

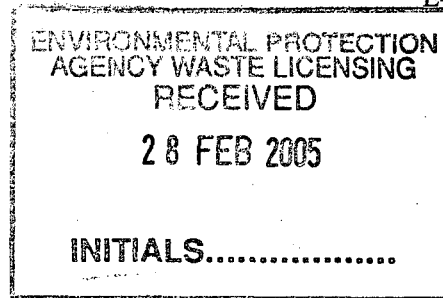


204-1

Environment & Resource Management Ltd

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Mr. Malcolm Doak,
Department of Licencing and Guidance,
Environmental Protection Agency,
Johnstown Castle,
Co. Wexford.



25 February 2005

Project No. 03.116

**Re: Brownfield Restoration Ireland Ltd. Waste Licence
Application No. 204-1 at Whitestown Lower, Co. Wicklow**

Dear Malcolm,

We are acting on behalf of Brownfield Restoration Ireland Ltd (BRI). We refer to Waste Licence Application No. 204-1, which is currently under consideration by the Agency.

You are aware that the Waste Licence Application site boundary for WLA 204-1 is located adjoining part of a candidate Special Area of Conservation (cSAC - Site Code No. 000781 River Slaney Valley). In some cases the application site boundary is located within the cSAC. As part of the Environmental Impact Assessment (EIA) process for the Waste Licence Application, ERML entered into discussions with the Department of the Environment, Heritage and Local Government (DoEHLG) regarding the candidate Special Area of Conservation boundary in February 2004. At the time of lodging the Waste Licence Application 204-1 in March 2004, the consultation process with DoEHLG was ongoing.

In July 2004, a provisional agreement was reached between DoEHLG and all affected landowners within the Republic in relation to the process of designating sites for nature conservation. The objective of this agreement was to meet legal obligations and to remove uncertainty for landowners and users. Following the outcome of this agreement, and as part of the EIA consultation process for the BRI Waste Licence Application, ERML continued to seek a site meeting with the relevant personnel from DoEHLG.

A site meeting was held in November 2004 with personnel from ERML and the National Parks and Wildlife Section (NPWS) of the DoEHLG. Following this meeting, the NPWS Site Designations and Plans Unit have now agreed to redefine the cSAC boundary to exclude the raised grassland area as depicted in Drawing No. BRI/102 Rev. B attached. The NPWS letter also indicates that the floodplain located towards the southeast of the site remains part of the cSAC. A copy of this agreement from NPWS, dated 14 February 2005 is attached to this letter.

Now that a conclusion has been reached in relation to the NPWS redefinition of the cSAC boundary for the River Slaney Valley, we request the Agency to redefine the Waste Licence Application boundary to reflect the wishes of the NPWS. The redefined Waste Licence Application boundary is depicted in Drawing No. BRI/102 Rev. B attached and is now situated outside the cSAC.

We are aware of precedent with regard to our request to redefine the facility boundary. It is understood that during the original application for the Balleally Waste Licence Application (No. 9-1), the facility boundary was revised during the application process.

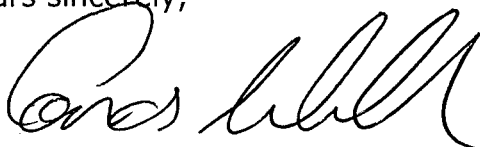
Furthermore, to provide additional protection to the redefined cSAC, the applicant is prepared to install additional works to further reduce the potential for any impacts. Such works would include an upgradient groundwater diversion system, and a downgradient groundwater barrier/leak containment system, such as a bentonite slurry wall. Please refer to Drawing No. BRI/115 Rev. B for a conceptual layout of the aforementioned works. Appropriate monitoring infrastructure will be installed to monitor the effectiveness of this containment system.

In conclusion, the redefined cSAC boundary for the River Slaney Valley will now fully lie outside the proposed Waste Licence Application boundary. Nonetheless, the applicant is committed to maintaining the adjoining floodplain and, with this in mind, the applicant would welcome a condition in the waste licence, in accordance with Section 41(4) of the Waste Management Act. This section of the Act allows for the Agency to impose licence conditions for lands, which are incidental to an activity to which the licence relates. In the case of the BRI Application (EPA Ref. No. 204-1), a condition requiring the floodplain, which remains in the ownership of the applicant, to be retained as a floodplain could be imposed to ensure the future protection of this ecological feature.

