



**OFFICE OF
LICENSING &
GUIDANCE**

**REPORT OF THE TECHNICAL COMMITTEE ON
OBJECTIONS TO LICENCE CONDITIONS**

TO:	Directors	
FROM:	Technical Committee	- LICENSING UNIT
DATE:	1 st December 2006	
RE:	Objection to Proposed Decision for Kerry County Council, Waste Reg: W0224-01	

Application Details	
Type of facility:	Civic Amenity Centre
Class(es) of activity (P = principal activity):	3rd Schedule: Classes 12 (P), 13 4th Schedule: Classes 2, 3, 4, 13
Location of activity:	Tanavalla Industrial Estate, Garryantanvally, Tralee Road, Listowel, Co. Kerry.
Licence application received:	25th November 2005
PD issued:	30 th August 2006
First party objection received:	None
Third Party Objection received	26 th September 2006
Submissions on Objections received:	26 th October 2006

Facility

The application relates to a proposed waste facility that will accept recyclable household items, mixed household waste and household hazardous waste. Recyclables will be deposited into labelled receptacles or bays and include cardboard, paper, plastic, glass, textiles, household construction and demolition waste, white goods and WEEE. Mixed household waste will be compacted and disposed off-site. Hazardous waste will be stored in a bunded dedicated building and include batteries, paints, varnishes and fluorescent tubes.

The facility will be constructed on two levels and the entire site shall be hardstanding. A weighbridge, waste inspection area, bunded household hazardous waste building and site office will be provided. There will be no fuel stored at the facility.

Consideration of the Objection

The Technical Committee, comprising of Ann Marie Donlon (Chair) and Marian Doyle, has considered all of the issues raised in the Third Party Objections and this report details the Committee's comments and recommendations following the examination of the objections together with discussions with the inspector, Niamh O'Donoghue, who also provided comments on the points raised.

Third Party Objections

One Third Party Objection is considered and labelled:

- A. Pierser & Fitzgibbon Solicitors on behalf of the residents/occupiers of land of Garryantanvally, Listowel, Co. Kerry

For clarity any Submission on Objections made by the First Party in relation to the Third Party objections are dealt with in association with the objection to which they relate.

A. Pierser & Fitzgibbon Solicitors on behalf of the residents/ occupiers of land of Garryantanvally, Listowel, Co. Kerry

Pierser & Fitzgibbon Solicitors write on behalf of 72 residents/ occupiers of land near the proposed facility. They object to the granting of the proposed decision on nine issues considered below. The objections have been paraphrased due to their lengthy nature and are in italics.

A.1 Location

This facility is proposed to be located in a primarily residential area and therefore it is entirely unsuitable. The area comprises of a livestock market and a small number of retail units and cannot be described as an industrial estate.

Further the area is unsuitable due to the considerable vehicular traffic and associated hazards that this activity will generate. The licensing authority must take this into account.

This location is not suitable because of the mix of development which has taken place in the estate to date and likely to take place in the future. This facility is entirely inappropriate in an industrial estate area, where planning permission has already being given for light industrial and warehouse development. The locating of such a civic amenity would seriously undermine the possible future development of the estate. It is surely inaccurate to suggest that planning matters cannot be taken into consideration in dealing with a licence of this kind.

Submission on Objection: The area is not primarily residential but a rural setting with low-density housing. The proposed facility is within an industrial estate located in a rural setting and consequently is suitable. The postal address and name plate at the entrance clearly state that this area is the Tannavalla Industrial Estate.

The area is by no means unsuitable for vehicular traffic carrying waste. Cattle lorries, tractors and trailers and delivery lorries drive in and out of the estate regularly. There is a right hand turning lane at the junction with the public road and the area has been resurfaced.

The contradictory nature of the objection makes it difficult to make a submission; at first the area was not an industrial estate but later in the objection it is an industrial estate. Technical Committee's Evaluation:

The scope of waste licensing with regard to site location is clearly set out in the Draft Best Available Techniques Guidance Note for the Waste Sector: Waste Transfer Activities, April 2003. In selecting a suitable location for a waste transfer facility the basic requirement is that the facility will not cause environmental pollution, taking account of the characteristics of the location, the waste types it will handle, the nature of the facility and the control measures to be employed. The site is located in an industrial /commercial estate. There are no residents adjacent to the site and the nearest resident is approximately 130m from the site boundary. The proposed licence conditions require waste infrastructure and controls that will limit the potential nuisance effect that can be associated with such a facility. The Technical Committee is satisfied that the facility will not cause environmental pollution where it is operated in accordance with the licence conditions.

