

FW: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F -Waste Water Treatment

DAERA NIEA Land and Groundwater Team < >

'info@thetaxcafeni.com'

Hi Deborah,

Thank you for your below emails. The Land & Groundwater Team were consulted and responded to a planning consultation for ref LA07/2022/0885/F, in August 2022. This response is available to view on the planning portal. However, we note that new information has been provided in the form of a Preliminary Risk Assessment and we have not been re-consulted by the Planning Department regarding. We have made contact with the Planning Department to get reconsulted on this matter. Hopefully this resolves some of your below queries which fall within the Land & Groundwater Teams remit.

Kind regards,

██████████

From: Info@thetaxcafe <info@thetaxcafeni.com>

Sent: Monday, October 16, 2023 8:35 PM

To: ██████████

Cc: DAERA NIEA Domestic Consents Queries <domesticconsentsqueries@daera-ni.gov.uk>; ██████████

Subject: Planning Application LA07/2022/0885/F

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Can you please confirm whether you have been consulted on this matter?.

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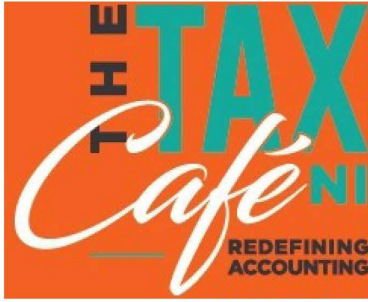
I have attached a copy of the report from the external consultant recommending further site investigation and the initial response from Environmental Health, also querying why there are no other comments or consultations available on the planning portal. Whilst we do not accept that asking the applicant to do his own site investigation is at all appropriate or in anyway alleviates the planning department of their responsibilities in this matter, we are pleased to note that they are recommending further site investigation.

We have repeatedly asked that the planning department engage directly with us on this matter as we have now gathered an extensive site history and evidence of the waste and soil discolouration on this site. It is not restricted to the areas highlighted by the external consultant and appears to be a much wider issue.

Can you advise of any input you may have had and provide any consultation documents you may have issued, as it appears that these are not going to be made publicly available.

Regards

Deborah Lynch



DEBORAH LYNCH

DIRECTOR

THE TAX CAFÉ NI LTD

📍 37 Greencastle Street,
Kilkeel, Co Down

6 Margaret Street,
Newry, Co Down

☎ +44 7966584626

✉ info@thetaxcafeni.com

🖱 www.thetaxcafeni.com

From: Info@thetaxcafe

Sent: Sunday, June 25, 2023 7:41 PM

To: DAERA NIEA Domestic Consents Queries <domesticconsentsqueries@daera-ni.gov.uk>

Cc: [REDACTED]

Subject: Applications for discharge or waste water treatment plant at 88 Greencastle Road, Kilkeel

Please find attached correspondence in respect of potential applications for either a consent to discharge and/or a wastewater treatment plant at this site.

We would be obliged if you could give this matter your consideration and advise us of any developments in relation to applications here.

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DAERA NIEA Land and Groundwater Team < >

Crime, Environmental < >

 >

Morning,

Please see the below email chain.

Are ECU aware or have a case at approx. 88 Greencastle Road, Kilkeel, Newry, Co. Down, BT34 4ST regarding potential dumping of landfill/medical waste? If not potentially the below may need investigated by ECU?

Can you please contact the below member of the public to address her concerns which fall within your remit.

Thanks,



Land & Groundwater Team – Regulation Unit

Northern Ireland Environment Agency – DAERA

From: Info@thetaxcafe <info@thetaxcafe.com>

Sent: Tuesday, October 31, 2023 11:14 AM

To: DAERA NIEA Land and Groundwater Team < >

Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

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Hi Nuala, not sure if you've had any update on this, but we just seen the gas monitoring results for the test holes, we're very concerned about the methane gas noted in the attached, but we're not sure if we're reading these results right, but it appears as if BH01 & BH02 are producing high levels of methane gas, with some going up to 100%.

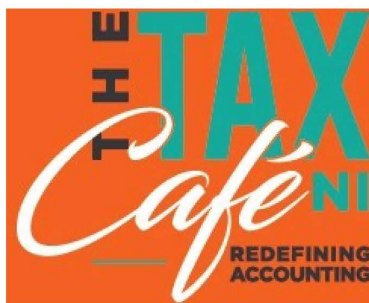
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Do you know who we should approach regarding this?.

Regards

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From: DAERA NIEA Land and Groundwater Team <>

Sent: Monday, October 23, 2023 11:38 AM

To: Info@thetaxcafe <info@thetaxcafeni.com>

Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

Hi Deborah,

I have forwarded this to a few different teams in the department, to ensure the correct teams can you respond to you.

Kind regards,

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From: Info@thetaxcafe <info@thetaxcafeni.com>

Sent: Tuesday, October 17, 2023 5:57 PM

To: DAERA NIEA Land and Groundwater Team < >

Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

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land), we are awaiting updates from planning on what actions they may have taken to date to engage with an Environmental consultant.

As a brief site history, the original owner of the grounds at no 88 and surrounding, had a waste licence for inert materials but it appears that he was in considerable financial distress in and around the late 1990's and according to information from various locals he then proceeded to allow lorry loads of landfill waste to be buried on this site, with multiple vehicles being noted arriving during the night. We have evidenced both landfill waste and soil discolouration at various locations on the site, which leads us to believe that this information is accurate. It has been suggested that medical waste has also been buried here.

We note today that the planning department have uploaded our comments and some limited other information, but it certainly does not appear to include any external consultations.

We are currently preparing a detailed response for planning and will provide the photographic evidence and information regarding the site history etc. shortly, although we have previously provided this information to them as part of the initial planning application. I have attached an earlier planning application decision report for this site which references an SGA Hazard Installation Consultation zone open, but to date nobody has been able to explain what this is, but we have included the DOE property certificate for our house which also refers to a different planning application on these grounds and comments which refer to the need for extensive environmental surveys on this site before it would be deemed fit for residential use.

However, the planning department allowed the applicant (a commercial property developer) to complete the building of the dwelling on this site without any consideration of these matters, and despite us having provided all this information at the outset when site clearance works began in July 2021.

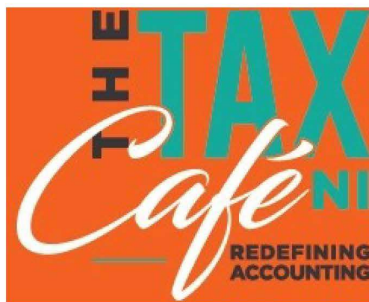
We believe that there could be in excess of 400 tonnes of landfill waste buried here, and on which the current house is now sited. We are extremely concerned that there is no consent to discharge, and with the wastewater treatment system at capacity here, we are deeply concerned as to how this is to be resolved. We feel that planning are intent on passing this application and leaving it to the applicant to get consent after, but with the extent and seriousness of the environmental concerns at hand, we feel this must be resolved before any further consent is granted.

