

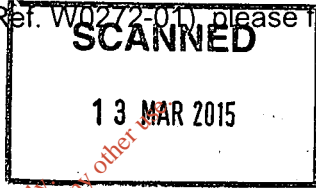
**Noeleen Keavey**

**From:** Derek Luby <dluby@slrconsulting.com>  
**Sent:** 12 March 2015 15:04  
**To:** Wexford Receptionist  
**Cc:** Noeleen Keavey  
**Subject:** RE: Response to Objections to EPA PD Milverton Soil Recovery Facility W0271-01  
**Attachments:** 150312 501.00180.00013.32 EPA Milverton PDObjectionResponse Lisa Farrell.pdf;  
150312 501.00180.00013.32 EPA Milverton PDObjectionResponse LiamDerham.pdf;  
150312 501.00180.00013.32 EPA Milverton PDObjectionResponse JPBrowne.pdf;  
150312 501.00180.00013.32 EPA Milverton PDObjectionResponse SkerriesCommAssoc.pdf; 150312 501.00180.00013.32 EPA Milverton PDObjectionResponse FoIE.pdf

FAO : OFFICE OF CLIMATE CHANGE, LICENSING AND RESOURCE USE

TO WHOM IT MAY CONCERN

Further to your letter dated 13 February 2015 notifying Roadstone Limited of an number of objections submitted to the Agency in respect of its proposed decision to issue a waste licence for backfilling and restoration of Milverton Quarry in Skerries, Co. Dublin (Ref. W0272-01), please find attached a separate response to each of the objections submitted by



- Ms. Lisa Farrell
- Mr Frank Burke (on behalf of Mr. Liam Derham)
- Mr. JP Browne
- Skerries Community Association
- Friends of the Irish Environment.

Please acknowledge receipt of this email and accompanying submissions by return e-mail.

Regards

**Derek Luby**  
**Technical Director**  
SLR Consulting Ireland

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Environmental Protection Agency  
Headquarters,  
P.O. Box 3000,  
Johnstown Castle Estate  
County Wexford

Our Ref: 501.00180.00013.23  
Your Ref: W0272-01

Dear Sir / Madam

**RE: ROADSTONE LIMITED, MILVERTON INERT WASTE RECOVERY FACILITY  
PROPOSED DECISION TO ISSUE WASTE LICENCE  
RESPONSE TO THIRD PARTY OBJECTION BY LISA FARRELL**

Further to your letter dated 13 February 2015 notifying Roadstone Limited of an objection lodged by Ms Lisa Farrell in respect of the Agency's proposed decision to issue a waste licence for backfilling and restoration of Milverton Quarry in Skerries, Co. Dublin, we have provided herein a response to the issues raised in her objection. Note that we have addressed each of the points in the same order and sequence as raised in the objection.

**Background**

At the outset, Roadstone wishes to point out that although activity at Milverton quarry was suspended in 2008 in response to the unprecedented downturn in construction related activity in Ireland at that time, it still retains full planning permission for quarrying and related value added activities at the application site.

Although the company submitted a waste licence application in 2009 to provide for the backfilling of the quarry, it can nonetheless resume quarrying activity at Milverton, subject to conditions previously imposed by Fingal County Council in 2007 under Section 261 of the Planning and Development Acts.

Roadstone believes that the proposed backfilling of the quarry at Milverton is the best long-term option for restoration of its quarry at Milverton, one which in addition to a significant improvement in the local landscape, also addresses the need for waste recovery facilities for surplus soil and stone generated by construction activity around North Dublin.

Before addressing the issues raised in the objection in more detail, Roadstone wishes to emphasise that the proposed recovery facility will only handle inert soil and stone and minor quantities of inert construction and demolition waste (principally concrete based products). The activities present little or no environmental risk to the surrounding area and will not give rise to any of the adverse impacts or nuisance associated with municipal landfills. The recovery facility will not attract vermin or scavenging birds, nor will it generate potentially odourous landfill gas emissions or leachate with the potential to contaminate surface waters and/or the underlying groundwater aquifer.

Roadstone also wishes to point out that it has successfully operated a similar licensed recovery facility at Fassaroe, Bray, Co. Wicklow (EPA Licence Ref. W0269-01) for several years, in an area close to residential housing, without significant adverse impact on the local community.

## Flora and Fauna

In her objection, Ms. Farrell raises a number of issues and concerns in respect of flora and fauna at the existing quarry facility, which may be summarised as follows

- In view of the timing of the site surveys (in May 2008 and more recently in May 2014), there is a possibility that a number of named plants which flower after this time would not have been identified;
- If orchids occur at the quarry, they may have been overlooked, as they do not flower every year. Quarries provide an alternative habitat to floodplains for orchids. The company cannot prove that orchids do not occur;
- A unique mini-ecosystem could develop at the quarry over time;
- The EIS failed to take due account of the fact that the song thrush, which is protected under Annex II of the Birds Directive, was recorded in the bird survey undertaken at the quarry;
- The Irish hare, which was identified in the ecological survey, is protected under the Wildlife Acts, is listed on Appendix III of the Bern convention (on the Conservation of European Wildlife and Natural Habitats), is listed in Annex V(a) of the EC Habitats Directive (92/43/EEC) and is an internationally important species in the Irish Red Data Book;
- The presence of dragonflies is an indication that there is a healthy and diverse habitat in the area;
- There is a possibility that there may be bats in the quarry, no night-time bat survey was undertaken, bats are a protected species under the Wildlife Acts;
- There are otters along the Mill Stream and/or tributaries upstream and downstream of the quarry. Otters are listed in Annex IV of the EC Habitats Directive which prohibits actions which result in the deterioration or destruction of species breeding sites or resting places, regardless of whether intentional or not;
- Roadstone will discharge hard untreated water, with high levels of nitrates and nitrites into the Mill Stream and could cause thermal pollution (on account of low water temperature) which could reduce the ecological quality of the stream;
- Although the survey reports no evidence of newts at the quarry, more seasonal surveys are required.

While many plants and animals may occur in the vicinity of quarries and/or around Milverton and Skerries, Ms. Farrell does not produce any evidence that those she mentions actually occur at the quarry itself. In response to the technical points raised in the objection, we respond as follows:

- The quarry was surveyed by a professional ecologist in 2008 (at a time when it was still operational) and again in 2014 (after activity at the quarry had been suspended for a period of 6 years). On each occasion, no protected species of flora were recorded at the quarry;
- Whilst we recognise that orchids may not flower on an annual basis, it is considered that the habitats present at Milverton Quarry at this current time do not provide optimum habitat conditions for green-winged orchid (*Orchis morio*) and that any further survey is unlikely to record this species at this site;
- It is noted that the document on orchids in quarries referenced in the objection is published by Heidelberg Cement, a company which has no quarries or operations in this country;

