

## **INSPECTORS REPORT**

### **WASTE LICENCE REGISTER NUMBER 114-1**

APPLICANT: Yellow Bins (Waste Disposal) Ltd

FACILITY: Yellow Bins (Waste Disposal) Ltd, Donore, Carragh, Co Kildare

INSPECTOR'S RECOMMENDATION: The recommended Proposed Decision to the Board be approved.

<b>(1) Introduction:</b>
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Yellow Bins (Waste Disposal) Ltd. has carried out waste activities at the above-mentioned facility since the early 1980's. These activities comprise of the acceptance, bulking and transfer of waste offsite. The applicant was issued with a waste permit from Kildare County Council on 11<sup>th</sup> November 1996. The waste licence application was made on 30/09/99 and indicated that the facility was accepting less than 25,000 tonnes of waste per annum. The prescribed date for making a waste licence application for such a facility was 01/10/99. Kildare County Council has indicated that the waste permit was revoked around the time the applicant made the waste licence application. Kildare County Council has also issued two Section 55 Notices to the applicant, one in August 2000 relating to the storage of waste at the facility and the other in October 1999 relating to waste disposal at a specific site in Kildare. The applicant has indicated in a response to Article 16 information (dated 17/08/01) that waste activities are being carried on, with the rate of waste acceptance at the facility in the region of 25,000- 30,000 tonnes per annum. The applicant has applied to accept up to 60,000 tonnes of waste per annum (comprising of municipal, commercial, industrial and construction and demolition wastes). The recommended Proposed Decision prohibits the acceptance of waste at the facility prior to the provision of an enclosed building, and subsequent to the provision of such a building, permits the acceptance of up to 60,000 tonnes of waste per annum.

The facility has planning permission dating from 1984 for retention of a workshop, for use for truck repair, metal fabrication and waste transfer area. A number of subsequent planning applications for a waste transfer/recovery building have been refused over the years by either Kildare County Council or An Bord Pleanála. At the time of writing an appeal against a decision by Kildare County Council to grant planning permission for a waste transfer/recovery building is under consideration by An Bord Pleanála.

The facility is located in a rural area in the townland of Donore approximately 7km north-west of Naas. The racing circuit Mondello Park is located to the south-west of and approximately 300m from the site on the opposite side of the road. There are a number of residents located within approximately 300m of the facility including one located opposite Mondello Park. At the time of the making of the application a new home was being constructed directly across the road from the facility with a further home subsequently being developed adjacent to the north-west boundary of the facility. The Grand Canal to the north of the facility is in the region of 800m from the facility at its closest point.

**A number of plans showing the location of the facility to which the application relates and the existing and proposed site layouts are provided in Appendix I.**

The following are the classes of Activity that the applicant has applied for:

Third Schedule of the Waste Management Act 1996

Class 11.	Blending or mixture prior to submission to any activity referred to in a preceding paragraph of this Schedule.
Class 13.	Storage prior to submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where the waste concerned was produced

Fourth Schedule of the Waste Management Act 1996

Class 2.	Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)
Class 3.	Recycling or reclamation of metals and metal compounds
Class 4.	Recycling or reclamation of other inorganic materials
Class 13.	Storage of waste intended for submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where such waste is produced

<b>Maximum quantity of waste to be accepted</b>	60,000 tonnes per annum
<b>Prescribed date for application</b>	1/10/99
<b>Application received</b>	31/09/99
<b>Environmental Impact Statement Required</b>	Yes. Received 04/05/00 in response to Article 16 request.
<b>Number of Submissions Received</b>	<b>17 of which 4 were withdrawn.</b>

DATE OF VISIT	OBSERVATIONS <sup>Note 1</sup>	PERSONNEL
28/04/00	Site Notice complies with Article 8.	Kealan Reynolds
12/04/01	Site visit.	Donal Howley

**Note 1:** A number of photographs from visits are included in Appendix I.

**(2) Facility Development:**

At present the facility accepts waste, which is tipped out in an outdoor area (approx. 20m x 8m). The majority of waste is bulked up into larger containers prior to transport for disposal off site with some wastes such as metals and timber removed offsite for subsequent recovery. A former church located on the site is used as a workshop for repairs to vehicles/plant. The applicant has proposed to develop a building in which all waste processing at the facility would be carried out. The applicant also has screening plant and a shredder onsite for use in the facility building when provided. The applicant has indicated an intention to carry out recycling at the facility when economically viable. But to date no plans have been submitted. The applicant has requested any waste licence would allow for the submission of recycling proposals in the future. The recommended Proposed Decision (PD) prohibits waste activities at the facility until the building is provided.

