



**OFFICE OF
LICENSING &
GUIDANCE**

**REPORT OF THE TECHNICAL COMMITTEE ON
OBJECTIONS TO LICENCE CONDITIONS**

TO:	Directors	
FROM:	Technical Committee	- LICENSING UNIT
DATE:	18 October 2004	
RE:	OBJECTION TO PROPOSED DECISION FOR BORD NA MONA ENERGY LTD. Reg. No. 199-1	
	Srahmore Peat Deposition Facility, Co. Mayo.	

Application Details	
Class(s) of activity:	Third Schedule of Waste Management Acts 1996-2003: Class 1, 4, 13 Fourth Schedule of the Waste Management Acts 1996-2003: None.
Location of activity:	Srahmore Peat Deposition Facility, Co. Mayo.
Licence application received:	18/12/2003
PD issued:	21/07/2004
First party objection received:	none
Third Party objections received:	16/08/2004 16/08/2004
Submission on objections received:	27/08/2004 08/09/2004 13/09/2004 17/09/2004

Company

This report relates to an application by Bord Na Mona Energy Ltd (BnM) for a Waste Licence at Srahmore Peat Deposition Facility, Co. Mayo. Class 1 of the Third Schedule is the principal activity.

The application relates to the placement of c.450,000m³ of peat waste at Srahmore, excavated from the Shell Corrib Gas Field Terminal at the nearby Bellanaboy Bridge. The peat will be temporarily windrowed on the site of excavation to reduce free water content (peat is 85 - 90% water) and transported by road in trucks to the BnM deposit area. It is anticipated that the peat transport and deposit will take place over a 6 month period. Up to 4,000m³ of peat may be moved daily.

Fifteen submissions were received in relation to the application and these were considered by the Board at proposed decision stage. The Board approved the recommendation to grant a waste licence, and a **proposed decision** was issued by the Agency on 21 July 2004. On 31 August 2004 the Board decided that an Oral Hearing of the objections was not required, and that the objections could be fully and adequately considered and assessed by a technical committee.

Consideration of the Objection by Technical Committee

This report considers two valid third party objections and four valid submissions on objection, as set out below. The First party (applicant) did not submit an objection, but did submit a submission on objection.

The Technical Committee, comprising of Mr Malcolm Doak (Chair) and Dr Karen Creed has considered all of the issues raised in the Objections, and this report details the Committee's comments and recommendations following the examination of the objections on this facility:

Third Party Objections

No.	Objector Name & Address
1	Peter Sweetman, c/o Monika Muller, Rossport, South, Ballina
2	Edward & Imelda Moran, Chapel Street, Belmullet, Co Mayo,

1 Peter Sweetman, c/o Monika Muller

The objector submitted a three page letter (dated 13 August 2004) addressed to the Agency as six points. The letter deals with a number of aspects: Mayo Co. Co. planning file matters, general EIS matters, and the PD process; it does not consider any of the Conditions of the PD. However the objection is valid as per Section 42(4) of the WMAs.

The Technical Committee examined Point 4 of the letter only, since the other aspects are not specific points of objection to the PD or PD process. Points 1 & 2 deal with the EIA Directive and its implementation into Irish Law. Point 3 chronicles the planning file :

Informing of 3rd Parties (point 4 of the letter)

Mr Sweetman states the public and those who had made submissions were not informed of the further information or amendments to the EIS, submitted by the applicant to the Agency prior to the issue of the Proposed Decision. Only the proscribed [sic] bodies were informed of this new information.

Technical Committee's Evaluation

Articles 16(2) and 18(1) of the Regulations pertaining to this application (S.I. No. 185 of 2000) specify the reporting requirements of the Agency on receipt of further information, and Article 14(2) specifies the party that should be notified of a valid application. Those who have made submissions are not required to be notified by the regulations, during the early stages of an application. They are however notified of any proposed decision. Under Article 19 of the regulations the Agency is required to make all documents available and for inspection by the public at its headquarters and all documents received were put on the public file held by Agency for that purpose.

2 Edward & Imelda Moran, Belmullet, Co Mayo

The objectors submitted a five page letter (undated; received 16 August 2004) addressed to the Agency as three points. The letter does not consider any of the Conditions of the PD. The three points are:

- i. Independent Evaluation
- ii. Inspectors Report
- iii. Sustainable Development

(i) Independent Evaluation

The objectors state the PD was based on information supplied by the applicant only, there was no independent expert evaluation of the EIS and Application, as was done recently for a similar facility by An Bord Pleanala (ABP), and lists the various ABP reports. They also query EPA responsibility regarding a wide range of facilities.