It was a condition of the original application under LA07/2018/0097 that consent is in place before any building works commenced, but again this has been ignored.

We would greatly appreciate your team's analysis and input into this matter. Planning are working towards a deadline of 31st October to close out neighbour comments, but to date we have not seen the latest version of the planning drawings. It will be very interesting to see how the wastewater is detailed in the new drawings as we previously had to query the last application as it stated the intent to use a wastewater treatment plant on site, but this was subsequently changed.

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From: DAERA NIEA Land and Groundwater Team <>

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To: Info@thetaxcafe <info@thetaxcafeni.com>

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Sent: Monday, October 16, 2023 8:35 PM

To: Stockman, Lee <>

Cc: DAERA NIEA Domestic Consents Queries <domesticconsentsqueries@daera-ni.gov.uk>; ██████████

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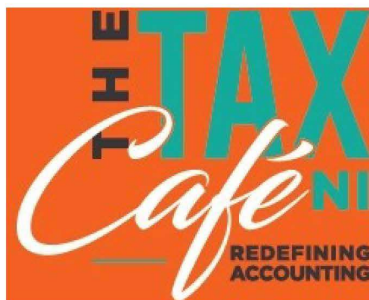
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[REDACTED] < >;

Morning [REDACTED],

In [REDACTED] absence, please see the below email chain.

Can you advise if WML are aware of any licenses or exemptions at approx. 88 Greencastle Road, Killeel, Newry, Co. Down, BT34 4ST?

The below email chain alleges that there has been landfill/medical waste deposited onsite. I have passed the below onto ECU for consideration, email attached for info.

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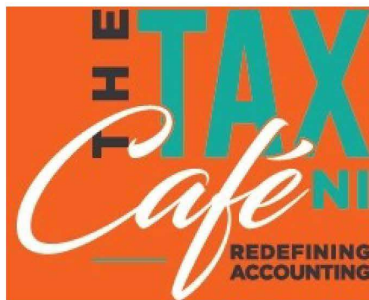
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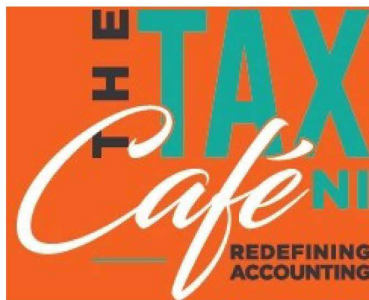
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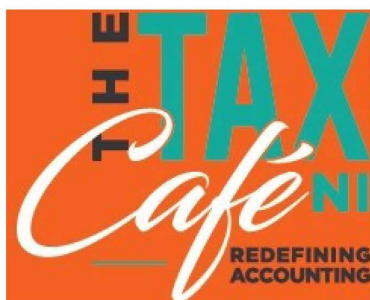
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Deborah Lynch

LA07/2022/0885/F - allocate to Water Management?

[REDACTED]

DAERA Planning Response Team < >

Morning PRT,

Can I check and suggest that planning consultation LA07/2022/0885/F (target 9-13th Nov) be allocated to the Water Management Unit due to concerns raised to us by a member of the public. Email chain attached for their information.

Thanks,

[REDACTED]

Higher Scientific Officer – Land & Groundwater Team



Sustainability at the heart of a living, working, active landscape valued by everyone.

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DAERA NIEA Land and Groundwater Team < >

[REDACTED] < >

[REDACTED]

Afternoon [REDACTED],

Please see the below advice from [REDACTED] and the below email chain for information.

Can you advise if PPC are aware of any regulated landfills at approx. 88 Greencastle Road, Kilkeel, Newry, Co. Down, BT34 4ST? Brian seems to think there may be an old, closed landfill in proximity.

The below email chain alleges that there has been landfill/medical waste deposited onsite. I have passed the below onto ECU for consideration.

Thanks

[REDACTED]

Higher Scientific Officer – Land & Groundwater Team

From: [REDACTED] >

Sent: Wednesday, November 1, 2023 12:25 PM

To: DAERA NIEA Land and Groundwater Team < >; [REDACTED]

[REDACTED]

Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

This relates to landfill activities and associated gases and is a matter for the PPC Waste Team and not the WML Team.

I think there may be an old closed landfill in proximity to this location but PPC Team can advise.

Thanks [REDACTED]

[REDACTED]
Principal Scientific Officer

Waste Management Licensing Team

Regulation Unit | NIEA



Sustainability at the heart of a living, working, active landscape valued by everyone.

From: DAERA NIEA Land and Groundwater Team <>

Sent: Wednesday, November 1, 2023 11:54 AM

To: [REDACTED]
[REDACTED]

Subject: FW: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

Importance: High

Morning [REDACTED],

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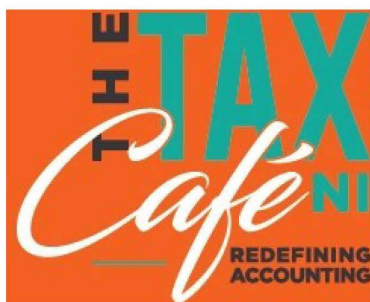
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DIRECTOR

THE TAX CAFÉ NI LTD

📍 37 Greencastle Street,
Kilkeel, Co Down

6 Margaret Street,
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☎ +44 7966584626

✉ info@thetaxcafeni.com

🖱 www.thetaxcafeni.com

From: DAERA NIEA Land and Groundwater Team <>

Sent: Monday, October 23, 2023 11:38 AM

To: Info@thetaxcafe <info@thetaxcafeni.com>

Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

Hi Deborah,

I have forwarded this to a few different teams in the department, to ensure the correct teams can you respond to you.

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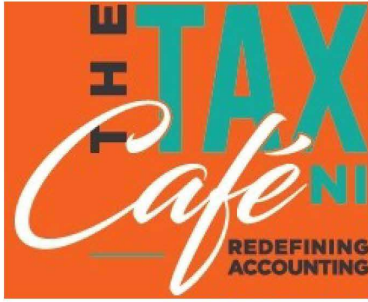
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From: Info@thetaxcafe <info@thetaxcafeni.com>

Sent: Monday, October 16, 2023 8:35 PM

To: Stockman, Lee <>

Cc: DAERA NIEA Domestic Consents Queries <domesticconsentsqueries@daera-ni.gov.uk>; [REDACTED]

Subject: Planning Application LA07/2022/0885/F

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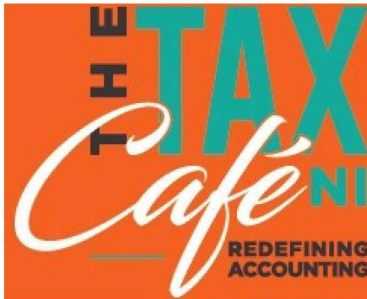
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Cc: [REDACTED]

Subject: Applications for discharge or waste water treatment plant at 88 Greencastle Road, Kilkeel

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RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F -Waste Water Treatment

DAERA NIEA Land and Groundwater Team < >

[REDACTED] >

Thanks [REDACTED]. I have contacted Colin regarding. Is there a waste licence for inert materials at the site as suggested below?