Waste was previously placed and stored in an area outside and to the north east of the identified current tipping area. This waste was removed subsequent to a Notice issued by Kildare County Council under Section 55 of the Waste Management Act in August 2000.

The application stated that the hours of operation (Article 16(1) response dated 27/02/01) are in general 6.00 a.m. to 8.00 p.m. Monday to Friday and 8.00 a.m. to 5.00 p.m. on Saturday. The PD further limits the hours of operation due to the potential for noise nuisance to 8.00 a.m. to 6.00 p.m. Monday to Friday and 8.00 a.m. to 5.00 p.m. on Saturday (Condition 1.7).

### **(3) Waste Types and Quantities**

Yellow Bins (Waste Disposal) Ltd. collects waste from households, commercial and industrial businesses and the construction industry. The applicant indicated that only Yellow Bins (Waste Disposal) Ltd. vehicles have access to the site, although the transport of waste offsite in 40ft trailers is contracted out. The rate of waste acceptance at the facility is in the region of 25,000- 30,000 tonnes per annum [based on Article 16(1) response dated 17/08/01]. The applicant states that the wastes accepted at the facility during the period 12<sup>th</sup> September 2000 to June 2001 were domestic waste, mixed industrial and commercial waste (including food waste), scrap metal, waste paper, glass, glass sludge, timber and construction and demolition wastes.

There is some uncertainty with regard to these waste quantities as the application refers in places to current acceptance rates of up to 40,000 tonnes per annum. Information submitted indicates that the applicant has in the past used unauthorised facilities. The PD sets conditions regarding the acceptance of wastes and the removal of waste offsite. Conditions require that the transport of waste offsite for recovery or disposal is to be carried out by waste carriers agreed with the Agency (Condition 5.4.1) and to facilities agreed with the Agency (Condition 5.4.2). Condition 11.3 of the PD requires the licensee to forward to the Agency monthly details of the waste quantities and types accepted at the facility and to which agreed facilities the wastes are transported and by whom.

The applicant proposes to accept up to 60,000 tonnes of waste (municipal waste (3,000 tonnes), commercial and industrial waste, and construction and demolition wastes per annum at the facility. The PD allows for the acceptance of up to 60,000 tonnes per annum of municipal waste (3,000 tonnes), commercial and industrial waste (47,000 tonnes), and construction and demolition wastes (10,000 tonnes). Condition 1.5.1 prohibits the acceptance of hazardous waste, liquid waste, animal waste, sludges or asbestos waste.

### **(4) Emissions to Air**

Noise monitoring results (Article 16(1) response dated 27<sup>th</sup> February 2001) indicate that noise levels at the boundary and at identified Noise Sensitive Locations (NSLs) are in excess of 55dB(A) during day-time and in excess of 45 dB(A) at night-time. The main noise impacts are attributed to mobile plant and traffic on site in addition to road traffic. A number of submissions refer to the noise and hours of operation as being unsociable. The licensee is required to ensure that all waste processing be carried out inside the building which is to be constructed. Condition 3.11.3 requires all machinery/plant used on-site to be fitted with acoustic panels in the engine bays and acoustic mufflers (exhaust silencers). Noise monitoring requirements are established under Condition 8.1 and Schedule D of the PD. Noise emission limits are set under Schedule C.

