

Mr Frank O'Halloran
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North Tipperary County Council
Environment Section
The Machinery Yard, Limerick Road
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15 July 2005

Our Ref: Reg. No. 78-2

Dear Mr O'Halloran

I am to refer to your letter dated 14th July 2005 regarding the above referenced waste licence review application which is being processed by the Agency. While the Agency is very much interested in the views of the council with regard to the requirements for an EIS etc it should be noted that the application was made to the Agency in 2004 at which time the Planning and Development Act 2000 was in place. As you are aware this Act makes specific requirements with regard to certain types of local authority developments and provides a specific role for An Bord Pleanála.

The application before the Agency is seeking retrospective approval to works (increase in height of cells) that were carried out over a number of years. The Agency has at no stage given approval to the increase in height of cells 3-5 to 120m OD which was made clear at Proposed Decision and objection stages of the licence application. The licence which issued on 4/5/01 limits the final post settlement height of the facility to 114m OD at any location.


The Agency notes and you will be very much aware of the fact that the existing licence (WL 78-1) was subject to judicial review proceedings which have been concluded.

The review application (Reg. No. 78-2) was submitted to the Agency on 16/03/04 proposing approval of increase in height of cells 3-5. Section 175 of Planning and Development Act, 2000 requires the preparation of an Environmental Impact Statement for certain local authority developments to be submitted to An Bord Pleanála for approval. The Agency notes your interpretation in relation to the Planning and Development Regulations 1994 with interest. Nevertheless we request that you ask An Bord Pleanála to confirm your interpretation to be correct. If they are in agreement then the Agency will finalise the processing of this case without any undue delay.



Unfortunately this issue is one that will have to be clarified by An Bord Pleanála before the Agency can proceed to proposed decision stage.

Yours sincerely



Mr P. Nolan
Programme Manager
Office of Licensing & Guidance



Environmental Protection Agency
An Ghníomhaireacht um Chaomhnú Comhshaoil

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6th July 2005

78-2

re: Application for a review of a waste licence in respect of Ballaghveny Landfill at Ballymackey, Co. Tipperary.

Dear Mr O'Halloran

I am to acknowledge receipt on 5th May 2005 of your correspondence in relation to a request for a refund of fees in respect of an application for the review of a waste licence.

I am to advise that any request for a refund of fees will not be considered by the Agency until such time as a final decision has issued on the application.

The Agency will be in contact with you in due course in relation to this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ann Bosley', written over a horizontal line.

Ann Bosley
Programme Officer
Office of Licensing & Guidance





78-2

Environmental Protection Agency
An Ghníomhaireacht um Chaomhnú Comhshaoil

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19 May 2005

Our Ref: Reg. No. 78-2

Dear Mr O'Halloran

I am to refer to your application for review of waste licence (Reg. No. 78-1) in relation to landfill facility at Ballaghveny. In this regard and in order to remove any doubt you are requested to provide a letter of confirmation from An Bord Pleanála clarifying whether approval under the Planning and Development Act, 2000 as amended and /or an Environmental Impact Statement is required for the proposed changes to the facility including annual intake of waste.

It is also noted that there are outstanding issues of non compliance with regard to the existing licence. In this regard I am to advise that you are to take such measures as are necessary to bring the facility into such compliance with the conditions of existing licence as to satisfy the requirements of the Office of Environmental Enforcement of the Agency, with particular regard to the landfill gas issues on site. In this regard I am to refer you to Article 12 (j) of the Waste Licensing Regulations.

Yours sincerely

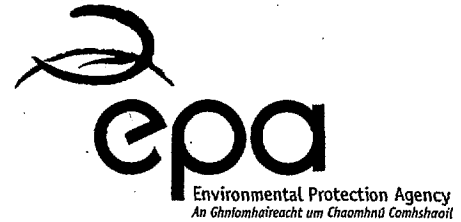
Ms Pernille Hermansen

Inspector

Office of Licensing & Guidance



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6 May 2005

Reg. No. 78-2/Art16(1)01PH

re : Notice in accordance with Article 16(1) of the Waste Management (Licensing) Regulations

Dear Mr O'Halloran

I am to refer to the above referenced application for review of a waste licence relating to a facility at Ballaghveny Landfill, Ballymackey, Co. Tipperary and to thank you for submitting the necessary information which has enabled the Agency to confirm that the application complies with the requirements of Article 12 of the relevant Waste Management (Licensing) Regulations.

The stage has now been reached where the Agency is giving detailed consideration to the application and to complete this task the following information, particulars and evidence are required in accordance with Article 16(1) of the Regulations.