- In respect to the other species identified, narrow-leaved bittercress (*Cardamine impatiens*) is a species with a very restricted distribution in Ireland and probably only native in Westmeath. Narrow-leaved helleborine (*Cephalanthera longifolia*) also has a restricted distribution, primarily in the west and south of Ireland;
- Contrary to Ms. Farrell's assertions, May is an optimum time of the year to record flora and it is considered that were any of the named species were present at the quarry, they would have been identified and recorded by a professional ecologist, even if not in flower at the time of the survey visits.
- *Falcon* : It is recognised that all bird species are protected during the breeding season, with other species i.e. peregrine falcon (*Falco peregrinus*) especially protected. The statutory protection afforded to the peregrine falcon is recognised in the EIS and in the development proposal. It has been agreed in principle with the National Parks and Wildlife Service (NPWS) to retain part of the exposed quarry face as a roosting and nesting area for the peregrine falcon (refer to SLR letter dated 9 February 2011 issued in response to the agency's Article 14 Compliance Notice);
- *Song Thrush* : It is noted that the Song Thrush is not an Annex 1 species which is afforded special protection under national and EU legislation. The proposed recovery facility will not affect the local population of this species, particularly in view of the fact that there is more than sufficient alternative habitat in the surrounding local area. The song thrush was present in the locality at the time of the original bird survey in 2008 when the quarry was still operational. It is inferred on this basis that the previous quarry operation had little or no adverse impact on the species;
- *Hares* : The Irish hare recorded in 2008 was not recorded within the quarry site but rather in an adjacent agricultural field. During the 2014 survey, no Irish hares were recorded as present within the quarry site.
- *Bats* : All the trees and buildings within the application site are assessed as providing negligible opportunities for breeding bats. Similarly the cliff faces do not present any obvious roosting opportunities for bats. Whilst the application site may be used by bats for foraging, it is not likely to be important or critical for any local population of bats given the availability of alternative suitable foraging habitat in the wider surrounding area.
- *Otters* : No evidence to indicate the presence of otter at Milverton Quarry was found during the habitat survey in 2014. The flooded quarry floor is a relatively recent event and is not likely to support fish populations that would attract otters to this site. In respect of the Mill Stream, it is considered unlikely that this watercourse is used by otters for breeding purposes on account of its size and that it is unlikely to support sufficient fish populations to sustain breeding otters. It is however considered more than likely to form part of a territory for otters within the wider area, and in particular along the coastline around Skerries.
- *Newts / Amphibians* : The habitat survey in 2014 was undertaken when it would be expected that any evidence of amphibians (breeding or otherwise) would be found either through the presence of adults, eggs or tadpoles / efts. We can confirm that no evidence was found through an inspection of the flooded quarry floor or in the terrestrial habitat surrounding this feature of any amphibian species.
- *Water Quality* : As regards the perceived impact of discharges on water quality in the Mill Stream, it is noted in the discharge licence application (reproduced in Appendix 6.6 (Section 2.3.1) of the EIS), that the discharge from the recovery facility has the potential to slightly improve the water quality in the Mill Stream, particularly in terms of its phosphorus loading.

## Human Beings

In her objection, Ms. Farrell asserts that the operation of the waste facility

- will have no positive effects on the environment or on local people in the area;
- will have a massively negative impact on road conditions;
- will adversely impact the quality of life for nearby residents in terms of noise and air pollution, particularly in view of the fact that diesel emissions have recently been classified as carcinogenic;
- will eliminate existing use of the road by walkers, cyclists and horse riders (in the absence of a footpath);
- will present an unacceptable risk of contamination of the underlying highly to extremely vulnerable groundwater aquifer, particularly on account of refuelling activities.

In response, Roadstone would point out that the EIS submitted in support of the licence application does not seek to portray all impacts arising from the proposed waste recovery activity as positive. Impacts have generally been assessed and described in terms of magnitude / scale, significance and duration, and where the impact has been found to be negative, this has been duly acknowledged in the EIS.

Sections 11.3 and 12.3 of the EIS, address the impact of the proposed recovery facility and its associated traffic levels on local residential amenity and the local road network. Sections 7.3 and 8.3 assess the impact of recovery activities on air quality and noise on nearby residents.

At the time the waste licence application was submitted in September 2009, Roadstone envisaged that waste recovery activities would commence at Milverton within a relative short time period after quarry activities had been suspended. The company did not anticipate that there could be a 5 year hiatus in obtaining the necessary waste authorisations for this facility. For this reason, and because quarrying activity at the application site is still authorised, it is considered reasonable and appropriate that the impact assessments presented in the EIS have due regard to the levels of traffic previously generated across the local road network by quarrying and related activities at the site.

As regards concerns about the potential adverse impact on groundwater, it is noted that the backfilling of the quarry with imported clay soils will ultimately afford a greater degree of protection to the aquifer than that which exists at present. Potential groundwater risks and impacts arising from fuel handling activities at the waste recovery facility have been discussed and assessed in Section 6.3 of the EIS. Appropriate mitigation and/or risk management measures (many of which had previously been implemented on-site) are outlined in Section 6.4 and include fuel storage in bunded tanks, plant maintenance at the on-site workshop and plant re-fuelling over drained pavement surfaces.

## The Company

Roadstone asserts its commitment to implement the highest environmental management standards in its industry at each of its operating locations in Ireland and trusts that this is fully recognised by the Agency in light of past and continuing engagement with it on waste management and related issues.

## The Site

In closing, Ms. Farrell asserts that the quarry at Milverton should be designated a Special Area of Conservation, citing the presence of a falcon, otters and the unproven existence of bats around the quarry and quoting selected citations or recitals from the preamble to the 6<sup>th</sup> Community Environment Action Programme (2002) as the reason to do so.

In response Roadstone would point out that the loss of the existing habitat(s) at Milverton, has been fully assessed in the EIS and should be balanced against a number of competing interests and objectives including:

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- the need / demand for an inert soil waste recovery facility in this area of North County Dublin and in particular one of sufficient size and scale to support the highest standards in environmental and waste management;
- the policies and objectives of the Fingal County Development Plan and Dublin Waste Management Plan, both of which recognise the particular merits of locating such facilities in worked-out quarries (refer to Section 1.6 of the EIS);
- the long term-protection of the underlying groundwater resource provided by backfilling the quarry with imported inert soil and stone waste;
- the removal of a disturbed landform and long-term enhancement of the visual quality and integrity of the local landscape

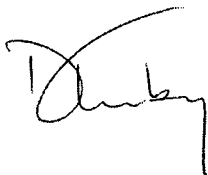
As previously noted, the decision on the licence application must also recognise that

- the application site was previously developed / degraded and was in use as a quarry almost up to the time that the waste licence application / original EIS was submitted in 2009;
- authorisation / approval for backfilling and restoration of the quarry was previously secured from Fingal County Council in 2009. This position was recently reaffirmed in an email to the Agency from a senior staff officer in Fingal County Council's planning department, dated 28 August 2014.

**Close**

We trust that the answers provided above adequately address the issues raised in Ms. Farrell's objection and that you will shortly be in a position to issue a final decision in respect of this waste licence application.

**Yours sincerely**  
**SLR Consulting Ireland**



**Derek Luby**  
Technical Director

cc Ronan Griffin (Roadstone Ltd.)  
Shane Geraghty (Roadstone Ltd.)  
John Glynn (Roadstone Ltd.)

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Environmental Protection Agency  
Headquarters,  
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Johnstown Castle Estate  
County Wexford

Our Ref: 501.00180.00013.23  
Your Ref: W0272-01

Dear Sir / Madam

**RE: ROADSTONE LIMITED, MILVERTON INERT WASTE RECOVERY FACILITY  
PROPOSED DECISION TO ISSUE WASTE LICENCE  
RESPONSE TO THIRD PARTY OBJECTION BY SKERRIES COMMUNITY  
ASSOCIATION**

Further to your letter dated 13 February 2015 notifying Roadstone Limited of an objection lodged by Skerries Community Association (SCA) in respect of the Agency's proposed decision to issue a waste licence for backfilling and restoration of Milverton Quarry in Skerries, Co. Dublin, we have provided herein a response to the issues raised by SCA in its objection. Note that we have addressed each of the points in the same order and sequence as raised in the objection.

**Background**

At the outset, Roadstone wishes to point out that although activity at Milverton quarry was temporarily suspended in 2008, in response to the unprecedented downturn in construction related activity in Ireland at that time, it still retains full planning permission for quarrying and related value added activities at the application site.

Although the company submitted a waste licence application in 2009 to provide for the backfilling of the quarry, it can nonetheless resume quarrying activity at Milverton, subject to conditions previously imposed by Fingal County Council in 2007 under Section 261 of the Planning and Development Acts.

Roadstone believes that the proposed backfilling of the quarry at Milverton is the best long-term option for restoration of its quarry at Milverton, one which in addition to a significant improvement in the local landscape, also addresses the need for waste recovery facilities for surplus soil and stone generated by construction activity around North Dublin.

Before addressing the issues raised in the objection in more detail, Roadstone wishes to emphasise that the proposed recovery facility will only handle inert soil and stone and minor quantities of inert construction and demolition waste (principally concrete based products). The activities present little or no environmental risk to the surrounding area and will not give rise to any of the adverse impacts or nuisance associated with municipal landfills. The recovery facility will not attract vermin or scavenging birds, nor will it generate potentially odourous landfill gas emissions or leachate with the potential to contaminate surface waters and/or the underlying groundwater aquifer.

Roadstone also wishes to point out that it has successfully operated a similar licensed recovery facility at Fassaroe, Bray, Co. Wicklow (EPA Licence Ref. W0269-01) for several years, in an area close to residential housing, without significant adverse impact on the local community.

