

# Man sentenced over dumped waste

## ■ Council prosecution after material found in quarry

FINES and costs amounting to €12,000, as well as a six-month suspended prison sentence, were imposed on a man prosecuted by Tipperary Co Council over the dumping of waste at a quarry site.

The council took action against James (Colm) Kinnane, Kilshane, Co Tipperary, under the Waste Management Act following the discovery of mixed waste in a sand and gravel quarry at Kilshane in January 2021. Mr Kinane appeared before last week's sitting of Tipperary District Court, sitting in Nenagh.

Solicitor for the council Shane Reynolds said it was the 17th time for the matter to be listed before the court. The council had made 13 visits to the site in question. The case was adjourned last December, when Mr Kinnane was required to have the site fully remediated by the end of March.

Mr Reynolds told the court that the council's most recent inspection of the site was on the day before last week's court appearance. Not only had the site not been cleared, but further material had been dumped there.

The council had received no communication from the defendant or his environmental consultant until the morning of the court, when an email was sent stating that the wet weather had militated against the planned removal of waste from the site.

### MORE WASTE DUMPED

Executive Scientist with the council's Environment and Climate Action section David Corbett gave evidence of inspecting the site on Tuesday of last week. He found no evidence of remediation; instead, there was evidence of deposits of construction material, including concrete blocks, which were not there previously.

The material dumped at the site from the outset included plastics, metals, tiles, textiles, glass, tyres and mattress components. Photographs of the dumped material were shown to the

court. Mr Corbett said the council commenced enforcement at the site in January 2021. Two statutory notices were served and had not been complied with. The council wanted the site remediated and returned to its natural state but Mr Kinnane had failed to engage on the matter, Mr Corbett said. If the weather was too wet to clean up the site, how was it that further material was brought in, witness asked.

"Our goal is to ensure no damage to the environment," Mr Corbett told the court. "There is a risk here."

Solicitor for the defendant Colin Morrissey said his client had informed him that the site was water-logged. Mr Kinnane was also experiencing financial issues and difficulty getting machinery, but he hoped to remediate the site in the event of better weather in June.

Mr Corbett replied that the site was only partially water-logged and he had little difficulty walking around when he visited. He also denied a claim by the defendant that some material had been removed from the site, saying the council had no acceptable evidence

of this. Mr Corbett said he had gone "above and beyond" in trying to assist the defendant and his consultant with the remediation of the site.

"He has completely disrespected the Environment and Climate Action section of Tipperary Co Council," witness said of the defendant.

### 'EXCEPTIONAL' WEATHER

In his evidence, Mr Kinane said he had hoped to clean up the site in March but this year had been "exceptional" with the amount of rain that fell. Contractors refused to work in such weather, he told the court.

Mr Reynolds countered that there had been spells of good weather in the three years since the matter first came to the council's attention. The defendant said his daughter had been seriously injured in a car accident and he was looking after her. He asked the council to give him until the end of June to have the site remediated. Mr Reynolds said that after so many inspections, the council had "no faith" in such an undertaking.

Judge Elizabeth MacGrath said she

had come to the same view. "There is a point of no return and this is going on way too long," she observed, adding that the matter had concerning implications for the environment. "He took the goodwill of the council and goodwill of the court for granted here."

Judge MacGrath inquired of the council's costs in prosecuting the case. Mr Reynolds said investigation costs amounted to €8,798 while the legal costs stood at around €18,000. Mr Morrissey said his client would have "serious difficulty" meeting these costs.

Judge MacGrath imposed fines totalling €4,000, which were to be made payable to Tipperary Co Council. She also imposed a six-month prison sentence, suspended for 12 months on the defendant's own bond of €500 and with a condition that the site be fully remediated by June 30, 2024. If Mr Kinnane breached this condition, he would have to serve the prison sentence, the judge said.

She also ordered the defendant to pay a total of €8,000 in costs to the council. Leave to appeal was granted.

