

<b>MEMO</b>			
<b>TO:</b>	Board of Directors	<b>FROM:</b>	Gerry Carty
<b>CC:</b>		<b>DATE:</b>	01 February 2001
<b>SUBJECT :</b> Technical Committee Report on Objections to Proposed Decision – Reg. No. 103-1.			

Application Details	
Applicant:	Meath County Council.
Location of Activity:	Knockharley Landfill, Townlands of Knockharley, Flemingstown and Tuiterrath, Navan, Co. Meath.
Proposed Decision issued:	22/09/00
Objections received:	19/10/00
Circulation of objections:	02/11/00
Submission on objection received:	30/11/00 & 01/12/00
Inspector:	Ms. Margaret Keegan

**Objections received:**

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| Objections by Third Parties | <ol style="list-style-type: none"> <li>1. Boyne Valley &amp; Newgrange Environmental Protection League.</li> <li>2. Kentstown National School.</li> <li>3. Fergus Doonan &amp; Family.</li> <li>4. Noel McNamara, Celtic Waste.</li> </ol> |
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**Submissions on objections received:**

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| Objections by Third Parties | <ol style="list-style-type: none"> <li>1. Boyne Valley &amp; Newgrange Environmental Protection League.</li> <li>2. Meath Co. Council – prepared by M.C. O’Sullivan.</li> <li>3. Kentstown National School.</li> </ol> |
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Two requests for Oral Hearings were received from Boyne Valley & Newgrange Environmental Protection League and Kentstown National School. The Board of the Agency decided on the 31/10/00 not to hold an Oral Hearing.

### **Consideration of the objections.**

The Technical Committee (TC) (Gerry Carty, Chairperson, Brendan Wall and Damien Masterson, committee members) has considered all of the issues raised and this report details the Committee's recommendations following the examination of the objections. Specific arguments made in Submissions on the Objections relating to the grounds set out in the objections were considered and are discussed where relevant in the Technical Committee's consideration of each ground for objection. The Submissions on Objections also raised other issues and general comments. These were considered separately by the TC.

### **Objection No 1: Boyne Valley & Newgrange Environmental Protection League (19/10/00)**

#### ***Ground 1 – Final Tonnage and Lack of Site Specific Environmental Controls.***

*Issue (i.) The objection notes that the licence allows the County Council to landfill waste up to a maximum of 62,500 tonnes per annum, together with an additional 13,500 tonnes per annum of construction and demolition waste for use as daily cover, site engineering and landfill restoration. The objector states that the proposed licence does not specify the total tonnage of waste to be landfilled at the site nor does it appear to place any limit on the number of years for which the site may be operated and landfilling carried out.*

*Issue (ii.) The objection states that site-specific environmental protection measures to prevent nuisance arising or to prevent a significant reduction of amenity and property values around the landfill site, do not appear to have been included in the Proposed Licence.*

#### ***Technical Committee's evaluation***

(i.) The TC notes that Condition 8 of the PD sets requirements for the final profile and contours (Ref. Drawing No. 9835-01) of the landfill. The Waste Management Act does not require any limit to be included in a waste licence in relation to the number of years for which a facility may be operated. A maximum total annual tonnage to be deposited is specified in the PD (Condition 5.2 and Schedule G). The TC considers that these requirements limit the total quantity of waste that may be deposited in the landfill.

(ii.) The PD (Condition 6) sets requirements for the control of potential nuisances arising from the activities to be carried out at the facility. The TC considers that these measures and requirements for monitoring (Condition 9), infrastructure (Condition 4), waste management (Condition 5), restoration and aftercare (Condition 8) and Condition 7 limiting emissions and environmental impacts are site specific.

#### ***Recommendation:***

<b>No Change</b>
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**Ground 2 – Need for large-scale facility not demonstrated:**

*The objection states that the need for a large-scale facility is not demonstrated and it conflicts with EU and National Waste Management Policy Objectives. It also states that the construction of a large-scale new landfill on a greenfield site will make the achievement of European and Irish waste management policy objectives (such as recycling targets) more difficult to implement. The objectors refer to the Inspector’s Report and state that they cannot see how a limit of 76,000 tonnes per annum, without any provisions for its reduction year by year, could be regarded as encouragement to address waste minimisation or diversion from landfill.*

**Technical Committee’s evaluation**

The TC notes that the landfill will be a dedicated disposal site and that the PD does not provide for public access (Condition 4.7.5). The Draft Waste Management Plan for the North East Region provides for a range of waste recycling facilities including Materials Recovery Facilities, garden ‘green’ waste composting plants, biological treatment plant for organic kitchen waste, and construction and demolition(C/D) waste recycling facilities. The TC also notes that the Plan indicates that the principal existing landfill for Meath County at Basketstown has limited remaining space. It is also noted that Meath Co. Council applied for a maximum intake of 104,000 tonnes per annum and that the PD (Condition 5.2 and Schedule G) limits the maximum tonnage per annum to 76,000 tonnes including 13,500 tonnes of inert waste for recovery. The applicant has not objected to this limitation. Condition 5.18 requires the submission of a report examining recovery provisions including measures to meet the targets set in the Waste Management Plan and the DOELG Waste Policy Document “Changing Our Ways”, to be submitted to the Agency. The PD includes provision for a composting facility at the site (Condition 5.20). The TC considers that the measures included in the PD are working towards the achievement of waste prevention and minimisation targets outlined in the Regional Waste Management Plan adopted by the elected members of Meath Co. Council and in the Government’s Policy document “Changing Our Ways”.