In any event, as indicated in the Waste Licence Application documents (March 2004), the intended use of the floodplain was buffer land.

If you have any queries, please do not hesitate to contact me.

Yours sincerely,



Conor Wall M.Sc., Dip. EIA. Man.

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OIÐHREACHTA AGUS

RIALTAIS ÁITIÚIL

DEPARTMENT OF

THE ENVIRONMENT, HERITAGE

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NPWS Ref: NCDA / 1168 / 781
(Please quote this reference in all correspondence)

14th February, 2005

Mr Conor Wall,
Environment & Resource Management,
(On behalf of Brownfield, Ireland)
3, Tara Court,
Dublin Road
Naas.
Co. Kildare.

Dear Mr. Wall,

I write further to your appeal requesting that land be excluded from the candidate Special Area of Conservation (cSAC) 000781 known as Slaney River Valley.

Under the EU Habitats Directive, Ireland is obliged to afford the highest level of protection to cSAC. Following completion of a review of the ecological value of the land under appeal NPWS will now redraw the boundary as follows:-

"The appeal has been successful in part. The boundary of the cSAC has been moved back to the fence to exclude the field, as recommended by the District Conservation Officer. Following the revised river boundary project guidelines and recommendations from the District Conservation Officer, **the boundary of the cSAC was not brought to 2.5m from the Carrigower River.** The above recommendations stated that this area formed part of the Carrigower River floodplain".

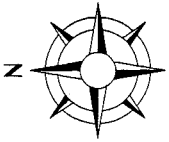
These changes will be indicated on the revised 6" map, which will be issued following digitising of the revised boundary for the entire cSAC 000781.

I trust that this information is of some assistance to you.

