

Public



Environmental Protection Agency  
An Ghníomhaireacht um Chaomhnú Comhshaoil

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Mr. John Andrews,  
Planning, Culture & HR,  
Waterford City Council,  
Wallace House,  
Maritana Gate,  
Canada St,  
Waterford.

20<sup>th</sup> November 2007

Ref: **W0116-02**

Re: Application by Waterford Utility Services (Waste Disposal) Ltd, Six Cross Roads, Carriganard, Butlerstown, Co. Waterford for review of Waste Licence Reg. W0116-01.

Dear Mr. Andrews,

I write regarding your letter of 6<sup>th</sup> November 2007 (Reference JA/LMG/P.122), in which you comment on the requirement for an EIS for proposed developments at the above facility.

The position maintained by the EPA, based on legal advice, and An Bord Pleanála is that the term 'Disposal' in Annex I of the EIA Directive (85/337/EEC as amended) and in the national EIA regulations (S.I. 349 of 1989 as amended) is to be read as meaning both 'Disposal' and 'Recovery' activities as identified in the Waste Framework Directive (2006/12/EC) and the national Waste Management Acts 1996-2007.

In relation to the application currently before the Agency, the operators are seeking to increase the operational capacity/ throughput of their facility from 15,000tpa to 70,000tpa. The Agency is of the view that such a development would appear to fall into Class 11(b) of Part II of the First Schedule to the EIA regulations, and for an existing EIA scheduled activity Class 13(a) may be relevant in situations of development change.

In light of these observations I would ask that you review the matter and respectively suggest that you seek the advice of An Bard Pleanála should you consider it appropriate in the circumstances of the case.

I look forward to hearing from you.

Yours sincerely,

Marian Doyle  
Inspector  
Office of Climate, Licensing & Resource Use

cc. Mr. Malcolm Dowling, Greenstar Ltd.

