

**This Report has been cleared
for submission to the Board by
the Programme Manager F Clinton**
Signed: L. Lohr Date: 9/17/09

**10 Submission were received
they can be view on EDMS/WEB**



**OFFICE OF CLIMATE,
LICENSING & RESOURCE USE**

INSPECTORS REPORT ON A LICENCE APPLICATION

TO:	Directors
FROM:	Loretta Joyce - Environmental Licensing Programme
DATE:	4 th June 2009
RE:	Application for a waste licence from BUCHPA Limited, Kilmartin, Coynes Cross, Newcastle, Co. Wicklow. Licence Register: W0252-01

Type of facility:	Soil Recovery Facility
Classes of Activity (P = principal activity):	4 th Schedule: 4 (P) & 13
Quantity of waste managed per annum:	1,134,000 tonnes (maximum)
Classes of Waste:	Inert soils & stones for land restoration, inert construction & demolition waste for recycling.
Location of facility:	Kilmartin, Coynes Cross, Newcastle, Co. Wicklow.
Licence application received:	25/11/08
Third Party submissions:	7 valid submissions received
EIS Required:	Yes
Article 14(2)(b)(ii) notice sent:	02/02/09
Article 14(2)(b)(ii) response received:	03/04/09 and 15/04/09
Site Inspection & site notice check:	14/01/09

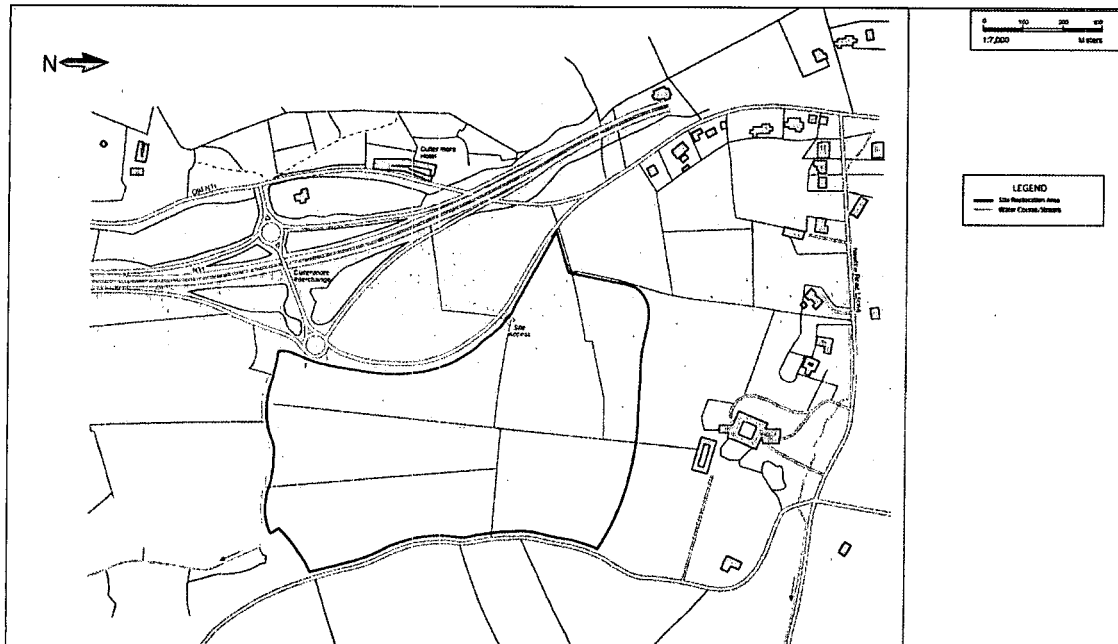
This waste licence application relates to the infill and landraise of a deep steep sided natural valley using imported inert soils and stones at Kilmartin, Coynes Cross, Newcastle, Co. Wicklow. The facility has operated under a waste permit issued by Wicklow County Council since January 2007. The infilled land will be used for agriculture including tillage and grazing which is in keeping with the character of the surrounding area.

1. Facility

The footprint of the reclamation area will cover 15.5 hectares. The site is located between the Wicklow Mountains and the Irish Sea, along the N11 dual carriageway about 5km south of Newtownmountkennedy and 4km north of Ashford in the townland of Kilmartin. The lands to the north, east and west of the site are also in family ownership. The property is bounded to the south and north by agricultural land (some coniferous forestry to the south), to the west by the Coynes Cross road and to the east by a small lane that links the L-5064 to the R761 Coast Road. The land further east is agricultural land.

