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MF/LK/ F305

Environmental Protection Agency,
PO Box 3000,
Johnstown Castle Estate
County Wexford



Re: Waste Licence Ref W0224/01
Objection to Application by Kerry County Council in respect of a Waste Management Section Facility, Listowel Civic Amenity Centre, Tannavalla Industrial Estate, Tralee Road, Listowel.

Dear Sirs,

1. We act for the persons listed in the schedule hereto, all of Garryantanvally Listowel, County Kerry, all of whom are residents of, or occupiers of, lands and premises within the area immediately adjoining the location, the subject matter of the proposed decision by the EPA to grant a waste licence in respect of a facility at Listowel Civic Amenity Centre, Tannavalla Industrial Estate, Listowel. The persons for whom we act, listed in the schedule wish to object to the proposed decision in accordance with Section 42 of the waste management Act 1996 - 2005 on the grounds set out hereunder.
2. We enclose herewith a cheque in favour of the agency in the sum of €200 being the appropriate objection fee.
3. Our clients, the objectors, wish to object to the proposed decision on the following grounds:-
 - a. It is proposed to locate this facility on the outskirts of the town of Listowel surrounded by an area which is primarily residential and which continues to be developed for residential purposes primarily and the future development of the immediate hinterland will primarily be residential. Consequently, this location is entirely unsuitable for such a facility.

In the inspectors report on this application it is stated that facilities within an industrial estate. This is misleading, the area is primarily residential and agricultural. The "industrial" area comprises a Livestock Market and



a small number of retail units. By no stretch of the imagination cannot it be described as an industrial estate.

4. The location is also entirely unsuitable from the purposes of vehicular traffic and particularly slow-moving vehicles carrying waste to and from the facility which will have to enter and exit onto the main N69 roadway, being the main Listowel – Tralee roadway in an area where the general speed limit of 100km/hr applies. This will clearly cause a severe traffic hazard in this area. Furthermore, the roadway access to the property does not have a right turning lane or left turning lane dedicated to the development and it is the contention of the objectors that the creation of this type of an activity will generate considerable traffic and a traffic hazard will be created by slow-moving vehicles entering and leaving the premises on a regular.

The licensing authority must take into account the serious dangers that will be created in this area and the dismissal of this in the inspectors report is greatly to be regretted in the light of recent concern with regard to road safety and the factors likely to affect it.

5. It is proposed to locate this proposed civic amenity development in a small industrial estate and it is the objectors contention that this is not a suitable location for such a development particularly with the mix of development which has taken place in the Estate to date and which is likely to occur in the future. The existence of such a facility is entirely inappropriate in an industrial Estate area, where planning permission has already been given for light industrial and warehouse development. The locating of such a civic amenity would seriously undermine the possible future development of the Estate.

It is surely inaccurate to suggest planning matters cannot be taken into consideration in dealing with a licence of this kind. If the licence is granted then this facility commences operation as a result of that licence, then this objection is extremely relevant and must be taken into account by the EPA.

6. It is proposed to locate the civic amenity in an area immediately adjacent to a live livestock mart and market and in view of the type of activities carried out, this is totally unsuitable. This is a livestock Mart where animals are often kept overnight pending the sales. It is the objectors concern that the civic amenity centre or waste disposal centre will inevitably attract rodents and vermin to the proposed site and, taking this in the context of a live animal mart in the immediate vicinity, and immediately adjacent thereto, a situation could arise of cross-contamination and a serious health risk to both humans and animals. The objectors have a serious concern for the health and safety aspect of this proposed development given its location immediately adjacent to a residential area where there are also numerous young families.

It is the view of the objectors that conditions attached to the licence do not sufficiently protect the residents and occupiers of adjoining property. The conditions attached to the licence do not specify properly the type of compactors and type of skips to be used. The proposed licence is unsatisfactory in this regard.

7. The residents are concerned that the hours of opening and the hours of closure of the proposed amenity have not been set out in any of the documentation or advertisements furnished by the Kerry County Council in relation to this application. It is the objectors' view that the opening hours are extremely relevant on the basis that this proposed development is proposed as a holding facility for the transfer of waste to a landfill. The residents are extremely concerned that the failure of Kerry County Council to give this information has left the objectors in a situation where they can only assume that this will not be a 24 hour civic amenity, or even a 12 hour civic amenity for that matter. The proposed method of management of the facility has also not been clarified in either the planning application or in the particulars lodged either in relation to the planning application or the application to the Environmental Health Protection Agency. The objectors are aware that indiscriminate dumping can occur, and household and other discarded waste can be deposited in areas in close proximity to the civic amenity area when it is not open to accept such waste, if it is not open on a full 24-hour basis and supervised on an ongoing 24 hour basis. It has been an unfortunate experience of these facilities that illegal dumping outside the gates occurs in such circumstances. Furthermore, the objectors are not satisfied that the supervision and policing of the centre has been properly and adequately considered or provided for in the application.

The residents and objectors are extremely concerned about this aspect of matters. They are particularly concerned that if the local dumps are closed for any period, that there may be temporary storage of material – and in particular – municipal waste – at the site. The conditions attached to the licence are not sufficiently strict in this regard. The objectors require a specific condition that no storage of materials – specially municipal waste – should be allowed at the locus at any time. Neither should there be any temporary storage of waste material in motor trucks allowed at, on or adjacent to the site. The objectors require a condition that the site must not be used a holding facility for the dump tipheads at any point in time. This would cause the storage facility to become effectively a dump.