## Public invited to meeting on Lough Derg

### ■ Acclaimed sub-aqua diver to talk on lake's

ANYONE who loves Lough Derg or relies upon it for their livelihood or for recreation is invited to a public meeting "Treasuring Lough Derg" next Tuesday April 16, in Nenagh Arts Centre at 7.30pm. Acclaimed aquatic ecologist and sub-aqua diver, Dr Cilian Roden, will tell the story of the lake's ecology from the past to the present, and describe what its future holds.

The meeting is being organised by local election candidate Iva Pocock and MEP Grace O'Sullivan.

"Lough Derg is one of Ireland's most beautiful places, providing an important habitat for birds and other species as well as a welcome place for recreation and of course tourism. I'm looking forward to exploring the health of the lake with the input of Dr Cilian Roden at this event, as well as discussing how best we can protect it," said Ms O'Sullivan, MEP for Ireland South.

"Water quality is a big concern for me and is legislated for at the European level, and it is vital we ensure that the lake's ecosystem is protected, as well as ensuring that it is a safe place for us to swim and indeed draw drinking water from," she continued.

### SAVE OUR LOUGH DERG

Local election candidate Iva Pocock has long been interested and concerned about the state of Lough Derg, having supported the Save Our Lough Derg group when she worked with Greenpeace Ireland in the 1990s.

"I invited Dr Roden to Nenagh because I was so alarmed last autumn when Tipperary County Council issued warning notices about toxic



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algal blooms on the lake. The warnings came soon after the pea green images of Ireland's largest lake, Lough Neagh, hit the headlines. I simply could not get the question 'Will Lough Derg be next?' out of my head.

"The death of Lough Neagh has shattered people's livelihoods and threatened water supplies in Belfast and beyond, not to mention been a disaster for wildlife and biodiversity. Lough Neagh is more than three times the size of Lough Derg yet the algal bloom took hold. Excessive nutrients – nitrogen and phosphorous – from

slurry, sewage and other sources have killed the lake. Once the bloom sets in it depletes oxygen levels in the water and blocks sunlight from reaching aquatic plants. The exceptionally warm June followed by a very wet July and August, in keeping with the changing climate, only exacerbated the situation. And as we continue to see this year the endlessly wet weather is making life very challenging for our farmers.

"The latest water quality reports for the Nenagh River catchment, including the Ollatrim and Ballyfinboy rivers

and Lough Derg are of serious concern given the threat of deadly algal blooms. "I want this public meeting to be an opportunity for anyone who loves Lough Derg, or depends upon it, to hear from a leading ecologist about what state it is in and what is needed to ensure it does not go the way of Lough Neagh. If your business is tourism or you use the lake for recreation whether swimming, sailing, kayaking, angling or simply spending time on the shore, please come to hear from Dr Roden and to join in the discussion afterwards."

## IN BRIEF...

### Annual Liam Lynch Memorial Mass

THE Chairman of the Liam Lynch Memorial Mass Committee, local Independent TD, Mattie McGrath and the Newcastle Liam Lynch Memorial Committee invite you to the 101st Liam Lynch Memorial Mass in Newcastle on this Sunday, April 14.

The days schedule will begin at Tigh na nDaoine, the Community House, Newcastle, with a ceremonial raising of the tricolour at 11am. A march will take place from the Community House to Newcastle Church, where mass will be offered at 11.30am by Canon Billy Meehan, PP.

Following Mass, refreshments will be served in the Community Hall in Newcastle which will then be followed by the Oration which this year will be delivered by Ms Niamh Uí Bhriain.

The chairman, Deputy Mattie McGrath, and the organising committee look forward to seeing you on the day.

### Blood donor clinics

THE public is being urged to support Blood Donation Clinics in Ballykisteon Hotel, Limerick Junction, on Monday to Wednesday, April 15 to 17, from 4.50 to 8.10pm.