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### **Water Quality**

The Mill Stream flows from the quarry, through the centre of the town park, to the sea. The park and the sea, including the Blue Flag beach, are of crucial importance to the ecology, community and tourism infrastructure of the town. Therefore the SCA feels that insufficient controls have been put in place to ensure that non-inert material will not contaminate material being deposited at the quarry. It is possible for inert material to be stored offsite and contaminated at the point of storage before being transported to the Milverton Quarry. Given that even a very small amount of hazardous material could be sufficient to contaminate the Mill Stream, the potential consequences of such contamination could be disastrous to the local ecology. There could also be serious health risks as the stream flows through the town park where children's playing pitches are located. Therefore the SCA requests assurances that all material will be fully tested off-site before being transported to the quarry prior to granting of the licence.

Roadstone considers that the risk based approach to the acceptance and importation of inert waste set out in the Agency's proposed decision is both reasonable and proportionate. The company will establish robust waste importation and acceptance procedures at the facility to minimise the risk that non-inert or hazardous soil will be placed at the facility.

Roadstone envisages that the bulk of inert soils and stones imported to the proposed facility at Milverton will be sourced from greenfield sites with no previous development history. Soils from such sites are likely to present very low risk of contamination. If soils from brownfield sites are imported to the facility, they will be subject to a 3 tier classification, compliance and validation test regime along the lines of that provided for in the proposed decision.

Roadstone's experience of operating a similar waste recovery facility at Fassaroe, near Bray in Co. Wicklow (Licence Ref. W0269-01) is that no potentially suspect or contaminated soils have been accepted at the facility over the past 5 years and that no contamination of surrounding ground or groundwater has materialised.

In general, soils are likely to be excavated and loaded directly onto HGV's / tipper trucks and immediately dispatched off-site to the recovery facility at Milverton as

- (i) stockpiling materials on-site uses up the often limited available space and
- (ii) incurs additional costs through double handling of materials.

Consequently the risks of post-excavation / pre acceptance contamination of soils are likely to be minimal.

Roadstone does not intend to import non-inert or hazardous waste to the proposed recovery facility, nor would it secure any material benefit from doing so. The waste licence application and proposed decision both include provisions in respect of waste inspection and quarantine to handle such materials in the unlikely event that a systematic failure occurs and that such materials are inadvertently imported to and accepted at the facility.

### **Traffic**

The volume of traffic on the road to the quarry will be significantly increased during the proposed operation of the facility. It is likely that the road is incapable of serving this level of traffic. The licence should not be granted until a more detailed investigation of the impact on traffic can be made. Since the quarry was last in operation the town has grown considerably and as a result there is an increased number of road users commuting to Dublin on a daily basis. There are serious safety concerns resulting from this increase in traffic that also need to be investigated before granting the licence. For instance, there are no conditions proposed relating to traffic other than the hours of operation, minor signage changes and hedge trimming. At first sight, it would seem that the increase in the level of vehicle traffic is moderate (estimated to be less than 10% overall). However, this will be very different at certain times. According to the EPA documentation, this could mean an extra (relative to current traffic levels) 26 HGV movements per hour at busy periods on winding and undulating roads extending for over 10 kilometres (Skerries to Blakes Cross). Busy periods will definitely include harvest

times when there are also a lot of agricultural vehicles on the roads. Large slow moving vehicles will mean a lot of dangerous overtaking on a road that is very winding, undulating with white line stretches that are unlikely to be respected by drivers eager to overtake slower large vehicles. Pedestrians and cyclists will be even more vulnerable along this road than they are at present. Furthermore no restrictions have been put in place to prevent trucks being overloaded and spilling material onto the road surface

The traffic related impacts of the proposed recovery facility have been assessed in Section 12 of the updated EIS submitted to the Agency in June 2014.

As is noted, road surveys indicate that there has been a significant reduction in traffic along the R127 between 2009 and 2014 (almost 40% lower). The potential for HGV stopping or queuing along the road outside the quarry is therefore likely to be reduced, particularly outside of peak hours.

Section 12.2.3 of the EIS addresses sightlines at the access to / egress from the application site. While visibility along the R127 Regional Road is good to the east of the access, it is slightly obstructed by a flagpole and signage to the west. The mitigation measures necessary to address these obstructions, outlined in Section 12.4 of the EIS, are considered appropriate and proportionate.

#### **Ecological / Geological Value**

The quarry itself is listed as being of special geological significance by Fingal County Council. Given its geological importance, further study of the impact of the works on the local ecology needs to be made before granting the licence. We are concerned that the Environmental Impact Statement submitted by Roadstone did not adequately address this issue. Many passages, for instance those referring to nesting falcons, were repeated verbatim from an earlier Environmental Impact Statement. The geological significance of the site was dismissed by Roadstone in their Statement. In this regard, and in relation to the above points, the SCA feel that the Environmental Impact Statement is neither fair nor reasonable

The EIA baseline study describes the existing ecological habitats at the application site and assesses its ecological value as important at a local scale. If there are similarities between EIS's prepared on separate dates, this merely indicates that there has been no change in relevant baseline conditions over the intervening period and it is unreasonable to make the inference that the EIS is somehow deficient as a result.

As regards the geological environment, it is incorrect to state that the geological significance of the site was dismissed in the EIS. Section 5.2.9 of the EIS discusses the geological heritage value of the application site and assesses it to be of local, and at best, of regional importance. Due account of the site's geological heritage value was taken in the subsequent impact assessment, and in the proposal to retain an existing face exposure in particular.

#### **Duration of Activity**

Finally, given the significant impact the activity at the quarry will have on traffic, noise levels and the local environment, and the increasing likelihood of accident or error with the passing of time, the licence should not be granted without some clearly defined limit being in place on the duration of activity at the site

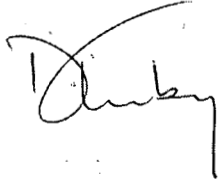
Roadstone is of the view that the waste licence should not be time limited and that the recovery facility should be permitted to remain in operation until such time as backfilling and restoration is complete and the proposed final landform is achieved. The company sees no environmental, planning, land-use or economic value or gain in terminating waste recovery activity at the application site if the quarry void is only partially backfilled.

12 March 2015

**Close**

We trust that the answers provided above adequately address the issues raised in the Skerries Community Association's objection and that you will shortly be in a position to issue a final decision in respect of this waste licence application.

**Yours sincerely**  
**SLR Consulting Ireland**



**Derek Luby**  
Technical Director

cc Ronan Griffin (Roadstone Ltd.)  
Shane Geraghty (Roadstone Ltd.)  
John Glynn (Roadstone Ltd.)

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12 March 2015

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Environmental Protection Agency  
Headquarters,  
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Our Ref: 501.00180.00013.23  
Your Ref: W0272-01

Dear Sir/ Madam

**RE: ROADSTONE LIMITED, MILVERTON INERT WASTE RECOVERY FACILITY  
PROPOSED DECISION TO ISSUE WASTE LICENCE  
RESPONSE TO THIRD PARTY OBJECTION BY FRIENDS OF IRISH ENVIRONMENT**

Further to your letter dated 13 February 2015 notifying Roadstone Limited of an objection lodged by Friends of the Irish Environment (FIE) in respect of the Agency's proposed decision to issue a waste licence in respect of the proposed backfilling and restoration of Milverton Quarry in Skerries, Co. Dublin, we have provided herein a response to the issues raised by FIE in its objection. Note that we have addressed each of the points in the same order and sequence as raised in the objection.

**Background**

At the outset, Roadstone wishes to point out that although activity at Milverton quarry was temporarily suspended in 2008, in response to the unprecedented downturn in construction related activity in Ireland at that time, it still retains full planning permission for quarrying and related value added activities at the application site.

Although the company submitted a waste licence application in 2009 to provide for the backfilling of the quarry, it can nonetheless resume quarrying activity at Milverton, subject to conditions previously imposed by Fingal County Council in 2007 under Section 261 of the Planning and Development Acts.

Roadstone believes that the proposed backfilling of the quarry at Milverton is the best long-term option for restoration of its quarry at Milverton, one which in addition to a significant improvement in the local landscape, also addresses the need for waste recovery facilities for surplus soil and stone generated by construction activity around North Dublin.

