

# MEMO

**TO:** Board of Directors

**FROM:** Ted Nealon

**CC:**

**DATE:** 17 November, 2004

**SUBJECT :** Noble Waste Disposal Ltd- Technical Committee Report on Objections to Proposed Decision - Reg. No. 53-1

## Application details

Event	Issue Date(s)	Reminder(s)	Response Date(s)
<b>Application Received</b>	4 <sup>th</sup> August 1998		
<b>Article 14 (2) (b) (i)</b>	Not applicable		
<b>Article 14 (2) (b) (ii)</b>	9 <sup>th</sup> December 1998	16 <sup>th</sup> March 1999	12 <sup>th</sup> January 1999 23 <sup>rd</sup> March 1999
<b>Article 14 (2) (a)</b>	13 <sup>th</sup> April 1999		
<b>Article 16</b>	9 <sup>th</sup> April 1999 6 <sup>th</sup> July 1999	31 <sup>st</sup> May 1999	23 <sup>rd</sup> June 1999 13 <sup>th</sup> July 1999
<b>Proposed Decision</b>	2 <sup>nd</sup> September 1999		
<b>Objections Received</b>	29 <sup>th</sup> September 1999 29 <sup>th</sup> September 1999		
<b>Submissions Received</b>	29 <sup>th</sup> November 1999 29 <sup>th</sup> November 1999		

## Objections received

Objection by Applicant	One
Objection by third party/parties	One
Submission in relation to Objection	Two

Two objections were received. The applicant, Noble Waste Ltd., and Fehily Timoney & Co. on behalf of Brendan and Kathleen Mitchell and Martina and Gerard Murphy, stated grounds for objection in respect of the proposed decision on the facility at Fassaroe, Bray, Co. Wicklow. A Technical Committee was established to consider the objection.

One request for an oral hearing was received. The Board decided on October 27<sup>th</sup> 1999, that an oral hearing was not required.

Two submissions in relation to the objections were received, one prepared by Bord Na Mona on behalf of the applicant, Mr. Michael Noble and one prepared by Fehily Timoney & Co. on behalf of Brendan and Kathleen Mitchell and Martina and Gerard Murphy

**The Technical Committee included:**

Ted Nealon, Senior Inspector (Chairperson)

Peter Carey, Inspector

Kirsty Nolan, Inspector

The Inspector dealing with the application is Margaret Keegan

This is the Technical Committee's report on the objections.

**The Applicants Objection**

***Ground A1***

*Noble Waste Disposal Ltd. is of the opinion that the PD does not take into account the fact that the site is essentially a waste transfer and recycling facility with landfilling of inert Construction and Demolition waste. It states that many of the conditions within the PD such as those relating to lining, leachate collection, gas monitoring, meteorological data collation etc. are excessive and applicable to refuse landfill sites rather than inert facilities such as that to which the PD relates. It is with this in mind that the subsequent objections should be considered and the associated conditions removed from the PD.*

***Technical Committee's evaluation***

There is evidence that there has been some historical landfilling of biodegradable waste and as such the Technical Committee considers that the Conditions of the Proposed Decision relate to the nature of the current and historic activities at the facility.

***Recommendation***

No Change
-----------

***Ground A2***

*Nobles contend that adherence to many of the timescales laid down in the PD i.e., the requirements for the office, quarantine area, housing for the tromel and screen units etc. are subject to planning and therefore are out of the company's control.*

**Technical Committee's evaluation**

Condition 4.1 allows the timing of the installation of the infrastructure to be subject to the agreement of the Agency. The only infrastructure otherwise controlled is the Site Notice and therefore the Technical Committee recommend that Condition 4.2.1 be amended.

**Recommendation**

Delete the following from Condition 4.2.1:

***“Within six months of the date of grant of this licence”***

**Ground A3 (ref. Conditions 4.15)**

*Nobles contend that the requirement to line the landfill area as per Condition 4.15 is unnecessary due to the nature of the waste being deposited on site i.e., C&D waste only and thus request that the condition be removed.*

**Technical Committee's evaluation**

The Technical Committee notes that Condition 4.15 requires that the deposit of waste in/on any previously unfilled areas requires to be lined. The lining must fulfil the criteria set out in Condition 4.15.1 and it should be noted that this includes for a natural mineral liner. The Technical Committee notes that Condition 4.15 sets out the same requirements as Directive 1999/31/EC on the landfilling of waste for inert landfill facilities and considered it to be BATNEEC for future cell development.

