



**OFFICE OF LICENSING &
GUIDANCE**

**REPORT OF THE TECHNICAL COMMITTEE ON
OBJECTIONS TO LICENCE CONDITIONS**

TO:	Directors	
FROM:	Technical Committee	- LICENSING UNIT
DATE:	05 November 2004	
RE:	Objection to Proposed Decision for Greenstar Recycling Holdings Limited, Register No. 157-1	

Application Details	
Class(s) of activity:	3 rd Schedule: 1, 4, 5(P), 6 and 13 4 th Schedule: 4, 9, 11 and 13
Location of activity:	Ballyguyroe North, County Cork.
Licence application received:	29/06/2001
PD issued:	04/06/2004
First party objection received:	28/06/2004
Third Party Objection received	28/06/2004. Mr. Liam Connery & Ms Mary Downes-Connery & Family. 30/06/2004. Glenanaar Valley Community. 30/06/2004.. Jack O' Sullivan, EMS Ltd. on behalf of Kildorrery Anti-dump Group.
Submissions on Objections received:	11/08/2004. Dr. Gabriel Dennison, Greenstar Recycling Holdings Limited 11/08/2004. Jack O' Sullivan, EMS Ltd.

Company

This report relates to an application by Greenstar Recycling Holdings Ltd. for a Waste licence at Ballyguyroe North, County Cork. Class 5 of the Third Schedule is the principal activity.

The application from Greenstar Recycling Holdings Ltd. is for the development of a non-hazardous landfill facility on a green-field site adjacent to an existing Cork County Council landfill now undergoing restoration works at Ballyguyroe North,

County Cork. The proposed site lies down gradient of the existing landfill and it is proposed by the applicant that it will have an operational lifetime of ten years.

There were 19 submissions made in relation to this application and these were considered by the Board at proposed decision stage. The Directors approved the recommendation to grant a waste licence and a *proposed decision* was issued by the Agency on the 4 June 2004. The Agency decided on 27 July that an Oral Hearing of the objections was not necessary and took the view that the objections could be fully and adequately considered and assessed by technical committee.

Consideration of the Objection by Technical Committee

This report considers one valid first party objection, three valid third party objections as set out below, and introduces the two valid submissions on objection into the text for convenience.

The Technical Committee, comprising of Malcolm Doak (Chair) and Breen Higgins, has considered all of the issues raised and this report details the Committee's comments and recommendations.

First Party Objection

Objections Received	Date Received
Dr. Gabriel Dennison, Environmental Director on behalf of the applicant	30 June 2004.

Third Party Objections

No.	Objector Name and Address	Date Received
1	Mr. Liam Connery & Ms Mary Downes-Connery & Family	28 June 2004.
2	Glenanaar Valley Community.	30 June 2004.
3	Jack O' Sullivan, EMS Ltd. on behalf of Kildorrery Anti-dump Group.	30 June 2004.

Submission on Objections

No.	Objector Name and Address	Date Received
1	Dr. Gabriel Dennison, Environmental Director on behalf of the applicant.	11 August 2004
2	Jack O' Sullivan, EMS Ltd. on behalf of Kildorrery Anti-dump Group.	11 August 2004

First Party Objection

The applicant submitted a nine page letter (dated the 28th June 2004) addressed to the Agency as four sections and a number of sub-sections. The letter deals with a number of aspects:

Part 1: Schedule of Activities Licensed

The applicant requests that the existing scope of Class 4 be broadened to allow for the separation and temporary storage of recoverable construction and demolition/inert waste prior to possible additional recovery/reuse or transport off the facility as described in Condition 5.11.1. This would allow the applicant to satisfy Condition 5.11.1 of the licence.

Technical Committee's Evaluation

The Technical Committee notes typographical errors in the current Class 4 description, notes the applicant's request, and proposes the following amendment:

Recommendation

Replace Class 4 4th Schedule with the following

Class 4	Recycling or reclamation of other inorganic materials: This activity is limited to the recovery and reuse of construction and demolition waste and its reuse as inert material for landfill restoration and construction works at the facility.
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Conditions:

(i) Condition 2.3.1

Greenstar consider that it will not be possible to prepare the EMS 6 months in advance of waste activities since the infrastructure will not be developed by that date, and request the timing is changed to 3 months.

