



Baldara
Trim Road
Navan
Co. Meath

To/
Environmental Protection Agency
P. O. Box 3000
Johnstown Castle Estate
County Wexford
Ireland
2-9-154

Re: - Objection in respect of EPA Licence Register No. W0272-01 for Liam Derham of Milverton, Skerries, Co. Dublin in respect of a waste licence application submitted by Roadstone Ltd., Fortunestown, Tallaght, Dublin 24 that the EPA by way of a letter to O'Leary Arnold Solicitors of the 15/1/15 last propose to grant for various waste activities at a disused quarry at Milverton, Skerries, Co. Dublin.

Dear Sir/Madam,

Further to the letter of the 15/1 last issued to Miss Kalanne O'Leary (solicitor for my client) by Noleen Keavey of the EPA in respect of the above mentioned waste licence application. I, on behalf of Mr. Liam Derham of Milverton, Skerries, Co. Dublin now wish to lodge with the EPA an objection to the said proposed grant.

In respect of the application and the associated draft licence, we would like to draw the attention of the EPA to the following points for their consideration: -

- (1) **Invalid Application** – The public notice erected on-site was not clearly visible to a member of the public in that the notice was erected on the gate leading to the old quarry, this gate is over 15m from the public road. In essence the notice is on private property. Further the gate has a number of other signs and notices erected there-on which distract from the view of the notice, as such the licence notice is not readily visible to a member of the public.
- (2) **Planning Permission** – We would contend that as well as the waste licence, a planning permission is also required. In respect of this contention, we would bring to the attention of the EPA that (a) the proposed activity involves a change of use from a quarry to a waste disposal site and (b) that the proposed activity will generate substantial volumes of traffic, such as to create a potential traffic hazard. Where there is a potential traffic hazard, a change of use albeit otherwise allowable is not exempt. We would indicate that in the event of a grant of a licence, my client proposes to raise the issue of planning with Fingal County Council and/or An Bord Pleanala. We would indicate that both Meath County

Council and An Bord Pleanála subsequently in respect of a waste permit site determination about exempt development indicated that planning permission was a requirement. The volume of HGV movements and the sightlines at the Meath site were vastly superior to the Milverton site.

- (3) **Traffic Hazard** - The sightlines at the entrance both in respect of stopping sightlines on the approaches to the entrance and egress sightlines at the entrance are inadequate given the status of the receiving road (regional), the operational speed of the traffic and the volume of same on the road. In particular, the stopping sight distance on the Dublin/M1 approach to the entrance is substandard and as such the use of the entrance would, in our opinion, create a traffic hazard. We would add that the danger will increase if there are a number of HGV's lined up in a queue waiting to enter the quarry, as was common place when the quarry was in operation. The EIS nor the EPA have not addressed of stopping sight distance on the R127 in the conditions of the draft licence.
- (4) **Traffic Volume** – Notwithstanding the inadequate sightlines, the EPA have approved Roadstone to import the annual tonnages sought in the application. We would point out that an annual volume allowance of 400,000 tonnes based on an average load of **16 tonnes** would generate some 25,000 loads and a similar volume out over a 48 week working year. This would amount to c. 170 HGV movements per day over a 51/2 day week or 16 movements per hour over an 11 hour working day (7am to 6pm). We would expect that peak hour loads would be 3 to 4 times the average. We would contend that the 19 tonnes average load quoted in the EIS is in our view excessive, Clearly the addition on average of some 50pcus (taking 1 HGV movement as equivalent to 3 pcu's (passenger car units)) per hour will greatly impact on both the level of service experienced by users of the R127 and the reserve capacity of the road. We would indicate that the AADT at over 6,500 per day is high. In this brief assessment, we have made no allowance for other vehicles entering the quarry, e.g. fuel lorry, transporters, site staff, visitors etc. My client has a major difficulty with the proposed increase in the volume of traffic as currently he has great difficulty in accessing the R127. If the licence is granted, **he would welcome a limit been set on the number of loads generated at the minimum level mentioned in the EIS of 3-4 loads in per hour.** We would contend that the maximum tonnage specified in **Schedule A – Table A.1.1** limited accordingly.
- (5) **Opening Hours** – we would contend that the opening hours should be restricted to 08.00 to 18.00 on weekdays and from 08.00 to 13.00 on a Saturday.
- (6) **Facility Management** – we would contend that in respect of facility management that both an **approved EMS** and the Facility Manager should be **in place before** the operation commences. Given the 7-8 year timescale for the operation, the Environmental Objectives and Targets should be set and reviewed **every 2 years** and not 5 as set out in the proposed licence.

