

MEMO

TO: Board of Directors	FROM: Dara Lynott
CC:	DATE: 18/11/2004
SUBJECT : Ballynagran Residual Landfill, Co. Wicklow Technical Committee Report	

Application details

Applicant:	Greenstar Recycling Holdings Ltd.
Location of Activity:	Ballynagran, Coolbeg and Kilcandra Co Wicklow
Reg. No.:	165-1
Licensed Activities under Waste Management Act 1996:	Third Schedule: Classes 1,4, 5, 6, 13 Fourth Schedule: Classes 4, 9, 11, 13
Proposed Decision (PD) issued on:	28/03/03
Objections received:	Pat King, Ballynagran & Coolbeg Action Group (received 23/04/03) Peter Sweetman, Peter Sweetman & Associates(received 24/04/03)
Submissions on objections received:	Mr. Pat King, Ballynagran & Coolbeg Action Group (12/06/03)
Inspector:	Dr. Michael Henry

Consideration of the objections and submissions on objections

The Technical Committee (TC) (Dara Lynott, Chairperson, Peter Carey and Caoimhin Nolan, committee members) considered all of the issues raised in the Objections on 14/08/03 and on 18/08/03. This report details the Committee's comments and recommendations following the examination of the objections and the submission on objections received.

In assessing the objections and submission received the committee concluded that a significant number of issues raised related to the quality of the EIS, waste management plans or the interaction with the planning process. There were no specific objections to conditions in the PD.

Objection Number 1 included a request for an oral hearing to be held. The Agency decided at a Board meeting on 20/05/03 not to hold an oral hearing in relation to this licence application.

It is the view of the Committee following their assessment that the conditions of the Proposed decision adequately address the objections raised. However the committee's consideration of the objections have been detailed below.

Objections

Objection Number 1 From Pat King, Ballynagran & Coolbeg Action Group

Objection 1, Item 1 – Lack of documentation on site selection. The site selection described in the EIS refers to a previous EIS carried out by Wicklow Co. Co. for the same site. The Wicklow Co. Co. EIS was not available for review at EPA HQ. A single page summarising alternate sites is inadequate.

Technical Committee's Evaluation

The TC notes the following from the Inspector's report

"Details on alternatives were included in the information submitted in the waste licence application/EIS by Celtic Waste Ltd. The process of consultation by the applicant with members of the public and nearby residents is a matter for the applicant. The EIS and waste licence application was made available to the public by the Agency."

"I am satisfied that the environmental impact assessment carried out by Celtic Waste Ltd. was adequate for an assessment of any likely significant effects on the environment. I consider that sufficient information was provided in the waste licence application, EIS and subsequent responses to allow an assessment of the impacts on the environment. I am satisfied that compliance with the conditions of the recommended PD will ensure that the requirements of Section 40(4) of the WMA 1996 are not contravened."

The TC considers that this objection was satisfactorily dealt with by the Inspector.

Recommendation

No Change

Objection 1, Item 2 – Use of the word Residual – There is no indication of treatment prior to deposition of waste at this site.

Technical Committee's Evaluation

The TC notes that Condition 1.5.3 requires that all waste accepted at this facility has to be subject to treatment.

Recommendation

No Change

Objection 1, Item 3 – Deferment of decision on important elements - No public consultation is provided on plans or proposals that have to be agreed after the grant of the Licence.

Technical Committee’s Evaluation

The TC concurs with the inspector’s view that “ compliance with the conditions of the recommended PD will ensure that the requirements of Section 40(4) of the WMA 1996 are not contravened.” In addition the TC notes that all reports received from the applicant will be available for review by the public and that Condition 2.4 allows for a communication programme to be established. There was sufficient information available in the application and Environmental Impact Statement to allow the decision to be made in this case.

Recommendation

No Change

Objection 1, Item 4 – The EPA’S unhelpful attitude –No response from the EPA to requests for information or for meetings.

Technical Committee’s evaluation

The TC notes the statement contained in the objection that any personal dealings with staff members of the EPA have been without exception, courteous and helpful. The TC notes that this issues raised within the objection were raised as a submission during the application process and addressed by the Inspector in his report. Which states

“the file relating to this application would be available for inspection at the Agency’s headquarters and at Wicklow Co. Co.’s offices. All valid submissions received by the Agency in relation to waste licence application 165-1 have been taken into account in making the recommendation. Persons/groups making valid submissions were informed in writing by the Agency that their information would be treated as a submission. Information submitted to the Agency in relation to waste licence applications together with information related to the enforcement of waste licences is made available for inspection by members of the public by the Agency. This information is exempt from the requirements of the *Access to Information on the Environment Regulations, SI 125 of 1998.*”

With regard to any submission made as part of the licensing process the inspector also states that

” A total of 20 valid submissions were received by the Agency in relation to this application. I have had regard to the submissions in making my recommendation to the Board.”

The TC considers that this objection was satisfactorily dealt with by the Inspector.

Recommendation

No Change

Objection 1, Item 5 – Separation of planning and Environmental Considerations –*The defined roles of the EPA and the planning authorities are unsatisfactory in relation to environmental matters.*

Technical Committee’s evaluation

This objection is outside the remit of the TC. The observations made in relation to the legislation is noted, however the Agency is clear as to its role in such matters.

