

219-1 Sub 24,
office

Don Mac Auley,
The View,
Wilkinstown
Navan,
Co. Meath.
046 9054340

20/11/2005

Re: Organic Gold, Wilkinstown, Navan, Co. Meath, waste licence application WMP 2005/47.

Dear Sir/Madam,

I am writing to request that Meath County Council refuses the above application for a waste licence. I am providing details and enclosing documents showing clear evidence that Organic Gold have consistently been involved in unauthorised development and in material contravention of the current Waste Permit (WMP 2002/26) granted on 19/11/2002.

Organic Gold was granted planning permission in 1990 for the construction of a compost shed and packaging plant (P90/000045) but this permission only referred to the acceptance of cattle slurry on site (Document 1). Organic Gold in a recently circulated newsletter (May 2005) confirmed that they are now receiving municipal sludges (document 2), "At our yard in Wilkinstown, Organic Gold Marketing Ltd compost a number of non-hazardous waste products supplied to us principally by local authorities and waste contractors. The type of products includes, green waste, timber, spent grain from the brewing industry, industrial and municipal sludges from waste water treatment plants and horse or animal bedding". This admission clearly indicates that although they may have a licence to carry out such activity they do not have planning permission for this new development. Therefore the Organic Gold is in breach of 1.1 of Waste Permit 2002/26 (Document 3) which states, "No waste activities shall commence on site until the landowner has applied for and obtained a valid planning permission for use of the site for the proposed activities".

In fact, since having been issued the current licence by Meath County Council (MCC), Organic Gold has been operating an illegal waste management facility. There have been several instances of investigation followed by enforcement notices. Following several written and verbal complaints relating to noxious odours in January/February 2004, over a year after issuing the Waste Permit, the planning authority finally decided to investigate Organic Gold to see if they were in compliance with their permit's requirements. MCC found they were not. On 27/2/2004 George Mulvey, Senior Executive Engineer, Planning Enforcement, on his second site visit after issuing a warning letter (6/2/2004), concluded that unauthorised development included, "(1) construction of large concrete area with surrounding wall to north/west side of site and intensification of use and (2) receiving post anaerobic digested sludge"(Document 4). Despite the warning letter development and the composting of sewerage sludge continued at the Organic Gold facility now flying in the face of demands from the regulatory body.

After an Enforcement Notice (Document 5) was issued on 3/3/2004 demanding that they "cease all developments on site" Organic Gold again ignored these warnings and continued to build and receive waste sludge. On 24/3/2004, Liam Bourke, Senior Engineer,

confirmed again that unauthorised development had continued despite the warning letter and earlier Enforcement Notice. In fact "there was about 3000m3 of material composting on the site, laid out on 9 rows" but the Waste Permit only permits that "the amount of compost and waste held at the facility shall not exceed 1000 cubic metres".(Document 6) Again, Organic Gold was in breach of their permit. Moreover, on 5/5/2004, Liam Bourke confirmed after another Enforcement Notice (Document 7) that there was still no application for retention of development he also stated that, "it should be noted that an EPA Licence is also required for the scale of activity that Organic Gold is currently engaged in".(Document 8) This was a full twelve months before any such application was made and makes a mockery of the licence application process as Organic Gold were operating illegally for nearly two years.

Although MCC did threaten legal action against the company as soon as the retention application was submitted the planning authority soon lost interest. However, over the summer the odours returned and the complaints continued (Document 9). But still no action from MCC as their response claimed that it was down to the planning authority now.

Unfortunately, MCC have refused to release further details of the sources of the sludge at Organic Gold under the FOI Act. This decision is currently being appealed and is concomitant with a complaint to the Ombudsman relating to the actions of Meath County Council planning authority.

And, in a recent FOI response MCC confirmed they had failed to monitor the current Waste Permit WMP2002/026 Section 1.3 when requested to provide details of the sealed drainage plan required to be submitted by Organic Gold "within one month of issue of permit" i.e. in December 2002, MCC admitted the only plan they received was in the current planning application – submitted April 2005 (Document 12). This is also in contravention of the old permit.

In addition, in their waste licence application, Organic Gold refers to planning grants P90/045 and NA 50074. However, NA 50074 has not been granted planning permission as it is with An Bord Pleanála. Therefore, the licence application is itself invalid and Organic Gold are again seeking a licence for waste activity for which they have no relevant planning.

Currently, Organic Gold continues to receive waste from Panda Waste which according to Michael Griffin is under investigation by the Environmental Protection Agency but the horrendous odours continue (Document 13). I have photographic and videotape evidence of this unauthorised and illegal activity and will provide same if requested.

In conclusion, I am requesting, in light of the past and current breaches of waste licence WMP 2002/26, that you put an end to this illegal and unauthorised waste disposal and refuse the above application.

Thank you for taking the time to read this submission.

Yours faithfully,

Dr. Don Mac Auley.
cc. Office of the Ombudsman.

MEATH COUNTY COUNCIL

Local Government (Planning & Development) Acts, 1963 to 1983.

NOTIFICATION OF GRANT

Planning Section,
County Hall,
Navan.

To: Organic Gold Manu-
facturing Ltd.,
c/o Turlough McKevitt,
50 North Road, Drogheda,
Co. Louth.

PLANNING REGISTER NUMBER: P 90/000045.
APPLICATION RECEIPT DATE: 23/02/90

Notice is hereby given that in pursuance of the powers conferred upon them by the above-mentioned Acts, Meath County Council has by order dated 22/08/1990 granted PERMISSION to the above named, for development of land, namely:-

construction of compost shed, packaging plant, new vehicular entrance from L5 (Main Road) and all ancillary works at Wilkinstown, Navan, Co. Meath.

Subject to the 28 conditions set out in the schedule attached.

Signed on behalf of said Council

Date: 15-11-1990

M. ROGERS
P.P. COUNTY SECRETARY

OUTLINE PERMISSION is subject to the subsequent approval of the Planning Authority. Until such approval has been obtained to detailed plans the proposed development is not authorised.

NOTE: The permission herein granted shall, on the expiration of the period of 5 years beginning on the date of the granting of permission cease to have effect as regards:-

- (1) In case the development to which the permission relates is not commenced during the period, the entire development and
- (2) In case such development is so commenced, so much thereof as is not completed within that period.

SCHEDULE OF CONDITIONS

- 1 The development shall be in accordance with plans and particulars submitted on the 15/1/1990, 30/4/1990 and 25/6/1990 except where conditions hereunder specify otherwise.
- Reason: In the interest of proper planning and development.
- 2 Surface water from site shall be prevented from running onto surface of Flemings lane and Navan-Nobber road by provision of safety kerbs with sumps drained to local drain or soakaway.
- Reason: To prevent flooding of public road and in the interest of traffic safety.
- 3 All surface water from roofs and clean yard areas shall be discharged to local drains through sealed piped system.
- Reason; In the interest of pollution control.
- 4 Wing walls of exit to public road shall be in stonework facing and stonework coping. Detailed plans and elevations of entrance to a scale of 1/50 shall be submitted to the Planning Authority for agreement prior to commencement of Development.
- Reason: In the interest of visual amenity.
- 5 Drain at proposed entrance shall be piped with pipes of adequate capacity to take maximum flows.
- Reason: In the interest of traffic safety.
- 6 All vehicular traffic to site including that to the farmyard, and including all construction traffic shall be confined to the new access road from the Navan-Nobber road R162. No vehicular traffic shall be allowed on "Flemings lane".
- Reason; In the interest of traffic safety.
- 7 The new access road from R162 shall be in concrete from the public road for a distance of at least 20metres and all services to site shall be located under grassed area on edge of that road.
- Reason: In the interest of proper planning and visual amenity.
- 8 The new fence along Flemings lane shall include for planting and maintenance of thorn quicks on inside boundary.
- Reason; In the interest of visual amenity.
- 9 The colour of new buildings shall be dark grey, grass or dark green, dark brown, dark red or in finished concrete natural, roof colours shall be darker than wall colours.
- Reason: In the interest of visual amenity.

SCHEDULE OF CONDITIONS CONTINUED

- 10 All slurry imported onto the site shall be pressed, having a minimum solids content of 10% and shall be transported in sealed containers. Details of type of containers shall be submitted to the Planning Authority for agreement prior to commencement of development.

Reason: In the interest of pollution control.

- 11 All dirty waters from soiled yards including lorry washings shall be discharged to underground soiled water tanks of ten days run-off minimum capacity.

Reason; In the interest of pollution control.

- 12 The lobby between canteen, offices and toilets shall be ventilated to outer air by extending it to the external wall of canteen and providing a window to that wall.