**Recommendation:**

No Change
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**Ground 3 – Archaeology**

*The objection states that Condition 9.10 of the licence requiring that the site shall be monitored prior to the construction of the proposed landfill will not prevent destruction of this local historical site and amenity (holy well) and the objection also refers to “The Moat”, a burial ground and the Old Dublin Road. It also states that the objectors have been informed by Dúchas that they have not yet been contacted by the applicant with a view to investigating these sites.*

**Technical Committee’s Evaluation:**

The TC notes that the submission by Meath Co. Council on this objection states that the extensive record search, field investigation and archaeological investigations carried out indicated that no features of archaeological significance were found within the site. The TC also notes that Dúchas are a statutory consultee. The TC considers that the requirements set out in Condition 9.10 of the PD are adequate for the protection of archaeological features.

**Recommendation:**

**No Change.**

**Ground 4 – Proximity of Houses and Schools**

*The objection states that there are 52 occupied rural houses together with Kentstown village giving a population of 865 people within 1 km of the landfill site and that it is believed that the presence of this density of population should be sufficient to exclude the proposed site from further consideration as a landfill.*

**Technical Committee’s evaluation**

It is noted from the Inspector’s Report that there are 20 occupied dwellings within 300m of the facility boundary and presently two occupied dwellings within 250m of the footprint of the landfill. It is stated in the Inspector’s Report that these two households will have to be relocated as proposed in Section 8.2 of Vol.2 of EIS in order to establish the buffer zone required under Condition 4.16.1 of the PD. The TC considers that for reasons of clarity, Condition 4.16.1 should be removed and replaced by Conditions 1.3 and 1.4 below.

**Recommendation**

**Remove 4.16.1 and replace it by Conditions 1.3 and 1.4 below and renumber the remainder of Condition 4.16 appropriately.**

**Insert new Condition 1.3:**

*1.3 The deposit of waste in lined cells shall be restricted to cells 1 to 12 as shown in Drawing No. 5.1 Rev. A, March 1999 “Site Layout Plan”.*

**Insert new Condition 1.4:**

*1.4 Buffer Zone*

*(i) A Buffer Zone shall be maintained between the area in which waste is **landfilled** and the facility boundary as shown on Drawing No. 5.1, Revision A, March 1999, ‘Site Layout Plan’.*

*(ii) No occupied dwelling shall be located within the buffer zone.*

*(iii) A minimum of 150m shall be maintained between the boundary of the facility and any other waste activity at the facility.*

**Renumber the remainder of Condition 1 as appropriate.**

**Amend Condition 4.20.5 as follows:**  
*Delete reference to 4.16.4 and replace with 4.16.3.*

### ***Ground 5 - Agriculture***

*The objection refers to their submission of 22 June 2000 and reiterates that there are two large dairy units close to the proposed landfill site, one of which carries a very high yielding pedigree dairy herd which would be extremely vulnerable to any contamination arising from the proposed landfill.*

### ***Technical Committee's evaluation***

The TC notes that neither this objection nor the submission received 22 June 2000 identify the farms specifically by name or location or whether they are directly adjacent to the facility boundary. In any case, a buffer zone is required between activities licensed and the boundary of the facility which may be adjacent to lands where agricultural activities are carried out. Nuisances arising from the activity are controlled under Condition 6 of the PD. Condition 6.1 requires that the licensee shall ensure that vermin, birds, flies, mud, dust and odours do not give rise to nuisance at the facility or in the immediate area of the facility and that any method used by the licensee to control any such nuisance shall not cause environmental pollution or contravene any statutory protection granted in respect of protected species.

### ***Recommendation:***

**No Change**

### ***Ground 6 – Groundwater, Local wells and Surface Water Impacts***

*The objection states that the applicant has provided no additional information to dispute arguments made in their submission of 22<sup>nd</sup> June 2000 that the proposed landfill would put the quality of local groundwater, wells and boreholes at risk. It states that proposed Condition 4.21.5 recognises this risk, but does nothing to avoid it, as it states merely that as a precautionary approach, householders using wells in the vicinity of the proposed landfill site should be connected to a mains water supply. It also contends that no provision has yet been made for the very large increase in surface run-off from the site (estimated as a rise from 3,600 cubic meters per year to 41,250 cubic meters per year; an increase by a factor of 11.5). It states that the quantities of surface water to be pumped from the site will result in a great increase in the flow of water in the local stream, and the effects of this discharge have not been considered.*

### ***Technical Committee's evaluation***

The TC notes that Meath Co. Council in their submission on this objection state that the Knockharley area is underlain by a bedrock formation which has been assessed as having poor resource potential and is classified as being a poor aquifer. Large depths of stiff

overburden clay exist under the proposed site resulting in a low vulnerability rating for the aquifer. The TC notes that the site therefore falls within Category R2<sup>1</sup> of the *Groundwater Protection Responses for Landfills – Summary (Response Matrix for Landfills)* which is read in conjunction with *Groundwater Protection Schemes (DoELG/EPA/GSI, 1999)*. Category R2<sup>1</sup> states siting of a landfill “is acceptable subject to guidance outlined in the EPA Landfill Design Manual on conditions of a waste licence.” Category R2<sup>1</sup> also indicates that “special attention should be given to checking for the presence of high permeability zones. If such zones are present then the landfill should only be allowed if it can be proven that the risk of leachate movement to these zones is insignificant. Special attention must also be given to existing wells downgradient of the site and to the projected future development of the aquifer. There are no records of major groundwater supply sources within the vicinity of the site and local wells are generally very deep with low discharges indicating the poor groundwater resource of the area in general. The groundwater monitoring conducted in preparation of the EIS indicates exceedance’s of EU Maximum Allowable Concentration limits for drinking water for a number of parameters, in particular metal concentrations. It is also noted that Meath Co. Council states that it would therefore be beneficial for users of local wells in the vicinity of the site to be connected to the mains water supply.

