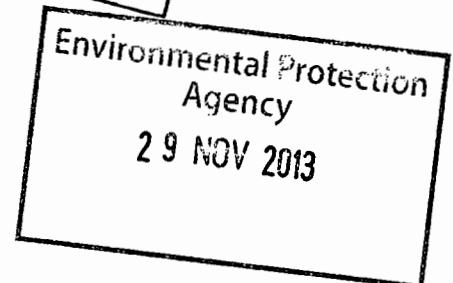


Our Ref: SU09.0015.
 P.A.Reg.Ref: 11/508
 Licence Ref: W0279-01
 Applicants Name: Rehab Glassco Limited
 EIS: No



Administration Team
 Environmental Licensing Programme
 Office of Climate, Licensing and Resource use
 Environmental Protection Agency
 PO Box 3000
 Johnstown Castle Estate
 Co.Wexford

28th November, 2013

Application Re: Ref. SU09.0015 – Rehab Glassco, Glass recycling facility, Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare.

Dear Secretary

I have been asked by An Bord Pleanála to refer to the above-mentioned substitute consent application and your letter dated the 4th October, 2013 requesting comments in relation to the above-mentioned application for a Waste Licence or a review of a Waste Licence pursuant to the provisions of section 40 and section 46 of the Waste Management Act, 1996, as inserted by Article 7 of the European Union (Environmental Impact Assessment) (Waste) Regulations 2012. The Board's observations in relation to the above-mentioned application are as follows:-

- i. There is a live application for substitute consent under consideration by An Bord Pleanála (substitute consent application reference number SU09.0015) which relates to an application for substitute consent in respect of the operation of a glass recycling facility at Osberstown Industrial Park, Naas, Co. Kildare. This is the same development as that before the Environmental Protection Agency under licence application reference number W0279-01 (as amended by the unsolicited further information submitted by the applicant to the EPA in May, 2013 comprising details of the amendments arising to the EPA application form as originally submitted in July 2011 and also REIS (dated March, 2013) and Non Technical Summary of REIS (also dated March 2013)).

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 Dublin 1.

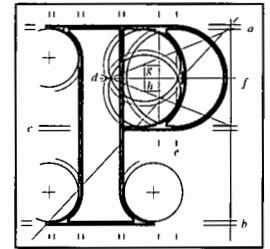
- ii. The Board is aware that the proposed development is a licensable activity. The Board is also aware that the issue as to whether the application is for a waste licence (as applied for) or an industrial emissions licence is under consideration by the agency and that the applicant has made a response to the EPA on this issue indicating that they do not consider that the activity for which the licence is sought comes within the scope of the new provisions relating to Industrial Emissions licencing.
- iii. The information relating to the Remedial Environmental Impact Statement on the EPA's website (submitted to the EPA in May, 2013) is the same information as in the Remedial Environmental Impact Statement submitted to An Bord Pleanála.

The Board also notes that the applicant submitted a number of documents/reports to the agency in response to the Art. 14 request issued. Of these, the Environmental Noise Survey prepared by ORS Engineers and dated July, 2013 and the Report on the Control of Birds prepared by Bird Control Ireland (July, 2013) were submitted by the applicant to the Board during the course of the assessment of the application. It is noted that the following reports submitted by the applicant to the EPA in response to the Art. 14 request have not been submitted to the Board:

- Dust Monitoring Report, ORS Engineers (dated 12 August, 2013),
- Dispersion Modelling Assessment of Air Pollutants by Odour Monitoring Ireland (21 August, 2013), and,
- Surface Water Discharge Report by Patel Tonra (August, 2013).

The attention of the agency is also drawn to Section 8 of the Art. 14 response which includes documents submitted to An Bord Pleanála by Tom Phillips and Associates Planning and Development Consultants. It is noted that this submission states at section 2.6 that the applicant has decided that the hours of operation of the drying facility will now be 07.00 am to 19.00 hrs. and that the Noise Survey undertaken by ORS Engineers in July, 2013 was undertaken to assess noise impacts under this operating scenario. It is further noted that these revised operating hours for the drying facility are not included in the REIS as submitted to the Board with the application for substitute consent or the document submitted to the EPA in May, 2013.

- iv. No oral hearing has been conducted by An Bord Pleanála in relation to the substitute consent application.