Reason; In the interest of public health.

- 13 The development shall be constructed and operated that no pollution of any watercourse will take place and that there will be no reasonable cause for annoyance by reason of smell either to persons at any premises in the neighbourhood or to persons lawfully using any public place in the neighbourhood.

Reason; In the interest of public health, public nuisance and pollution control.

- 14 Effluent shall not be spread on land before or after heavy rain, or on frozen ground and shall not be spread within 15 metres of any watercourse or within 30 metres of any well or source of potable water supply. Slurry shall be spread at a rate of 2,000 gallons maximum per acre per cut of silage (annual maximum of 4,000 gallons) or 1,500 gallons maximum per annum on land for grazing.

Reason: In the interest of public health and pollution control.

- 15 The slurry shall be spread only in accordance with the usage of the land and the capacity of the land to retain, neutralise and decompose it. The rate of spreading shall be such as to prevent surface run-off, ponding or seepage into covered field drains.

Reason: In the interest of public health and pollution control.

- 16 If at any time the Planning Authority is satisfied that the spreading of slurry on land is causing water or soil pollution, the spreading operation shall cease immediately on the direction of the said Authority and shall not be resumed until permission therefore is granted by the said Authority.

Reason: In the interest of public health and pollution control.

SCHEDULE OF CONDITIONS CONTINUED

- 17 No spreading of slurry shall take place within 15 metres of an open watercourse/drain nor within 30 metres of any source of potable water, well or spring nor within 100 metres of any dwellinghouse.

Reason: In the interest of public health and pollution control.

- 18 The slurry hydro press shall be contained in an air sealed structure. All air from it shall be discharged through a bio filter system or scrubber, details of which shall be submitted to Planning Authority for agreement prior to commencement of development.

Reason: In the interest of pollution control.

- 19 Dewatered sludge shall be discharged from hydro-press via a closed chute system to a sealed container for transport to composting shed.

Reason: In the interest of pollution control.

- 20 Sludge overflow from hydro press system shall be discharged to underground slatted tanks direct and shall not discharge to exterior of building.

Reason: In the interest of pollution control.

- 21 Any proposals for flocculation of waters from hydro press shall be the subject of a full planning permission.

Reason: In the interest of planning control.

- 22 Composting building shall have two doors not greater than 5m x 5m each. Bagging building shall have one large external door not greater than 4m x 4m and on east side of building. Door between bagging area and lobby shall be self closing. Material for bagging shall be conveyed from compost area to bagging area by means of a conveyor located entirely within the building. Any extra doors shall comply with fire officer requirements as set out in condition 24.

Reason; To retain all smells within buildings.

- 23 The developer shall pay to the Planning Authority the sum of £5,000 (five thousand pounds) as a contribution to the expenditure to be incurred in improvements and alterations to public roads by the Council to serve the development. Payment of this sum shall be made prior to commencement of development. The above sum shall apply until 31st December, 1990 and shall be subject to review on that date and to annual review thereafter unless previously paid.

Reason: To contribute towards the cost of road improvement required to facilitate the development.

SCHEDULE OF CONDITIONS CONTINUED

- 24 That the requirements of Meath County Council as set out on the attached schedule in relation to fire safety shall be complied with.

Reason: In the interest of fire safety.

- 25 Exits specified in requirement numbers 2 and 3 of Fire Officers report (see condition 24) shall be provided with internal lobbies fitted with self closing doors.

Reason: To retain any smells from the composting and bagging operation within the composting and bagging building.

- 26 A minimum area of 210 hectares (515 acres) shall be available at all times for disposal of slurry from site.

Reason: In the interest of pollution control.

- 27 Prior to the 31st January each year, the operator shall submit the following information to the Planning Authority:-

(a) Details of lands under the operators control, and of other lands in relation to which he has legal binding agreements with the owners for the spreading of slurry, the details to include Ordnance Survey maps to a scale 6 inches to the mile showing the lands in question, together with satisfactory evidence of the existence of legal binding agreements with the other landowners concerned.

(b) Copy of the register of the previous years spreading maintained in accordance with the terms of condition 28 below:

(c) Details of soil nutrients, drainage characteristics and cropping routine of the lands referred to at (a) above lands which have received excessive dressings of slurry shall be indicated.

(d) Proposed spreading rates and times of spread.

Reason: To enable the Planning Authority to exercise control of spreading as envisaged in condition 6 above - and to prevent soil pollution.

- 28 The operator shall maintain on the site, at his expense, a register for each year which shall include:-

(a) The results of soil nutrient and drainage tests on lands used or proposed to be used for spreading.

(b) Ordnance Survey maps to a scale of 6 inches to the mile, showing the location of the said lands and all drains, streams, rivers, watercourses and other sources of water supply on the lands or in their vicinity;

(c) Details of legally binding agreements with regard to spreading with the other landowners concerned and

SCHEDULE OF CONDITIONS CONTINUED

- 28 (d) A record of all spreading carried out, including details of the time and duration of spreading and the location and ownership of the lands on which the slurry was spread.

The register shall be available for inspection by the planning authority at all reasonable times.

Reason: To enable the development to be monitored in the interests of public health and the prevention of pollution.

For inspection purposes only.
Consent of copyright owner required for any other use.

WASTE MANAGEMENT ACT 1996

WASTE MANAGEMENT (PERMIT) REGULATIONS 1998

Meath County Council

Ref. No. in Register WMP 2002/26

To: **Organic Gold Marketing Ltd.**
Wilkinstown
Navan
Co. Meath

Meath County Council in exercise of the powers conferred on it by the Waste Management (Permit) Regulations 1998 hereby grants a Waste Management Permit for permitted waste activity in accordance with the First Schedule of the Waste Management (Permit) Management Regulations, 1998.

Activity 5: The recovery of waste (other than hazardous waste) at a facility (other than a facility for the composting of waste where the amount of compost and waste held at the facility exceeds 1000 cubic metres at any time).

And in accordance with the Fourth Schedule of the Waste Management Act, 1996:

Class 2: Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes).

Class 4: Recycling or reclamation of other inorganic materials.

Class 13: Storage of waste intended for submission to any activity referred to in a preceding paragraph of this schedule, other than the temporary storage, pending collection, on the premises where such waste is produced.

To: **Organic Gold Marketing Ltd.**

Location of proposed development: **Wilkinstown, Navan, Co. Meath.**

Subject to 7 conditions as set out on the schedule attached hereto.

Dated this 19 / 11 / 2002.

SIGNED:


MEATH COUNTY MANAGER

Environment Order No. 193 /2002.

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**WASTE
RECYCLING
NEWS**



Waste - What's waste problem ?

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Ireland is now faced with both national and EU directives to reduce the amount of waste being sent to landfill sites. The targets set are that by 2009, up to 65% of recoverable or recyclable wastes currently being tipped at landfill sites will have to be diverted from this type of disposal route.

Failure to achieve the recovery targets set will result in heavy penalties from Brussels, that will have to be paid by government and ultimately by you, the taxpayer.

There have been numerous studies of the type and quantity of waste produced by individuals and households over the past 20 years. These studies have shown that we are now producing twice the amount of waste per person that were producing a decade ago.

About 85% of all household waste can be recycled or recovered, processed and re-used if the proper equipment and infrastructures are in place. Huge amounts of cardboard, paper, food waste, metal, cans, plastics, green waste and wood are still going to landfill every week. Much of the waste that is being segregated and assembled is being sent to Northern Ireland, Scotland, Germany, Holland and even as far away as China to be recycled, simply because we do not have the facilities for dealing with our own waste in this country. How long do we think this will last? Are our neighbours in Europe and elsewhere going to continue to facilitate us in this

manner? The answer to that question is probably, yes! But



Run-off and storm waters being re-applied back on to compost windrows at Organic Gold's yard.

do remember, we are going to have to pay for it.

Special points of interest:

- Compost adds back humus and organic matter to land
- Compost stimulates biological activity in the soil increasing earthworm activity which stimulates natural aeration of the soil
- Peat is a sterile product and does not add any of the trace elements contained in compost
- Inorganic garden fertilisers provide a flush of growth compared to the slow release of nutrients that occurs as composts break down over time in the soil
- Peat used in the garden is reducing our non-renewable natural resources

Composting History - Organic Gold

Organic Gold Marketing Ltd has been manufacturing composts at their yards at Wilkinstown, Navan, Co Meath since 1986.

An intensive on-farm beef fattening unit was producing cattle slurries that proved difficult to land spread, particularly over the winter months and during periods of heavy rainfall. Since that time, the company has developed and is today a recognised leader in the manu-

facture of a range of compost products that are sold in supermarkets and garden centres.