- (7) **Facility Roads** – a tarmac finish or similar should be specified for the main facility road and hard-standing area.
- (8) **Site Office** – we would contend that the effluent treatment system for the office should meet the current EPA standard. Planning approval may be required to upgrade the current system.
- (9) **Wheel Cleaner** - we would contend that the wheel cleaner and effluent treatment system should meet the current EPA requirement. Planning approval may be required to install a new system.
- (10) **Surface Water** - we would contend that the proposed surface collection and disposal system should meet the current EPA requirement. Information on the capacity of receiving waters to accept the discharge should be assessed. We note that a limit is set for the discharge, but there is no assessment in any of the documentation submitted to indicate that the receiving waters can cater for same in a drought. On-site storage facilities may need to be provided to cater for low-flows.
- (11) **Ground Water** – The quarry is fed by ground water sources and this inflow may need to be discharged on an on-going basis to facilitate the landfill. Further, there are a number of wells in private ownership in close proximity to the quarry, including a well owned by my client that could be negatively impacted by the lowering of the water table for the operation. There are no conditions in the proposed licence to protect water levels etc. in my client's well or other adjacent wells.
- (12) **Peregrine Falcons** - We would contend that the sets set out in Section 3.22 in respect of protecting the falcons are inadequate. We would contend that in advance of the works proposals to do so should be agreed with the National Parks and Wildlife Service together with a monitoring regime. These proposals should be put on record and reviewable annually. Clearly, given the protected status of the birds, if there is any negative impact works should cease immediately and a condition to this effect included in the licence.
- (13) **Seagulls** – we are concerned that there are no conditions included in the licence to cater for the nuisance arising from seagulls. The operation will by way of the nature of the operation create broken ground and as such attract seagulls to the area. Proposals should be put in place to minimise the impact on the local community from this negative impact. We would have to contend that the EPA Inspector in Section 4.7 of his report was incorrect.
- (14) **Road Debris** – Condition 6.11.3 is totally inadequate to cater for the potential of dirt and spillages arising from traffic entering and leaving a landfill site. The applicant should be required to employ on a permanent basis suitable pavement cleaning machines. Details on road cleaning arrangements should be

agreed with the Fingal County Council and specific conditions to this effect included in the licence.

- (15) **Source of Materials** – we have concerns that Conditions 8.4 & 8.5 are inadequate to cater for the potential of “rogue” loads arising from traffic entering the landfill site. The applicant should be required to test in advance the sources for suitability and carry out further tests at least twice during the first 2000 tonnes and once every 5000 tonnes thereafter. Specific conditions to this effect included in the licence, as such Table A3 should be amended. We would further contend that the 2% allowance for contaminated material in A2 for non-greenfield soil and stone is excessive.
- (16) **Non-inert C& D waste** -We would contend that no separation of this type of material should be allowed on-site. If a proper pre-testing and monitoring regime is adopted by the applicant, there is no need for this arrangement.
- (17) **Unsuitable Loads** – The applicant should be required to retain full details of “refused/rejected” loads and the EPA notified immediately.
- (18) **Financial Charges** – Given the volume of HGV’s and their impact on the pavement structure, we are concerned that there is no levy put on the applicant in respect of road damage. Clearly the turning movements at the entrance will impact negatively on the surface of the pavement immediately outside the facility and a condition should be imposed requiring the applicant to maintain the section of the R127 in good condition or at least make a suitable arrangement with the County Council.
- (19) **Monitoring Committee** – We would further contend that given the scale of the operation and the potential impact on the local environment that a “local” monitoring committee should be formed to oversee the management of the facility. This committee should include local elected representatives, residents, EPA & NPWS officials with meeting to take place once or twice a year where progress with the EMS and the licence can be reviewed. A condition for the formal setting up and terms of reference of this committee should be included in the licence

We believe the above points show the application in a different perspective with respect to the view taken by the EPA in their consideration of the current application. Accordingly on behalf of my client, we respectfully request the EPA to declare the application as currently formulated invalid. If the EPA disagree with this contention, we ask that they refuse Roadstone Ltd. the licence for the quarry at Milverton, i.e. reverse their decision as outlined in the enclosure with the letter of the 15/1 last or at least amend the licence to reflect the concerns of my client.

I would be obliged if the Bord would acknowledge receipt of this appeal both directly to me and to my client. In this regard, his address for correspondence is Liam Derham,

Milverton, Skerries, Co. Dublin.

We enclose our fee of 200 Euro for this objection, as required under Article 42.

Yours Sincerely,



Frank Burke
Chartered Engineer

C.c. Liam Derham, Milverton, Skerries, Co. Dublin.

Encl.: - (1) Fee of E270 *LB*.

(2) ~~Letter of proof for submission to Meath County Council~~

*Typo as per Liam
Derham. 10/2/15.*

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