Approx. 88 Greencastle Road, Kilkeel, Newry, Co. Down, BT34 4ST

Kind Regards,

Victoria

From: [REDACTED] < >

Sent: Wednesday, November 1, 2023 12:25 PM

To: DAERA NIEA Land and Groundwater Team < >; [REDACTED]

Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

This relates to landfill activities and associated gases and is a matter for the PPC Waste Team and not the WML Team.

I think there may be an old closed landfill in proximity to this location but PPC Team can advise.

Thanks [REDACTED]

[REDACTED]

Principal Scientific Officer

Waste Management Licensing Team

Regulation Unit | NIEA

From: DAERA NIEA Land and Groundwater Team <>

Sent: Wednesday, November 1, 2023 11:54 AM

To: [REDACTED] <>

Cc: [REDACTED] <>

Subject: FW: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

Importance: High

Morning [REDACTED],

In [REDACTED] absence, please see the below email chain.

Can you advise if WML are aware of any licenses or exemptions at approx. 88 Greencastle Road, Killeel, Newry, Co. Down, BT34 4ST?

The below email chain alleges that there has been landfill/medical waste deposited onsite. I have passed the below onto ECU for consideration, email attached for info.

Thanks,

[REDACTED]

Higher Scientific Officer – Land & Groundwater Team

From: Info@thetaxcafe <info@thetaxcafeni.com>
Sent: Tuesday, October 31, 2023 11:14 AM
To: DAERA NIEA Land and Groundwater Team <>
Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

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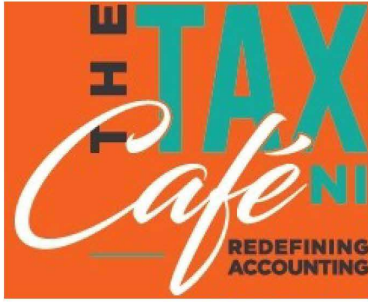
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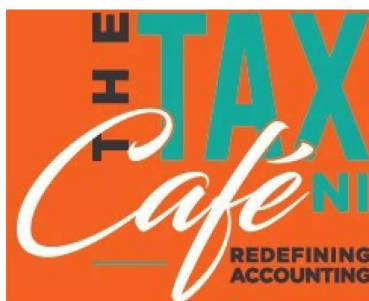
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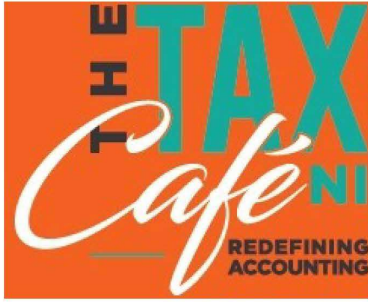
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RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F -Waste Water Treatment

DAERA NIEA Land and Groundwater Team < >

'Info@thetaxcafe' <info@thetaxcafeni.com>

Afternoon Debbie,

Thank you for your below email.

The Planning Department should be your first point of contact regarding application LA07/2022/0885/F and any comments you have regarding, so they can be uploaded to the planning portal for all consultees to assess what falls within their remit.

We have forwarded your concerns to our colleagues in DAERA's Waste Management Licensing & Waste Permitting (PPC) team to establish if there was a waste licence (inert) or any regulated landfilling activities in this area. We are awaiting responses but they can be contacted directly via the below email addresses;

NIEAwastecomplaint@daera-ni.gov.uk

WRU.Queries@daera-ni.gov.uk

ipri@daera-ni.gov.uk

We have forwarded your below concerns to our colleagues in DAERA's Environmental Crime / Assessment Unit, they can be contacted directly via the following email address;

The Land & Groundwater Team currently have an open consultation to respond to regarding the Preliminary Risk Assessment (PRA) / Ground Investigation provided in support of LA07/2022/0885/F. We will respond in due course and this should address your below concerns dated 31st Oct. We have also asked that our colleagues in DAERA's Water Management Unit be included in the current planning consultation response, due to your water environment concerns highlighted previously. We will be detailing in our response that Environmental Health should be consulted regarding human health matters and that they should have oversight and comment on the PRA/Ground Investigation. Environmental Health have previously been consulted and provided advice but may need reconsulted due to the new information provided (30th Oct) after their last response (3rd Oct). However, this is the Planning Departments remit to action and deal with as they see fit.

Hopefully, this helps address your queries.

Kind Regards,

The Land & Groundwater Team



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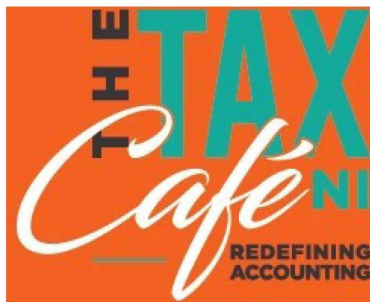
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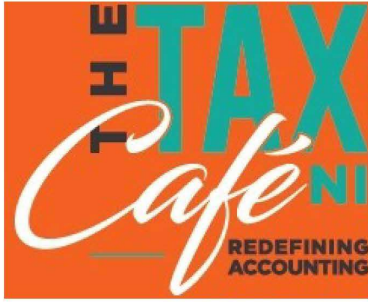
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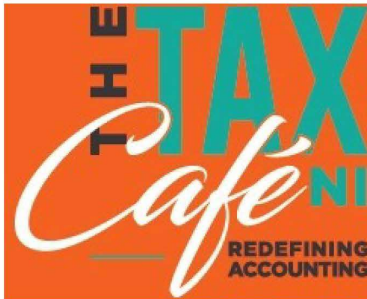
I have attached a copy of the report from the external consultant recommending further site investigation and the initial response from Environmental Health, also querying why there are no other comments or consultations available on the planning portal. Whilst we do not accept that asking the applicant to do his own site investigation is at all appropriate or in anyway alleviates the planning department of their responsibilities in this matter, we are pleased to note that they are recommending further site investigation.

We have repeatedly asked that the planning department engage directly with us on this matter as we have now gathered an extensive site history and evidence of the waste and soil discolouration on this site. It is not restricted to the areas highlighted by the external consultant and appears to be a much wider issue.

