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SCANNED
16 DEC 2005

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FACSIMILE TRANSMISSION INTRODUCTION PAGE

DATE: 11/12/05
TO: De PAROIC LARIN
FROM: John Buckley, Auctioneers, Killarney.
RE: BROWN FIELD

11 DEC 2005
11:11 AM

TOTAL NO. OF PAGES _____ (Inclusive of this page)

MESSAGE:

PAROIC
Copy of letter sent to Minister's Office
on Saturday. FEEL YOU WOULD LIKE
TO BE AWARD OF CORNERSTONE

Harry James

John

If any part of this is unclear, please contact us immediately at
Tel: (064) 31666 Fax: (064) 32666

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We were also disappointed to receive a refusal from both Wicklow County Council and An Bord Pleanála for our application for planning permission. In the case of An Bord Pleanála, we were as disappointed in the quality of the Inspector's and Technical Advisor's report as we were in the result. The Inspector treated the application as if it were only for a landfill and carried out no assessment of the need for the unauthorised wastes to be treated and the site ultimately restored. The Inspector, among other errors, also misinterpreted the guidance issued in the Section 60 notice.

There were a number of serious errors in the report by the hydrogeologist. Probably, the most serious mistake was the refusal by the hydrogeologist to consider or evaluate the Risk Assessment carried out on the site. Firstly, Risk Assessments while obviously very technical in nature and requiring an understanding of statistics as well as the parameters of geology and hydrogeology, are currently considered Best Practice both by the EPA here and internationally. Brownfield used the LandSim Risk Assessment Computer Model, which was developed under contract to the Environment Agency in the UK and is recommended by the Environmental Protection Agency here in Ireland. To ensure that the best possible risk assessment was carried out, Brownfield employed the international engineering and environmental consultants, Golder Associates, who were responsible for developing the LandSim Risk Assessment model for the UK Environment Agency. Results from the Risk Assessment were positive and demonstrated that the proposed facility could be developed at the Whitestown site without endangering the environment or causing a risk of environmental pollution.

The hydrogeologist employed by An Bord Pleanála did not even consider or evaluate the Risk Assessment; in fact he dismissed it on the grounds that he considered it "very unlikely" that infrastructure control would be maintained at the facility. In coming to this conclusion, the hydrogeologist demonstrated a serious lack of knowledge of Irish waste management legislation. Section 48 (1) of the Waste Management Act 1996 states, "A waste licence may be surrendered by its holder, but only if the Agency accepts it surrender", and Section 48 (7) of the WMA states, "If the Agency is satisfied that the condition of the relevant facility is not causing or likely to cause environmental pollution, it shall accept the surrender of the waste licence, but otherwise shall refuse to accept the surrender of the licence". This legislation ensures that the necessary infrastructure to ensure that no environmental pollution occurs is maintained at a waste facility for as long as is necessary. Without this requirement under the legislation, it would not be possible for the Environmental Protection Agency to grant a waste licence for any landfill as it is well known that it takes at least decades for wastes in landfills to stabilise.

The hydrogeologist employed by An Bord Pleanála made a serious error in his assessment, an error which was not picked up by the Inspector or by the Bord members.