

MEMO			
TO:	Board of Directors	FROM:	Peter Carey
CC:		DATE:	02 November 2001
SUBJECT: Technical Committee Report on Objections to Proposed Decision – Reg. No. 88-1			

Application Details	
Applicant:	Paul Joyce
Location of Activity:	Corbally Landfill, Blessington Road, Tallaght, Co. Dublin.
Reg. No.:	88-1
Proposed Decision issued on:	12/6/01
Objections received:	9/7/01
Circulation of objections:	2/8/01
Submissions on objections received:	None
Article 26 Notice issued	12/9/01
Response to Article 26 Notice	24/9/01
Circulation of Response to Article 26	1/10/01
Submission on Article 26 response	8/10/01
Article 34 Notice issued	12/10/01
Submission on Article 34	22/10/01 & 24/10/01
Inspector:	Mr. Donal Howley

Objections/submissions received:

Objection & Submission by Applicant:	Paul Joyce, Green Acres House, Firhouse Road, Templeogue, Dublin 16.
Objection & Submission by Third Party:	Cullen & Co. Solicitors On behalf of Patrick & Mary Sherry & Mr. & Mrs. Healy. 86/88 Tyrconnell Road, Inchicore, Dublin 8

The Technical Committee (TC) notes that a request for an Oral Hearing was received from Mary Cullen, Cullen & Co Solicitors on behalf of Patrick & Mary Sherry & Mr. & Mrs. Healy and that this request was considered by the Board of the Agency on the 31/7/01 and that the Board's decision was not to hold an Oral Hearing. The TC considers that this matter is not open to consideration by the TC. The TC notes that the Board Decision was made on the basis of established criteria. The TC also notes that Cullen & Co Solicitors in a letter dated 17/8/01 to the Agency requested the Agency set out the reasons for the decision not to hold an oral hearing. The Agency replied to this letter on 24/8/01.

Consideration of the objections and submissions on objections

The Technical Committee (TC) (Peter Carey, Chairperson, Kevin Mc Donnell and Maeve Mc Hugh, committee members) has considered all of the issues raised and this report details the Committee's recommendations following the examination of the objections and submissions.

The TC noted that certain parts of the objection by Cullen & Co solicitors were omitted from the objection (parts 1b, 1c and 1d). An Article 26 Notice was issued requesting the objector to submit the omitted information. This information was received and circulated to the other objector (PK Joyce) who made a submission on it. An Article 34 notice was issued detailing changes that were necessary to the Proposed Decision to satisfy the requirements of the European Council Directive on the Landfill of Waste (1999/31/EC) (landfill directive). Cullen & Co Solicitors made a submission on the Article 34 notice and requested clarification on access to the environmental liabilities risk assessment required under Condition 12.2.1. The TC recommends that a letter be issued to Cullen & Co Solicitors stating that such information will be available.

Recommendation:

A letter be issued to Cullen & Co Solicitors stating that access to the environmental liabilities risk assessment will be placed on the file, when submitted, at the Agency's headquarters.

Objection A : Paul Joyce (9/7/01)

The objector states that the main reason for his objection is that certain conditions of the PD will severely affect the viability of the facility. The following are the specific grounds of his objection.

Ground A.1 – Condition 3.8.1 The Licensee shall provide and maintain a weighbridge at the facility.

This objector states that the estimated cost of installing a weighbridge at this facility will be IR£40,000. He states given the significant restrictions proposed by the Agency elsewhere in the Proposed Decision on the capacity of this facility, that this is an extremely costly item and one, which he can ill-afford.

The objector acknowledges the Agency's reasoning for wanting meaningful and accurate waste statistics and proposes an alternative to installing the weighbridge. The objector proposes, as part of the acceptance procedures for waste at the site, that the capacity of each of the vehicles carrying waste to the site be recorded. He suggests, the capacity of these vehicles in tonnage terms is well known, as they will typically be 3 or 4 axle tipping trucks. He states waste density factors for C&D wastes are pretty constant and an accurate picture of waste inputs may be obtained from this information. The objector states that in addition an initial and an annual topographical survey will be carried out at the site and this will permit the reconciliation of input records with void utilisation. He suggests this can be readily calculated by computer and included in the Annual Environmental Report for the facility.

The objector proposes to use a dynamic weighing system attached to the loading shovel at the C&D waste recycling facility in order to record the quantities of waste recycled and removed from the site. A

brochure of the system was attached. The objector states that it is a well used technology in the context of quarrying and other similar applications and that the dynamic weighing system works on a principle of cumulatively adding the weights of the number of shovel loads of recycled material loaded onto a tipping truck.

Technical Committee's Evaluation:

The TC notes that the PD permits up to 100,000 tonnes per annum of waste to be accepted for disposal or recovery at the facility. The TC considers that the quantity of waste involved justifies the installation of a weighbridge. The TC also noted that smaller scale facilities than this have been required to put in place a weighbridge. Various types of weighbridges exist on the market, including ones that can be deconstructed and used elsewhere. It is a matter for the licensee to select and agree with the Agency an appropriate weighbridge type such that it may be reused elsewhere if waste activities at the facility were to cease.