It is emphasised that the proposed recovery facility will only handle inert soil and stone and minor quantities of inert construction and demolition waste (principally concrete based products). The activities present little or no environmental risk to the surrounding area and will not give rise to any of the adverse impacts or nuisance associated with municipal landfills. The recovery facility will not attract vermin or scavenging birds, nor will it generate potentially odorous landfill gas emissions or leachate with the potential to contaminate surface waters and/or the underlying groundwater aquifer.

Roadstone also wishes to point out that it has successfully operated a similar licensed recovery facility at Fassaroe, Bray, Co. Wicklow (EPA Licence Ref. W0269-01) for several years, in an area close to residential housing, without significant adverse impact on the local community.

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### **Property Values**

**There is no evidence presented to suggest that local property will be devalued due to the presence of this waste soil recovery facility. In any event this is not a matter that is within the remit of the Agency**

Roadstone considers that the proposed backfilling and restoration of the quarry, the eventual cessation of activities at this site after a period of over 60 years and the long-term enhancement of the visual quality and integrity of the local landscape will, if anything, have a positive impact on property values over the longer-term.

### **Planning Status / Licensed Activities**

Fingal County Council carried out a review of the planning status in 2012 in accordance with the requirements of Section 261A of the Planning Development Acts. That review determined that Roadstone should apply for Subsequent Consent. However An Bord Pleanála subsequently determined that Substitute Consent was not required on the basis that the quarrying operation was a pre-1964 operation and therefore decided to set aside the Council's determination.

Thus it would appear that the normal requirements of proper planning and development have not been undertaken on the grounds that the quarrying operation was a pre-1964 development. But the proposed development is not for quarrying. It includes soil reclamation from natural, clean soil and stone but also permits gasification and pyrolysis as part of composting and other biological treatment.

In transport demands alone, these are socially contentious operations. According to the EPA Guidance Manual :

*"Biological treatment" means composting, anaerobic digestion, mechanical-biological treatment or any other biological treatment process for stabilising and sanitising biodegradable waste, including pre-treatment processes.*

How can an exemption for quarrying apply to anaerobic digestion? Gasification and pyrolysis were not even envisaged in 1964. This would be Alice in Wonderland were it not that residents have constitutional rights of ownership that the planning system is there to balance with the common good.

The Planning Appeals Board should attend an oral hearing to explain their position and demonstrate how the proper planning and development is served with this proposal exempted.

The backfilling and restoration of the quarry at Milverton was previously notified to and approved by Fingal County Council in accordance with the provisions of Condition No. 13 of the quarry authorisation issued by it on 19 April 2007 (Planning Ref. Q/05/003) in accordance with the provisions of Section 261 of the Planning and Development Acts. Further background detail on planning status is presented in Section 1.5 of the EIS and in SLR's letter dated 9 February 2011 submitted in response to the Agency's Article 14 Compliance Notice.

It is Roadstone's position that the proposed quarry restoration is tied to the overall quarry development, rather than a stand-alone waste management facility. It is noted that much of the required infrastructure to service the recovery facility is already in place, that the necessary environmental management issues and practices are similar for both quarrying and restoration activities and that backfilling activity can be regulated / controlled from a planning perspective using the provisions of the existing Section 261 authorisation.

As FIE has noted, the waste licence application makes provision for Class 3 recovery activity, defined as '*recycling / reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes) which includes pyrolysis using the components as chemicals*'. The purpose of including this class of activity in the original application was to provide for the recovery of imported topsoil though deposition on land. Topsoil has a high organic content and the concern at the time of the making of the application was that it could technically be classed as an organic substance or material. This is the only

reason why the licence application included provision for Class 3 recovery activities. It is noted that no mention is made of composting or other biological recovery processes in the licence application under review, nor are any conditions relating to these activities set out in the proposed decision.

### **Surface Water Quality**

If the file is correct in stating that any Discharge Licence will no longer apply to the operations at this location once a Waste Licence is issued then further attention must be given to the discharge conditions, especially to surface waters. Dissolved solids must be sampled as well as suspended solids and sampling must be continuous.

The submission from Fingal County Council recorded in the Inspector's Report states that 'there must be no discharge of suspended solids or any deleterious matter to watercourses and that the Applicant should be asked for his proposals to ensure that there is not a wash out from the settlement ponds during periods of heavy rainfall.'

No such proposal appear to have been provided, the Inspectors response simply repeating reliance on the pump controls ('affording control of discharges to the receiving water') when the issue is a wash out which overwhelms the pumping system.

It is noted that the concerns expressed by local authority officials in correspondence with the Agency about off-site discharges from the proposed recovery facility have been addressed by conditions in the proposed decision in respect of run-off / effluent treatment and monitoring.

As regards the potential for intense rainfall event to overwhelm the proposed wastewater management system, it is noted that the system will be designed to treat rainfall run-off pumped through at a maximum rate of approximately 15 l/sec. Surface water run-off will not be pumped up from the floor of the quarry / infill area at a rate exceeding that limit and as such, will not overwhelm the installed treatment system. In the event that there is an exceptionally intense rainfall event, the quarry void would essentially provide some attenuation or storage and some ponding of surface water run-off could occur around pumps at low points / sumps within the quarry void for a short period of time.

### **Ecology**

Aside from national protection, internationally, Peregrines are also listed in Appendix 1 of the Convention on International Trade in Endangered Species (CITES). This is the highest level of protection given to any species - the same level of protection given to tigers and giant pandas and reflects the importance given to the species by the international community. We were also unable to find surveys for critical species (like bats).

The value of the site for nature conservation in an area where intensive agriculture has removed traditional small field patterns with their hedgerows and shelters has not been assessed. In fact, the current and future potential for a biodiversity hotspot to support our obligations under the Biodiversity Convention appears to be absent from any considerations, as has the amenity value.

The EIA baseline study describes the existing ecological habitats at the application site and assesses its ecological value as important at a local scale. There are no grounds to support the view that the application site could evolve into a designated nature conservation site at some unspecified time in the future.

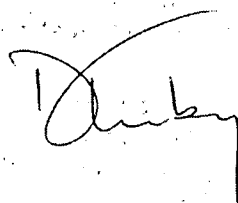
Regarding bats, it was noted that the trees and buildings within the application site provided negligible opportunities for breeding bats. The quarry faces similarly do not present any obvious roosting opportunities for bats. Whilst the application site may be used by bats for foraging, it is not likely to be important or critical for any local population of bats given the availability of alternative suitable foraging habitat in the wider surrounding area.

12 March 2015

**Close**

We trust that the answers provided above adequately address the issues raised in the Friends of the Irish Environment's objection and that you will shortly be in a position to issue a final decision in respect of this waste licence application.

**Yours sincerely**  
**SLR Consulting Ireland**



**Derek Luby**  
Technical Director

cc Ronan Griffin (Roadstone Ltd.)  
Shane Geraghty (Roadstone Ltd.)  
John Glynn (Roadstone Ltd.)

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12 March 2015

Licensing Unit  
Office of Climate Change, Licensing and Resource Use  
Environmental Protection Agency  
Headquarters,  
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County Wexford

Our-Ref: 501.00180.00013.23  
Your Ref: W0272-01

Dear Sir / Madam

**RE: ROADSTONE LIMITED, MILVERTON INERT WASTE RECOVERY FACILITY  
PROPOSED DECISION TO ISSUE WASTE LICENCE  
RESPONSE TO THIRD PARTY OBJECTION BY MR. JP BROWNE**

Further to your letter dated 13 February 2015 notifying Roadstone Limited of an objection lodged by Mr. JP Browne in respect of the Agency's proposed decision to issue a waste licence for the backfilling and restoration of Milverton Quarry in Skerries, Co. Dublin, we have provided herein a response to the issues raised by Mr. Browne in his objection. Note that we have addressed each of the points in the same order and sequence as raised in his objection.

**Background**

At the outset, Roadstone wishes to point out that although activity at Milverton quarry was temporarily suspended in 2008, in response to the unprecedented downturn in construction related activity in Ireland at that time, it still retains full planning permission for quarrying and related value added activities at the application site.