**Recommendation**

No change.

**Ground A4 (ref. Condition 4.16.1)**

*Nobles state that the requirement for leachate management at the site is unnecessary and impractical due to the inert nature of the material being landfilled and due to the lack of evidence of any contamination migrating from the site arising from the historical disposal of small quantities of mixed waste (grass cuttings and C&D waste).*

**Technical Committee's evaluation**

The Technical Committee notes that the applicant has stated in their application that there was some historical landfilling of biodegradable waste and that this is degrading and forming some leachate. The Technical Committee notes that Condition 4.16 requires a proposal for leachate management and the Technical Committee considers that this is appropriate for the protection of groundwater and surface water.

**Recommendation**

No change

**Ground A5 (ref. Condition 4.20)**

*The wording for Condition 4.20 is unclear and requires clarification.*

**Technical Committee's evaluation**

The Technical Committee considers that the existing wording of Condition 4.20 is satisfactory.

**Recommendation**

No change
-----------

**Ground A6 (ref. Condition 5.5)**

*The objection states that because of the traffic situation and the nature of the waste generation business for C&D waste where demolition and excavation can occur very early or into the night that the hours of waste acceptance be amended from between 7:30 to 18:00 to between 06.00 to 20.00.*

**Technical Committee's evaluation**

The Technical Committee notes that Condition 5.5 includes a provision for changes to be made to the hours of waste acceptance where agreement has been made in advance with the Agency.

**Recommendation**

No change as a result of this Ground but see Ground B.1.5.2
---

**Ground A7 (ref. Condition 5.12)**

*The objector requests that the number of enclosed vehicles stored on site overnight be increased from 3 to 5 due to the increase in traffic leading to increased travel time, increase in business and the greater distances required to transport waste and the subsequent increase in the transport fleet.*

**Technical Committee's evaluation**

The Technical Committee notes that Condition 5.12 includes for the provision for changes to be made the number of enclosed vehicles stored on site overnight where agreement has been made in advance with the Agency. The Technical Committee notes that should the facility have the capacity to accommodate the increased number of enclosed vehicles to be stored overnight that this may be authorised under Condition 5.12.

**Recommendation**

No change
-----------

**Ground A8 (ref. Condition 5.18)**

*This condition requires a steel wheeled compactor (or similar) on site and the objection states that this is unnecessary and unsuitable for C&D waste.*

***Technical Committee's evaluation***

The Technical Committee considers that the “or similar” contained in Condition 5.18 deals with the issue raised in this objection and provides flexibility for the use of other appropriate equipment.

***Recommendation***

No change
-----------

***Ground A9 (ref. Condition 5.19)***

*The objection requires that this condition be removed as it does not reflect the C&D nature of the landfilled material.*

***Technical Committee's evaluation***

The Technical Committee considers that Condition 5.19 may be relevant to this facility as such objects may be deposited.

***Recommendation***

No change
-----------

***Ground A10 (ref. Condition 9.5 and gas monitoring frequencies specified in Schedule F).***

*The objection states that the monitoring requirements for landfill gas required by Condition 9.5 which requires the installation of a permanent landfill gas monitoring point in the site office and Schedule F are overly excessive and totally unnecessary. That these requirements are similar to that required for domestic refuse landfills and should not be imposed on this facility.*

***Technical Committee's evaluation***

The Technical Committee notes that there is a potential that the site office is located on an area of the facility where biodegradable waste has previously been deposited. The Technical Committee considers that the monitoring frequencies in Schedule F, Table F.1.2 for landfill gas should be changed from “weekly” to “continuous”. The Technical Committee notes that Condition 9.8 provides that Agency with the authority to amend the frequency of monitoring should landfill gas results indicate that such monitoring could be reduced.