Recommendation:

No Change.

Ground A.2 – Condition 4.5 *Where tree planting is to be carried out above waste-filled areas, a synthetic barrier shall be used to augment the clay cap. Combined topsoil and subsoil depths shall be a minimum of 1 metre.*

This condition appears to be one that the Agency uses for biodegradable waste landfills. It seems to be less applicable in the context of an inert waste landfill such as this. There seems to be no environmental benefit for this condition. The clay-like nature of materials to be used for restoration – coupled to the profiling of the site as a whole – will ensure that rainfall infiltration is minimised. It is proposed to use a combination of topsoil and subsoil over these areas as final capping. Tree planting will then be carried out in the manner set out in the Restoration and Aftercare Plan required by the Agency under Condition 4.1. There seems to be no reason why tree roots should be prevented from reaching into the inert waste deposited at this site. In addition, the upland, windswept nature of this facility would mean that such a barrier may affect the long term stability of mature planting.

Technical Committee's Evaluation:

The TC notes that the facility must be lined with 1m of clay or with an artificial layer of enhanced soil of 0.5m giving equivalent protection. The facility is only permitted to take inert waste and must be capped with at least 0.75m (Condition 3.12). The cap increases to 1m in areas where it is proposed to plant trees. Taking into account these factors, the TC considers that a synthetic barrier is not required.

Recommendation:

Amend Condition 4.5 as follows:

Where tree planting is to be carried out above waste-filled areas the combined topsoil and subsoil depths shall be a minimum of 1 metre.

Ground A.3 – Condition 5.1 *Wastes may only be disposed of in those areas referred to as Phase 1 and Phase 2 and indicated on Figure D.2.2 – Layout of Filling Phases of the Application. Wastes shall not be disposed of in any cell in Phase 1 or Phase 2 without prior agreement of the Agency.*

This condition places a very severe constraint upon the long term operation and viability of this facility. As the Agency will be aware from the Inspector's report, the application was for the placement of inert waste across the facility in four phases. However, the Proposed Decision restricts this to only two of these phases. The precise reason for this is not at all clear, and as far as I can see there is little discussion of this matter in the Inspector's report. I do feel licence applicants are at least entitled to

some explanation for proposed conditions which would cause major changes such as this. In the absence of this explanation, I am assuming that it is based visual impact reasons. However, I also note that, in respect of the possible visual impact of the site as a whole, the Inspector states “The proposed development if carried out in a phased manner should have little impact on the surrounding landscape” (see Page 8 of the Inspector’s Report).

I therefore request that this condition is altered to allow the deposit of waste in Phases 1-4 as set down in the application (I would add that I note Condition 3.5.4 and am not objecting to it).

In addition, it should also be observed that Condition 5.1 cuts across a number of the other conditions. For example, Condition 4.2 requires that an amended final profile be submitted “including that of Phases 3 & 4” – to the Agency for agreement. Condition 4.2.2 has clear requirements on slope angles (see also Condition 9.4.4). Inevitably it may require some re-profiling of Phases 3 and 4. This cannot be done using waste due to Condition 5.1

Secondly, Condition 3.12.2 requires the placement of base and side wall mineral layer of a specified thickness and hydraulic conductivity. To comply with this condition, it is proposed to borrow suitable material from the Phase 4 (this is clearly shown in the application: see Figure D.2.2 – Layout of the Filling Cells). As written, Condition 5.1 would preclude the back-filling of these borrow areas with suitable inert wastes, leaving unsightly and potentially dangerous voids at this location. The existence of such voids would not further what appears to be one of the inspector’s priorities (see his report and, particularly, its Section 12), namely the prevention of rainfall infiltration into deposited wastes.

Thirdly, in compliance with Condition 5.6.2 (Recovery Targets for Wastes acceptable at the Facility) and in line with “Changing our Ways”, it is proposed to recover selected material for the lining and capping of each of the phases. The non-suitable material (i.e. materials with a permeability of $>1 \times 10^{-7}$ m/sec) will be stockpiled and used to create a berm around the construction and demolition waste area. The suitable material (i.e. material with a permeability of conductivity $\leq 1 \times 10^{-7}$ m/sec) will be used to form the liners for Phase 1 and Phase 2. The void space created in Phase 4 by this operation was then to be back-filled with inert waste accepted at the facility. However, this operation is now precluded by Condition 5.1. In addition, the cost of importing suitable clay material for the liner would be very expensive.

