



Cavan County Council

Comhairle Chontae an Chabháin



Courthouse

Teach Na Cúirte

Cavan

An Cabháin

ENVIRONMENTAL PROTECTION
AGENCY
- 2 FEB 2010

Telephone Numbers

Central Council
049 437 8300

29th January 2010

Ms Laura Burke

cc: DL

Director

Motor Tax
049 437 8430

Office of Licensing Control & Resource Use

Environmental Protection Agency

Planning
049 437 8600

PO Box 3000

Johnstown Castle Estate

Co. Wexford

Re: Corranure Landfill – Delay in processing the Waste Licence Applications

W00077-04 & W0248-01

Corporate Services
049-437 8601

Dear Mr Lynott,

Johnston Central Library
049 437 8500

We refer to the application by Cavan County Council (**Cavan**) to the EPA on 19th September 2008 for an amendment to the existing waste licence for Corranure Landfill which has been assigned the register number W00077-04 by the EPA (the **Cavan Waste Application**).

Finance Department
049 437 8300

The purpose of the Cavan Waste Application was to reduce the size / area of the Corranure Landfill facility currently under the responsibility of Cavan from an original landfill facility area of 11 hectares to a revised area of 7 hectares. The reduced area would be comprised of three landfill cells, namely Cells 0, 1 and 2, each of which has been closed and fully capped in accordance with the conditions of the existing waste licence. The Cavan Waste Application remains under the assessment of the EPA.

Roads
049 437 8300

Housing
049 437 8300

Community & Enterprise
049 437 8602

Water Services
049 437 8300

Email: info@cavancoco.ie

Fax: 049 436 1565

Web: www.cavancoco.ie

As the EPA is aware, Cavan entered into a Particulars and Conditions of Sale of the Lands at Corranure and Lismagratty with Oxigen Environmental Limited (**Oxigen**) on 10 September 2007 (the **Contract**) whereby Cavan agreed to sell certain lands in the townlands of Corranure and Lismagratty subject to certain conditions precedent, including the necessary waste licences and planning permission being obtained by Oxigen. The lands to be sold subject to the Contract include Cell 3 and Cell 4 at the Corranure Landfill, which were licensed at the time under waste licence W0077-02.

On 19th September 2008, Oxigen submitted a waste licence application and accompanying Environmental Impact Statement to the EPA for the development of an Integrated Recycling Facility at Corranure Landfill (the **Oxigen Waste Application**). The Oxigen Waste Application has been assigned the register number W0248-01 by the EPA and also remains under the assessment of the EPA.

On 6th November 2009, Cavan attended a meeting with the EPA, to discuss the progress of the Cavan Waste Application and the Oxigen Waste Application (the **Applications**). In particular, Cavan outlined their concerns regarding the extensive time period of 14 months that had elapsed since the Applications were made to the EPA in September 2008 and noted that no indication of progress on the status of the Applications, or the reasons for the delay in processing same, had been provided. It was stated that this long delay could potentially have serious financial and legal implications for the parties to the Contract.

The EPA is also aware that the Corranure Landfill is currently being operated by Oxigen under a Concession and Operations Agreement with Cavan since September 2007 (the **Agreement**). The Agreement is an interim arrangement put in place between the parties in respect of the operation of the Corranure Landfill and the construction of the Integrated Recycling Facility, until such time as the conditions precedent to the Contract are waived or satisfied. The Applications are key to the completion of the Contract, as the amendment to the waste licence sought in respect of the Cavan Waste Application, and the waste licence sought in respect of the Oxigen Waste Application, are both conditions precedent under the Contract. The prompt processing of the Applications, and accordingly the grant of the associated waste licences by the EPA, would be a significant step towards completion of the Contract and would fully determine the operational, management,

legal and financial responsibilities of both Cavan and Oxigen, which would seem to be in the interests of all.

Furthermore, the delay in progressing the Applications has severely restricted the development of infrastructure and the implementation of measures at Corranure Landfill required to meet the targets outlined in the EU Directive (1999/31/EC) (the **EU Landfill Directive**) for the diversion of biodegradable waste from landfill. The proposed Integrated Recycling Facility at Corranure will be capable of processing all of the currently landfilled waste produced in the North East Waste Management Plan Region and will make a significant contribution to the achievement of both EU and national targets for waste diversion from landfills. The National Strategy on Biodegradable Waste (April 2006) outlines Government policy for the diversion of biodegradable municipal waste from landfill and sets measures for progressively meeting the targets of the EU Landfill Directive. The Strategy states that a significant increase in biological treatment capacity is required to meet the targets and the proposed Integrated Recycling Facility at Corranure will provide this much needed capacity. The proposed continued increase in landfill levies by the DOEHLG also impacts significantly on the current arrangement at Corranure as a result of the delay in processing the Applications.

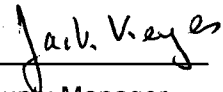
We have not received an update on the status of the Applications since the meeting in November 2009, and the time period during which the EPA have been considering the Applications has now extended to an extensive 16 months. We are unaware of any deficiencies in those Applications.

The concerns of Cavan regarding the time period that has elapsed, without any formal response or explanation from the EPA since the Applications were made in September 2008 by Cavan and Oxigen, remains unchanged from those expressed at the meeting with the EPA in November 2009.

We request that the EPA consider the Applications as a matter of urgency and that the EPA revert with a long-stop date by which the outcome of the Applications will be determined one way or another by the EPA. If the EPA considers that there are deficiencies in either of the Applications, I undertake to seek to ensure that they are responded to promptly, but I do need clarification on what the obstacles are in order to be in a position to assist.

I would be grateful for your consideration of the important matters and look forward to your response.

Yours sincerely,



County Manager
Jack Keyes

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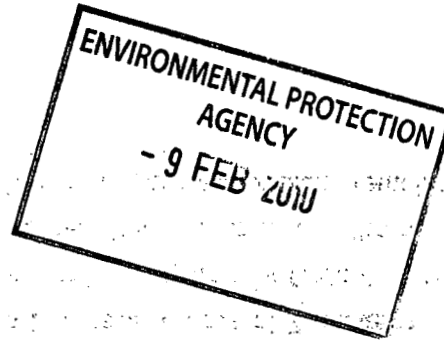
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