

Sub on Obj (2)

Naas Golf Club

Kerdiffstown, Naas, Co. Kildare.

Ms Ann Bosley
Licensing Unit
Office of Licensing & Guidance
Environmental Protection Agency
Headquarters PO Box 3000
Johnstown Castle Estate
Co Wexford



Telephone: (045) 874644/897509
Fax: (045) 896109
E-mail: naasgolfclubisdn@eircom.net

Rec'd
31/3/06

30th March 2006

Re: **Waste Licence Register No 47-2**
Neiphin Trading Ltd
Kerdiffstown Waste Disposal Facility

Dear Sirs

Thank you for your letter dated 3rd March '06, enclosing copies of the other objections made in the above matter, and for the opportunity to make submissions in relation to these objections.

I am directed by the Executive Committee of Naas Golf Club to address your letter as follows:-

We have read the objections made by Michael Foley, by Michael Butler and Hannah Foley and by Liam and Deidre Foley. We wish to record our support for the several grounds of objection they have raised and would like to emphasise a number of points as follows:-

Confusion

Michael Foley has outlined the complete lack of clarity about what Neiphin Trading does at the site – the EPA states itself that it does not have a firm grasp of materials balance and flows at the site. All of the objections refer to the chequered history of compliance by Neiphin Trading. Against this background, we cannot understand how the EPA proposes to grant a licence that has so much scope for interpretation and misinterpretation. If Neiphin is to be regulated and policed properly, the licence should make clear precisely what is and is not permitted.

For example, at the minute Neiphin Trading is only allowed to import a maximum of 300,000 tonnes per annum. Without asking for it and without telling the public what was proposed, Neiphin Trading will be allowed to increase this figure by about one-sixth under the draft licence granted by the EPA. Worse still, the EPA has not even attempted to control what will happen when all of the on-site illegally dumped waste has been cleaned up. Will Neiphin Trading be allowed to import 630,000 tonnes every year?

We cannot understand why the EPA has deleted all of the very careful controls on amounts and types of waste that are in the current licence. If it is already difficult to grasp materials balance, the draft licence will only make this worse. It is already hard enough to police the landfill. The licence should state exactly how much waste of each and every kind Neiphin Trading is allowed to bring onto the site and how much they are allowed to deal with in total.

It is the job of the EPA to make sure that Neiphin Trading and the public are left in no doubt about what is permitted.

Nuisance

Each of the Foleys has described in detail the noise, smells and nuisance that is caused by the landfill. This makes a big difference to anyone attempting to enjoy the use of neighbouring lands, like at the golf course.

We believe there is a serious risk that the nuisance will increase greatly under the draft licence. The consequences of composting operations and there being biodegradable waste and animal by-products on the site is plain to see. The Foleys have described this in detail and we support them. As well as this, the controls on the kinds of waste that can be dealt with at the site will change dramatically. Straight away, Neiphin Trading will be allowed to almost treble the amount of commercial and industrial waste coming into the site. Since the EPA has not attached conditions for when the on-site illegally dumped waste runs out, Neiphin Trading will have carte blanche to bring a maximum of 565,000 tonnes commercial and industrial waste (with another 65,000 tonnes of biodegradable wastes) – each and every year.

This does not make sense and it should not be allowed.

Thorough

We agree with the objections that state that the EPA is not being thorough enough with this activity. It is not good enough to say that a firm grasp is difficult. The EPA has all the powers available to it to regulate and control what happens.

The changes we have identified above are all so important and so very likely to effect the environment that there should be a full and detailed environmental impact assessment of the changes. Neiphin Trading has been allowed to make a slimmed-down application and no EIS was required. The people and the environment affected by the changes deserve better.

Illegal Landfills

Michael Foley has asked whether commercial profits should be allowed to trump the health and safety of human health and the environment. We agree that it should not. The Minister for the Environment agrees with us too. The embarrassing situation with illegal landfills in County Wicklow and other places has forced the Government to think long and hard about the best way to protect the environment.

The Minister has published a direction that states very simply that anyone remediating an illegal landfill cannot be permitted to import greater quantities of waste onto the illegal landfill site. This has been applied very clearly and publicly by the EPA with the Blessington case.

It should be the very same here. Neiphin Trading should not be allowed to bring in more waste to an illegal landfill site. The draft licence rewards illegal landfill with flexible conditions that will allow very significant changes to how the landfill works and how much profit is made. We cannot understand how the EPA can allow this to happen.

Contours

Our objection criticises the application for higher contour levels. We are pleased to see that all of the other objections agree that this is not acceptable. It is important that the EPA insist on the requirement of 100mOD. This was decided last time around for very good reasons. Also, the EPA has already decided that any changes would need an EIS. Neiphin Trading should be forced to reduce the level of the contours. These contours have a direct and adverse effect on all neighbours and on the Golf Club, especially. The draft licence should make this clear and we request the EPA to enforce these requirements swiftly. There is no reason to put up with any more delays or excuses.

Enforcement

All of the objections underline the chequered history of compliance at the site. There have been breaches of planning law – Kildare County Council has served notices. The EPA has reported in several audits about the level of compliance. The EPA has criticised Neiphin Trading, but it has not prosecuted them. You only have to look at the inspection and audit reports that the EPA itself has written. We request the EPA to give serious consideration to enforcement of the licence conditions. We also request the EPA to be careful drafting the conditions of the new licence, because it is important that these are capable of being enforced, without leaving flexibility or room for doubt.

In conclusion, we object to the proposed decision on the application for a review of the waste licence from Neiphin Trading Ltd.

Yours sincerely

Jim Fennell
Club Secretary

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