

Obj (6).

Rec 20/1/06.  
JB.



**An Taisce – The National Trust for Ireland**  
Tailor's Hall, Back Lane, Dublin 8

EPA  
P O Box 3000  
Johnstown Castle Estate  
Co Wexford

19 January 2006

**REF: Landfill Waste Licence Application at Meenaboll, Co Donegal. Ref: 215-1**

Dear Sir

We wish to object to the proposed determination of a waste licence at the above site.

We consider that neither the Environmental Impact Statement nor the EPA inspector's report recommending a licence determination has been based on adequate baseline and site evaluation, adequate evaluation of the suitability of the design and specification, adequate evaluation of the particular considerations relating to the site as a blanket bog area and the requirement of the Habitats Directive to protect Priority Habitats, water courses and areas affecting SAC designated areas.

***Leachate Risk posed by Suitability of Design and Specification***

This application highlights the mounting concern raised by the competence of Irish local authorities in regulating landfills.

The argument is made that this and other recent landfills being licensed by the EPA would resolve and address the problems of leachate seepage, gas emissions and odour.

Regrettably the construction, commissioning and operation of the Clare County Council landfill at Inagh has demonstrated that this is not the case, including a significant leachate breach after its commissioning in 2004 and continuing problems and complaints relating to license breach and odour emissions.

We also refer to the significant and continuing problems with regard to Ballydonagh (Pike Cross) outside Athlone in Co Westmeath, which are generating major gas emissions and odours causing both health concern and nuisance to local residents.

The design and specification of the proposed Meenaboll landfill is little different to that constructed at Inagh. While in this case the EPA is exercising its licensing function in EPA Act, 1992 and Waste Management Act, 1996, it is submitted that the overriding obligation by the EPA with regard to The EIA Directive, the Habitats Directive, and the Water Framework Directive is both primary and superior to its role as a licensing authority.

Neither the EIS nor the inspector's report has assessed the leachate containment performance of other lined landfills.

### ***Stability of Peatland Site Conditions in maintaining Membrane Stability and Impermeability***

The development site and surrounding area, although it has been subject to forestry plantation, is a blanket bog peatland area. The proposal involves the insertion of a lined landfill and associated road access and infrastructure into a peatland area which is subject to variable water table levels and is subject to movement.

Neither the EIS nor the inspector's report address the implications that the drainage and ground conditions at Meenaboll are significantly different to other landfills licensed by the EPA. There is a disastrous legacy in Ireland of unlined landfills predating EPA licensing located in bogland and wetland areas. If a lined landfill were to fail its leachate containment performance in a wetland or bogland area, the effect would be significantly more difficult to contain or remediate than a landfill in an area with more stable ground conditions.

The cutting of a major development area into this larger peatland area would have a knock-on drainage and displacement impact on the surrounding area and on drainage both running through, under and around the site.

It is considered that the stability of the proposed landfill membrane and the maintenance of its performance as a sealed membrane is subject to serious risk of displacement and breaching through the potential varying pressure of the weight of saturated peat in the surrounding area, peat movement and drainage variation.

### ***Issues with regard to Habitats Directive 92/43/EEC***

Neither the EIS nor the inspector's report has addressed the status of the site as a blanket bog Priority Habitat under the Habitats Directive. Although there has been forestry development on the site, its integrity as a peatland area remains and with appropriate management, its surface bogland vegetation would regenerate, giving it the full protection of the Habitats Directive.

While the drainage analysis of the site has established that the streams and drains in and around the site drain towards the River Finn SAC / Natura 2000 site (Site Code 2301), the northern portion of the site adjoins the drainage catchment of the Owenbeg Bullaba River which flows into Gartan Lough and Lough Akibbon SAC (Site Code 000158) which flows into the Leannan River (Site Code 002176). This means that the site is at a drainage watershed between two river catchments which creates the risk of damage to two drainage catchments in the event of leachate breach or other pollution risk from the site.

The site is less than 3km from the River Finn SAC, designated by the commission as a Natura 2000 site. The risk of any leachate leak or spill thus poses an unacceptable risk of degradation to this European Conservation site.