***Recommendation***

Amend Schedule F, Table F.1.2 Landfill Gas Monitoring as follows:
---

<b>Change the Landfill Gas Monitoring frequencies for the site office from “Weekly” to “Continuous” for all parameters, i.e., for Methane, Carbon Dioxide, Oxygen, Atmospheric Pressure and Temperature.</b>
--

**Ground A11 (ref. Condition 10.1)**

*The objection requests that the timescale for the submission of the ERP be revised from 6 months to 9 months.*

**The Technical Committee's evaluation**

The Technical Committee considers that the timescale given for submission of proposals for the ERP as reasonable.

**Recommendation**

No change
-----------

**Ground A12 (ref. Condition 11.1)**

*The objection states that the annual contribution of £12,200 is grossly excessive when compared to similar waste transfer station licences already issued or at PD stage and that the fees were set on the erroneous assumption that the site operates a refuse landfill. The contribution should be re-calculated to reflect the fact that the site consists of a waste transfer and recycling centre and an ancillary C&D disposal area.*

**Technical Committee's evaluation**

The Technical Committee notes that the facility consists of a transfer station and a landfill. The costs are assessed based on the information provided by the applicant and our knowledge of the site. However, the costs are assessed on an annual basis and are likely to come down after the first year when the once-off reports have been processed.

**Recommendation**

No change
-----------

**Ground A13 (ref. Schedule F5)**

*The objection states that Schedule F.5 requires the establishment of a meteorological station on site and that such a station is not required at the facility.*

**Technical Committee's evaluation**

The Technical Committee notes that Schedule F5 states that meteorological monitoring data is to be obtained at the location specified in C2 of the application. The Technical Committee notes that attachment C2 of the application refers to the synoptic station at Dublin Airport and the climatological stations at Bray and Enniskerry.

**Recommendation**

No change
-----------

**Ground A14 (ref. Schedule A)**

*The objection questions whether or not those activities permitted in Schedule A provide for the removal of timber and plastic for recycling and questions whether the Schedule requires amending.*

**Technical Committee's evaluation**

The Technical Committee considers that the wording of the description of Class 13 of the Fourth Schedule of the Waste Management Act, 1996 as specified in Schedule A should be reworded to reflect the storage of waste for recovery.

**Recommendation**

Revise the description of Class 13 of the 4<sup>th</sup> Schedule of the Waste Management Act in Schedule A to read as follows:

**This activity is limited to the storage of waste, prior to recovery.**

**The Objection by Fehily Timoney & Co. on behalf of Brendan and Kathleen Mitchell and Martina and Gerard Murphy of Fassaroe, Bray, Co. Wicklow**

**OBJECTION 1**

**Ground B1**

*The objector states that they presume that if the licence is granted that the Agency will ensure that all of the conditions are met by Noble Waste. The objector considers that the conditions are permissive in that there is a lead-in time given for virtually all necessary improvements.*

**Technical Committee's evaluation**

The Technical Committee considers that the lead in time is necessary for proposals to be submitted and agreed in advance with the Agency of works commencing and for the works to actually be carried out.

**Recommendation**

No change

**Ground B.1.1 (ref. Condition 1- In particular subcondition 1.2)**

*The objector notes that part of the landfilling operation extends beyond the land outlined in red on Drawing B.2.1.*

**Technical Committee's evaluation**

Based on the information submitted with the application and the information obtained during the Inspectors site visit, there is no evidence of landfilling outside the area delineated in red. The waste licence applies only to the area outlined in red.

**Recommendation**

No change

**Ground B 1.2 (ref. Condition 2- In particular subconditions 2.4.1 and 2.7.1)**

*The objector notes that while a period of time is required for establishing a full EMS, the objector contends that certain sub-elements of the EMS should be given a shorter time scale. The objector specifies that the time scale for Condition 2.4.1 in relation to Corrective Action and Condition 2.7.1 in relation to Communications should be an immediate requirement.*

**Technical Committee's evaluation**

The Technical Committee considers that the time frames required to establish the elements of the EMS in general to be reasonable. The Technical Committee notes that Condition 2.4 of the Proposed Decision requires corrective action procedures to be established and maintained upon issue of the licence. However the Technical Committee considers that the timeframe given in Condition 2.7 in relation to Communications may be reduced to six months.