Fourthly, Condition 6.4.3 requires remedial works in the event that surface water does not “only” emit through the discharge points agreed under Condition 6.4.1. Clearly Condition 6.4.1 is referring as much to emissions from Phases 3 and 4 as it is to Phases 1 and 2. It may well be necessary to use imported clay to ensure compliance with what has been agreed under Condition 6.4.1. Clearly Condition 6.4.1 is referring as much to emissions from Phases 3 and 4 as it is to Phases 1 and 2. It may well be necessary to use imported clay to ensure compliance with what has been agreed under Condition 6.4.1 with respect to emissions from Phases 3 and 4.

Technical Committee’s Evaluation:

The TC notes from the minutes of the Agency Board meeting on this application that the Directors decided the ratio of the amount of waste to the amount of cover and lining in Phase 3 and Phase 4 is too low and that this is environmentally unsustainable. The TC concurs with this view. The TC notes that Table 2.1 ‘Quantities of waste to be accepted at the proposed site’ of Volume 2 of the EIS gives the average depth of fill as 1.65m for all phases (1 to 4) and allocates 0.75m for capping. The PD requires a combined thickness of lining (1m) and capping (average 0.75m) of 1.75m. The average fill depth in any of the phases is therefore 0.65m. No waste disposal of inert waste can take place, unless the depth of an area to be filled within Phases 1 or 2 is greater than 1.75m. The TC questions the viability of landfill operation in

any of the phases, including that of phases 1 and 2 and considers that requirements contained within the PD are for the controlled closure and restoration of the phases 1 and 2.

The TC notes that Condition 5.1 states:

'Waste may only be disposed of in those areas referred to as Phase 1 and Phase 2 and indicated on Figure D.2.2 Layout of Filling Phases of the application. Wastes shall not be disposed of in any cell in Phase 1 or Phase 2 without the prior agreement of the Agency.'

This Condition does not have any impact on the other Conditions referred to in the objection. The TC considers that the amended profile required by Condition 4.2 should be submitted. For clarity, the TC considers that the reference to Phases 3 and 4 should be deleted from Condition 4.2.1. The reference to re-profiling of slopes does not require waste to be deposited.

The material for the lining and capping systems is a matter for the licensee to source and will be subject to the agreement of the Agency prior to its placement. However, the TC notes that information submitted to the Agency on 25/7/00 in response to an Article 16 notice, states 'permeability test results indicate that the criteria of 1×10^{-7} m/s for inert landfill sites is not achieved by the underlying clay material in Phase 1 and Phase 4 of the development' and Phase 4 would be filled with a suitable low permeability soil. Therefore Phase 4 is not a suitable borrow area which is contrary to the suggestion in the objection.

Emissions to surface water must comply with the requirements of Condition 6.4. The TC considers that there is no issue with the requirements of Condition 6.4.3, which refer to the scenario of any potential discharge not meeting the earlier requirements of the Condition and its possible diversion, collection and transport off-site.

Recommendation:

Amend Condition 4.2.1 as follows:

An amended final profile for Phases 1 & 2 to reflect the surrounding existing landscape and to be no higher than that shown for Phases 1 & 2 in Figure G.1.1 - Layout of Filling Phase of the application.

Ground A.4 – Condition 5.3.1 All waste deposited at the working face shall be compacted as soon as is practicable and at any rate prior to the end of the working day.

Like Condition 4.5, this condition seems to be more appropriate for sites taking biodegradable wastes. Given the variable nature of the waste input and particularly its inert nature, the need to compact all deposited waste "by the end of the working day" is a little unreasonable. It is not a requirement of the Landfill Directive. I would be happy if this condition instead required compaction to be achieved within a somewhat longer period.

Technical Committee's Evaluation:

The TC notes that objector is probably referring to Condition 5.3.2. The TC notes that Condition 1.4 restricts the waste type to be accepted at the facility to inert waste only. Taking this into account the TC recommends that Condition 5.3.2 be changed.

Recommendation:

Amend Condition 5.3.2 as follows:

All waste deposited at the working face shall be compacted as soon as is practicable.

Ground A.5 – Condition 5.3.2 *The working face, or faces, shall each day at the end of the day, be covered with suitable material. Condition 5.4.1 Any cover material of any location within the facility which is eroded, washed off or otherwise removed shall be replaced by the end of the working day.*

I request that Conditions 5.3.2 and 5.4.1 are removed from the conditions of this draft licence. By the nature of its waste input, the landfill will not require daily intermediate cover. If 1000 tonnes of clay is accepted in a week and nothing else, what are we meant to cover it with, particularly when no other waste has been accepted at the site? There seems to be no environmental benefit of requiring all the inert waste to be covered, and I do not imagine that the Agency is proposing that inert C&D wastes are to be covered with virgin materials such as stone.

Technical Committee’s Evaluation:

The TC notes that objector in this case is in fact referring to Condition 5.3.3. The TC notes that Condition 1.4 restricts the waste type to be accepted at the facility to inert waste only. Taking this into account the TC recommends that Conditions 5.3.3 and 5.4 (5.4.1) be deleted.