Yours sincerely

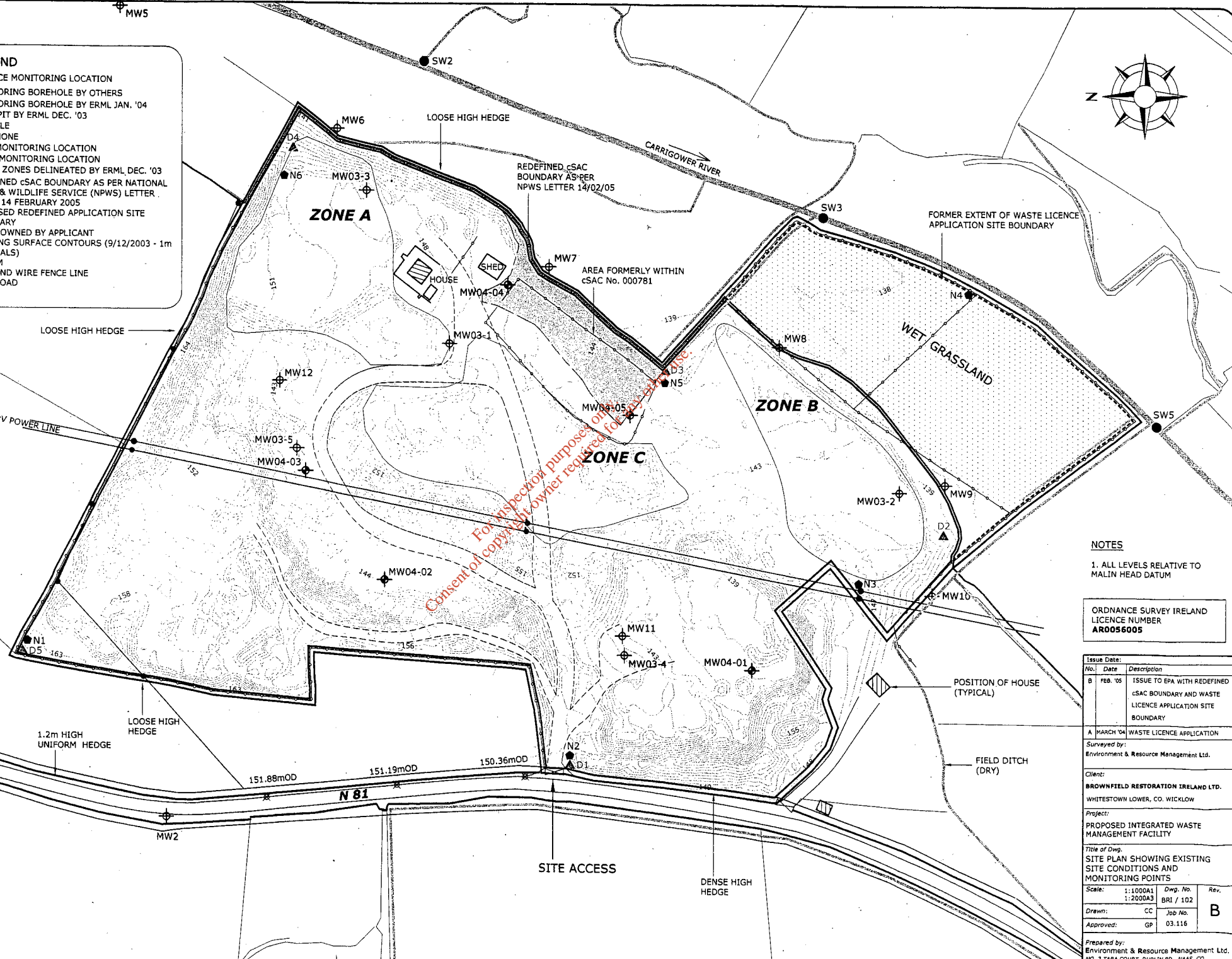

Eileen Mooney
NPWS Site Designations & Plans Unit
Water & Natural Heritage Division
tel: +353-1-6472365
e-mail: emmooney@duchas.ie





LEGEND

- SURFACE MONITORING LOCATION
- ⊕ MONITORING BOREHOLE BY OTHERS
- ⊕ MONITORING BOREHOLE BY ERM L JAN. '04
- ⊕ TRIAL PIT BY ERM L DEC. '03
- ESB POLE
- TELEPHONE
- ▲ DUST MONITORING LOCATION
- NOISE MONITORING LOCATION
- WASTE ZONES DELINEATED BY ERM L DEC. '03
- REDEFINED cSAC BOUNDARY AS PER NATIONAL PARKS & WILDLIFE SERVICE (NPWS) LETTER DATED 14 FEBRUARY 2005
- PROPOSED REDEFINED APPLICATION SITE BOUNDARY
- LANDS OWNED BY APPLICANT
- EXISTING SURFACE CONTOURS (9/12/2003 - 1m INTERVALS)
- STREAM
- POST AND WIRE FENCE LINE
- HAUL ROAD



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NOTES

1. ALL LEVELS RELATIVE TO MALIN HEAD DATUM

ORDNANCE SURVEY IRELAND
LICENCE NUMBER
AR0056005

Issue Date:

No.	Date	Description
B	FEB. '05	ISSUE TO EPA WITH REDEFINED cSAC BOUNDARY AND WASTE LICENCE APPLICATION SITE BOUNDARY
A	MARCH '04	WASTE LICENCE APPLICATION

Surveyed by:
Environment & Resource Management Ltd.

