



Objection

Objector:	Mr. Dermot Brady
Organisation Name:	DDS BRADY FARMS LIMITED
Objector Address:	Ballyglasson, Mostrim, Edgeworthstown, Co. Longford.
Objection Title:	Applicant Objection
Objection Reference No.:	OS011439
Objection Received:	18 December 2023
Objector Type:	Applicant
Oral Hearing Requested?	Yes

Application

Applicant:	DDS BRADY FARMS LIMITED
Reg. No.:	P0408-02

See below for Objection details.

Attachments are displayed on the following page(s).



DDS Brady Farms Ltd.

T/A Carrickboy Farms

Ballyglasson, Mostrim, Co. Longford.

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Office of Environmental Sustainability

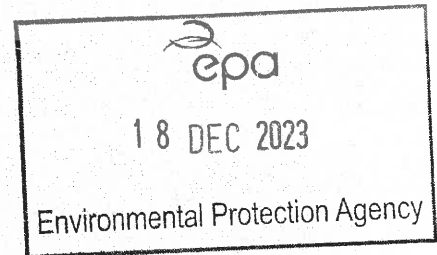
18th December 2023.

Environmental Protection Agency Headquarters

P.O. Box 3000

Johnstown Castle Estate

Wexford



First Party Objection to some conditions in Proposed Determination of the EPA Review of IE Licence P0408-01 in respect of the Intensive Agriculture activity carried on in an installation at Baiyglassin, Edgeworthstown, Co Longford.

Licence holder: DDS Brady Farms Limited; Company Reg Number: 536315.
Current Licence Register Number : P408-01
Proposed Determination Register Number: P0408-02
Address of installation: Ballyglassin, Edgeworthstown, Co Longford.

An Oral Hearing is Requested.

Appropriate fee for the Objection: €253, cheque attached.

Appropriate fee for the Oral Hearing: €100, cheque attached.

This document, with attachments, is an objection to the inclusion of some of the conditions proposed in the Proposed Determination of Industrial Emissions Licence P0408-02.

Items that are the subject of this Objection and Grounds for each Objection.:

1. Proposed Condition 1.2 AND the associated Proposed Schedule A: Limitations.

Condition 1.2 requires that "*The licensee shall carry on the licensed activity in accordance with the limitations set out in Schedule A : Limitations, of this licence.*"

Schedule A has a subheading: A.1. *Animal numbers at the installation.*

The numbers in the table column headed "Numbers" are precise figures for the maximum permitted number of pigs in each of 6 classes of pigs in the installation, with a footnote "*Note 2: Variation in these numbers is allowed providing that the overall number of units remains the same.*"

GROUNDS for this Objection:

A. The licensed activity referred to in Condition 1.2 is defined in in the EPA Act as amended and in “Part 1 Schedule of Activities Licensed” on Page 11 of the Proposed Determination under Reg Number P0408-02. It is

The rearing of pigs in an installation where the capacity exceeds:

- a. 750 places for sows, and
- b. 2,000 places for production pigs which are each over 30kg.

The Installation referred to above is defined in the EPA Act as amended and is described in the Glossary of Terms on page 4 of the Proposed Determination.

It is the stationary technical unit or plant (i.e. the place) where the activity concerned is or will be carried on.

Schedule A: Limitations and the associated **Condition 1,2** in the Proposed Determination seeks to continue in the reviewed licence P0408-02 limitations known to have heretofore been grounded on the old Agency’s flawed assertion that the limitations were necessary so as to limit the amount of slurry produced, wrongly then asserted by the Agency to be waste generated in the installation, and so its production in the installation needed to be strictly limited by strictly limiting the number of all classes of pig that could live in the installation. The Agency was not satisfied with the 2,000 contained in the Planning Permission for the site.

The Supreme Court Order, perfected in August 2015 quashing c. 40 requirements wrongly included in Licence P0408-01 when granted in 1999, effectively ended the ‘*slurry is waste*’ Agency false basis for including, *inter alia*, the *Schedule 1: Limitations* in originally IPC, now IE Licence Register Number P0408-01.

Accordingly, The Pig slurry produced as by-product and managed and transferred from the activity for use is not an emission from the activity, and *Schedule A: Limitations* cannot be justified by the Agency and so should not be included in IE Licence Reg No P0408-02 when granted.