Although the company submitted a waste licence application in 2009 to provide for the backfilling of the quarry, it can nonetheless resume quarrying activity at Milverton, subject to conditions previously imposed by Fingal County Council in 2007 under Section 261 of the Planning and Development Acts.

Roadstone believes that the proposed backfilling of the quarry at Milverton is the best long-term option for restoration of its quarry at Milverton, one which in addition to a significant improvement in the local landscape, also addresses the need for waste recovery facilities for surplus soil and stone generated by construction activity around North Dublin.

Before addressing the issues raised in the objection in more detail, Roadstone wishes to emphasise that the proposed recovery facility will only handle inert soil and stone and minor quantities of inert construction and demolition waste (principally concrete based products). The activities present little or no environmental risk to the surrounding area and will not give rise to any of the adverse impacts or nuisance associated with municipal landfills. The recovery facility will not attract vermin or scavenging birds, nor will it generate potentially odorous landfill gas emissions or leachate with the potential to contaminate surface waters and/or the underlying groundwater aquifer.

Roadstone also wishes to point out that it has successfully operated a similar licensed recovery facility at Fassaroe, Bray, Co. Wicklow (EPA Licence Ref. W0269-01) for several years, in an area close to residential housing, without significant adverse impact on the local community.

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### **Traffic**

With an estimated average tonnage of 250,000 tonnes (and a maximum of 400,000 tonnes) a year entering the site, there will be a severe increase in the level of traffic on the narrow windy road approaching the old quarry. This could lead to extended traffic jams and the increased potential of public road damage due to the extra heavy goods vehicles (HGVs) using the road. I would submit that these quantities are very much excessive. With the increased usage of the road, the safety of road users will also be substantially diminished. Depending on the capacity of the HGVs, there could be sixty plus such vehicles entering the site daily. I am informed that when the quarry was open, there was never this quantity of traffic. It is stated that the landfill could have a ten year work life. This could lead to constant and unrelenting discomfort for the residents of Milverton, Skerries and surrounding areas. Adequate signage as per the Inspectors report (dated 22<sup>nd</sup> December 2014) does not alleviate any of the potential traffic problems.

For clarification, it is noted that the proposed decision under review is for an inert waste recovery facility rather than for a landfill.

Roadstone would point out that there has been quarry development and related enterprise activity at the application site for many decades and the principle of development at this location has been long established. Currently, activities at the application site are regulated by the operating conditions imposed by Fingal County Council under Section 261 of the Planning and Development Acts.

An assessment of road impacts arising from the proposed recovery activities, presented in Section 12.3.2 of the EIS identified a maximum potential traffic increase of 4.3% on 2014 levels along the R127 Regional Road, a level considerably below the impact threshold established by the NRA Traffic and Transport Assessment Guidelines (2007).

The level of service along the local road network is often constrained by its alignment, the speed limit, surrounding development and land use, traffic levels and other factors. Users of existing road networks have no entitlement to expect an established level of service to be maintained over a specific road. If that was the case, development of any kind would be inhibited, as all development has the potential to adversely impact service levels (however minimal).

As noted in the EIS, road surveys indicate that there has been a significant reduction in traffic along the R127 Regional Road between 2009 and 2014 (almost 40% lower). The potential for HGV queuing along the road outside the quarry is likely to be significantly reduced, particularly outside of peak hours.

Section 12.2.3 of the EIS addresses sightlines at the access to / egress from the application site. While visibility along the R127 Regional Road is good to the east of the access, it is slightly obstructed by a flagpole and signage to the west. The mitigation measures necessary to address these obstructions, outlined in Section 12.4 of the EIS, are considered appropriate and proportionate.

### **Water Pollution**

I have read the documents available made available on the EPA website and have strong concerns in relation to the treatment and dispersal of surface / storm waters. It appears to be the case that no water will escape the site on to public roads; however, I understand the water will be directed to the Mill Stream (which was previously deemed not suitable before being classified as "good") which in turn flows to the sea at the South Strand. This beach was recently awarded a Blue Flag award from An Taisce early last year. Any water flowing from the quarry site (which will be accepting inert waste on a large scale) could have a hugely detrimental effect on the beach as well as the town. The beach is used all year round by swimmers, sailors, water sport enthusiasts and fishermen.

Section 6.2.3 of the updated EIS submitted in June 2014 (under sub-heading 'Discharge') notes that much of the discharge to the Mill Stream comprises direct rainfall to the quarry void, with some run-off from surrounding areas and relatively low volumes of groundwater flow out of the quarry faces.

A discharge licence covering off-site discharge of treated rainfall run-off was previously issued by Fingal County Council in May 2011 (Ref WPW/F/074). Surface water run-off from the recovery facility is to be passed through settlement ponds (to remove sediment) and a hydrocarbon interceptor (to removed any fuel) prior to discharge off-site. It is noted that parameter concentrations for the treated effluent in Schedule B2 of the proposed decision are more onerous than those applied by the existing discharge licence.

As regards the perceived impact of discharges on water quality in the Mill Stream and ultimately on the quality of bathing waters at South Strand, it is noted in the discharge licence application, (reproduced in Appendix 6.6 (Section 2.3.1) of the EIS), that the discharge from the recovery facility has the potential to slightly improve the water quality in the Mill Stream, particularly in terms of its phosphorus loading.

### **Wildlife**

**It is accepted that the site in question is the habitat of the protected Peregrine Falcon, along with other protected and unprotected species. It is proposed that a certain area of the quarry be left exposed so that the falcons can nest. With the arrival of hundreds of HGVs every week, unloading the inert waste material, and the heavy (and loud) machinery used on site to shift the waste material, it seems extremely likely that the falcons will be disturbed from their current peaceful habitat.**

As reported in the response dated 9 February 2011 to the Agency's Article 14 Compliance Notice, the anecdotal evidence from quarry personnel at the time of the original ecological survey in May 2008 was that a falcon had successfully nested on one of the abandoned quarry faces at Milverton for a number of years previously. The use of abandoned quarry faces for nesting purposes by falcons is not unknown, even within quarries which remain in operation. Quarrying is arguably beneficial in that it creates new habitat which extends the range of the peregrine falcon inland from coastal areas, where they are predominantly to be found nesting in sea cliffs.

Given that the peregrine falcon had established a nest and had become accustomed to noise and vibrations generated by ongoing quarrying (including blasting and rock breaking) and by concrete production activity at the time of the survey, it is considered that any disturbance associated with the future backfilling and restoration of the quarry is unlikely to have any significant impact on the peregrine falcon's continued use of the quarry face for nesting purposes.

The proposed restoration plan makes provision for a high cliff face, suitable for roosting and nesting by the Peregrine Falcon, to be retained at the recovery facility at Milverton. The height of the retained quarry face, at approximately 8m to 10m, is considered sufficient to provide protection to the nest and eliminate the risk that it could be accessed and destroyed by human predators.

### **Vermin**

**Given that the old quarry is surrounded by fields, it is highly likely that vermin live on or around the site. Although there are strict conditions as to what waste can be accepted, it is likely that the filling of the existing void at the quarry will disturb the land, and in turn, disturb any vermin residing nearby. This could lead to several other associated problems.**

The proposed waste recovery activities at Milverton will not attract any vermin as there will be no food, biodegradable or litter waste imported for recovery at the facility. Roadstone's experience of operating a similar waste recovery facility at Fassaroe, near Bray in Co. Wicklow (Licence No. W0269-01), which also adjoins some residential properties, is that vermin do not create any nuisance at this type of facility.

### **Impact on Community**

**While it is fully accepted that the site in question is in private ownership, the granting of the licence as it stands will undoubtedly negatively impact the community of Skerries. Skerries is a beautiful town on the coast of north county Dublin. We have many sports**

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and community based clubs working with people of all ages; we have a growing tourist trade with many great amenities and events on offer for visitors to the town and produce a large range of local food products from the land and sea. The people of Skerries are very proud of their town and possess a magnificent community spirit. The Skerries Tidy Towns Committee have recently won the Cleaner Communities Award as well as achieving 316 points in the last Tidy Towns Awards (only four points behind the overall national winner). I openly accept change and progression, but believe that the issuing of this licence, as it currently stands, will damage the serenity, beauty and reputation of the town.