Organic Gold also produce a specialist range of compost based products for golf course and amenity / sports grounds applications and the company can be very proud that their products are used by most of the premier facilities that host both national and international sporting events.

WASTE PERMIT

Waste Permit Register Number: WMP 2002/26
Applicant: Organic Gold Marketing Ltd.
Location of Facility: Wilinstown,
Navan,
Co. Meath.

In pursuance of the powers conferred on it by the Waste Management Act, 1996 and the Waste Management (Permit) Regulations, 1998, Meath County Council grants this waste permit under Article 5(1) of the Regulations to Organic Gold Marketing Ltd, to carry on at Wilinstown, Navan, Co. Meath the waste activity listed below, subject to seven conditions.

Permitted Waste Recovery Activity, in accordance with the First Schedule
of the Waste Management (Permit) Regulations, 1998:

Activity 5: The Recovery of waste (other than hazardous waste) at a facility (other than a facility for the composting of waste where the amount of compost and waste held at the facility exceeds 1000 cubic metres at any time).

Permitted Waste Activity, in accordance with the Fourth Schedule
of the Waste Management Act, 1996:

Class 2: Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes).

Class 4: Recycling or reclamation of other inorganic materials.

Class 13: Storage of waste intended for submission to any activity referred to in a preceding paragraph of this schedule, other than the temporary storage, pending collection, on the premises where such waste is produced.

NOTE:

THE GRANTING OF THIS PERMIT, AND ANY CONDITION IMPOSED BY IT, DOES NOT EXEMPT THE HOLDER OF THE PERMIT FROM COMPLYING WITH THE STATUTORY OBLIGATIONS OF ANY RELEVANT LEGISLATION, INCLUDING WATER POLLUTION, AIR POLLUTION, WASTE, LITTER AND PLANNING LEGISLATION.

1. Scope of Permit:

- 1.1 No waste activities shall commence on site unless and until the landowner has applied for and obtained a valid **planning permission** for use of the site for the proposed activities, if required.
- 1.2 This waste permit is issued under the Waste Management (Permit) Regulations, 1998 to Organic Gold Marketing Ltd. in respect of a facility at Wilkinstown, Navan, Co. Meath only.
- 1.3 This waste permit is granted for a period not exceeding **36 months** from the date of commencement of waste activities on the site.
- 1.4 Within one month of issue of this permit, the permit holder shall submit details for the written agreement of the Council for a sealed drainage system for the concrete storage area. The drainage system shall be constructed within two months of the date of agreement by the Council.
- 1.5 The permit holder shall clean out the existing drains and upgrade where necessary to incorporate into the approved drainage system.
- 1.6 The permit holder shall maintain a buffer zone of minimum 2m width between the windrows and the earth bunds.
- 1.7 The waste activities shall be confined to the area outlined in the site plan submitted with the permit application received 1st August 2002, and shall take place only as specified in the application, as modified and/or controlled by the terms of this permit.
- 1.8 Where Meath County Council considers that a non-compliance with the conditions of this permit has occurred, it may serve a notice on the permit holder specifying:
 - (a) that only those wastes as specified, if any, in the notice are to be accepted at the facility after the date specified in the notice; and,
 - (b) that the permit holder shall undertake the works stipulated in the notice, and/or otherwise comply with the requirements of the notice as set down therein, within any time-scale contained in the notice.

When the notice has been complied with, the permit holder shall provide written confirmation to the local authority that the requirements of the notice have been carried out. No waste, other than that, which is stipulated in the notice, shall be accepted at the facility until written confirmation is received from the Council that the notice is withdrawn.

2. Management of the activity:

- 2.1 A copy of the permit shall be kept on site at all times.

2.2 Waste shall only be accepted at the site between the hours of 8am and 6pm Monday to Saturday (excluding Bank and National Holidays). No waste shall be accepted on Sundays.

2.3 The site shall be adequately manned and supervised at all times. It shall be maintained to the satisfaction of Meath County Council, and adequate precautions shall be taken to prevent unauthorised access to the site.

3. Notification and record keeping:

3.1 The permit holder shall maintain a register of the following records on the site:

- The quantities and types of waste received at the site.
- The quantities and type of waste not accepted at the site, and details of where these wastes were sent.
- The dates and times of all waste deliveries to the site.
- The names of the carriers and the vehicle registration numbers.
- The origin of each delivery of waste.

3.2 The permit holder shall immediately notify Meath County Council by telephone/fax of any incident which occurs as a result of the activity on the site, and which:

- has the potential for environmental contamination of surface water or ground water, or
- poses an environmental threat to air or land, or
- requires an emergency response by the Council.

Full details shall be forwarded in writing on the next working day.

The permit holder shall include as part of the notification:

- the date and time of the incident,
- details of the incident and circumstances giving rise to it,
- an evaluation of environmental pollution caused, if any,
- actions taken to minimise the effect on the environment.
- steps taken to avoid reoccurrence,
- any other remedial action taken.

The permit holder shall make a record of any such incident in a register to be maintained on the site.

3.3 All communications with Meath County Council shall be addressed to the County Secretary.

Address:

County Hall,
Railway Street,
Navan,
Co. Meath.

Telephone Number (normal working hours): 046 - 21581

Fax Number: 046 - 21463

e-mail

info@meathcoco.ie

- 3.4 The permit holder shall make all records maintained on the site available to Meath County Council staff at all reasonable times, and shall provide any relevant information when so requested by an authorised person of Meath County Council.
- 3.5 The permit holder shall notify Meath County Council, in writing, within 7 days of:
- The imposition of any requirement on the permit holder by order under Section 57 or 58 of the Waste Management Act 1996, or
 - Any conviction of the permit holder for an offence under the Waste Management Act, 1996.
- 3.6 The permit holder shall submit to Meath County Council, an Annual Environmental Report (AER) for the preceding calendar year by no later than February 28th of each year. The first AER shall be submitted by 28th February 2004 in respect of the period from date of issue of the permit to 31st December 2003, and annually thereafter. The AER shall include details of:
- (a) the management and staffing structure of the facility;
 - (b) details of any impositions or convictions imposed as outlined above;
 - (c) quantity and type of all wastes accepted and disposed of at the facility during the year;
 - (d) details of any loads rejected at the facility during the year;
 - (e) reportable incidents.

In addition, the permit holder shall include in the report, a written summary of compliance with all of the conditions attached to this permit,

- 3.7 Within one month of waste activities ceasing on the site, the permit holder shall submit a report to Meath County Council which shall include the information contained in the registers described above, and details of any impositions or convictions imposed under the Waste Management Act, 1996. In addition, the permit holder shall include in the report a written summary of compliance with all of the conditions attached to the permit

4. Waste acceptance and handling:

- 4.1 The following wastes, may be accepted at the facility:

- activated sludge,
- spent grain,
- biodegradable kitchen and canteen waste,
- woodchips and sawdust,
- green waste,
- mushroom compost,
- cocoa shell,
- cardboard and paper.

No other waste types are to be deposited at the facility, unless otherwise agreed in writing with Meath County Council. The permit holder shall ensure that adequate steps are taken to prevent acceptance of any other waste types.

- 4.2 Before waste activities commence on site, the following details shall be submitted to, and agreed in writing with, Meath County Council:
- (a) Specify the waste types to be accepted by reference to the European Waste Catalogue and Hazardous Waste List published by the Environmental Protection Agency (edition valid from 1st January 2002).
 - (b) The name and address of the producer of the materials to be deposited at the site.
 - (c) The origin of the materials to be deposited at the site.
 - (d) The name and address of the Contractor(s) engaged to transport the materials to the site, including confirmation that the contractor is operating in compliance with the Waste Management (Collection Permit) Regulations, 2001 (SI no. 402 of 2001).
- 4.3 A minimum notice of five (5) working days shall be given in writing to Meath County Council of the commencement of waste activities at the site.
- 4.4 All waste arriving at the facility shall be subject to a visual inspection by the permit holder, or his staff, employees, lessees or agents. Materials other than those permitted shall be removed immediately from the site. Such waste shall be disposed of (or recovered) at an alternative facility with an appropriate waste permit or waste licence. Following delivery of such unauthorised waste to the site, Meath County Council shall be immediately notified by telephone/fax, and full details shall be forwarded in writing on the next working day.
- 4.5 The permit holder shall remove immediately any waste placed on or in the vicinity of the site other than in accordance with the requirements of the permit. If such waste is discovered it shall be taken to a facility with a waste licence or waste permit authorising acceptance of such waste.
- 4.6 Access to the site shall be limited to one (1) truck per hour, which equates to two (2) truck movements per hour.
- 4.7 The permit holder shall not allow any over-spill of waste outside the site perimeter, as outlined on the site plan submitted with the permit application.
- 5. Nuisances, emissions and environmental impacts:**
- 5.1 The permit holder shall take adequate precautions to prevent undue noise, fumes, dust, grit, untidiness and other nuisances during the course of the works which would result in a significant impairment of, or a significant interference with, amenities or the environment beyond the site boundary. If unacceptable levels occur, the permit holder shall abide by the Council's abatement requirements, which may include immediate cessation of operations.
- 5.2 The permit holder shall ensure that the waste activities on the site shall be carried out in such a manner so as not to have an adverse effect on the drainage of adjacent lands, on watercourses, on field drains or on any other drainage system.

