

THE HIGH COURT
JUDICIAL REVIEW NUMBER 355JR/94

BETWEEN

PATRICK McNAMARA Chairman and Representative of
KILL RESIDENTS GROUP



-and-

AN ~~BOARD~~ PLEANALA

-and-

Respondent

OH Doc No: 45 B

Rec'd From: Geraldine Tyrrell

Date Rec'd: 3.00 p.m. 12/03/08

THE COUNTY COUNCIL OF THE COUNTY OF KILDARE,
THE COUNTY COUNCIL OF THE COUNTY OF DUBLIN,
THE COUNTY COUNCIL OF SOUTH DUBLIN,
THE COUNTY COUNCIL OF FINGAL,
DUN LAOGHAIRE-RATHDOWN CORPORATION,
THE LORD MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF DUBLIN
MARTIN de ROEBECK ON BEHALF OF PUNCHESTOWN TRUST,
MICHAEL OSBORNE ON BEHALF OF KILDANGAN STUD,
DAVID McCANN,
MARY McCANN,
GOFFS BLOODSTOCK SALES LIMITED,
MARTIN JOSEPH GILHOOLY,
GEORGE MORRISON,
BETTY MORRISON,
MARGARET McGUINNESS AS SECRETARY OF NAAS RACECOURSE,
JAMES MARSH AS MANAGER OF CURRAGH RACECOURSE,
DR. NOEL CAWLEY,
CIARAN O'MALLEY ON BEHALF OF KILL G.A.A. CLUB,
DERMOT GILLESPIE ON BEHALF OF KILDARE AND WEST WICKLOW EXECUTIVE,
DAVID CORNWALL,
THE PERSONAL REPRESENTATIVES OF THE ESTATE OF PATRICK MALONE
DECEASED,
THOMAS POWER,
PETER SWEETMAN ON BEHALF OF WASTE ACTION GROUP,
DERMOT MOONEY ON BEHALF OF EAA-1 ENVIRONMENTAL ACTION ALLIANCE -
IRELAND
FARMBROOK SERVICES C/O LPD IRELAND LTD. MILITARY ROAD, NAAS, CO.
KILDARE

Notice Parties

1. I am an County Engineer employed by South Dublin County Council and I make this Affidavit on behalf of the second, third, fourth and fifth named Notice Parties in the within proceedings. The facts herein deposed to which are within my own knowledge are true and, where not within my own knowledge, I believe the same to be true.
2. I say that the present proceedings arise out of an Application by then Dublin County Council for the development of a landfill site at Arthurstown in the County of Kildaré. Following the refusal of permission for the said development by Kildare County Council an Appeal was made by the said Dublin County Council to An Bord Pleanala. The initial planning application was made in July of 1992.
3. The Appeal to An Bord Pleanala was commenced on the 18th day of January, 1994 and lasted for approximately 20 days. All of the issues relevant to the said Application were debated over that period. Expert evidence was called both by Dublin County Council and by a large number of objectors including the Kill Residents Group of which the Applicant in the within proceedings is the Chairman. Permission was granted by An Bord Pleanala and following the issue of the said permission the Applicant brought the proceedings which culminated in the decision of this Honourable Court dated the 16th day of May, 1996.
4. I say and believe that the said proceedings were brought against the background of a critical situation developing in the greater Dublin area due to the continuing lack of facilities for the reception of waste. At current input rates the status of the four municipal landfills in the Dublin region in to which the waste from the four Local Authorities, South Dublin County Council, Dun Laoghaire/Rathdown County Council, Fingal County Council and Dublin Corporation

is received is as follows:-

Friarstown closed,

Dunsink closed 30th of June, 1996,

Ballyogan to close 31st of December, 1996,

Baleally to close 31st of December, 1997.

The County Council of the County of South Dublin is preparing an area of Friarstown Tiphead to receive municipal waste collected by it in the period prior to the opening of the Arthurstown site. This facility is both limited and temporary and is being prepared as an emergency measure. It does not in any way diminish the urgent necessity for the opening of the Arthurstown site.

5. I say that the lengthy Appeal and Judicial Review process has set back the target date for the opening of the landfill site at Arthurstown considerably. It is anticipated at the time of swearing the present Affidavit that the detail design and development necessary for the reception of waste at Arthurstown will take some seven to nine months.
6. I say that in the Dublin area, because of the closure of Dunsink and the closure of Ballyogan, the dependence of the Local Authorities in Dublin on Baleally will become total with the exception of the temporary and limited capacity in Friarstown which will be available to the County Council of the County of South Dublin only. The site at Baleally has a limited capacity to cater for traffic and the waste and the reliance on the said facility is not tenable for any period of time.
7. I say that there are two possible effects if the facility of Arthurstown is not allowed to proceed. If the municipal waste in the Dublin area is not collected for any significant period of time, this will inevitably lead to a public health crisis. In addition thereto, there are serious implications for