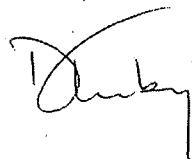
As noted in the EIS, the proposed recovery facility ultimately provides for removal of a disturbed landform and long-term enhancement of the visual quality and integrity of the local landscape.

Impacts of the proposed waste recovery on human beings, economic activity and existing amenities are assessed in Section 3 of the EIS, while impacts on material assets are assessed in Section 11 of the EIS.

**Close**

We trust that the answers provided above adequately address the issues raised in Mr Browne's objection and that you will shortly be in a position to issue a final decision in respect of this waste licence application.

**Yours sincerely**  
**SLR Consulting Ireland**



**Derek Luby**  
Technical Director

cc Ronan Griffin (Roadstone Ltd.)  
Shane Geraghty (Roadstone Ltd.)  
John Glynn (Roadstone Ltd.)



12 March 2015

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Office of Climate Change, Licensing and Resource Use  
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County Wexford

Our Ref: 501.00180.00013.23  
Your Ref: W0272-01

Dear Sir / Madam

**RE: ROADSTONE LIMITED, MILVERTON INERT WASTE RECOVERY FACILITY  
PROPOSED DECISION TO ISSUE WASTE LICENCE  
RESPONSE TO THIRD PARTY OBJECTION BY LIAM DERHAM (FRANK BURKE)**

Further to your letter dated 13 February 2015 notifying Roadstone Limited of an objection lodged by Mr. Frank Burke (on behalf of Mr. Liam Derham) in respect of the Agency's proposed decision to issue a waste licence for backfilling and restoration of Milverton Quarry in Skerries, Co. Dublin, we have provided herein a response to the issues raised by Mr. Burke in his objection. Note that we have addressed each of the points in the same order and sequence as raised in the objection.

**Background**

At the outset, Roadstone wishes to point out that although activity at Milverton quarry was temporarily suspended in 2008, in response to the unprecedented downturn in construction related activity in Ireland at that time, it still retains full planning permission for quarrying and related value added activities at the application site.

Although the company submitted a waste licence application in 2009 to provide for the backfilling of the quarry, it can nonetheless resume quarrying activity at Milverton, subject to conditions previously imposed by Fingal County Council in 2007 under Section 261 of the Planning and Development Acts.

Roadstone believes that the proposed backfilling of the quarry at Milverton is the best long-term option for restoration of its quarry at Milverton, one which in addition to a significant improvement in the local landscape, also addresses the need for waste recovery facilities for surplus soil and stone generated by construction activity around North Dublin.

Before addressing the issues raised in the objection in more detail, Roadstone wishes to emphasise that the proposed recovery facility will only handle inert soil and stone and minor quantities of inert construction and demolition waste (principally concrete based products). The activities present little or no environmental risk to the surrounding area and will not give rise to any of the adverse impacts or nuisance associated with municipal landfills. The recovery facility will not attract vermin or scavenging birds, nor will it generate potentially odorous landfill gas emissions or leachate with the potential to contaminate surface waters and/or the underlying groundwater aquifer.

Roadstone also wishes to point out that it has successfully operated a similar licensed recovery facility at Fassaroe, Bray, Co. Wicklow (EPA Licence Ref. W0269-01) for several years, in an area close to residential housing, without significant adverse impact on the local community.

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- (1) **Invalid Application - The public notice erected on-site was not clearly visible to a member of the public in that the notice was erected on the gate leading to the old quarry. This gate is over 15m from the public road. In essence the notice is on private property. Further the gate has a number of other signs and notices erected there-on which distract from the view of the notice, as such the notice is not readily visible to a member of the public.**

It is noted that Article 7 of the Waste Management Licensing Regulations (2004) requires a site notice erected or fixed on any facility premises which is the subject of a waste licence application should

- '(a) be painted or inscribed, or printed and affixed, on a durable material  
(b) be securely erected or fixed in a conspicuous position  
(i) on or near the main entrance to the facility or premises from a public road, or  
(ii) on any other part of the facility or premises adjoining the public road.'

and shall be so erected or fixed and the text shall be so printed, inscribed or printed that the notice shall be capable of being read by persons using the said public road.'

Roadstone asserts that the notice fixed at the main entrance to the application site at Milverton was in full compliance with the requirements of the regulations. It is noted that the objector concedes as much in his statement that 'the notice was erected on a gate leading to the old quarry'. It is also noted that nothing in the regulations prohibits the placing of public notices on private property, provided the notice is visible.

- (2) **Planning Permission - We would contend that as well as the waste licence, a planning permission is also required. In respect of this contention, we would bring to the attention of the EPA that (a) the proposed activity involves a change of use from a quarry to a waste disposal site and (b) that the proposed activity will generate substantial volumes of traffic, such as to create a potential traffic hazard. Where there is a potential traffic hazard, a change of use albeit otherwise allowable is not exempt. We would indicate that in the event of a grant of a licence, my Client proposes to raise the issue of planning with Fingal County Council and/or An Bord Pleanala. We would indicate that both Meath County Council and an Bord Pleanala subsequently in respect of a waste permit site determination about exempt development indicated that planning permission was a requirement. The volume of the HGV movements and the sightlines at the Meath site were vastly superior to the Milverton site.**

Roadstone would point out that the backfilling and restoration of the Roadstone quarry at Milverton was previously notified to and approved by Fingal County Council in accordance with the provisions of Condition No. 13 of the quarry authorisation issued by it on 19 April 2007 (Planning Ref. Q/05/003) in accordance with the provisions of Section 261 of the Planning and Development Acts. Further background detail on planning status is presented in Section 1.5 of the EIS and in SLR's letter dated 9 February 2011 submitted in response to the Agency's Article 14 Compliance Notice.

A copy of proposed final restoration scheme notified to Fingal County Council under Section 261 and a copy of Fingal's letter dated 4th August 2009 confirming acceptance of the proposed restoration scheme is provided in Attachment B3 of the waste licence application.

It is further noted that the position of the Planning Authority in respect of the planning status of the proposed recovery activity was recently reaffirmed in an e-mail to the Agency from a senior staff officer in Fingal County Council's planning department, dated 28 August 2014.

It is Roadstone's view that the proposed quarry restoration is tied to the overall quarry development, rather than a stand-alone waste management facility. It is noted that much of the required infrastructure to service the recovery facility is already in place and that the activity can be regulated / controlled from a planning perspective using the provisions of the existing Section 261 authorisation. As noted at the outset, the Section 261

authorisation is still live and there is no impediment to immediate re-commencement of activities at the application site.

Roadstone is not aware of the details of the case which informs Mr Burke's view that a separate planning permission would be required and cannot therefore comment definitively on it.

- (3) **Traffic Hazard - The sightlines at the entrance both in respect of stopping sightlines on the approaches to the entrance and egress sightlines at the entrance are inadequate given the status of the receiving road (regional), the operational speed of the traffic and the volume of same on the road. In particular, the stopping sight distance on the Dublin / M1 approach to the entrance is substandard and as such the use of the entrance would, in our opinion, create a traffic hazard. We would add that the danger will increase if there are a number of HGV's lined up in a queue waiting to enter the quarry, as was common place when the quarry was in operation. The EIS nor the EPA have not addressed of stopping sight distance on the R127 in the conditions of the draft licence.**

Roadstone would point out that there has been quarry development and related enterprise activity at the application site for many decades and the principle of development at this location has been long established. Currently, activities at the application site are regulated by the operating conditions imposed by Fingal County Council under Section 261 of the Planning and Development Acts.

Sightlines / stopping distances were addressed in the EIS. Information in respect of the existing site entrance / egress is presented in Section 12.2.3 of the EIS and a number of minor mitigation measures which provide improved visibility and advance warning of turning vehicles are outlined in Section 12.4.

As regards queuing of HGV's on the R127 Regional Road, it is not anticipated that this will be a significant problem, as in a worst case scenario, during intermittent periods of intensified waste importation and recovery at the facility, there will be only one additional HGV movement (in or out of the application site) every 5 minutes, over and above that which occurred previously.