Traffic concerns are outside the scope of licensing and are a matter for the planning authority or the National Roads Authority.

Development potential of adjacent properties is outside the scope of licensing and is a matter for the planning authority.

Recommendation: No change

A.2 Health and Safety – Condition 6.17.1

A serious health risk is posed both to humans and animals due to rodents and vermin being attracted to the facility. The proposed facility is immediately adjacent to residential areas and the livestock mart where animals are often held overnight. A situation could arise of cross contamination. The conditions attached to the licence do not sufficiently protect the residents and occupiers of adjoining property. The conditions attached do not specify properly the type of compactors or skips to be used. The proposed licence is unsatisfactory in this regard.

Submission on Objection: Vermin control is dealt with by the mart and will be dealt with by the proposed facility by means of a vermin control company. The suggestion of cross contamination is not explained nor does it have any basis. Sound management practices will alleviate any risks as required by Condition 6.17.1. of the proposed decision.

The density of housing is low in the surrounding areas. The proposed site has good access, the necessary infrastructure and does not detract from the area. Taking account of the facility design, proposed licence conditions, EMS, EMP and strict environmental controls, it is clear that this facility will not pose a risk to the public nor local residents but provides a much needed service.

Technical Committee's Evaluation:

Condition 6.17 requires a proposal to be agreed with the Agency for the control and eradication of vermin and fly infestations at the facility and Condition 6.16 requires weekly nuisance monitoring. Condition 5.4 of the proposed decision requires that vermin does not give rise to nuisance at the facility or in the immediate area of the facility. The Technical Committee consider that this latter requirement can be improved upon with regard to impairment or interference with amenities at the facility or beyond the boundary or uses of the environment beyond the boundary. These measures are considered satisfactory to limit the potential risk to health or impairment of amenities from vermin and rodents.

Cross contamination between animal and human as a result of the existence of this facility is not a likely situation. Once skips and compactors are fit for purpose and comply with all control conditions specified in the proposed decision, they are considered satisfactory.

Recommendation: Replace Condition 5.4 with the following:

The licensee shall ensure that all or any of the following:-

- **vermin**
- **birds**
- **flies**
- **mud**
- **dust**
- **litter,**

which are associated with the activity do not result in an impairment of, or an interference with amenities or the environment at the facility or beyond the facility boundary or any other legitimate uses of the environment beyond the facility boundary. Any method used by the licensee to control or prevent any such impairment/interference shall not cause environmental pollution.

A.3 Opening hours - Condition 1.6

No information is given on opening hours and it is assumed it will be a 12/24 hour opening. The proposed method of management including supervision and policing has also neither been clarified in the application documentation nor properly provided for.

Indiscriminate dumping can occur in areas in close proximity to the civic amenity when it is not open to accept such waste.

If local dumps are closed for any period there maybe temporary storage of municipal waste at the site. The conditions attached to the licence are not sufficiently strict in this regard. The objectors require a specific condition that no storage of materials especially municipal waste should be allowed at any time. Neither should there be temporary storage of waste in motor trucks allowed at, on or adjacent to the site. The objectors also require that the site must not be used as a holding facility for the dump tipheads at any point in time. This would cause the storage facility to be become effectively a dump.

Submission on Objection: Hours of waste acceptance and operation are outlined in the licence application and in Condition 1.6 of the proposed decision. Any other assumptions have no basis. The general management,

infrastructure and operation of the facility are set down in Condition 2 and 3 of the proposed decision.

The operators cannot control indiscriminate dumping by the public but can deter this activity with CCTV and adequate lighting measures.

This licence is for the operation of a civic amenity site and nothing else. Should the landfill close it is the responsibility of the local authority to find an alternative disposal site. To suggest that the facility will become a dump is misleading and not possible under the terms of the proposed licence.

