objection no 2.

SOIL RECOVERY ASSOCIATION

c/o Mr. John Behan
Behan Land Restoration Limited
Blackhall
Punchestown
Naas
Co. Kildare

Environmental Protection Agency
Headquarters
P.O. Box 3000
Johnstown Castle Estate
County Wexford
Ireland

Date: 10th January 2011

Our Ref: SRA-WLObjection-Lennon-10.1.2011

Waste Licence Register W0256-01
Lennon Quarries Limited, Glencastle, Bunnahowen, Ballina, County Mayo.
Site: Lennon Quarries Limited, Tallagh, Belmullet, County Mayo.
Proposed Determination: To refuse a Waste Licence

Dear Sir/Madam,

We, the Soil Recovery Association (SRA) hereby make an objection to the Agency in relation to the proposed determination to refuse a Waste Licence application to Lennon Quarries for a site at Tallagh, Belmullet, County Mayo. We include the correct fee of €200.

Our grounds of objection are that the Waste Licence Application W0256-01 should not have been refused and the decision should be overturned and a waste licence granted as per the recommendations of the EPA Inspector.

The Soil Recovery Association (SRA) is a National Organisation which represents Members involved in the excavation, transport and recovery of soil and stones at authorised permitted and licensed soil and stone recovery facilities.

The Soil Recovery Association has been fully aware of the Lennon Quarries Waste Licence application as Mr. T.J. Lennon is a member of the Soil Recovery Association. We believe TJ Lennon of Lennon Quarries to be a competent and responsible operator and should be licensed to continue his existing recovery activity.

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Grounds of Objection

1. Ongoing Concern over the Inconsistencies and Failures of the Regulatory Bodies i.e. the Local Authorities and the EPA in Administering and Regulating the Soil Recovery Industry

The Soil Recovery Association (SRA) is a National Organisation set up in 2005 which represents Members involved in the excavation, transport and recovery of soil and stones at authorised permitted and licensed soil and stone recovery facilities. Mr. TJ Lennon is a fellow member of the SRA.

The SRA through their consultants made a very detailed submission to the Department of Environment on the Draft Waste Management (Waste Framework Directive) Regulations 2010 as they have a significant potential bearing on the future regulation of the soil and stone recovery industry.

There is a huge degree of anxiety and concern amongst members of the SRA at the on-going inconsistencies and failures of the regulatory bodies i.e. the Local Authorities and the EPA in administering and regulating the Industry since the introduction of the Waste Management (Facility Permit and Registration) Regulations (S.I. No. 281 of 2007) as amended by S.I. No. 86 of 2008.

The SRA has been instrumental in assisting with the preparation of the new EPA Waste Licence Form and Guidance Notes for Waste Soils Recovery Facilities in conjunction with the EPA and in this regard has been very proactive. In this regard the SRA had had extensive discussions with the EPA concerning the implementation of the Waste Facility Permit Regulations including meetings on 12/6/2008 and on 29/1/2009.

Furthermore the SRA lodged detailed submissions to the Department of Environment concerning the implementation of the Waste Management (Facility Permit and Registration) Regulations (S.I. No. 281 of 2007) as amended by S.I. No. 86 of 2008) and the regulation of the recovery of soil and stones. The SRA highlighted the impact that these Regulations would have on the industry whilst providing workable solutions to these issues on 13th October 2005 and 15th February 2008 (these recommendation ended up being largely ignored).

The submission to the DOE on the Draft Waste Management (Waste Framework Directive) Regulations 2010 takes into account the views of the members of the SRA and also those of the SRA who were forced through the introduction of the new legislation in 2007/2008 to apply for Waste Licenses to the EPA for recovery

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activities. It was highlighted then that this was complete over-regularisation of the industry. In fact the EPA refused for many months to regard the activity of recovering soil and stones as recovery and insisted that such site were disposal activities. It was only when the SRA highlighted that the waste returns to Europe would suddenly show an increase in disposal rates and the implementation of the landfill levy that the EPA recognised that their assertion was incorrect.

The members of the SRA have had to witness and endure blatant unauthorised waste activities being carried out and have had to act as the enforcers of the law so as to be able to stay in business and operate under excessively stringent rules set out under their Waste Licenses.

The SRA support the regulation of the industry not the deregulation; however we will end up with a situation that 95 per cent of the material will fall outside EPA Regulation.