Can you advise of any input you may have had and provide any consultation documents you may have issued, as it appears that these are not going to be made publicly available.

Regards

Deborah Lynch



DEBORAH LYNCH

DIRECTOR

THE TAX CAFÉ NI LTD

📍 37 Greencastle Street,
Kilkeel, Co Down

6 Margaret Street,
Newry, Co Down

☎ +44 7966584626

✉ info@thetaxcafeni.com

🖱 www.thetaxcafeni.com

From: Info@thetaxcafe

Sent: Sunday, June 25, 2023 7:41 PM

To: DAERA NIEA Domestic Consents Queries <domesticconsentsqueries@daera-ni.gov.uk>

Cc: [REDACTED]

Subject: Applications for discharge or waste water treatment plant at 88 Greencastle Road, Kilkeel

Please find attached correspondence in respect of potential applications for either a consent to discharge and/or a wastewater treatment plant at this site.

We would be obliged if you could give this matter your consideration and advise us of any developments in relation to applications here.

Regards

Deborah Lynch

RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F -Waste Water Treatment

██████████

DAERA NIEA Land and Groundwater Team < >

NIEA WML Team have no record of having issued any waste authorisations that would fall under their remit at this location.

There was an old landfill waste license at this location or close to it which PPC Team / NMDDC will need to advise on. I am not sure if the landfill was for just inert wastes or both inert and non-haz.

Thanks ██████████

██████████

Principal Scientific Officer

Waste Management Licensing Team

Regulation Unit | NIEA



From: DAERA NIEA Land and Groundwater Team < >

Sent: Wednesday, November 1, 2023 3:50 PM

To: ██████████ >

Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

Thanks ██████████. I have contacted ██████████ regarding. Is there a waste licence for inert materials at the site as suggested below?

Approx. 88 Greencastle Road, Kilkeel, Newry, Co. Down, BT34 4ST

Kind Regards,

██████████

From: ██████████ <>

Sent: Wednesday, November 1, 2023 12:25 PM

To: DAERA NIEA Land and Groundwater Team <>; Campbell, Sean <>; Anderson, John <J>; O'Prey, Nuala <>

Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

This relates to landfill activities and associated gases and is a matter for the PPC Waste Team and not the WML Team.

I think there may be an old closed landfill in proximity to this location but PPC Team can advise.

Thanks ██████████

██████████

Principal Scientific Officer

Waste Management Licensing Team

Regulation Unit | NIEA



Department of
**Agriculture, Environment
and Rural Affairs**
www.daera-ni.gov.uk

***Sustainability** at the heart of a
living, working, active landscape
valued by everyone.*

From: DAERA NIEA Land and Groundwater Team <>

Sent: Wednesday, November 1, 2023 11:54 AM

To: [REDACTED]

Cc: [REDACTED] >

Subject: FW: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

Importance: High

Morning [REDACTED],

In [REDACTED] absence, please see the below email chain.

Can you advise if WML are aware of any licenses or exemptions at approx. 88 Greencastle Road, Killeel, Newry, Co. Down, BT34 4ST?

The below email chain alleges that there has been landfill/medical waste deposited onsite. I have passed the below onto ECU for consideration, email attached for info.

Thanks,

[REDACTED]

Higher Scientific Officer – Land & Groundwater Team



From: Info@thetaxcafe <info@thetaxcafeni.com>

Sent: Tuesday, October 31, 2023 11:14 AM

To: DAERA NIEA Land and Groundwater Team <>

Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

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Hi [REDACTED] not sure if you've had any update on this, but we just seen the gas monitoring results for the test holes, we're very concerned about the methane gas noted in the attached, but we're not sure if we're reading these results right, but it appears as if BH01 & BH02 are producing high levels of methane gas, with some going up to 100%.

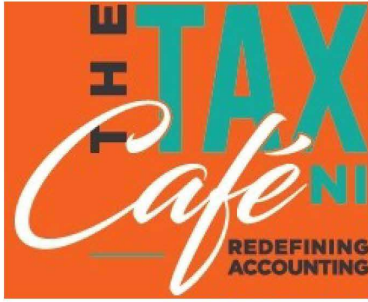
Also, the soil tests that were done on the 11th August have not yet been sent off for testing, I think this poses a risk of invalidating the results, but again not entirely sure.

If these results are right and we have rainwater run-off into the main site, surely this poses a severe risk?.

Do you know who we should approach regarding this?.

Regards

[REDACTED]



DEBORAH LYNCH

DIRECTOR

THE TAX CAFÉ NI LTD

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Kilkeel, Co Down

6 Margaret Street,
Newry, Co Down

☎ +44 7966584626

✉ info@thetaxcafeni.com

🖱 www.thetaxcafeni.com

From: DAERA NIEA Land and Groundwater Team < >

Sent: Monday, October 23, 2023 11:38 AM

To: Info@thetaxcafe <info@thetaxcafeni.com>

Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

Hi Deborah,

I have forwarded this to a few different teams in the department, to ensure the correct teams can you respond to you.

Kind regards,



From: Info@thetaxcafe <info@thetaxcafeni.com>

Sent: Tuesday, October 17, 2023 5:57 PM

To: DAERA NIEA Land and Groundwater Team < >

Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

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Hi [REDACTED], thank you for the prompt response.

Regarding the below, the application LA07/2022/0885/F was originally approved as a retrospective planning application in February 2023. We were forced to go to the High Court to have this quashed due to the issues that we had raised with planning before it was approved, the waste issues being one of these. The preliminary risk assessment currently on the planning portal was prepared by an external consultant engaged by the applicant (at the planning department's request, which we feel falls far short of the DAERA guidelines on dealing with the development of potentially contaminated land), we are awaiting updates from planning on what actions they may have taken to date to engage with an Environmental consultant.

As a brief site history, the original owner of the grounds at no 88 and surrounding, had a waste licence for inert materials but it appears that he was in considerable financial distress in and around the late 1990's and according to information from various locals he then proceeded to allow lorry loads of landfill waste to be buried on this site, with multiple vehicles being noted arriving during the night. We have evidenced both landfill waste and soil discolouration at various locations on the site, which leads us to believe that this information is accurate. It has been suggested that medical waste has also been buried here.

We note today that the planning department have uploaded our comments and some limited other information, but it certainly does not appear to include any external consultations.

We are currently preparing a detailed response for planning and will provide the photographic evidence and information regarding the site history etc. shortly, although we have previously provided this information to them as part of the initial planning application. I have attached an earlier planning application decision report for this site which references an SGA Hazard Installation Consultation zone open, but to date nobody has been able to explain what this is, but we have included the DOE property certificate for our house which also refers to a different planning application on these grounds and comments which refer to the need for extensive environmental surveys on this site before it would be deemed fit for residential use.