**Recommendation**

Make the following alteration to Condition 2.7.1:

**Replace "Within twelve months" with "Within six months".**

**Ground B.1.3 (ref. Condition 3)**

*The objector notes that the Agency has prescribed a significant amount of record keeping and notification protocols. As the objector reside within metres of the site, they requests that a mechanism be put in place which will provide reasonable access to all information and suggest that this information should be held at the site office.*

**Technical Committee's evaluation**

The Technical Committee considers that Condition 2.7.1 deals with the issue raised within this objection.

**Recommendation**

No change

**Ground B.1.4 (ref. Condition 4)**

**Ground B.1.4.1 (ref. Condition 4.1)**

*The objector notes that in Condition 4.1 there is a requirement to establish all infrastructure prior to the commencement of the licensed activities. The objector suggests that due to the condition of the site that this will require a cessation of activities while the infrastructure is being put in place.*



***Technical Committee's evaluation***

The Technical Committee considers that the wording of Condition 4.1 should be amended.

***Recommendation***

Replace Condition 4.1 with the following:

***4.1 The licensee shall establish all infrastructure referred to in this licence or as agreed in advance with the Agency”***

***Ground B.1.4.2 (ref. Condition 4.2)***

*The objector questions the six month period for provision of the site notice board which amongst other things, will provide emergency out-of-hours contact telephone numbers. They consider that this procedure could be done within days.*

***Technical Committee's evaluation***

Ground A2 also refers to this six month period. The Technical Committee considers that the timescale given in Condition 4.2.1 should be deleted.

***Recommendation***

Delete the following from Condition 4.2.1:

***“Within six months of the date of grant of this licence”***

***Ground B.1.4.3 (ref. Condition 4.3.1)***

*The objector notes that there is no Schedule given for the establishment of proper site security infrastructure.*

***Technical Committee's evaluation***

The Technical Committee considers that a timescale should be specified for the establishment of site security infrastructure. The Technical Committee also notes that it is not clear if the security fencing is proposed to surround the entire facility and the Technical Committee recommend the following amendment to the Condition 4.3.1.

***Recommendation***

Replace Condition 4.3.1 with the following:

***4.3.1 The licensee shall within three months install and maintain security fencing and gates as described in D.1 Infrastructure dated 22 June 1999 and located on drawing number D.1.1 Rev A. Within six months of the date of grant of this licence, the licensee shall submit a proposal for a review of site security to the Agency for its agreement.***

**Ground B.1.4.4 (ref. Condition 4.7)**

*The objector considers that by implication, a waste inspection/quarantine area could be used for the storage of hazardous or dangerous wastes. The objectors due to their close proximity to the site wish to be consulted before the location of this facility is determined.*

**Technical Committee's evaluation**

The Technical Committee notes that Condition 4.7 requires the licensee to provide a Waste Inspection Area and Quarantine Area at a location to be agreed in advance with the Agency. The Technical Committee considers that this together with Condition 5.8 which allows for waste to be stored in the Waste Quarantine Area for a maximum of 24 hours to be appropriate for environmental protection. The Inspector will, of course, consider such constraints as the proximity of housing when agreeing any proposal. However, the Technical Committee notes that Condition 4.13 also requires proposals for a Waste Inspection Area and the Technical Committee considers that this should be amended.

**Recommendation**

Delete the following from Condition 4.13:

***“and proposals for a waste inspection area”***

**Ground B.1.4.5 (ref. Condition 4.9)**

*The objector considers that the nine month period for the establishment of the truck washing is overly permissive.*

**Technical Committee's evaluation**

The Technical Committee considers the timescale as reasonable.

**Recommendation**

No change

**Ground B.1.4.6 (ref. 4.10)**

*The objector suggests that the term “adequate lighting” is overly vague. The objector states that the appropriate standard should be quoted in the licence and that the design of the site lighting should include an assessment of the effect of fugitive lighting on nearby residence.*

**Technical Committee's evaluation**

The Technical Committee notes that an interpretation of “adequate lighting” is given in the Proposed Decision. The Technical Committee also notes that the hours of waste acceptance are 7:30 to 17:00 and the hours of waste processing are 7:30 to 18:00 and the effect of lighting during this period should not cause significant impact on nearby residences. The Technical Committee notes that the licensee in Ground 6 requested a change of waste acceptance hours.

The Technical Committee considers that any change to hours of waste acceptance should include an assessment of any potential impact of lighting on nearby residences.