2. On-going Case (PAE2009/87) at Grange Caste Golf Club, Baldonnell, Dublin, between the EPA and South Dublin County Council

The Agency made their decision on the 9/12/2010 before the Draft Waste Management (Waste Framework Directive) Regulations 2010 have come into force and therefore Directive 2008/98/EC on 9/12/2010 had not been implemented in Ireland.

The decision to refuse a Waste Licence to Lennon Quarries is incorrect and goes against all logic. The attention of the Agency is referred specifically to the on-going case (PAE2009/87) at Grange Caste Golf Club, Baldonnell, Dublin, between the EPA and South Dublin County Council (both of which are regarded as Authorised Persons under the Waste Management Act).

This case was highlighted and reported by members of the SRA to the EPA for their inspection. The EPA in a letter dated 1st September 2010 to South Dublin County Council (see copy below) determined that the activity at Grange Castle Golf Course is not subject to waste authorisation.

The law of the land, namely the Waste Management Acts 1996 as amended; available case law (the Grannyferry case); and the legitimate operators within the soil recovery industry including Lennon Quarries who were made to apply for Waste Licences would say otherwise. The retrospective authorisation of an unauthorised waste activity which resulted in financial gain to the perpetrators would appear to be *ultra vires* the powers of the EPA and contrary to their own Waste Enforcement Policy and

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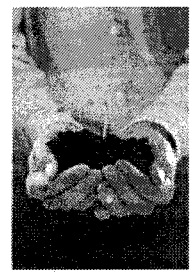

to current Irish Environmental Law as enacted. Directive 2008/98/EC has not yet been transposed into Irish Law and regardless its use is not for legitimising known unauthorised waste activity in a retrospective manner.

On foot of a detailed submission by the SRA to the EPA – Ref: rt-SRA-SDCCvsEPA-13.9.2010, the EPA actually visited the site and then rescinded their decision. The Agency wrote to South Dublin County Council in a letter dated 28/10/2010 (see copy below).

epa

Brian Sheehan
Senior Parks Superintendent
South Dublin County Council
County Hall
Tallaght
Dublin 24

1 September 2010

Re: Grangecastle Golf Course

Dear Mr Sheehan,

I refer to our earlier correspondence relating to the importation of soil and subsoil for the development of Grange Castle Golf Course and the complaint received by the Agency with regard to that development. I refer in particular to your correspondence dated 1 December 2009 setting out reasons why the material should not be classified as waste. The Agency has considered your submission and has determined that the activity is not subject to waste authorisation.

Yours sincerely,

Brian Meaney
Senior Inspector
Environmental Licensing Programme

cc. Office of Environmental Enforcement

epa

David Fennell
South Dublin County Council
County Hall
Town Centre
Tallaght
D24

11/06/2009

Re: Land infilling works at Grange Castle Golf Club

Dear Mr. Fennell,

Further to our previous correspondence regarding Grange Castle Golf Course, I note that the ca 177,500 tonnes of soil and subsoil was obtained from development sites. Generally, such material would be regarded as waste and its infill regulated as a waste activity. The principal exception to this rule is where the material can be demonstrated and proven not to be a waste. The revised Waste Framework Directive (2008/98/EC) provides the best framework for this and sets out the conditions to be met for a material to be regarded as a by-product or alternatively to have reached "end-of-waste" status. I refer you to articles 5 and 6 respectively in that regard. I recommend that you assess the material that you have accepted at Grange Castle Golf Course with a view to demonstrating whether you can claim by-product or end-of-waste status for the material. I would imagine that article 5 (by-products) will be more relevant to you. In that regard, the conditions to be met are:

(a) further use of the substance or object is certain;
(b) the substance or object can be used directly without any further processing other than normal industrial practice;
(c) the substance or object is produced as an integral part of a production process; and
(d) further use is lawful; i.e. the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts.

I think that item (d) will be the most challenging for you to satisfy if you have not already taken these criteria into account. To demonstrate that further use is lawful, you would need to demonstrate several things. Firstly, the need for the development should be demonstrated in the form of planning permissions or other needs analysis carried out by an appropriately qualified person. Second, you should demonstrate that the material was fit for purpose in being used as infill and did not contain contaminants or other material that should not be there. You should in this context demonstrate that the material was technically specified by an appropriately qualified person as fit for purpose and that each load was checked to ensure it conformed with such technical approval. Third, you should demonstrate that the deposit of the material has not and will not cause environmental pollution.