Odour nuisance has been identified as a significant problem arising from long-term storage of organic waste outdoors at the facility, particularly during the year 2000. Following a Section 55 notice served by Kildare County Council in August 2000 the stored waste was removed from the facility. Condition 7.1 of the PD requires that all waste at the facility prior to disposal be removed from the facility within 48 hours of its arrival or 72 hours if a Bank Holiday weekend. The licensee is required to carry out checks on a weekly basis for nuisances including odours at the facility and in the immediate surrounds (Condition 8.7).

Provisions for dust control are required under Condition 7 of the PD. Dust monitoring requirements are set out under Condition 8.1 and dust deposition limits are set under Schedule C.

## **(5) Emissions to Groundwater/ Hydrogeology**

The groundwater vulnerability is considered to be low with the applicant indicating that the site is underlain by a low permeability clayey till of a thickness greater than 10m. The underlying Boston Hill Formation is classified as a Poor aquifer, which is generally unproductive except for local zones (PI).

Analysis of groundwater from an onsite well, included within the application indicated elevated levels of iron, manganese, lead and total petroleum hydrocarbons. The levels for iron and manganese may be attributable to natural characteristics of the area. The levels reported for lead (0.47mg/l) and hydrocarbons (72µg/l) exceeds the MAC of the drinking water standards (0.05mg/l and 10µg/l respectively). Soil samples from three trial boreholes were also analysed and indicated hydrocarbon contamination, at levels above the Target Value but below the Intervention Value in relation to Dutch Guidelines. The trial borehole located nearest to the onsite diesel tank indicated the highest level of hydrocarbons (1,860mg/kg – the Dutch Intervention Value is 5,000mg/kg). Other levels noted from the soil samples include cadmium and nickel above the Dutch Target Value but below the Dutch Intervention Value. VOCs were detected in all boreholes. The borehole near to the diesel tank was the only one with a VOC level above the Dutch Target Value. This level is below the Dutch Intervention Value. Phenols were also detected in this borehole above the Dutch Target Value but below the Dutch Intervention Value. Potential sources for these levels are given as oils, timber preservatives and possibly from the presence of scrap metals on site.

The PD does not propose any remediation work be carried out on the soils as the levels of the various contaminants are below Dutch Intervention Values. The PD requires the licensee to monitor the onsite groundwater well and also an additional well, which is required to be provided under Condition 3.15.1. Condition 3.5.2 requires all areas to be used for the handling and storage of waste to be covered in concrete hardstanding and Condition 6.3 prohibits direct discharge to groundwater.

## **(6) Emissions to Surface Water**

There is a small stream which rises approximately 200m south east of the facility boundary. This stream is a small tributary of the River Liffey. There is no direct discharge from the facility to the stream. There is a nearby stagnant pond located outside the eastern corner of the facility boundary, approximately 35m from the current waste tipping area. Visual inspection of the pond indicates the quality of this water is poor. The Grand Canal is located north of the facility at a distance of approximately 800m at its closest.

Surface water management requirements are set out under Condition 3.13 of the PD. All drainage from waste handling/storage areas, weighbridge(s), and vehicle cleaning is to be collected and directed to an onsite wastewater treatment system agreed with the Agency (Condition 3.12). Such discharges are to be monitored in accordance with Condition 8.1. Condition 8.1 also requires monitoring of the water quality in the stagnant pond. Condition 6.4.1 of the PD prohibits the discharge of wastewater to surface water. Fuels may only be stored on site in appropriately bundled locations (Conditions 3.14 & 5.3.8).

## **(7) Other Significant Environmental Impacts of the Development**

- **Archaeology and Cultural Heritage**

Located onsite near to the facility entrance is a former Church dating from the nineteenth century. A graveyard had been located to the north of the Church although the burials and headstones were moved and reinterred at a nearby churchyard a number of years prior to the making of a waste licence application. Existing planning permission permits the use of the

church as a workshop for truck repair and metal fabrication. The church is identified in the County Development Plan 1999 for Preservation and Restoration. The PD requires the advice of Dúchas to be sought on any plans at the facility, which may result in a change to the appearance of the former church (Condition 8.6).