Recommendation:

Delete Conditions 5.3.3, 5. 4 and 5.4.1.

Ground A.6 – Part I and Schedule A of the PD.

I request that the limitation expressed in Part I of the Proposed Decision at Class 1 is eased in the following manner. I also request a similar alteration to Schedule A, Waste Acceptance, Table A.1.2 – Waste Types for Disposal. Both of these elements preclude the disposal of concrete at the landfill site.

Notwithstanding the proposal to crush concrete to produce aggregates, there will be an inevitable mixed concrete-containing residue which will have to be disposed of. In any case, I would observe that Condition 5.6.2 sets down significant restrictions on the final disposal of C&D waste at the landfill part of this facility. The Agency is urged to see that Condition as providing the primary driver for waste recovery and the inevitability that concrete will end up in post-recycling residues.

I would also draw the Agency’s attention to what seems to be a serious discrepancy between Part I of the Proposed Decision (see Class 4) and Table A.1.3 in Schedule A. In my view, the caveats on waste types contained for Class 4 are worded much more restrictively than in Table A.1.3. Class 4 limits recycling activities to “concrete or brick material”, but the Table allows a much wider range of materials to be recovered.

In addition, I also request that Table A.1.3 – Waste Types for Recovery is amended so that timber, steel, non-ferrous/ferrous metals can be accepted at this facility for recovery. As the Agency will be aware, such materials are frequently found in C&D waste. Such waste will contain, for example, concrete reinforcing rods and timber from roofs, floors and other sub-structures.

I would therefore request that Part I, Class 4 of the Proposed Decision is amended by the deletion of “concrete or brick materials” and replaced by the words “construction and demolition wastes” (the Agency will be aware that these are defined in the Interpretation Section of the Proposed Decision) and that Table A.1.3 is amended in the manner set out in the previous paragraph.

Technical Committee’s Evaluation:

The TC notes that *Part I Activities Licensed* identifies the waste activities to be undertaken at the facility and *Schedule A Waste Acceptance* refers to acceptance of waste categories and quantities. The TC does not consider that Class 1 of the Third Schedule precludes the disposal of residue from the recovery of

concrete waste, but to provide further clarification the TC recommends that this be added to the Class 1 waste disposal activity. Any disposal of waste will be subject to the restraints required by the placing of landfill liner and capping systems. To provide a link between the Class 4 waste recovery activity and Table A.1.3 the TC recommends the wording for the class of activity be amended. The TC also considers that Table A.1.3 should be amended to include for the recovery of the following types of construction and demolition waste: timber, steel, non-ferrous/ferrous metals.

Recommendation:

Amend Part 1 Activities Licensed as follows:	
Class 1 of the Third Schedule:	
Deposit on, in or under land (including landfill):	
This activity is limited to the deposition of inert waste comprising of topsoil, subsoil, clay, stone, rock and slate, pottery and china, brickwork and natural sand, and residues from the recovery processes authorised under this licence.	
Class 4 of the Fourth Schedule:	
Recycling or reclamation of other inorganic materials:	
This activity is limited to the recovery of those wastes listed in Table A.1.3 including the segregation and/or crushing of concrete or brick material for recovery on and off site. On site use will be in road construction and off site use will be in the construction industry.	
Amend Schedule A : Waste Categories as follows:	
Table A.1.3 Waste Types for Recovery	
WASTE	
Topsoil	Solid Road Planings, Solid Tarmacadam, Solid Asphalt
Subsoil Brickwork	Natural Sand
Stone, Rock and Slate	Concrete
Clay	Timber
Pottery and China	Steel
Non-ferrous/ferrous metals	

Ground A.7 – Condition 5.2.4 Wastes shall only be accepted at the facility from waste contractors that have been agreed in advance with the Agency.

This condition is objected to on the basis that it would severely affect the competitiveness and commercial viability of the facility. The nature of the construction and demolition business is that, while the site will usually be accessed by regular users, new users will appear from time to time. As written, the Condition will preclude such users accessing the site. It will also mean that an Agency inspector will be faxed and phoned for prior approval each time this happens.

It is assumed that this condition is intended to prevent inappropriate wastes being deposited by cursory users of the facility. However, it is suggested that there are adequate controls elsewhere in this licence to ensure that new users to the site do not deposit inappropriate wastes. For example, Condition 2.1 requires a FAS-qualified manager or a deputy to be on-site at all times. It also requires any other members of staff to be adequately trained and aware of the requirements of the license (waste types being an obvious example). Condition 2.3 requires an Environmental Management System to be set up. This will include corrective action procedures in the event that unsuitable wastes are delivered. Condition 3.6 and 3.7 require a site office and waste inspection area to be established. Condition 5.2

sets down onerous waste characterisation procedures. Condition 10 requires detailed site records, including for non-confirming loads. I feel that these requirements establish a comprehensive range of controls which would clearly preclude this facility being used for unauthorised purposes. By comparison, Condition 5.2.4 not only does not add to these controls, but creates unnecessary bureaucracy to both the licensee and also to the Agency itself.

