

INSPECTORS REPORT

WASTE LICENCE REGISTER NUMBER 91-1

Cavan County Council application to operate Bailieborough Landfill.

Inspector's Recommendation: To grant a Waste Licence subject to conditions.

(1) Introduction:

Bailieborough Landfill is located on the outskirts of Bailieborough town and comprises some 2.23 hectares. It is situated off an unpaved lane, the Bog Pass, which runs between the Bailieborough-to-Virginia (R178) and Bailieborough-to-Kells (R191) roads. This unlined landfill has been in operation since the late 1960's on a dilute and disperse basis. The landfill lies against the bottom of a drumlin and invades a low-lying wetland which was previously exploited for turf. There are at least 20 residences, a large school, a church and a graveyard located within 400 metres of the facility boundary. The nearest residence is approximately 100 metres west of the facility. The only infrastructure currently on-site is a bring centre and a small portacabin.

The area for which a waste licence application has been made is not entirely owned by the applicant. Several strips (related to turbary rights) are privately owned or unregistered. The landfilling footprint had been gradually extending southwards onto new turbary strips. However, in further information submitted by the applicant to the Agency on 16th May 2001, the applicant indicated that they had not secured access from their owners for three of the southernmost turbary strips, and the applicant indicated that they wished the facility boundary to exclude these three plots. This revised boundary is the one permitted by Condition 1.2. As a result of failing to acquire agreement on these three plots, the applicant estimated in May 2001 that only approximately 1,000 cubic metres of void space remained. I believe this void space is likely to have been exhausted by now.

The applicant applied for the following waste activities:

- Third Schedule relating to Disposal Activities
 - Class 1, Class 4 and Class 13.
- Fourth Schedule relating to Recovery Activities
 - Class 2, Class 3, Class 4, Class 11 and Class 13.

The Recommended Proposed Decision prohibits the disposal of wastes (Classes 1 and 4 of the Third Schedule) at the landfill but permits the recovery of inert wastes (Classes 2, 4, 11 and 13 of the Fourth Schedule) for the purposes of capping and restoring the landfill for the reasons set out in Section 9 *Reasons for the Recommendation* of this report. The Recommended Proposed Decision allows for the continued operation of a Bring Centre (including the shredding of green waste such as Christmas trees) (Class 13 of the Fourth Schedule) and its upgrading, subject to the prior approval of the Agency, to a supervised Civic Waste Facility (Class 13 of both the Third and Fourth Schedule). Class 2 of the Fourth Schedule is prohibited in respect of the composting of waste as the applicant stated in response to an Article 16(1) Notice that no composting would be undertaken at this facility. Class 3 of the Fourth Schedule is prohibited as the applicant incorrectly applied for this class to allow for the collection of metal for

eventual recycling at other facilities whereas Class 13 of the Fourth Schedule, which is recommended for licensing, provides for this activity.

Quantity of waste applied for	10,000 tonnes per annum (tpa) of household, commercial, sewage sludge, construction & demolition, industrial non-hazardous liquids and industrial non-hazardous solids.
Quantity of Waste Permitted by the Recommended Proposed Decision	80,000 tonnes maximum of inert waste at the landfill for cover, capping and restoration purposes only. 5,100 tpa segregated municipal waste and 3,550 tpa segregated commercial waste at a Bring Centre (or a Civic Waste Facility if installed in accordance with Condition 3).
Environmental Impact Statement Required	No
Number of Submissions Received	38

Site Visits

DATE	PURPOSE	PERSONNEL	OBSERVATIONS
18/5/99	Site Notice check and site inspection	E. Merriman	Site Notice compliant with Regulations.
5/4/00	Inspection following complaints	D. Shannon, K. Reynolds	Inadequate cover, litter and uncovered waste, crows present, holes in fence, no leachate control, strong odour especially near the sludge lagoon which was not covered.
16/2/01	Site inspection	E. Merriman and M. Henry	Waste footprint limited on southern end by property constraints and now progressively rising in height.

