

EXHIBIT "1"

THE HIGH COURT

2005 No. 25 MCA

Wednesday the 10<sup>th</sup> day of August 2005

BEFORE MR JUSTICE PEART

IN THE MATTER OF THE WASTE MANAGEMENT ACT, 1996 AND THE  
PROTECTION OF THE ENVIRONMENT ACT, 2003

AND IN THE MATTER OF SECTION 57 OF THE WASTE MANAGEMENT ACT,  
1996 AS AMENDED BY SECTION 48 OF THE PROTECTION OF THE  
ENVIRONMENT ACT, 2003

AND IN THE MATTER OF SECTION 58 OF THE WASTE MANAGEMENT  
ACT, 1996 AS AMENDED BY SECTION 49 OF THE PROTECTION OF  
THE ENVIRONMENT ACT, 2003

AND IN THE MATTER OF AN APPLICATION BY NORTH TIPPERARY  
COUNTY COUNCIL

BETWEEN

NORTH TIPPERARY COUNTY COUNCIL

APPLICANT

AND

PETER OGG CLAIRE HOLDSWORTH AND

SHANNON VERMICOMPOSTING LIMITED

RESPONDENTS

The Motion on behalf of the Applicant pursuant to Notice of Motion dated the 20<sup>th</sup> day of April 2005 coming on for hearing before this Court on the 9<sup>th</sup> day of August 2005 and on this day in the presence of Counsel for the said Applicant – there being no appearance by or on behalf of the Respondents

Whereupon and on reading the said Motion the Affidavit of Ray Spain filed the 29<sup>th</sup> day of April 2005 the Affidavit of Dermot Burke filed the 29<sup>th</sup> day of April 2005 the Affidavit of Andrew Walsh filed the 10<sup>th</sup> day of May 2005 the Affidavits of Peter Ogg both filed the 27<sup>th</sup> day of June

2005 the further Affidavit of Dermot Burke filed the 22<sup>nd</sup> day of July 2005 together with the documents and exhibits referred to in said Affidavits and on hearing said Counsel for the Applicant

IT IS ORDERED

- A. That the Respondents and each of them and all such persons as this Honourable Court may direct under Section 58 of the Waste Management Act, 1996, as amended, be required to cover the waste, which has been deposited on the lands the subject matter of the proceedings herein, situate at Coolross, Rathcabbin, Roscrea, Co. Tipperary and more particularly described in the Affidavit of Karl Cashen, filed herewith and therein and herein referred to as the A lands being the lands contained in Folio 26633F of the Register of County of Tipperary and the B Lands being the lands contained in Folio 31577F of the Register County of Tipperary, with weather proof impermeable material as soon as is practicable and in any event not later than a period of four weeks beginning on the date of the making of this Order, pending removal of the said waste to an authorised waste disposal facility.
- B. That the Respondents and each of them under Section 58 of the Waste Management Act, 1996, as amended, be required to remove the waste on the A lands and to stockpile it on the B lands and cover it with weather proof impermeable material under the supervision of an appropriately authorised Officer of the Applicant within a period of four weeks beginning on the date of the making of this Order, pending removal of the said waste to an authorised waste disposal facility.
- C. That the Respondents and each of them under Section 58 of the Waste Management Act, 1996, as amended, be required to remove all waste which has been deposited on the A Lands and B Lands to an authorised waste disposal facility which is operating lawfully and/or in compliance with the terms and conditions of any applicable waste permit or waste licence, within a period of eight weeks beginning on the date of the making of this Order.
- D. That the Respondents and each of them, their servants or agents or licensees, and/or anyone acting in concert with them, and/or any contractors, companies, businesses and persons having knowledge of the making of any Order/s herein, and all persons as this Honourable Court may direct under Section 57 of the Waste Management Act, 1996, as amended, do forthwith cease importing and/or depositing and/or tipping of any or any further waste on the A lands.

- E. That the Respondents and each of them, their servants or agents or licensees, and/or anyone acting in concert with them, and/or any contractors, companies, businesses and persons having knowledge of the making of any Order/s herein and all persons as this Honourable Court may direct under Section 57 of the Waste Management Act, 1996, as amended, do forthwith cease importing and/or depositing (other than as provided for in this order) and/or tipping any or any further waste on the B lands.
- F. That the Respondents and each of them, their servants or agents or licensees and/or anyone acting in concert with them, and/or any contractors, companies, businesses and persons having knowledge of the making of any Order/s herein, and all such persons as this Honourable Court may direct under Section 57 of the Waste Management Act, 1996, as amended, be restrained from delivering further waste to the A lands and the B lands.
- G. That the Respondents and each of them, their servants or agents or licensees and/or any one acting in concert with them, and/or any contractors, companies, businesses and persons having knowledge of the making of any Orders herein, and all such persons as this Honourable Court may direct pursuant to Section 58 of the Waste Management Act, 1996, as amended by Section 49 of the Protection of the Environment Act, 2003, do discontinue the recovery or disposal of waste on the A and B lands.
- H. An Order for costs pursuant to the provisions of Section 57(1)(c) and 58(3)(b) of the Waste Management Act, 1996, as amended.
- I. That the Applicant notify the Respondents of the making of this Order by serving a true copy of the said Order by ordinary post, separately addressed to each of the Respondents, at the registered office of the Third Named Respondent and by erecting a notice to which a copy of this order has been affixed on the B lands or at or near the main entrance of the B lands.
- J. Liberty to apply to both parties, and in particular –
- (i) liberty to the Respondents and each of them to apply within a period of four weeks from the date of the making of this Order for the purposes of extending the relevant periods for compliance referred to in the paragraphs of this Order set out above where good and substantial reason is shown for such extension;

- (ii) in the event of the Respondents not taking substantial steps to comply with the terms of this Order within a period of four weeks from the date of the making of this Order, an Order pursuant to Section 57(1) of the Waste Management Act, 1996, as amended, preventing the Respondents and each of them, from removing from the jurisdiction, disposing of and/or dealing with their assets within the jurisdiction of this Honourable Court in so far as same do not exceed the sum of € 1,675,000 and, in particular, from selling or agreeing to sell, or disposing of any interest or otherwise dealing in the said A Lands and B Lands being the property contained in Folios 26633F and 31577F of the Register of County of Tipperary, pending compliance with the Orders made herein.

CSM

*Robert Fyfe*  
REGISTRAR

Solicitors for the Applicant.  
HAG GRATH & CO.

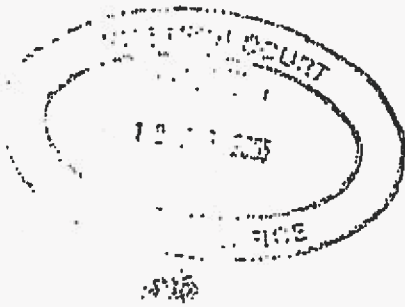
A Copy which I attest

*P. U. S. J.*  
Superintendent of Copy

If you the within named Peter Ogg, Claire Holdsworth and Shannon Vermicomposting Limited neglect to obey this Judgment or Order by the time therein limited, you will be liable to process of execution including imprisonment for the purpose of compelling you to obey the same Judgment or Order.

16856

**OFFICIAL DUPLICATE  
NO FEE**



We certify that the within document  
is a true copy of the original.

Dated the 23<sup>rd</sup> day of August 2005

*[Signature]*  
.....  
MacGrath & Company, Solicitors,  
51 Kenyon Street, Nenagh, Co. Tipperary