There are approximately 30 houses within 500 metres of the site. The nearest house, the Norse Family home (the applicant's) is located near the site boundary, c150m north of the proposed area. The nearest sensitive receptor is a private residence located c200m to the northwest of the site.

Figure 1: Site Layout



The base of the valley floor has been infilled with clean clays and soils under a Wicklow County Council waste permit issued in January 2007. This entailed placing c.1.5m of clays over an area of some 5.8 hectares at the base of the valley. Waste acceptance ceased in December 2008 as the maximum tonnage permitted (130,000 tonnes) was reached. Under the Waste Management (Facility Permit and Registration) Regulations 2007 (S.I. No. 821 of 2007, as amended), which came into effect on 1st June 2008, the regulation of large inert waste facilities accepting natural soils and sub-soils transferred from Local Authority to EPA control. The Agency, supported by DoEHLG, has taken the decision to class such natural soils/sub-soils infilling activities as waste recovery rather than disposal.

The principal class of activity is Class 4 of the Fourth Schedule to the Waste Management Acts 1996 to 2008:- *recycling or reclamation of inorganic materials*. The applicant has also sought authorisation for Class 2 (*Recycling or reclamation of organic substances which are not used as solvents (including composting and other*

biological processes), 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) and 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).

The subsoils to be accepted at this facility will be mainly inorganic (stones, sand, silt, clay) and do not contain a significant fraction of organic material that would merit Class 2 authorisation. While topsoil contains a natural organic fraction, it is not regarded as significant and the material will only be used for final capping i.e., engineering works and this material is outside the scope of the licensed waste categories and quantities listed in Schedule A of the RD. It is also considered that Class 10 and Class 11 are not required as Class 4 adequately covers the use of inert soil and stone for infilling works.

The applicant has confirmed that crushing and screening will not take place on site. Only recycled material, which has already been recovered/processed and deemed fit for re-use will be used as part of the on-site engineering works.

Wicklow County Council refused planning permission (file # 08/557) to BUCHPA Ltd. An Bord Pleanála subsequently granted permission (ref # PL 27.229755) on 11th February 2009 subject to conditions. In particular, only clean soil and stones could be imported into site, the height of the filling could not exceed 55m OD, a series of three benchmarks were to be established within the perimeter of the site and maintained in order to enable the height of filling to be monitored and a detailed phasing programme for the infill had to be submitted to the planning authority for approval.

The facility is staffed by three directors of BUCHPA Ltd; Willie Norse, Patricia Hedderman and Philip Norse, a machine operator and a bulldozer operator. It is envisioned that there will be a requirement for 8 to 10 staff at the site during the operational phase. The hours of waste acceptance are 08.00 to 18.30 Monday to Friday inclusive (excluding Public Holidays) and 08.00 to 14.00 hours on Saturdays. There will be pre-opening and post-closure activity on the site from 07:30 to 08:00 and 18:30 to 19:00 Monday to Friday and from 07:30 to 08:00 and 14:00 to 15:00 on Saturday. The pre-opening and post-closure activities do not entail waste acceptance or waste management on site and are non noise generating activities.

2. Operational Description

The amount of inert material to be imported and placed at the facility over a 3 to 10-year period is approximately 2.147 million tonnes (approximately 1.193 million m³ at a placed density of 1.8 tonnes/m³), typical sources will include foundation excavations, road cuttings, site leveling, site clearance and pipe laying trenches. The applicant has used a volume to weight conversion factor of 1.8 tonnes/m³ rather than 1.5 tonnes/m³ as used in S.I. No. 821 of 2007, as amended, for continuity purposes as this factor was used both in the Waste Permit and Planning applications and its use will result in a conservative overestimation of waste tonnage.

Only clean inert clays, soils and stones will be used in the infilling programme. A mixture of concrete, bricks, tiles and ceramics will be used for the construction of site haul roads and hardstand.

The wastes to be accepted at the facility are shown in Table 1.

