



Ref: CE04561/MNu/WPART14

Date: 2nd March 2009

Loretta Joyce

Office of Climate, Licensing and resource Use
Environmental Protection Agency
McCumiskey House
Richview
Clonskeagh Road
Dublin 14

Dear Loretta,

W0252-01 Waste Licence Article 14 Response

Buchpa Ltd. were granted planning permission from An Bord Pleanála on February 12th 2009. Under planning decision PL27.229755 from the Bord, the following changes to the overall development under Condition 2 of the Planning Permission must be made in order to comply.

Condition 2 (1) states that the height of filling shall not exceed 55 metres OD

The original proposed development plans submitted to the EPA for the Waste Licence Application were calculated on the basis that the proposed fill material would reach a maximum point of 61 metre OD (at its highest point). Subject to planning permission being granted for the site, this will now change the overall volume, levels, cross sections and phasing aspects of the site. Other conditions require a phasing plan and cross sections thorough each phase and these conditions now materially alter the development plan.

We wish to request an extension on the following responses to the Article 14 which was issued to our client on February 2nd 2009 from the EPA; Article 12 Compliance questions 1, 4, 5 and 8, Article 13 Compliance 2 and the non technical summary until 31st March 2009.

Please find attached one original and two copies of W0252-01 Article 14 Response to date and 16 CD pdf copies for your files.



Should you have any questions in relation to the above matter, please do not hesitate to contact us here at the office.

Yours Sincerely

Natasha Murphy
Senior Scientist

For Buchpa Ltd. and on behalf of WYG

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Buchpa Ltd

**Waste Licence Application W0252-01
Article 14 Response**

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WYG Environmental (Ireland) Ltd.

Date February 2009



REPORT CONTROL

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Appendices

Appendix A - An Bord Pleanála Planning Decision

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1 NON TECHNICAL SUMMARY

A *Non Technical Summary* of the Waste Licence Application Article 14 Response for Kilmartin Land Restoration Project, Coynes Cross, Newcastle, Co. Wicklow will be submitted once the final tonnage for the site has been re-calculated in conjunction with An Bord Pleanála's planning decision PL:27.229755 Condition 2.

2 ARTICLE 12 COMPLIANCE REQUIREMENTS

2.1 EWC CODES

Specify, by reference to the relevant European Waste catalogue (EWC) the quantity and nature of the waste proposed to be accepted at the facility including C&D materials for site engineering works. Clarify whether it is proposed to process waste for site engineering works (i.e. screen and/or crushed) on site. Please update the relevant sections of the application form as necessary.

The following EWC Code will be accepted on site. Due to the recent grant of planning permission the final tonnage quantity will be re-calculated and re - submitted to the EPA at a later date. Please note that any construction materials used on site for engineering works such as roads, buildings etc. will comprise of previously recovered certified fit for use or new materials. No material will be screened or crushed on site.

EWC Code	Quantity
17 05 04	To be submitted at a later date
17 01 07*	To be submitted at a later date

*This EWC Code represents any recycled material entering the site which has already been recovered/processed from an appropriate licensed facility and deemed fit for re-use to be used as part of the on-site engineering works.



2.2 PLANNING APPLICATION

Provide an update on the status of the planning application for the proposed development.

An Bord Pleanala issued a decision on February 12th 2009 to grant permission for the proposed development subject to 12 No. Conditions. A copy of the decision is attached in Appendix A. As mentioned in the cover letter attached to this report condition 2(1) of the planning permission requests that the height of filling shall not exceed 55 metres OD.

2.3 VOLUME WEIGHT CONVERSION

Justify the use of the volume to weight conversion factor of 1.8 tonnes per 1m³ of clays and soils.

For the purpose of this Waste Licence Application and EIS a conversion rate of 1.8 tonnes per 1m³ was used as this was considered as a reasonable conversion indicator from our experience at that time. It was the initial rate used in the Waste Permit Application submitted to Wicklow County Council in July 2006. For continuity purposes, it was also used as the conversion rate for EIS submitted to Wicklow County Council as part of the initial planning application in April 2008 and the EIS submitted to An Bord Pleanala in June 2008. WYG are aware that under the new Waste Management (Facility Permit and Registration) (Amendment) Regulations 2008 S.I No. 86 of 2008 that a conversion rate for clean clays and soil of c1.5 tonnes per 1m³ is used, however as a conversion rate of 1.8 tonnes per 1m³ for the site has been used to calculate volumes for the waste permit for continuity purposes it was continued to be used and now viewed as at the higher end of the scale. We submit that the proposal is based on filling in a volume of void space and this element can be accurately calculated.

