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Noeleen Keavey

From: Martha Fabregat [marthabtap@eircom.net]
Sent: 20 March 2006 16:05
To: Noeleen Keavey
Subject: Appeal waste license

*for sent to
accs. 20/3/06.
AP*

Hi Noolen,
I hope eveything is ok, otherwise please do not hesitate to contact me at:6264166
Thanks,

Martha Fabregat/BTAP Accomodation Officer

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SUBMISSION APPEALING CONDITIONS
SET OUT IN THE EPA WASTE LICENCE

PREPARED BY

BALLYFERMOT TRAVELLERS ACTION PROJECT
(BTAP)

MARCH 2006

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This submission outlines the concerns of Ballyfermot Travellers Action Project (BTAP), and the residents of Labre Park in relation to the waste licence for the operation of a Civic Amenity Centre by Dublin City Council at a site adjacent to Labre Park, Ballyfermot Dublin 10.

BTAP on behalf of residents of Labre Park would like to highlight that over 90% of residents in Labre Park are opposed to the location of a civic amenity centre beside the residential area of Labre Park. BTAP together with residents have raised their concerns through submissions to An Bord Pleanala & the EPA and also through representation at an Oral Hearing held by Bord Pleanala on the 26th & 27th September 2005.

BTAP would like to outline that our position in relation to the location of the civic amenity centre has not changed. However as planning permission has been granted to Dublin City Council by An Bord Pleanala for the proposed development and as the EPA have issued a draft waste licence this submission is now focused on outlining conditions & changes that we propose need to be included in the EPA waste licence in order to get the best conditions possible for residents who will now have to live beside this facility.

This Objection Document outlines the concerns raised by residents on whom the proposed development will impact. The document also raises certain issues, which it was felt, the Environmental Impact Statement dealt with in an insufficient manner.

CONDITION 1 SCOPE

Opening Hours

In relation to Condition 1, which looks at the scope of the facility, residents would like to appeal conditions 1.7, 1.8 & 1.9, which relate to the opening and operational hours of the facility. The scope of the licence allows for waste to be accepted at or removed from the facility between the hours of 8.00-19.30 Monday to Friday inclusive and 9.30-16.30 on Saturdays during the summer months. It also allows for the facility to operate between the hours of 7.00-20.00 Monday to Friday inclusive and 8.00-16.30 on Saturdays during the summer months

We wish to strongly state our objection to these very long proposed opening and operational hours of the facility for the following reasons

Noise

Residents feel that the scope of these operational hours are far too extensive and that the noise impact on both the external environment and the internal environment will greatly impact on the quality of life of residents.

The World Health Organisation (WHO) states that an LAeq in excess of 55 will cause serious annoyance in outdoor living during the day and evening. This value has also been adopted by the EPA as a limit at noise sensitive locations. Moderate annoyance will be caused by noise levels in excess of LAeq 50.

In the E.I.S the consultants determine the predicted noise levels during the operational phase. There will be occasions when noise levels emanating from the site as identified in table 6.5 (pp90) of the EIS will exceed 58 dB (A) LAeq at the northern boundary of the site, i.e. area close to proposed new housing and the new community centre/pre-school building. These noise levels are in excess of LAeq of 55 whereby "serious annoyance in outdoor living during day and evening periods will exist." Even when a proposed noise barrier is installed the predicted noise levels will still be high at all sites tested and under all conditions (as detailed on pp93 of the EIS), and exceed or are very close to a value of LAeq50, which according to the WHO cause "moderate annoyance in outdoor living during the day and evening". It is felt that these noise levels would be very intrusive to the local populations at Labre Park, particularly in light of the proposed very long opening hours of the facility. The operation of this site would seriously reduce the quality of life for residents at Labre Park, due to ongoing noise intrusion emanating from the proposed facility for 12.5 hours every weekday and for 8.5 hours every Saturday (during the summer months). The high number of children in Labre Park will have "outside playtime" severely restricted by the noise impact from the proposed facility, particularly on Saturdays and during summer evenings.

Another major concern in regard to the noise impact from the proposed facility which was not addressed in the EIS and has not been dealt with since, is the noise attenuation characteristics of mobile homes. A considerable number of the population reside in mobile homes in Labre Park and the proposed future housing development at Labre Park, also includes caravan bays for future mobile home dwellings. These types of residential units do not have the same capacity as brick built housing to reduce noise impacts from the proposed development. The very long opening hours of the proposed facility increase the possibility that residents living in mobile homes will be very negatively impacted on by noise, particularly in the evenings and on Saturdays.

