

	Licensing Unit Office of Licensing and Guidance
To:	Each Director
From:	Paddy Nolan Programme Manager
Date:	5 September 2005
Subject:	Reg. 204-1 Recommendation to Board

As you are aware Malcolm Doak left the Agency on 12th August. Prior to leaving he prepared his report and recommendation in relation to the waste licence application submitted by Brownsfield Restoration Ireland Ltd. for a landfill at Whitestown Lower, Co. Wicklow.

I attach his report and recommendation for your consideration.

I have read the report and recommendation and would ask the Board to note and consider the following:-

- 1 Given that the site is one that was used for the illegal disposal of waste I am of the view that the following additional reasons should be included-
 - *This decision is made in the knowledge of the presence of illegal waste at the applicant site, and having regard to the need for a high standard of environmental protection, as well as the need for precaution in relation to potentially harmful effects of emissions from this waste, as there exists, in the opinion of the Agency, reasonable grounds for believing that such emissions could cause significant environmental pollution if left unaddressed .*
 - *Furthermore, and mindful of the presence of illegally deposited waste on the applicants land, this decision complies with Government policy as articulated in Circular WIR: 04/05 (Department of Environment, Heritage & Local Government), and the provisions of Article 8 (second indent) of Council Directive of 15 July 1975 on Waste (75/442/EEC, as ammended).*

- 2 Condition 1.4 as drafted limits the hours for acceptance of waste but is silent on hours of operation. I recommend that the condition be replaced by the following.
 - 1.4 *Waste Acceptance Hours and Hours of Operation*
 - 1.4.1 *Waste may be accepted at the facility only between the hours of 0700 and 1830 Monday to Friday inclusive and 0800 and 1500 on Saturdays.*

 - 1.4.2 *The facility may be operated only during the hours of 0700 to 1930 Monday to Friday inclusive and 0800 to 1600 on Saturdays.*

1.4.3 Waste shall not be accepted at the facility on Sundays or on Bank Holidays unless otherwise agreed with the Agency.

- 3 Condition 1.8 of the RD should refer to Section 49(2)(a) of the Waste Management Act and not Section 41(1).
- 4 For greater consistency and clarity I think any reference to ‘transfer station building’ should read ‘resource recovery building’.
- 5 The annual charge for inclusion in condition should read €9,651.