Table 1: Waste Types & Quantities

EWC Code	Description	Quantity	
		Maximum tonnes per annum	Maximum tonnes over lifetime of facility
17 05 04	Soils and stones other than those mentioned in 17 05 03 -will be used as infill on site to level out the area	1,134,000	
17 01 07	Construction and demolition waste (mixture of concrete, bricks, tiles and ceramics (not containing dangerous substances) -will be used to construct haul routes and hardstanding areas at the site		15,000

The applicant submitted an outline Waste Acceptance and Handling Plan and proposed to develop waste acceptance criteria in accordance with Council Decision 2003/33/EC¹ once a waste licence has been granted.

The RD requires that the general characterisation and testing must be based on the following three level hierarchy:

Level 1: Basic Characterisation

This constitutes a thorough determination, according to standardised analysis and behaviour testing methods, of the short and long-term leaching behaviour and/or characteristic properties of the waste.

Level 2: Compliance Testing

This constitutes periodic testing by simpler standard analysis and behaviour-testing methods to determine whether a waste complies with a condition and /or specific reference criteria. The tests focus on key variables and behaviour identified by basic characterisation.

Level 3: On-site verification

This constitutes rapid check methods to confirm that a waste is the same as that which has been subjected to compliance testing and that which is described in any accompanying documents. It may merely consist of a visual inspection of a load of waste before and after unloading at the waste facility.

Each and every load of waste proposed to be used for restoration at the facility shall undergo Level 3 verification/inspection as a minimum. Soil and stones (EWC code 17 05 04) from single sources where the total quantity of waste expected to be generated is greater than or equal to 2,000 tonnes shall be subject to Level 1 and Level 2 testing. Where single sources generate less than 2,000 tonnes of soil and stones (EWC code 17 05 04), one sample for every 2,000 tonnes of waste accepted

¹ Council Decision 2003/33/EC of 19 December 2002 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC.

from the collective of small single sources shall be characterised according to criteria to be agreed with the Agency.

A representative sample of the deposited waste shall be taken at least every 3 metres depth and 2,000m² area of fill, or at an equivalent frequency as may be agreed up to a maximum of 120 samples per year as required under Schedule C of the RD.

Wastes of EWC code 17 01 01, 17 01 02, 17 02 03 and 17 01 07, where these are to be used for site engineering/ development works, shall be subject, on a batch basis but prior to use, to Level 1 and/or Level 2 testing according to a procedure to be agreed with the Agency.

All loads entering the facility will be weighed and registered at the entrance gate. Only pre-authorized vehicles will be permitted entry to the site. A register will be maintained on site for every load and will include type and quantity of materials, the producer, the source, the waste collector, the truck registration number, date and time.

The applicant proposes that a site operative will be on duty at the deposition area to direct and control the deposition of clays. There will be two designated deposition/stockpile areas on site including an area for materials destined for infilling on site and an area for pre-segregated topsoil material.

The applicant states that when the materials are tipped out at the infilling area, the site operative will give them a thorough inspection. Should any suspect materials be tipped, the site manager will be informed. The materials will then be moved to the waste inspection area for detailed inspection. Unsuitable materials will be reloaded into the truck or temporarily deposited in the waste quarantine area until moved to a suitably licensed facility. Compliant loads will be reloaded and deposited at the tipping area.

The applicant proposes to install the following infrastructure at the facility: entrance gate, hot rolled asphalt road from the entrance gate to the office, weighbridge, internal haul roads constructed of recovered hardcore materials, Porta-Cabin administration building, septic tank, percolation area, hardstand area for car parking, collection drains, settlement lagoons, wheel cleaning system, silt trap, oil interceptor, oil tank and bund, steel container store, waste inspection area and waste quarantine area. The site will be connected to the telephone network and key staff will be contactable by mobile telephones. Condition 3 of the Recommended Decision (RD) specifies the infrastructural requirements for the facility.