Previous experience of residents living in close proximity to civic amenity centres is also of great concern.. Residents from the North Strand area have had very negative experiences in this regard. Living in such close proximity to a civic amenity centre has had a huge negative impact on the local community there. The local residents concerns were eventually addressed at the North Wall facility whereby the civic amenity centre was closed on a Saturday and a reduction in the weekday operational hours was introduced.. There is no reason for residents in Labre who will be even in closer proximity to the facility not to have a similar experience.

Overall it is considered that the noise levels at this site are already elevated as outlined in Ballyfermot Air and Noise Report (DCC,2004) and that the proposed development will cause further deterioration in the noise environment. The negative impact will be exacerbated because of the proximity of the proposed development to the Labre Park residents, to the proposed community centre/pre-school area and due to the poor "sound proofing" capacity of the caravans in which a number of the residents live.

In order to minimise the impact that the noise created by this facility will have on the quality of life of residents, BTAP along with residents are calling for

- The hours of accepting and removing waste from the facility and its operational hours during the summer to be set at 9.00-16.00 Monday to Friday at a maximum and for the facility to be closed at the weekends and Bank Holidays.

- A noise monitoring programme to be initiated during the operational phase of the proposed facility, in order to determine fully to ability of mobile homes at Labre Park to buffer noise impacts from the proposed facility and to determine if there is a negative impact on “outdoor living” at Labre Park resulting from the proposed development.

CONDITION 2. Management of the Facility

In relation to condition 2.1.1. BTAP along with residents would like this condition to include a stipulation that individuals or companies with a poor record of complying with waste licence conditions under previous waste licenses should be precluded from running the proposed facility now or in the future. This condition is crucial given the impact on the Ballyfermot area already of waste operators who have a poor record of waste license compliance and have had a very negative impact on the community.

In relation to condition 2.2.2.7 Communications Programme BTAP would like to see included in this condition, an obligation on Dublin City Council to establish an interagency committee, which would include representatives from BTAP, Labre Park’s newly established residents committee and representatives from other residential areas in the surrounding area. The terms of reference for this group would include an obligation on Dublin City Council to convene the group on a regular basis to allow concerns or issues arising to be communicated & addressed. It is essential to ensure that there are proper links between the facility operator and the community and that Dublin City Council are fully accountable to the community.

The EIS outlined that members of the local community where possible would be employed at the proposed facility. BTAP feel that given this facility is in such close proximity to the Labre Park residential area and because the impact on the community is so considerable, that one of the terms & conditions of the contract given to the licensee to operate the facility should be that the at a minimum 10% of the workforce needs to be drawn from Travellers living in the Labre Park site. The licensee will operate a policy of

positive discrimination towards Travellers in order to fulfil this quota. And that in addition to 2.2.2.6 which deals with awareness and training that the licensee shall provide appropriate training to upskill Travellers to be able to take on positions in the facility.

CONDITION 3. INFRASTRUCTURE & OPERATION

BTAP and the residents of Labre Park are extremely concerned about the health & safety of children from Labre Park. Given that there are no play area's for children at Labre Park and that, children had previously used the site of the proposed development as a play area, there is a strong belief that the proposed civic amenity area site will become a play area for children from Labre Park. Residents are extremely concerned about the resultant risks to children, such as injury or even a fatality occurring under these circumstances. With these concerns in mind BTAP would like to ascertain what would be the response time and plan for an incident occurring which would impact on health & safety at the proposed facility, i.e. Member of the public and in particular children getting into the facility. BTAP would also like to establish the extent of the security scheme including the area covered by CCTV camera. BTAP would also like to establish how security could be provided while ensuring the privacy of families living in Labre Park will be maintained.

As has been well documented to date, the incidence of fly-tipping has been widespread on the site for the proposed development and also on the Labre Park residential area. It is the contention of BTAP, that this problem will only be exacerbated by the presence of the proposed facility. Evidence for this assertion also exists from the North Wall civic amenity centre, where dumping of refuse and other items has been widespread surrounding this facility. For this reason BTAP believe that the waste licence should clearly set out a plan and a maximum response time for cleaning up rubbish that may be dumped by members of the public surrounding the facility boundaries BTAP also believe

that it is necessary for the licence to outline steps that would be taken to prosecute illegal dumping around the facility.