2.4 LAND DEVELOPMENT SEQUENCE MAPPING

Provide a drawing showing sequencing of phases and update the description of the sequencing of the proposed land development works, as necessary.

Due to the recent receipt of planning permission from An Bord Pleanala, it is proposed that a drawing showing the sequencing of the phased development for the site will be submitted to the EPA at a later date.



2.5 DARWING CE04561-08-2A CROSS SECTIONS

Given the revised waste quantities identified in your planning appeal to An Bord Pleanala, update Drawing *CE04561-08-2A Cross-Sections Through Infill* and identify whether where will be any changes in the development footprint

Due to the recent receipt of planning permission from An Bord Pleanala, it is proposed that a drawing showing the cross sections through the infill material for the site will be submitted to the EPA at a later date.

2.6 WASTE ACCEPTANCE AND HANDLING

Provide written procedures for the acceptance and handling of all waste at the facility, having regard to EC Council Decision 2003/33/EC.

As the development proposes to only accept clean soil and stones (EWC Code 17 05 04) which is classified as an inert waste found on the short list in Section 2.1.1 of EC Council Decision 2003/33/EC, it is considered that this waste can be admitted to site without testing. However, to ensure that soil entering the site is inert, a random sample will be collected by Buchpa Ltd from 1 in every 250 truck loads that enter the site. If the source of soil and stone is from a single sourced large development, Buchpa Ltd. will request that 1 sample per every 15,000 tonnes of material be sampled and tested by the haulier/development to prove that the material is acceptable for the site. Acceptance criteria in accordance with inert acceptance criteria outlined within EC Council Decision 2003/33/EC will be developed for the site once a waste licence has been granted and approved by the EPA. It is proposed that acceptance criteria of tested samples will meet or exceed the 2003/33/EC criteria.

Waste destined for the site will be accepted via the main entrance gate where all vehicles will be weighed and registered. Only pre-authorised vehicles will be permitted entry to the site. Site users must have a contract with the facility operators prior to any site use. A register will be maintained on site for every load that arrives. The log will include details of the type and quantity of the materials, the producer, the source, the haulier, the truck registration number, date and time.

Authorised vehicles will be directed to the deposition area.

Buchpa Ltd. W0525-01 Article 14 Response



A site operative will be on duty at the deposition area to direct and control the deposition of clays. There will be two designated deposition/stockpile areas on site. These will include a deposition area for materials destined for backfilling on site and an area for pre-segregated topsoil material.

When the materials are tipped out they will be given a thorough inspection by the site operative. Should any suspect materials be tipped, the site manager will be informed. The materials will be moved to the waste inspection area for detailed inspection. If the materials are deemed unsuitable they will be reloaded into the truck and sent off site to the producer or deposited in the waste quarantine area. Such wastes will be stored temporarily in the waste quarantine area until such time as they will be exported off site to a suitably licensed facility. The site manager may investigate the matter further and will inform the local authority if he feels that further action is required. Such action may require that any unacceptable waste, and other waste contaminated by it, would be removed to the quarantine area pending removal off site to a suitable facility. Appropriate sanctions, such as prohibition of future deliveries, may be taken against the individuals responsible for the delivery of unacceptable materials.

It will be a requirement of all carriers that all loads are properly covered to ensure the prevention of windblown dust on the approach roads and within the confines of the site. Only hauliers in possession of a waste collection permit and who hold a contract with the site will be allowed to access the site.

Clays will be deposited in the designated tipping area appropriate for the type of waste. There will be two designated areas or stockpiles as detailed above. The stockpiles will be located near to the active tipping face. The designated stockpile areas will not therefore be fixed for the duration of the project but will move in line with the filling sequence.

Materials designated for backfilling will be moved from the stockpile to the active tipping face by dozer. Here it will be deposited, rolled and shaped to conform with the phased approach to the restoration programme.