Technical Committee's Evaluation

The Technical Committee notes that the EMS details specified in Condition 2.3.1 refer only to a proposal for EMS and not the EMS document. The EMS document strategy once agreed by the Agency determines the date of submission. It is standard in all Agency licences to have the 6 month proposal in order that an EMS is completed by the licensee correctly, with Agency agreement on EMS strategy etc.

Recommendation

No Change

(ii) Condition 2.4.1 Communications Programme

The applicant objects to this condition as it refers to the establishment of a Communications Programme within a time limit of six months after grant of licence and requests that the programme be "*established no later than six months prior to waste acceptance at the facility*". This change, the applicant suggests, would more

appropriately link the communications programme to waste acceptance rather than the licence grant date.

Technical Committee's Evaluation

The Communications Programme is required for the entire landfill facility, and is not confined to waste acceptance. The public require access to information at the facility particularly at the commencement stage of landfill construction.

Recommendation

No Change

(iii) **Condition 3.6.1**

The applicant requests that the provision and maintenance of office facilities be linked to the commencement of waste acceptance at the facility rather than the licence grant date.

Technical Committee's Evaluation

All sub-conditions falling under 'Condition 3' shall be established prior to the commencement of waste disposal activities or as required, as specified in Condition 3.1. The infrastructure required is linked to waste acceptance/disposal in all cases unless otherwise stated. The licence grant date is not the start date in these cases. The applicant should examine this matter.

Recommendation

No Change

(iv) **Condition 3.7.1**

The applicant requests that the provision and maintenance of a Waste Acceptance and Quarantine Area at the facility be linked to the commencement of waste acceptance at the facility rather than licence grant date. In order to define timing of the condition.

Technical Committee's Evaluation

Refer to our comments in point (iii), above.

(v) **Condition 3.8.1**

The applicant requests that the provision and maintenance of a weighbridge and wheel cleaner at the facility be linked to the commencement of waste acceptance at the facility rather than licence grant date. In order to define timing of the condition.

Technical Committee's Evaluation

Refer to our comments in point (iii), above.

(vi) **Condition 3.9.1**

The applicant requests that the provision and maintenance of a Waste Water Treatment plant at the facility be linked to the commencement of waste acceptance at the facility rather than licence grant date. In order to define timing of the condition.

Technical Committee's Evaluation

Refer to our comments in point (iii), above.

(vii) **Condition 3.18 Telemetry**

The applicant requests that the provision and maintenance of a telemetry system at the facility be linked to the commencement of waste acceptance at the facility rather than licence grant date. In order to define timing of the condition.

Technical Committee's Evaluation

Refer to our comments in point (iii), above.

(viii) **Condition 3.19.2 Groundwater**

The applicant requests that the installation of groundwater monitoring points at the facility be linked to the commencement of waste acceptance at the facility rather than licence grant date. In order to define timing of the condition.

Technical Committee's Evaluation

Refer to our comments in point (iii), above.

(ix) **Condition 3.19.3 Leachate**

The applicant requests that proposed layout for leachate monitoring points at the facility be linked to the commencement of waste acceptance at the facility rather than licence grant date. In order to define timing of the condition.

Submission on Objection

The submission (No.2) states *“the problem of dealing with leachate is a key issue which should have been addressed at an early stage in the waste licence application process, especially in the context of the unavailability of a local authority treatment plant to deal with the leachate”*.

Technical Committee's Evaluation

The Technical Committee notes the applicant's request, and proposes the following amendment:

Recommendation

It is recommended that Condition 3.19.3 be amended to link leachate monitoring to waste acceptance and leachate generation.

Amend Condition 3.19.3 as follows:-

Leachate

Within two months from the date of waste acceptance, the licensee shall submit to the Agency a proposed layout for leachate monitoring points to allow for the sampling and analyses of leachate.

(x) **Condition 5.13.4**

The applicant requests that the inspection and drainage of the wheel-wash at the facility be linked to the commencement of waste acceptance at the facility. In order to define timing of the condition.