8. The layout plan of the development shows the location of drainage services to include a surface water pipe and also a foul sewer system. There is a proposal for a treatment unit for the foul outside the perimeter of the site, and the residents are not clear or satisfied as to where this precisely is to be located and, consequently, are not satisfied that proper provision has been made in this regard and contend that the plans and specifications lodged are inadequate, incomplete and unsatisfactory in this regard. The plans do not include details of the treatment plan for the foul sewer system. The residents are concerned that a proper treatment plan system has not been

incorporated within the site boundaries of the are the subject of the application.

No particulars of the agreed waster water treatment plant have been furnished.

9. There is a reference to skip collection at a lower level on the plans. However there are no contour maps or cross section drawings or longitudinal section drawings indicating the proposals for the facilities at various levels on the site. There is a reference in drawing 10599/0001 to "hazardous goods" and to "BRING BANK" area. In this particular area in drawing 10599/2001 there is a reference to "hazardous goods" in the centre and a "bring bank" area on the north side. Consequently there appears to be a discrepancy in the drawings. The residents are not satisfied that this layout has been properly prepared and presented. There is inadequate information on the plans and particulars lodged, particularly as stated in regard to the layout of the development, the storage containers, and the buildings proposed to be constructed on the site. Consequently, there are no proper details of the buildings size, layout or proposed activities in accordance with Statutory requirements.

The objectors are concerned, as stated in paragraph 5 above, that there are not sufficient conditions attached to the licence to regulate access to the bring bank and hazardous goods areas, nor proper conditions attached for their effective management.

10. It is noted that it is proposed to landscape the area with green palisade fencing, and some shrubbery is shown around the perimeter. It is not clear what type of shrubbery is intended, nor has a landscaping plan been submitted. In fact, the landscaping details are poorly set out and do not indicate what is proposed.

The objectors are of the view that proper landscaping and shrubbery should be taken into consideration by the authority in view of the proposed location of the facility in a rural setting.

11. It has already been stated that this area is primarily a residential area, in a quiet country setting outside the town of Listowel. The objectors anticipate that there will be further appreciable increase in noise from compactors working on the site of the proposed development and a significant increase in noise and nuisance from the proposed activities on the site.

Again the objectors repeat what they stated in paragraph 1 of this objection. This is not an "Industrial Estate" as such and it is misleading to describe it as such.

12. It is noted in the application the inclusion of "Hazardous Goods" on the site as referred to at paragraph 7 above. No particulars or details are given as to how long it is proposed to store these on the site, or what arrangements will be made (or are proposed to be made) for the confinement, sealing off and

segregation of such "hazardous goods". The nature and type of the "hazardous goods" to be stored has not been set out, nor have any particulars been given to what type of "hazardous goods" are to be permitted onto the site. This is of crucial concern to the objectors.

Again the objectors are concerned that because of the lack of proper and effective conditions being attached to the proposed licence, it is possible that the facility will become an effective dump should there be any closures of the main dumps or tipheads and proper conditions should be inserted to prevent the use of the facility for the temporary storage of materials.

13. Furthermore, the objectors are concerned to note from the plans submitted that greens are proposed to be stored on the site. No particulars are given as to the length of time of storage or what arrangements are being made with regard to providing for the decomposition of such greens and other such perishable materials, nor are any particulars given of the length of time that such material and such rubbish will be kept on the site which will clearly lead to noxious odours from the location, with the further increased risk of rodents and other vermin and pests to the proposed site.

The objectors object that the conditions attached to this aspect of the licence are not sufficiently strict and no provisions are inserted by way of conditions in the licence for surveillance of the site to ensure that green waste will not be stored for periods longer than 48 hours. The proposed licence is defective in this regard.

For all the above reasons the persons referred to in the Schedule hereto wish to strenuously object to the proposed decision.

Schedule of Objectors, all of Tannavalla, Listowel, County Kerry,

Greg Doyle.

Mary Barry.

Tom Barry .

William Barry.

Noreen Doyle.

Paul Doyle.

Paul McCarthy.

Caroline Mary McCarthy.

Patrick McCarthy.

Josephine Whelan.

Cristina Buckley.

Niamh O'Sullivan.

Dr. Robert Corridan.
John Groarke.
Margaret O'Sullivan.
Cyril Jeffaries.
Gene Jeffaries.
Daniel Lane.
Peg Lane.
Kathleen McCarthy.
Sheila Cahill.
Michael Cahill.
John Joy.
Treasa O'Connor.
Eithne O'Sullivan.
Gerald Lennon.
Betty O'Sullivan.
Timmy O'Sullivan.
Michael Fitzpatrick.
Michelle Buckley.
Larry Buckley.
Jimmy O'Sullivan.
Mairead O'Sullivan.
Peter Doyle.
Joseph Stack.
Liam Enright.
Joan Enright.
Niall Stack.
Matt Mooney.
Mary Mooney.
Noreen Driscoll.
Bert O'Driscoll.
Tom Carey.
Liz O'Reilly.
Padraig O'Sullivan.
Noreen O'Sullivan.

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Patrick Buckley.
Bernie Whelan.
Patrick O'Driscoll.
Johnny Lyons.
Breda Lyons.
Robert Stack.
Noreen Carey.
Pat Carey.
Bernard Griffin.
Margaret Kennelly.
Joanne Sommers.
Tom Kelly.
Tom Regan.
Margaret Buckley.
Gerard Buckley.
Eleanor Stack.
Dora Buckley.
John Brosnan.
Marie Brosnan.
Eric Quinlan.
John Browne.
Theresa Browne.
Bill Browne.
Mary Browne.
Fiona Keane Stack.
Margaret Quinlan.

Yours faithfully,


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