Pre-segregated topsoil materials will be stockpiled on site. A significant amount of topsoil will be required on site for the final capping phase of the restoration programme and this will be maintained on site. Any excess topsoil will be made available for resale and reuse in the construction industry, landscaping projects etc. Topsoil will be stockpiled to such heights that there will be no deformation to the structure of the soil.

Deposited loads will be moved into place by the site plant (dozers), levelled and shaped accordingly.



2.7 DAYTIME NOISE HOURS

Given that the noise surveys were conducted during daytime, justify the proposed operating hours of 07:30 to 17:30 Monday to Friday and 07:30 to 15:00 on Saturdays.

As detailed in Section 3.2.1 Hours of Operation within The EIS, the proposed opening hours for materials acceptance at the facility are between 08:00 and 18:30 hrs Monday - Friday and 08:00 to 14:00 hrs Saturday. There will be pre-opening and post-closure activity on the site from 07:30 to 08:00 and 18:30 to 19:30 in order to prepare the site in the morning and to finish off materials handling and closing the site in the evening. On Saturdays this will be carried out between 07:30 and 08:00 in the morning and from 14:00 to 15:00 in the evening.

The morning preparation activities do not entail waste acceptance or waste management on site but rather checking and opening of the weighbridge, wheel wash, gate, and office etc. which are non noise generating activities.

As recommended with the EU Directive 2002/49/EC of 25 June 2002 relating to the assessment and management of environmental noise, daytime noise hours should range from a 12 hour period, usually 07:00 to 19:00 hours. The proposed operational hours for the site fall within this time frame thus reducing the overall noise impact the site will have on the surrounding area.

2.8 SURFACE WATER RETENTION TIMES

Provide details of proposed typical retention times of surface water run-off in proposed settlement ponds prior to discharge to receiving waters

Due to the recent receipt of planning permission from An Bord Pleanála as the overall size and shape of the development is due to change, proposed typical retention time of surface water runoff into the settlement ponds will be calculated and submitted to the EPA at a later date.



2.9 SURFACEWATER MONITORING LOCATIONS

Given that SW1, the upstream ambient monitoring location of the Kilmartin stream was inaccessible on 21/02/05, propose a new up-stream ambient monitoring point on the Kilmartin stream or confirm that access will be available.

It is proposed that access will be made available at the monitoring point SW1 with a secure access point being installed once the waste licence is granted. An up-dated surface monitoring map will be sent to the EPA confirming SW1's location at this time.

2.10 STORMWATER STORAGE PUMP

Identify the capacity (m3) of the proposed storm water storage sump at the waste quarantine area

It is proposed that the storage sump at the waste quarantine area will measure c.0.5m long by c.0.5m wide by c.0.5m deep, giving a sump capacity of c.0.125m³.

2.11 DISPOSAL AND RECOVERY OPTIONS FOR RESIDUAL WASTE ON SITE

Submit details of the expected disposal/recovery options for any residual waste streams (metals, timber, plastics, etc.,) inadvertently delivered to the facility and contaminated storm water which may arise at the facility.

In the unlikely event that contaminated non recoverable waste comprising of plastics, metals, timber etc should arrive on site it will be stored in the designated waste quarantined area and removed off site to an appropriately licensed facility for disposal at the earliest convenience. Recoverable materials such as metals and timber will be moved to sealed containers adjacent to the waste quarantine/inspection area pending removal off site to a licensed recycling facility.

In the unlikely event that contaminated storm water should arise from the facility, the water will be pumped out from the interceptor to a road tanker and sent off site to an appropriate licensed waste water treatment plant.



2.12 ANNUAL AUDITED ACCOUNTS

Provide a copy of the company's most recent annual audited accounts in order to confirm company as "fit and proper"

Buchpa Ltd will provide the company's most recent annual audited accounts to the EPA as a separate document to this report for confidentiality reasons.

2.13 RESTORATION AND AFTERCARE MANAGEMENT PLAN COSTS

Provide an assessment of the costs of the implementation and completion of the proposed restoration and aftercare plan, and a statement or details of provisions made for the underwriting of these costs.