The TC also notes that the PD sets requirements for: a hydraulic trap to be maintained (Condition 4.21.3); the landfill to be lined in accordance with standards specified in the Landfill Directive (Condition 4.16.2); the licensee to ensure effective control of surface water run-off from the facility during construction, operation and restoration (Condition 4.20.1); and that planned diversion of surface water shall be carried out such that it will not have a significant impact on the surrounding water courses following consultation with the Eastern Regional Fisheries Board and agreement with the Agency. The PD also requires that as specified in Section 8.2 of Vol. 2 of the EIS all dwellings with private wells within 500m of the facility on the C383 and those to the west and south west of the facility shall be connected to mains water supplies subject to the agreement of the well owners (Condition 4.21.5). The TC considers the measures outlined above in addition to other requirements set out in the PD adequate for the protection of surface waters and groundwater in the vicinity of the facility.

***Recommendation:***

<b>No Change</b>
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***Ground 7 Bird Hazard to Aircraft:***

*The objection states that the area is used by small aircraft from a nearby flying club, and is also overflowed at low altitude by aircraft en route from Gormanstown to Baldonnel. The objector asserts that while the operating landfill might not be a major hazard to commercial jet aircraft, there is a risk of bird strikes involving military and small aircraft if the landfill is licensed.*

***Technical Committee’s evaluation***

The TC notes that the proposed site is approximately 19 km from Gormanstown military aerodrome and approximately 23 km from Dublin airport. The TC also notes that the PD sets requirements for the control of birds (Condition 6.10) and for the daily cover of wastes deposited (Condition 5.12). No submissions or objections in relation to the application for a waste licence for the proposed landfill were received from flying clubs, the Irish Aviation Authority or the Department of Defence. The TC considers that the requirements set out in the PD for the control of birds are adequate.

**Recommendation:**

**No Change**

**Ground 8 – Visual Intrusion:**

*The objection reiterates the major concerns of local residents raised in their submission (22/06/00) and states that these concerns were further confirmed by the statement in the inspector’s report that “the landfill will be visible from the north looking south east and south west, even with the landscaping measures in place”. It states that the restriction of the maximum height to 72 metres above O.D. in the PD (Condition 8.1) rather than the post settlement height of 75 m O.D. applied for by Meath Co. Council is hardly likely to make any significant difference to the degree of visual intrusion which will be created by the refuse mound in a generally flat landscape. It also states that the landfill will be visible from the Hill of Tara and that existing long distance views of the Hills of Tara and Skreen enjoyed from a significant number of houses near the proposed site will be obliterated, thus reducing amenity and property values.*

**Technical Committee’s evaluation**

The TC notes that Condition 8.1 of the PD requires that the final profile of the landfill shall be a maximum of 75 metres OD. The Inspector’s Report recommended adoption of a final profile not exceeding 72 metres OD. The TC also notes that Condition 4.6 sets requirements for landscaping, perimeter planting and enhancement to minimise the views of the facility from the surrounding countryside. The TC considers that in order to reduce the visual impact of the facility, the final profile, as recommended by the Inspector should not exceed 72 metres OD as planting and landscaping will take a number of years to effectively screen the site.

**Recommendation:**

**Amend Condition 8.1 as follows:**

**8.1 The final profile shall be a maximum of 72 metres OD. The licensee shall, within three months of the date of grant of this licence, submit a drawing showing the final Contour Layout.**

**Ground 9 – Application of the Precautionary Principle, Operation and Management Issues, Compliance with Proposed Conditions; Risk Assessment.**

*Issue (i.) The objection states that for planning purposes, untreated (i.e. unsorted) wastes in a municipal solid waste landfill must be regarded as hazardous and as a long-term threat to public health, groundwater and the environment generally.*

*Issue (ii.) The objector states that proper planning and development requires that persons who own or use properties or land near a proposed landfill should be protected from adverse impacts, and in this regard the EPA has taken on duties which would be assigned to a planning authority if this proposed landfill were to be constructed by a private developer.*

*Issue (iii.) It is stated that application of the precautionary principle requires that, where there is inadequate information to show that a proposed landfill will be totally secure in the very long term and will not give rise to any environmental threats or adverse effects, the decision making authority should take the precautionary view and not grant permission. This is the only safe way in which the interests of the local community can be placed above the need for a landfill.*

*Issue (iv.) The objection states that the literature shows that long-term containment of municipal wastes in engineered sites based on the use of synthetic liners cannot be guaranteed. Leaks may result from imperfections in the manufacture or laying of the liner, welding of the seams, puncturing of the liner membrane by the placing of the first layer of wastes in the landfill, by penetration or permeation of solvents through the liner material, and by deterioration of the liner as a consequence of contact with substances present in the waste.*

*Issue (v.) The objection asserts that the EPA will be aware that municipal solid wastes contain organic solvents derived from paint residues, printing inks, household cleaning agents, etc. In small quantities, these substances cannot be eliminated from the wastes deposited, and they will cause the liner material to deteriorate over time. The objection also states that even in the absence of corrosive or solvent substances, there is a possibility that the polymer which is used in the most common type of liner will break down in 40 years and that the USEPA declared that “even the best liner and leachate collection systems will ultimately fail due to natural deterioration”, and leachate transport out of the landfill cannot be prevented.*

*Issue (vi.) The objection states that the uncertainty that the licensee will manage the proposed landfill to an adequate standard is confirmed by the remarks in the EPA Inspector’s report that “despite several requests for additional information on the landfill design, the applicant did not supply detailed specifications for the development, but submitted a general specification of the environmental controls that are proposed to be installed”. If Meath Co. Council cannot even provide detailed information on how the landfill is to be managed, is it not even more likely that they would fail in the more onerous task of carrying out management to the standard required?*