(2) Facility Development

Currently waste is being tipped into an unlined area. As the Recommended Proposed Decision does not provide for the continuation of waste disposal at the landfill, infrastructure normally associated with a landfill, for example a weighbridge, is not required for this facility.

Condition 4 requires the restoration of the landfill to a maximum elevation of 161 mAOD (as proposed by the applicant) within 30 months. This will entail the provision of a final cap incorporating a passive landfill gas venting system, the landscaping of the cap and the reinstatement of a hedgerow along the eastern boundary. Condition 3 provides for the diversion of surface water arising upgradient of the facility around the landfill as it is currently piped beneath or through the waste footprint. Condition 3 also provides for the repair and/or installation of perimeter fencing (currently there is only a security fence along the Bog Pass lane), the paving of the access road to the facility and the provision of hardcore site roads (as proposed by the applicant), the provision of a hardstanding area adjacent to the facility entrance in order to provide for the safe passage of vehicles to and from the facility, a facility parking area and a suitable area for the Bring Centre. The elevation of this hardstanding area has been restricted to a similar elevation to that of the Bog Pass lane in order to provide for ease of access and for minimising the visual impact of the Bring Centre (which potentially can convert to a Civic Waste Facility subject to Agency

agreement, though the area would in such an event have to be a minimum of 900m² as per Condition 3.10).

Leachate from the landfill is impacting on groundwater and surface water resources. The emplacement of a final cap (Condition 4) and the diversion of surface water around the landfill (Condition 3) should greatly reduce the amount of leachate produced and thus its impact on water resources. Condition 11 requires a report on leachate control 12 months after the completion of the final cap in order to determine whether additional works, such as leachate collection/extraction or groundwater diversion, are warranted to further protect groundwaters and/or surface waters.

(3) Waste Types and Quantities

Table 1: Acceptable Waste Types and Quantities

Acceptable Waste Types	Quantity
Inert waste for the covering, capping and restoration of the landfill.	80,000 tonnes in total
Segregated Municipal and segregated Commercial wastes may be placed at the Bring Centre for recovery purposes only.	5100 tonnes per annum household and 3550 tonnes per annum commercial
The Bring Centre may be upgraded to a Civic Waste Facility with the agreement of the Agency (Condition 3). Condition 5 specifies that only private vehicles may use it. Segregated Municipal and Commercial wastes may be collected for recovery and disposal (at an appropriate facility).	5100 tonnes per annum household and 3550 tonnes per annum commercial

(4) Emissions to Air

Landfill Gas: The results of two surveys at the facility boundary indicated that the standard trigger level for methane (1.0% v/v) was not exceeded at boundary monitoring locations. However elevated levels of carbon dioxide(1.5 to 3.2% v/v) and hydrogen sulphide (1.5 ppm) were detected at some boundary locations. The physical shape of the waste mound, much of which is above the adjacent ground level, indicates that most landfill gas emissions are likely to be passing through the sides and top of the waste mound. However, the risk of migration will increase when the landfill is capped and Table D.1.1 provides for an array of migration monitoring wells, one of which is a new monitoring point between the landfill and receptors to the southeast (Condition 3). It is unlikely that sufficient landfill gas will be produced to warrant flaring or energy production. Condition 3 requires the installation of a passive venting arrangement, as proposed by the applicant, in conjunction with the final capping.

Odours: Condition 1 only permits the acceptance of inert waste at the landfill for restoration purposes while Condition 7 provides for the control of odours.

Noise: Although noise levels at a private residence on the nearby R178 Bailieborough-Virginia Road exceeded the daytime limit of 55 dBA, the primary cause was passing road traffic. Noise emission limit values have been set for a selection of noise sensitive receptors (Table D1.1).

Dust: Condition 7 provides for the control of dust nuisance.

Aerosols: As only inert waste is acceptable and as no leachate treatment currently occurs at or is proposed for the facility, no aerosol nuisance is anticipated.

(5) Emissions to Groundwater

The facility is situated on a non-continuous layer of peat interspersed with sandy gravel lenses underlain by boulder clay over limestone. Groundwater movement in the peats and clays is sluggish and flows in a generally western direction with the water table being located within the waste pile. The applicant considers that bedrock groundwater movement is predominantly towards the north-east. The bedrock aquifer is classed as generally unproductive except in local zones with moderate to high vulnerability (PI/M to H).

