



**OFFICE OF CLIMATE  
CHANGE, LICENSING  
AND RESOURCE USE**

**ENVIRONMENTAL LICENSING PROGRAMME  
MEMORANDUM**

<b>TO:</b>	Directors
<b>FROM:</b>	Dr. Ian Marnane
<b>C.C:</b>	
<b>DATE:</b>	24 July 2007
<b>RE:</b>	Additional Submissions Received in relation to the application for a Waste Licence from Fingal County Council, Licence Register No. W0231-01

Since completion of my inspectors report on the above licence application, two additional submissions have been received. These are discussed below:

***Submission No. 92: Patrick Boyle on behalf of the Nevitt Lusk Action Group***

Mr. Boyle has submitted information from the site investigations for the Annsbrook area of north county Dublin, which was a candidate site for the proposed landfill. The Annsbrook area is to the south of the Nevitt site. Mr. Boyle suggests a continuous gravel bed exists between the Nevitt site and the Annsbrook area, and thus any horticultural wells in the Annsbrook area will receive some of their recharge from the area of the landfill site, therefore designating the Nevitt area as R4 under the 'Groundwater Protection Responses for Landfills'.

Based on groundwater flow contours provided by the applicant, and the distance between the Nevitt and Annsbrook sites, I do not consider that the Zone of Contribution of any horticultural wells in the area would extend into the area of the proposed Nevitt landfill.

Also, as discussed in the IR, I am satisfied that the operation of the landfill in line with the requirements of the RD will have no significant impact on the Bog of the Ring groundwater quality, and that the Zone of Contribution for the Bog of the Ring wellfield does not extend beneath the proposed landfill location.

Mr Boyle mentions that the Hedgestown School is likely to relocate to a site approximately 400 metres due east of the the landfill boundary. The conditions specified in the RD are determined on the basis of preventing any significant off-site impact, thus no impact would be expected at the proposed location of the school.

Mr Boyle also raises reasserts information provided in previous submissions, which are discussed within the Inspectors Report.

***Submission No. 93: Deaglan De Faoite***

In his submission Mr White reasserts some points included in previous submissions, raising the point that the landfill will have a significant adverse impact on the local horticultural

industry and will result in long term pollution of groundwater in the area. Mr White reasserts the point that the groundwater in the area is a potentially valuable water supply, given the potential for future water shortages. Mr White also states that the Bog of the Ring water supply will be contaminated by the operation of the landfill.

However, as discussed in the IR, I am satisfied that the operation of the landfill in line with the requirements in the RD will have no significant impact on groundwater quality.

Mr White also raises issues in relation to birds, archaeology, and a number of other points which are discussed in the Inspectors Report.

#### **Submission No. 94: Patrick Boyle, for the Nevitt Lusk Action Group**

This is additional information provided in support of Submission No. 92. Mr. Boyle indicates that available borehole data suggests a continuous area of saturated gravel greater than 50 million m<sup>2</sup> in area is present in the Nevitt and surrounding area, and that this would classify the gravel as a Regionally Important Aquifer (Rg). However, summary data handling procedures in the aquifer classification process from the GSI indicates that 'aquifer classification largely depends on the area of the gravel outcrop where the saturated thickness exceeds 5 metres, or, if insufficient data on water levels is available, on the area where the total gravel thickness exceeds 10 metres'. The thickness of gravel at the Nevitt site is variable and is less than 5 metres in some areas, and absent altogether in other areas.

#### **Submission No. 95: Shay Lunney, Nevitt Lusk Action Group.**

Mr Lunney raises a number of points, including:

- The site area forms part of a 'designated game preserve' and is used for hunting/fishing purposes. A copy of a letter in support of Mr. Lunney from the National Association of Regional Game Councils, Gormanstown and District Anglers, and Balbriggan and District Game Association is included. While it is noted that the development of the landfill will prevent the use of the site area as a game preserve/sanctuary, the conditions included in the RD have been developed to prevent off-site impact on other off-site areas which may continue to be used for this purpose.
- A section of the landfill site selection study is submitted which lists the potential impacts on the agricultural activities of developing a landfill as site G (East of Kilternan Village). It is stated that if the same exclusionary factors were applied to the Nevitt site then the Nevitt site would not have been chosen as the preferred site. Review of the site selection study indicates significant differences in the comparison of environmental, technical and cost factors for each of the site. The site selection study is based on a review of all factors and not only the impact on the agricultural activities at the site in question. It is also noted that the site selection study lists the potential impacts, which are the unmitigated impacts which may arise due to a proposed development. These cannot be considered to be the actual impacts which would occur, as mitigation measures are required as part of the development and operation of such a facility.
- A DVD illustrating 'lack of bird control measures at Baleally landfill' is presented. It is considered that the measures detailed in the RD for the Fingal facility, including in particular the requirement for nuisance control and for pre-treatment of waste prior to disposal at the site will result in no significant off-site impact due to operation of the site.