**Recommendation**

No change
-----------

**Ground 1.4.7 (ref. Condition 4.12.5)**

*The objector notes that no standard is given for the integrity testing of bunds, tanks and containers.*

**Technical Committee's evaluation**

The Technical Committee considers that the standards to be used is a matter for the licensee, however, the integrity must be demonstrated and the results submitted to the Agency.

**Recommendation**

No change
-----------

**Ground 1.4.8 (ref. Condition 4.17)**

*The objector considers that as Condition 4.17 relates to landfill gas that there is an implied contradiction as compliance with the license does not permit deposition of waste that would give rise to landfill gas. The objector also notes that in the application, Noble Waste admits that biodegradable waste is undergoing "early stages of aerobic decomposition".*

**Technical Committee's evaluation**

The Technical Committee notes that there was some historic deposition of biodegradable waste within the facility and the Technical Committee considers that Condition 4.17 is appropriate for dealing with landfill gas management. The Technical Committee also notes that Condition 5.2 does not allow future deposition of biodegradable waste.

**Recommendation**

No change
-----------

**Ground B.1.5 (ref. Condition 5)**

**Ground B.1.5.1 (ref. Conditions 5.1, 5.2 and 5.3)**

*The objector notes that hazardous (used gas containers) and biodegradable waste is currently being landfilled. The objector has also submitted two photos and notes which state that glass bottles are accepted at the site and that material tipped at the northern boundary of the site forms part of the embankment that is encroaching upon adjacent land outside of the facility boundary.*

***Technical Committee's evaluation***

The Technical Committee notes that Condition 5.1, 5.2 and 5.3 set out what waste shall/shall not be accepted at the facility once the licence is granted. The Technical Committee notes that Ground B.1.1 is relevant to this objection.

***Recommendation***

No change

***Ground B.1.5.2 (ref. Condition 5.5)***

*The objector notes that the hours for waste processing are not stipulated and regards this as being a grave omission in that much of the nuisances associated with the site occur during the processing and landfilling operation.*

***Technical Committee's evaluation***

The Technical Committee notes that the issue is valid and that the hours of operation should be controlled and recommend the following amendment to Condition 5.5. The Technical Committee also notes that environmental nuisances are controlled by Condition 6. The Technical Committee also notes that Condition 7.1 controls noise emissions from the facility.

***Recommendation***

Replace Condition 5.5 with the following:

***5.5 Waste shall only be accepted at the facility between the hours of 7:30 to 17:00 and waste processing shall only be carried out between the hours of 7:30 to 18:00 Monday to Saturday (excluding Bank Holidays) unless otherwise agreed in advance with the Agency.***

***Ground B.1.5.3 (ref. Conditions 5.7 and 5.9)***

*The objector suggests that the six month lead in time for the establishment of procedures to deal with hazardous waste is excessive.*

***Technical Committee's evaluation***

The Technical Committee considers the timescale as reasonable.

***Recommendation***

No change

***Ground B.1.5.4 (ref. Condition 5.13)***

*The objector notes that waste is currently being placed and allowed to accumulate at numerous locations outside the transfer building.*

**Technical Committee's evaluation**

The Technical Committee notes that Condition 5.13 specifies that “No waste shall be placed, or allowed to accumulate outside the Transfer Building other than baled cardboard in fully enclosed trailers/containers pending removal from the site, unless agreed in advance with the Agency”. If waste is placed elsewhere then this will contravene the licence.

**Recommendation**

No change

**Ground B.1.5.5 (ref. Condition 5.17)**

*The objector considers that the term “very windy day” is not sufficiently definitive in relation to curtailment of the operation of the shredder.*

**Technical Committee's evaluation**

The Technical Committee notes that Condition 4.13 requires proposals for the Agencies agreement for enclosing the shredder. The Technical Committee also notes that Condition 6.4 and 6.5 provides for litter control measures. The Technical Committee considers that Condition 5.17 should be amended.

**Recommendation**

Delete the following from Condition 5.17:

***“The Shredder shall not be operated on very windy days and”.***

**Ground B.1.5.6 (ref. Condition 5.19)**

*The objector suggests that the landfilling of steel in any shape or form should be prohibited as it is readily recyclable.*

**Technical Committee's evaluation**

The Technical Committee notes that Condition 5.14 requires proposals for the Agencies agreement on the separation and recovery of appropriate components of the waste being accepted at the facility. However, the Technical Committee considers that the timescale should be reduced to six months and that this should be inserted as Condition 5.5 to reflect its importance.