However, the planning department allowed the applicant (a commercial property developer) to complete the building of the dwelling on this site without any consideration of these matters, and

despite us having provided all this information at the outset when site clearance works began in July 2021.

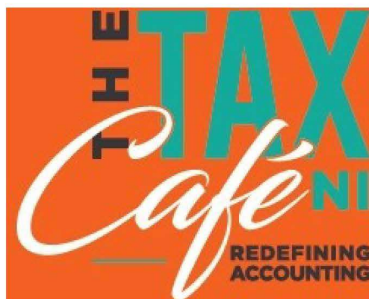
We believe that there could be in excess of 400 tonnes of landfill waste buried here, and on which the current house is now sited. We are extremely concerned that there is no consent to discharge, and with the wastewater treatment system at capacity here, we are deeply concerned as to how this is to be resolved. We feel that planning are intent on passing this application and leaving it to the applicant to get consent after, but with the extent and seriousness of the environmental concerns at hand, we feel this must be resolved before any further consent is granted.

It was a condition of the original application under LA07/2018/0097 that consent is in place before any building works commenced, but again this has been ignored.

We would greatly appreciate your team's analysis and input into this matter. Planning are working towards a deadline of 31st October to close out neighbour comments, but to date we have not seen the latest version of the planning drawings. It will be very interesting to see how the wastewater is detailed in the new drawings as we previously had to query the last application as it stated the intent to use a wastewater treatment plant on site, but this was subsequently changed.

Regards

Deborah Lynch



DEBORAH LYNCH

DIRECTOR

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This planning application was quashed in the High Court in July and re-presented to the planning team at Newry & Mourne Council. We note that despite the environmental concerns noted, and the new initial site report (which was prepared by the applicant's own consultant at the request of planning) which confirms there is a potential risk that needs to be further investigated, that there are no consultations noted on the public portal with any of your agencies.

Can you please confirm whether you have been consulted on this matter?.

We raised a public comment querying this a week ago, but to date our comment has not been published.

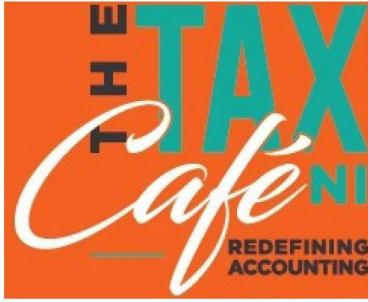
I have attached a copy of the report from the external consultant recommending further site investigation and the initial response from Environmental Health, also querying why there are no other comments or consultations available on the planning portal. Whilst we do not accept that asking the applicant to do his own site investigation is at all appropriate or in anyway alleviates the planning department of their responsibilities in this matter, we are pleased to note that they are recommending further site investigation.

We have repeatedly asked that the planning department engage directly with us on this matter as we have now gathered an extensive site history and evidence of the waste and soil discolouration on this site. It is not restricted to the areas highlighted by the external consultant and appears to be a much wider issue.

Can you advise of any input you may have had and provide any consultation documents you may have issued, as it appears that these are not going to be made publicly available.

Regards

Deborah Lynch



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✉ info@thetaxcafeni.com

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From: Info@thetaxcafe

Sent: Sunday, June 25, 2023 7:41 PM

To: ; DAERA NIEA Domestic Consents Queries <domesticconsentsqueries@daera-ni.gov.uk>

Cc: [REDACTED]

Subject: Applications for discharge or waste water treatment plant at 88 Greencastle Road, Kilkeel

Please find attached correspondence in respect of potential applications for either a consent to discharge and/or a wastewater treatment plant at this site.

We would be obliged if you could give this matter your consideration and advise us of any developments in relation to applications here.

Regards

Deborah Lynch

RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F -Waste Water Treatment

Info@thetaxcafe <info@thetaxcafeni.com>

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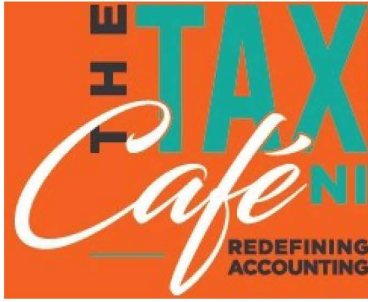
Hi,

Thank you for confirming below, unfortunately we have been getting little or no response from planning on any of this.

We also previously had DAERA & the Environmental Crime unit involved, but they referred the matter back to planning again as they were responsible for the original licence for the inert landfill licence, although they did acknowledge the presence of household waste when they visited the site in 2021. I have asked for this email to be uploaded onto the portal.

Regards

Debbie



DEBORAH LYNCH

DIRECTOR

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From: DAERA NIEA Land and Groundwater Team <>

Sent: Wednesday, November 1, 2023 3:49 PM

To: Info@thetaxcafe <info@thetaxcafeni.com>

Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

Afternoon [REDACTED],

Thank you for your below email.

The Planning Department should be your first point of contact regarding application LA07/2022/0885/F and any comments you have regarding, so they can be uploaded to the planning portal for all consultees to assess what falls within their remit.

We have forwarded your concerns to our colleagues in DAERA's Waste Management Licensing & Waste Permitting (PPC) team to establish if there was a waste licence (inert) or any regulated landfilling activities in this area. We are awaiting responses but they can be contacted directly via the below email addresses;

NIEAwastecomplaint@daera-ni.gov.uk

WRU.Queries@daera-ni.gov.uk

ipri@daera-ni.gov.uk

We have forwarded your below concerns to our colleagues in DAERA's Environmental Crime / Assessment Unit, they can be contacted directly via the following email address;

The Land & Groundwater Team currently have an open consultation to respond to regarding the Preliminary Risk Assessment (PRA) / Ground Investigation provided in support of LA07/2022/0885/F. We will respond in due course and this should address your below concerns dated 31st Oct. We have also asked that our colleagues in DAERA's Water Management Unit be included in the current planning consultation response, due to your water environment concerns highlighted previously. We will be detailing in our response that Environmental Health should be consulted regarding human health matters and that they should have oversight and comment on the PRA/Ground Investigation. Environmental Health have previously been consulted and provided advice but may need reconferred due to the new information provided (30th Oct) after their last response (3rd Oct). However, this is the Planning Departments remit to action and deal with as they see fit.

Hopefully, this helps address your queries.

Kind Regards,

The Land & Groundwater Team



From: Info@thetaxcafe <info@thetaxcafe.com>
Sent: Tuesday, October 31, 2023 11:14 AM
To: DAERA NIEA Land and Groundwater Team < >
Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

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Hi Nuala, not sure if you've had any update on this, but we just seen the gas monitoring results for the test holes, we're very concerned about the methane gas noted in the attached, but we're not sure if we're reading these results right, but it appears as if BH01 & BH02 are producing high levels of methane gas, with some going up to 100%.