- 5.3 If in the opinion of the Area Engineer, or his representative, or officials from the Environment Section of Meath County Council, the permit holder is not complying with the conditions of the permit, they shall be empowered to verbally instruct the permit holder to cease accepting waste at the site from the end of the day on which instruction issues. The permit holder shall close the site and lock the gates. Activities shall not re-commence until Meath County Council gives authorisation to re-commence.
- 5.4 If in the opinion of the Area Engineer undue damage is being caused to the haul roads to the site as a result of the use of heavy goods vehicles (HGVs), he shall be empowered to verbally instruct the hauliers to cease using these haul roads and use an alternative route.
- 5.5 The permit holder shall take adequate steps to ensure that that no material of any sort can fall or be blown from vehicles delivering waste to the site.
- 5.6 The permit holder shall take adequate steps to ensure that vehicles exiting from the site do not deposit material of any sort onto the roadway or adjoining lands.
- 5.7 The permit holder shall spray current working areas and site access roads with clean water during periods of dry weather if dust is being generated to such an extent as to reasonably present a risk of nuisance to neighbouring properties.
- 5.8 The permit holder shall remove all litter from the site and its environs immediately.
- 5.10 The permit holder shall remain responsible in perpetuity for the maintenance and upkeep of all drains and watercourses within and surrounding the permitted area.

6. Environmental monitoring:

- 6.1 Authorised staff of Meath County Council shall have unrestricted access to the site at all reasonable times for the purpose of their functions under the Waste Management Act, 1996, including such inspections, monitoring and investigations as are deemed necessary by the Council.
- 6.2 If so requested by Meath County Council, the permit holder shall, at his own expense, carry out such further investigations and monitoring of the facility as required by the Council. The scope, detail and programme, including report structure and reporting schedule, for any such investigations and monitoring shall be in accordance with any written instructions issued by the Council.

7. Charges and financial provisions:

- 7.1 The permit holder shall pay an annual contribution of €1,260 to Meath County Council, or such sum as the Council from time to time determines, towards the costs incurred by the Council of monitoring the activity, to the extent that it considers necessary for the performance of its duties under the Waste Management Act, 1996. The Permit holder shall in 2003 and subsequent years, not later than 31st January of each year, pay to the Council this amount updated annually in accordance with Table 5 of the All Items Index (base at November 1975 = 100) published by the Central Statistics Office. The Council shall notify the updated amount to the Permit holder. For 2002, the permit holder shall pay a *pro rata* amount from the date of the permit to 31st December, 2002. This amount shall be paid to the Council within one month of the date of grant of this permit.
- 7.2 In the event that the frequency or extent of monitoring or other functions carried out by the Council need to be increased for whatever reason, the permit holder shall contribute such sums as are determined by the Council to defray its costs.
- 7.3 Prior to the commencement of waste activities on site, the permit holder shall lodge with Meath County Council a cash deposit of €3,000 or an equivalent bond or other approved financial provision, as a security for the satisfactory compliance by the permit holder with the terms and conditions attached to this permit, and in addition to provide security for damage to roads. This amount may be paid in instalments, subject to the agreement of the Council. In the event of non-compliance by the permit holder with any terms or conditions attached to this permit, Meath County Council shall be empowered to apply the said funds or part thereof for the satisfactory compliance with the terms and conditions attached to this permit, including road repairs as necessary. Any amount not so used by the Council will be released to the permit holder, when all activities on site have ceased and the permit holder has fully complied with the terms and conditions attached to the permit, to the satisfaction of Meath County Council.

Document

Meath County Council
County Hall,
Railway Street,
Navan,
Co. Meath



Phone (046) 21581

Fax (046) 21463

27th. February 2004

Planning Enforcement Section - Internal Report

Re: Unauthorised Development UD0416 - Organic Gold Marketing Ltd.

Mr. Liam Bourke,
Senior Executive Engineer,
Planning Enforcement,

Liam,

New complaints have been received by this office that construction work is still occurring at this site.

A WL was issued on 06/02/04 and correspondence of 18/02/04 was received from organic gold marketing ltd. In this letter signed by Mr. John Finnegan it is stated " we do not believe that we are carrying on any unauthorised activity and we have passed on your correspondence to our consulting engineer Mr. Conor Taffe". Mr. Taffe contacted me on 25/02/04 and he told me that he is in the process of collecting all relevant data to identify any outstanding planning matters.

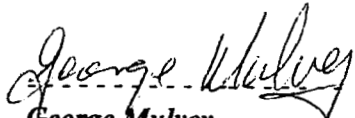
LOCATION OF UD: Wilkinstown, Navan, County Meath. Entrance is from the R162 Wilkinstown to Kingscourt Road 0.5km north of wilkinstown and west side of road.

DESCRIPTION OF UD: (1) Construction of large concrete area with surrounding wall to north/west side of site and Intensification of use.
(2) Receiving post anaerobic digested sludge.

I RECOMMEND THAT an EN IN ACCORDANCE WITH SECTION 154 OF THE PLANNING AND DEVELOPMENT ACT, 2000 BE ISSUED.

The enforcement notice should state (a) to cease all unauthorised construction work immediately. (b) That no new works is carried out without prior agreement of the planning authority. (c) To cease acceptance of post anaerobic digested sludge immediately. (d) To regularise the current outstanding planning issues and if this entails the submission of a planning application – give a time limit of 4 weeks.


The enforcement notice should issue to John Finnegan of organic gold marketing ltd and copied to his engineer Mr. Conor Taffe, Hill of Rath, Drogheda, County Louth.



George Mulvey
Senior Executive Technician

Date: 27th Feb 04

Approved.



Liam Bourke
Senior Executive Engineer

Date: 1st March 04

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MEATH COUNTY COUNCIL
ENFORCEMENT NOTICE
Section 154 of Planning & Development Act 2000

Mr. John Finnegan,
Organic Gold Marketing Ltd.,
Wilkinstown,
Navan,
Co. Meath.

Our Ref:UD04/016

It appears to Meath County Council being the Planning Authority for the County of Meath that lands at Wilkinstown, Navan, Co. Meath are being developed in contravention of Section 32 of the Planning & Development Act, 2000 i.e. otherwise than under and in accordance with a permission required under that Act.

The unauthorised development consists of

1. Construction of large concrete area with surrounding wall to north/west side of site and Intensification of use.
2. Receiving post anaerobic digested sludge.

Meath County Council (hereinafter called the Council) considering only the proper planning and development of this area (including the preservation and improvement of the amenities thereof) and having regard to the provisions of the Development Plan, has decided, it is expedient to serve a notice under Section 154 of the Planning & Development Act, 2000.

The Council hereby gives notice that you are hereby required to take the steps specified hereunder to secure the carrying out of the development within the time from the service of the Notice specified in each case.

If within the periods specified in the attached schedule, the steps specified in the notice to be taken are not taken, the Planning Authority may enter on the land and take such steps and may recover any expenses reasonably incurred by them in that behalf.

You are hereby warned that a prosecution under Section 157 of the Planning & Development Act, 2000 may be brought by this Authority against you should you fail to comply with the requirements of this notice.

If within the period specified by the notice, the steps specified in the notice to be taken are not taken, you may be guilty of an offence.

STEPS TO BE TAKEN
(SEE ATTACHED SCHEDULE)

TIME FOR PERFORMANCE

The notice shall take effect on the 3rd day of March, 2004

Dated this 3rd day of March, 2004.

Signed James Young Senior Staff Officer.

