



### Submission

Submitter:	Mr. Tony Dean
Submission Title:	Submission as to granting of licence
Submission Reference No.:	S004739
Submission Received:	12 November 2018

### Application

Applicant:	Kildare County Council
Reg. No.:	P1063-01

See below for Submission details.

Attachments are displayed on the following page(s).

For inspection purposes only.  
Consent of copyright owner required for any other use.

5<sup>th</sup> November, 2018

EPA Regional Inspectorate Dublin  
McCumiskey House,  
Richview,  
Clonskeagh Road,  
Dublin 14  
(By Hand and By Registered Post)

**Re: Industrial Emissions Activities Licence Application to the EPA in respect of the proposed remediation of Kerdiffstown Landfill, Naas, Co. Kildare Reg No. P1063.01**

Submission as to Granting of Licence

Applicant Name: Kildare County Council  
Register Number: P1063-01

The application cannot be granted because the proposal is unlawful in that it does not comply with the requirements of EU waste legislation, specifically, although not limited to, the Landfill Directive which requires a landfill such as the Kerdiffstown facility to have a basal liner installed as well as basal leachate collection.

This requirement for such landfills to have a basal liner and leachate collection system installed was confirmed by Mr Justice Humphreys in his Judgement of 17 May 2017 in the High Court Proceedings, Brownfield Restoration Ireland Ltd vs Wicklow County Council – 2008 No 56SP / 2005 No 89SP (see Paragraph 59, page 28. The EPA should be fully aware of this requirement as they had a barrister present in the High Court for the duration of the proceedings.

Also, and by extension, as the EIAR does not refer to this, and addresses an unlawful proposal, the EIAR is in itself invalid.

Regards,



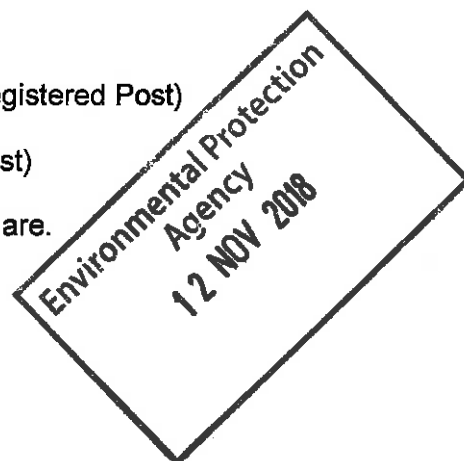
Tony Dean

Cc

EPA, Headquarters, Johnstown Castle Estate, County Wexford. (Registered Post)

An Bord Pleanála, 64, Marlborough Street, Dublin, 1 (Registered Post)

Kildare County Council, Aras Chill Dara, Devoy Park, Naas, Co. Kildare.



For inspection purposes only.  
Consent of copyright owner required for any other use.