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

The Waste Management Plan (2000 - 2005) adopted by Kildare County Council on the 17th July 2000, was considered. The Waste Management Plan recognises the significantly increasing role of private sector involvement in the operation of waste disposal facilities in the County. Kildare County Council are proposing to try and recover as much waste as possible by segregating the waste either at source or at its destination. Condition 1.6 of the PD sets out requirements in relation to recycling targets for the facility. There is no specific reference to the applicant's site in the plan. The Water Quality Management Plan for the Liffey Catchment area was consulted.

#### **(9) Submissions/Complaints**

Thirteen valid submissions were received in relation to this application. I have had regard to all of these submissions. Four submissions made by one submitter were withdrawn. Below is a summary of the main concerns raised in the submissions. The specific details of some of the submissions are referred to in certain instances to give an overview of the concerns/issues raised.

##### **1. Environmental Nuisance**

*A number of submissions refer to nuisances from the facility caused by birds, rats, flies and litter, such as;*

- the noise from birds, bird droppings and the transport of undesirable objects from the site and depositing them on adjoining lands. There are birds of prey on site and hovering overhead often dropping bits of food (carcasses) on rooftops etc.*
- there is a large number of rats (rampant) in the area as a result of the facility operations; they cause nuisance such as "gnawing" at garden vegetables and there is concern/fears for their children and of disease due to the presence of rats in their gardens and vicinity. Rentokil has only been employed on site since November 2000.*
- there is a constant nuisance from flies*
- litter blowing offsite and from vehicles bringing waste to and from the facility.*
- the trucks and skips are in poor condition, can't read vehicle register numbers due to dirt on the vehicles. More often than not there is no cover on the skips. If there is netting provided it is often in poor condition.*

##### **Comment**

Potential nuisances from the facility are controlled by Condition 7 of the PD. All waste processing activities are required to be carried out in the waste transfer building to be constructed, the PD prohibits waste acceptance at the facility until the construction of this building. The licensee will be required to inspect the facility and its immediate surrounds on a weekly basis for nuisances. The presence of the wastes on site as is shown in the photographs included in submissions would likely cause significant nuisances. The carrying on of waste activities within a building on hardstanding should ensure the potential for such nuisance is eliminated. In addition, the storage of waste overnight at the facility prior to disposal shall only be in suitably covered and enclosed containers and waste must be removed within 48 hours of its arrival (72 hours for Bank Holidays). Wastes prohibited from acceptance at the facility are hazardous waste, liquid waste, animal waste, sludges or asbestos waste.

##### **2. Water Pollution**

*A number of submissions refer to leachate leaking from the site and via soakholes causing contamination to land and watercourse in adjoining field. The issue of containment is raised and that waste activities are not carried out on concreted areas. One submission also refers to liquid frequently flowing from the premises gate-way onto the road. Groundwater investigations other than the on site well should be carried out over a wider area. Reference is made to there being a huge underground tank on site believed to be leaking. The pond adjacent to the facility boundary is highly polluted as a result of the facility and this pond is connected via piping of an existing drain to a fast flowing stream some few hundred yards across the field. Records of Kildare County Council in 1996 were included which show high levels of pollution from tests carried out on effluent arising from the site.*

**Comment**

Past activities on site included the storage of waste in areas without any hardstanding or drainage controls. Effluent from rainfall leaching through waste, such as the wastes shown in the photographs included in submissions, should not be allowed to discharge directly to ground or to watercourses.

The acceptance of many of the wastes shown in those photographs is to be prohibited under the terms of the PD. The PD requires that all waste processing operations be carried out indoors. In addition to the provision of a waste transfer/recovery building the applicant has proposed to install a proprietary wastewater treatment system onsite. The PD requires the licensee to collect all wastewater generated onsite and to direct it to an agreed onsite wastewater treatment system. No wastewater will be allowed to discharge to surface water under the PD. The PD also requires that waste be only stored on concrete surfaced areas (Condition 3.5.2) in which drainage is directed to the specified wastewater treatment system (Condition 3.12). The storage of waste overnight at the facility may only be in designated and secure storage areas (Condition 5.3.3). Condition 8.1 requires monitoring of the on site well and of a new well to be installed to the east of the current operational area (Condition 3.15.1).