- (4) **Traffic Volume - Notwithstanding the inadequate sightlines, the EPA have approved Roadstone to import the annual tonnages sought in the application. We would point out that an annual volume allowance of 400,000 tonnes based on an average load of 16 tonnes would generate some 25,000 loads and a similar volume out over a 48 week working year. This would amount to c. 170 HGV movements per day over a 5 1/2 day week or 16 movements per hour over an 11 hour working day (7am to 6pm). We would expect that peak hour loads would be 3 to 4 times the average. We would contend that the 19 tonnes average load quoted in the EIS is in our view excessive, Clearly the addition on average of some 50pcus (taking 1 HGV movement as equivalent to 3 pcu's (passenger car units) per hour will greatly impact on both the level of service experienced by users of the R127 and the reserve capacity of the road. We would indicate that the AADT at over 6,500 per day is high. In this brief assessment, we have made no allowance for other vehicles entering the quarry, e.g. fuel lorry, transporters, site staff, visitors etc. My client has a major difficulty with the proposed increase in the volume of traffic as currently he has great difficulty in accessing the R127. If the licence is granted, he would welcome a limit been set on the number offloads generated at the minimum level mentioned in the EIS of 3-4 loads in per hour. We would contend that the maximum tonnage specified in Schedule A -Table A.1.1 limited accordingly.**

Roadstone would point out that Section 12.2.3 of the EIS addresses sightlines at the access to / egress from the application site. While visibility along the R127 Regional Road is good to the east of the access, it is slightly obstructed by a flagpole and signage to the west. A number of mitigation measures to address these obstructions are outlined in Section 12.4 of the EIS.

In Roadstone's experience, the assumption of an average tare of 19 tonnes per HGV in the EIS is likely to result in a realistic assessment of the HGV traffic levels generated by the proposed waste recovery activity. It is considered that the average payload of 16 tonnes, as advocated by Mr. Burke, is unrealistically low, and would be overly conservative in assessing HGV traffic levels generated by waste recovery activities.

It is noted that traffic surveys have recorded a significant reduction in traffic levels along the R127 Regional Road between 2009 and 2014 (almost 40% lower). It is anticipated that any reduction in the level of service along the R127 associated with the proposed recovery activity at the application site (real or perceived) will have been more than offset / mitigated by the reduction in traffic levels along the road since 2009.

An assessment of road impacts presented in Section 12.3.2 of the EIS identified a maximum potential traffic increase of 4.3% on 2014 levels along the R127, a level considerably below the impact threshold established by the NRA Traffic and Transport Assessment Guidelines (2007).

**(5) Opening Hours - we would contend that the opening hours should be restricted to 08.00 to 18.00 on weekdays and from 08.00 to 13.00 on a Saturday**

The hours proposed for waste recovery activities at the application site are the same as those already authorised by conditions imposed on quarry operations by Fingal County Council under Section 261 of the Planning and Development Act. For consistency, and to avoid any confusion, Roadstone considers that the same opening hours should be adopted in the waste licence. It is noted that 07.00 hours is generally adopted as start of the working day / daytime in many EPA industrial or waste licences.

**(6) Facility Management - we would contend that in respect of facility management that both an approved EMS and the Facility Manager should be in place before the operation commences. Given the 7-8 year timescale for the operation, the Environmental Objectives and Targets should be set and reviewed every 2 years and not 5 as set out in the proposed licence**

Roadstone implements Environmental Management Systems (EMS) at all of its locations across Ireland and previously implemented an EMS at the quarry at Milverton. In response to the suggestions made by Mr. Burke, we note that

- Condition 2.1.1 requires the facility manager (or deputy) to be present on the facility at all times during its operation;
- Condition 2.2.1 requires an EMS to be in place prior to commencement of recovery activities at the application site;
- Condition 2.2.2.2 requires that the EMS be reviewed annually.

**(7) Facility Roads - a tarmac finish or similar should be specified for the main facility road and hard-standing area.**

Paved surfaces are already in place around the entrance to the quarry at Milverton. These surfaces will be subject to ongoing maintenance and repair as required.

**(8) Site Office - we would contend that the effluent treatment system for the office should meet the current EPA standard. Planning approval may be required to upgrade the current system.**

The septic tank servicing the existing site office is in functioning order and it is envisaged that the existing septic tank will be regularly maintained once activities resume at the application site.

It is noted that Condition 3.20 of the proposed decision requires the waste water treatment system to comply with the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses. Roadstone proposes to commission a site characterisation study to assess the degree to which the existing on-site system



complies with this standard, and what, if any, retrofitting works may be required to ensure it complies with it.

As regards requirement for planning approvals for any additional infrastructure at the application site, the Agency will be aware that under Section 7(2) of the Planning and Development Regulations 2000-2014, any works which are necessary to give effect to a condition attached to a waste licence issued by it under Part V of the Waste Management Acts 1996-2014 is classified as exempted development.

- (9) ***Wheel Cleaner - we would contend that the wheel cleaner and effluent treatment system should meet the current EPA requirement. Planning approval may be required to install a new system.***

It is noted that a number of conditions in respect of management of silt and effluent generated at the proposed wheelwash facility are included in Condition 3.8 of the proposed decision.

As regards requirement for planning approvals for any additional infrastructure at the application site, it is again noted that under Section 7(2) of the Planning and Development Regulations 2000-2014, any works which are necessary to give effect to a condition attached to a waste licence issued by the EPA under Part V of the Waste Management Acts 1996-2014 is classified as exempted development.

- (10) ***Surface Water - we would contend that the proposed surface collection and disposal system should meet the current EPA requirement. Information on the capacity of receiving waters to accept the discharge should be assessed. We note that a limit is set for the discharge, but there is no assessment in any of the documentation submitted to indicate that the receiving waters can cater for same in a drought. On-site storage facilities may need to be provided to cater for low-flows.***

Section 6.2.3 of the updated EIS submitted in June 2014 (under sub-heading 'Discharge') notes that much of the discharge to the Mill Stream comprises direct rainfall to the quarry void, with some run-off from surrounding areas and relatively low volumes of groundwater flow out of the quarry faces. This assessment is supported by the fact that over 6 years from the temporary suspension of quarrying activity and dewatering at the application site, the water level within the quarry void (-2mOD) is still markedly lower than the surrounding groundwater level (+15mOD).

A discharge licence covering off-site discharge of treated rainfall run-off was issued by Fingal County Council in May 2011 (Ref WPW/F/074). A copy of the issued licence and discharge licence application are provided in Appendices 6.5 and 6.6 of the updated EIS respectively. It is noted that parameter concentrations for the treated effluent in Schedule B2 of the proposed decision are more onerous than those applied by the existing discharge licence, albeit the upper limit on discharge volume remains unchanged.

The information presented in the EIS highlights that the discharge volume from the quarry will vary in practice, between 0 l/sec during drought conditions to in excess of 15l/sec during a 1 in 50 year storm event. The EIS records that the 95% (low) flow in the Mill Stream close to the discharge point is approximately 280 l/sec. The discharge licence application in Appendix 6.6 (Section 2.3.1) indicates that the average discharge from the quarry (based on average annual rainfall), at just 1.3 l/sec, equates to just 2% of the 50%ile flow in the Mill Stream. It also notes that, based on a review of baseline water quality data, the discharge has the potential to slightly improve the water quality in the Mill Stream, particularly in terms of its phosphorus loading.

Given that

- the volume of treated effluent discharged from the quarry is predominantly controlled by rainfall events and associated surface water run-off across the application site;

- the same factors which determine discharge rates from the application site also influence the flow and assimilative capacity within the Mill Stream;
- there will be no discharge from the application site in periods of low rainfall / drought when low (ie. 95%ile) flow conditions occur in the Mill Stream;
- parameter concentrations for the treated effluent in the proposed decision are more onerous than those previously applied in the discharge licence;
- average discharge volumes from the quarry are a relatively insignificant proportion (2%) of the average flow in the Mill Stream;
- the discharge has the potential to slightly improve the water quality in the Mill Stream, particularly in terms of its phosphorus loading

it is considered that the receiving waters of the Mill Stream have the capacity to accept treated discharge (of the quality stipulated) from the proposed waste recovery facility.

- (11) ***Groundwater - The quarry is fed by ground water sources and this inflow may need to be discharged on an on-going basis to facilitate the landfill. Further, there are a number of wells in private ownership in close proximity to the quarry, including a well owned by my Client that could be negatively impacted by the lowering of the water table for the operation. There are no conditions in the proposed licence to protect water levels etc. in my Client's well or other adjacent wells.***

For clarification, it is noted that the proposed decision under review is for an inert waste recovery facility rather than for a landfill.