Technical Committee's Evaluation:

The TC notes that Condition 10 Records and specifically Condition 10.2 requires the licensee to maintain a written record of each load of waste arriving at the facility. This includes recording specifics of the carrier including name and if appropriate the waste carrier registration details, as well as the name of producer/collector of waste and source/location of origin of the waste. The TC considers these requirements sufficient and that there should not be a need to agree waste contractors delivering waste to the facility in advance. The TC also considers that the introduction of the Waste Collection Permit Regulations should control contractors involved in waste collection.

Recommendation:

Delete Conditions 5.2.4.

OBJECTION NO. 2

Cullen & Co. Solicitors on behalf of Patrick & Mary Sherry & Mr. & Mrs. Healy.

Ground 1. The previous conduct of Mr. Paul Joyce (“the Applicant”) in relation to the site would, in our opinion, suggest that he cannot be relied on to manage and operate the site as a waste facility properly and that he cannot be relied on to comply with the terms and conditions attached to the draft License attached to aforesaid notification. The grounds on which this objection is based are set out below.

1(a) *The Applicant commenced using the site as a waste facility approximately 20 years ago when he started using it as a dump for building rubble, bars, topsoil, bricks and other types of building material. It would appear that, in 1993/1994 the Applicant was operating the facility pursuant to a permit issued under the EC (Waste) Regulations 1979. On the 20th of December 1993, he put forward written proposals for the phased restoration of the site and, following discussions, this programme was accepted by South Dublin County Council. It was agreed, pursuant to these proposals, that the entire area subject to the permit would be returned to crop by October 1995. The aforesaid permit issued under the EC Regulations expired on the 9th of July, 1994 and was not renewed. Following the cessation of the permit, the land fill site was monitored on a regular basis by the Environmental Services Department of South Dublin County Council to ensure that the agreed closure programme was being fully complied with. However an investigation carried out by the Environmental Services Department of South Dublin County Council prior to the 6th of October, 1994 found that there was some evidence of timber and bricks etc. on the site. This was totally contrary to the closure plan which the Applicant had agreed with South Dublin County Council which only permitted the deposition of both subsoil and topsoil in order to cover the site and to return it to agricultural use. The Applicant was warned, in writing, by the Environmental Services Department of South Dublin County Council that he had no permit for either land filling or transfer station at the site and he was further warned of legal proceedings by South Dublin County Council in the event that there was any breach of the plan. In relation to this incident, reference is made to the correspondence and extracts of a report to the Parks, Community and Environmental Services Committee of South Dublin County Council attached at Appendix “A” to this objection.*

Technical Committee's Evaluation:

The TC notes that this objection refers to the planning status and previous permissions relevant to the facility and therefore isn't pursuant to the PD. The TC notes no submission or objection was received from South Dublin County Council in relation to this application. The TC notes that the applicant was assessed to be a fit and proper person in accordance with Section 40(4)(d) of the Waste Management Act, 1996.

Recommendation:

No Change.

1(b) In July 1996, the Applicant received another Permit to operate a landfill site for inert waste at the site subject to 22 conditions. The site was monitored on a regular basis by the Environmental Services Department of South Dublin County Council and its staff found it necessary to raise a number of issues with him in relation to a number of matters such as the piling of excavated material and unclean rubble. The Applicant undertook to South Dublin County Council to have the area properly contoured at approved levels by mid April 1997. This was not done and has not been done as of the date of this objection. Furthermore, the Applicant gave an undertaking that unclean rubble would not be allowed to accumulate at the site but, contrary to this undertaking, unclean rubble continued to accumulate thereon. We believe that this permit was revoked prior to its expiry because of the failure of the Applicant to comply with the conditions attached to the relevant Permit. In relation to this matter reference made to a letter dated the 1st of April, 1997 from South Dublin County Council to Councillor Charles O'Connor which is attached at Appendix "B" to this objection.

Technical Committee's Evaluation:

Condition 1.4 permits only inert waste to be accepted at the facility for recovery or disposal. The TC notes that the objector, in their submission to the Article 34 notice, refers to the requirement that wastes accepted at the site shall be subject to 'treatment' where technically possible and they are concerned that the operator will accept only wastes that cannot be treated. The TC considers that the requirement given in the Proposed Decision is reasonable, as it would be difficult for waste such as soil to under go treatment. Condition 5 and Schedule A of the Proposed Decision control facility operations and waste types/quantities accepted at the facility.

Recommendation:

No Change.

