

Phantom waste removers

Meath County Council falsely claims dodgy waste removed from Boyne estuary by Shiels contractors who are suing it for fraud

By Frank Connolly

MEATH COUNTY Council (MCC) has been accused of misleading the Environmental Protection Agency (EPA) in relation to the disposal and removal of waste at a rare salt marsh in Mornington.

While the controversy surrounding the illegal dumping of waste, including toxic materials, on two acres of the saltmarsh adjacent to the Boyne Estuary goes back to 1997, startling revelations concerning the provision of false information by the local authority to the EPA have only emerged in recent months.

In correspondence seen by *Village*, senior officials of MCC wrongly asserted that the waste material, some of which was dumped in the environmentally sensitive location by the local authority itself, had been disposed of by a company with a valid waste permit.

Landowner, John Moran, allowed the dumping of waste on the sensitive site. It included rubble and other material from major road building projects carried out for the local authority.

In a letter to the EPA on 6 November, 2007, the Council wrote that P Sheils Plant Hire Ltd, which had a waste collection permit “was the main contractor on the site and provided one excavation machine and three tipper trucks to



transport inert material”. However, Patrick Sheils, the owner of the company, has confirmed to the EPA and to *Village* that he was not involved in the removal of the waste, had no tender to do so, and received no payment for any such work.

The letter signed by Vincent Collins senior engineer with MCC to Stephen McCarthy Inspector with the EPA, was in response to a notice of “advice & recommendations from the EPA in accordance with Section 63(3)(a) of the Environmental Protection Acts 1992 and 2003” in relation to the removal of the waste from the Mornington site.

The notice, issued in early September 2007, according to the letter, “advised MCC that works outlined in a risk assessment report prepared by MCC for Moran’s site at Mornington, County Meath should be carried out as agreed. These works included the removal of approximately 500 tonnes of construction and demolition] waste (concrete, bitumen etc).

The letter continued:

“On Monday and Tuesday 24th and 25th September (2007) respectively, Meath County Council supervised the works outlined above at Moran’s site, Mornington. Paddy Sheils Plant Hire Ltd. (Waste collection permit MH2002/005C) was the main contractor on the site and provided one excavation machine and 3 tipper trucks to transport inert material”.

It later stated:

“In relation to the Construction and Demolition waste, the mounds of waste located on the site

were excavated and stored in a large pile. The material was loaded into Paddy Sheils trucks and delivered to a Roadstone site at Mullaghchrone, Donore, County Meath...Paddy Sheils has been granted permission to use this site by Roadstone and the facility is listed in Appendix B of his Waste Collection Permit. The facility was willing to accept clean concrete only at the time of the work and therefore approximately 120 tonnes of clean concrete was sent to Roadstone, Mullaghchrone, Donore, Co. Meath”.

The letter later said that an “amount of mixed waste present which included plastics, metals, wood etc. was sent to Panda Waste Services facility at Rathdrinagh, Beauparc, Navan, Co. Meath”.

It said: “Paddy Sheils has been granted permission to use this site by Panda Waste Services and the facility is listed in Appendix B of his Waste Collection Permit. This mixed waste was separated using the excavator, loaded into Paddy Sheils trucks and delivered to Panda Waste. In total, approximately 150 tonnes of mixed C & D waste was removed from the site”.

It was all made up.

Patrick Sheils, the owner of P Sheils Plant Hire, has informed *Village* magazine that he did not remove any waste from the site at Mornington, County Meath as described in this letter, never had any contract and received no payment from MCC in relation to any such work. Neither did he allow MCC, or any other party,



Patrick Sheils, the owner of P Sheils Plant Hire, has informed *Village* that he did not remove any waste from the site despite the claim by MCC’s senior engineer — he never had any contract and received no payment from MCC



MCC provided a different account of who removed the waste: the material was removed in part using Pat Fallon Construction. Pat Fallon was responsible for illegally dumping much of the material



In fact not delivered to Panda

that the Council agreed to pay €600,000 for the removal of more than 6000 tonnes of waste from the site over a six-week period.

This estimate was prepared by senior engineer, Tim O' Leary, following an agreement with the National Parks and Wildlife Service (NPWS) which sought the removal of all of the waste material which had been illegally deposited on the "important wetland habitat" of the salt marsh and was

permission to use his waste permit licence for any purpose.