**Recommendation**

Make the following alteration to Condition 5.14:

***Replace “Within nine months “ with “Within six months”  
and  
Renumber “Condition 5.14 “ to “Condition 5.5”***

**Ground B.1.5.7 (ref. Condition 5.22)**

*The objector notes that scavenging currently occurs on the site.*

**Technical Committee's evaluation**

The Technical Committee notes that Condition 5.22 prohibits scavenging at this facility.

**Recommendation**

No change
-----------

**Ground B.1.6**

**Ground B.1.6.1 (ref. Condition 5.10 and 6.1)**

*The objector notes that the PD allows for biodegradable waste to be kept on site for up to 60 hours and contends that this will lead to odour nuisance, particularly during adverse meteorological conditions.*

**Technical Committee's evaluation**

The Technical Committee considers that the timescales given in Condition 5.10 and 6.1 as reasonable. The Technical Committee notes that Condition 6.9 requires that odours do not result in significant impairment of, or significant interference with amenities or the environment beyond the facility boundary.

**Recommendation**

No change
-----------

**Ground B.1.6.2 (ref. Condition 6.3)**

*The objector suggests that the terms "vicinity of the facility" and "removed without delay" are imprecise and unenforceable with respect of litter control.*

**Technical Committee's evaluation**

The Technical Committee notes that the terms "vicinity of the facility" and "removed without delay" specified in Condition 6.3 relate to the road network. The Technical Committee notes that Condition 6.7 specifies that all vehicles delivering waste to and from the facility are adequately secured to prevent spillage and are appropriately covered. With respect to litter control The Technical Committee notes that Condition 6.4 requires measures to control litter. However, the Technical Committee considers that Condition 6.4 should be amended.

**Recommendation**

Amend Condition 6.4 to read as follows:
---

<p><b>6.4</b> <i>The licensee shall ensure that litter does not give rise to nuisance at the facility or in the immediate area of the facility. The measures and infrastructure as described in Attachment F.3 "Litter Control" of the application shall be applied to control litter at the facility.</i></p>
--

**Ground B.1.6.3 (ref. Condition 6.6)**

*The objector requests clarification with regard to the definition of “the vicinity of the facility” and the mechanism by which waste discovered e.g., by a private individual can be reported to either the Agency or the applicant.*

**Technical Committee’s evaluation**

The Technical Committee considers that that the term “vicinity of the facility” is self explanatory. The Technical Committee notes that Condition 6.6 controls fly tipping at the facility and places a requirement on the licensee to deal with the matter. Condition 3.14 enables members of the public to make complaints to the licensee which must be dealt with. The Technical Committee considers that these measures are appropriate.

**Recommendation**

No change
-----------

**Ground B.1.6.4 (ref. Conditions 6.8 and 6.9)**

*The objector suggest that the words such as “minimise”, “significant impairment”, and “significant interference” in relation to Conditions 6.8 and 6.9 are imprecise and open for interpretation. The objector suggests that numerical values be given to parameters such as dust deposition and the detection of odoriferous compounds”.*

**Technical Committee’s evaluation**

The Technical Committee considers that the wording of Conditions 6.8 and 6.9 are appropriate. The Technical Committee notes that Condition 7.1 refers to Schedule G Emission Limits which specify dust deposition. As far as the TC are aware there is no objective and enforceable standard or guidance for monitoring odours currently identified. Condition 3.15 requires the licensee to take actions on the receipt of a complaint. Should complaints be received in relation to odours, the licensee is required to deal with such complaints. The Technical Committee also notes that Condition 6.2 refers to the control of odours.

**Recommendation**

No change
-----------

**Ground B.1.7**

**Ground B.1.7.1 (ref. Condition 7.2)**

*The objector suggests that the Agency should impose numerical limits to detect noise rather than using the terms “significant impairment” or “significant interference” beyond “the facility boundary”*

**Technical Committee’s evaluation**

The Technical Committee notes that Schedule G.1 specifies Noise Emission Limits and that Condition 7.1 states that “No specified emission from the facility shall exceed the emission limit values set out in Schedule G Emission Limits of this licence”.