Technical Committee's Evaluation

Refer to our comments in point (iii), above. Furthermore Condition 5.13.4 is a maintenance clause for infrastructure which is initiated by Condition 3.1.

Recommendation

No Change

(xi) **Condition 8.1**

The applicant requests that the monitoring as set out in Schedule D of the licence be linked to the commencement of waste acceptance at the facility rather than the licence grant date.

Technical Committee's Evaluation:

The TC notes that landfill gas, groundwater, and leachate emissions will not occur until waste activities have commenced on site. However, noise, dust, and surface water emissions will occur during landfill construction. Therefore, some of the monitoring required under *Schedule D: Monitoring* is not relevant prior to the commencement of licensed activities.

Recommendation

It is recommended that Condition 8.1 be amended for practicality:

Amend Condition 8.1 to read as follows:

The licensee shall, upon commencement of waste activities, carry out such monitoring of landfill gas, groundwater, and leachate emissions at such locations and frequencies as set out in *Schedule D: Monitoring* of this licence. Noise, dust, and surface water monitoring as set out in *Schedule D* shall commence no later than two months after the date of grant of this licence.

(xii) **Condition 8.9 Biological Assessment**

The applicant requests that the biological assessment of the River Farahy be linked to the timing of construction of the facility rather than the licence grant date. In order to define timing of the condition.

Submission on Objection

The submission (No.2) states that *the River Farahy is an important salmonid river with low flow at certain times of the year. As a nursery stream for trout and salmon the highest level of protection and the strictest emission limit values should apply. It states that the biological assessment of the river should be carried out as soon as the waste licence comes into force, and should be repeated several times annually in order to provide a full picture of the natural ecological state and the natural seasonal variations that may be present prior to any possible interference with the river. It further states that monitoring of surface water quality on a daily basis (or at the very least on a weekly basis) should be initiated as soon as the waste licence comes into force, in order to build up essential background data on the natural conditions in the river.*

Technical Committee's Evaluation

The biological assessment of the River Farahy is required to determine the impact of the entire landfill facility on the River (if any), and is required to be undertaken initially as a baseline prior to waste activities and landfill construction.

Recommendation

No Change

(xiii) **Condition 8.12**

The applicant requests that the weekly inspection of the facility for nuisances caused by litter, vermin, birds, flies, mud, dust and odours be linked to the operation of the facility. In order to define timing of the condition.

Recommendation

It is recommended that Condition 8.12 be amended for practicality:

<p><i>Amend Condition 8.1 to read as follows:</i></p>

<p>Nuisance Monitoring</p>

- | |
|---|
| <ul style="list-style-type: none">(i) The licensee shall on commencement of waste activities, at a minimum of one week intervals, inspect the facility and its immediate surrounds for nuisances caused by litter, vermin, birds, flies, and odours.(ii) The licensee shall on commencement of construction activities, at a minimum of one week intervals, inspect the facility and its immediate surrounds for nuisances caused by mud and dust. |
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(xiv) **Condition 1.5.1**

The applicant requests that the hours for waste acceptance be amended to 15 minutes after the permitted operational hours stated in Condition 1.5.2, in order to allow for greater operational efficiency.

Submission on Objection

The submission (No.2) states that 8:15am is too early a time to allow the acceptance of waste at the facility, especially on Saturdays. It further states that the noise engaged in these activities could give rise to significant nuisance at an early hour.

Technical Committee's Evaluation

All landfills licensed by the Agency require a minimum of an hour start-up and an hour closedown, and particularly at this landfill where the annual tonnage of 145,000 is relatively large. The Agency Landfill Manual – Operational Practices describes many activities that must be carried on daily and require such ‘lead-in time’; such as temporary capping, patrolling the landfill, record keeping. Also waste acceptance can create noise to nearby sensitive locations and hence the receptor population should not have to accept an earlier start.

Recommendation

No Change

(xv) **Condition 3.17.1**

The applicant requests that the proposed road improvements as described in Section 4.9.11 of the EIS be carried out as per a proposal submitted to Cork County Council. The proposal addresses the proposed road improvements and the appropriate financial contributions. The nature and timing of these issues will be determined by planning conditions.