The aforementioned case clearly demonstrates the problems that the Soil and Stone Recovery Industry face with the Agency especially in light of the Draft Waste Management (Waste Framework Directive) Regulations 2010. The letter dated 11/6/2009 relating to the case is from the EPA to South Dublin County Council. This letter would appear to encourage the use of Article 5 and 6 of the Waste Framework

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Directive (2008/98/EC) to justify unauthorised deposition of material on land by claiming that it was a by-product and not a waste. This Guidance was being given by the EPA before the Directive was even transposed into Irish Law. This in itself highlights the huge concern that the SRA has with regards to the future regulation of their industry now that the new Regulations are being introduced and the Waste Framework Directive 2008/98/EC) is actually being transposed into Irish Law.

With the pending introduction of the Waste Management (Waste Framework Directive) Regulations 2010 the soil and stone recovery industry which has been regulated since 1998 must remain wholly regulated going into the future. To take the approach that the EPA did with the Grange Castle Golf Course site and to encourage that soil and stones be regarded as a non-waste would be to destabilise the whole established industry. The result would likely be the widespread illegal movement and disposal of mixed material in a manner which would result in widespread pollution of soils and waters and an exacerbation of fly-tipping.

Meanwhile, Lennon Quarries who are members of the SRA have been unfairly treated by the Agency and the proposed determination to refuse a waste licence for an established waste recovery facility that has no potential to create environmental pollution is illogical. It would discourage any person or organisation from applying for a waste licence to the Agency.

3. Principal Concerns Relating To Directive 2008/98/EC with Regards to the Present Situation for Recovery of Soil and Stones

The Waste Management (Facility Permit and Registration) Regulations 2007 (as amended by S.I. No. 86 of 2008) were introduced prematurely pending the introduction of the Waste Framework Directive 2008/98/EC. This Directive (Under Article 41) repeals Directives 75/439/EEC, 91/689/EEC and 2006/12/EC with effect from 12 December 2010. However the above-referenced Regulations give no effect whatsoever to Directive 2008/98/EC but refer to what are now considered out dated Directives (as set out in Article 4 of S.I. No. 821 of 2007) which have been replaced to reflect wholesale changes in the way waste is considered within the EU.

As Member states shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 12 December 2010, the present regulations as referred to above including the Waste Management Acts 1996 – 2008 are now in need of significant amendments to reflect the significant changes concerning waste in Directive 2008/98/EC.

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The significant changes to the Waste Framework Directive of 2008 show that the SRA were correct in contesting the introduction of the Waste Management (Facility Permit and Registration) Regulations 2007 (as amended by S.I. No. 86 of 2008) on the basis that the recovery of soil stones is recovery regardless of size and scale and that there was no need to over regulate the recovery of soil and stones.

Furthermore it could be argued that the issuing of Waste Licences by the EPA to facilities recovery soil and stone takes no cognisance of Directive 2008/98/EC which is in force (although on the 9th December 2010 had not yet transposed by Ireland into Irish Waste Legislation). Furthermore the conditions pertaining to these licences could be considered contrary to European Law especially considering that point 2(b) of Article 11 would appear to contradict licence and permit conditions presently in force for inert recovery facilities:

By 2020, the preparing for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04 in the list of waste shall be increased to a minimum of 70 % by weight.

It is therefore imperative that the Department of Environment – Waste Policy Section and the EPA actively engage as soon as possible with the Soil Recovery Association and key stakeholders i.e. Licensees to ensure that the regulation of the recovery of inert excavated soil and stones conforms to present EU Law and not to past Directives which are now acknowledged by the EU under Point 8 of 2008/98/EC as being outdated:

It is therefore necessary to revise Directive 2006/12/EC in order to clarify key concepts such as the definitions of waste, recovery and disposal, to strengthen the measures that must be taken in regard to waste prevention, to introduce an approach that takes into account the whole life-cycle of products and materials and not only the waste phase, and to focus on reducing the environmental impacts of waste generation and waste management, thereby strengthening the economic value of waste. Furthermore, the recovery of waste and the use of recovered materials should be encouraged in order to conserve natural resources. In the interests of clarity and readability, Directive 2006/12/EC should be repealed and replaced by a new directive.

