

25/07/07

Environmental Protection Agency
P.O. Box. 3000
Johnstown
Castle Estate
Co. Wexford

Walshestown
Lusk
Co. Dublin

Regarding WO231-01/Fingal co council.

Dear Sir / Madam,

It is with great concern that I write to you to express my real fears at Fingal County Councils intention to place an enormous landfill in the Nevitt, Lusk area of fingal.

The community of Lusk has been subjected to the detrimental effects of a landfill at Balleally for over 32 years and one of the many promises and commitments given by Fingal County Council was that Lusk would never again have to bear another landfill. Mr William Soffe former county manager issued this in writing to the people, however the council went back on this and claimed the boundary intended was east of the N1 road.

Has it not occurred to the council that the Nevitt lies in the very heart of the agricultural and horticultural industries of Fingal and that an aquifer which is the lifeblood of these industries lays directly beneath the proposed site.

If Fingal County Council failed to provide widespread monitoring of highly productive wells being exploited for public, private and industrial use in this region then Fingal County Council needs to be reminded of the importance of this by the immediate refusal of a waste licence.

The notion of water contamination can spread like wildfire through a region and even the perception of contamination is enough to destroy the massive agricultural and horticultural industries.

There are fundamental problems with social planning and I note from yesterdays Irish Times that the people of Ennis in County Clare have been issued with notices to continue to boil water until 2009. This situation has arisen due to successive failures of local authorities and planners.

The situation in Galway, Kilkenny and many other regions are similar and the general consensus appears to be that improper planning and development is the root cause and common denominator. Another example of this is the devastation in the UK and in particular in Oxford, where it was permitted to build hundreds of houses on a flood plane. But the engineers who approved it never expected the rivers to rise to 26 feet above normal levels. This proposed site is also on a flood plane.

Are the EPA aware that our new junior minister for food and agriculture Mr Trevor Sargent has publicly stated that this proposal must go back to the drawing board.

In my opinion the locating of an enormous landfill in the Nevitt seems very strange.

1. There is a major aquifer beneath the site.
2. It is the heart of the horticulture / agriculture industries.
3. There is a primary school to the east of the site 300 mtrs.
4. There is a public water supply to the north of the site (bog of the ring) (this supply is the subject of a ground water protection scheme.) and is a pNHA
5. There is Rogerstown Estuary to the east of the site; (this area is designated an SAC and pNHA).
6. There are high amenity protected views to the west of the site (Hollywood great).
7. There are high amenity protected views to the east of the site (Jordanstown).
8. There are two detention centres to the east of the site (Man O' War). Trinity house and Oberstown boys center which detain teenagers for up to two years respectively.
9. There are fish in the rivers on the site, which are protected under the habitats directive.
10. The Bog of the Ring is to the north of the site and is the only remaining bog in the region.
11. There is very significant archaeology below the site (demonstrated at recent ABP oral hearing).
12. There are Kestrels feeding along the M1 that have returned to the region after more than 50 years and I understand that they are also protected species.
13. There are thousands of jobs at risk if this landfill goes ahead, but alas there will be new employment at the landfill according to the EIS, a total of 60 new jobs will be created within the landfill.
14. The current position of Nevitt is that the water is uncontaminated, the air is uncontaminated, the soils are uncontaminated and the farm animals and horses are in perfectly good health. The region is not being polluted with excess noxious fumes and gases. We are not over run with vermin and bluebottles and flies are at normal acceptable levels.
15. The site is located within a 13 Kilometer exclusion zone of Dublin airport as a requirement of the International civil aviation authorities prevention scheme to reduce the potential for bird strike risk to aircraft.
16. There is a bird sanctuary at the rogerstown estuary.

Truthfulness is not something you don't hear much of nowadays so I am asking the question of the EPA? Is it possible that truthfulness has not been maintained by Fingal County Council with regard to the new non-technical summary. I would be of the

understanding that the non-technical summary is a synopsis of the EIS. Therefore if the synopsis is changed by Fingal County Council in order to be compliant with EPA rules, does it not require that the findings of the EIS also now need to be changed as it was on this E.I.S. that the synopsis was based. I also understand that this action may be in breach of the EIS framework directive 85/337/EEC

From my discussions with ms Kathy sinnott MEP I understand that this proposal is not in keeping with government policy or EU policies on sustainable waste management and seriously calls upon the proximity and precautionary principles and the EU landfill directive for direction.