ENFORCEMENT NOTICE SECTION 154 OF

PLANNING & DEVELOPMENT ACT 2000

Schedule

<u>Steps to be taken</u>	<u>Time for Performance</u>
1. Cease all unauthorised construction of work.	Immediately.
2. No new works are carried out.	Without prior agreement of the Planning Authority.
3. If proposals include an application for retention of planning permission then the application shall be submitted to Meath County Council Planning Section, County Hall, Navan, Co. Meath.	Six weeks
4. Refund costs and expenses reasonably incurred by the Council in relation to investigation, detection and issue of Enforcement Notice, including costs incurred in respect of the remuneration and other expenses of employees, consultants and advisers.	Within one month of being quantified by the Council

MEATH COUNTY COUNCIL - COUNTY MANAGERS ORDER

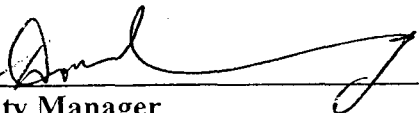
SUBJECT: The unauthorised development on lands at Wilkinstown, Navan, Co. Meath by Organic Gold Marketing Ltd.

SUBMITTED: Report from Mr. George Mulvey, Senior Executive Technician dated 27th February, 2004 endorsed by Mr. Liam Bourke, Senior Executive Engineer stating that Mr. John Finnegan of Organic Gold Marketing Ltd. has constructed a large concrete area with surrounding wall to the north/west side of the site and that there has been an intensification of use on this site. He also stated that Organic Gold are receiving post anaerobic digested sludge onto the site.

ORDER NO. P 6818G

ORDER: By virtue of the powers conferred on me, I hereby order that an Enforcement Notice under Section 154 of the Planning & Development Act, 2000 be served on Mr. John Finnegan, Organic Gold Marketing Ltd., Navan, Co. Meath requiring that the steps specified in the schedule attached to the Enforcement Notice shall be taken within the time periods specified.

Signed:


County Manager

Date: 3 March 2004.

MEATH COUNTY COUNCIL

Memo

<u>From:</u>	Liam Bourke Senior Executive Engineer Planning	<u>To:</u>	Jimmy Young Senior Staff Officer Planning/Building Control
<u>Date:</u>	24 March, 2004	<u>Cc:</u>	Rachel Kenny

Re: UD04016 Organic Gold

Reports by Greg Duggan dated 13th February 2004 and George Mulvey dated 12th February 2004, 3rd March 2004 and 8th March 2004, confirm that green waste and sewerage sludge are being composted at Wilkinstown, Navan by Mr. John Finnigan and Organic Gold Marketing Ltd., Wilkinstown, Navan, Co. Meath. A waste permit (ref. no. WMP2002/26) was issued for this activity. It appears that composting may have taken place on the site for some years. However there has recently been an intensification of activities on the site as construction has taken place to expand the yard and increase the volume of waste handled. This is an unauthorised development and an offence under section 151 of the Planning and Development Act, 2000.

Following the initial inspection by George Mulvey on the 6th February 2004, a warning letter issued to John Finnegan and Organic Gold Marketing Ltd. in respect to the development. On the 6th February George Mulvey also instructed Mr. Finnegan that the development required planning permission. Following further complaints and inspections it was confirmed that construction work had continued. These works included demolition of farm buildings, enlargement of concrete yard, construction of concrete boundary wall and the construction of earth embankments from waste soil. It was also found that the development created significant odour problems for neighbouring properties.

An enforcement notice issued on the 3rd March requiring that all construction work and the acceptance of anaerobic sludge to cease both with immediate effect. On the same day, Conor Taffe, consultant engineer for Organic Gold Marketing Ltd., informed George Mulvey that construction work had ceased on the site and that a planning application for the development was being prepared. However, when George later visited the site, work was still in progress constructing a new wall. He met Vincent Phelan, accountant/manager for Organic Gold, who agreed that planning permission was required for the work being carried out.

I visited the site with George Mulvey on the 10th March and met with Vincent Phelan. Some of concrete walls had been poured and shuttering removed since George was on the site on the 3rd March. According to Mr. Phelan this was done on the 3rd March. No other works appear to have been carried out.

MEATH COUNTY COUNCIL

Memo

During the inspection it was noted that: -


- the concrete yard was completed
- the concrete wall was completed
- proposed fencing on top the wall has yet to be carried out
- proposed wheel wash system has yet to be provided
- considerable amount of dust was rising on the yard during traffic movements
- a soil mound placed on the northern boundary contained tiers and other debris
- foul odour from the site on land to the north were very significant
- proposed odour suppressant system has yet to be provided
- there was about 3000 m³ of material composting on the site, laid out in 9 rows.

The proposed works above were proposed works described by Mr. Phelan during the site visit. It should be noted that a local authority may only issue a waste permit for composting to a limit of 1000 m³ at any time. Thus the volume of compost on site demonstrates that intensification has occurred since the waste permit was issued.

On the 16th March 2004 Conor Taffe contacted me and requested permission to erect the fencing on the wall and provide an odour suppressing spray system on the site. I reminded him that no structure could be erected without the benefit of planning permission but agreed a spray system could be brought onto the site to deal with odour. He assured me that a valid planning application would shortly be lodged with Meath Co Co.

A further complaint was received yesterday from Emer Davis, which confirmed that steel fencing posts have been erected on the concrete wall. This is contrary to the enforcement notice and an offence under section 154 of the Planning and Development Act 2000. Please issue a further Enforcement Notice under Section 154 of the Act requiring the following measures:-

1. All waste acceptance on site shall cease immediately the volume of material composting is reduced to less than 1000 m³ and shall be kept below this level until such time that planning permission is granted and a waste licence obtained for a larger development.
2. All development works on site shall cease immediately.


Liam Bourke
Senior Executive Engineer
Planning

\\meathfiles\Sys\Planning\Enforcement\Navan Area\OrganicGold\UD04016 Organic Gold240304.doc

MEATH COUNTY COUNCIL
ENFORCEMENT NOTICE
Section 154 of Planning & Development Act 2000

Mr. John Finnegan,
Organic Gold Marketing Ltd.,
Wilkinstown,
Navan,
Co. Meath.

Our Ref:UD04/016

It appears to Meath County Council being the Planning Authority for the County of Meath that lands at Wilkinstown, Navan, Co. Meath are being developed in contravention of Section 32 of the Planning & Development Act, 2000 i.e. otherwise than under and in accordance with a permission required under that Act.

The unauthorised development consists of:

1. Construction of large concrete area with surrounding wall to north/west side of site and intensification of use.
2. Receiving post anaerobic digested sludge.
3. 3000m³ of material composting on the site.
4. Erection of steel concrete posts on the concrete wall.

Meath County Council (hereinafter called the Council) considering only the proper planning and development of this area (including the preservation and improvement of the amenities thereof) and having regard to the provisions of the Development Plan, has decided, it is expedient to serve a notice under Section 154 of the Planning & Development Act, 2000.

The Council hereby gives notice that you are hereby required to take the steps specified hereunder to secure the carrying out of the development within the time from the service of the Notice specified in each case.

If within the periods specified in the attached schedule, the steps specified in the notice to be taken are not taken, the Planning Authority may enter on the land and take such steps and may recover any expenses reasonably incurred by them in that behalf.

You are hereby warned that a prosecution under Section 157 of the Planning & Development Act, 2000 may be brought by this Authority against you should you fail to comply with the requirements of this notice.

If within the period specified by the notice, the steps specified in the notice to be taken are not taken, you may be guilty of an offence.

STEPS TO BE TAKEN
(SEE ATTACHED SCHEDULE)

TIME FOR PERFORMANCE

The notice shall take effect on the 29th day of March, 2004

Dated this 29th day of March, 2004.

Signed  Senior Executive Officer.

ENFORCEMENT NOTICE SECTION 154 OF
PLANNING & DEVELOPMENT ACT 2000

Schedule

<u>Steps to be taken</u>	<u>Time for Performance</u>
1. Cease all development works on site.	Immediately.
2. All waste acceptance on site shall cease.	Immediately.
3. The volume of material composting shall be reduced to less than 1000 m ³ and shall be kept below this level.	Until such time as planning permission is granted and a waste licence obtained for a larger development.
4. Refund costs and expenses reasonably incurred by the Council in relation to investigation, detection and issue of Enforcement Notice, including costs incurred in respect of the remuneration and other expenses of employees, consultants and advisers.	Within one month of being quantified by the Council.

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MEATH COUNTY COUNCIL - COUNTY MANAGERS ORDER

SUBJECT: The unauthorised development on lands at Wilkinstown, Navan, Co. Meath by Organic Gold Marketing Ltd.