The following is the position of the SRA on key points relating to the Draft Waste Management (Waste Framework Directive) Regulations 2010 and the Waste Framework Directive (2008/98/EC):

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1. Excavated soil and stones which are not used on the site on which they were excavated are surplus to requirements. There is therefore a need to move these off-site to somewhere else where they can be used or recovered. In the new draft Regulations and the Waste Framework Directive (2008/98/EC) *'waste' means any substance or object which the holder discards or intends or is required to discard.* This is a crucial definition as it the basis upon which the whole Directive is based. Therefore excavated soil and stones moved off site to another site fulfil the criteria of "waste" as they are a substance which the holder intends to or is required to discard as being surplus to requirements. They are not excavated for the sole purpose of moving them to another site for profit.

2. The only exception to the above rule on soil and stones being regarded as waste is where soil and stones are excavated and filled within the confines of the same site (i.e. within the same legal boundary i.e. a planning permission site or cut and fill within the CPO line of a road). The other exception is the purchase and movement of topsoil onto a site. Topsoil has always been regarded as commodity and not a waste.

3. The By-Products and End of Waste Status as outlined in articles 5 and 6 of both the Draft Waste Management (Waste Framework Directive) Regulations 2010 and the Waste Framework Directive (2008/98/EC) do not apply to excavated soil and stones. Whilst legal argument could be made for soil and stones to be included under these definitions, the over-riding factor is the discard rule attached to the status of waste.

4. The on-going case between the EPA and South Dublin County Council at Grange Castle Golf Course highlights the serious issues that arise when a person or organisation tries to claim that soil and stones are not a waste.

5. The Baldonnel case clearly shows that a holistic approach must be adopted to cover excavation of soil and stone material at source by the producer; the haulage and movement of this waste off site; and the eventual recovery of this material. It would appear that there is widescale abuse of this system with hauliers transporting excavation material from the producers to wherever the recovery or disposal cost is least. Meanwhile legitimate soil and stone and C&D recovery facilities look on in disbelief that such practices are tolerated by the authorities while they themselves are so over-regulated it is almost impossible to stay in business and justify EPA Waste License costs or Waste Facility Permit costs.

In the recessional times that are upon us now, such practices are only likely to increase as profit margins become slimmer. It is for the Department of Environment to ensure that the whole body of waste legislation is enforced.

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6. Those operators who choose to be regulated such as Lennon Quarries and who operate bona fide permitted and licensed soil and stone recovery facilities shall not be negatively impacted upon by the illegal activities of others. The potential for deregulation of the recovery of soil and stones under the Waste Management (Waste Framework Directive) Regulations 2010 must not be allowed to happen.

7. The Waste Management (Facility Permit and Registration) Regulations (S.I. No. 281 of 2007) as amended by S.I. No. 86 of 2008) has been a disaster for the soil and stone recovery industry from the outset. These regulations require significant amendment as soil and stone recovery facilities should never have been made to go for waste licenses, when there was nothing wrong with the Waste Permit system which was in place. It has resulted in the complete and over-regulation of large soil and stone recovery facilities, to the extent that they cannot compete fairly against smaller permitted facilities in terms of overheads nor against unauthorised facilities.

4. Cost Analysis of the Land Reclamation Works at Tallagh, Belmullet.

The SRA have studied the Waste Licence application in great detail and have deduced that the recovery activity carried out to date at the site at Tallagh and into the future will create no financial gain whatsoever to Lennon Quarries but will in fact lead to a financial loss in undertaking the activity.

Why therefore carry out any business if there are no perceivable economic returns?

The answer is simple and straightforward – the recovery activity will have a long-term positive agronomic impact, in that marginal farmland will be reclaimed into a condition which will greatly enhance its agricultural productivity and therefore the agronomic value of the land and will therefore benefit agriculture.

Initial Cost to Applicant:

- Waste Licence Application Fee to EPA: €10,000
- Consultants Fees for Application and Appeal: Ca. €20,000
- Total Application cost: **ca €30,000**

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Potential Income from Recovery Operation Prior to Deducting Costs

- 596862 tonnes in total over 24 year period
- 24,900 tonnes per annum
- 20 tonnes per lorry load
- €20 per load (based on factual amounts achievable at present)
- Therefore €1/tonne for soil and stone
- 1,245 lorry loads per annum
- Total potential income per annum = **€24,900**
- Total potential income over a 24 year period = **€596,862**