1(c) The Applicant failed, on a number of occasions to comply with requests made by the Electricity Supply Board ("ESB") in relation to the safe use of the site. We believe that in or about May 1996, the Applicant was requested to lower the ground level of the material at the site under the transmission line but this was never done. By way of letter dated 20th of July 1998 from the ESB to the Applicant, he was informed that the ground level under the relevant transmission line had been raised to an unacceptable level where it seriously infringed ESB electrical safe clearances. In that letter, the ESB directed the Applicant to rectify the infringement and to carry out specific works as set out in the said letter. The Applicant never complied with these requests or directions and the ground level under the transmission line has not in any way, been lowered and is still at an unacceptable and dangerous level notwithstanding the aforesaid requests/directions from the ESB. In relation to this matter reference is made to a copy of the aforesaid letter which is attached at Appendix "C" to this objection.

Technical Committee's Evaluation:

Condition 3.5.4 of the Proposed Decision requires the licensee to adhere to the recommendations from ESBI as per their correspondence dated 9th August 1999, Appendix 2 of the EIS, with regard to the transmission lines crossing the site. This condition also requires the licensee to consult with the ESB prior to submitting a traffic management plan for the site.

Recommendation:

No Change.

1(d) As well as failing to comply with conditions, requests and directions from Statutory Bodies, the applicant failed to remedy serious problems which were brought to his attention by people living in the local community. Towards the end of 1993, the water being piped to the houses used by the objectors became contaminated and turned black in colour. This contamination coincided with the Applicant moving over part of the dumping activities to an area of the site which was closer to the water supply (a river) of the families. The contamination was an extremely serious matter and rendered the water unfit for use by the families and, in one case, led to illness in a family. The Applicant was made aware of this at a meeting and he implicitly accepted responsibility for the contaminated water supply as he offered to pay the doctors fee's involved (which offer was not accepted). Notwithstanding being made aware of this serious problem and of being requested to take steps to remedy it, the Applicant failed to take any such steps and did nothing to remedy the situation. The Applicants failure in this regard made it necessary for the objectors to dig their own well at considerable expense to themselves. In this regard, we refer to the photograph showing the river constituting the water supply which shows discoloured rock and water contained there in at Appendix "D" to this objection.

Technical Committee's Evaluation:

Condition 6 of the PD controls emissions to surface water and groundwater at the facility. Condition 8.7 requires the licensee to include all private wells within 250m of the facility in the monitoring programme and Condition 9.4.3 requires the licensee to provide an alternative water supply where the monitoring programme indicates that the facility is having an adverse affect on the water quality. The TC notes that Condition 12.2.2 of the Proposed Decision requires the licensee to put in place financial provision prior to the commencement of any waste activity.

Recommendation:

No Change.

1(e) It should be noted that, despite the agreement reached with South Dublin County Council in 1994 and despite the undertakings of the Applicant given at that time, as referred to above, the site has not been restored to agricultural use and that there is still a very substantial deposit of rubble and other waste thereon. Further reference is made to this in paragraph 2 below.

Technical Committee's Evaluation:

Restoration of the facility is controlled by Condition 4 which requires agreement with the Agency regarding the final profiles of the completed phases in order to reflect the surrounding existing landscape.

Recommendation:

No Change.

1(f) *It should also be noted that the Applicant's previous use of the site as a dump led to an unsightly and disordered dumping of all types of materials thereon. In this regard, reference is made to the photographs of the site which photographs it is believe, were taken in or about 1993 by South Dublin County Council. These are contained in Appendix "E" to this objection.*

Technical Committee's Evaluation:

The PD permits inert waste only to be deposited in phases 1 and 2 subject to lining and capping restrictions. Condition 3.16 requires visual screening of the recovery area using earth embankments.

Recommendation:

No Change.

We respectfully submit that the foregoing demonstrates that the Applicant has, consistently and on a repeated basis, failed to observe the terms and conditions relating to the use of the site as a waste facility, failed to comply with directions relating to safety of the site and showed a disregard for the well being and welfare of the local residents. His failure in relation to these matters is further borne out by the fact that it was necessary for South Dublin County Council to issue a warning letter to him in relation to the closure plan which he agreed in 1994 and that it may have been necessary for South Dublin County Council to revoke the second License which was granted to him in July 1996. We respectfully submit that this shows that the Applicant cannot be relied on to comply with the conditions attaching to the draft Licence or to properly manage and operate the site as a waste facility.

Technical Committee's Evaluation:

The TC notes that the applicant was assessed to be a fit and proper person in accordance with Section 40(4)(d) of the Waste Management Act, 1996.

Recommendation:

No Change.

Ground 2. We do not believe that the site in respect of which the proposed licence was granted is suitable for a landfill waste site. Our reasons for this submission are as follows:-

2(a) *The site has been used and, we believe, would be used as a waste site by simply accumulating rubble thereon. At the moment, rubble and related waste materials have accumulated on the site so that the level of accumulated waste is a height of over 100 feet above the river. This looks over neighbouring land including the home and farm of the objectors. By way of illustration, reference should be made to the photograph of the accumulated rubble which is contained at Appendix "F" to this letter. This is clearly an unsuitable and improper use of the site, particularly in view of the fact that the site is to be returned to agricultural use. If the Applicant continued to use the site as a waste facility, the level of accumulated debris would clearly become a lot higher.*

Technical Committee's Evaluation:

Restoration of the facility is controlled by Condition 4 which requires agreement with the Agency regarding the final profiles of the completed phases in order to reflect the surrounding existing landscape. The height of stockpiles of waste for recovery is restricted by Condition 5.6.1. This

limits the height to criteria set out in the application for noise attenuation. The TC considers that the maximum height of stockpiles of waste for recovery should also be specified within this condition.

