

M. T. O'DONOGHUE & CO

SOLICITORS

11, MAIN STREET, GOREY, COUNTY WEXFORD

Maeve T. Breen BCL LLB
DIP. DROIT COMPARE
Marcella Byrne - Legal Executive
e-mail: maevebreen@tinnet.ie
securemail: mtodonoghue@securemail.ie

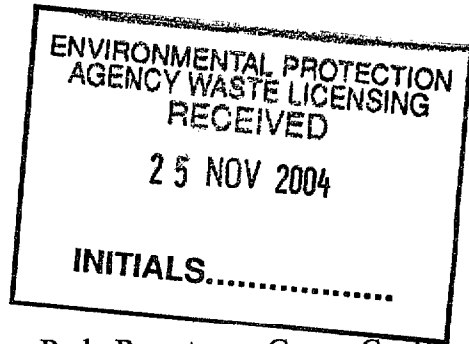
Tel. 055-21137/21566
Fax: 055- 21725
DX : 48-003 - Gorey
VAT NO. F4516945W

Our Ref: O221/04

Your Ref:

23 November, 2004

Environmental Protection Agency,
Office of Licensing & Guidance,
Environmental Protection Agency,
Headquarters,
P.O. Box 3000,
Johnstown Castle,
County Wexford



Re: Our Client: James Osborne, Gorey Business Park, Ramstown, Gorey, Co. Wexford.
Application EPA Ref. 202-1 -Waste Licence - Waste Transfer Station
Applicant: Seamus Kelly & Sons, Gorey Business Park, Ramstown, Gorey, Co. Wexford.
Seamus Kelly, Amberlea, Courtnacuddy, Co. Wexford.

Dear Sirs,

We act for Mr. Jim Osborne, Gorey Business Park, Ramstown, Gorey, County Wexford.

It is come to our client's attention that Mr. Seamus Kelly Trading as Seamus Kelly & Sons have applied for a Waste Licence for premises at Gorey Business Park, Ramstown, Gorey, County Wexford.

Please note that our client, Mr. James Osborne is the registered owner of the lands and buildings forming the property known as Gorey Business Park, Ramstown, Gorey, County Wexford and the name Gorey Business Park is the registered business name of our client for his business of letting of warehouse units at Ramstown Gorey, Co. Wexford. We enclose a copy of our client's Certificate of Registration dated 25th January, 2001.

Mr. Seamus Kelly is not a Tenant of our client and does not lease or hold any property in Gorey Business Park.

Mr. Kelly's use of the name Gorey Business Park in his application for Waste Licence and in the Environmental Impact Assessment prepared by White Young Green, of Bracken Business Park, Bracken Road, Sandyford, Dublin 18 is incorrect and misleading as it gives the impression that Mr. Kelly's business is being carried on at our client's premises which is not the case.

Mr. Kelly's waste disposal business is located adjacent to our client's Business Park but does not form part of Gorey Business Park.

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Our client has not applied for a Waste Disposal Licence for his property at Gorey Business Park.

Our client's business is the letting of warehouse units in Gorey Business Park of which our client is the Landlord of each unit let.

Our client has further development plans for his Business Park and wishes to set the record straight.

We would be obliged if you would amend all your records to reflect Mr. Kelly's proper address which is Ramstown, Gorey and confirm that this has been done in writing.

We enclose relevant extracts from Environmental Impact Assessment, Waste Licence Application Form and letter EPA to Mr. Kieran O'Brien, Wexford County Council.

If the foregoing is not immediately rectified, then our client reserves the right to issue proceedings for the protection of the reputation of his business "Gorey Business Park".

Yours faithfully,



M. T. O'Donoghue & Co.,
Solicitors.

Encl.

cc.

Seamus A. Kelly & Sons,
Amerlea,
Courtnacuddy,
Enniscorthy,
Co. Wexford.

Kieran O'Brien,
Wexford County Council,
County Hall,
Wexford.