Also, The same or similar combination of Condition and associated *Schedule 1:: Limitations* in the Proposed Determination Reg No P0408-01 in 1999 was the subject of an Objection in 1999. It is very relevant to read and note well the text on page 16 of the Report dated 14 October 1999 by the Agency’s Technical Committee to the EPA Board on our objection on 23 June 1999 to that particular Condition and Schedule.

Text of the first 2 paragraphs under “Comment” on page 16 of that 1999 **EPA Technical Committee Report** to the EPA Board is:

“Comment:

Condition 1.5 and Schedule 1(i) are standard in licences for the control of the amount of waste arising from the facility for this sector. The piggery has provided details relating to a 1995 integrated sow unit. Some flexibility is permitted provided the overall number of units remains unchanged (see Note 2 of Schedule 1(i)).

The Agency specifies the maximum number of animals to be housed on site because of

the relationship between animal numbers and the volume of slurry generated. The assessment of the potential for environmental impact has been made on the basis of the numbers provided.”

That text in a very relevant Technical Committee Report to the EPA Board is **Proof** that the Agency relied on its own false assertion that the slurry was waste as the only basis for including the Limitations Schedule in Licence Reg No P0404-01.

Note also the word “*generated*” used by the Agency in the above paragraph,. It is used by the Agency instead of “produced” where and when asserting that the slurry is or was “waste” , event though it was never discarded, intended or required to be discarded” frm the activity. The Agency has undeniably known since July/August 1995 that the slurry is and has always been produced, collected and managed as Category 2 Animal By-product in the manner that the Agency then knew it to be produced, collected and managed as Category 2 Animal By-product.

Accordingly, the Condition is without valid reason or basis, not enforceable and should not be in this PD or in Licence P0408-02 when granted.

The Agency has never enforced or tried to enforce the Condition and Limitation Schedule, possibly because it has recognised that because the slurry is “*not discarded, intended or required to be discarded*” from the activity, the basis for the “Limitations” Schedule and associated Condition does not exist. Accordingly, it is very sad and disappointing for us to have to object again to that “Condition 1.2” and “Schedule A: Limitations” in Proposed Determination P0408-2.

Accordingly, we believe that the Limitation Schedule and Condition 1.2 be deleted and not occur in the Licence when granted..

Furthermore, the volume or “amount” of slurry (Cat 2 Animal By-product or Organic Fertiliser) was and controlled by the limit of 2,000 sows in an integrated pig production enterprise under the Site’s Planning Permission. Its management in the installation and its transfer from the installation for use by third parties are subject to comprehensive control and reporting requirements under codes other than the Industrial Emissions Directive and the EPA Act as amended. The number of pigs in the installation and the movement of pigs out of the closed hard are recorded under other legislation. The Agency seeking to substitute 1,995 sows limit for the 2,000 sows limit in the Planning Permission and in the Licensee’s Application for a licence in 1998 cannot be justified.

Accordingly, *Condition 1.2* and *Schedule A: Limitations* have no rational purpose in Licence P0408-02 when granted, and so should not be in the Licence.

Finally, IF the limitations on the numbers of weaners and production pigs that could be maintained in the installation was accepted and complied with since 1999 the productivity and the efficiency of resource use in the business would have been pegged at 1999 levels into the future. Compliance would have undermined freedom and ability for management to pursue continuous improvement in breeding efficiency and general productivity. Such Irrational limitation on a commercial Biological system would have been a major restriction on improving productivity and efficiency in the activity. We do not claim that the Agency knew that the effect on the activity and the pig rearing enterprise of compliance with that condition 1.2 and Schedule A: Limitations would be negative, but it should have understood that compliance would have significant unintended consequences. The *Schedule A: Limitations* is an irrational limitation on the numbers of animals other that sows.as referred to in the

Planning Permission. The limitations on the other classes of pigs is not practical, or rational or justifiable on any grounds, and are contrary to the Agency's policy of promoting continuous improvement of productivity and efficiency across all sectors of IE licensable activity, including Intensive Rearing of Pigs.

Accordingly, *Condition 1.2* and *Schedule A: Limitations* have no rational purpose in Licence P0408-02 when granted, and so should not be in the Licence when granted.