The results of downgradient overburden groundwater monitoring show evidence of elevated levels of and Maximum Allowable Concentration (MAC)¹ exceedances for ammonium (up to 4.8 mg/l), total phenols (0.6 mg/l), iron (up to 0.8 mg/l) and manganese (up to 4.71 mg/l) as a result of leachate. This represents a direct discharge of ammonium (a List II substance¹) to groundwater such that groundwater levels of ammonium exceed the MAC of 0.3 mg/l.

Bedrock water quality in the vicinity of the facility also had MAC exceedances for ammonium (up to 5.51mg/l), potassium (up to 19.9 mg/l), manganese (up to 3.84 mg/l) and iron (up to 0.42 mg/l). The source of this pollution has not been clearly established but the landfill is a likely contributor.

There are 12 private potable wells, which are located between 100 and 400 metres to the west and south of the facility. No information is at hand on the water quality of the private wells despite Article 16(1) and Article 16(4) requests for such information (the Agency subsequently wrote to the applicant to indicate that it intended to proceed with its consideration of the application in the absence of the information requested). According to the applicant, the private wells are located upgradient of the facility in terms of bedrock groundwater but downgradient in terms of overburden groundwater flow. However, monitoring of water quality in the boreholes MW12S and MW12D, which are located immediately adjacent to most of these private wells, indicated that groundwater quality in that area is polluted as MAC's for ammonia, total phenols, potassium, manganese and iron have been exceeded. Additional monitoring will confirm the source of this pollution. The Agency wrote to Cavan County Council, in view of its responsibilities under the drinking water regulations², to inform it that there is a significant risk that these private wells may be also polluted due to their proximity to the MW12 boreholes.

Condition 8 requires ongoing groundwater monitoring, including all private wells within 300 metres of the facility. Condition 9 provides contingency arrangements should these private wells be significantly effected by leachate. Condition 2 requires the establishment of a Communications Programme which, it is envisaged, will make available private well water quality analyses to their owners. It is likely that an additional borehole, following an assessment of groundwater flow direction, will be required (Condition 3.11) in order to comply with the Landfill Directive.

(6) Emissions to Surface Waters

¹ List I and List II substances as set out in the annex to the Directive on the Protection of Groundwater against Pollution caused by certain Dangerous Substances (80/68/EEC).

² European Communities, Quality of Water Intended for Human Consumption Regulations, S.I. 81 of 1988.

The landfill straddles a watershed with surface water in the vicinity of the facility entering (i) the Chapel Stream which flows northwesterly into Chapel Lough, and (ii) a tributary of the Barora (or Moynalty) River which flows southwards. Both watercourses discharge ultimately to the Blackwater (Kells) River which itself discharges to the River Boyne. The impact of the facility on the Barora River was not addressed by the applicant as they considered that any surface water impacted by the facility was discharging to the Chapel Stream. However, there is evidence that some of the flow from the wetland adjacent to the landfill makes its way to the Barora River, and Condition 8 requires its water quality to be monitored in addition to the Chapel Stream. There is currently no point discharge to surface waters but one will be created as part of the capping programme, and Condition 8 requires the monitoring of this discharge.

The results of surface water monitoring highlight the impact which the facility is having on the Chapel Stream. In particular, ammonium levels up to 29.9 mg/l have been recorded in the Chapel Stream downgradient of the facility compared with the background level of <0.05 mg/l while nitrate levels are also elevated downstream (6.0 mg/l) when compared to the upstream level of 2.7 mg/l. Leachate from the landfill is causing a breach of the 95th percentile standards³ of 1.0 mg/l for total ammonium and 5.0 mg/l for Total Oxidised Nitrogen in the Chapel Stream.