- The moving of Hedgestown School closer to the proposed landfill, as detailed in Submission No. 92 above.
- High methane emissions from Baleally landfill which contribute to global warming and climate change. The RD for the Fingal facility requires that only residual waste is accepted at the landfill and that gas collection infrastructure is put in place. Gas generation levels will thus be lower and any gas collected will either be treated in a flare or used as a fuel. It is considered that overall methane emissions from the landfill will be significantly lower compared to the older Baleally landfill.
- A letter report from Brendan Quayle Consultancy is presented, a UK environmental consultant. This presents a critique of the licence application and EIS documents. The information presented is very general in nature and does not include any information which has not previously been considered as part of the licence application process.
- A separate assessment of the landfill siting study by Dr. Stephen O’Sullivan (physicist from UCD) is presented, suggesting that the scoring matrix used is flawed. However, after review of the short submission from Dr. O’Sullivan I remain satisfied with the overall approach taken in selecting the landfill site as detailed in the EIS.
- Mr. Lunney refers to the Agency’s 2020 Vision and states that the licence application appraisal process should have regard to this Agency strategy.

The submission also raises a number of points which have been considered as part of the licence application assessment, or which are outside the remit of the Agency, and are not considered here in further detail.

#### **Submission No. 96: Deaglan De Faoite on behalf of NLAG**

Mr De Faoite raises a number of concerns in relation to the potential impact on the horticultural industry and the existing water supplies and the potential for development of additional water supplies in the area. It is considered that these issues have been discussed as part of the IR.

#### **Submission No. 97: Shay Lunney**

Mr. Lunney states that updated EIS Non-Technical Summaries prepared by the applicant should have been circulated to the public as part of the overall public consultation process, as public consultation is a fundamental aspect of the EIS process.

Consultation is a vital aspect of the EIS process, and in particular pre-application consultation. This is confirmed in the EPA Guidance Document ‘Advice Notes on Current Practice in the Preparation of an EIS’, which states that ‘pre-application consultation is an informal but widely practised means of ensuring that all relevant issues are addressed’. In the case where a minor change is made to an EIS Non-Technical Summary, where the overall nature and character of the proposed development remain unchanged, the need for further consultation is not likely to be as significant. The revised Non-Technical Summary has been made available to the public via the EPA web pages.

The submission includes an abstract from a Strategic Environmental Assessment (SEA) for the Fingal Draft Rural Housing Policy Variation. The SEA contains general information on the presence of an aquifer across the north of the county, which supplies the Bog of the Ring. Mr. Lunney states that this indicates Fingal County Council were aware of the aquifer prior to 2005.

The SEA quoted by Mr Lunney appears to have been issued around August 2006, which is about the same time that the Waste licence application was submitted. The presence of the Bog of the Ring aquifer had been established some time prior to both of these documents being prepared.

Mr. Lunney also raises concerns in relation to the toxicity of leachate. Control and management of leachate is discussed in the IR. It should also be noted that the RD requires pre-treatment of waste prior to disposal at the landfill. This is likely to result in leachate with a lower relative toxicity compared to existing landfill facilities.

Mr. Lunney quotes a number of pieces of environmental legislation and asks if a guarantee can be provided that they will not be breached. The RD as drafted has been developed to prevent any significant off-site impact, and in addition Condition 1.7 states that 'This licence is for the purposes of waste licensing under the Waste Management Acts 1996 to 2005 only and nothing in this licence shall be construed as negating the licensee's statutory obligations or requirements under any other enactments or regulations'. The applicant is obliged to comply with all relevant Irish and EU legislation in addition to complying with the requirements of the RD.

Mr. Lunney states the reports referenced as part of the flood risk assessment in the EIS are outdated, and states that this may impact the accuracy of the predicted flood levels. However, it is noted that the InfoWorks model was used for prediction of flood levels, and this is understood to be modern commonly used modelling software.

Mr. Lunney raises the issues of off-site treatment of leachate. This is discussed as part of the IR, with the licence requiring the licensee to demonstrate that sufficient and suitable capacity is available for off-site treatment of leachate, before waste can be accepted at the site.

### ***General Conclusions***

None of the submissions raise any issues which would require an alteration to the Recommended Decision as issued to the Board.



Dr. Ian Marnane  
Inspector  
Licensing Unit

*Reviewed and approved  
by J. Dunham  
24/2/07*