CONDITION 6. CONTROL AND MONITORING

In relation to the control and monitoring of the facility, BTAP would like to see an increase in the monitoring of both Noise & Air/Odour for the following reasons.

Increase Air/Dust & Odour monitoring

BTAP believe that an significantly increased monitoring program for air quality, particularly for PM10, particulate matter should be undertaken, due to possible health impacts from increased dust deposition. BTAP appreciate that the waste management license outlines site cleaning as mitigation for reducing dust deposition, however it is believed an improved air quality-monitoring programme would safeguard the health of "sensitive residents", such as local children who are prone to respiratory problems. This measure it is believed could also serve as an effective defence for the site operators against any dubious claims of negative "health impacts".

Increase noise monitoring

As outlined earlier in this submission.

FLOODING

BTAP feel that the EIS or the Waste License does not deal sufficiently with flooding.

There have been ongoing flooding events at Labre Park arising due to debris blocking the Galback stream, as it is culverted under the Kylemore road. These events have resulted in water levels rising considerably at Labre Park. On a number of occasions the water levels have risen to an extent that has blocked access to the lower part of Labre Park. There is a concern that the development of the proposed site will exacerbate the flooding problem, due to the fact that the proposed site will cover an area that would have previously acted

as a “sponge” removing floodwaters from Labre Park. However the covering of this area with impermeable surfaces will exacerbate this problem by adding to flood waters arriving at the culvert, due to the increased level of runoff from the proposed hardcover surfaces.

Another related concern of residents in Labre park is the fact that flood water resulting from the proposed site, may back up into Labre park, with the result that residues from the proposed site, such as hydrocarbons and composting residue will be deposited at Labre park. Residents are concerned due to health risks arising from this issue.

It has been the responsibility of Dublin City Council to manage this flooding problem in the past , however to date their management of this problem has been poor. Their “historical” inability to deal with this problem leads BTAP to believe that the risk risk from flooding may be greater still in the future for the reasons outlined above.. In conclusion, flooding has been an ongoing problem at Labre Park and residents are concerned that the proposed development will exacerbate the problem. BTAP request that the waste license include management measures to deal with the implications of flooding, if they occur in a speedy and effective manner.

REQUEST FOR AN ORAL HEARING

Finally BTAP wish to request an Oral Hearing in order for the concerns of residents & the wider local community to be heard.

Maria Medkoff
3 Samrock Terrace
North Strand
Dublin 1

Ballyfermot Travellers Action Project
201C Decies Road
Ballyfermot
Dublin 10

15th March 2006

Dear Paula

I am writing to you in relation to the waste licence that has been issued to Dublin City Council for the operation of a Civic Amenity Centre at a site adjacent to Labre Park, Ballyfermot Dublin 10. I understand that you have until the 20th March 06 to appeal the conditions set out in this waste licence. As a resident living beside the waste facility in North Strand, I would like to share the experience we had as residents in relation to the operation of such a facility.

Initially in 2003 when Dublin City Council were putting in such a facility residents did not perceive that there would be any problems and had therefore not made any objections to either the issuing of planning permission or a waste licence. The hours for operation at that time were 10.00 to 16.00 Monday to Friday inclusive and 10.00-16.00 on Saturdays. If very soon became evident that there were a number of problems in relation to these hours

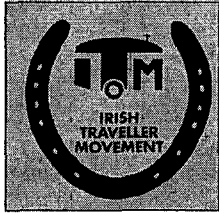
Primarily that during the acceptance and removal of waste and the operational time it was extremely noisy. A further impact was in relation to traffic. The increase in traffic during these times meant that the surrounding roads became severely congested, resulting at times in residents being unable to get out of their own area.

Due to these problems there was intense opposition to the long opening hours, including a street protest which involved nearly all families living in the area. Residents met with Dublin City Council and local councillors and it accepted by them that these long hours were having an adverse impact on the community. It was agreed in order to minimise the impact to close the facility on a Saturday.

I find it unusual that given that the council conceded and agreed that these long hours were having an adverse effect on the community living beside a waste facility in North Wall that they would propose such long hours for the facility in Labre Park

I feel that in order to avoid the adverse impact that we experienced that you appeal the length of hours: from 9am to 4pm and close at weekends and bank holidays.
I am happy for this letter to be included as part of your submission

Regards
Marie Medkoff



15th March 2006

To Whom It May Concern,

Re: Waste Licence issued to Dublin City Council for the operation of a Civic Amenity Centre at a site adjacent to Labre Park, Ballyfermot Dublin 10.