Fingal County Council are already in breach of the 1999 EU landfill directive with regard to the illegal landfill at the Nevitt which they aquired as part of a land deal from Mr Jim Monks in 2006.

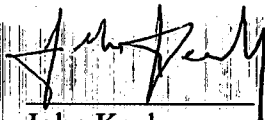
At the recent ABP oral hearing they informed the inspector that they were awaiting guidance from the EPA on how to effectively deal with this illegal dump located in an old quarry. To the best of my knowledge Fingal County Council have made no attempt to remove or remediate this landfill nor have they begun to provide monitoring of the site to ascertain the extent of damage to the environment or the type of waste contained therein.

Yet this council expects to be granted a waste licence.

I have made a formal complaint to the EU environment commissioner Stavros Dimas to urgently intervene in this matter.

Please see the enclosed newspaper clippings and in particular the advert for the upcoming Inaugural water summit to be held in croak park on oct 2nd & 3rd entitled Working towards a sustainable future for Irelands water needs.! As RPS are the authors of the E.I.S. for this proposal they cannot honestly expect anyony to believe that they are the slightest bit interested in the sustainable future of Irelands water Needs.

Yours faithfully,



John Keely

Cc: Ms Kathy Sinnott MEP, Vice President of the Petitions Committee European Commission.

Commission issues fourth warning over landfill pollution

W0231-01

By John Burke
and Pat Leahy

The European Commission has issued a formal warning to the government for its alleged failure to implement laws protecting the environment from landfill pollution.

It is the fourth warning by EU environment commissioner Stavros Dimas in recent months, indicating growing tension between the commission and the government on en-

vironmental issues.

Environment minister John Gormley travelled to Brussels last Friday and met the commissioner in an effort to draft a scheme for progress to avoid fines being levied against the state, his aides said.

Dimas sent a letter of formal notice to the government at the end of March, claiming that Ireland was in serious breach of a key 1999 EU directive concerning landfill pollution.

It is understood that the EU was urging that the government take further action to

clean up sites contaminated by illegal landfill. It also told the government it must step up its enforcement efforts.

Other member states which failed to observe the EU landfill directive incurred multi-million-euro fines and rolling charges until the laws were transposed correctly. The government has sought a delay in replying to the alleged breach.

This newspaper last week revealed that the commission had challenged the government's lack of a key environment protocol in planning the

€184 billion National Development Plan.

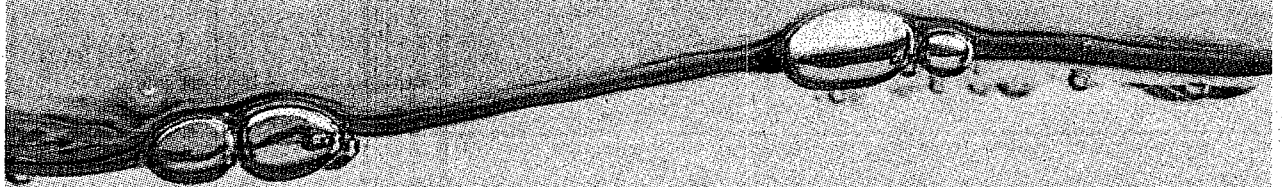
The commission also challenged the destruction of the Lismullen archaeological site near the Tara M3 site.

It recently emerged that the commission also challenged the lack of an environmental strategy in the building of the controversial Thornton Hall super-prison in north Dublin.

Gormley has faced a sequence of controversies and a barrage of complaints from the European Commission since he took office last month.

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Sink or Swim?



The Inaugural National Summit

water

Working towards a sustainable future for
Ireland's water needs

October 2nd & 3rd, 2007, Croke Park, Dublin

For further information please contact
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