- SUBMITTED:**
1. Reports from Greg Duggan dated 13th February, 2004 and George Mulvey dated 12th February, 2004, 3rd March, 2004 and 8th March, 2004 confirming that green waste and sewerage sludge are being composted at Wilkinstown, Navan by John Finnegan and Organic Gold Marketing Ltd., Wilkinstown, Navan, Co. Meath.
 2. Warning Letter dated 6th February, 2004 issued to John Finnegan and Organic Gold Marketing Ltd. in respect of the development.
 3. Enforcement Notice served on 3rd March requiring that all construction work and the acceptance of anaerobic sludge cease both with immediate effect.
 4. Further inspections dated 30th March, 2004 confirmed that construction work had continued which included demolition of farm buildings, enlargement of concrete yard, construction of concrete boundary wall and the construction of earth embankments from waste soil.
 5. A further complaint received on 24th March, 2004 confirming that steel concrete posts have been erected on the concrete wall.
 6. Report from Liam Bourke, Senior Executive Engineer, dated 24th March, 2004 recommending that a further Enforcement Notice be served on Mr. John Finnegan, Organic Gold Marketing Ltd., Wilkinstown, Navan, Co. Meath.

ORDER NO. P 6846G

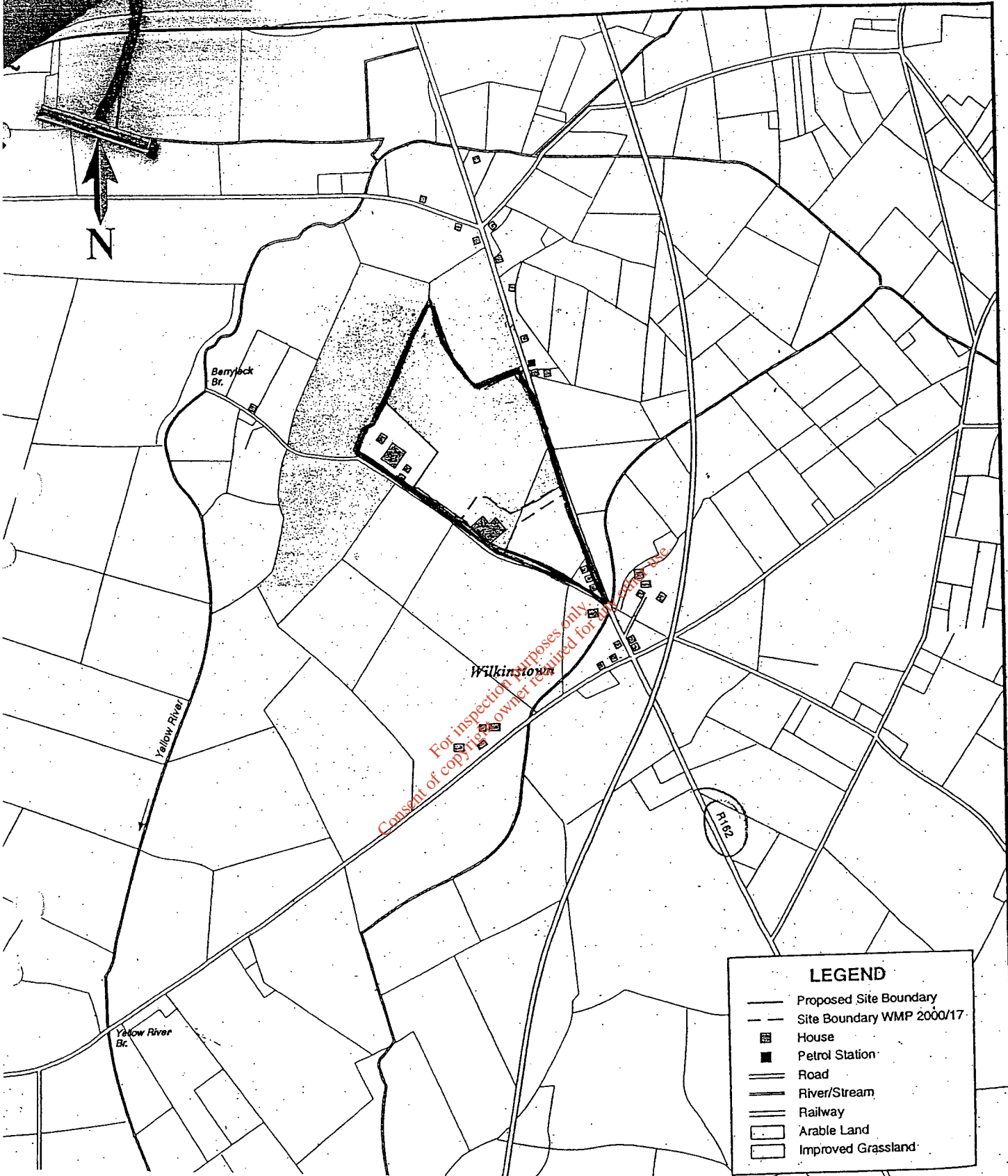
ORDER: By virtue of the powers conferred on me, I hereby order that an Enforcement Notice under Section 154 of the Planning & Development Act, 2000 be served on Mr. John Finnegan, Organic Gold Marketing Ltd., Navan, Co. Meath requiring that the steps specified in the schedule attached to the Enforcement Notice shall be taken within the time periods specified.

Signed:



County Manager

Date: 26 March 2004.



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LEGEND	
	Proposed Site Boundary
	Site Boundary WMP 2000/17
	House
	Petrol Station
	Road
	River/Stream
	Railway
	Arable Land
	Improved Grassland

MEATH COUNTY COUNCIL

Memo

<u>From:</u>	Liam Bourke Senior Executive Engineer Planning	<u>To:</u>	Jimmy Young Senior Staff Officer Planning/Building Control
<u>Date:</u>	5 May, 2004	<u>Cc:</u>	Rachel Kenny

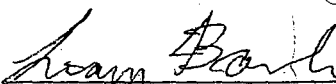
Re: UD04016 Organic Gold

Please refer to my report dated 24th March 2004. Enforcement Notices issued on the 3rd March 2004 and the 29th March 2004. Both notices required that all unauthorised development works on site shall cease. I carried out a follow up inspection on the 27th April 2004. Steel fencing posts were erected on the wall around the entire perimeter of the site following the issue of the first notice. This is an offence under section 154 of the Planning and Development Act.

My inspection I confirmed that there was about 1800 m³ of mixed shredded timber and sludge composting in rows and a further few hundred m³ of sludge and shredded timber in storage in the newly constructed and unauthorised portion of the yard and which had recently arrived. As material for composting is clearly still arriving on site and composting material has not yet been reduced to less than 1000 m³, there has been a failure also to comply with the second notice. This is a further offence under Section 154 of the Act.

I met John Finnegan on site, who assured me that a planning application would be submitted by the 30th April for retention and completion of the development. No application has been made. It should be noted that an EPA Licence is also required for the scale of activity that Organic Gold is currently engaged in.

I recommend that legal proceedings be issued for the offence under section 151 for the unauthorised development and for two offences under section 154 for the failure to comply with the enforcement notices. As an application for retention may still be lodged that may result in an improvement on the current situation, I recommend at this stage that only summary proceedings be initiated for these offences. The initial complaint was received in January 2004 so proceeding should be initiated before July 2004 to ensure all offences are included in the proceedings.


Liam Bourke
Senior Executive Engineer
Planning

DOCUMENT 9

-----Original Message-----

From: Emer Davis
Sent: 16 April 2005 11:08
To: donmacauley@eircom.net
Subject: FW: RE: Organic Gold

>From: Gregory Duggan <gduggan@meathcoco.ie>

>To: 'Emer Davis'

>Subject: RE: Organic Gold

>Date: Fri, 02 Jul 2004 17:24:53 +0100

>

>No problem. Are you seeking under FoI or just asking? You'll get them

>either

>way but with FoI you must write in and this sets a whole admin "train" in

>motion....(this e-mail is fine and I can forward to the FoI Officer so no

>need to do any more on your part if you just let me know). If you want to

>avoid FoI that's fine, just let me know and I'll get the reports for you.

>

>By the way, was out there today - awful - and Organic Gold are under
>starter's orders to get it right or face the consequences. I think the food

>waste is the problem so that's to stop and they're to cover the newest

>windrow with plastic to keep the stink in. Two rows are done and can move

>off-site but the newest row seems the worst. The mist/fogging system isn't

>doing the business at all and a specialist is to inspect the place on

>Saturday 3rd July. John Finnegan will phone me on Monday to let me know

>what

>the specialist says. I'm not convinced, but we'll wait and see. Hopefully

>things will improve over the next few days, but that'll probably jinx it

>just thinking it....

>

>Greg.