Recommendation:

Amend Condition 5.6.1 as follows:

Stockpiles of **waste for recovery or recovered waste** shall not rise above the height of the noise screens required by Condition 3.16.1(b) **and shall not exceed 2.5m in height from the surface of the concrete slab. The licensee shall install profiles at two locations, to be agreed with the Agency, to monitor this maximum height requirement.**

2(b) *The height of the accumulated waste at the site causes emissions such as dirt and dust to be blown from it down on to the neighbouring property of the objectors. This clearly creates a hazard and nuisance for the surrounding properties including those families living around it as it tends to make everything dirtier than it would be otherwise. In addition, it creates a concern for the health and welfare of the families in the local area. We believe that the contaminated water supply, as referred to in paragraph 1 above, is an example of the potential health hazards caused by the operation of the site as a waste facility and we believe that, as well as the water supply, the local soil and air could become contaminated leading to problems relating to health, the emissions interfere with the day to day life of the people living around the site.*

Technical Committee's Evaluation:

Condition 7 of the PD controls nuisance factors at the facility. See also TC's response to Ground 1(d) and Ground 2(a) above.

Recommendation:

No change.

2(c) *The location and height of accumulated rubble at the site causes problems in relation to overhead electric wires as referred to in paragraph 1 above. In this regard, reference is made to the correspondence with the ESB referred to at Appendix "C". We believe that this letter, as well as demonstrating the Applicants failure to comply with reasonable directions of a Statutory Body, also shows the serious dangers inherent in the use of the site as a waste facility.*

Technical Committee's Evaluation:

See TC response to Ground 1(c) above.

Recommendation:

No change.

2(d) *Mr. Patrick Sherry is aware, that toxic material is buried in the site. This toxic waste was left at the site approximately 20-30 years ago on a regular and consistent basis by the previous occupant of the site. Mr. Sherry believes that this toxic waste was delivered in lorries which travelled from County Cork and he was informed, at that time, by persons involved in the dumping of the waste that the waste consisted of dangerously toxic materials. We (including Mr. Sherry) are greatly concerned that any work carried out on the site other than the use of it for agricultural purposes, would disturb this toxic material, release it in to the atmosphere thereby causing a serious health hazard for the surrounding community. As well as toxic waste, we*

believe that there are a considerable number of dead animals buried in the site and we are concerned that these would also be disturbed by the further use of the site as a waste facility.

Technical Committee's Evaluation:

The objector gives no details of the type or quantity of waste referred to. The TC response to Ground 1(b) deals with waste to be accepted at the facility. Condition 8 and Schedule D of the Proposed Decision sets out monitoring requirements at the facility. Ground 1(d) deals with the monitoring of private wells. Schedule D: Monitoring of the Proposed Decision also specifies monitoring requirements for surface water, groundwater, landfill gas and dust. Condition 1.7 defines an 'incident' and Conditions 11.2 and 9.1 set out procedures for dealing with any incident.

Recommendation:

No change.

2(e) *The access routes to the site do not render it suitable for such use. The areas in question are serviced by a narrow substandard rural road which joins the Blessington Road at the Embankment Public House. This junction is extremely hazardous and would become increasingly so given the volume of traffic that would use the proposed site. In this regard, we refer to the letter dated 29th of July, 1999 from Fehily Timoney & Company, Consultant Engineers to Counsellor John Hammon which sets out, in some detail, the activities which will be carried out on the site. This letter is contained at Appendix "G" to this objection. The letter is instructive in relation to the scale of activity to be carried out on the site and the types of materials to be used thereon. It is also interesting to note that it is intended that approximately 73,000 tonnes per annum of construction and demolition waste will be deposited at the site. The transport of this amount of waste will clearly involve a considerable number of very heavy trucks using the access roads at any one time and we believe that the said roads are not suitable for this level of traffic. In addition, we believe that the said trucks will throw up a lot of dirt on the relevant roads and will further add to the level of dirt in the area.*

Technical Committee's Evaluation:

The TC considers the responsible authority to deal with the issue of road suitability in this instance is the planning authority. If the applicant requires planning permission, it must be obtained in accordance with other statutory requirements. This licence is for the purposes of waste licensing under the Waste Management Act 1996 only and nothing in this licence shall be construed as negating the licensee's statutory obligations or requirements under any other enactments or regulations. With regard to the issue of dirt on roads, Condition 7 of the Proposed Decision requires the road network in the vicinity of the facility to be kept free from any debris caused by vehicles entering or leaving the facility.