Client:
BROWNFIELD RESTORATION IRELAND LTD.
WHITESTOWN LOWER, CO. WICKLOW

Project:
PROPOSED INTEGRATED WASTE MANAGEMENT FACILITY

Title of Dwg:
SITE PLAN SHOWING EXISTING SITE CONDITIONS AND MONITORING POINTS

Scale:	Dwg. No.	Rev.
1:1000A1	BRI / 102	
1:2000A3		

Drawn:	Job No.	Rev.
CC		

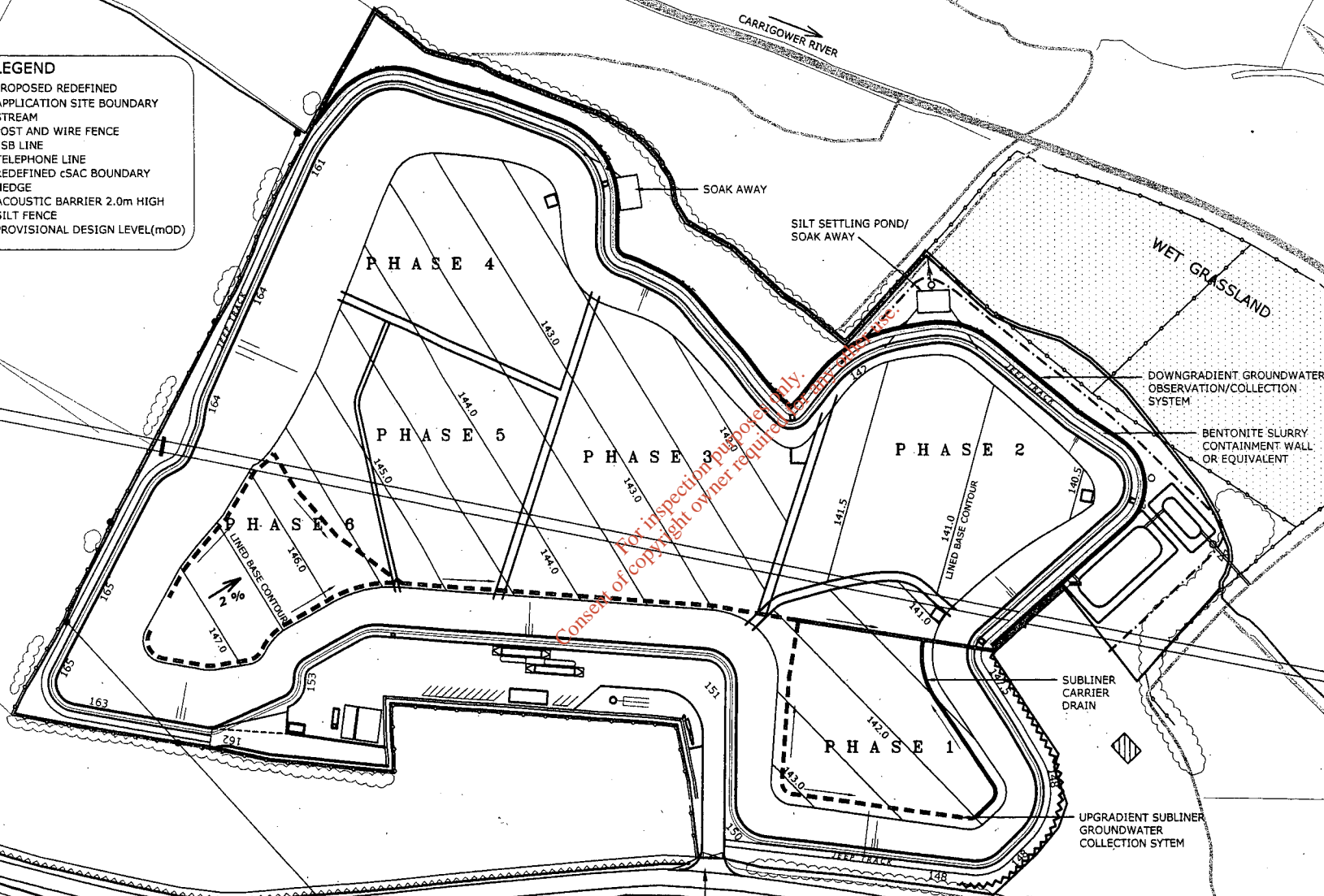
Approved:	Job No.	Rev.
GP	03.116	

Prepared by:
Environment & Resource Management Ltd.
NO. 3 PARK COURT, DUBLIN 10, IRELAND
Tel: 01 494 2444
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CARRIGOWER RIVER

- LEGEND**
- PROPOSED REDEFINED APPLICATION SITE BOUNDARY
 - STREAM
 - POST AND WIRE FENCE
 - ESB LINE
 - TELEPHONE LINE
 - REDEFINED cSAC BOUNDARY
 - HEDGE
 - ACOUSTIC BARRIER 2.0m HIGH
 - SILT FENCE
 - 148 PROVISIONAL DESIGN LEVEL(mOD)



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NOTES
1. ALL LEVELS RELATIVE TO MALIN HEAD DATUM

ORDNANCE SURVEY IRELAND
LICENCE NUMBER
AR0056005

Issue Date:		
No.	Date	Description
A	FEB '05	ISSUE TO EPA WASTE LICENCE APPLICATION 204-1
Surveyed by: Environment & Resource Management Ltd.		
Client: BROWNFIELD RESTORATION IRELAND LTD. WHITESTOWN LOWER, CO. WICKLOW		
Project: PROPOSED INTEGRATED WASTE MANAGEMENT FACILITY		
Title of Dwg. CONCEPTUAL LAYOUT OF PROPOSED SUBSURFACE WATER MANAGEMENT SYSTEM		
Scale:	Dwg. No.	Rev.
1:1000A1	BRJ / 115	A
1:2000A3		
Drawn:	CC	Job No.
Approved:	GP	03.116
Prepared by: Environment & Resource Management Ltd.		