

Extract from the 467th Meeting of the Agency, held on 22 November 2005 in Headquarters, Johnstown Castle Estate, Wexford.

8. Any Other Business

(i) **Recommended Decision on an application for a Waste Licence**

Licensee: **Waterford County Council
Waste Management Facility
Garrynagree & Reanagulle Townlands
Dungarvan
Co Waterford**

Register of Licence No. 187-1

The Directors considered a recommendation from the Office of Licensing and Guidance that the Agency approve the recommended decision to refuse to grant a waste licence. The following documentation was tabled: Recommended Decision; seven third party submissions; summary report of the Inspector. A copy of the licence application was tabled.

P Larkin gave a presentation.

Inspector's Report

The Directors noted the Inspector's Report.

Following discussion and based on the information before them, the Directors approved the recommended decision to refuse to grant a waste licence to Waterford County Council for a facility at Garrynagree & Reanagulle Townlands, Dungarvan, Co Waterford, Register of Licence No. 187-1, for the following reasons:

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) 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.