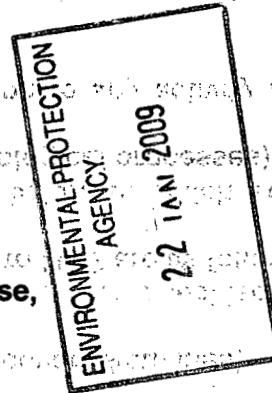


The Crossings  
Dublin Road  
Naas  
Co. Kildare



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

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**Mr. Joe Reilly, Programme Officer,**  
**Office of Climate, Licensing and Resource Use,**  
**Environmental Protection Agency,**  
**P.O. Box 3000,**  
**Johnstown Castle Estate,**  
**Co. Wexford.**

20<sup>th</sup> January 2009.

**Waste Management (Licensing) Regulations 2004 (S.I. 395 of 2004).**

**Re: - W0254-01. Application from Cemex, (R.O.I) Ltd in relation to a facility/ premises located at Cemex, (R.O.I) Ltd Walshestown, Blackhall, Tipperkevin, and Bawnoge, Naas, Co. Kildare.**

Dear Sir,

I refer to the documentation received, including a cover letter from you, dated 5<sup>th</sup> January 2009 relating to the above application. It is noted that the application proposes the importation of 4.2 million cubic metres of materials from Greenfield and Brownfield sites which it is stated equates to approximately 600,000 tonnes per year each year over a 13 year period.

There has been a proliferation of Landfill/ Quarry Reclamation /Recycling facilities in the North Kildare area over the recent past, some of which have caused residents living adjacent to these facilities to contact this office with complaints regarding the operation of these sites. It is unproven that there is any demand for even more of these facilities in this area in the near future.

The following text, transcribed from the Waste Management legislation is noted.

**Article 12 (1) (f)**

**Fourth Schedule (Waste Recovery Activities)**

**“Other activities to be carried out at the site, as specified in the Fourth Schedule to Waste Managements Acts, 1996 to 2007 are as follows:-**

**“2. Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological processes).”**

**13. Storage of waste intended for submission to any activity referred to in a preceding paragraph of this Schedule”.**

It would appear that this text is included in this application in order to pave the way for the carrying out the activities of recycling or reclamation of organic substances

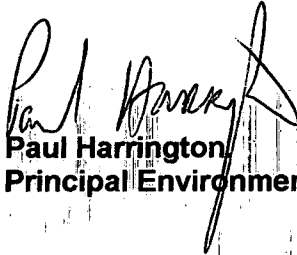
including composting and other biological processes, and for the storage of waste for any purpose. Such activities are not otherwise mentioned as being the subject of the licence application.

Complaints of noxious and malodorous emissions from Landfill/ Quarry Reclamation/ Recycling facilities licensed by the E.P.A have been received by this office. The clause above, **in bold**, has been cited as equating to the granting of permission for processes which have caused widespread revulsion and complaints of serious environmental pollution from residents of Johnstown, Kill, Naas, Straffan and the surrounding country-side of County Kildare.

This office has investigated several such complaints and concludes that such activities are grossly offensive to residents over a wide area and constitute a Public Health Nuisance within the meaning of the Public Health Act 1878. However Section 107 of the Public Health (Ireland) Act, 1878 and Section 27 of the Public Health Acts Amendment Act, 1890, are excluded in relation to waste within the meaning of the Waste Management Act 1996.

The granting of a waste licence that allows the activities of recycling or reclamation of organic substances including composting and other biological processes referred to in this W0254-01 Application from Cemex, (R.O.I) Ltd in relation to a facility/ premises located at Cemex, (R.O.I) Ltd Walshestown, Blackhall, Tipperkevin, and Bawnoge, Naas, Co. Kildare cannot be recommended by this office.

Yours sincerely,



**Paul Harrington**  
**Principal Environmental Health Officer.**

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