Aine Ryan MSc.,
Principal Environmental Scientist,
White Young Green,
Bracken Business Park,
Bracken Rorad,
Sandyford Industrial Estate,
Dublin 18.

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Yours faithfully,

M. T. O'Donoghue & Co.,
Solicitors.

Encl.

cc.
Seamus A. Kelly & Sons,
Amerlea,
Courtnacuddy,
Enniscorthy,
Co. Wexford.

Kieran O'Brien,
Wexford County Council,
County Hall,
Wexford.

Aine Ryan MSc.,
Principal Environmental Scientist,
White Young Green,
Bracken Business Park,
Bracken Rorad,
Sandyford Industrial Estate,
Dublin 18.

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Registration of Business Names Act, 1963**CERTIFICATE OF REGISTRATION**

Business Name

GOREY BUSINESS PARK

Principal Place of Business

**RAMSTOWN
GOREY
CO. WEXFORD**

I HEREBY CERTIFY that a Statement of Particulars in Respect of the above Business Name pursuant to Section 4 of the above mentioned Act was registered on

25th January, 2001Dated this **25th January, 2001**


Registrar of Business Names

Section 7 of the above Act requires that whenever a change is made or occurs in any of the particulars registered in respect of any person, that person shall, within one month after the change, furnish by sending by post or delivering to the registrar a statement in writing in the prescribed form specifying the nature and date of the change signed and where necessary verified in like manner as the statement required on registration.

Section 8 (2) provides that "a certificate of registration shall be kept exhibited in a conspicuous position at, in the case of a firm or individual, the principal place of business and, in the case of a body corporate, its registered or principal office in the State and, in every case, in every branch of its or place where the business is normally carried on; and if not kept so exhibited, the person registered or, in the case of a firm, every partner in the firm shall be liable on summary conviction to a fine not exceeding €100."

Section 11 (1) -

"If a person registered under this Act in respect of a business name ceases to carry on business under that name, it shall be the duty of that person or, in the case of an individual, who dies, of his personal representative or, in the case of a firm, of every partner who was a partner in the firm at the time when it ceased to carry on business under that name, and also, in the case of a body corporate, of any liquidator, within three months thereafter to send by post or deliver to the registrar a statement in the prescribed form to that effect; and if he makes default in doing so he shall be liable on summary conviction to a fine not exceeding €100."

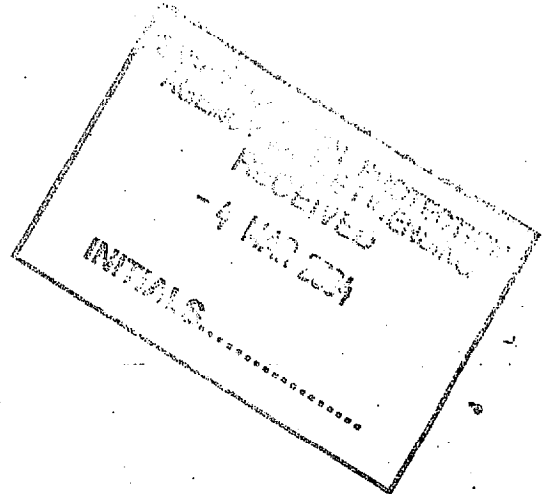
Forms of notification of change or cessation may be obtained from the
REGISTRAR OF BUSINESS NAMES, PARNELL HOUSE, 14 PARNELL SQUARE, DUBLIN 1.

Seamus Kelly & Sons

ENVIRONMENTAL IMPACT ASSESSMENT

**For:
Waste Recycling Centre
Gorey Business Park
Gorey
Co. Wexford**

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**Prepared By
White Young Green
Bracken Business Park
Bracken Road
Sandyford
Dublin 18**

1. INTRODUCTION

1.1 Overview of the Proposed Development

Seamus A. Kelly & Sons (SK&S) operates a waste transfer station at Gorey Business Park, Ramstown, Gorey Co. Wexford.