*Issue (vii.) The objection notes that the PD issued by the EPA requires the licensee to install environmental controls to meet the requirements of the EU Landfill Directive and BATNEEC, and also to supply detailed specifications prior to the commencement of construction but states that there is no evidence whatsoever that this will in fact occur.*



*Issue (viii.) The objection also states that furthermore, environmental controls will not always operate fully, and the possibility of accidents must be taken into account. The possibility of the conditions not being complied with has not been examined by the Agency, and no quantitative risk assessment has been undertaken.*

*Issue (ix.) The objector notes a number of incidents which have occurred at the recently constructed North Kerry (Mullingnaminnane) landfill and states that while this site is generally understood to be one of the country's most up to date facilities, human error and mechanical failure will inevitably occur, and therefore a landfill should be located where the effects of such incidents can be minimised. The Mullingnaminnane landfill is located in a large conifer plantation, remote from occupied dwellings and agriculture.*

*Issue (x.) The objection states that failure to maintain tight environmental controls at the Knockharley site could result in unpleasant or damaging environmental consequences to the neighbouring householders, and it should be noted that such events resulting in contamination or pollution may not be confined to the landfill itself (e.g. spillage of leachate from road tankers). The objection also states that it is not adequate to say that nuisances such as litter or vermin will be controlled by adhering to the proposed licence conditions. The objection also states that the Agency is aware that licence conditions may not be fully complied with, or may be complied with only for some periods of time; thus a realistic assessment of the environmental impacts on the proposed landfill should allow for a statistically significant degree of failure to comply to conditions and therefore some degree of nuisance.*

*Issue (xi.) The objection notes that the Waste Management Act, 1996 requires that the holder of a waste licence should be a fit and proper person within the meaning of the Act. Meath Co. Council currently operates a licensed landfill facility at Basketstown, in respect of which a large number of complaints have been received by the EPA, and the CO. Council has been issued with compliance notices by the EPA in relation to covering the wastes, litter, odours, birds and landfill gas migration.*

### ***Technical Committee's evaluation***

Issue (i.): The TC notes that unsorted municipal waste is considered to be non-hazardous waste under EU and National legislation and that the types and quantities of waste to be accepted at the facility are specified by Conditions 5.1, 5.3 and Schedule G of the PD.

Issue (ii.): The TC notes that the EPA is the relevant authority with responsibility under the Waste Management Act 1996 and the Waste Management (Licensing) Regulations for the assessment of Waste Licence Applications and associated EIS's where relevant, and the granting of licences for the operation of facilities where waste activities (i.e. Principal Activity – Waste Disposal by deposit on, in or under land) such as those applied for by Meath Co. Council are to be carried out. The TC also notes that Condition 1.4 states that nothing in the licence shall be construed as negating the licensee's statutory obligations or requirements under any other enactments or regulations. It is also noted that Section 40(11) of the WMA states that "A person shall not be entitled solely by reason of a waste

licence under this part to make, cause or permit an emission to any environmental medium.”

Issue (iii.): The TC notes that the Agency was satisfied that sufficient information on the activities applied for has been received in order to allow it to progress to a decision on the Waste Licence Application. The TC also notes that application of the Precautionary Principle does not require that there are no environmental risks from a development. The Agency recognises that there are potential risks arising from the operation of landfills and the conditions set out in the PD are designed to control and minimise these risks. The TC considers that the conditions in the PD are consistent with application of the Precautionary Principle.

Issue (iv.): The TC notes that the PD requires a composite liner system (Condition 4.16) and that a protection (geotextile) layer be placed over the HDPE component of the composite liner. The system proposed constitutes BATNEEC for a new landfill. The TC also notes that Quality Control (QC) and Quality Assurance (QA) are an integral part of the approval of the lining system. The development of cells at the facility including preparatory works and lining are considered to be Specified Engineering Works (SEW's), (Schedule D of the PD). Condition 4.2 of the PD relating to SEW's requires that the licensee submit proposals for the Agency's agreement, for all SEW's at least two months prior to the intended date of commencement of any such works, that the works be supervised by competent persons agreed in advance with the Agency and that the licensee shall complete a construction quality assurance validation on completion of the SEW and that the validation report shall be made available to the Agency on request.

Issue (v.): The TC considers that the type of substances referred to in the objection will arise in trace concentrations only. A composite liner is required by the PD as outlined in the TC's evaluation of Issue (iv) above. It is acknowledged, however, that liners can leak and current best practice is to install a composite liner as required by the PD. In relation to leachate escape from the landfill in the event of a failure in the liner system, the TC notes that the PD requires that a hydraulic trap be provided at the facility (Condition 4.21.3).

Issue (vi.): The TC notes that the licensee is required to employ a suitably qualified and experienced facility manager and that the facility manager or a suitably qualified and experienced deputy be present at all times during the operation of the facility. Both the facility manager and deputy shall successfully complete both the FAS waste management training programme and associated on site assessment appraisal (Condition 2.4). The TC considers the requirements set out in the PD adequate to ensure competent management of the facility.

Issue (vii.): With regard to the submission of detailed specifications for the environmental controls to be installed at the facility, the TC notes that the PD requires that the majority of this information be submitted to the Agency prior to the commencement of the licensed activities at the facility or as instructed by the Agency (Condition 4.1 – Site Infrastructure). The TC considers that as this is a new facility, the licensee will be required to achieve compliance with the Landfill Directive (which comes into effect on

26/04/01) prior to commencement of waste activities at the site and that BATNEEC be used.