>

> > -----Original Message-----

> > From: Emer Davis [SMTP:emerjdavis@msn.com]

> > Sent: Friday, July 02, 2004 4:27 PM

> > To: gduggan@meathcoco.ie

> > Subject: Organic Gold

> >

> > Dear Greg

> >

> > I would like to receive copies of ALL of the Environmental reports that
> > your

> > engineers made, in relation to the smells and problems surrounding

>Organic

> >

> > Gold, since January of this year. I was told by the Ombudsman that this

> > is

> > an acceptable request by me, under the Freedom of Information Act.

> >

> > These reports can be sent to my address: Berryleck Lane

> >

> >

> > I look forward to hearing from you.

Wilkinstown
Co Meath

> >
> > Yours sincerely
> >
> > Emer Davis
> >
> >

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Comhairle Chontae na Mí

Halla an Chontae, An Uaimh, Contae na Mí

Fón: 046-902 1581

Cuirtear Fáilte Roimh Chombfhreagras í nGaeilge

**Meath County Council**

County Hall, Navan, Co. Meath

Fax: 046-902 1463eMail: info@meathcoco.ie www.meath.ie**Freedom of Information Section**

Dr. Don MacAuley
 The View
 Wilkinstown
 Navan
 Co. Meath

10 June 2005

Our Ref: FOI/0017/05

Dear Mr. MacAuley,

I refer to the request which you made to this body under the *Freedom of Information Act, 1997*.

My name is Assumpta Kelly and I am the officer duly authorised by the County Manager, under the provisions of the Freedom of Information Act, to adjudicate on your request. I made my decision on your request on 10th June 2005. You can contact me by telephone at 046-9021581. I will answer any questions you may have, and assist you generally in this matter.

I have decided to grant your request in respect of some records or, and to refuse it in respect of others. The purpose of the remainder of this letter is to explain that decision. This explanation has the following parts:

1. A schedule of all of the records covered by your request.
2. Concerning records to which access is granted, a statement of the arrangements for this access, its form.
3. Concerning records to which access is denied, the giving of the relevant findings, particulars and reasons for these decisions; and
4. A statement of how you can appeal this decision should you wish to do so.

Replies by email to foi@meathcoco.ie welcome
 Please visit www.meath.ie for Sec 15 & 16 Manuals

1. Schedule of records

The schedule shows the documents that this body considers relevant to your request which are released.

2. Arrangements for access/fee to be paid/form of access

You have sought access to the records by means of photocopies, and I have found that this is an appropriate form of access in this case.

3. Findings, particulars and reasons for decisions to deny access

Outline summary –

Your request is submitted using 13 No. items and I will issue this decision using the same headings and numbering system in the interest of clarity.

1. You ask for a copy of all correspondence, emails, memos and letters between Meath County Council and Organic Gold in relation to the Waste Permit. You also state that you already have a copy of the Enforcement File. Therefore, it is not very clear what you already have copies of and how I can assist you further. There is no separate Enforcement File that I am aware of. File WMP2002/26 is the relevant file and perhaps you think you have copies of some documents from this file. In order to avoid duplication, and also in the interest of clarity, I will not release the entire file or at this point attempt to schedule each document, which would be at least 400 pages. This would be considered voluminous under the Freedom of Information Act. Section 10 (1)(c) applies.

However, Section 21(1)(a) of the FOI Act also applies as Meath County Council is still investigating the non compliance with the Waste Permit. Legal action may be taken under the Planning legislation in this regard.

2. You ask for a written explanation regarding revoking the Licence. The Freedom of Information Act is primarily to be used for access to records. It was never intended that explanation for decisions would be part of that. However, Section 18 of the Act specifically refers to requests for Statement of Reasons. This is entirely separate from a request under Section 7. Section 18 requests may only be made by a person who is affected by an act of a body and has a material interest in a matter affected by the act or to which it relates. Material interest indicates that the person is directly affected but that people in general or a large class of people are not similarly affected.

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However, breaches of the Permit are being dealt with by notifications of non compliance to date, which form part of any future legal action which may take place.

3. You ask for copies of the sealed drainage plan. This is available for viewing under file NA50074 at the Planning Department. Your request is therefore refused under Section 46(2) of the Freedom of Information Act. Your attention is also brought to the Copyright Act which may apply in this case.

4. You ask for all compliance requests and subsequent responses. Section 21(1)(a) of the FOI Act also applies as Meath County Council is still investigating the non compliance with the Waste Permit. Legal action may be taken under the Planning legislation in this regard.

5. Copies of all waste record logs. Section 10(1)(a) applies as these records do not exist in Meath County Council. The operator of the Licence would hold such records.

6. Copies of all incidents reported to Meath County Council. This condition refers to self reporting. Section 21(1)(a) of the FOI Act also applies as Meath County Council is still investigating the non compliance with the Waste Permit. Legal action may be taken under the Planning legislation in this regard.

7. Copies of all Annual Environmental Reports. Section 21(1)(a) of the FOI Act also applies as Meath County Council is still investigating the non compliance with the Waste Permit. Legal action may be taken under the Planning legislation in this regard.

8. Copies of all submissions relating to 4.2 of the Permit. Section 21(1)(a) of the FOI Act also applies as Meath County Council is still investigating the non compliance with the Waste Permit. Legal action may be taken under the Planning legislation in this regard.

9. Copies of all details of rejected wastes as required by 4.4. of the Permit. This information forms part of the Annual Environmental Report and will not be released at this time. Section 21(1)(a) of the FOI Act also applies as Meath County Council is still investigating the non compliance with the Waste Permit. Legal action may be taken under the Planning legislation in this regard.

10. Copies of all correspondence from Meath County Council to the company re. No. 5.1 of the Permit. Section 21(1)(a) of the FOI Act also applies as Meath County Council is still investigating the non compliance with the Waste Permit. Legal action may be taken under the Planning legislation in this regard.

Replies by email to foi@meathcoco.ie welcome
Please visit www.meath.ie for Sec 15 & 16 Manuals

11. Details of all visits, reports, emails and memos by the County Engineer. (The Director of Service for the Environment now has the role which used to be that of the County Engineer in relation to the Environment Dept. of Meath County Council). Section 21(1)(a) of the FOI Act also applies as Meath County Council is still investigating the non compliance with the Waste Permit. Legal action may be taken under the Planning legislation in this regard.

12. Full details of all payments from Organic Gold as in Section 7 of the Permit. Invoices have issued with regard to No. 7.1 the Annual Contribution and payment is awaited. With regard to No. 7.3, it is confirmed that the Cash Deposit has been paid.

13. Planned review of Waste Management Permit. The current Permit is valid for 3 years from date of commencement of waste activities. No review is proposed.

Exemptions explained –

Section 21(1)(a) may be invoked where disclosure could reasonably be expected to prejudice the effectiveness of tests, examination, investigations, inquiries or audits etc.

Section 46 (2) may be invoked if the record is available elsewhere to the public.

Section 10(1) (c) refers to a request which is considered to be voluminous.

Section 10(1) (a) refers to records which do not exist.

Copies of the relevant Sections of the Act are enclosed for your convenience.

Public interest –

Section 21(1) (a) invokes the public interest test and I have weighed up as follows:

In favour of release:

The right of the public to have access to information.

Disclosure will reveal reasons for decisions.

The accountability of administrators and scrutiny of decision making processes.

The information would make a valuable contribution to the public debate on the issue.

Replies by email to foi@meathcoco.ie welcome
Please visit www.meath.ie for Sec 15 & 16 Manuals

In favour of non release:

Need to preserve confidentiality having regard to the subject matter and the circumstances of the communications.

Release of records would impair a future decision.

Premature release could contaminate the future legal process if invoked to such a degree that it would go against overall public interest in the longer term.

Premature release could contaminate the decision making process.

I consider that at this time the balance lies with non release until all investigations and possible legal actions are completed in full by Meath County Council.

Conclusion –

In an attempt to make clearer the logging of your request, I have dealt with it as above. In the Schedule attached, I list the documents which are granted to you from file WMP2002/26 and enclose copies.

The delay in replying to your request is due to staff shortages and I wish to state my appreciation for the extra time allowed to issue this decision.

4. Rights of appeal

You may appeal this decision to the head of this body at the address given above. To appeal, you need only write to Mr. Michael Arthurs, Senior Executive Officer, referring to this decision. You must make your appeal within 4 weeks of receiving this letter and enclose a fee of €75.00. Payment should be made by way of bank draft, money order, postal order or personal cheque and made payable to Meath County Council. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body.

