



To Environmental Section  
Wicklow County Council

22<sup>nd</sup> October 2009

Dear Sirs,

Re application for a Waste Permit for Multimetals Recycling, the Murrough, Wicklow Town.

In the first instance we wish to note that the site notice was on a once public road that has actually been closed off to the public further up the road thus there is no longer any reason for the public who may be affected by this development actually passing the notice. It is our understanding that even local neighbours were not aware of this proposal until last week.

#### REQUIREMENTS OF THE WASTE DIRECTIVE, THE WASTE ACT AND END OF LIFE VEHICLE REGULATIONS AND GUIDELINES

A study of the Waste Act and the End of Life Vehicle Regulations make it clear that there is a high hurdle to cross to get a waste permit for this activity. It specifically states that the local authority shall not grant a waste licence unless it is satisfied that—

*( a ) any emissions from the recovery or disposal activity in question ("the activity concerned") will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any other enactment,*

We submit that the information provided by the applicant regarding the control of noise to within acceptable limits is not adequate. There have been numerous complaints from neighbours of the applicant's business in Hempstown and there are no measures taken here to prevent noise affecting the surrounding area. The wall proposed would not be sufficient to contain noise. At the very least there should be a 10 foot deep hedge planted around the site before work could begin.

The application was wrong in stating that there are no homes in the immediate area.

In fact there are 4 residences immediately adjacent to the site. It is also likely that the noise will affect residents in Church Gate and Tinakilly House.

*( b ) the activity concerned, carried on in accordance with such conditions as may be attached to the licence, will not cause environmental pollution,*

It is our view that the application has not established that there would be no pollution. Indeed it is highly likely that this facility could pollute the protected river. The list of chemicals which will be on this site include fuel, motor oil, transmission fluid, gear box oil, hydraulic oil, cooling liquids, anti freeze, brake fuels, air conditioning system fluids and mercury. It is not clear from the application how all this will be contained, collected and removed from the site

Although the application refers to a 50 metre Buffer zone between the boundary and the river there has been the unauthorized development of concrete slabs within 10 metres of the river in the past week.

*( c ) the best available technology not entailing excessive costs will be used to prevent or eliminate or, where that is not practicable, to limit, abate or reduce an emission from the activity concerned,*

No evidence of any particular measures to eliminate or abate emissions and pollutants

*( d ) if the applicant is not a local authority, the corporation of a borough that is not a county borough, or the council of an urban district, subject to subsection (8), he or she is a fit and proper person to hold a waste licence,*

Whilst it appears that the applicant has not been prosecuted for problems caused in his existing site in Hempstown Multimetals Recycling have been such to enforcement for failing to comply with requirements of the Planning and Development Act 2000 .

*Sections 1 and 2 of the Second Schedule of the Regulations similarly prohibit the storage and treatment of an ELV at a site unless the site complies with a number of specific requirements, which are not detailed in the application for a permit.*

*\* Primarily the site must be a sealed drainage unit having impermeable surfaces in appropriate areas with provision for spillage collection, decanting and degreasing. This means that in practice the impermeable surface will not leak and will ensure that liquid run off is controlled and collected for storage in a sump or via appropriate licensed discharges to sewer or surface water.*

Whilst there is a concrete base this is old and not intact nor is there any evidence that the site will be a sealed unit. Indication of a drain is not adequate to meet this regulation

- *There must be appropriate storage facilities for dismantled spare parts, including impermeable storage for oil-contaminated spare parts.*

There is no evidence of this

\* *There must be appropriate oil receptors and all storage tanks, drums and other containers used for the storage of fluids should be stored within a bunded or silled area with an impermeable surface and be isolated from the drainage system.*

No evidence of this.

\* *There should be storage tanks for the segregated storage of ELV fluids; a separator to deal with different oils and the separator should be provided with an appropriate warning device to indicate when required levels for maintenance have been reached and should be fitted with a sampling chamber, which has easy access.*

There is no evidence of this

• *appropriate storage for used tyres, including the prevention of fire hazards and excessive stockpiling. The potential for fire risk on this site is significant yet no systems are noted to deal with this.*

## NOISE

The regulations state that there should be *no clearly audible tonal component or impulsive component in the noise emission from the activities on site at any noise sensitive location. If a noise survey is required to verify sound pressure levels, the methodology should be in line with the EPA's Environmental Noise Survey Guidance Document.*

We submit that the Council should make their own checks regarding these crucial matters. We submit that noise will be a major issue and will affect Church Gate, Tinakilly House Hotel and far wider afield.

## INADEQUACIES OF THE APPLICATION

In general terms this application is inadequate and does not indicate the following matters as required by the regulations:

- *waste inspection and quarantine areas;*
- *depollution areas and containment areas, including bunding;*
- *storage for treated and untreated vehicles;*
- *integrated drainage showing impermeable surfaces, natural drainage flow, interceptors, sampling points, stormwater discharges, septic tank and percolation areas.*

There are several inaccuracies in the application

- The nearest house is not Church Gate. There are 4 habitated houses immediately adjacent to the site.

- The application states initially that there will be ‘minimal increase in heavy traffic. It later refers to 3-4 trucks per hour which on the outward trip will be taking heavy metal to the port via Leitrim Place which is not a main artery road but a secondary road of significant importance to the tourist industry of the town.
- It is stated that there will be a buffer zone of 50 metres but work has commenced within 10 metres of the river.
- There is no evidence that the river walk and the coastal walk will not be affected. We submit that there will be noise, smell, dust and visual impact.
- The application refers to a 1.8 metre wall but this cannot be built without planning permission.

## REQUIREMENT FOR APPROPRIATE ASSESSMENT

Furthermore we submit that in view of the close proximity of the Vartry River, which is protected as a Salmonid habitat (included in Annex 11 of the Habitats Directive 1992) that an appropriate assessment is required. Although the plans attached to this proposal postulate a 50 metre buffer zone, work has commenced on the construction of perimeter walls within 10 metres of the river.

*Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.*

*If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.’*

(Requirement for appropriate assessment under Article 6(3) and (4) of the Habitats Directive 92/43/EEC,).

We submit that the potential for serious negative impacts on human and aquatic environments have not been adequately scrutinised and assessed and there are insufficient ameliorating interventions to minimise these impacts.

Yours truly,

Malcolm Spencer