SK&S operates a collection service for commercial, domestic and construction and demolition waste which services the South East. SK&S provides a progressive service in terms of waste management to the population of the South East area. The business, operates from the Company's transfer station at Gorey Business Park, Ramstown, Gorey, Co. Wexford. The company has provided a waste disposal service to the South East for over 8 years. The SK&S facility currently handles an estimated 16,500 tonnes per annum of non-hazardous waste. The waste is delivered to the SK&S facility where recyclables such as steel and wood are segregated with the residual non-recyclable waste being transferred to landfill. SK&S has also commenced supplying householders in the South East Region with bins for the collection of dry recyclables. The company has plans to expand this service significantly in the future.

SK&S is optimistic that it can expand its business and operations and is now applying to the Environmental Protection Agency (EPA) for a licence to handle 30,000 tonnes of waste in 2008 at the Ramstown facility. This Environmental Impact Statement (EIS) has been produced to accompany that licence as required under Article 13(1) of S.I No. 133 of 1997.

This Environmental Impact Statement (EIS) examines the potential impacts and significant effects on the environment of SK&S's existing waste recycling station at Ramstown and the predicted impacts and significant effects of any proposed extension/upgrading to the facility. The prescribed developments that require an EIS are set out in Section 176 of the Waste Management Act and Article 93 and Schedule 5 of the Local Government (Planning and Development) Regulations, 2001.

1.2 Location and Setting

The location of the site is shown in Figure 1.1.1 and has a National Grid Reference of 3156E, 1586N.

The existing site covers an area of 0.28 hectares and is located in the Gorey Business Park, Ramstown, Gorey, Co. Wexford in the town land of Ramstown. This area lies within the local authority jurisdiction of Wexford County Council.

The Banoge River lies approximately 1.4km to the south-east of the site and branches off in to tributaries to the east of the site. The business park is bounded to the west by the N11 a major

4.9 ROADS AND TRAFFIC

4.9.1 Proposed Development

It is proposed to almost double the tonnage of waste handled at the SK&S facility from 16,500 to 30,000 tonnes over five years. It is expected that there will be continual advances in the machinery and vehicles used at this facility which will allow for greater efficiencies. In general, material is brought to the site in relatively small vehicles including skips, trailers, hook loaders etc. It is also true that waste is generally exported from the site in the most economically feasible quantities in large vehicles capable of carrying 20 tonnes per vehicle

Given that the quantity of waste is expected to almost double it is estimated, as a worst case scenario, that traffic associated with the site will also double. It is therefore expected that the proposed facility will generate 74 vehicle trips during the morning and evening peak hours. On this basis this would increase the heavy goods flow in and out of the industrial estate by 10%. It should be noted however, that the Business Park is still being developed. As more units are developed there will be increased traffic thereby reducing SK&S's contribution to overall traffic levels in the Business Park.

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4.10 LANDSCAPE AND VISUAL AMENITIES

4.10.1 Specific Characteristics of the Proposal

The proposed development involves the up-grading of an existing Recycling Centre to increase the tonnage of material handled and recycled. The following features are relevant to the potential landscape and visual impacts from the facility:

- Retention of the building housing the staff offices, recycling and storage.
- Retention of the skip storage area, metal storage area, baled cardboard storage area, fuel storage container and rubble and timber bays;
- Retention of all boundary features.
- Construction of a new recycling building to cover the entire yard area.

4.10.2 Potential Impacts

4.10.2.1 Landscape Character

The site is located in Gorey Business Park which contains commercial, retail and light industrial units. Outside the business park surrounding area consists of agricultural land and individual residential properties and a residential estate. The existing site does not detract from the visual character of the surrounding landscape. The proposed developments on the site will not be significantly obtrusive and will not be negatively distracting.

The area in which the site is zoned for Industry. The proposed development is in agreement with the provision "To Provide for Industrial Uses".