Submission on Objection

The submission (No.2) states that as Cork County Council and ABP have refused planning permission for the proposed facility, it is essential that the necessary road improvements must be carried out by the applicant before any construction activity or waste-related activity is permitted to take place on the site.

Technical Committee's Evaluation

The TC consider that this Condition is a matter for the roads and planning authorities and not the Agency, as is the infrastructure in question lies outside the facility as defined in Condition 1.2.

Recommendation

It is recommended that Condition 3.17 be deleted.

<i>DELETE Condition 3.17 and re-number conditions 3.18 and 3.19 to 3.17 and 3.18, respectively.</i>

(xvi) **Condition 5.8.1**

The applicant objects to this condition as they feel that by commencing filling of cells in the south of the site will allow for the maturing of proposed screen planting as the landfill progresses northwards. This direction of phasing will facilitate the construction of a finished face along the southern aspect at the outset.

Technical Committee's Evaluation

The application documentation refers to a phasing plan in Section D4h and Section 3.1.4.7 of the EIS. The proposal is indefinite other than 'it is proposed to develop the site in four phases each phase containing two cells'. The PD specifies concerns on phasing in Condition 5.8.1 because infrastructure such as flare stack and leachate lagoon have yet to be decided. However, Drawing No. 2001-144-01-01 'Site Layout' is very specific to site infrastructure and cell labelling. The TC consider the drawing a good blueprint for cell and infrastructural phasing. The TC therefore consider the applicant's objection has merit, particularly with regard to the earlier screening and restoration works proposed on the south side. The TC recommend that cell phasing and location shall mirror the above Drawing.

Recommendation

It is recommended that Condition 5.8.1 be amended to link cell phasing to the drawing in the application:

Delete the wording of existing Condition 5.8.1 and insert the following:-

The landfill shall be filled in accordance with the Cell 1 to Cell 8 phase sequence outlined in Drawing No. 2001-144-01-01 'Site Layout'. Cell construction and phasing shall start at the south side of the facility unless otherwise specified by the Agency.

(xvii) **Conditions 10.2 & 10.6**

The applicant requests that the term Civic Waste Facility be removed from this Condition, as there is no Civic Waste Facility planned for the site.

Technical Committee's Evaluation

The Technical Committee notes these errors and proposes the following amendment:

DELETE Conditions 10.2 and 10.6 and re-number all of the sub-conditions consequently.

(xviii) **Condition 11.7 Annual Environmental Report**

The applicant requests that the wording of this Condition be amended, in order to provide clarification, to state;

“The licensee shall submit to the Agency for its agreement, by 31st March of each year an Annual Environmental Report (AER), covering the preceding year.”

Technical Committee’s Evaluation

The TC consider that the wording of the Condition is clear and does not require amendment or change.

Recommendation

No Change

(xvii) **Condition 12 Charges and Provisions**

The applicant requests that the following additional comment be included in Condition 12.1.3;

“In the event that the frequency or extent of monitoring or other functions carried out by the Agency needs to be decreased the licensee shall contribute such sums as determined by the Agency to defraying its costs in regard to items not covered by the said annual contribution”.

This request is made in order to take account of the potential reduction in monitoring required due to delays in construction of the facility which may occur.

Technical Committee’s Evaluation

The annual monitoring charge is based on the cost of carrying out Agency site inspections, audits and assessing reports and laboratory analysis of samples taken at the facility, as well as monitoring rounds. It should be noted that the annual charge will be reviewed on an annual basis. This charge will be reduced or increased, taking into consideration the Public Sector Average Earnings Index and the enforcement workload for the licence.

Recommendation

No Change

(xx) **Schedule C: Emission Limits**

The applicant requests that Schedule C.4 be amended so that the ELV for suspended solids is set at 35mg/l, as recommended in the Inspectors Report. The applicant feels this is in line with targets at other waste facilities licensed by the Agency.

Submission on Objection

The submission (No.2) states that *the River Farahy is an important salmonid river with low flow at certain times of the year. As a nursery stream for trout and salmon the highest level of protection and the strictest emission limit values should apply.*

Technical Committee’s Evaluation

The target water body receiving effluent from the landfill is the River Farahy an important salmonid river with low flow at certain times of the year. The Board of the Agency acknowledged this fact by imposing a stricter ELV than that recommended by its inspector. The TC considers that the ELV of 25mg/l should not be changed.