Total Costs to Applicant per Annum under a Waste Licence

€5,896.72 per annum EPA proposed financial charges (Source: Inspectors Report)
20 water samples per annum (Source: Inspectors Report) @ €100/sample = €2,000
6 dust samples per annum (Source: Inspectors Report) @ €100/sample = €600
Ca. 5 soil samples (Source: Inspectors Report) @ ca. €100/sample = €500
Estimated Consultants Fees for monitoring and reporting = ca. €5,000
Estimated On-site Machinery Costs / Staff Costs/ Fuel = ca. €15,000 to €30,000 based on Industry Figures
Total estimated cost per annum = **€28,996.72** to **€43,996.72**

Total Cost to Applicant over a 24 year period under a Waste Licence

24 years of EPA charges = €141,521.28
24 years of monitoring and sampling = ca. €74,400
24 years of consultants fees = €120,000
24 years of Machinery Costs / Staff Costs/ Fuel = €360,000 to €720,000
Waste Licence Application Fee and Costs = €30,000
Total Cost to Applicant over a 24 year period = **€725,921.28** to **€1,085,921.28**

Total Loss to Applicant per Annum under a Waste Licence

Total loss per annum to applicant = **- €4,096.72** to **- €19,096.72**

Total Loss to Applicant per Annum under a Waste Licence

Total loss to applicant over a 24 year period = **- €98,321.28** to **- €489,059.28**

The above figure takes no account of the purchase cost of the lands which should also be factored in as a loss to the applicant.

The SRA support the regulation of the industry not the deregulation; however we will end up with a situation that 95 per cent of the material will fall outside EPA Regulation. It is uneconomic to run an EPA regulated site. We support the issuing of

a waste licence to Lennon Quarries that is commercially viable and that reflects the environmental impact of soil and stone, which in our view is absolutely negligible.

Under no circumstances can the existing and proposed works be regarded as a disposal operation as suggested by the Board of the Agency in their proposed determination. To explore this point further we refer to a meeting between the EPA (Dr. Jonathan Derham and Ms. Aoife Loughnane (who is the EPA Inspector in this case) in attendance) and the Soil Recovery Association (SRA) (represented by 3 members and Mr. Freddie Symmons of Kingfisher Environmental Consultants) at 2.30 pm on 12th June 2008, in the CIF headquarters in Dublin and chaired by Mr. Don O'Sullivan of the CIF. Following this meeting the minutes were prepared and circulated to all parties.

At this meeting Dr. Jonathan Derham clearly indicated that it was the EPA's view that if you are a farmer who's got poor fields and just wants to import topsoil, it is the Agency's view that it is not a waste activity at all. He went on to indicate that a farmer who wants to import some topsoil to improve their field, then in the Agency's view this is not a waste activity, rather it is a land engineering, agronomic activity. He further stated that it would not be unreasonable for the local authority to ask you to demonstrate that there is indeed going to be an agronomic benefit so you would need an agricultural consultant or Teagasc advisor.

He further stated that if there is clearly a land drainage or an agronomic benefit to be derived from this, then once you have that on paper there generally isn't an issue.

Dr. Derham questioned whether the value of the fill would be more than the value of the enhanced agronomic benefit on the land. Dr. Derham indicated that there are a number of factors the Agency would have to look in to, but if one had a borderline site then the Agency would be more than happy to look at it under the article 11 provision. It would be for the applicant to approach the Agency and say this is agronomic, that there's clear agronomic benefits and it's a modest enterprise that is being carried out; the value of fill; the value of the land subsequent to the development is vastly superior from an agronomic point of view than the value or the revenue from the filling enterprise.

The applicant in this case has made no case to have the works exempted from waste authorisation but has accepted that it is a waste activity but one that is for the purpose of consequential benefit to agriculture. In fact there is clear legal precedent for the works to be regarded as *bona fide* land reclamation works for the consequential benefit to agriculture as the applicant has operated under a Waste Permit No. Per 144 06/07/2005 which was granted in January 2006 which authorised the activity under

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Class 10 of the Fourth Class 10 of the Fourth Schedule of the Waste Management Act 1996 (as amended): *The treatment of any waste on land with a consequential benefit for an agricultural activity or ecological system*

5. Other Grounds of Objection

1. There are clear contradictions between the Inspectors proposed decision and the Board's proposed determination. This is a common trend that the Soil Recovery Association has come upon at DOE/EPA level since correspondence began. We have openly invited members of both parties to view sites of the SRA members which have been declined.

The lack of knowledge of our type of recovery sites whilst frightening was acceptable for a period as lot of these types of activities were new. However it is now 13 years since waste management legislation was enacted and it is no longer good enough to have the type of contradictions as in TJ Lennon's case.