Technical Committee's Evaluation:

The hours of waste acceptance and operation are specified in Condition 1.6 of the proposed decision. Condition 2.1.1 requires a facility manager or deputy to be present on the facility at all times during operating hours. Condition 6.12 requires litter or waste in the vicinity of the facility to be removed immediately or in any event by 10am of the next working day. Condition 3.19.6 and 3.20.1 requires the removal of green waste for recovery and waste for disposal within 48 hours of its arrival or 72 hours in the case of a bank holiday weekend. Condition 3.19.8 requires construction and demolition waste, recyclables and wood to be removed at least every three months. This proposed decision is for a recovery facility.

Recommendation: No change

A.4 Foul water – Condition 3.11

Proper provision for foul water treatment has not been made and is therefore unsatisfactory. The plans and specifications lodged are inadequate, incomplete and unsatisfactory in this regard. The objectors are concerned that the treatment plant is not incorporated within the site area subject to the application. No particulars of the agreed wastewater treatment plant have been furnished.

Submission on Objection: It is proposed to store foul water in underground tanks and remove for treatment off-site on a regular basis. This information is included in the application. There is no requirement for on-site treatment and percolation. Surface water passes through an interceptor prior to discharge to a perimeter drain.

Technical Committee's Evaluation:

Contrary to the applicant's submission above, Condition 3.11 requires a wastewater treatment plant, a post treatment storage tank and effluent to be tankered to an off-site wastewater treatment tank for final disposal. These conditions are in line with the proposal set out in the licence application. In their submission on the objection, the applicant incorrectly states that there are no requirements for on-site treatment. The treatment plant is proposed to treat sanitary effluent and surface water run-off from process areas during periods of rainfall. The treatment plant will be in accordance with the EPA Wastewater Treatment Manual, Treatment Systems for Single Houses. These units are fully enclosed and are typical of systems employed at residential houses. The TC considers that the requirement to provide a treatment plant and storage tank and integrity testing of the tank and pipelines (Condition 6.7) sufficiently addresses the foul water management for the site.

Recommendation: No change.

A.5 Layout – Condition 3.19.2

Site layout is not properly presented and this is not satisfactory. There is inadequate information on the plans lodged in regard to layout of the development, storage containers and buildings. There is no proper details in accordance with statutory requirements. There is discrepancy in the drawings and no cross sectional or contour drawings.

The objectors are concerned that there are no sufficient conditions attached to the licence to regulate access to the bring bank and hazardous goods areas, nor proper conditions attached for their effective management.

Submission on Objection: Plans and particulars lodged with the application regarding the layout of the facility contain adequate information to meet the requirement of the Agency for completing a waste licence application. More than sufficient information was submitted regarding site layout. It is difficult to ascertain what other layout details could possibly be included in the application. There are sufficient details in the application and sufficient conditions attached to the proposed decision regarding regulation of access to the bring bank and hazardous goods area and their effective management.

Technical Committee's Evaluation:

This facility is located within an industrial/commercial area on 0.4 hectares and proposes to handle household recyclables predominantly. Condition 3.19.2 of the proposed decision specifies the layout of the site. The licence application and proposed decision adequately addresses the design of the site. Further the proposed licence conditions require waste infrastructure and controls that will limit any potential nuisance effect that may be associated with such a facility. The Technical Committee is satisfied that the facility will not cause environmental pollution where it is operated in accordance with the licence conditions.

Recommendation: No change

A.6 Landscaping

Landscaping details are poorly set out and there is no landscape plan. It is not clear what type of shrubbery is proposed around the perimeter. Proper landscaping and shrubbery should be considered in view of the proposed location of the facility in a rural area.

Submission on Objection: It is not a requirement of the waste licence application to submit a landscaping plan. The proposed location is in the middle of the industrial estate where neighbouring industrial units and the Mart have little or no landscaping and shrubbery.

Technical Committee's Evaluation:

The site is located within an industrial/commercial area. Condition 3.12.1 requires stockproof fencing and natural stonewall. Further requirements in an industrial area are considered inappropriate.

Recommendation: No change

A.7 Noise – Schedule B.4

The objectors anticipate appreciable increase in noise and nuisance from the proposed activities. This is primarily a residential area in a quiet country setting outside Listowel.