Technical Committee's Evaluation

Section 40 (2) of the Waste Management Act outlines the matters and documents, including any EIS submitted with the application, which the Agency must have regard to before it makes a decision. In addition Articles 12, 13 and 14, among others, of the Regulations pertaining to this application (S.I. No. 185 of 2000) specify the various statutory requirements of the Agency when assessing an application. The application was considered to be valid as per the requirements of Article 14(2)(a) on 10/02/2004. The EIS and application were assessed as per the requirements set out in the Articles, above. Furthermore, the Inspector in his report of 28/06/2004 states 'I have examined and assessed the EIS and am satisfied that it complies with the EIA and Waste Licensing Regulations'. The proposed decision as approved by the Board was issued on 21/07/2004 under the terms of Section 40(4) of the Waste Management Acts 1996 to 2003. In these circumstances it is clear that the Agency has carried out its statutory function with regard to evaluating and assessing the EIS.

(ii) Inspectors Report

The objectors state the Inspectors Report was compromised by its failure to obtain independent expert assessment and evaluation of the EIS and Application, and its superficial consideration of the submissions.

Technical Committee's Evaluation

Refer to our comments in point (i), above. The Agency is the statutory competent body for evaluating and assessing the EIS as specified by the Waste Management Act and licensing regulations.

(iii) Sustainable Development

The objectors consider the scope of the project/application is narrow and that the Agency assessment should have also included the activities occurring at the nearby terminal (Bellanaboy Bridge; where the peat is coming from), and to the traffic movements between the two facilities.

Technical Committee's Evaluation

The subject of the terminal is a matter for the planning authorities, as is the traffic which arises from the terminal. The Agency wrote to Enterprise Oil (now trading as Shell) on 14 November 2001, stating that an IPC Licence application should be made for the proposed onshore gas terminal under the following: EPA Act 1992, First Schedule, Classes 2.1 and 11.1.

Submission on Objections

No.	Name
1	Mr Aiden McGee, Bord na Mona Energy Ltd.
2	Mrs. & Mrs. Edward Imelda Moran & associated appellants
3	Peter Sweetman, c/o Monika Muller, Rossport, South, Ballina
4	Mr & Mrs Edward & Imelda Moran and associated appellants

1 Mr Aiden McGee, Bord na Mona Energy Ltd.

This submission refers to the objection of Edward & Imelda Moran, Belmullet, Co Mayo. The submission clarifies the authors of the EIS (consultant engineers) and states that Bord na Mona have the experience and expertise to carry out the project at the Srahmore Peat Deposition Facility.

2 & 4 Mrs. & Mrs. Edward Imelda Moran & associated appellants

These two submissions refer to the objection of Peter Sweetman, c/o Monika Muller, Rossport, South, Ballina, and re-states that objection as four questions. The Agency replied on 14 September 2004 to inform the party of Agency procedures when assessing submissions on objections. This was followed by a letter from the above party received at the Agency on 17 September 2004.

The notification of 3rd Parties of Agency decisions is the concern of these submissions. The Agency letter dated 14 September and our response to Objection 1 addresses these concerns comprehensively, and will not be repeated here.

3 Peter Sweetman, c/o Monika Muller, Rossport, South, Ballina

This submission refers to, *inter alia*, the objection of Edward & Imelda Moran, Belmullet, Co Mayo, in the form of fifteen pages, consisting of two Sections: A & B, and copies of emails sent to the Agency in the past.

Section A, in the main, is not a specific point of submission on other objections but a four page discourse on the Agency record of previous decisions it has made at unrelated IPC and Waste facilities. Some of the contents of Section A places a derogatory emphasis on the Agency, its Offices, and certain staff. Other parts of Section A re-states their own objection of 13 August 2004, which this Committee has already assessed, above.

Section B aims to comment on the objection of Edward & Imelda Moran by re-stating and expanding on that objection. However it does not do this since it introduces new issues which are not connected to the objection of Edward & Imelda Moran, by way of addressing fourteen individual conditions of the PD and the Inspector's Report. Furthermore, later aspects of Section B re-states their own objection of 13 August 2004, which this Committee has already assessed, above.

Overall Recommendation

It is recommended that the Board of the Agency grant a licence to the applicant:

- (i) for the reasons outlined in the proposed decision; and,
- (ii) subject to the conditions and reasons for same in the Proposed Decision; and,
- (iii) for the reasons outlined in this report.

Signed

Malcolm Doak, Inspector
for and on behalf of the Technical Committee