REASON for all the above bases for Objection: In the interest of fairness and objectivity, to eliminate an impractical and unnecessary Condition that is based on a false premise and would impede improvement in enterprise productivity and efficiency.

B. Objection to Condition 1.3.

The area of land outlined in black on the drawing labelled "Site Layout and Location" received by the Agency on 28 July 1998 as part of the P0408-01 application 25 years ago does not accurately represent the boundary of the place where the licensed activity is carried on.

Accordingly; a revised Map labelled "Installation P0408 Layout and Location" is attached for future reference.

Reason: Clarification.

C. Objection to use of the word "generated" in Condition 6.8.

We object the Agency's use of the "waste" word "generated on site" with reference to all Category 2 Animal By-product "organic fertiliser" produced in the installation.

Please correct the proposed text "The licensee shall ensure that all organic fertiliser generated in the site is stored " to read

"The licensee shall ensure that all organic fertiliser produced in the installation is stored ..."

Reason: In the interest of accuracy and elimination of waste bias

D. Objection to use of the word "generated" in Condition 8.10.4. (a)

We object to words "generated" and "site" in the proposed text "The quantity of organic fertiliser generated by animals housed in the site" at indent (a).

Please correct "... fertiliser generated in the site" To

".... fertiliser produced in the installation....".

Reason: In the interest of accuracy and elimination of waste bias

E. Objection to use of the word "generated" in Condition 8.10.4. (a)

We object to "waste" word "generation" in the proposed text "(viii) organic fertiliser (slurry) generation;"

Please Correct "organic fertiliser (slurry) generation; to "organic fertiliser (slurry) production;

Reason: In the interest of accuracy and elimination of waste bias

F. Objection to Errors in the Inspector's Report dated 12/10/23 which is the Basis for the Proposed Determination P0408-02.

1. In the last sentence in the last paragraph in page 2, the Inspector states: "*In the time since the Supreme Court settlement, the Animal By-Product (ABP) Regulation¹ came into effect..*"

The above statement by the Inspector is not true or accurate and is capable of being misleading. Having full and proper regard to context and a relevant major issue in the Supreme Court Case 143/2007 JR referred to by the Inspector in the previous paragraph on page 2 of the Report, it is not true for him to say that the ABP Regulation 1069 Of 2009 came into effect since the Supreme Court settlement he referred to, the Order from which case was perfected in August 2015, Furthermore, and very relevant to truth, similar ABP categorisation of manure of farmed animals including pig manure, and similar options for use as well as options for disposal /recovery were in the earlier EC Regulation 1774 of 2002, many years before the Supreme Court Judgement referenced by the Inspector.

2. In the last line on page 2 continued at top of page 3 the Inspector states that "The ABP Regulations state that pig manure is categorised as a category 2 Animal By-Product and the options for its disposal/recovery are set out in Article 13 of Regulation 1069 of 2009, as amended."

Manure of all farmed animals, not just pig manure, is Category 2 Animal By-Product. Stating "*.... the options for its disposal/recovery are set out in Article 13 ...*" is incomplete, as if hiding something.

The fact is that options for its disposal, recovery **and use** are set out in Article 13 of EU Regulation 1069 of 2009.

Furthermore, and very relevant to truth, similar ABP categorisation of manure of farmed animals including pig manure, and similar options for use as well as options for disposal /recovery were in the earlier EC Regulation 1774 of 2002, many years before the Supreme Court Judgement referenced by the Inspector.

We request and expect that the Inspectors report shall be corrected to show that the Agency could and should have known, understood and accepted that manure of farmed animals, including pig manure is Animal By-Product that may be placed on the market by producers, and transferred to customers for their use and benefit as fertiliser for farmland, and by so doing the Agency would have been more objective in doing its job, and would have been much fairer to Intensive Agriculture Licensees in particular. .