As the overall development of the site is classified as a restoration plan for the area, therefore the closure of the site is included in the final phase of the development. Upon completion of the programme the site will be considered as a *Clean Closure* where upon cessation of all operations and subsequent decommissioning of the facility, no remaining environmental liabilities should exist.

The closure plan will comprise of:

- The final phase of the development which includes layering the site with topsoil to be harrowed, seeded, grassed and landscaped.
- Decommissioning and removal of plant material from the site.
- Decommissioning and removal of all office buildings, equipment sheds, wheel cleaner, storage bays etc. including cut off drains and lagoons to allow for natural site drainage to be encouraged.
- The removal of any remaining debris/waste from the decommissioning process from the site to an appropriately licensed facility for disposal
- Environmental monitoring for c.2 year period to ensure and verify no ground or surface water contamination from the site.

Should a waste licence be granted, as outlined within the EIS, a holding account or 'Gate Fee' account will be set up with the Bank of Ireland and an environmental insurance policy will be secured to cover any financial liabilities that may arise from the proposed activity. A percentage of this account (approximately



2%) will be dedicated to part of the closure programme to ensure funding for landscaping and the overall site decommissioning process and added to an escrow account which will be set up by Buchpa Ltd. for this purpose.

It is estimated that the overall costs for decommissioning and closure are roughly as follows:

- Site landscaping €10,000.00
- Decommissioning and removal of plant and buildings off site €30,000.00
- Post closure monitoring €10,000.00

Estimated total: €50,000.00

3 ARTICLE 13 COMPLIANCE REQUIREMENTS

3.1 DRAWING CE04561-08-01A

Submit Drawing CE04561-08-01A which was omitted from the EIS as submitted

Please note that this was an error on our part within the EIS. Drawing CE04561-08-01A (as mentioned in *Section 3.1.3 Restoration Plan*) should actually be Drawing CE04561-08-1-3A which was submitted with the EIS. Our apologies for any inconvenience caused.

3.2 SECTION 3.1.3 OF THE EIS

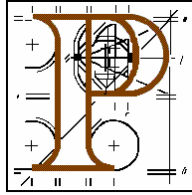
Update the description of the sequencing of the proposed land development works in Section 3.1.3 of the EIS

An up-dated version of the proposed restoration plan and phased developments for the site will be issued to the EPA at a later date.

Appendix A

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An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2007

Wicklow County

Planning Register Reference Number: 08/557

An Bord Pleanála Reference Number: PL 27.229755

APPEAL by Buchpa Limited care of White Young Green Environmental (Ireland) Limited of Apex Business Centre, Blackthorn Road, Sandyford, Dublin against the decision made on the 26th day of May, 2008 by Wicklow County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Restoration of lands comprising the infilling and land-raise of a deep valley approximately 23 hectares in size with clean inert clays, soils and stones in the townland of Kilmartin, Coynes Cross, Newcastle, County Wicklow. The development will include for the temporary installation of a site office, access road, storage container, wheelcleaner, oil bund, parking area, waste inspection bays, waste quarantine bay, septic tank, percolation area, silt trap, oil interceptor, soakpit, drainage and settlement ponds; all at 59 Avoca park, Blackrock, County Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the accessibility of the site in relation to the national road network, the landscape changes already brought about by the nearby N11 road and interchanges, the separation distance between the site and residential areas or other sensitive receptors and the environmental controls that will be implemented on the site under the Waste Licence for the activity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not have an unacceptable impact on the landscape character of the area, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the An Bord Pleanála on the 23rd day of June, 2008, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. (1) The height of filling shall not exceed 55 metres OD. The general form of the new landform shall be as proposed (with reference to drawing number CE04561-08-2A "Cross-Sections through infill") received by the planning authority on the 4th day of April, 2008), namely gradual side slopes leading to a mounded hill top. Revised drawings showing compliance with these requirements, including any necessary amendments to surface water management, and accompanied by a revised volume calculation for the permitted landfill, shall be submitted to the planning authority for agreement within six weeks from the date of this order.
- (2) A series of three benchmarks shall be established within the perimeter of the site within six weeks from the date of this order and maintained in order to enable the height of filling to be monitored.

