

Headquarters
P.O. Box 3000
Johnstown Castle Estate
County Wexford
Ireland

WASTE LICENCE APPLICATION

DECISION AND REASONS FOR DECISION

Waste Licence Application Register Number:	187-1
Applicant:	Waterford County Council
Location of Facility:	Waste Management Facility, Garrynagree & Reanagullee Townlands, Dungarvan, County Waterford.

Decision & Reasons for the Decision

Decision

On the basis of the information available to it, the Environmental Protection Agency pursuant to its powers under Section 40(1) of the Waste Management Acts, 1996 to 2005 hereby refuses to grant a waste licence to Waterford County Council to carry on the waste activities that are the subject of Waste Licence Application Register Number 187-1 at Garrynagree & Reanagullee Townlands, Dungarvan, County Waterford.

In reaching this decision the Environmental Protection Agency has considered the application and supporting documentation received from the applicant, all submissions received from other parties and the report of its inspector. An objection to the Proposed Decision having been withdrawn, the licence is granted in accordance with the terms of the Proposed Decision and the reasons therefor.

Part I Schedule of Activities Licensed

None of the activities proposed in the licence application are licensed.

Part II Schedule of Activities Refused

On the basis of the information before it, the Environmental Protection Agency (the Agency), pursuant to its powers under Section 40(1) of the Waste Management Acts 1996 to 2005, is not satisfied that the operation of the facility would comply with and not contravene the requirements of Section 40(4) of the Waste Management Acts, 1996 to 2005 and hereby refuses the following classes of activity.

Refused Waste Disposal Activities, in accordance with the Third Schedule of the Waste Management Acts 1996 to 2005

Class 1.	Deposit on, in or under land (including landfill).
Class 2.	Land treatment, including biodegradation of liquid or sludge discards in soils.
Class 4.	Surface impoundment, including placement of liquid or sludge discards into pits, ponds or lagoons.
Class 5.	Specially engineered landfill, including placement into lined discrete cells which are capped and isolated from one another and the environment.
Class 6.	Biological treatment not referred to elsewhere in this Schedule which results in final compounds or mixtures which are disposed of by means of any activity referred to in paragraphs 1 to 5 or paragraphs 7 to 10 of this Schedule.
Class 7.	Physico-chemical treatment not referred to elsewhere in this Schedule which results in final compounds or mixtures which are disposed of by means of any activity referred to in paragraphs 1 to 5 or paragraphs 8 to 10 of this Schedule (including evaporation, drying and calcination).
Class 11.	Blending or mixture prior to submission to any activity referred to in a preceding paragraph of this Schedule.
Class 12.	Repackaging prior to submission to any activity referred to in a preceding paragraph of this Schedule.
Class 13.	Storage prior to submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where the waste concerned is produced.

*Refused Waste Recovery Activities, in accordance with the Fourth Schedule
of the Waste Management Acts 1996 to 2005*

Class 2.	Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes).
Class 3.	Recycling or reclamation of metals and metal compounds.
Class 4.	Recycling or reclamation of other inorganic materials.
Class 9.	Use of any waste principally as a fuel or other means to generate energy.
Class 10.	The treatment of any waste on land with a consequential benefit for an agricultural activity or ecological system.
Class 11.	Use of waste obtained from any activity referred to in a preceding paragraph of this Schedule.
Class 13.	Storage of waste intended for submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where such waste is produced.

Reasons for the Recommended Decision:

1. Locating the proposed facility immediately on or adjacent to a candidate Special Area of Conservation, the River Lickey, that contains the Freshwater Pearl Mussel *Margaritifera Margaritifera* would constitute:-
 - a. an unacceptable risk of environmental pollution to the river; and
 - b. a real and ever present danger to the Freshwater Pearl Mussel *Margaritifera Margaritifera*.
2. The construction and operation of a landfill at this location would be inappropriate having regard to the objectives of the EU Habitats Directive (92/43/EEC) with particular regard to the protection of the Freshwater Pearl Mussel *Margaritifera Margaritifera*.
3. Taking into account the sensitivity of the Freshwater Pearl Mussel *Margaritifera Margaritifera*,
 - a. any impact on water quality could have a significant and irreversible impact on the population of the Freshwater Pearl Mussel *Margaritifera Margaritifera*; and
 - b. construction of a landfill facility at this location is not appropriate when placed in the context of the objective of conserving, maintaining or restoring the Freshwater Pearl Mussel *Margaritifera Margaritifera* to a favourable conservation status.
4. The Applicant has not demonstrated, to the satisfaction of the Agency, that appropriate measures would be taken to avoid the deterioration of the natural habitat of the Freshwater Pearl Mussel *Margaritifera Margaritifera*. There would be an unacceptable risk of the disturbance of the species from the construction and operation of a landfill.
5. The applicant has not demonstrated to the satisfaction of the Agency that the habitat of the Freshwater Pearl Mussel *Margaritifera Margaritifera* can be protected at all times.

Sealed by the seal of the Agency on this the 16th day of February, 2006

**PRESENT when the seal of the Agency
was affixed hereto:**

Dara Lynott, Director