**3. Air Pollution**

*A number of submissions refer to odours from the facility. The value of the odour assessment carried out as part of the application was deemed to be inappropriate due to the time of assessment (December-January). Dust is also referred to as a nuisance from the facility in relation to the adjoining road and adjoining households. A number of submissions also refer to the noise emanating from the facility operations and the hours of operation as being unsociable and reference is made to an increased “dosage” of noise at the end of the day. Reference is also made to the waste permit application in 1996 stating that the facility operated 24 hours a day, seven days a week.*

**Comment**

The potential sources of air pollution at the facility are from odours, dust and noise emissions. The licensee is required to ensure that all waste processing be carried out inside the building which is to be constructed. All machinery/plant used on-site are required to be fitted with acoustic panels in the engine bays and acoustic mufflers (exhaust silencers) (Condition 3.11.3). Under Condition 7.1 of the PD all waste for disposal accepted at the site will be required to be removed from the facility within 48 hours of receipt of the waste (72 hours on Bank Holiday weekends). Other wastes with potential to cause an odour nuisance which are prohibited from acceptance at the facility include liquid waste, animal waste and sludges. Dust control measures to be implemented at the facility are set out in Condition 7.6. Dust deposition limits and monitoring are specified under Conditions 6.1 and 8.1 respectively. The PD specifies the hours of operation of the facility as 8.00 a.m. to 6.00 p.m. for Monday – Friday inclusive and 8.00 a.m. to 5.00 p.m. on Saturdays. Waste acceptance at the facility is allowed from 30 minutes after opening time up to 30 minutes prior to the closure time. Noise emissions limits and noise monitoring are specified under Conditions 6.1 & 8.1 respectively.

**4. Health**

*A number of submissions refer to concerns relating to the health of the submitters and of their children. Reference is made to the location of dwelling houses adjacent to the facility.*

**Comment**

The operation of the facility in compliance with the conditions of the PD should not have a significant impact on human health or the local environment.

**5. Waste Types & Quantities**

*A number of submissions expressed concerns regarding the waste types and quantities accepted at the facility, such as;*

- *wastes accepted included paunch contents, meat and meat products, offal, mirrors (containing mercury), toxic waste from Wyeth Medical and Naas Hospital. Photographs of waste at the facility were included as part of submissions.*
- *waste of all descriptions is carried in open skips to the site*
- *the quantities of waste accepted at the facility and those proposed to be accepted.*
- *the estimates in the application of waste quantities accepted are queried. Estimates in submissions suggest that the facility could be accepting quantities in the region of 5,000 tonnes per week and also in the region of 150,000 tonnes per annum. Different quantities are referred to in various parts of the application, such as 30,000, 40,000 and in excess of 60,000 tonnes per annum. Article 16(1) response referred to register of waste being set up but that as some C&D waste was not weighed how can the applicant accurately state the tonnage accepted at the facility.*
- *the applicant previously transported and stored offal and also that the applicant in the past had spread offal and blood on land as fertiliser. This raises concerns regarding the spread of bovine diseases.*
- *the statement by the applicant to carry out recycling if economically viable is questioned.*

**Comment**

The types and quantities of waste acceptable at the facility are specified under Condition 1.4 and Schedule A of the PD. The photographs referred to above indicate waste types, quantities and storage activities, which would not be allowed by the PD. It is noted that Kildare County Council issued a Section 55 notice to the applicant to clean up and remove the waste shown in these photographs. Condition 1.5.1 prohibits the acceptance of hazardous waste, liquid waste, animal waste and sludges at the facility. Condition 5.2 of the PD specifies waste acceptance and characterisation requirements for the facility. The licensee will be required to submit proposals to carry out recycling of a proportion of the waste accepted at the facility (Condition 1.6).