There is a drainage pipe running from a surface water ditch upgradient of the facility underneath the south eastern corner of the waste footprint. Condition 3 requires that this pipe is diverted around the landfill so as to separate clean water from leachate. Condition 4 requires the installation of a final cap which has been profiled to maximise precipitation runoff. These measures, via a reduction in the quantity of leachate generated, should improve the quality of water in the Chapel Stream. Condition 3 also prohibits the discharge of leachate into surface water drains and courses. Condition 11 requires a report on leachate control effectiveness after a suitable time period has elapsed following the installation of the final cap.

(7) Other Significant Environmental Impacts of the Development

Nuisances/Public Health: There have been several submissions and complaints in relation to vermin, fly, bird, odour and litter nuisances emanating from this facility. The Agency's waste mobile unit during a visit on 5/4/00 found the application of daily cover was either not occurring or else inadequate. Only inert waste may be deposited at the landfill for restoration purposes (Condition 1), and Condition 5 requires the provision of intermediate covering over the landfill within three months of licence issue. Condition 11 requires a proposal on the control of rats and flies within three months of licence issue. The Recommended Proposed Decision provides for the control of vermin/flies/birds/odours (Condition 7) and weekly inspections for nuisances (Condition 8).

Visual Impact: The landfill, due to the elevated position of the active tipping areas, is causing a significant negative visual impact to several residences to the south and west, to users of the Bailieborough-Virginia Road (R178) and to walkers on the Bog Pass lane which passes along one side of the facility. Condition 4 requires restoration of the landfill to be completed within thirty months of grant of licence and sets a maximum elevation of 161m AOD. The resultant domed landfill will be alien in the landscape, but with the backdrop of a drumlin hill, it will be relatively camouflaged for most aspects. Condition 4

³ The Draft River Boyne Water Quality Management Plan, November 1997.
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requires the provision of a hedgerow alongside the Bog Pass and the landfill to be landscaped as a habitat for local flora and fauna. Additionally, the hardstanding area required by Condition 3 is restricted to a similar elevation to the Bog Pass lane (153 mAOD) so as to minimise visual intrusion by activities that will (or may) occur there.

(8) Waste Management, Air Quality and Water Quality Management Plans

1. Draft Waste Management Plan for Connaught Region 1999–2004 (November 1999). This plan envisages Bailieborough Landfill remaining open as long as licence conditions permit. It envisages that Corranure Landfill will continue to accept waste arisings in County Cavan in the medium to long term. Corranure Landfill was granted a waste licence on 12th June 2001.
2. Draft County Cavan Water Quality Management Plan (January 1984): This plan specified salmonid water quality standards for the River Blackwater (Kells) and the Moynalty (Barora) River.
3. The River Boyne Water Quality Management Plan (draft plan, November 1997). This plan specifies certain water quality standards for the River Boyne system.
4. There is no air quality management plan for Co. Cavan.

(9) Reasons for the Recommendation

I recommend that a waste licence be granted and that the waste activities be subject to conditions and limited as follows:

- Class 13 of the Third Schedule: to the temporary storage of unacceptable waste and to wastes accepted for disposal at a Civic Waste Facility pending their dispatch from the facility;
- Class 2 of the Fourth Schedule: to the shredding (not composting) of green waste for reuse and the acceptance of wastes for the restoration of the landfill.
- Class 4 of the Fourth Schedule: to the acceptance of wastes for the restoration of the landfill;
- Class 11 of the Fourth Schedule: to the use of compost as a soil enhancer in the restoration of the facility; and,
- Class 13 of the Fourth Schedule: to the temporary storage of green waste, glass, textiles and aluminium in a Bring Centre/Civic Waste Facility, and any other materials agreed in advance with the Agency, and to the storage of waste which will be used in the restoration of the facility.

I recommend that the following waste activities be refused:

- Class 1 of the Third Schedule: the continued operation of the landfill (ie. the deposit of municipal, commercial and industrial wastes);
- Class 4 of the Third Schedule: the acceptance of sludges into lagoons for disposal; and,
- Class 3 of the Fourth Schedule: the recycling or reclamation of metals.