Recommendation

No Change

(xxi) **Schedule D: Monitoring**

Table D.5.1 Water and Leachate – Parameters/Frequency

The applicant requests that the table be adjusted to take into account the pre-construction and pre-operation phases of the facility, as it would be premature to insist on the monitoring prior to the commencement of operations at the facility.

Submission on Objection

The submission (No.2) states that *the River Farahy is an important salmonid river with low flow at certain times of the year. As a nursery stream for trout and salmon the highest level of protection and the strictest emission limit values should apply. It states that the biological assessment of the river should be carried out as soon as the waste licence comes into force, and should be repeated several times annually in order to provide a full picture of the natural ecological state and the natural seasonal variations that may be present prior to any possible interference with the river. It further state that monitoring of surface water quality on a daily basis (or at the very least on a weekly basis) should be initiated as soon as the waste licence comes into force, in order to build up essential background data on the natural conditions in the river.*

Technical Committee’s Evaluation

The target water body receiving effluent from the landfill is the River Farahy an important salmonid river with low flow at certain times of the year. Furthermore refer to TC comments in point (xi), above.

Recommendation

No Change

Third Party Objections

1. Mr. Liam Connery & Ms Mary Downes-Connery & Family

The objectors submitted a five page letter (dated 23 June 2004) addressed to the Agency in the form of introduction and objections to some of the Conditions contained in the Proposed Decision. Much of the text deals with the neighbouring landfill licence (2-2) and enforcement issues such as lack of a landfill gas flare, flies and water supply, and proximity to the two landfill footprints. The Connery family home lies approximately 400m northwest and upgradient of the existing (2-2) Cork County Council landfill and 600m northwest and upgradient of the greenfield site for the proposed Greenstar landfill.

The issues raised in the general introduction, pages 1 and 2, which focus on the enforcement issues at the (2-2) waste facility were previously made in a submission and were considered by the Agency Inspector during that process.

The Technical Committee examined the bullet point objections to this case:

(1) Condition 1.2 Scope of the Licence

The objectors refer to the fact that reference is made to a “facility” for the purpose of this licence. They question how the Agency can grant a licence to a non-existent “facility”, as a detailed assessment cannot be made without a planning application for the site. They regard this as premature and imposable [sic].

Submission on Objection (no.1)

The applicant submits that a determination in relation to planning should not influence the licensing process in this instance.

Technical Committee’s Evaluation

Condition 1.2 refers to the red-line boundary of the proposed 157-1 landfill facility. The application for a new lined landfill facility (proposal) was submitted by the applicant in June 2001, as required by Section 39(1) of the WMA, for which the Agency must determine a decision as per the requirements of Section 40 (4) of the WMA. The waste licence application is a separate requirement to the planning code. All private landfill developments require both planning permission and a waste licence to operate.

Recommendation

No Change

(2) Condition 6 (Emissions), Condition 7 (Nuisance Control) and Condition 8 (Monitoring).

The objectors raise many issues in this point, most of which relate to licence Ref. No. 2-2 and cannot be considered by this Committee. In relation to Condition 8.7 (Monitoring) the objectors state that they have never made any agreement with Cork County Council or Greenstar to have their well monitored, nor have they ever been approached on the matter.

Submission on Objection (no.1)

The applicant submits that the Condition 8.7 refers to all private wells within 250m of the facility and the objectors well is situated approximately 500m from the proposed facility. Greenstar considers the objection irrelevant, as whatever difficulties the objectors may have had with the previous operator are between those two parties.

Technical Committee's Evaluation

The TC note the concerns of the objection but point out the Connery & Family well is understood to be approximately 600m north-west and upgradient of the proposed landfill. Groundwater flow is to the southeast towards the Farahy River where it discharges as specified in Figure 2.6.1 of the EIS 'Groundwater Flow Contours'. The condition relates to wells within 250m of the proposed facility.

Recommendation

No Change

(3) Condition 3 Facility Infrastructure

The objector states that Condition 3.14 requires that within 18 months of the commencement of waste activities, infrastructure for the active collection and flaring of landfill gas shall be installed. In the objectors opinion that it is "inconsiderate and incompetent to inflict even more poisonous gases" on them.

