

Extract from the 465th Meeting of the Agency, held on 25th October 2005 in Headquarters, Johnstown Castle Estate, Wexford.

7. Objection to a Proposed Decision on an Application for a Waste Licence

**Licensee: Custom Compost Limited
Ballyminaun Hill
Gorey
Co Wexford**

Register of Licence No: 123-1

The Directors considered the following documentation: proposed decision issued on 14 April 2005; objection from the Applicant; two third party objections; report and recommendations of the Technical Committee, Office of Licensing and Guidance. A copy of the licence application was tabled.

Technical Committee Report

The Directors noted the Technical Committee Report

In the Technical Committee Report under:

First Party Objection

A2 The Directors did not accept the Recommendation and amended condition 1.4 to read: *On-site and off-site deliveries of wastes and raw materials shall be confined to between the hours of 08.00 and 20.00 hours, Monday to Friday, and between 08.00 and 13.00 hours on Saturday. There shall be no on-site or off-site deliveries of wastes or raw materials on Sundays or Bank Holidays. Unless otherwise agreed by the Agency, the use of noise generating mobile plant and equipment shall be restricted to the hours referred to in this Condition.*

A10 The Directors did not accept the Recommendation of *No Change* and decided to modify condition 3.11.2 as follows: *Within six months of the date of grant of this licence, the licensee shall fund an independent report, to be commissioned by the Agency, assessing the effectiveness of the odour control measures implemented at the facility.*

Third Party Objection from John O'Connell on behalf of over 80 residents from the surrounding areas

B1 The Directors did not accept the Recommendation and decided on *No Change* to Condition 3.5.5

Third Party Objection from Noeleen and Sean Byrne

C1 Clarify the % substitution of poultry manure with urea.

C12 The Directors noted that Condition 3.11.2 has already been amended.

C14 The Directors did not accept the Recommendation and decided on *No Change* to Condition 3.15

C28 The Directors did not accept the Recommendation and decided on *No Change* to Condition 5.6

Legal Submission from Noonan Linehan Carroll Coffey, Solicitors on behalf of Sean and Noeleen Byrne

- D2 The Directors noted that all new proposals submitted are placed on the Public File
- D6 The Directors noted that a successful prosecution would not, in itself, prevent an applicant from qualifying for a licence, having regard to the provisions of Section 40(8) of the Waste Management Act 1996.

Following discussion, the Directors decided that if odour problems persist, the Applicant will have to move the entire production indoors, and this is catered for in the licence conditions.

The Directors decided to grant a licence, as modified, to Custom Compost Limited, Ballyminaun Hill, Gorey, Co Wexford, Register of Licence No 123-1, subject to the conditions as set out in the licence document.