In coming to this recommendation, I consider that the continued landfilling of municipal, commercial and industrial waste at the facility would not comply with the requirements of Section 40(4) of the Waste Management Act 1996. In particular, I have had regard to the following:

- I consider that this landfill has no void space remaining for the continued acceptance of waste for disposal.

- Leachate from the landfill is causing environmental pollution of the Chapel Stream as is evident from the elevated ammonium and nitrate levels downstream of the facility.
- Leachate from the facility is polluting overburden groundwater downgradient of the facility as highlighted by the elevated ammonium, total phenol, manganese and iron levels.
- There is a reasonable possibility that leachate is contributing to or causing the pollution of bedrock groundwater in the vicinity of the landfill.
- The continued disposal of municipal, commercial and industrial waste at the facility would cause and add to the risk of environmental pollution to groundwater and surface water.
- The landfill is causing environmental pollution as it is adversely affecting the countryside due to imposing a significant negative visual impact on the locality. In order to improve the visual reintegration of the landfill into its surrounding urban/rural environment, the facility should be restored as soon as possible and its overall elevation should be kept to a minimum.
- The absence of proposals to upgrade the facility to BATNEEC standards in relation to lining waste disposal areas. Areas of the facility have had waste deposited on them without the provision of suitable lining or leachate collection since the waste licence application was lodged with the Agency.

Compliance with the conditions of the Recommended Proposed Decision will minimise the impact of the facility on the surrounding environment.

(10) Submissions/Complaints

An overview of the submissions received in relation to the waste licence application is provided. This includes a summary of all issues raised in the submissions.

37 submissions were received in relation to this application. The grounds stated and my response to each ground are set out under the relevant headings.

1. Odours.

This ground complains of the unbearable odours associated with the facility. On days with light winds, the odour blankets most of the town. Odour is also bad during frosty weather. People have to keep their windows closed in order to reduce the impact of the odour.

Only inert waste may be deposited at the landfill for restoration purposes (Condition 1). The capping and restoration of the facility will minimise odour arising from the facility. Potential odour nuisances are controlled by Condition 8 of the Recommended Proposed Decision.

2. Rats/Flies/Vermin/Birds

This ground states that large numbers of rats populate the area around the landfill putting the health of the community at risk. If any vermin control occurs, it is ineffectual. Children's toys which have been left outdoors must be washed as they may have been contaminated by rats. People in near-by residences who open their windows are likely to be invaded by large numbers of flies, particularly in warm

weather. The nearby Bailieborough Community School is plagued by flies. These flies create unhygienic conditions for the residents and interfere with their normal enjoyment of their properties, including the eating of meals. There is no possibility of eating outdoors on account of the flies. These households have to keep windows shut even in hot weather as otherwise they are invaded by flies. People have to resort to daily spraying of their houses in order to control the fly infestations. Visitors always comment on the amount of flies thus causing embarrassment. Birds carry rubbish from the dump onto surrounding properties and foul people's cars with their droppings.

Refer to Section 7 of this report.

3. Health

This ground states that peoples health may be affected by the landfill. Rats, flies and birds associated with the landfill create unhygienic conditions in nearby residences and may be vectors for the spread of disease. The amount of skin infections, gastro-enteritis and other microbial infections increase during the summer months as a result of all the insect activity associated with this dump. There can only be detrimental health effects on people who drink water contaminated by leachate.

Refer to Section 7 of this report and Ground 7 below. No direct evidence of a negative impact on health was submitted. The Recommended Proposed Decision provides for the monitoring of potable wells (Condition 8) and contingency arrangements in the event of their contamination (Condition 9).

4. Closeness of Housing, School, Playing Fields, Leisure Centre and Town to the Facility

This ground states that the landfill is situated too close to the town. It should be built away from the town. There is a 700-pupil community school and associated playing fields, located approximately 300 metres from the facility, which is also utilised outside school hours by various groups such as the Shamrocks Football Club, the scouts and a music school. The landfill is located within the 30 mile per hour speed limit signs of the town. There is a new leisure centre located approximately 250 metres north of the landfill. There are many nearby residential properties.