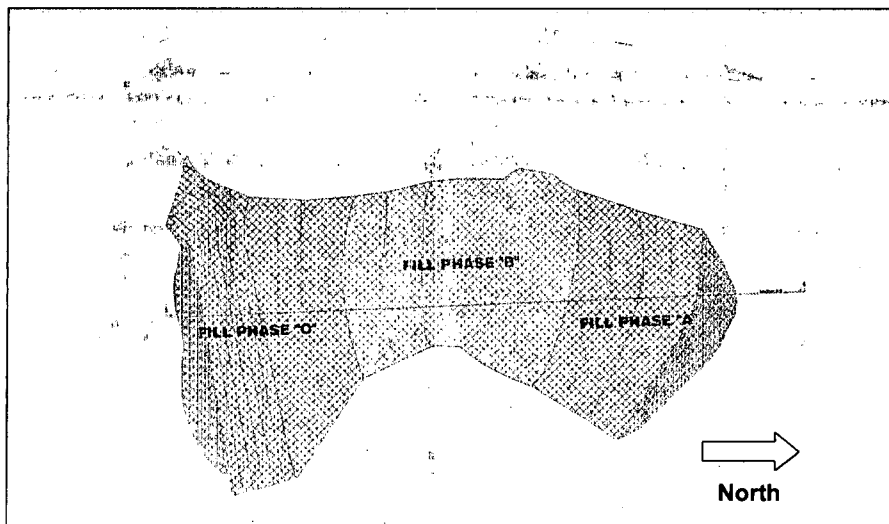
Infilling Plan

The applicant does not propose to install a basal or side slope mineral liner at the facility. Similarly, there is no proposal for leachate collection at the base or sides of the backfilled materials. Given that the proposed waste types comprise natural earth-forming materials which are non-leachate forming, the activity presents low risk to the soil and water environment. I am satisfied on this basis that there is no requirement for an engineered liner or leachate management system at this facility.

The site plan proposes infilling of the site in five phases and the site has been divided up into three main sections, A, B and C and a series of sub-phases or stages. Each section will be infilled to a height of c3.0m during each phasing round (Phase 1 Section A1, B1, C1, Phase 2 Sections A2, B2, C2 and Phase 3 Sections A3, B3, C3 etc.) with the exception of the first phase round. The first phasing round

will bring Phase 1 Section A1 up to a level, which will allow for a 3.0m elevation above Sections B and C throughout the remainder of the phasing process. This is to allow for a barrier along the north end of the site to be developed with the phasing scheme. Works will progress from north to south. Each completed sub phase shall be seeded within 1 month from commencement of the next sub phase as required by planning conditions and this is included in Condition 6 of the RD as a dust mitigation measure.

Figure 2: Phased Development Drawing



In the course of the fifth and final phase of site infilling works, the collection drains and lagoons will be removed and natural drainage will be encouraged which will likely entail the provision of swales around the perimeter of the site draining to either the Kilmartin stream to the south or Coynes Cross stream to the north whichever is more appropriate. All mobile plant and equipment will be removed off site and any temporary site accommodation, infrastructure and services will be progressively removed off-site or decommissioned.

Condition 6 of the RD requires the licensee to carry out annual stability assessment of the temporary side slopes along the internal access road at the facility. In the longer term, there will be no risk of instability as the restored area will be graded to a relatively flat shallow slope.

Topsoil will be imported to the site on a continual basis and stockpiled, pending re-use as restoration material. On completion of each phase, a cover layer of topsoil will be placed and graded across the backfilled soil. This will then be seeded with grass in order to promote stability and minimise soil erosion and dust generation. The final landform will be profiled to give a domed shape in order to facilitate surface water run-off into the in-situ sand and gravels along the site boundary

3. Use of Resources

Raw materials likely to be used in the operation of the facility will include diesel, engine oils and lubricants for site plant and machinery, mains electricity for the site administration building and weighbridge and water for the site administration building, water bowser and wheel cleaning system. Condition 7 of the RD deals with energy efficiency at the facility. Condition 3 of the RD requires that fuel storage facilities be appropriately bunded and secured, and located on an impermeable hardstanding area. No re-fuelling of HGVs will take place on site. Re-fuelling and

oil/lubricant changes for plant and equipment are required to take place in designated areas, protected as appropriate against spillage run-off.

4. Emissions

4.1 Air

The principal air quality impact of site works is fugitive dust emissions, which are likely to arise during HGV movement over unpaved surfaces, tipping of wastes, stockpiling and handling and compaction of soils. The applicant undertook a dust deposition survey at 3 monitoring locations inside the site boundary from 15/12/05 to 16/01/06 (before the waste permit was in operation) using Bergerhoff gauges. Results show that total dust deposition rates were well below the TA Luft threshold limit of 350mg/m²/day. Dust mitigation measures proposed by the applicant and specified in the RD include the use of a wheel wash for vehicles exiting the facility (Condition 3), the use of paved road before reaching the public road network, the seeding with grass within 1 month after completion of infilling operations (including sub phases) and the use of a water bowser to control dust nuisance from haul roads, bare stockpiles and active tipping areas (Condition 6). These techniques are BAT for this type of activity. Schedule B.5 sets a dust deposition limit of 350mg/m²/day for a 30 day composite sample at dust monitoring locations D1, D2 & D3.