Issue (viii.): The TC notes that the PD requires that an independent third party carry out a risk assessment of the facility after construction and prior to the disposal of any waste in the facility and prior to the use of any infrastructure at the facility (Condition 10.11). Condition 10.11 also requires that the assessment and recommendations arising from it shall be submitted to the Agency for its agreement. The TC considers that in the EIS submitted by the applicant, the risks arising from the proposed activities were examined and mitigation measures proposed. In relation to accidents, Condition 3 sets requirements for the reporting of incidents and Condition 10 deals with Contingency arrangements including a requirement for the submission of an Emergency Response Procedure within six months of grant of the licence. The TC considers the requirements set out in the PD adequate.

Issue (ix): The TC notes from the EIS that it is proposed to site the landfill over a poor aquifer with low vulnerability and that account has been taken of criteria developed by the EPA in the Draft Landfill Site Selection Manual. Also, see TC's evaluation of Ground 6.

Issue (x.): The TC notes that the PD sets conditions designed to prevent or minimise nuisance and prevent environmental pollution. Any breach of the conditions of the licence will be considered a non-compliance and all conditions of the licence must be complied with. The TC considers that what is suggested in the objection is actually less stringent than what is required by the PD.

Issue (xi.): The TC notes that the requirement of the Waste Management Act, 1996 relating to "fit and proper persons" does not apply where the applicant is a Local Authority (Section 40, Subsection (4)(d), WMA, 1996).

***Recommendation:***

<b>No Change</b>
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***Ground 10 – Land Ownership***

*The objection refers to their submission of 22<sup>nd</sup> June 2000 which expressed uncertainty at the time about the precise ownership of the subject site and to Celtic Waste Ltd's submission (30/08/00) expressing concern about the waste licence application by Meath Co. Council, and alleging that the Co. Council has no interest in the land which is the subject of the application, nor does the Council have the consent of the relevant landowners. The objector notes that Celtic Waste is in the final stages of making an application for a waste licence to carry out landfilling activities at the subject site and therefore the appropriate course of action for the Agency would be to suspend any further decision-making with regard to Meath Co. Council's application until such time as a waste licence application has been received by the EPA from Celtic Waste.*

***Technical Committee's evaluation***

The TC notes legal advice sought by the Agency prior to the Board's consideration of the Proposed Decision. The legal advice, received 06/09/00, states that the Agency can proceed with a decision. The TC considers that the objection contains no new information in this regard.

**Recommendation:**

No Change
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**Objection No 2: Susan Kinsella on behalf of Kentstown School (19/10/00)**

*Ms. Susan Kinsella states that Kentstown National School objects to the proposed decision to grant a waste licence for the site at Knockharley on the basis that it will have a significant negative impact on the current health, safety and wellbeing of Kentstown National School community and on the following grounds.*

***Ground 11 – No evidence that Meath Co. Council considered concerns.***

*The objection states that there is no apparent evidence that Meath Co. Council took into consideration the concerns expressed in various letters from June 1997 onwards or made any attempt to review the site selection.*

***Technical Committee's evaluation***

The Agency has considered all written submissions made to it in relation to the application for a waste licence. The information considered includes the EIS and further information supplied by the applicant.

**Recommendation:**

No Change
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***Ground 12 – Submissions to consultants not considered fully by consultants in preparing EIS.***

*The objection states that the submission made to the consultants M.C. O'Sullivan dated 22<sup>nd</sup> July, 1998 was not fully taken into account in preparing the EIS:*

*Many items in the notice were not addressed. The location of the National School was not indicated on the maps. The Health Report by BIRA concluded that "modern management practices will result in no detectable excess risk to human health". Exposures to hazards would be minimised on the basis of Meath County Council's past performance at the Basketstown site. The report does not effectively deal with the site being operated by a third party, which now appears to be the case, and negates any assurances given.*

***Technical Committee's evaluation***

The TC notes that the Agency considers the EIS to be compliant with the Environmental Impact Assessment (EIA) Regulations and that the information presented in the EIS was fully considered by the Agency. It is noted that Section 6.7.1 of the EIS refers to the location of the National School and Section 7.17 deals with potential impacts of the facility on the school. The TC also notes that neither the EIS nor the Waste Licence Application contains any proposals for the facility to be operated by any party other than Meath Co. Council.

**Recommendation:**

**No Change**

**Ground 13 – No evidence that the EPA took submission of 23<sup>rd</sup> June into account.**

*The objection states that there is no apparent evidence that the EPA took the submission of 23<sup>rd</sup> June, 2000 into account when making the decision to grant a licence (copy enclosed): No questions or queries on any issues raised in this submission (81 page report); No allowance made for unfinished parts of the submission – refer to page 60; No allowance made for the body of support from the medical profession (32 signatures); No indication that any medical expert had verified the findings in the BIRA or ENVIROCON LTD report; No indication in the framework of the licence that any account of the support of the public representatives had been taken into account; No questions on any of the (69) references listed.*

**Technical Committee's evaluation**

The TC notes that the submission was considered by the Agency and taken into account in arriving at a Proposed Decision on the Waste Licence Application.

**Recommendation:**

**No Change**

**Ground 14 – Legacy following location of landfill in proximity to Kentstown school.**

*The objection states that if the landfill is positioned at the proposed site the legacy to follow will be a burden that the community of Kentstown National school will carry:*

*Issue (i.): No provision has been made within the framework of the licence for funding for any additional expenditure which will be incurred by the school;*

*Issue (ii.): No provision for any insurance claims which may be made as a direct or indirect result of the proposed location of the landfill;*

*Issue (iii.): No indication of how traffic control measures will be enforced or use of any monetary gains for non-compliance;*

*Issue (iv.): No plans for future use of the site after closure.*

*The objection concludes by stating that Kentstown school believe that locating the landfill in close proximity to the National School will have a detrimental effect on the school community and request an oral hearing to make their views known.*

**Technical Committee's evaluation**

Issue (i.): The TC considers that the funding of additional expenditure for the school is not within the scope of the Waste Licensing system. However, the TC notes that the Environmental Management Programme (EMP) must include details on the implementation of the recommendation outlined in the application on the use of a portion of the income from waste charges and gate fees to mitigate the impact of the landfill on the community through appropriate environmental improvement projects. The PD provides for a report on the implementation of this programme in the Annual Environmental Report (AER).