The proposed development will not impact on any tree preservation orders or protected structures in the area.

4.10.2.2 Visual Impacts

The development will not obstruct or impinge on the scenic route, sensitive area or vulnerable area, as identified in the Wexford Development Plan.

The proposed development will not involve the construction of any structures, which will be visible from outside the site.

There will be no visual impacts from the construction of the weighbridge and fuel tank.

B. GENERAL

B.1 Applicant's Details

Name*: SEAMUS KELLY & SONS
 Address: GOREY BUSINESS PARK
 RAWSTOWN
 GOREY
 CO. WEXFORD
 Tel: 054 44167
 Fax: 054 44458

* This should be the name of the applicant which is current on the date this Waste Licence Application is lodged with the Agency.

Name and Address for Correspondence (it must be noted that all correspondence or communications will be conducted through the correspondence name and address provided. Only application documentation submitted by the applicant and by the nominated person will be deemed to have come from the applicant.)

Name: SEAMUS KELLY
 Address: "AMBERLEA"
 GOWTINACLUDDY
 CO. WEXFORD
 Tel: 054 44167
 Fax: 054 44458

Address of registered or principal office of Body Corporate (if applicable)

Address: NOT APPLICABLE
 Tel:
 Fax:

If the applicant is a body corporate, the following information must be attached as **Attachment B1**:

- a) a Certified Copy of the Certificate of Incorporation or Memorandum and Article of Association;
- b) the Company's Registration Number from the Companies Registry Office; and
- c) a list of the Company Directors.

State the interest of the applicant in the land which is subject to the application. The applicant is (please check):

Landowner	<input checked="" type="checkbox"/>
Lessee	<input type="checkbox"/>
Prospective Purchaser	<input type="checkbox"/>
Other (please specify)	

Name and address of all occupiers of the land on which the Activity is situated (if different from applicant named above).

Name: AS ABOVE
 Address:
 Tel:
 Fax:

Name: NOT APPLICABLE
 Address:
 Tel:
 Fax:

Name and address of the current* owner(s) and lessees of the land, buildings and ancillary plant on which the activity is or will be situated (if different from applicant named above). A drawing showing the above details should

be included.

Name: NOT APPLICABLE

Address:

Tel:

Fax:

Name: NOT APPLICABLE

Address:

Tel:

Fax:

Name: NOT APPLICABLE

Address:

Tel:

Fax:

Name: NOT APPLICABLE

Address:

Tel:

Fax:

Name: NOT APPLICABLE

Address:

Tel:

Fax:

*Current at the time the application is submitted

B.2 Location of Activity

Name: SEAMUS KELLY + SONS

Address*: GOREY BUSINESS PARK

RAMSTOWN

GOREY

CO. WEXFORD

Tel: 054 44167

Fax: 054 44458

* Include any townland

National Grid Reference (8 digit 4E,4N)	3156 E 1586 N
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A Site Plan must be provided. It should be noted that the Site Plan will legally define the area to which the waste licence will relate. Waste disposal operations by the applicant outside the area of the licence will be an offence under s39 of the Waste Management Act 1996. Accordingly, it is vital that the boundary of the activity is clearly marked and identified.

Original maps of the relevant area, such as maps from the Ordnance Discovery Series, from which the site grid reference can be read and confirmed, must be included in Attachment B.2.

The applicant should tick the appropriate box below to identify whether the activity is located within the Shannon Free Airport Development Company (SFADCo.) area.

Within SFADCo. Area Yes No

B.3 Planning Authority

Give the name of the planning authority in whose functional area the activity is or will be carried out.

Name: WEXFORD COUNTY COUNCIL

Address: COUNTY HALL

SPANFELL RD.

Waste Licence Application Form - Recovery/Disposal Activities (other than Landfill)

WEXFORD TOWN
 Tel: 053 76500
 Fax: 053 43406

Has the Planning Authority received written notification from the applicant of the application to The Environmental Protection Agency for a Waste Licence under Article 9 of the Waste Management (Licensing) Regulations, 1997?