Submission on Objection (no.1)

The applicant submits that the presence of a landfill gas collection system and the flare plus the intermittent and final capping will mitigate against any significant emissions of landfill gas.

Technical Committee's Evaluation

The TC note the concerns of the objection. Condition 3.14 requires the installation of a landfill gas infrastructure which will manage gaseous emissions by flaring off the methane emissions, as required by the EPA landfill manuals and Landfill Directive. These actions will not add to the landfill gas issues at the 2-2 facility, north, and will not cause the problems envisaged by the objection.

Recommendation

No Change

(4) Condition 3.12.1 Buffer Zone

The objector states that buffer zones listed under Condition 3.12.1 would cause the two adjoining landfill to encompass one another. This in turn would lead to various planning, environmental, *etc.* issues.

Submission on Objection (no.1)

The applicant submits that adherence to Condition 3.12.1 will not lead to any of the problems listed by the objector.

Technical Committee's Evaluation

The TC note the concerns of the objection. There will be two separate licensed facilities in operation with restoration works and final capping taking place at the council facility Reg 2-2. The issues mentioned in the objection will not arise and the 50m buffer zone will ensure both licences are enforced separately.

Recommendation

No Change

(5) Condition 5 Facility Operation and Waste Management

5.12.4 Leachate management

The objector expresses concern at the lack of any mention of the treatment of leachate at the facility. The objector further expresses concern at the lack of provision made for the treatment of leachate off-site.

Submission on Objection (no.1)

The applicant submits that the agreements in place to receive and treat the Ballyguyroe leachate off site are exactly the same as those that accompanied licence applications for other residual landfills in the State. These agreements were to the satisfaction of the Agency and An Bord Pleanala.

Greenstar further submit that they are satisfied that leachate generated at the landfill can be readily accommodated at treatment plants located away from Ballyguyroe. Any such arrangements for the off-site disposal of leachate shall be agreed with the Agency in advance.

Technical Committee's Evaluation

The TC note the concerns of the objection. The issue of leachate management and off-site treatment was dealt with in detail in the earlier Inspectors Report – Section 3.1. Leachate arising at the facility is required to be stored in a leachate lagoon or treated on-site as per Conditions 3.13 and 5.12. The PD meets many requirements for leachate handling.

Recommendation

No Change

Third Party Objections

2. Glenanaar Valley Community

The objectors submitted a three page document dated 24th June 2004, addressed to the Agency as a general introduction and discussed eight conditions. It also included a copy of the An Bord Pleanala Inspectors Report (24 pages).

The general introduction deals with a number of aspects: Cork County Council and An Bord Pleanala planning issues, Agency application procedures and general EIS matters. It does not consider any of the individual conditions of the Proposed Decision.

The Technical Committee examined the following matters only, since the other aspects are not specific points of objection to the PD or PD process.

(a) Condition 2 Management of the Facility

The objectors request that the operator should be placed under an onus to notify the residents, directly and immediately, of any occurrences that have a direct impact on the environment.

Submission on Objection

The applicant submits that information can be obtained from the facility at all reasonable times as per Condition 2.4.1.

Technical Committee's Evaluation

Conditions 9.1, 9.4, and 11.2 determine the many requirements of the licensee in the case of an incident to the environment.

Recommendation

No Change

(ii) Condition 3 Facility Infrastructure

3.3 Notice Board

The objectors request that any notice board should be legible to persons from the public road, without the need for members of the public to trespass over a private road.

Submission on Objection

The applicant has no objection to the provision of such a facility subject to it being given planning approval.

Technical Committee's Evaluation

This detail is a moot point and does not require the Agency's intervention. The licensee and community shall resolve this matter under the terms of Conditions 2.4.1 and 3.3.1. The objective of having a notice Board is that it can be read by the public from outside the facility from a location that is accessible to the public.

Recommendation

No Change

3.13.4 Leachate Management System

The objectors refer to the An Bord Pleanála Inspectors Report, which states that, the storage capacity of the leachate holding lagoon at 740m³ is considered inadequate.

