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26 September 2014

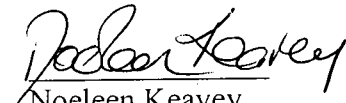
Reg. No: W0129-03

Dear Ms O'Donnell

I am to refer to your letter received by the Agency on 26 September in relation to the application for Murphy Environmental Hollywood Limited.

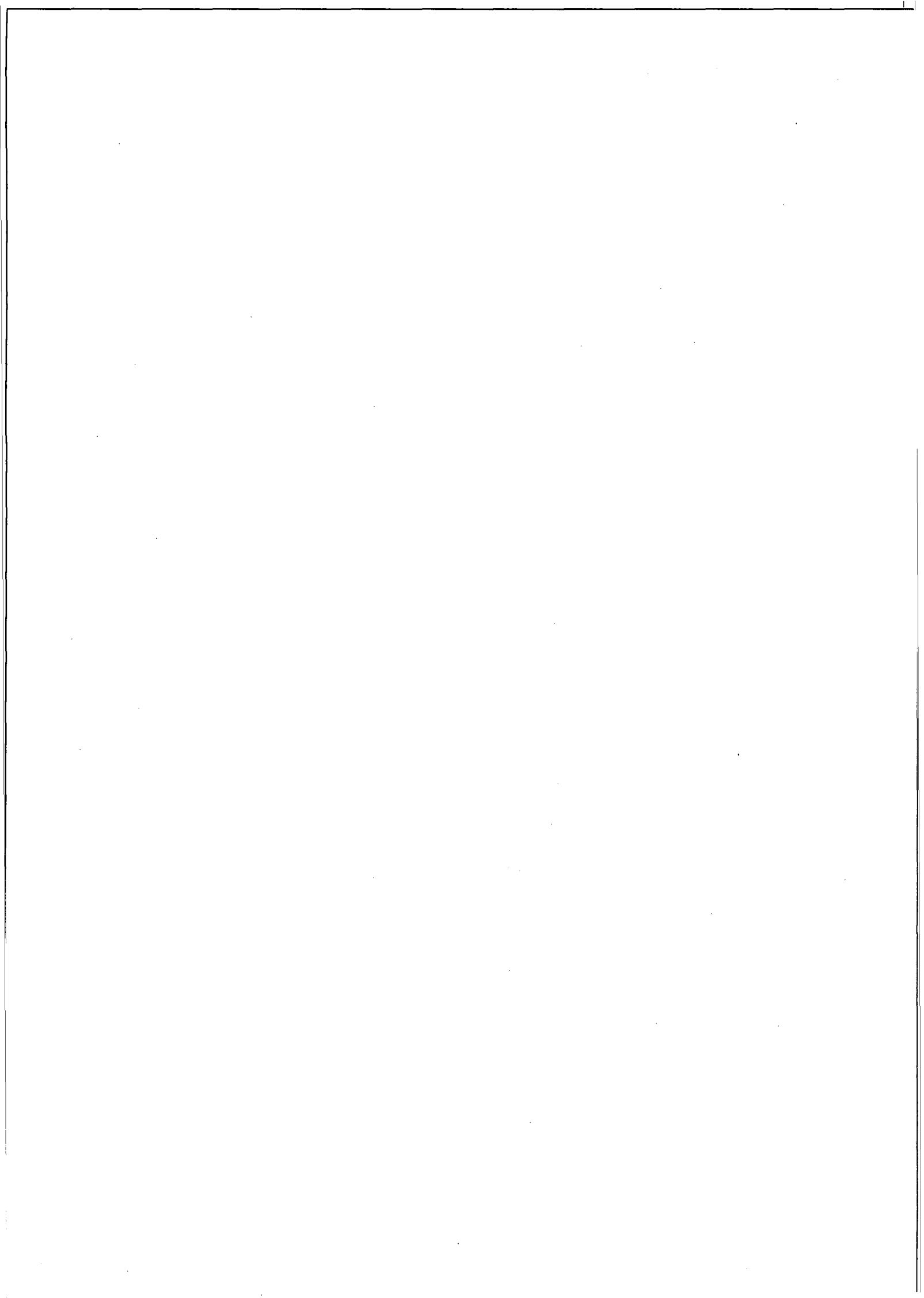
Please find attached the Inspectors Report on your Oral Hearing Request that was submitted to the Board meeting on 2 September 2014.

Yours sincerely



Noeleen Keavey
Programme Officer
Environmental Licensing Programme
Office of Climate, Licensing & Resource Use





MEMO

TO: Each Director

FROM: Brian Meaney

CC: Office File

DATE: 27 August 2014

SUBJECT : Request for oral hearing of objection on Proposed Determination Re: Murphy Environmental Hollywood Limited, Hollywood Great, Nags Head, The Naul, County Dublin, Register Number W0129-03

I have assessed the objection to the Proposed Determination issued in relation to the application by Murphy Environmental Hollywood Limited, register number W0129-03. The closing date for receipt of objections was 22 July 2014.

One first party objection from the applicant, Murphy Environmental Hollywood Limited, was received on that date. The objection was received within the appropriate period and:

- was submitted in writing,
- provided a name and address,
- stated the subject matter and grounds for the objection, and
- was accompanied by the appropriate fee.

The objection contained a request for an oral hearing. The request for an oral hearing is valid and the fee of €100 was paid.

I have examined the objection against the criteria outlined in *Waste Management and IPPC Licensing – Aspects of Licensing Procedures: Objections and Oral Hearings* (2010). I consider that an oral hearing of the objection is not required in this case for the following reason:

Notwithstanding the facts that:

- the location and local environment are sensitive (groundwater vulnerability),
- the matter of the application is of national importance (in the context of the National Hazardous Waste Management Plan),
- the proposed facility is of considerable scale and complexity (proposing to accept up to 500,000 tonnes per annum of inert, non-hazardous and hazardous waste),

there are no new issues raised nor significant new information or data provided in the objection.

The objection was prepared by the applicant's representatives Patel Tonra Environmental Solutions Ltd., and deals with the issues addressed in the Proposed Determination, namely hydrogeology and financial provision. On hydrogeology, the applicant, using a technical submission from their advisors, Arup, indicates that the Agency:

- has misinterpreted the available technical data, the Groundwater Protection Response Matrix for Landfills and the Landfill Directive; and

- has been inconsistent in its technical response compared to the decision to grant a licence in respect of the nearby Tooman Nevitt (Fingal) landfill.

On financial provision, the applicant, using a technical submission from their advisors, Smith and Williamson, indicates that:

- the granting of a licence for the proposed development would increase the applicant's asset value and enable them to secure development financing and meet the financial provisions associated with the licence and licensed activity; and
- the ongoing support of NAMA means that the applicant can be deemed to be a fit and proper person for the purpose of section 83(5) of the EPA Act 1992 as amended.

The final part of the objection is prepared by Patel Tonra Environmental Solutions. It is directed towards three specific matters addressed in the Inspector's Report and its appendices and indicates that the proposed financial provisions put forward by the applicant are robust, can be conditioned by licence and will ensure that all provisions are in place in advance of potential liabilities arising.

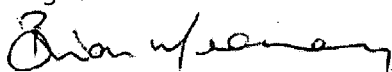
The objection submits that certain of these matters are questions of law to be ultimately determined by the Courts, notwithstanding the EPA's role in first making a decision on the application.

The objection can be fully considered and assessed by a Technical Committee of the Agency.

Recommendation:

I recommend that the objection submitted by the first party to the application be considered by a Technical Committee in the usual manner. I recommend that an oral hearing of the objections made is not held in this instance for the reason outlined above.

Signed



Brian Meaney