Planning Authority notified	Yes <input checked="" type="checkbox"/>
	No <input type="checkbox"/>

Planning Permission relating to this application:-

has been obtained	<input checked="" type="checkbox"/>
is being processed	<input type="checkbox"/>
is not yet applied for	<input type="checkbox"/>
is not required	<input type="checkbox"/>

Local Authority Planning File Reference N ^o :	<u>950087</u>
--	---------------

Attachment B.3 should contain all current planning permissions, including a copy of all conditions. Copies of any EIS should also be enclosed. For existing activities, Attachment B.3 should also contain copies of all licences and permits in force at the time of submission. Where planning permission is not required for the development, provide reasons, relevant correspondence, etc.

B.4 Sanitary Authority

In the case of a discharge of any trade effluent or other matter (other than domestic sewage or storm water) to a sewer of a sanitary authority, give the name of the sanitary authority in which the sewer is vested or by which it is controlled and the waste water treatment plant (if any) to which the sewer discharges.

Name:

Address: WEXFORD COUNTY COUNCIL
COUNTY HALL
SPANELL RD
WEXFORD TOWN

Tel: 053 76500
 Fax: 053 43406

Waste water treatment plant

Name: NOT APPLICABLE

Address:

Tel:

Fax:

In the case of a discharge of any trade effluent or other matter to a sewer not vested or controlled by a sanitary authority, give the name and address of the owner(s) of the sewer and the waste water treatment plant (if any) to which the sewer discharges.

Name: NOT APPLICABLE

Address:

Tel:

Fax:

Name: NOT APPLICABLE

Address:

Tel:

Fax:

Waste water treatment plant

Name: NOT APPLICABLE

Address:

Tel:

Fax:

The applicant must enclose, as Attachment B.4, a copy of any effluent discharge licence and/or agreement between the applicant and the body with responsibility for the sewer.

B.5 Notices and Advertisements

Articles 6 and 7 of the Waste Management (Licensing) Regulations 1997 as amended requires all applicants to advertise the application in a newspaper and by way of a site notice. See *Guidance Note*

Attachment B.5 should contain a copy of the site notice and a drawing showing its location on site. **The original application must include the complete newspaper in which the advertisement was placed.** The relevant page of the newspaper containing the advertisement should be included with the five copies of the application. Where the Waste Management (Licensing) Regulations 1997 as amended require notice of the application to be given to the Planning Authority, a copy of this notice should also be included.

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see
Public

Environmental Protection Agency
An Ghníomhaireacht um Chaoimhú Comhshaoil

PO Box 3000, Johnstown Castle Estate
County Wexford, Ireland
Bosca Poist 3000, Eastát Chaisleán Bhaile Sheáin
Contae Loch Garman, Éire

T: +353 53 60600
F: +353 53 60699
E: info@epa.ie
W: www.epa.ie

Lo Call: 1890 33 55 99

Mr Kieran O'Brien
Director of Services (Environment)
Wexford County Council
County Hall
Wexford

1 June, 2004

202-1

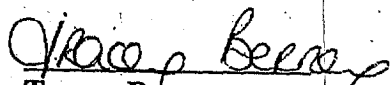
Dear Mr O'Brien,

I refer to previous correspondence in relation to the Waste Licence application, register number 202-1 by Seamus Kelly & Sons in relation to a facility/premises located at Seamus Kelly & Sons, Gorey Business Park, Ramstown, Gorey, Co Wexford.

Please include the enclosed documentation in the copy of the correspondence file associated with this application, which is available for public inspection at your offices.

Your co-operation in this matter is greatly appreciated. Should you have any difficulties please do not hesitate to contact me.

Yours sincerely


Tracey Berney
Programme Officer
Office of Licensing & Guidance

Encl.

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Guardians of the Environment