How can people invest in an industry which has contradictions and no clear path? If there are fears in the agency about recovery sites activities they should be addressed openly with the industry as we have already given proposals to the EPA/DOE at our last meeting in Dublin (Oct 2010) to further regulate soil recovery sites at the cost of the operator. Are these the actions of a group that want to be involved in non-compliance with legislation? We have since asked for another meeting to which we are currently awaiting a response.

2. As this is the only site of its kind in the West of the country the SRA would like to know where is the material currently being recovered and where are all the sites that operated under permits during the boom years gone? Are they all shut? This is an issue that we have consistently taken up with the EPA.

3. The SRA has reported cases of mixed material (Tarmac, Plastic, Timber) being buried on Local Authority sites on the Eastern Seaboard which are under local Authority control but have seen little or no action on it. The Waste Licence Application for TJ Lennon demonstrates an operator who has chosen to apply to come under control of the EPA (at a competitive disadvantage) and be subject to more controls, yet is being turned away? This makes no sense whatsoever. This would discourage anyone from making a waste licence application for a soil and stone recovery activity.

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4. The introduction of waste licensing for soil and stone recovery facilities has been premature, illogical and poorly thought out. Unfortunately, Lennon Quarries appear to have been treated in a completely unfair and unreasonable manner by the Agency in its proposed determination to refuse a waste licence.

6. Conclusions

1. There are clear contradictions between the Inspectors proposed decision to grant a waste licence and the Board's proposed determination to refuse a waste licence. This is an ongoing problem within the Agency and the SRA are hugely concerned at the lack of understanding by the Agency of soil and stone recovery activities. These facilities are not landfills and are not waste disposal activities and should not be treated as though they were.

2. It is the opinion of the Soil Recovery Association that the land reclamation works at Tallagh are a recovery activity with a beneficial use to agriculture. We would refute any suggestion that this operation has been or will be a waste disposal operation.

3. The Soil Recovery Association fully supports the Waste Licence Application made by Lennon Quarries and the issuing of a Waste Licence. We believe TJ Lennon of Lennon Quarries to be a competent and responsible operator.

4. Lennon Quarries who are members of the SRA have been unfairly treated by the Agency and the proposed determination to refuse a waste licence for an established waste recovery facility that has no potential to create environmental pollution is illogical. The existing site operated by Lennon Quarries for the recovery of inert soil and stones cannot cause environmental pollution. The mitigation measures proposed in the application and the monitoring procedures which will follow will ensure that the activity cannot cause environmental pollution. It would discourage any person or organisation from applying for a waste licence to the Agency. We urge that Lennon Quarries should be licensed to continue their existing recovery activity.

5. It would appear that the Agency made their decision on the 9/12/2010 before the Draft Waste Management (Waste Framework Directive) Regulations 2010 have come onto the statute books.

6. The Waste Management (Facility Permit and Registration) Regulations (S.I. No. 281 of 2007) as amended by S.I. No. 86 of 2008) has been a disaster for the soil and stone recovery industry from the outset. These regulations require significant amendment as soil and stone recovery facilities should never have been made to go for waste licenses, when there was nothing wrong with the Waste Permit system which was in place. It has resulted in the complete and over-regulation of large soil

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and stone recovery facilities, to the extent that they cannot compete fairly against smaller permitted facilities in terms of overheads nor against unauthorised facilities.

7. The Soil Recovery Association would suggest that the part of the reason for the proposed determination to refuse a Waste License to Lennon Quarries is based on the Agency's issues and concerns with regards to other sites completely unrelated to this site (e.g. Kerrifstown Site and the Baldonnel Case to name a few).

The SRA feel that the waste License application on behalf of Lennon Quarries has not been given a fair assessment by the Board of the Agency and that the decision to refuse a Waste Licence is incorrect; and therefore the decision should be reversed.

8. The Soil Recovery Association is fully aware that Lennon Quarries is the only applicant for a waste licence for the recovery of soil and stone in North Mayo. Without this facility, there would be a widespread increase in unauthorised activity in this part of the Country.

In conclusion the Soil Recovery Association urges that the proposed determination to refuse a waste licence to Lennon Quarries is reversed and that a waste licence is issued to Lennon Quarries that is commercially viable and that reflects the environmental impact of soil and stone; which in our view is absolutely negligible.

Yours sincerely,

John Behan

On behalf of the Soil Recovery Association