceedings were ultimately resolved by agreement in 2015 when the Agency agreed to amend the Licence to reflect each of the complaints which our client had outlined in respect of the application seeking judicial review.

While we have not previously been involved in this matter, our clients cannot understand why an amended Licence did not subsequently issue incorporating all of those agreed amendments.

We would be obliged if you would please now issue such an amended Licence to reflect these amendments so that the matter can receive our further consideration.

Yours faithfully,

Connellan Solicitors

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**Friday the 10th day of July 2015**

**BEFORE**

**THE CHIEF JUSTICE**

**MR JUSTICE CLARKE**

**MR JUSTICE MacMENAMIN**

**1999 No. 473 JR**

**BETWEEN**

**DONAL BRADY**

**APPLICANT**

**AND**

**THE ENVIRONMENTAL PROTECTION AGENCY**

**RESPONDENT**

The Motion on the part of the Applicant pursuant to Notice of Appeal dated the 30<sup>th</sup> day of March 2007 by way of appeal from the Judgment and Order of the High Court (Mr Justice Charleton) given and made on the 9th day of March 2007 and for an Order setting aside the said Judgment and Order on the grounds and as set forth in the said Notice of Appeal together with the Motion on the part of the Respondent pursuant to Notice to Vary dated the 4<sup>th</sup> day of April 2007 coming on for hearing before this Court this day

Whereupon and on reading the said Notice of Appeal and Notice to Vary the said Order the documents therein referred to the judgment of the High Court and the written submissions filed on behalf of the respective parties and on hearing respective Counsel and it appearing that a settlement has been reached in the proceedings herein

**BY CONSENT**

**IT IS ORDERED AND ADJUDGED** that this appeal be allowed and that the said Order of the High Court be set aside and in lieu thereof

**IT IS ORDERED** that the conditions and associated schedules set out in the Schedule to this Order and contained in the Licence of the Applicant namely Integrated

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**SUPREME COURT**

Pollution Control Licence (Reg. No. 408-01) be and the same hereby are quashed and that the Licence shall stand as modified by the deletion of the provisions set out in that Schedule or the portion of those provisions specified in the Schedule as appropriate

P Gunning  
**REGISTRAR**

**Perfected this 7<sup>th</sup> day of August 2015**

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**Schedule**

- Condition 2.2.2: delete the second sentence only
- Condition 5 *Waste Management*: delete 5.3.2 and 5.5
- Condition 7.1.5: delete.
- Condition 7.2. *Groundwater*: delete.
- Condition 7.3.1, Delete the words "for waste destined for landspreading".
- Condition 7.3.4 change 'test' to 'assess'.

- Schedule 2.(1) Odour sensitive Locations*: delete.
- Schedule 3(ii) Other Wastes for Disposal/Recovery*: delete row 2 of the table headed "Animal slurry / manure"; delete Note 2 re approved waste contractors.]
- Schedule 3(iii) Waste Monitoring Analysis*: Delete
- Schedule 3(iv) Lands where Landspreading of Organic wastes from this Facility are Excluded*: delete.
- Schedule 3(v) Buffer Zones for Landspreading of Organic Waste*: delete.
- Schedule 3(vi) Code of Practice for Landspreading of Organic Waste*: delete.
- Schedule 4(ii) Ambient Surface Water Monitoring*: delete.
- Schedule 4(iv) Ambient Soil Monitoring*: delete.

- Schedule 5(i) Recording and Reporting to the Agency*: the requirement for the following Reports listed under "Report" to be deleted:  
 Slurry/manure register  
 Available slurry / manure capacity.  
 Nutrient Management Plan

- Requirement for the following Reports listed under "Annual Environmental report content" or portion of report as specified to be deleted:  
 Waste management report (arising from Condition 5) including details of Slurry/Manure Register: delete the words "including details of Slurry / Manure Register."  
 Nutrient Management Plan  
 Ambient soil monitoring report  
 Ambient surface water monitoring report  
 Investigation into the feasibility of alternative treatment technologies such as digestion for the disposal of slurry.  
 Report on surface water monitoring outside the installation.

- Schedule 5(i), Annual Environmental Report Content*  
 Delete the line: "Tank and pipeline testing and inspection report"

- Requirement for the following Reports listed under "Once-off Reports" to be deleted:  
 Surface Water Monitoring Programme  
 Groundwater Monitoring Programme  
 Assessment of Vulnerability of landspreading areas report  
 Copy of REPS plans  
 Feasibility Study of landspreading methods

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