Following subsequent queries from the EPA in relation to the remediation of the site, MCC provided a different account of how and by whom the waste material at the Mornington site was removed.

In a further letter to Mr McCarthy of the EPA from Ger Murphy, senior executive officer of Meath County Council on 19th May 2011, the EPA is informed that:

"The recommendation was to remove approximately 500 tonnes of C & D waste. Remove bituminous material, creosoted fence posts and burn timber to be excavated and hence remove the source of pollution. The material was removed to authorised facilities using Pat Fallon Construction and Jim & Brian Mulchrone Plant Hire Ltd."

Village has learned that Pat Fallon, the owner of Pat Fallon Construction was responsible for illegally dumping much of the material and, in a letter from MCC in June, 1997, was instructed to ensure that no further waste was transferred to the site.

"I understand that you may have dumped top soil etc. on the land of John Moran at Mornington. I have advised Mr Moran of the legal requirements for operating such a facility and requested that he immediately cease dumping at this site", said the letter from MCC, signed by administrative officer M Fitzpatrick.

"I would also point out that under the Waste Management Act you are required to transfer the Control of Waste to an Authorised person i.e. either a Local Authority or a person with a waste licence. Please ensure that no further waste is transferred to this site".

Other documents obtained by *Village* indicate

endangering birds and vegetation.

In a letter to Mr Collins of MCC in May 2007, the District Conservation Officer for the NPWS, Dr Maurice Eakin, wrote that "the ideal scenario would be that the material is removed in its entirety so as to reinstate the original habitat. The material would need to be removed to a level to allow flooding from the estuary/stream (tidal interface)".

The correspondence between the EPA and MCC between 1997 and 2011 was uncovered by Phil Cantwell, a former independent councillor in Trim, earlier this year. He wrote to the EPA seeking to establish what action it intended to take in relation to the misleading information provided to it in 1997 concerning the removal of waste from the site. Cantwell had previously contacted MCC about the illegal dumping of the waste and the threat to the unique salt marsh in Mornington in 2016 but was informed that it had been unable to locate any relevant documents from the period.

In response to Cantwell, the EPA said that it had closed its file on the matter in November 2011 "on the basis that the waste was removed from the site to remediate it, and that the National Parks and Wildlife Service were satisfied that their objectives in the context of this remediation had been achieved".

In relation to the wrongful naming of Mr Sheils as the person who carried out the work with his waste permit, the letter from Caoimhín Nolan, Inspector with the EPA, said that "if Mr Shiels (sic) has concerns about the accuracy of statements in the Meath County Council's correspondence to the EPA dated 6th November, 2007, then it is a matter for him to raise those concerns directly with Meath County Council".

Nolan continued: "The EPA also notes the

content of Meath County Council's letter to you dated 26th September 2016 in response to your request for all documents concerning PAE2005/458 (the Mornington site) and their statement that "I regret that despite an extensive search we have been unable to locate the specific documents/records you have requested and while we are continuing with the search, the passage of time elapsed since the material removed makes it unlikely that such documents/records will be located".

"Considering the timeframe during which the events referred to in your correspondence took place, and the fact that the National Parks and Wildlife service were satisfied with the condition of the site after remediation works took place, the EPA has no basis for taking any further action in relation to this matter".

In May, *Village* provided MCC with details of its correspondence with the EPA between 1997 and 2011, as outlined in this article, and a series of questions relating to the inaccurate description of how the waste was removed from the Mornington site, by whom and at what cost to the local authority. MCC has not replied to these queries.

Meanwhile, Paddy Sheils is pursuing a private prosecution against MCC in the Trim Circuit Court for an alleged fraud on his company, P Sheils Plant Hire Ltd. He has alleged, as reported extensively in *Village*, that officials of the Council assisted three of his former employees to obtain monies owed to him for work his firm carried out for the local authority during 2008 and 2009.

Two former employees, Sinéad McNamara and David O'Donoghue set up a company called PSPH Ltd (pending name change to Phoenix Engineering), using the same initials as the company owned by Paddy Sheils during the period when the fraud was carried out.

After 2009, Phoenix Engineering obtained lucrative plant hire contracts from MCC until it laid off its employees and closed down in May, 2022.



Patrick Sheils