Yours sincerely,



Assumpta Kelly
A/FOI Officer

Replies by email to foi@meathcoco.ie welcome
Please visit www.meath.ie for Sec 15 & 16 Manuals

-----Original Message-----

From: Emer Davis Sent: 16 April 2005 11:49
To: donmacauley@eircom.net
Subject: FW: RE: [Possible Spam] RE: Organic Gold

>From: Michael Griffin <mgriffin@meathcoco.ie>
>To: 'Emer Davis'
>Subject: RE: [Possible Spam] RE: Organic Gold
>Date: Wed, 13 Apr 2005 10:42:23 +0100
>
>Emer
>My response to you have been deliberately vague, as I have no wish to
>compromise this councils ability to seek compliance with the notification
>of
>non compliance .
>I thank you for your report of additional material being imported and I
>will
>arrange confirmation of this claim by means of a site inspection this week.
>Michael

>
>-----Original Message-----

> From: Emer Davis
> Sent: 12 April 2005 14:50
> To: mgriffin@meathcoco.ie
> Subject: [Possible Spam] RE: Organic Gold

> Michael,

> Any further news on the situation? It is well over a month since we
>had the
> meeting, and it just seems as if Organic Gold can do what they want
>and how
> they want.

> It would appear that the volume of waste has more than DOUBLED in
>the last
> week and a half. I have just seen a massive panda waste truck
>deliver a
> massive amount of waste to the yard.

> What exactly is happening? Can you give me exact details instead of
>a vague
> description?

> I await your response.

> Yours sincerely

> Emer Davis

> >From: Michael Griffin <mgriffin@meathcoco.ie>
> >To: 'Emer Davis'
> >Subject: RE: Organic Gold
> >Date: Mon, 04 Apr 2005 09:54:26 +0100

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> >
> >Emer
> >This process is now at a very delicate stage. MCC has issued
>directives and
> >has received responses from the company.I have no wish to
>compromise and
> >legal route the Council may no wish to take, by making further
>comment
> >. The Councils position remains unaltered , in that we will explore
>every
> >opportunity to ensure that operations on the lower yard cease ,
>pending
> >regularisation of the companies statutory obligations, . Those
>options
> >include legal action .
> >Michael Griffin
> >
> > -----Original Message-----
> > From: Emer Davis
> > Sent: 03 April 2005 18:22
> > To: mgriffin@meathcoco.ie
> > Subject: RE: Organic Gold
> >
> > Dear Michael
> >
> > It is almost a week since our previous correspondance. I
>would like
> >to know
> > if there has been any further developments on the situation.
> >
> > It would appear that Organic Gold are operating as if
>everything was
> >normal.
> > Can you confirm that Meath Co Co are still in the
>agreement that
> >the yard
> > should be shut down? Can you let me know if anything
>concrete has
> >been
> > done, and if so what has happened?
> >
> > Is it possible that you send me a copy of the "direction"
>issued to
> >the
> > company, by yourselves, earlier last month?
> >
> > I look forward to your response.
> >
> > Yours sincerely
> >
> > Emer Davis
> >
> > >From: Michael Griffin <mgriffin@meathcoco.ie>
> > >To: 'Emer Davis'
> > >Subject: RE: Organic Gold
> > >Date: Tue, 29 Mar 2005 10:39:51 +0100
> > >

> > >Emer
> > >
> > >MCC officials met with Organic Gold on Tuesday last. We
>are now
> > >considering all options , including legal action to obtain
> > >compliance with
> > >our direction to the Company, issued earlier this month.
> > >
> > >Michael Griffin
> > >SEO
> > >Environment Dept'
> > >
> > > -----Original Message-----
> > > From: Emer Davis
> > > Sent: 29 March 2005 10:11
> > > To: mgriffin@meathcoco.ie
> > > Subject: RE: Organic Gold
> > >
> > > Michael
> > > I would like to inform you that there were terrible
>smells
> > >coming
> > >from the
> > > yard at the weekend. How much longer will this be
>allowed
> > >to
> > >>continue?
> > >
> > > What did the senior Council environment officials do
>since
> > >your last
> > >e-mail?
> > >
> > > I await your reply.
> > >
> > > Yours sincerely
> > >
> > > Emer Davis
> > >
> > > >From: Michael Griffin <mgriffin@meathcoco.ie>
> > > >To: 'Emer Davis' <emerjdavis@msn.com>
> > > >CC: Gregory Duggan <gduggan@meathcoco.ie>
> > > >Subject: RE: Organic Gold
> > > >Date: Tue, 22 Mar 2005 13:07:40 +0000
> > > >
> > > >Emer
> > > >Our inspector visited the site today,
> > > >His findings have indicated that sufficient
>progress has
> > >not been
> > >>made,
> > > >and
> > > >senior Council environment officials will be
>contacting Mr
> > >Finegan
> > >>today/
> > > >tomorrow

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> > > >Michael
> > > >
> > > > -----Original Message-----
> > > > From: Emer Davis

> > > > Sent: 22 March 2005 09:45
> > > > To: mgriffin@meathcoco.ie
> > > > Subject: RE: Organic Gold
> > > > Michael,
> > > > Can you please let me know what happened
>yesterday,
> >when
> > >your
> > > >technicians
> > > > were due to carry out an inspection?
> > > > I would like to point out that there were
>terrible
> >smells
> > >coming
> > > >from the
> > > > yard yesterday evening. How long more will
>it take
> >for the
> > >yard to
> > > >be
> > > > cleared?
> > > > I look forward to your response.
> > > > Yours sincerely
> > > > Emer Davis
> > > > >From: Michael Griffin
><mgriffin@meathcoco.ie>
> > > > >To: 'Emer Davis'
> > > > >Subject: RE: Organic Gold
> > > > >Date: Tue, 15 Mar 2005 14:21:48 +0000
> > > > >
> > > > >Emer
> > > > >The notifications become effective from the
>21st, I
> >have
> > >asked our
> > > > >technicians to inspect on that date.
> > > > >The council position is unaltered , in that
>he must
> >cease
> > >accepting
> > > >waste
> > > > >at
> > > > >this facility until compliance with all

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>MCC
> >requirements
> > >is
> > > >achieved.
> > > > >
> > > > >
> > > > >Michael
> > > > >-----Original Message-----
> > > > >From: Emer Davis
> > > > >Sent: 15 March 2005 10:11
> > > > >To: mgriffin@meathcoco.ie
> > > > >Subject: RE: Organic Gold
> > > > >
> > > > >Dear Michael,
> > > > >
> > > > >I would like to know if anything
>further has
> > >happened since
> > > >your
> > > > >e-mail to
> > > > >me. Organic Gold are still
>accepting trucks
> >with
> > >waste, and
> > > >it
> > > > >would appear
> > > > >that they are in no way beginning to
>clear
> >their
> > >yard, as
> > > >instructed
> > > > >by
> > > > >Meath County Council.
> > > > >I look forward to your comments.
> > > > >
> > > > >Yours sincerely
> > > > >
> > > > >Emer Davis
> > > > >
> > > > >
> > > > >
> > > > > >From: Michael Griffin
> > > > > ><mgriffin@meathcoco.ie>
> > > > > > >To: 'Emer Davis'
><emerjdavis@msn.com>
> > > > > > >Subject: RE: Organic Gold 08-03-05
> > > > > > >Date: Wed, 09 Mar 2005 10:03:18
>+0000
> > > > > >
> > > > > >Emer
> > > > > >Mr Finegan has been advised in
>writing
> >that he is
> > >non
> > > >compliance
> > > > >with a

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> > > > > >number of conditions of his waste
>permit.
> >He has
> > >been
> > > >instructed to
> > > > >remove
> > > > > >all waste material from his "lower
>yard"
> >within 14
> > >days of
> > > >receipt
> > > > >of the
> > > > > >notice. MCC will be assessing
>compliance
> >with that
> > > >requirement on
> > > > >21st
> > > > > >March.
> > > > > >The non compliance notification is
>separate
> >to and
> > > >independent of ,
> > > > >the
> > > > > >activities in the large shed.
> > > > > >Michael
> > > > > >
> > > > > >-----Original Message-----
> > > > > >From: Emer Davis
> > > > > >
> > > > > >Sent: 08 March 2005 17:13
> > > > > >To:
>mgriffin@meathcoco.ie
> > > > > >Subject: Organic Gold
> > > > > >08-03-05
> > > > > >
> > > > > >Dear Michael
> > > > > >Could you please let me know
>the
> >current
> > >situation
> > > >in
> > > > >relation to
> > > > > >Organic
> > > > > > >Gold? Has Mr Finegan been
>informed
> >of
> > >closure? If
> > > >so, when
> > > > >and how
> > > > > >was he
> > > > > > >informed, and by when has he
>to
> >clear the
> > >yard?
> > > > > >
> > > > > >Due to his not-compliance of

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