**6. Management/Condition of the Facility**

*A number of submissions refer to the facility being badly managed and not operated responsibly, and also;*

- *the facility is unsightly and always a mess*
- *that the quantity of waste accepted is a problem with waste being left on site for up to three months*
- *the facility was cleaned up on foot of the waste licence and planning applications*
- *the applicant has disregard for waste disposal and planning laws and has never operated in a legal or responsible manner*
- *the applicant will not comply with conditions*

**Comment**

Condition 2.1 of the PD requires that a suitably qualified and experienced manager be designated as the person in charge. Conditions of the PD specify the waste acceptance, handling and storage requirements at the facility and also operational and nuisance measures to be implemented at the facility. The licensee will be required to comply with all the conditions of the waste licence, if granted. The applicant was assessed to be a fit and proper person in accordance with the requirements of section 40(4)(d) of the Waste Management Act, 1996. As

part of the enforcement of the waste licence the Agency will undertake site inspections, audits and compliance monitoring checks as well as reviewing records and proposals required under the terms of the licence, if granted, and take whatever action it deems necessary to ensure that the licensee complies with the licence and does not cause environmental pollution.

#### **7. Legal Status of Operations**

*A number of submissions refer to the past history and legal status of the facility, such as;*

- details of planning history of the facility including documents from planning files relating to planning applications and to appeals to An Bord Pleanála.*
- operating outside its planning permission, with portacabins, skips (empty and full), 5m litter fence, car park and parking of machinery all outside the existing permission*
- the waste licence permit was revoked on 01/10/99*
- reference and details are included in relation to proceedings in Circuit Court brought by a nearby resident against the applicant in relation to the facility and nuisance and section 27(Local Government Planning & Development Act) and section 58 (Waste Management Act). The subsequent agreement between the resident and the applicant was included*
- notice was served by Kildare County Council under section 55 of the Waste Management Act, 1996 to the applicant in August 2000 in relation to the facility*
- reference is made to Kildare County Council having initiated proceedings under section 27 and for pollution*
- the pit area is supposed to be of a size for one skip but it is evident that a lot more waste is being dumped on site than is being transferred to a landfill site or municipal dump*
- the Church on site is a listed building and the existing and proposed facility contravene the County Development Plan.*

#### **Comment**

The planning status of the facility and any enforcement of planning issues is a matter for the planning authority. The PD restricts waste processing operations to within a facility building. This is to ensure that the operation of the facility in accordance with the licence will not cause environmental pollution.

Details of the existing status of this facility are given in the introduction to this report. The enforcement of the facility remains under the remit of the local authority until such time as a waste licence is granted or refused. A Section 55 Notice (Waste Management Act), issued by Kildare County Council to the applicant, related to the nuisances and potential for environmental pollution to be caused by the activities at the facility due primarily to the large quantities of unsuitable waste being placed in a mound at the north western end of the facility for a considerable period of time. As shown in the photographs included in the submissions this mound of waste was in effect a landfill. Such activity would not be allowed under the terms of the PD. The waste in question was subsequently removed from the facility (see photographs in Appendix I).

The old church on site is operated as a workshop/garage. The protection/designation of this building is primarily a function of the planning authority. Condition 8.6 does require the applicant to consult with Dúchas where any plans for the facility may result in a change to the appearance/structure of the church.

#### **8. Use of unauthorised dumps**

*One submission referred to having followed waste from the facility and to seeing it being dumped at an unauthorised dump in Pollardstown.*

#### **Comment**



The PD requires the licensee to have agreement for all waste carriers removing waste from the facility and that all waste removed from the facility is to be transported to facilities which have been agreed by the Agency (Condition 5.4). Condition 11.3 of the PD requires the licensee to forward to the Agency on a monthly basis details of all waste types and quantities accepted at the facility and details of the destinations to where such wastes were transferred. These measures are designed to track and control where wastes from the facility may be transferred. Following the issue of the licence the use of unauthorised facilities for the transfer of waste from the licensed facility would be a serious non-compliance issue and would be subject to enforcement action by the Agency. It is noted that the Agency has taken two successful prosecutions in relation to the operation of unauthorised landfills adjacent to the Pollardstown Fen. It is noted also that Kildare County Council issued a Section 55 Notice (Waste Management Act) on the applicant in relation to the disposal of waste at a specific site in Kildare.