The Recommended Proposed Decision provides for the closure, restoration and landscaping of the landfill within 30 months (Condition 4). However the Recommended Proposed Decision allows for the continued operation of a Bring Centre which, subject to the prior approval of the Agency, may be upgraded to a Civic Waste Facility. The Bring Centre and Civic Waste Facility are restricted to private vehicles only, and they cannot be used as waste transfer station (Condition 5). The conditions of the Recommended Proposed Decision provide for the protection of the local environment.

5. Visual and Aesthetic Impact

This ground states that the landfill is visibly disruptive and is unacceptable from an aesthetic point of view. It is having an adverse effect on local moral and tourism. This terrible sight has effected nearby residents for 35 years and is getting progressively worst. It is turning into a mountain of waste. It is visible from nearby

residences. A limit should be placed on the height of the landfill as it continues to increase in height.

Condition 4 requires the landfill to be restored within 30 months of licence issue to a maximum height of 161 mAOD Malin. Condition 4 also requires the creation of a hedgerow at the facility boundary alongside the access lane and the landscaping of the rest of the facility. These conditions provide for the visual amelioration of this facility.

6. Surface Water

This ground states that the landfill is having an adverse impact on local surface water courses. Levels of ammonium in Chapel Stream downstream of the landfill far exceed the Salmonid Regulations (SI 293 of 1988) limit of less than 1 mg/l. There is a risk to Chapel Lough and Bailieborough Lough which are located downstream of the landfill. There are too few monitoring stations and Chapel Lough should be surveyed. When the landfill is capped, the expected reduction in leachate levels will be insufficient to reduce ammonium levels in the receiving waters sufficiently. Therefore the leachate should be completely contained. It is not accepted that the elevated levels of iron and manganese recorded downstream of the facility are a function of the geology of the area but rather they are a function of leachate contamination. A local farmer had to fence off a stream so as to prevent cattle from drinking there as it was polluted by the landfill. This farmer is afraid to clean out this stream as this action may result in contaminated waters which lie on the surface of the boggy area adjacent to the landfill being released to Chapel Lough.

From surface water sampling carried out in January 1999, surface water iron levels increased downstream of the facility whereas manganese levels decreased when compared with the background monitoring station. Condition 3 provides for surface water management. Condition 4 requires the landfill to be capped and restored within 30 months of licence issue. This should greatly reduce the impact of leachate on the receiving waters, and Condition 11 requires a report on the effectiveness of the cap in this regard. Condition 8 requires monitoring of the Chapel Stream downstream of the facility and a new sampling station on the Barora River downstream of the facility. In the event of any incident (Condition 1.6) involving discharges to surface water, the Eastern Regional Fisheries Board must be notified in addition to the Agency. These conditions provide for the amelioration of surface water impacts.

7. Ground/ Groundwater Pollution

This ground states that there is no control over what is being dumped at the landfill. The proposal for dilute and disperse dumping infringes on the Groundwater Directive. Liquids are seeping from the landfill into the low lying area to the south. There is a great danger of pollution of potable wells located near the landfill. The council has not addressed peoples concerns over the quality of water in their wells. The council have not communicated the results of a test on a private well to the user of the well.

Refer to Section 5 of this report. Schedule A restricts the types and quantities of wastes that can be accepted at the landfill to inert waste. Condition 3 requires surface water diversion, and Condition 4 requires the facility to be capped. This will reduce the amount of leachate produced. Condition 11 requires a report on the impact of leachate on groundwater resources once the cap has been installed in order to determine whether further controls might be warranted. Twelve private wells were identified by

additional information submitted by the applicant and by third parties during the application process as being located within 300 metres of the facility to its west and south. An Article 16(1) notice, followed by an Article 16(4) notice, requested the analysis of water quality in these wells, but the requested information was not submitted.

8. Waste Footprint Increasing

This ground states that the Cavan County Council has been intermittently extending the landfill by purchasing bogbanks. Why was a boundary fence never erected on the bog sides of the landfill unless its absence was to facilitate a creeping expansion of the landfill. They do not appear to seek planning permission for these extensions. The waste footprint is creeping closer to houses to the south of the facility. The landfill has recently expanded onto a bogbank they do not own against the wishes of the owner. This recent expansion has involved the knocking down of trees.