Reason: In the interest of visual amenity and protection of the landscape, to reduce environmental impacts of operations due to dust and noise and in the interest of orderly development.

3. Only clean (uncontaminated) soil and stones shall be imported into the site.

Reason: In the interest of environmental protection and to ensure that the landfilling of wastes is restricted to materials that can not be otherwise recycled so that the national recycling targets for construction and demolition waste are not undermined.

4. No soil shall be removed from the site. Any topsoil stripped from the site shall be stored in an orderly manner and used in site restoration.

Reason: In the interest of orderly development and to facilitate successful site restoration.

5. Within six weeks from the date of this order, the developer shall submit details of the clearance between the proposed landfill (as reduced in height by condition number 2 above) and any Electricity Supply Board lines crossing the site. This shall include detailed cross sections of the proposed ground levels under the transmission line and at a ten-metre off-set on each side of the line. Any amendments necessary to ensure that safety clearances are achieved shall be agreed with the planning authority. In default of agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: In the interest of orderly development and protection of the electricity grid.

6. All mitigation measures set out in the Environmental Impact Statement (received by the planning authority on the 4th day of April, 2008) shall be implemented in full.

Reason: In the interest of environmental protection.

7. Prior to the commencement of development or within two months from the date of this order, the developer shall submit to and agree with the planning authority a detailed phasing programme for the importation of clean inert clays and soils. The phasing plan shall confine filling operations to a discrete area of the site, which shall be restored (seeded) within one month from commencement of the next phase. The phasing plan shall also include:

- (a) details of volume of material to be included within each phase,
- (b) cross sections of each phase of operations,
- (c) details for the construction of slopes or banks as proposed in each phase,
- (d) progressive restoration details for each phase.

Reason: In the interest of clarity and to provide for the orderly development and to minimise visual and environmental impacts during the filling operation.

8. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a proposal for an Environmental Management System (EMS). This shall include the following:-
- (a) proposals for the suppression of on-site noise (in order to comply with conditions set out in this order),
 - (b) proposals for the on-going monitoring of sound emissions at dwellings to be agreed with the planning authority,
 - (c) proposals for the suppression of dust on site and on the access road, and for dust monitoring,
 - (d) proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage,
 - (e) details of safety measures for the land above the proposed development, to include warning signs and stock proof fencing (works to be carried out within one month of the written agreement of the planning authority to these details),
 - (f) management of all landscaping, with particular reference to enhancing the ecological value of the woodland/grassland on the bunds and buffer areas,
 - (g) monitoring of ground and surface water quality, levels and discharges, and
 - (h) details of site manager, contact numbers (including out of hours) and public information signs on the entrance to the facility, details of which shall be agreed with the planning authority prior to commencement of development.

The developer shall submit an Annual Environmental Report to the planning authority by 28th day of February each year containing results of all environmental monitoring, and an up-to-date Topographic Survey of the site, together with remaining void space calculation.

Reason: In the interest of orderly development, environmental protection and to safeguard local amenities.

9. Operating hours for the development shall be restricted to between 0730 hours and 1900 hours, Monday to Friday and between 0730 hours and 1500 hours on Saturday. The facilities shall not operate outside of these hours or on Sundays or Bank or Public holidays.

Reason: In the interest of residential amenity.

10. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority details of the proposed wastewater treatment system serving the site including necessary percolation area in accordance with the Environmental Protection Agency Wastewater Treatment Manual on Treatment Systems for Small Communities, Business, Leisure Centres and Hotels. A timescale for installation of the system shall be agreed with the planning authority prior to commencement of development.

Reason: In the interest of public health.

11. Within six weeks from the date of this order, a detailed plan for the final restoration and landscaping of the site shall be submitted to the planning authority for agreement. This shall include:
- (a) identification of existing trees and hedgerows to be maintained and how they shall be protected,
 - (b) progressive restoration/landscaping proposals,
 - (c) final vegetation proposals of the completed landfill which shall include a substantial amount of tree planting,
 - (d) definition of any proposed field boundaries and boundary treatment, and
 - (e) removal of all buildings, roads and any other infrastructure from the site, and
 - (f) a timeframe for implementation.

Reason: In the interest of visual amenity and environmental protection.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2009.