ARTICLE 16(1) - FURTHER INFORMATION, PARTICULARS AND EVIDENCE

Having assessed the letter dated 29/04/05 submitted by RPS-MCOS Limited on behalf of North Tipperary County Council, the Agency is of the view that further information is needed in relation to the proposal of carrying out composting at the facility. To enable an assessment of the environmental impact of the proposed composting facility and ensure control of possible emissions from the proposed operation provide the following information:

- a) Provide details of the types and quantity of waste to be accepted for composting at the facility. If applicable update Table E.1.1 *Waste Types and Quantities* submitted as part of Article 14 reply dated 6/8/04.
- b) Specify the location for the proposed composting facility.



- d) Provide details of the nature, composition, quantity, level and rate of emissions (e.g. bio-aerosols, odour, dust, noise, surface water run-off and wastewater) arising from the operation of the proposed composting activity. Provide an assessment of the proposed emissions and proposed measures to prevent/eliminate or where not practicable limit/abate such emissions and proposed arrangements for monitoring them. Include in your reply an assessment on adjacent sensitive receptors.

Provide a description of any works carried on at the facility where the details of these works have not previously been submitted in the application or further information to the Agency. The information should include additional drawings as appropriate.

Provide any additional environmental monitoring information which has been obtained but not previously forwarded to the Agency as part of the application. An assessment of the results should also be provided.

In the case where any drawings already submitted are subject to revision as a result of this request, a revised drawing should be prepared in each case. Where such revised drawings are submitted, provide a list of drawing titles, drawing numbers and revision status, which correlates the revised drawings with the superseded versions. Informal corrections to drawings are not sufficient.

Your reply to this notice should include a revised non-technical summary which reflects the further information you supply in compliance with the notice, insofar as that information impinges on the relevant non-technical summary.

Please supply the information in the form of a one original plus two copies within one month of the date of this notice. In addition submit two copies of the requested information by the Agency in electronic searchable PDF format on CD-ROM.

Please note that the application's register number is 78-2. Please direct all correspondence in relation to this matter to the *Licensing Unit, Waste Management Licensing, Environmental Protection Agency, Headquarters, PO Box 3000, Johnstown Castle Estate, County Wexford* quoting the register number.

Yours sincerely,



Ms Pernille Hermansen
Inspector
Office of Licensing & Guidance



Environmental Protection Agency
An Ghníomhaireacht um Chaomhnú Comhshaoil

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26th April 2005

78-2

re: Acknowledgement of Waste Licence Application in respect of North Tipperary County Council at Ballaghveny Landfill, Ballymackey, Co. Tipperary.

Dear Mr O'Halloran

I refer to the above referenced application for a waste licence, which was received by the Agency on 16 March 2004 and to other information in respect of the application received by the Agency on 9 August 2004, 17 August 2004 and 6 April 2005. As the application documentation now complies with the requirements of Article 12 of the Waste Management (Licensing) Regulations as and from 6th April 2005. I am directed to acknowledge the application in accordance with Article 14(2)(a) of the Regulations.

All the application documentation is available for public inspection at the Agency's headquarters during office hours.

I am to advise you that any person may make a submission to the Agency, in writing, in respect of the application, pursuant to Article 15 of the Regulations, which provides as follows:

Extract from the Waste Management (Licensing) Regulations

Submissions to the Agency regarding applications.

15. For the purpose of Section 40(2)(b) of the Acts, a person may make a written submission to the Agency in relation to -

- (i) an application, and
- (ii) such plans, documents and other information and particulars, including an environmental impact statement, as are submitted by the applicant in accordance with articles 12, 13, 14 and 16,

and the Agency shall not give notice of a proposed decision under section 42(2) of the Acts before the expiry of a period of one month following the date of a relevant -

- (a) acknowledgement in accordance with Article 14(2)(a), or
- (b) notice in accordance with Article 16(2)(a), or
- (c) acknowledgement in accordance with Article 16(4),

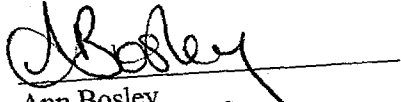
whichever such date is the later.

The Agency will have regard to any submission made in accordance with the Regulations and will write, in due course, to each person who makes such a submission, to advise them of the Agency's proposed decision on the application.



Any person may make such a submission, in writing, to the Agency, during office hours, to the Licensing Unit, Office of Licensing & Guidance, Administration, Environmental Protection Agency, Headquarters, P.O. Box 3000, Johnstown Castle Estate, County Wexford.

Yours sincerely,



Ann Bosley
Programme Officer
Office of Licensing & Guidance