Issue (ii.): The TC considers that this matter does not fall within the matters to be assessed by the EPA in making a decision on the application.

Issue (iii): The TC notes that the PD includes requirements for road improvements to be carried out as proposed in the EIS (4.7.1) and prohibits construction or waste disposal vehicles from using the R150 or CR834 (north or east of the facility) (4.7.7). Condition 4.7 also limits the speed to 30 mph on the access road and sets requirements for improved road signage. The TC considers these requirements adequate for traffic control at and in the vicinity of the site.

Issue (iv.):The TC notes that the PD sets requirements for the submission of a detailed Restoration Plan (including Aftercare) for the facility (to be based on information provided in Attachment G of the EIS) for agreement with the Agency (Condition 8.2). The TC considers this requirement to be adequate for the control of the facility after closure. The ultimate use of the completed facility can be determined at a future date.

**Recommendation:**

<b>No Change</b>
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**Ground 15 – Children of Kentstow National School have been denied a fair hearing.**

*The objection states that collectively, all of the above, indicate that the children of Kentstow National School have been denied a fair hearing:*

*The literature issued by the EPA place Human Beings at the top of the hierarchy for consideration when selecting a site, etc. In this case, the schoolchildren of Kentstow national school have not been given full consideration, unlike flora, fauna or archaeology in the surrounding area. The children will be placed at risk everyday – there are no thresholds of acceptable risk. There are no measures being put in place to monitor the long-term effects. No account has been taken of any negative social impacts the proposed landfill will have on the school community.”*

**Technical Committee's evaluation**

The TC notes the location of the landfill relative to the school has been considered as part of the Waste Licensing process. The TC also notes that Pages 9 to 22 of the Inspector's Report gives consideration to the concerns raised in all of the submissions received in

relation to the Waste Licence Application and the EIS. The TC considers that the PD issued has been drafted to include adequate requirements and control measures to address all of the significant environmental issues raised in submissions or known to be associated with the activities to be carried out at the facility and will ensure that the activities carried out at the facility will not cause environmental pollution.

***Recommendation***

<b>No Change.</b>
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**Objection No.3: Fergus Doonan & Family**

***Ground 16 – Health Concerns***

*Mr. Fergus Doonan for and on behalf of the Doonan family objects to the proposed decision to grant a Waste Licence to Meath County Council for Knockharley Landfill stating medical and health concern reasons for his objection. The objection states that Mr. Doonan suffers a permanent medical condition (supported by letter from Dr. S.A. Kiernan) known as Dry Eye, requiring continuous medical treatment. Mr. Doonan states that his condition is aggravated by exposure to any dust particles or fumes. Mr. Doonan expresses concern that an increase in his exposure to dust and fumes arising from the proposed landfill will aggravate his condition further. Mr. Doonan also states that his daughter, aged 6, suffers from asthma and related bronchial infections. He expresses the feeling that his house is in direct line for any environmental pollution that may be discharged from this facility given that the wind direction is southwest to west and the position of his house (shown on map included with the objection).*

*Mr. Doonan also refers to the Inspector’s Report and states that in the report Ms. Keegan in her response to the question of health concerns on page 17 of 26, talks about all of the controls and emission limits at the facility and then goes on to say that “these will ensure that the emissions as a result of this activity will not cause significant environmental pollution and consequently will limit the impact on human health”. He goes on to say that given the Agency’s own engineer’s concerns about the impact to people’s health he feels that the EPA under its “duty of care to all of us” should refuse this application and leave them to live a healthy life as they have for the past 18 years.*

***Technical Committee’s evaluation***

The TC notes that Mr. Doonan shows his house as being located to the east of the facility, approximately 540 metres from the area where waste will be deposited, approximately 260 metres from the facility boundary and approximately 290 metres from the proposed access road (by reference to unscaled drawing provided by Mr. Doonan and cross reference to 1:2500 Drawing No 5.1, Rev A. March’99 – Site Layout Plan from the EIS). The TC also notes Mr. Doonan’s concerns and comments relating to dust. The Dust Deposition Limit of 350 mg/m<sup>2</sup>/day set in Schedule F.4 of the PD is taken from the German TA Luft Standards and is “designed to protect against considerable disadvantage or substantial

impairment”. The TC considers that Mr. Doonan’s residence and Kentstown National School should be designated as dust sensitive locations in accordance with Schedule E.3 of the PD. The PD includes provision for the designation of other dust sensitive locations. As an additional protective measure the TC considers that additional PM<sub>10</sub> monitoring should be carried out and that a trigger level for PM<sub>10</sub> of 50ug/m<sup>3</sup> for a daily sample measured at any location within the boundary of the facility or at a dust sensitive location to be specified. Monitoring for PM<sub>10</sub> is relevant in relation to health protection. The TC also recommends that a trigger level of 150mg/m<sup>2</sup>/day be specified for dust.