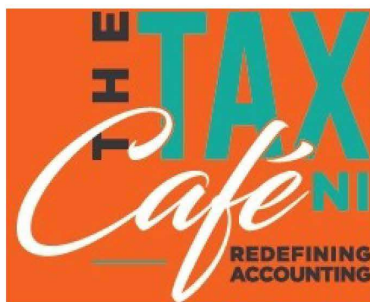
Also, the soil tests that were done on the 11th August have not yet been sent off for testing, I think this poses a risk of invalidating the results, but again not entirely sure.

If these results are right and we have rainwater run-off into the main site, surely this poses a severe risk?.

Do you know who we should approach regarding this?.

Regards

Debbie



DEBORAH LYNCH

DIRECTOR

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🖱 www.thetaxcafeni.com

From: DAERA NIEA Land and Groundwater Team <>

Sent: Monday, October 23, 2023 11:38 AM

To: Info@thetaxcafe <info@thetaxcafeni.com>

Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

Hi Deborah,

I have forwarded this to a few different teams in the department, to ensure the correct teams can you respond to you.

Kind regards,



From: Info@thetaxcafe <info@thetaxcafeni.com>

Sent: Tuesday, October 17, 2023 5:57 PM

To: DAERA NIEA Land and Groundwater Team < >


Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

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As a brief site history, the original owner of the grounds at no 88 and surrounding, had a waste licence for inert materials but it appears that he was in considerable financial distress in and around the late 1990's and according to information from various locals he then proceeded to allow lorry loads of landfill waste to be buried on this site, with multiple vehicles being noted arriving during the night. We have evidenced both landfill waste and soil discolouration at various locations on the site, which leads us to believe that this information is accurate. It has been suggested that medical waste has also been buried here.

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However, the planning department allowed the applicant (a commercial property developer) to complete the building of the dwelling on this site without any consideration of these matters, and despite us having provided all this information at the outset when site clearance works began in July 2021.

We believe that there could be in excess of 400 tonnes of landfill waste buried here, and on which the current house is now sited. We are extremely concerned that there is no consent to discharge, and with the wastewater treatment system at capacity here, we are deeply concerned as to how this is to be resolved. We feel that planning are intent on passing this application and leaving it to the applicant to get consent after, but with the extent and seriousness of the environmental concerns at hand, we feel this must be resolved before any further consent is granted.

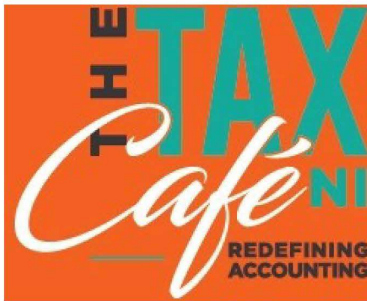
It was a condition of the original application under LA07/2018/0097 that consent is in place before any building works commenced, but again this has been ignored.

We would greatly appreciate your team's analysis and input into this matter. Planning are working towards a deadline of 31st October to close out neighbour comments, but to date we have not seen

the latest version of the planning drawings. It will be very interesting to see how the wastewater is detailed in the new drawings as we previously had to query the last application as it stated the intent to use a wastewater treatment plant on site, but this was subsequently changed.

Regards

Deborah Lynch



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🖱 www.thetaxcafeni.com

From: DAERA NIEA Land and Groundwater Team < >

Sent: Tuesday, October 17, 2023 4:04 PM

To: Info@thetaxcafe <info@thetaxcafeni.com>

Subject: FW: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F - Waste Water Treatment

Hi Deborah,

Thank you for your below emails. The Land & Groundwater Team were consulted and responded to a planning consultation for ref LA07/2022/0885/F, in August 2022. This response is available to view on the planning portal. However, we note that new information has been provided in the form of a Preliminary Risk Assessment and we have not been re-consulted by the Planning Department regarding. We have made contact with the Planning Department to get reconsulted on this matter. Hopefully this resolves some of your below queries which fall within the Land & Groundwater Teams remit.

Kind regards,

██████████

From: Info@thetaxcafe <info@thetaxcafeni.com>

Sent: Monday, October 16, 2023 8:35 PM

To: ██████████

Cc: DAERA NIEA Domestic Consents Queries <domesticconsentsqueries@daera-ni.gov.uk>; ██████████

Subject: Planning Application LA07/2022/0885/F

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We refer to the email correspondence below in relation to the wastewater treatment for this site.

This planning application was quashed in the High Court in July and re-presented to the planning team at Newry & Mourne Council. We note that despite the environmental concerns noted, and the new initial site report (which was prepared by the applicant's own consultant at the request of planning) which confirms there is a potential risk that needs to be further investigated, that there are no consultations noted on the public portal with any of your agencies.

Can you please confirm whether you have been consulted on this matter?.

We raised a public comment querying this a week ago, but to date our comment has not been published.

I have attached a copy of the report from the external consultant recommending further site investigation and the initial response from Environmental Health, also querying why there are no other comments or consultations available on the planning portal. Whilst we do not accept that asking the applicant to do his own site investigation is at all appropriate or in anyway alleviates the

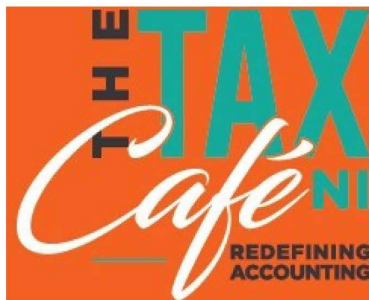
planning department of their responsibilities in this matter, we are pleased to note that they are recommending further site investigation.

We have repeatedly asked that the planning department engage directly with us on this matter as we have now gathered an extensive site history and evidence of the waste and soil discolouration on this site. It is not restricted to the areas highlighted by the external consultant and appears to be a much wider issue.

Can you advise of any input you may have had and provide any consultation documents you may have issued, as it appears that these are not going to be made publicly available.

Regards

Deborah Lynch



DEBORAH LYNCH

DIRECTOR

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From: Info@thetaxcafe

Sent: Sunday, June 25, 2023 7:41 PM

To: ; DAERA NIEA Domestic Consents Queries <domesticconsentsqueries@daera-ni.gov.uk>

Cc: [REDACTED]

Subject: Applications for discharge or waste water treatment plant at 88 Greencastle Road, Kilkeel

Please find attached correspondence in respect of potential applications for either a consent to discharge and/or a wastewater treatment plant at this site.

We would be obliged if you could give this matter your consideration and advise us of any developments in relation to applications here.