Condition 1 defines the area on which waste activities can occur. In line with the further information submitted to the Agency by the applicant on 16/5/01, the facility boundary is restricted to bogbanks owned by the council or bogbanks where an agreement has been reached with the owner. Condition 3 requires the erection and maintenance of boundary fencing.

9. Traffic

This ground states that traffic flow is disruptive to local residents and that the Bailieborough-to-Virginia Road (the R178) is not suitable for the volume of traffic.

The issue of traffic associated with this facility is beyond the scope of the Recommended Proposed Decision and is a matter for the roads authority.

10. Litter

This ground states that litter falls from vehicles on their way to the facility, that litter is blown and carried by birds onto the surrounding areas. The request by Cavan County Council for private users to place their rubbish in bags as a litter control device has not worked because birds tear open the bags and in any event commercial users continue to bring loose waste to the landfill. A local farmer believes that plastic bags emanating from the landfill were responsible for the death of a number of animals.

Condition 7 provides for the control of litter.

11. Poor Waste Covering Practices at the Landfill

This ground states that deposited waste is not being adequately covered at the landfill, especially over weekends. Sewage sludge and meat processing waste have been left exposed at the landfill.

A routine Agency site inspection has shown that waste at the waste tipping face was not being routinely covered at the end of each working day. Condition 5 requires the landfill to be covered with intermediate covering within three months of licence issue. Condition 1 restricts waste intake to the landfill to inert waste only. Inert waste by its nature will not require the use of daily cover.

12. Property Devaluation

This ground states that the landfill is having a negative effect on nearby property values. The applicant should by right buy properties adjacent to the facility.

The Recommended Proposed Decision provides for the control of emissions and nuisances arising from this existing facility. The Recommended Proposed Decision provides for the closure and restoration of the landfill within 30 months of the date of grant of the licence.

13. The Landfill is a Hindrance to Development of the Area

This ground states that the presence of the landfill is impeding industrial, commercial and residential development of this area of the town. The facility is located off the town's artery route (R178) to the N3 national primary road. Approximately 24 hectares of land on the edge of the town cannot become available for housing while the landfill remains open. The negative visual impact of the landfill as you approach the town from Virginia is detrimental to tourism.

The Recommended Proposed Decision provides for the control of emissions and nuisances arising from this facility, for the closure and restoration of the landfill and for landscaping works.

14. Loss of Amenity

This ground states that a potentially beautiful walk from the Virginia Road (R178) to the Kells Road (R191) via the Bog Pass lane (also referred to as Sandhole Lane), off which the facility is situated, is lost as an amenity to the community. The enjoyment of the nearby Bailieborough Swimming & Leisure Centre is reduced due to the smells and swarms of flies emanating from the landfill.

See also response to grounds above. Condition 3 requires the access lane from the Virginia Road to the facility entrance to be paved as proposed by the applicant. Condition 4 requires the restoration of the landfill. As part of this process, a hedgerow must be established along the facility boundary where it runs along the Bog Pass within 12 months of licence issue (Condition 4). Condition 3 requires the maintenance of boundary fencing. These conditions should improve the appearance of the facility to walkers on the Bog Pass.

15. Dust/Smoke

This ground states that dust and smoke cause air pollution.

Condition 9 forbids the burning of waste at the facility and requires any fire to be treated as an emergency. Condition 7 provides for the control of dust.

16. Failure to Employ BATNEEC (best available technology not entailing excessive cost)

This ground states that the application did not represent any technology let alone best available technology. The dilute and disperse model for the treatment of leachate from this landfill is causing serious contamination of receiving waters.

The applicant did not propose lining for areas of the facility upon which they proposed to deposit waste. Subsequent to the submission of the waste licence application, waste has been deposited on part of this "virgin" area. The Agency has had regard to BATNEEC in reaching a decision on the application for this facility.

17. Landfill Is Insufficiently Monitored

Condition 8 provides for the monitoring of emissions from the facility, while Condition 10 provides for the maintenance of appropriate records.