Recommendation:

No change.

2(f) *Some of the property adjoining the farm of the aforementioned Sherry family is to be acquired under a compulsory Purchase Order by a Local Authority. It is being proposed that the entrance to the said property will be moved. In the event that the License contained in the Proposed Decision is granted, the only available access to the said farm will be through the entrance to the proposed waste site. The Sherry family consider it to be totally inappropriate that the only access to their home would be via a waste site. In this regard, we refer to the map showing the proposed new road which is contained at Appendix "H" to this objection.*

Technical Committee's Evaluation:

The TC considers the matter of compulsory purchase order and access to the home and lands of the Sherry family is a matter for the Local Authority and Sherry family to agree on.

Recommendation:

No change.

2(g) *We are greatly concerned at the public health implications of the proposed site. There is a strong possibility that items left in the site would contaminate the local water supply, environment and in this regard we refer to matters relating to the water supply and emissions to the atmosphere already contained in this objection. In this regard, reference is also made to the details relating to the ESB lines referred to above.*

Technical Committee's Evaluation:

See TC's response to Grounds 1(c) and 1(d) above.

Recommendation:

No change.

2(h) *The operation and use of the site as a waste site would have a severely adverse impact on the visual amenity of the local area. In summary, we believe that it is very unfair that we, by reason of the existence of a waste facility at the site would/are not able to enjoy views which can normally be enjoyed by people living in an agricultural area. In this regard, reference is made to the photographs contained in Appendix "I" attached to this objection. References are also made to these photographs for the purposes of demonstrating the proximity of the level of accumulated waste to the overhead electric wires.*

Technical Committee's Evaluation:

See TC's response to Grounds 1(e), 1(f) and 2(a) above. The TC also notes the fact that it is intended to return the site to an agricultural type landscape.

Recommendation:

No change.

2(i) *The use of the site in terms set out in the Proposed Decision would be inconsistent with a commitment which was given by South Dublin County Council. As already referred to, in 1994, the County Council agreed a "closure plan" with the Applicant wherein he was to cease using the site as a waste facility and was to restore it to agricultural use. This was the stated objective of South Dublin County Council as referred to in the various minutes and correspondence contained at Appendix "A" to this objection and more specifically in a letter from Deputy Chris Flood TD to Mr. Pat Sherry wherein Mr. Sherry was informed that "the objective of the Council is to complete the reinstatement of and place topsoil over the entire area and restore it to its natural appearance". It is clear from this that the Councillor has been given a commitment to restore the site to agricultural use and that this commitment was communicated to the objectors. In this regard, we refer to a copy of the said letter from Deputy Chris Flood which is contained at Appendix "J" to this objection. The use of the site in terms of the Licence contained in the Proposed Decision would clearly be inconsistent with this.*

Technical Committee's Evaluation:

The restoration and aftercare of the facility is controlled by Condition 4 of the PD. The TC responses to Grounds 1(b), 1(e) and 2(a) also deal with this matter.

Recommendation:

No change.

2(j) *Furthermore, the use of the site would be inconsistent with the zoning of the area in question which is zoned agricultural with the objective "to protect and provide for the development of agriculture". In our view, the use of the site in the manner proposed would hinder the development of agriculture in the area because of the non availability of the site for agricultural purposes and because of concerns relating to contamination in the surrounding land.*

Technical Committee's Evaluation:

TC responses to Grounds 1(b), 1(e), 2(a) and 2(i) deal with the matters referred to.

Recommendation:

No change.

2(k) *The use of the site as a waste site would have a negative impact on the value of properties in the area many of which have been benefited from significant investment in recent years. If the site is allowed to operate as a waste site, the value of this investment would be seriously eroded.*

Technical Committee's Evaluation:

The TC considers that the conditions in the licence are such that they will prevent environmental pollution and reduce the impact outside the boundary of the facility.

Recommendation:

No change.

2(l) *Further reference is made to the letter from Fehily Timoney & Company contained at appendix "G". This demonstrates that the site will be very active. The level of activity involved which would include personnel, industrial machinery, lorries and other traffic, would constitute a serious interference with the day to day lives of the local community. We are particularly concerned at the hazard and the level of noise and dirt that such activity would cause. We believe that it would be unfair to impose this interference and inconvenience on us.*

In support of our objection, we also refer to the photographs, correspondence, decisions, reports and other documentation contained at Appendix "K" to this objection.

For these reasons, we respectfully submit that neither the proposed Licence nor any Licence be granted to the Applicant or any person in relation to the use of lands as a waste site.

Technical Committee's Evaluation:

The TC considers its response to Ground 2(e) deals with the issue of roads and traffic. Emission limit values for noise are set in Schedule C of the Proposed Decision.

Recommendation:

No change.

Signed:

Peter Carey
Technical Committee Chairperson