**Recommendation**

**Amend Condition 7.10 as follows:**  
 7.10 The Trigger Levels for **Dust Deposition and PM<sub>10</sub>** from the facility measured at **specified monitoring locations are:**

- PM<sub>10</sub> greater than 50µg/m<sup>3</sup> for a daily sample.
- **Dust Deposition greater than 150mg/m<sup>2</sup>/day.**

**Amend Table E.3.1 Dust Monitoring Locations as follows:**  
 Insert Mr. Fergus Doonan’s Residence and Kentstown National School as Monitoring Locations as shown below.

**Amend Table E3.2 as shown below:**

Table E.3.1 Dust Monitoring Locations

STATIONS	
D1	D4
D2	D5
D3	D6
<b>Mr. Fergus Doonan’s Residence</b> <small>Note 1</small>	<b>Kentstown National School</b> <small>Note 1</small>

Note 1: Subject to the agreement of the owners/occupiers.

Monitoring shall commence one month prior to the commencement of construction of the facility.

Table E.3.2 Dust Monitoring Frequency and Technique

Parameter (mg/m <sup>2</sup> /day)	Monitoring Frequency	Analysis Method/Technique
Dust	Three times a year <small>Note 1</small>	Standard Method <small>Note 2</small>
PM <sub>10</sub>	Annually <small>Note 1</small>	Standard Method <small>Note 3</small>

Note 1: Twice during the period May to September, or as otherwise specified in writing by the Agency using the Bergerhoff Method. PM<sub>10</sub> monitoring to be carried out once per year at Stations D1 to D6 and three times per year at Mr. Fergus Doonan’s Residence and Kentstown National School.



Note 2: Standard method VDI2119 (Measurement of Dustfall, Determination of Dustfall using Bergerhoff Instrument (Standard Method) German Engineering Institute). A modification (not included in the standard) which 2 methoxy ethanol may be employed to eliminate interference due to algae growth in the gauge.

Note 3. As described in prEN12341 "Air Quality - field test procedure to demonstrate reference equivalence of sampling methods for PM10 fraction of particulate matter" or an alternative agreed in writing with the Agency.

#### **Objection No 4: Noel McNamara, Celtic Waste (19/10/00)**

##### ***Ground 17 – No interest in land demonstrated and***

*Celtic waste express objection and concern in relation to the PD on the grounds that Meath County Council has no interest in the land subject of the application, nor has it the consent of the relevant land owners.*

*Celtic Waste state that Meath Co. Council, in its application, identifies the land covered by the application and the ownership of that land and include the relevant extract of the application. The objection states that in 1999, Celtic Waste Ltd. acquired options over the lands identified by Meath County Council in its application. "Celtic Waste can confirm that no authorisation has been obtained from it, or from the landowners identified in the application, for Meath Co. Council to apply for an EPA Licence.*

*Celtic Waste state that they are advised that the High Court in Ireland has held that "an application for development permission, to be valid, must be made either by or with the approval of a person who is able to assert sufficient legal estate or interest to enable him to carry out the proposed development. The reasoning of the court is to avoid undue interference in the property rights of landowners. The law has been clearly stated that, where the applicant for planning permission does not have an interest in the land, the consent of the owner is required. Celtic Waste state that they are advised that the law applicable to planning permissions will apply similarly to the entitlements to obtain EPA Licences and are also advised that the appropriate course for the Agency to adopt is to reject the application for lack of **locus standi**.*

*Celtic Waste states that it has sought legal advice on this matter and has been advised that the failure to secure the consent of land owners, or any interest in the land the subject matter of the application, renders the application null and void and that the EPA is thus precluded from making a valid decision in respect of this application.*

*Celtic Waste states that it is currently in the final stages of completing a detailed EIS in respect of the lands and intends, upon its completion in the coming weeks to itself apply for an EPA licence to carry out landfill activities at the site.*

*Celtic Waste states that it is very concerned that a decision to grant a waste licence in favour of Meath Co. Council will preclude Celtic Waste from developing a landfill at Knockharley and on that basis wishes to express its objection to the proposed granting of a waste licence to Meath Co. Council.*

### ***Technical Committee's evaluation***

Refer to the TC's evaluation and recommendation in relation to Ground 10, Objection 1. The TC notes that Meath Co. Council, if they are to proceed with developing the facility, will have to acquire the lands outlined on Drawing No. 5.1 Rev. A, March 1999 "Site Layout Plan". As Celtic Waste have acquired options over these lands, this matter will have to be resolved between Celtic Waste Ltd. and Meath Co. Council.

### ***Recommendation***

<b>No Change</b>
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### **General Comments and Items from Submissions on Objections.**

#### ***Requests for Oral Hearing Denied***

*The submissions on objections by Boyne Valley & Newgrange Environmental Protection League (BV & NEPL) and Kentstown National School both question the Agency's decision not to hold an Oral Hearing. Both submissions on objections state that while the number of requests for an Oral Hearing was small, the requests represent the community that will be affected. Kentstown School indicates that throughout the process, there has been no opportunity for the community of Kentstown National School to either meet with anyone or discuss any issues face to face. Mr. Fergal O'Byrne (Secretary – BV & NEPL) states that Mr. Frank Bohan, a member of the group was informed by a member of the EPA staff that the oral hearing request was turned down as only two objectors requested it. He also states that this is a gross distortion of events as Jack O'Sullivan on behalf of BV & NEPL was in reality acting on behalf of a community of over 600 people. He concludes that the clear implication from the EPA is that if enough objections were received with the accompanying £200 fees, then an oral hearing would have been granted and that this is nothing but pure extortion by the EPA and calls on the EPA to reverse the decision and grant an Oral Hearing. He also states that the matter of extorting Oral Hearing costs from communities impacted by significant developments will be referred to the appropriate EU Commission DG for investigation. The BV & NEPL submission on objection also offers reasons and discussions on why the requests for an oral hearing should have been considered to relate to: serious local or national concerns; a matter of national importance; significant new information or that the scale or complexity of the development was such that an Oral Hearing should have been granted.*

#### ***Technical Committee's Evaluation:***

The TC notes that the requests for an Oral Hearing were considered by the Board of the Agency 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 Technical Committee. The TC notes that two requests for an Oral Hearing were made and that the Board Decision is made on the basis of established criteria and not on the number of requests received.