As noted above, past dewatering experience at Milverton was that the volume of groundwater abstracted and discharged from the quarry was relatively low and that dewatering could be achieved using just a number of sumps on the quarry floor.

Available well monitoring data and groundwater contours in Figure 6.4 of the EIS indicate that the hydraulic gradients surrounding the quarry void are relatively steep and that there is minimal lowering of groundwater beyond the application site. This is consistent with the observation that there was minimal groundwater inflow from the quarry face.

Notwithstanding this, it is also pointed out that there will be no increase in groundwater drawdown over and above that which applied previously when the quarry at Milverton was operational. As such, it is considered that there is no requirement for licence conditions relating to protection of groundwater levels in wells at nearby properties.

- (12) ***Peregrine Falcons - We would contend that the conditions set out in Section 3.22 in respect of protecting the falcons are inadequate. We would contend that in advance of the works proposals to do so should be agreed with the National Parks and Wildlife Service together with a monitoring regime. These proposals should be put on record and reviewable annually. Clearly, given the protected status of the birds, if there is any negative impact works should cease immediately and a condition to this effect included in the licence.***

We note that Condition 3.22.3 of the proposed decision includes provision for further engagement with the National Parks and Wildlife Service (NPWS) to address concerns about ecology at the site and the peregrine falcon in particular. The Agency will be aware that the restoration and backfilling proposals have previously been discussed and agreed in principle with local officials from NPWS. Further details of consultations with NPWS and agreed modifications are provided in SLR's letter dated 9 February 2011 which was submitted in response to the Agency's Article 14 Compliance Notice.

It is further noted that Condition 6.14 calls for an annual bird survey and for the results / findings of this survey to be incorporated in the Annual Environmental Report (AER) to be submitted each year to the Agency.

- (13) ***Seagulls - we are concerned that there are no conditions included in the licence to cater for the nuisance arising from seagulls. The operation will by way of the nature of the operation create broken ground and as such attract seagulls to the***

**area. Proposals should be put in place to minimise the impact on the local community from this negative impact. We would have to contend that the EPA Inspector in Section 4.7 of his report was incorrect.**

The proposed waste recovery activities at Milverton will not attract any scavenging seagulls as there will be no food, biodegradable or litter waste imported for recovery at the facility.

Roadstone's experience of operating a similar waste recovery facility at Fassaroe, near Bray in Co. Wicklow (Licence No. W0269-01), which is also close to the coastline, is that scavenging seagulls do not create any nuisance at this type of facility.

- (14) **Road Debris - Condition 6.11.3 is totally inadequate to cater for the potential of dirt and spillages arising from traffic entering and leaving a landfill site. The Applicant should be required to employ on a permanent basis suitable pavement cleaning machines. Details on road cleaning arrangements should be agreed with the Fingal County Council and specific conditions to this effect included in the licence**

For clarification, it is noted that the proposed decision under review is for an inert waste recovery facility rather than for a landfill.

Roadstone recognises that the provisions in Condition 6.11.3 of the proposed decision are appropriate, as they place the onus on it as Licensee to achieve the stated end-objective (removal of debris from public road network) rather than stipulating how it should attempt to achieve it (which may not always be effective). Given its past experience of quarrying at the application site and the requirement for a new wheelwash facility, Roadstone is confident it can comply with the Condition 6.11.3.

- (15) **Source of Materials - we have concerns that Conditions 8.4 and 8.5 are inadequate to cater for the potential of "rogue" loads arising from traffic entering the landfill site. The applicant should be required to test in advance the sources for suitability and carry out further tests at least twice during the first 2000 tonnes and once every 5000 tonnes thereafter. Specific conditions to this effect included in the licence, as such Table A3 should be amended. We would further contend that the 2% allowance for contaminated material in A2 for non-greenfield soil and stone is excessive**

For clarification, it is again noted that the proposed decision under review is for an inert waste recovery facility rather than for a landfill.

Roadstone considers that the risk based approach to the acceptance and importation of inert waste to the proposed facility is both reasonable and proportionate and does not consider there to be any requirement to increase the frequency of testing of soil generated by development at greenfield sites, as suggested by the objector.

We note that the provision for 2% contamination refers to inclusions of minor proportions of material of anthropogenic (non-natural) origin (concrete, bitumen etc) in materials excavated at non-greenfield sites, rather than to contaminated soil. Roadstone considers once again that these provisions are reasonable, pragmatic and proportionate.

- (16) **Non-inert C& D Waste - We would contend that no separation of this type of material should be allowed on-site. If a proper pre-testing and monitoring regime is adopted by the applicant, there is no need for this arrangement.**

Roadstone has absolutely no intention of importing non-inert waste to the proposed recovery facility, nor will it secure any material benefit from doing so. Provisions made in the licence application in respect of waste inspection and quarantine are necessary to handle such materials in the unlikely event that there is a systematic failure and that such materials are inadvertently imported to the facility.

Roadstone's experience of operating a similar waste recovery facility at Fassaroe over the past 5 years is that there has not been a need for it to use this infrastructure.

**(17) Unsuitable Loads - The applicant should be required to retain full details of "refused / rejected" loads and the EPA notified immediately.**

It is noted that the reporting requirement in respect of refused / rejected loads is largely addressed through Conditions 11.9 and 11.10 of the proposed decision and that the information sought will be included in Annual Environmental Reports (AERs) submitted to the Agency.

Roadstone does not consider there to be any merit in notifying the Agency that it has rejected or refused waste consignments. The fact that waste intake has been refused or rejected means that there is no environmental risk at the licence site which would require the Agency's attention or action.

**(18) Financial Charges - Given the volume of HGV's and their impact on the pavement structure, we are concerned that there is no levy put on the applicant in respect of road damage. Clearly the turning movements at the entrance will impact negatively on the surface of the pavement immediately outside the facility and a condition should be imposed requiring the applicant to maintain the section of the R127 in good condition or at least make a suitable arrangement with the County Council.**

The Agency has no statutory power to impose road contributions in issuing a waste licence. Traffic and road related impacts are outside of the Agency's remit as they arise outside of the waste licence application area and neither it nor the Licensee has the necessary legal or statutory powers to upgrade and/or maintain the public road network.

As noted above, the Local Authority has approved the backfilling and restoration of the quarry in accordance with conditions imposed under Section 261 of the Planning and Development Acts.

**(19) Monitoring Committee - We would further contend that given the scale of the operation and the potential impact on the local environment that a "local" monitoring committee should be formed to oversee the management of the facility. This committee should include local elected representatives, residents, EPA and NPWS officials with meeting to take place once or twice a year where progress with the EMS and the licence can be reviewed. A condition for the formal setting up and terms of reference of this committee should be included in the licence.**

In view of the limited impacts and environmental risks attaching to the proposed recovery facility at Milverton, and in light of experience at similar licensed facilities, Roadstone considers that there is no requirement for a formal monitoring committee along the lines suggested by Mr. Burke.

It is considered that any concerns in respect of the operation and management of the facility can be adequately addressed through the EPA's online complaint facilities / EDEN networks.

It is further considered that any information in respect of the environmental performance of the facility can be obtained

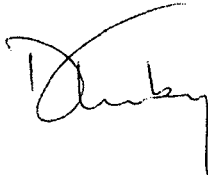
- by informally contacting the facility manager and/or the delegated supervisor, one or other of whom will be at the facility at all times during operating hours;
- inspecting records held at the site office (in accordance with the communications and public awareness requirements of Condition 2.2.2.7 and Condition 11.7 of the proposed decision) or
- accessing / downloading a copy of the Annual Environmental Report (AER) for the facility which is uploaded to the EPA website ([www.epa.ie](http://www.epa.ie)).

### Close

We trust that the answers provided above adequately address the issues raised in Mr Burke's objection and that you will shortly be in a position to issue a final decision in respect of this waste licence application.

12 March 2015

Yours sincerely  
SLR Consulting Ireland



**Derek Luby**  
Technical Director

cc Ronan Griffin (Roadstone Ltd.)  
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