



ENVIRONMENTAL PROTECTION AGENCY

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To: Ms. Laura Burke

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Date: 27 February 2004

From: Eve O'Sullivan

Total number of pages including this one: *bf*

Message:

At the request of Paddy Nolan I attach for your reference letters which were sent to Meath Co. Council in relation to a waste licence application received from Indaver Ireland.

Regards,

Eve O'Sullivan
Programme Officer
Licensing Unit
Office of Licensing & Guidance



Environmental Protection Agency
An Ghnómháireacht um Chaomhú Comhshaoil

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Mr. L. Whelan
Senior Executive Officer
Meath Co. Council
County Hall
Navan
Co. Meath

23 January 2004

Reg No. 167-1

Dear Mr. Whelan,

I am to refer to your letter dated 16th January and to my letter of 12th January in relation to the stack height of the waste to energy plant for the proposed development by Indaver Ireland at Carranstown, Duleek, Co. Meath.

In the first instance I should point out that there was a typographical error of the wording of the condition in that the OD reference should have read 95.3 OD and not 90.3OD. I would appreciate if you could bring this to the attention of those who have been circulated with a copy of letter dated 12th January.

For clarity the correct wording of the proposed condition is as follows:-

"The stack height of the waste to energy plant (emission point reference no.A1-1) shall at minimum be 95.3 OD (i.e. increased from 40m as specified in the application to 65m)."

As outlined in my letter of 12th January the purpose of increasing the stack height is to ensure that appropriate infrastructure is in place for the protection of the environment through the dispersion of emissions taking account of, among other things, the height of adjacent buildings. The justification for this and any other condition that may be attached to such licence is to satisfy the requirements of the Waste Management Act. In this regard I refer you to the PART V provisions of this Act and in particular to Section 40(4) in relation to the determination of this licence application. You are therefore requested to submit such conditions as you consider appropriate having regard to the proper planning and development of the area and to the provisions of 54 (4) of the Waste Management Act 1996.

Yours sincerely

P. Nolan
Programme Manager
Licensing Unit
Office of Licensing and Guidance



Guardians of the Environment



Environmental Protection Agency
An Ghníomhaireacht um Chaomhnú Comhshaoil

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12 January 2004

Reg. No. 167-1

Dear Secretary

The Agency is currently processing an application for a waste licence for Indaver Ireland (Branch of Indaver NV), for a proposed waste management facility at Carranstown, Duleek, Co. Meath. It is understood that this development was the subject of permissions granted by your Council (Ref No. 01/4014).

The assessment of this application has required that all emission abatement treatment options be given detailed consideration and examination on an integrated basis in accordance with the statutory requirements in place at this time.

In the light of this assessment, the Agency proposes to impose a number of conditions relating to emissions from the activity one of which will require the applicant to install a stack to a certain height above ground level, to ensure that appropriate infrastructure is in place for the protection of the environment. The proposed condition is as follows:

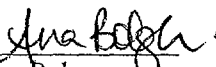
"The stack height of the waste to energy plant (emission point reference no. A1-1) shall at minimum be 90.3m OD (i.e. increased from 40m as specified in the application to 65m)."

This condition may require to be dealt with under Section 54(4) of the Waste Management Act, 1996 (copy enclosed for ease of reference) as the development referred to above is not the subject of a permission under Part IV of the Local Government (Planning and Development) Acts, 1963 to 1993.

In accordance with Section 54(4) of the Waste Management Act, 1996 the Agency wishes to consult your Council in relation to this development, which is necessary to give effect to the proposed condition. I am also to advise that the Agency may attach such conditions related to the above-mentioned development as may be specified by the planning authority for the purposes of the proper planning and development of the area or more stringent conditions as the Agency may consider necessary for the prevention, limitation, elimination, abatement or reduction of environmental pollution from the activity.

Consideration of this application by the Agency is at an advanced stage. In order for the Agency to deal with the application as expeditiously as possible, it would be appreciated if your reply could issue at the earliest possible date.

Yours sincerely


Ana Bolger

Programme Officer
Office of Licensing & Guidance

cc. L. Whelan, Senior Officer, Planning Section.



54(4) Where a permission under Part IV of the Act of 1963 has been granted or an application has been made for such permission in relation any development comprising or for the purposes of a waste recovery or disposal activity, the carrying on of which requires the grant of a waste licence, the Agency-

- (a) shall consult with the planning authority in whose functional area the activity is or will be carried on in relation to any development which
 - (i) is necessary to give effect to any conditions to be attached to a waste licence in respect of the activity, and
 - (ii) the Agency considers is not the subject of a permission or an application for a permission under Part IV of the Act of 1963, and

- (b) may attach to the waste licence such conditions related to the development afore-said as may be specified by the said planning authority for the purposes of the proper planning and development of its functional area, or more stringent conditions as the Agency may consider necessary for the prevention, limitation, elimination, abatement or reduction of environmental pollution from the activity.