#### **9. Traffic/Road Condition**

*A number of submissions refer to the unsuitability of the road network and also contend that the road and road edge in the vicinity of the facility are in poor condition as a result of its existing activities and contend that an increase in traffic at the facility would worsen the situation.*

#### **Comment**

The road network and traffic issues are under the remit of the planning authority and are not within the scope of this waste licence application. Condition 7.3 of the PD requires the licensee to ensure that the road network in the vicinity of the facility be kept free of any debris caused by vehicles entering or leaving the facility.

#### **10. Location/Visual/Archaeology/Cultural Heritage**

*A number of submissions refer to the attractive rural setting in which the facility is located. The visual appearance of the facility is unsightly including the waste piles as shown in photographs included in the submissions. A number of submissions refer to concerns regarding the old church (“White Mouse Church”) onsite, such as that the church is a listed building /protected structure under the 1999 County Kildare Development Plan. A copy of Kildare County Council’s “A Guide to Protected Structures” was included and it is contended both in relation to the presence of the church on site and the designation in the Development Plan of the area in which the facility is located as “agricultural” the facility (existing and proposed) is in contravention of that plan. It is contended that the facility will have an adverse impact of tourism. The road passing the facility would be the main road leading to Robertstown (approx. 2 miles from facility) which is designated as a “Special Village” in the County Development Plan and that the Robertstown Countryside is an area of High Amenity.*

#### **Comment**

There are no designated views in the vicinity of the site. The facility currently has planning permission for a waste transfer area and a decision to grant planning permission for a waste transfer/recycling building is currently under appeal to An Bord Pleanála. The height of any building on site is a matter for the planning authority. The waste types, storage arrangements, containment and length of time of waste on site will be controlled under the conditions of the PD.

Adherence to the County Development Plan is a matter for the planning authority. The PD requires that the advice of Dúchas should be sought for any plans at the facility which may result in a change to the appearance of the former church (Condition 8.6).

#### **11. Property**

*A number of submitters refer to the value of their properties being reduced as a result of the facility and express concern that the values will be further reduced if this facility is licensed.*

#### **Comment**

The PD includes measures to ensure that the carrying out of the licensed activities at the facility do not give rise to environmental pollution.

**12. Content of application**

*A number of submissions refer to there being differences between the EIS submitted in the waste licence application to that submitted in the planning application. A number of the submissions included as an attachment a review by F.T. Abbot, Consulting Engineer of the EIS submitted to the Agency. In this review it is contended that the EIS fails in a number of respects. It was also contended that companies other than the applicant were offloading materials at the facility.*

**Comment**

During the course of the application process the applicant was requested to prepare an EIS for the application. This was received on 04/05/00 and was assessed to have complied with the EC (EIA) Regulations 1989 to 1999 and Article 13(3) of the Waste Management (Licensing) Regulations, 1997.

<b>(10) Reasons for the Recommendation</b>
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In making the recommendation for a waste licence I have taken into account all information submitted as part of the application and submissions.

I consider past operations at the facility as likely to have caused nuisances and had the potential to cause environmental pollution. It is noted Kildare County Council has issued two Section 55 Notices to the applicant of this facility. These issues have given me some concerns in relation to making a decision on this application. I have no details of the applicant being prosecuted under the Waste Management Act.

In light of my concerns, I consider that the provision of an enclosed building for onsite waste activities to be necessary both in terms of BAT and the prevention of environmental pollution and this is reflected in the PD. Also included in the PD are detailed requirements on the agreement of all waste contractors removing waste from the facility and of the facilities to where waste is to be transferred.

The recommendation is that a waste licence be granted for the activities listed and described in Part I of the Proposed Decision subject to conditions. I consider that the carrying out of these activities in accordance with the conditions of the PD will not cause environmental pollution.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

Donal Howley  
Inspector, Environmental Management & Planning

**APPENDIX 1**  
**SITE LOCATION, LAYOUT PLANS & PHOTOGRAPHS**