### ***Number of Submissions Considered***

*BV & NEPL states that the Inspector's Report refers to 222 valid submissions but that the table appended to the report lists only 176 submissions. They also state that discussions with local residents who have made individual submissions confirm that some significant issues raised in the submissions were not listed in the table appended to the Inspector's Report, and other submissions have not been listed at all.*

### ***Technical Committee's Evaluation:***

The TC notes that the complete table appended to the Inspector's Report consists of three pages and lists 222 submissions. The TC also notes that the last submission entered on the second page of this report is submission 176. The TC notes that all 222 submissions received were considered in making a decision on the Waste Licence Application.

### ***Significant New Information***

*The BV & NEPL submission on objections states that the proposal by Indaver for a waste treatment facility involving thermal treatment on a site in County Meath relatively close to the proposed landfill site. While the proposal by Indaver will require a waste licence before it can be allowed to operate, there is a feeling in local resident's minds that the waste treatment facility and the proposed landfill should be viewed as associated developments, and that the plans by Indaver should be taken into account when considering the waste licence application for the Knockharley site. Kentstown National School also air concerns that ash from an incinerator which may be established in the County by Indaver Ireland may be deposited in the proposed landfill particularly if it were to be controlled by Celtic Waste and that Celtic Waste and Indaver Ireland may be linked.*

### ***Technical Committee's Evaluation:***

The TC notes that the applicant has not applied for the acceptance of ash which may arise from a thermal treatment facility. The TC also notes that the Agency has not received any application for a municipal thermal treatment facility.

### ***Planning & Development and Significance of Traffic on the N2.***

*Mr. Fergal O'Byrne, Secretary of the BV & NEPL in his attachment to their submission on objections states that the Engineer's Report and the Proposed Licence have failed to take account of the policy of Meath Co. Council over many years with regard to planning and development in the area, despite the fact that that many cases have been cited in submissions to the Agency and have failed to consider the impacts of the proposed Super Dump on the residential area 107 as noted in the County Development Plan and is designated "Over Developed" by the Local Authority together with the heavily trafficked N2. He also states that, regrettably the Proposed Licence and the Engineer's Report fails to note any issues raised in his own submission and that in the main body of the*

*Engineer's Report, there is no reference to the development issues (Area 107) or the significance of traffic on the National Primary route (N2). Mr. O' Byrne also states that the matrix attached to the report does not credit him with making any comment on any of the 39 headings in the table.*

***Technical Committee's Evaluation:***

The TC considers that Planning and Development issues are not within the scope of the Waste Licensing Process and EPA are not the relevant authority for consideration of such matters. The PD does set some conditions (Condition 4.7) relating to traffic using the facility, arising from proposals included in the EIS. The TC notes that Mr. Byrne's submissions are entries 188, 205 and 212 on the table attached to the Inspector's Report and all three entries fall on the third page of this table. The TC considers that Mr. O' Byrnes submissions were considered in arriving at a decision on the Waste Licence Application.

***Provisions to be Included in Waste Licence if the EPA decides to issue the licence.***

*Kentstown School in their submission on objections ask that the EPA review its position in regard to the proposed decision to grant a licence, and to take on board the very real concerns expressed but asks that the following 6 conditions be included in the licence if the EPA decide to go ahead and issue the licence:*

*Issue (i.) That the licence will not be changed in the future to accept any more or any other type of waste than the licence now being granted – to ensure that ash from an incinerator will not be deposited on this site or that the landfill will not be extended;*

*Issue (ii.) The waste to be baled – to reduce the problems associated with nuisance control which in turn will give some protection to the children.*

*Issue (iii.) A substantial annual fund to be made available directly to the school management.*

*Issue (iv.) Fines be imposed for breach of traffic control via the school – funding from this source to be passed over to the school management.*

*Issue (v.) The landfill gas flare be re-located on the western side of the landfill site – to minimise the children's exposure, taking into account the prevailing wind.*

*Issue (vi.) Independent monitoring to be carried out on the southern end of the site and on the school environs – to ensure the children's safety and to alert to any potential problems.*

***Technical Committee's Evaluation:***

Issue (i.) The TC notes that Meath Co. Council has not applied for the disposal of ash from an incinerator and that the PD does not provide for the disposal of this type of material. The TC also notes that a review of the waste licence would be required to change the area of the facility or the wastes to be accepted.

Issue (ii.) The TC notes that Meath Co. Council has not applied for the disposal of baled waste. The TC considers that the requirements set out in the PD are adequate for the prevention of nuisance or environmental pollution from the waste activities applied for at the facility.

Issue (iii.) Refer to TC's evaluation of Issue (i.) – Ground 14.

Issue (iv.) The TC considers that traffic control is a matter for the Relevant Authorities under the Road Traffic Legislation and as such is not a matter for the Agency.

Issue (v.) The TC notes that the PD requires air dispersion modelling (Condition 4.18.2) to determine the optimum location of the landfill gas flare in relation to the nearby dwellings. The TC considers this requirement adequate.

Issue (vi.) The TC considers that the PD requires extensive monitoring by the licensee which will be subject to regular spot checks by the Agency. The licensee is also required to submit all monitoring results to the Agency for assessment. The TC considers these requirements adequate.

Signed:

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Gerry Carty  
Technical Committee Chairperson