Regards

Deborah Lynch

DAERA NIEA Land and Groundwater Team

From: [REDACTED]
Sent: 02 November 2023 11:34
To: [REDACTED] (DAERA NIEA); DAERA NIEA Land and Groundwater Team
Cc: [REDACTED]
Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F -Waste Water Treatment

Hi [REDACTED]

The site at 88 Greencastle Road Kilkeel is a historic landfill site and was regulated by Mourne and District Council prior to the Waste Management Licensing Regulations coming into being on 19 December 2003. Landfill sites in NI that were closed before the Landfill licensing regulations came in did not fall within the closure regulations of Landfill directive and would have not been Regulated by NIEA. The landfill license was approved on 30th July 1990, and the landfill would have been regulated by the local council.

A complaint was received by NIEA on 2nd September 2021 from Deborah Lynch reporting concerns at ongoing works at 88 Greencastle Road, Kilkeel. Known this is an area that was once an old landfill site and that the landowner was unearthing possibly previous waste material.

On 7th September ECU officers visited the site. They noted digging works for foundations. They observed waste material that had been unearthed from the excavations, including plastic tyres metals construction and demolition and household waste.

Laura Duffy from Planning Enforcement Newry Mourne and Down District Council was informed by ECU on 19th September 2021 that the Council would be deemed responsible for the landfill site as they regulated the landfill site before the Landfill Regulations came into operation. The landfill was an inert landfill site. She was also informed that NIEA had been notified in 2004 that the Council were prosecuting the landowner. She was not aware of this.

The complainant Deborah Lynch was contacted by email on 8th November 2021 as follows

Regarding your complaint regarding the site above, this historic landfill site at 88 Greencastle Road Derryoge was regulated by Mourne and District Council prior to the Waste Management Licensing Regulations coming into being on 19 December 2003. Landfill sites in NI that were closed before the Landfill licensing regulations came in did not fall within the closure regulations of Landfill directive and would have not been Regulated by NIEA. The landfill license was approved on 30 July 1990 Therefore this incident will be closed with no further action on part of NIEA. The site has been referred to the Laura Duffy from Planning Enforcement section of Newry Mourne and Down District Council

Regards [REDACTED]

[REDACTED]

This e-mail and its contents concern an ongoing criminal investigation which may be subject of disclosure under the Criminal Procedure & Investigations Act 1996. Any further communications of any kind created as a result of this communication should be retained and brought to the attention of the writer for the purpose of disclosure.

[REDACTED]



From: [Redacted]
Sent: Thursday, November 2, 2023 10:25 AM
To: DAERA NIEA Land and Groundwater Team <>
Cc: [Redacted]
Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F -Waste Water Treatment

[Redacted] – attached is a copy of our hard copy files. In summary this was an old council landfill that appeared to have some compliance issues prior to it closing, however council records may be difficult to locate given the time period. The site was confirmed as closed and no NIEA authorisation is in place.

ECU did visit the site and I've copied in [Redacted] who I believe closed their incident by referring their findings to the Council.

Regards,

[Redacted]

From: DAERA NIEA Land and Groundwater Team <>
Sent: Wednesday, November 1, 2023 1:52 PM
To: [Redacted] <>
Cc: [Redacted] <>
Subject: FW: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F -Waste Water Treatment
Importance: High

Afternoon [Redacted],

Please see the below advice from [Redacted] and the below email chain for information.

Can you advise if PPC are aware of any regulated landfills at approx. 88 Greencastle Road, Kilkeel, Newry, Co. Down, BT34 4ST? [Redacted] seems to think there may be an old, closed landfill in proximity.

The below email chain alleges that there has been landfill/medical waste deposited onsite. I have passed the below onto ECU for consideration.

Thanks

[Redacted]

Higher Scientific Officer – Land & Groundwater Team

From: [REDACTED] <>

Sent: Wednesday, November 1, 2023 12:25 PM

To: DAERA NIEA Land and Groundwater Team <> [REDACTED] >

Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F -Waste Water Treatment

This relates to landfill activities and associated gases and is a matter for the PPC Waste Team and not the WML Team.

I think there may be an old closed landfill in proximity to this location but PPC Team can advise.

Thanks [REDACTED]

[REDACTED]



From: DAERA NIEA Land and Groundwater Team <>

Sent: Wednesday, November 1, 2023 11:54 AM

To: [REDACTED]

Cc: [REDACTED]

Subject: FW: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F -Waste Water Treatment

Importance: High

Morning [REDACTED],

In [REDACTED] absence, please see the below email chain.

Can you advise if WML are aware of any licenses or exemptions at approx. 88 Greencastle Road, Kilkeel, Newry, Co. Down, BT34 4ST?

The below email chain alleges that there has been landfill/medical waste deposited onsite. I have passed the below onto ECU for consideration, email attached for info.

Thanks,

[REDACTED]

Higher Scientific Officer – Land & Groundwater Team

Regulation Unit – Resource Efficiency Division - Northern Ireland Environment Agency (NIEA)

[REDACTED]



Department of
**Agriculture, Environment
and Rural Affairs**
www.daera-ni.gov.uk

*Sustainability at the heart of a
living, working, active landscape
valued by everyone.*

From: Info@thetaxcafe <info@thetaxcafeni.com>

Sent: Tuesday, October 31, 2023 11:14 AM

To: DAERA NIEA Land and Groundwater Team <>

Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F -Waste Water Treatment

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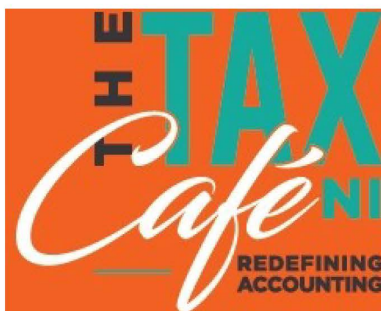
Hi [REDACTED], not sure if you've had any update on this, but we just seen the gas monitoring results for the test holes, we're very concerned about the methane gas noted in the attached, but we're not sure if we're reading these results right, but it appears as if BH01 & BH02 are producing high levels of methane gas, with some going up to 100%.

Also, the soil tests that were done on the 11th August have not yet been sent off for testing, I think this poses a risk of invalidating the results, but again not entirely sure.

If these results are right and we have rainwater run-off into the main site, surely this poses a severe risk?.

Do you know who we should approach regarding this?.

Regards
Debbie



DEBORAH LYNCH

DIRECTOR

THE TAX CAFÉ NI LTD

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From: DAERA NIEA Land and Groundwater Team <>

Sent: Monday, October 23, 2023 11:38 AM

To: Info@thetaxcafe <info@thetaxcafeni.com>

Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F -Waste Water Treatment

Hi Deborah,

I have forwarded this to a few different teams in the department, to ensure the correct teams can you respond to you.