Recommendation

No Change

Objection 1, Item 6 - Legal Barrier to the consideration of the Site - The Site is not included in the relevant Waste management and development plans.

Technical Committee’s Evaluation

The TC notes that the Inspector dealt with this issue in his report. The inspector states that The Waste Management Plan for County Wicklow (adopted in April 2000) refers to the need for landfill space in the county for domestic, commercial and industrial waste. The Plan also states that there is a need to ensure the provision of a new landfill for municipal and similar non-hazardous household, commercial and industrial waste.

The Wicklow County Development Plan states that it is the policy objective of the Council to ‘*have regard to its duty under Section 38(1) of the 1996 Waste Management Act, to provide and operate, or arrange for the provision of, such facilities as may be required for the recovery and disposal of household waste arising within its functional area*’.

The TC considers that this objection was satisfactorily dealt with by the Inspector.

Recommendation

No Change

Objection 1, Item 7 - Charging of fees- *Payments, which accompany the objection, are made under protest and should be refunded.*

Technical Committee’s Evaluation

This issue is outside the remit of the TC. The statutory provisions governing the licensing process require the payment of fees in relation to objections. This is primarily a matter for the legislature.

Recommendation

No Change

Objection 1, Item 8 - Groundwater management - *The Characterisation of the groundwater and geology is incorrect and two reports are appended to support this view.*

Technical Committee’s Evaluation

The TC notes that the appended reports relate to the previous EIS prepared by Wicklow Co. Co in its application for a landfill on a similar site boundary, which was the subject of a withdrawn waste licence application (reg. No. 5-1), and not to this application. Thus these reports do not reflect the most up to date knowledge on the hydrogeology of the site and have not been considered by the TC.

With regard to the designation of groundwater and geology the TC is satisfied that the Inspector has relied on the GSI designation of bedrock aquifers and the GSI response matrix having regard to aquifer category and vulnerability rating.

Recommendation

No Change

Objection 1, Item 9 - Conformance with waste management plans – *The facility’s proposal to accept waste from other counties should be in accordance with other waste management plans.*

Technical Committee’s Evaluation

See response to Item 6 above.

Recommendation

No Change

Objection 1, Item 10 - Non-compliance with “good” waste recovery procedures – *Other waste recovery options have not been explored prior to a licence being issued.*

Technical Committee’s Evaluation

See response to Item 2 above.

Recommendation

No Change

Objection 1, Item 11 - Dealing with Leachate - *The applicant states that there are no adequate arrangements for treating leachate.*

Technical Committee’s Evaluation

The TC is satisfied that the recommended PD requires (Condition 11.4.6), prior to the acceptance of waste at the facility, a report to be submitted to the Agency for its agreement on the off-site WWTP to be used. The report must detail the

capacity and level of treatment provided, contingency arrangements proposed together with a report on the provision of infrastructure for the on-site treatment of leachate.

Recommendation

No Change

Objection 1, Item 12 - Anti-Social Working Hours - *Operation should be restricted to 5 days per week and 09:00 to 17:00. There is a lack of consultation on plans and proposals to be submitted after grant of the Licence.*

Technical Committee's Evaluation

The TC determined that Waste acceptance between the hours of 08:00 and 18:00 was reasonable for a facility of this size (condition 1.6.1.1). Safety of pedestrians on the roads outside this facility will be a matter for the Local Authority, however, condition 3.18 requires traffic awaiting access to queue inside the facility. In addition the TC notes that all reports received from the applicant will be available for review by the public and that Condition 2.4 allows for a communications programme to be established.

Recommendation

No Change

Objection 1, Item 13 – Local Concerns – *Lack of consultation on plans and proposals which are to be submitted after the licence is granted.*

Technical Committee's Evaluation – see response to Item 3 above.

Recommendation

No Change

Objection Number 2 From Mr. Peter Sweetman and Associates

Objection 2, Item 1 - No proper EIA has been carried out by the Inspector due to the number of matters to be dealt with by condition subsequent to the granting of the consent without any facility for the public to be consulted.

Technical Committee's evaluation

The inspector assessed the EIS, as confirmed in his report, in accordance with the Licensing Regulations. His overall assessment of the application, EIS and all submissions received was to recommend the proposed determination as submitted to the Board. The Board accepted this recommendation to grant a licence subject to conditions. This matter was also addressed in response to Objection 1, Items 1 and 3.

Recommendation

No change.

Submission on Objections

Submission Number 1 – From Mr. Pat King

Submission 1, Item 1 – The Ballynagran & Coolbeg Action Group protest the decision by the Agency not to hold an oral hearing and that charging for lodging an objection deters concerned sections of the population from involvement in the public participation process.

Technical Committee’s Evaluation

The Board of the Agency gave every consideration to the request for an oral hearing and decided not to grant one. This decision, which was not taken lightly, was issued prior to the technical committee consideration of the objections and is thus outside the remit of the TC.

Recommendation

No change.

Signed:

Dara Lynott
Technical Committee Chairperson