Submission on Objection

The applicant submits that as per the Proposed Decision they will be required to carry out a water balance on the site in order to demonstrate the adequacy of the storage capacity.

Technical Committee's Evaluation

Condition 3.13.4 requires a water balance.

Recommendation

No Change

3.17 External Road Access

The objector states that any decision to grant a licence must be conditional on the applicant guaranteeing a range of upgrading works to the public road network in the general site area.

Submission on Objection

The applicant submits that road improvements are addressed by a proposal submitted to Cork County Council that an appropriate financial contribution should be made towards road improvements. This issue will be determined by planning conditions.

Technical Committee's Evaluation

Refer to our comments in point (xv), above. External roads are matters for the local planning and roads authorities.

(iii) Condition 5. Facility Operation and Waste Management

Condition 5.8.7

The objectors request that any lighting used on site shall not create light pollution of the night sky.

Submission on Objection

The applicant submits that artificial lighting shall be kept to a minimum.

Technical Committee's Evaluation

The times of operation and acceptance of waste are restricted by the licence and hence the hours when the use of artificial lighting will be necessary on site. No change is proposed.

Recommendation

No Change

Condition 5.9.1.1

The objectors request that treated industrial sludges shall not be accepted at the facility, as it is a non-hazardous site.

Submission on Objection

The applicant submits that treated industrial sludges shall be limited to 5000 tonnes per annum, as per the Proposed Decision.

Technical Committee's Evaluation

Condition 5.9.1 of the PD manages this matter comprehensively. Also the maximum tonnage for this type of waste is 5,000T which represents 3.5% of the total waste incoming per annum. Any sludges to be accepted on site are non hazardous.

Recommendation

No Change

(iv) **Condition 7. Nuisance Arrangements**

Condition 7.6 Bird Control

The objectors express concern at the use of birds of prey to scare birds feeding at the landfill and wishes to know if this practice is approved of by bird welfare groups and through legislation.

Submission on Objection

The applicant submits that falconry has proved very successful as a control measure at a number of landfills throughout the country.

Technical Committee's Evaluation

Condition 7.6.1 of the PD manages this matter comprehensively and requires Agency agreement. The use of Birds of Prey is an option, as is the use of other static bird

scaring techniques. The use of gas bangers is prohibited. There are no issues with the use of Birds of Prey from the viewpoint of welfare groups as it is felt that the practice does not cause actual physical harm to scavenging birds. It is used only as a technique to create an intimidating atmosphere for the aforementioned scavengers.

Recommendation

No Change

(v) Condition 9.1 Contingency Arrangements

The objector states that the licence makes no reference to contingency plans for the safe site containment of leachate and soiled run-off surface water in *force majeure* weather conditions.

Submission on Objection

The applicant submits that contingency arrangements are dealt with under Condition 9 and in particular in the Emergency Response Procedures.

Technical Committee's Evaluation

Condition 9 of the PD manages these matters comprehensively.

Recommendation

No Change

(vi) Condition 11 Reports and Notifications

The objector states that the onus to operate the landfill in accordance with the regulations largely depends on the integrity of the licensee. The licence does not provide for regular inspections by an independent body.

Submission on Objection

The applicant submits that it is their intention to work closely with local residents and Cork County Council in respect of the development. Greenstar also submit that they have a distinguished track record in waste management and infrastructure provision.

Greenstar further submit that the facility will be subject to regular Agency inspections to ensure licence compliance.

Technical Committee's Evaluation

The facility will be subject to Agency inspections and audits to ensure licence compliance. Emissions from the facility will also be sampled and analysed by the sampling and monitoring team of the Agency.

Recommendation

No Change

(vi) **Condition 12**

Charges and Financial Provisions

Condition 12.2.4

The objector states that the licence should seek not just indemnity but a guarantee that money be lodged with a third party to ensure cover for any liabilities which may occur in the event of the company becoming non-viable or ceasing to exist.

Submission on Objection

The applicant submits that they are agreeable to lodging sufficient monies to cover liabilities with a third party.

Technical Committee's Evaluation

Condition 12.2 of the PD manages these matters comprehensively.

Recommendation

No Change

Condition 12.4

The objector states that the term “local community” should mean the immediate locality, the areas most adversely affected by the operation of the landfill.

