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27 October 2005

Our Ref: Reg. No. 78-2

Re: Request from North Tipperary County Council on whether an EIS is required to be submitted to EPA in support of the Ballaghveny waste licence review application (Reg. No. 78-2)

Dear Ms Doyle

The Agency would like to submit their observations in relation to the letter from North Tipperary County Council dated 3rd October 2005 seeking a direction from the Bord in accordance with Section 5 of the Planning & Development Act, 2000. The purpose of this letter is to clarify aspects of the background to the Council's request for the Bord.

The Agency has requested that North Tipperary County Council confirm with **An Bord Pleánala** 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 detailed **in** a letter from the Agency dated **19/5/05 to the applicant. The issue was reiterated by the Agency in a letter dated 15/7/05.**

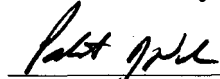
The waste licence review application (Reg. No. 78-2) is seeking approval **to** works (increase in height of cells) that were carried out over a number **of** years. The Agency has at no stage given approval to the increase in height of cells **3-5** to 120m OD which was made clear at Proposed Decision and objection stages of the licence application (Reg. No. 78-1). The existing licence, which issued on 4th May 2001, specifically limits the final post settlement height of the facility to 114m OD at any location. The increase in height of cells 3-5 has resulted in an estimated additional 30,000 to 40,000 m³ of waste being disposed at the landfill during 2000 to 2001 without the appropriate authorisation. This waste intake is in addition to the waste quantity allowed for disposal by the existing licence (Reg. No. 78-1) which is 37,000 tonnes per annum.



The Agency is anxious to finalise the processing of the waste licence review application at the earliest possible date but is reluctant to proceed further with this process until a decision is made in this regard. In the circumstances it would be appreciated if the matter could be dealt with as soon as possible.

It would be appreciated if you could inform the Agency of your decision in due course.

Yours sincerely



Mr P. Nolan
Programme Manager
Office of Licensing and Guidance