Kind regards,

From: Info@thetaxcafe <info@thetaxcafe.com>

Sent: Tuesday, October 17, 2023 5:57 PM

To: DAERA NIEA Land and Groundwater Team < >

Subject: RE: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F -Waste Water Treatment

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Hi [REDACTED], thank you for the prompt response.

Regarding the below, the application LA07/2022/0885/F was originally approved as a retrospective planning application in February 2023. We were forced to go to the High Court to have this quashed due to the issues that we had raised with planning before it was approved, the waste issues being one of these. The preliminary risk assessment currently on the planning portal was prepared by an external consultant engaged by the applicant (at the planning department's request, which we feel falls far short of the DAERA guidelines on dealing with the development of potentially contaminated land), we are awaiting updates from planning on what actions they may have taken to date to engage with an Environmental consultant.

As a brief site history, the original owner of the grounds at no 88 and surrounding, had a waste licence for inert materials but it appears that he was in considerable financial distress in and around the late 1990's and according to information from various locals he then proceeded to allow lorry loads of landfill waste to be buried on this site, with multiple vehicles being noted arriving during the night. We have evidenced both landfill waste and soil discolouration at various locations on the site, which leads us to believe that this information is accurate. It has been suggested that medical waste has also been buried here.

We note today that the planning department have uploaded our comments and some limited other information, but it certainly does not appear to include any external consultations.

We are currently preparing a detailed response for planning and will provide the photographic evidence and information regarding the site history etc. shortly, although we have previously provided this information to them as part of the initial planning application. I have attached an earlier planning application decision report for this site which references an SGA Hazard Installation Consultation zone open, but to date nobody has been able to explain what this is, but we have included the DOE property certificate for our house which also refers to a different planning application on these grounds and comments which refer to the need for extensive environmental surveys on this site before it would be deemed fit for residential use.

However, the planning department allowed the applicant (a commercial property developer) to complete the building of the dwelling on this site without any consideration of these matters, and despite us having provided all this information at the outset when site clearance works began in July 2021.

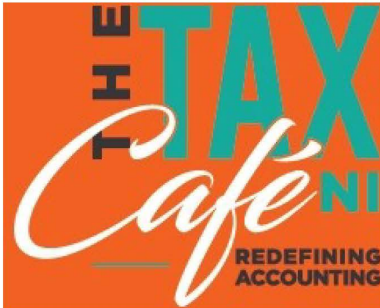
We believe that there could be in excess of 400 tonnes of landfill waste buried here, and on which the current house is now sited. We are extremely concerned that there is no consent to discharge, and with the wastewater treatment system at capacity here, we are deeply concerned as to how this is to be resolved. We feel that planning

are intent on passing this application and leaving it to the applicant to get consent after, but with the extent and seriousness of the environmental concerns at hand, we feel this must be resolved before any further consent is granted.

It was a condition of the original application under LA07/2018/0097 that consent is in place before any building works commenced, but again this has been ignored.

We would greatly appreciate your team's analysis and input into this matter. Planning are working towards a deadline of 31st October to close out neighbour comments, but to date we have not seen the latest version of the planning drawings. It will be very interesting to see how the wastewater is detailed in the new drawings as we previously had to query the last application as it stated the intent to use a wastewater treatment plant on site, but this was subsequently changed.

Regards
Deborah Lynch



DEBORAH LYNCH

DIRECTOR

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From: DAERA NIEA Land and Groundwater Team <>

Sent: Tuesday, October 17, 2023 4:04 PM

To: Info@thetaxcafe <info@thetaxcafeni.com>

Subject: FW: *Technical Query* - Deborah Lynch - FW: Planning Application LA07/2022/0885/F -Waste Water Treatment

Hi Deborah,

Thank you for your below emails. The Land & Groundwater Team were consulted and responded to a planning consultation for ref LA07/2022/0885/F, in August 2022. This response is available to view on the planning portal. However, we note that new information has been provided in the form of a Preliminary Risk Assessment and we have not been re-consulted by the Planning Department regarding. We have made contact with the Planning Department to get reconsulted on this matter. Hopefully this resolves some of your below queries which fall within the Land & Groundwater Teams remit.

Kind regards,
[REDACTED]

From: Info@thetaxcafe <info@thetaxcafeni.com>

Sent: Monday, October 16, 2023 8:35 PM

To: [REDACTED]

Cc: DAERA NIEA Domestic Consents Queries <domesticconsentsqueries@daera-ni.gov.uk>; [REDACTED]

Subject: Planning Application LA07/2022/0885/F

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We refer to the email correspondence below in relation to the wastewater treatment for this site.

This planning application was quashed in the High Court in July and re-presented to the planning team at Newry & Mourne Council. We note that despite the environmental concerns noted, and the new initial site report (which was prepared by the applicant’s own consultant at the request of planning) which confirms there is a potential risk that needs to be further investigated, that there are no consultations noted on the public portal with any of your agencies.

Can you please confirm whether you have been consulted on this matter?.

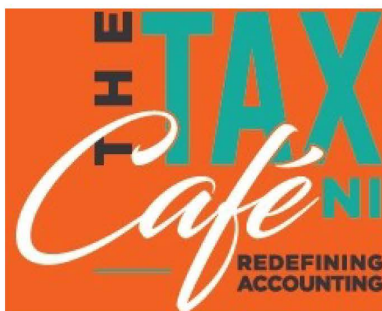
We raised a public comment querying this a week ago, but to date our comment has not been published.

I have attached a copy of the report from the external consultant recommending further site investigation and the initial response from Environmental Health, also querying why there are no other comments or consultations available on the planning portal. Whilst we do not accept that asking the applicant to do his own site investigation is at all appropriate or in anyway alleviates the planning department of their responsibilities in this matter, we are pleased to note that they are recommending further site investigation.

We have repeatedly asked that the planning department engage directly with us on this matter as we have now gathered an extensive site history and evidence of the waste and soil discolouration on this site. It is not restricted to the areas highlighted by the external consultant and appears to be a much wider issue.

Can you advise of any input you may have had and provide any consultation documents you may have issued, as it appears that these are not going to be made publicly available.

Regards
Deborah Lynch



DEBORAH LYNCH

DIRECTOR

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From: Info@thetaxcafe

Sent: Sunday, June 25, 2023 7:41 PM

To: DAERA NIEA Domestic Consents Queries <domesticconsentsqueries@daera-ni.gov.uk>

Cc: mark.milligan@niwater.com

Subject: Applications for discharge or waste water treatment plant at 88 Greencastle Road, Kilkeel

Please find attached correspondence in respect of potential applications for either a consent to discharge and/or a wastewater treatment plant at this site.

We would be obliged if you could give this matter your consideration and advise us of any developments in relation to applications here.

Regards
Deborah Lynch