

| MEMO | | | |
|---|--------------------|--------------|-------------------------------|
| TO: | Board of Directors | FROM: | Michael Henry |
| CC: | | DATE: | 21 st January 2002 |
| SUBJECT : Technical Committee Report on Objections to Proposed Decision – Reg. No. 92-1. | | | |

| Application Details | |
|--------------------------------------|---|
| Applicant: | Cavan County Council. |
| Location of Activity: | Belturbet Landfill, Rahaghan, Belturbet, Co. Cavan. |
| Proposed Decision originally issued: | 28/06/01 |
| Proposed Decision re-issued: | 20/09/01 |
| Objection received: | 20/07/01* |
| Inspector: | Mr. Kealan Reynolds |

* This objection was lodged against the proposed decision originally issued by the Agency on 28/06/01. The Agency considered it to be a valid objection to the proposed decision which was re-issued on 20/09/01.

Consideration of the objections

One objection was received from Mr. John McGovern in relation to the proposed decision. The Technical Committee (Michael Henry, Chairperson, Eamonn Merriman and Caoimhin Nolan, committee members) has considered all of the issues raised and this report details the Committee's recommendations following the examination of the objections.

Objection A : Mr. John McGovern

Ground 1

This facility has affected the health of Mr. McGovern's family for years and any reports by the medical profession which were sent to Cavan Co. Co. and the EPA have been ignored or sent back.

Technical Committees Evaluation:

The objector provided no information in the objection to support his claim that this facility has impacted on the health of Mr. McGovern's family. In reaching a decision on the application for this facility, the Agency has had regard to all submissions received on the waste licence application. The waste licence prohibits the disposal of waste at the facility and only inert wastes for the purpose of restoration and remediation shall be accepted at the facility. Compliance with the conditions of the waste licence will minimise the impact which this facility will have on the surrounding environment.

Recommendation:

| |
|------------------|
| No Change |
|------------------|

Ground 2

As Mr. McGovern is the owner of the lane by which access is gained to the landfill, Cavan Co. Co. have not established a 'right of way' and should not be applying for a waste licence under such circumstances. Cavan Co. Co. were never given permission to access the landfill via Mr. McGovern's lands and the EPA don't have permission to do so either. Written proof should be provided from Cavan Co. Co. on the 'right of way' and also the right which Cavan Co. Co. claim to have to bring third parties on to Mr. McGovern's land. Cavan Co. Co. do not own all the land related to the waste licence application or indeed all the land in B.2.1 for which a licence is being granted.

Technical Committees Evaluation:

The technical committee note that the access lane to the facility has not been included within the boundary of the facility as specified in Figure B.2.1 of the waste licence application. The concerns raised here in relation to land ownership are a matter for the local landowner and Cavan Co. Co. Provision is made in the Waste Management Act 1996 for authorised persons (including Agency personnel) to gain access to any third party lands.

Recommendation:

No Change

Ground 3

The facility represents a threat to agriculture and should be shut.

Technical Committees Evaluation:

As stated above, the waste licence provides for the acceptance of inert waste only for restoration and remediation of the facility. The facility is required to be restored within 24 months of the date of grant of the licence (Condition 4.5). Compliance with the conditions of the licence should ensure no significant impact on agriculture.

Recommendation:

No Change

Ground 4

An application for planning permission by a member of the McGovern family wasn't treated fairly because of its proximity to the landfill and any further applications will be treated the same if the licence is granted.

Technical Committees Evaluation:

The issue of planning raised here is outside the scope of waste licensing and is a matter for the planning authority.

Recommendation

No Change

Ground 5

Mr. McGovern has gained no financial benefit from the landfill and Cavan Co. Co. have no intention of compensating him. Mr. McGovern cannot get public liability insurance because of the public and the council having access to his lands. The decision to grant a licence for this facility is wrong and unfair to the McGovern family.

Technical Committees Evaluation:

The issues raised in relation to financial compensation and insurance is a matter for the parties concerned. See also response to other grounds above.

Recommendation:

No Change