**Recommendation**

No change

**Ground B.1.7.2 (ref. Condition 7.5)**

*The objector considers that the wording of Condition 7.5 is imprecise.*

**Technical Committee's evaluation**

The Technical Committee refers to its response to Ground B1.6.4 and B1.7.1.

**Recommendation**

No change

**Ground B.1.8**

**Ground B.1.8.1 (ref. Condition 10.1)**

*The objector considers that the six month period for the preparation of the ERP is overly permissive.*

**Technical Committee's evaluation**

The Technical Committee considers that the timescale given for submission of proposals for the ERP as reasonable.

**Recommendation**

No change

**Ground B.1.8.2 (ref. Condition 10)**

*The objectors consider that notification of any emergency situations should be made to the residences as well as to the Agency, due to their proximity to the site.*

**Technical Committee's evaluation**

The Technical Committee considers that this issue should be included in the ERP.

**Recommendation**

No change

**Ground B.1.9 (ref. Condition 11- In particular subcondition 11.2.2)**

*The objector wishes to bring to the attention of the Agency, the fact that Wicklow County Council required Noble Waste to enter into a bond with regard to the site, and to the objectors knowledge, this has yet to be established. The objector considers that the period of 9 months for the making of a proposal for financial provision is overly permissive.*



***Technical Committee's evaluation***

The Technical Committee considers that the timescale given for the making of a proposal for financial provision as reasonable.

***Recommendation***

No change
-----------

**OBJECTION 2**

***Ground B2***

*The objector contends that Noble Waste has been acting contrary to Section 39 of the Waste Management Act, 1996 in so far as the activities that have been underway since the application was lodged are not the activities for which the licence has been applied. The objector contends that the applicant should manage the facility at least in accordance with his application rather than waiting for the Agency to impose proper management. Also included is correspondence between solicitors (on behalf of the Mitchell's whose property adjoins the facility), Noble Waste and Wicklow County Council and An Bord Pleanala*

***Technical Committee's evaluation***

The Technical Committee considers that if the licence is granted that the Agency will enforce the conditions of the licence.

***Recommendation***

No change
-----------

**OBJECTION 3**

***Ground B3***

*The objector makes reference to Section 40(4)(d) of the Waste Management Act, 1996 and contends that Noble Waste does not have the requisite technical knowledge or qualifications to carry out the activity in accordance with the licence or other requirements of the Act. Also included is correspondence regarding the planning status of the facility and in particular, observations made during a number of site visits including photos with accompanying notes which highlight present operations at the facility.*

***Technical Committee's evaluation***

As far as the Technical Committee is aware the applicant has not been prosecuted in relation to Section 40(7)(a) of the Waste Management Act, 1996. Therefore the applicant is deemed to be a fit and proper person at the present time. The Technical Committee notes that Condition 2.9 requires the licensee to employ a suitably qualified and experienced facility manager who shall be designated as the person in charge and that the facility manager or a suitably qualified and experienced deputy, shall be present at all times during the operation of the facility. The Technical Committee also notes that Condition 2.10 requires the licensee to ensure that

personnel performing specifically assigned tasks to be qualified on the basis of appropriate education, training and/or experience, as required and shall be aware of the requirements of the licence.

***Recommendation***

No change
-----------

**OBJECTION 4**

***Ground B4***

*The objector states that information contained in Attachment C.5 of the waste licence application states categorically that “nor is it (the site) over looked by any residential property”. The objector states that there is a panoramic view of the site from Mr. Mitchell’s bedroom and provides photographs in support of this claim. The objector thus contends that this is in contravention of Section 45 subsection 4 of the Waste Management Act, 1996 as this subsection states that “a person who in relation to an application for a waste licence or for a review of a waste licence makes a statement in writing which to his or her knowledge is false or misleading in a material respect shall be guilty of an offence”.*

***Technical Committee’s evaluation***

The Technical Committee considers that this objection does not relate to the content of the Proposed Decision. A contravention of S 45(4) requires that the person knowingly submits false or misleading information and this would be very difficult to prove in this case.

***Recommendation***

No change
-----------