Submission on Objection: The proposed facility is located within an industrial estate. Noise generated by the compactors will be infrequent and only during operational hours. Noise levels will be monitored regularly. The proposed licence includes monitoring and control of noise.

Technical Committee's Evaluation:

The proposed decision limits noise levels from the facility to 55/45dB(A) for day and night time respectively at the nearest noise sensitive location. This is standard for the sector and given the location within an industrial/commercial estate it is also appropriate. It is not anticipated that noise at these levels will give rise to complaints.

Recommendation: No change

A.8 Hazardous goods – Condition 3.5, 3.6. 3.19.7

No particulars in relation to 'hazardous goods' is given in the application especially details as to the storage time, confinement arrangements, segregation measures, nature and type of hazardous goods. The objectors are concerned because of the lack of proper and effective conditions attached to the proposed licence that the facility will become an effective dump should there be any closures of the main dump or tipheads and proper conditions should be inserted to prevent the use of the facility for the temporary storage of materials.

Submission on Objection: Hazardous waste to be accepted at the facility is Household Hazardous waste only. Drawing No. 10599-0001-REV B shows the locations of receptacles and the storage areas for hazardous waste. Hazardous waste will be stored in weatherproof and bunded structure. Operatives will assist the public and the waste will be removed regularly.

To suggest that the facility will become a dump is misleading and has no basis as the proposed facility will be licensed, controlled and have a defined function.

Technical Committee's Evaluation:

Hazardous waste to be handled at the facility are household hazardous waste such as batteries, paints, varnishes and fluorescent tubes. The proposed decision limits the acceptance of household hazardous waste to 83 tonnes per annum. Condition 3.5 requires bunding of tanks and drum storage areas. Condition 3.19 requires

receptacles for waste, labelling of containers/bays and a dedicated household hazardous waste storage area. As discussed in point A3 above, waste cannot be stored beyond six months on-site. The Technical Committee consider that the provision of a semi enclosed structure for the storage of hazardous waste as described in the licence application can be clearly set out in a licence condition. These measures are considered satisfactory for the effective management and containment of household hazardous waste on-site.

Recommendation: Replace Condition 3.19.7 with the following:

A household hazardous waste storage area shall be provided and maintained at the facility as **described in additional information received on the 27th April 2006 and as shown in Drawing No. 10599-4001 Rev A.** This area shall be constructed and maintained in a manner suitable, and be of a size appropriate, for the storage of the different classes of household hazardous waste accepted. The household hazardous waste area shall be clearly identified and labelled.

A.9 Green Waste

The licence conditions are not sufficiently strict for surveillance of the site to ensure that green waste will not be stored for longer than 48 hours. No particulars are given in the application in relation to the length of time green waste will be stored and arrangement regarding decomposition. Such materials and such rubbish will give rise to noxious odours with the further increased risk of rodents, vermin and other pests to the proposed site.

Submission on Objection: As outlined in Condition 3.2, green waste will be removed off-site within 48 hours. Green waste will be housed within sealed units. The short storage period means little decomposition will occur that would contribute to odours or leachate. Sealed units avoid the attraction of rodents. The licence application and the proposed licence include measures for the safe and appropriate management of green waste.

Technical Committee's Evaluation:

Condition 3.20.1 requires green waste to be removed within 48 hours or 72 hours in the case of a bank holiday weekend. The short duration of green waste storage on-site is not likely to give rise to odours or leachate generation. In any event Condition 8.6 requires waste to be stored in areas protected against spillage and leachate run-off. Condition 6.16 requires nuisance monitoring on a weekly basis. Condition 6.17 requires a proposal to be agreed with the Agency for the control and eradication of vermin and fly infestations at the facility. Condition 5.2 prohibits the emissions of odours that result in the significant impairment of, and/or significant interference with amenities or the environment beyond the facility boundary. These measures are considered satisfactory for the control and management of green waste on-site.

Recommendation: No change

Overall Recommendation

It is recommended that the Board of the Agency grant a licence to the applicant

- (i) for the reasons outlined in the proposed determination and
 - (ii) subject to the conditions and reasons for same in the Proposed Determination,
- and
- (iii) subject to the amendments proposed in this report.

Signed

Ann Marie Donlon
for and on behalf of the Technical Committee