The Irish Traveller Movement supports the residents of Labre Park, Ballyfermot and BTAP in relation to concerns arising in relation to the location of a recycling centre beside the residential area of Labre Park.

The ITM have a number of concerns in regard to this facility and the impact that it will have on residents of Labre Park, these include:

- **The Opening Hours**

The scope of the licence allows for waste to be accepted at or removed from the facility between the hours of 8.00-19.30 Monday to Friday inclusive and 9.30-16.30 on Saturdays during summer months. It also allows for it to operate between the hours of 7.00-20.00 Monday to Friday inclusive and 8.00-16.30 on Saturdays during summer months. The ITM believe that these operational hours are far too extensive and that the noise impact will greatly impact on the quality of life of residents and in particular children and older people.

This noise impact will further be heightened as some residents in Labre Park live in "trailers" and the proposed future housing development at Labre Park also includes some caravan bays, whereby residents will live in "trailers", in accordance with the Housing (Traveller Accommodation) Act 1998. These types of residential units do not have the same capacity as brick built housing to reduce noise impacts from the proposed development.

In order to minimise the impact that the noise created by this facility, the ITM are calling operational hours to be set at 9.00-16.00 Monday to Friday at a maximum and for the facility to be closed at the weekends and Bank Holidays.

- **Management of the Facility**

The ITM stress that individuals or companies with a poor record of complying with waste licence conditions and regulations should not be involved in the running of the facility.

The ITM support the residents' wishes that Dublin City Council establish an interagency committee which would include representatives from BTAP, Labre Park's newly

established residents committee and representatives from other residential areas. The terms of reference for this group would include an obligation on Dublin City Council to convene the group on a regular basis to allow concerns or issues arising to be communicated & addressed and to ensure that there is links and accountability to the community.

Furthermore the EIS has outlined that members of the local community where possible should be employed. ITM believe that licensee to operating the facility should ensure that a minimum 10% of the workforce should be drawn from Travellers living in Labre Park.

- Infrastructure & Operation

The ITM are extremely concerned about the impact on the health & safety of children in Labre Park of the close proximity of this facility to the residential area.

- Control & Monitoring

In relation to the control and monitoring of the facility, ITM suggest that there is air/dust & odour monitoring particularly during the summer, due to the close location and impact on children's health whilst playing, etc.

As a situation exists where there are no statistics on the impact on caravans/trailers in relation to noise air & dust it is vital that there should be extra monitoring in order to access the impact.

- Flooding

There have been ongoing flooding events at Labre Park arising due to debris blocking the Fallback stream, as it is culverted under the Kylemore road. These events have resulted in water levels rising considerably at Labre Park. On a number of occasions the water levels have risen to an extent that has blocked access to the lower part of Labre Park. There is a concern that the development of the proposed site will exacerbate the flooding problem, due to the fact that the proposed site will cover an area that would have previously acted as a "sponge" removing floodwaters from Labre Park. However the covering of this area with impermeable surfaces will exacerbate this problem by adding to flood waters arriving at the culvert, due to the increased level of runoff from the proposed hardcover surfaces.

The ITM are also concerned that flood water resulting from the proposed site, may back up into Labre Park, with the result that residues from the proposed site, such as hydrocarbons and composting residue will be deposited at Labre Park.

The ITM suggest that the issue of flooding and the response to such by Dublin City Council is included in the waste licence and is closely monitored.

In conclusion the ITM would support the request of an oral hearing on this matter.

Yours Sincerely

Claire Davey

National Accommodation Officer

Organizations and individuals that support this appeal:

1. Ballyfermot Community Association
2. Ballyfermot Theatre workshop
3. Lower Ballyfermot Tenants and Residents Association
4. Kylemore Action Group
5. Lower Cherryorchard, Cloverhill Residents
6. Labre Park Residents Committee
7. Councillor Vincent Jackson
8. Bluebell Residents
9. Exchange House
10. Barnardos
11. Cathy Bradley-Visiting Teacher for Travellers
12. Francis Griffin, Social Worker with Dublin City Council Traveller Section
13. Irish Traveller Movement
14. North Wall Residents

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