Both the EIS and the EPA inspector's report are deficient in assessing the current status of salmon spawning in the area between the application site. The inspector reaches the inappropriate conclusion that because the actual designated part of the Finn River is 2.5 kms from the site, that there is no risk to the salmonid habitat. This does not address the Natura 2000 site status of the Cumrick or its salmon spawning status; and the

Sruhanpollandoo streams adjacent to the proposed landfill site, as salmon spawning areas and therefore salmonid habitats that have the full protection of the Habitats Directive.

There has been no assessment on the potential adverse impact on the Freshwater Pearl Mussel habitat impact on the Owenbeg, Bullaba and Leannan Rivers.

While the EIS states that there are Arctic Charr in Lough Finn and that they are very sensitive to water quality, there is no assessment of the adverse impacts that this development may have on these rare and sensitive fish.

To the immediate east of the site is the Glenveagh National Park and Glenveagh SAC Complex (Site Code 00-2047). This is the only Irish location for the reintroduction of the Golden Eagle from Scotland.

The risks posed to a number of species and habitats protected under the Habitats Directive is not acceptable within the terms of the Habitats Directive.

### ***Issues with regard to the Water Framework Directive (2000/60/EC)***

The proximity of the site to the abovementioned SACs and Natura 2000 sites and the presence of surface water channels and waterlogged peat on-site are directly linked to the waters of various protected streams, rivers, and habitats creates conditions for high possibility of contamination of these waters from leachate and runoff from the facility.

Under the WFD (Article 1 & Article 4.1 (a) & (b)), Member States are obliged to refrain from actions that would lower the ecological, chemical or quantitative status of any water body. This is commonly known as the 'no deterioration' duty of the WFD: "Member States shall implement the necessary measures to prevent deterioration of the status of all bodies of surface water". The 'status' of a surface water body under the Directive is determined by both its chemical and ecological status along with biology, hydrology and physico-chemical factors.

The 'Characterisation and Analysis of Ireland's River Basin Districts', undertaken to fulfil Ireland's obligations under Article 5 of the WFD, also identifies IPPC licensed discharges under 'point source pollution' pressures as one of the main categories of environmental pressures identified as putting Ireland's water bodies at risk of not reaching 'good status' by 2015.

To allow this facility to go ahead at this site will enormously increase this risk, and contravene the phased targets of the WFD, which obliges us to work progressively towards good ecological status for surface waters by 2015.

The proposed works are therefore in contravention of the WFD, which came in to effect in 2000.

### ***Relevance of EPA Licence Determination on Lickey Landfill***

Since the Inspector's report on recommending a licence determination on Meenaboll, the EPA has issued a determination refusing a licence determination on Ballylickey, Co Waterford (Ref. 187-1) (see *enclosed*). In this case, the primary grounds of refusal related to unacceptable risk of environmental pollution, having regard to the location of the landfill in or adjacent to a candidate Special Area of Conservation, the River Lickey, a Freshwater Pearl Mussel habitat

The issues raised by water pollution risk are similar in relation to the Meenaboll site with a series of drains and streams running through, around and adjacent to the site which are tributaries of the Finn River SAC. Notwithstanding the lack of specific designation of the area of the application site, the upstream impact on a habitat area scheduled under the Habitats Directive 92/43/EEC.

**Requirement to adopt Precautionary Principle**

Accordingly, it is submitted that the EPA is required to adhere to the precautionary principle. In this case an insufficient buffer has been left between the proposed landfill site and the tributaries of the Finn River SAC to obviate risk of water contamination through the sort of leachate breach that occurred at Inagh.

For this reason the location of the Meenaboll site is not appropriate and we do not consider that this location unsuitability can be addressed or resolved by altering the design and specification.

It is a requirement of the Directive that both the direct and indirect effects of the development be assessed. We submit that this has not been done in this case.

Should the Agency decide that there is any chance of granting a licence for this development we submit that to do so without holding an oral hearing, which we understand has already been requested by The Loughs Agency in Derry, would be denying the public the rights of public consultation required under the EU Directives.

Yours sincerely

  
IAN LUMLEY  
Heritage Officer  
An Taisce

And

Anja Murray  
Natural Environment officer  
An Taisce

Encl:

**Fee of €100**

Copy of Determination refusing a licence determination on Ballylickey, Co Waterford  
(Ref. 187-1)

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