Submission on Objection

The applicant submits that they are in agreement with this interpretation of “local community”.

Technical Committee's Evaluation

While Condition 12.4 of the PD manages these matters comprehensively the ‘local community’ must include those in the immediate locality.

Recommendation

No Change

Third Party Objections

3. Jack O’ Sullivan, EMS Ltd. on behalf of Kildorrery Anti-Dump Group.

The objectors submitted a thirty three page document dated 30th June 2004, addressed to the Agency as a general introduction and seven sections and a number of sub-sections.

The document deals with a number of aspects: High Court Negotiated Settlement in 1997, Cork County Council and An Bord Pleanala planning issues, general EIS matters and the Proposed Decision process. It does not consider any of the conditions of the Proposed Decision.

The document discusses planning matters in a comprehensive manner as seven pages and 6 sub-sections with conclusions. Mr. O’Sullivan concludes that although Cork County Council and An Bord Pleanala have a different role from that of the Agency, there should be more consistency between the decisions taken by each authority, and their assessments of the EIS. He argues that four separate refusals of planning permission should influence the Agency in its decision.

The Technical Committee examined the following points only since the other aspects are not specific points of objection to the Proposed Decision or Proposed Decision process:

6. ‘The waste licence application, and the Applicants(s)

The objectors state inter alia, that a number of companies appear throughout the PD and IR, such as Greenstar, Greenstar Recycling Holdings Ltd, Celtic Waste Limited, etc. They suggest there is a conflict with Section 40 of the WMA.

Submission on Objection

Celtic Waste was the original applicant on 29 June 2001. Greenstar is now the trading name.

Technical Committee’s Evaluation

Recommendation

The Technical Committee notes the objector’s comments, and the error in the PD. Since the PD issued the Agency was notified of a further name change to ‘Greenstar Holdings Limited’. The error in the PD is to be corrected with the insertion of the new name of the applicant as notified on 23rd August 2004. All name changes have been register with the Register of Companies.

Recommendation

Delete the reference to Celtic Waste Limited and Greenstar Ltd, and replace with ‘Greenstar Holdings Ltd’.
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7.9 “Inadequate Proposals for Managing, Containing and Treating Surface Water Run-off.”

The objectors state that the proposal to deal with surface water run-off are inadequate due to the presence of very fine colloidal matter, the argument is augmented by making reference to the adjacent facility, previously operated by Cork County Council. They therefore request that the Agency shall include the lack of detailed information on how surface waters are to be treated before discharge as a reason for refusal of a waste licence.

Submission on Objection

The applicant submits that much of the objection is irrelevant as it relates to difficulties experienced by Cork County Council relating to operations at the adjoining facility. Greenstar submits that the proposed surface water infrastructure will ensure no detrimental impact upon the River Farahy as a result.

Technical Committee’s Evaluation

Condition 6.5 of the PD manages these matters comprehensively.

Recommendation

No Change

7.10 “Inadequate Proposals for the On-site Treatment of Leachate.”

The objectors state that “*it is essential that detailed and specific proposals for on-site leachate treatment are put forward by the applicant; and, in the absence of such proposals, the application for a waste licence should be refused by the Agency.*”

Submission on Objection

The applicant submits that all leachate generated on-site can be accommodated at treatment plants located away from the Ballyguyroe site. No on-site treatment of leachate is proposed.

Technical Committee’s Evaluation

Refer to our comments in point (5), above.

7.15 “Other Valid Reasons for Refusing a Waste Licence.”

The objectors submit five other reasons why the proposed landfill is unsuitable.

Submission on Objection

The applicant submits that they have considered BAT Guidance notes for landfill activities and shall comply with Condition 3.12.1 of the proposed licence.

Technical Committee’s Evaluation

The PD is BAT for a municipal landfill.

Recommendation

No Change

Overall Recommendation

It is recommended that the Board of the Agency grant a licence to the applicant:

- (i) for the reasons outlined in the proposed decision; and,
- (ii) subject to the conditions and reasons for same in the Proposed Decision;
and,
- (iii) for the reasons outlined in this report.

Signed

Malcolm Doak, Inspector
for and on behalf of the Technical Committee