- v. Additional information in the form of additional noise surveys and bird control measures (as identified at (iii) above) were submitted to the Board subsequent to the date that the substitute consent application was made in March, 2013.
- vi. The Agency's attention is drawn to the following planning history on site:

An Bord Pleanála:

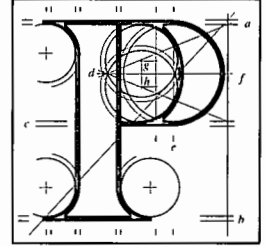
- An Bord Pleanála Ref. LS09.0003 – Permission granted to Rehab Glasco Limited for the leave to apply for substitute consent in respect of a recycling facility located at Number 4 Osberstown Business Park, Caragh Road, Naas, Co. Kildare. Leave was granted under s.177D(4) on the basis that the Board considered that the development on the site was one where an EIS is required and that the permissions granted for development on the site, (Refs. 06/1710, 09/48, 10/652, 10/1195 and 11/508) are defective by virtue of the omission of an EIS accompanying application Ref. 06/1710.

Planning Authority (Kildare County Council):

- Kildare County Council Ref. 11/508 – Permission granted by the Planning Authority for the retention of free standing maintenance building with steel framed fabric covered structure for the maintenance of company vehicles at Site 4 Osberstown Business Park. The structure for which retention was granted had a stated height of 7 metres, a floor area of 241 sq. metres. The site area is stated to be 2.13 ha.
- Kildare County Council Ref. 10/1195 – Permission granted by the Planning Authority for the retention of a free standing plant with steel framed fabric covered structure for glass recycling. The building permitted was the drying plant that is located to the north of the main process building. The permission granted by the Planning Authority does not specifically limit the emissions from the site. Condition No. 5 requires the submission of details regarding car parking and storage of waste glass containers within 6 months of the Grant of permission. Condition 10 requires the submission of

evidence of a reduction in the height of stockpiles on site to a maximum of 3 metres. Condition No.11 states that the permission does not authorize any increase in the volume of glass to be processed/accepted at the site from that initially permitted. (It is noted that the parent permission Ref. 06/1710 did not specify a maximum level of material that could be processed on the site. However, it is noted that the FI response states that there would be a maximum of 10 loads per day to the site).

- Kildare County Council Ref. 10/652 – Permission granted by the Planning Authority for retention of change of use of from industrial space to office space and retention of relocated and amended external staircase on structure that is the main processing building on the site.
- Kildare County Council Ref. 09/48 – Permission granted by the Planning Authority for the extension of the site of the existing glass recycling plant to provide additional vehicle parking and external storage areas on lands adjoining sites 4 and 5. This permission was the subject of a third party appeal that was withdrawn (PL09.233729). It is noted that in response to FI request, the applicant stated that the storage of material on the site will not exceed a height of 3 metres.
- Kildare County Council Ref. 06/1710 – Permission granted by the planning authority for the use of the site as a glass recycling plant. This permission did not specify a maximum level of material that could be processed on the site. However, it is noted that the FI response states that there would be a maximum of 10 loads per day to the site. FI response also states that hours of operation will be 8.30 – 17.30 hrs. Monday to Friday and 8.30 to 14.30 hrs. on Saturday. There are a number of conditions attached to the Notification of decision which issued that are of relevance.
 - Condition 5 specifies that there shall be no further development/ change of use on the site without another permission.
 - Condition 7 requires that the use on the site shall be glass recycling only.
 - Condition 10 requires the submission of a landscaping plan.
 - Condition 27 requires that the development shall not increase noise levels at the site boundary by more than 3db(a) above ambient levels.
 - Condition 31 requires that noise at noise sensitive locations (including dwellings) shall not exceed 55dB(A) during daytime hours and 45dB(A) at other times.



- Condition 38 relates to surface water disposal,
- Condition 49 requires a contribution of €54,000 in accordance with the s.48 contribution scheme.

The following applications relate to the wider business park lands/overall development of the business park.

- Kildare County Council Ref. 06/13 – Permission granted by the Planning authority for additional site development works to those granted under Ref. 99/2266.
- Kildare County Council Ref. 99/2266 – Permission granted by the Planning authority for site development works including entrance to the Caragh Road. Outline permission was also granted for a single storey industrial unit.
- Kildare County Council Ref. 94/1039 – Permission refused by the Planning authority for the construction of an industrial park on the site.

In accordance with Section 171A and Section 172 of the Planning and Development Act, 2010, the Board will carry out an Environmental Impact Assessment in respect of the development.

In accordance with Section 177U and/or Section 177V of the Planning and Development Act, 2010 the Board will carry out screening for Appropriate Assessment and/or Appropriate Assessment as required.

A copy of the Remedial Environmental Impact Statement on CD is enclosed.

The Agency will be notified of the decision of the Board in relation to this application. A copy of the Inspector's Report, the Board Direction and the Board Order in relation to the application will be available on the Board's website (www.pleanala.ie) within 3 working days of the Board's decision.

In addition, the complete file will be made available for inspection and purchase at its offices within 3 working days after the case has been determined.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,



Fergal Kilmurray

Executive Officer

Direct Line: 018737172

Registered Post

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