Signed:

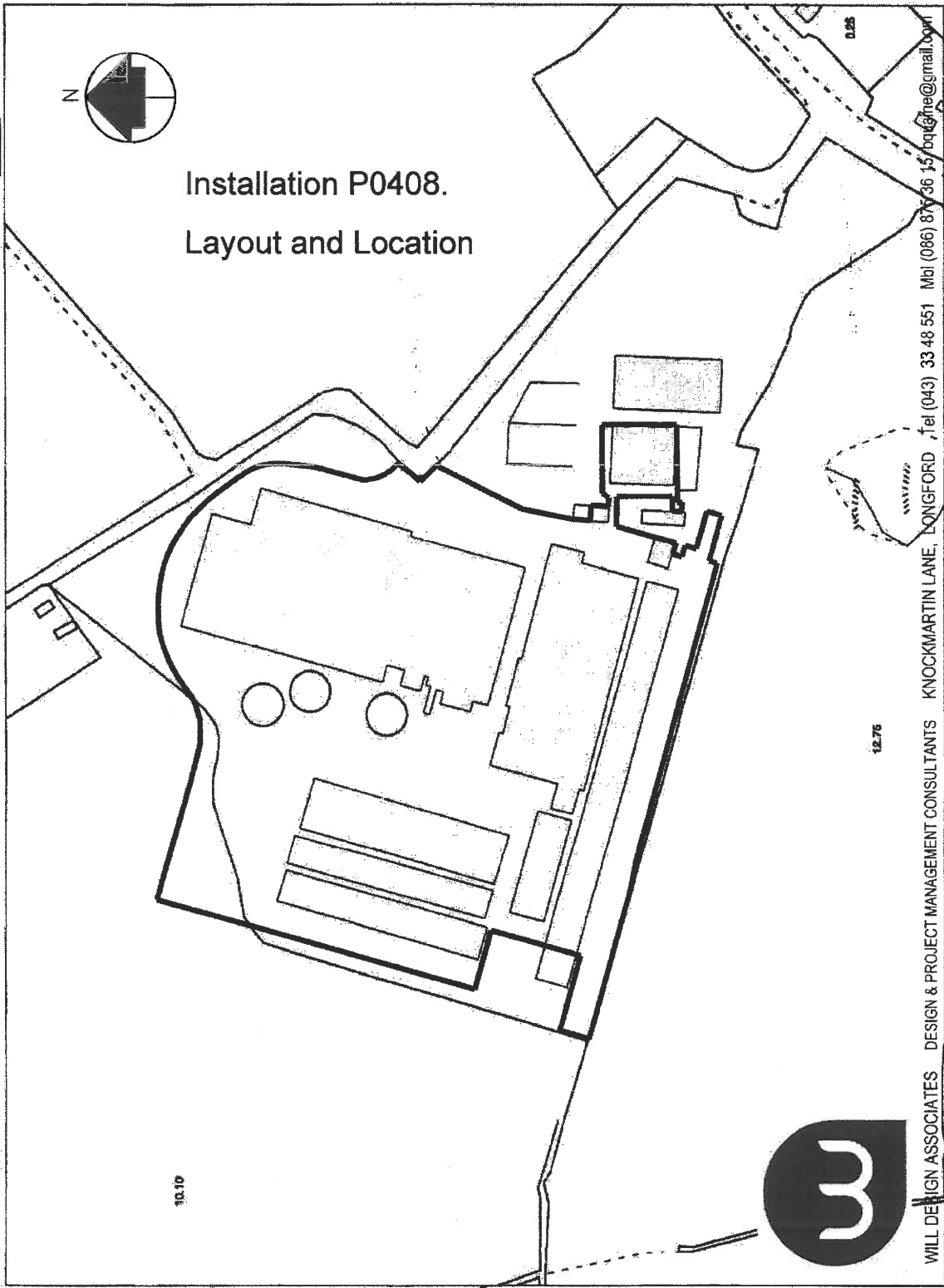
DDS Brady Farms Limited



Dermot Brady, Director.

Rural PLACE Map

Surveyed 2000
Revised 2004
Levelled



WILL DESIGN ASSOCIATES DESIGN & PROJECT MANAGEMENT CONSULTANTS KNOCKMARTIN LANE, LONGFORD Tel (043) 33 48 551 Mbl (086) 877 36 15/bq@wda@gmail.com
Plot Ref. No. 1285876_1_6
Plot Date 31-MAR-2008

Scale: 1:2,500
Scale: 1:2,500

UTM COORDINATES
621246,765723

DESCRIPTION

MAP SHEETS

Digital Map
2480

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Atty. Naiveen Cavan



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1001 Upper, Golden Island,
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Co. Wicklow

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