18. Waste Arisings from Outside Bailieborough

This ground states that with the closure of all other dumps in the surrounding towns, Bailieborough Landfill has become a regional dump with people coming from as far away as Dundalk.

The Recommended Proposed Decision provides for the acceptance of inert wastes only at the landfill. The source of the wastes accepted is a matter for Cavan County Council in this instance.

19. Poor Facility Management

This ground states that the facility is poorly managed. For example the severe fly infestations continue to occur despite promises of action by Cavan County Council to local residents.

Conditions 2 and 3.2 provide for the management of the facility while Condition 10 requires all complaints to be documented and responded to. See previous responses in relation to nuisances.

20. Lack of Control on Waste Intake

This ground states that there appears to be no proper monitoring of waste intake at the landfill.

Condition 1 restricts waste acceptance to the landfill to inert waste for restoration purposes only. Condition 5 requires a Waste Acceptance Procedure within six months of licence issue.

21. Noise

This ground states that noise is unbearable to a nearby resident. Diggers are constantly working from 7.45am to 5pm. It is akin to living on a building site.

Noise monitoring is required at three representative private residences within 300 metres of the facility (Schedule D). Schedule C sets daytime and night-time noise emission limit values at these monitoring stations.

22. Petition to Close the Dump

A large petition was received from Bailieborough Environment Protection Limited requesting the immediate closure of the landfill and requesting that a “greener alternative” be provided by Cavan County Council.

The Recommended Proposed Decision requires the orderly closure and restoration of the landfill. The Recommended Proposed Decision also provides for the continued operation of a Bring Centre and its upgrading to a Civic Waste Facility subject to the prior agreement of the Agency.

23. An Alternative Engineered Landfill Should Be Used for County Cavan

This ground states that Corranure Landfill (waste licence number 77-1) should accept all waste from County Cavan as it is an engineered landfill. One well run landfill should suffice for the whole country.

The Recommended Proposed Decision deals specifically with the waste licence application to operate Bailieborough Landfill.

24. No Objection

The Countryside Protection Unit of Duchas stated they have no objection from a nature conservation point of view other than that the landfill poses a “potential threat” to the area of scrub and bog which abuts the landfill.

The comments made by Duchas are noted.

25. Landfill Gas

This ground states that there is a danger of the build up of toxic gases.

Refer to Section 4 *Emissions to Air* of this report.

26. Waste Management Policy

This ground states that there should be more emphasis on the recycling of waste.

The Recommended Proposed Decision provides for the continued operation of a Bring Centre which may be upgraded to a Civic Waste Facility subject to the prior approval of the Agency. If a Civic Waste Facility is installed, then Note 2 of Schedule F requires the Annual Environmental Report to report on recycling effort and to set recycling Objectives and Targets.

27. Desire to See Dump Remain Open

This ground states that it would be a huge loss to local residents and small businesses if the landfill closed as it is an essential and convenient service. The facility is well managed. People must be responsible for the waste they generate. There is a concern that if the landfill closes fly-tipping will increase. The landfill should stay open, though with improved recycling facilities.

The Recommended Proposed Decision provides for the closure of the landfill. Recycling Facilities; refer to Ground 26.

28. Access Lane to Facility Unsuitable

This ground states that the access lane to the facility from the Virginia Road is not suitable for all the heavy traffic using it. Part of the lane has collapsed. A hedge on private property was damaged by a lorry accessing the facility. The damaged hedge has yet to be repaired.

Condition 3 requires the paving of the access lane (Bog Pass) between the Virginia Road and the facility entrance as proposed by the applicant. The issue of damage of property outside the boundary of the facility is a matter for the parties concerned.

Signed _____

Name: Eamonn Merriman

Dated:

APPENDIX 1

FACILITY LOCATION AND LAYOUT PLANS

1. Key Map C.7.
2. *Buildings within 300m of Facility Boundary*; drawing B.2.1, revision A, April 2001.
3. *Land Use & Habitats*; Figure C.4.1, 25/2/99.