No landfill gas management infrastructure is required on the basis of the inert nature of the wastes. There is negligible risk of odour nuisance as the facility will not be handling odour-forming waste.

4.2 Emissions to Sewer

There will be no emissions to sewer from the facility. Sewage effluent generated at the site will be drained to a septic tank and percolation area which will be designed in accordance with the EPA Wastewater Treatment Manual "Treatment Systems for Small Communities, Business, Leisure Centres and Hotels" (Condition 3).

4.3 Emissions to Surface Waters

The site is drained by the Kilmartin stream which forms much of the southern boundary and the Coynes Cross stream which drains west to east c300m north of the site. Both streams join together to the southeast of the site and then flow into Broad Lough where they join the Vartry River (upper) and discharge to the Irish Sea at Wicklow town as the Leirim River. The Vartry River (upper) in accordance with the Water Framework Directive is classified as 1b 'water body is thought to be at risk for failing to meet good status in 2015 pending further investigation'.

4.4 Storm Water Run-off

The RD requires a limit of 35mg/l suspended solids on emissions to water. Rain falling on the site percolates diffusely into the subsurface. The applicant proposes to install collection drains across the length of both the southern and northern boundaries and these will drain to settlement lagoons prior to discharge to the local stream network in order to prevent silt entering local streams. The RD requires the engineering works associated with settlement lagoons to be undertaken as specified engineering works under the licence (Schedule D).

Drainage from the site entrance road, paved hardstand and wheel cleaning system will be collected and directed through a silt trap and oil interceptor prior to discharge to a soak pit.

Waste quarantine and inspection areas will be defined by a 1.5m concrete wall and concrete base with low concrete ramp at the entrance. The surface will be sloped inward to a sump for collection rainwater and pumping out to a road tanker. In the event that contaminated storm water should arise from the facility, the water will be pumped out from the sump to a road tanker and sent off site to an authorised facility.

4.5 Emissions to ground/groundwater:

The site is underlain by two distinct geological and hydrogeological units comprising loose overburden materials and the solid underlying bedrock. The overburden is a minimum 2m thick and is comprised of sandy silts and clays and would not be considered an important aquifer, but which may have the potential for very localised individual supplies. The bedrock is composed of the Bray Head Formation, which is represented by greywacke and quartzite units and has been classified by the GSI as a Poor (PI) aquifer (generally unproductive except for local zones).

An area in the centre of the valley is lower than that of the surrounding land levels. Rainwater run-off to this area becomes trapped and forms wet ground and sometimes ponding after heavy rainfall events. It is likely that water in the pond percolates to ground over time.

Most of the nearby dwellings are connected to the mains public water supply. Some houses located to the north of the site rely on private individual wells for their potable water supply, the nearest of which is located c.150m away and belongs to the Norse family.

The applicant installed three monitoring boreholes, one upgradient and two downgradient in 2006. A groundwater contour map generated shows flow to be in a southerly direction. The RD requires two upgradient and four downgradient monitoring boreholes.

Groundwater monitoring conducted in 2007 showed elevated levels of faecal coliforms and total coliforms in all well monitoring boreholes during the first monitoring round. This may be a result of sheep grazing activities and is unusual in that there was no reflection of any contamination in the water chemistry analysis. During the second monitoring round, slightly elevated level of zinc above the recommended IGV² value of 0.1mg/l (at 0.168mg/l) was detected in one out of a total of three boreholes. Zinc was well within the IGV value (at 0.015mg/l) during the first monitoring round at the same borehole. Domestic well monitoring conducted in 2008 indicated that all parameters were below their respective IGV limits.

The available groundwater test data indicates there is no disparity between groundwater quality up- and down-hydraulic gradient of the site. This demonstrates that ongoing site infilling activities to date have not had any adverse impact on groundwater quality.

The potential risks to groundwater quality from waste activities at the site are as follows:

² Interim Guideline Values from Table 3.1 of EPA document "Towards Setting Guideline Values for the protection of Groundwater in Ireland"

- Accidental spillage of fuel or lubricants from construction plant or of oil from oil tank;
- Increase in suspended solids and potential for contaminated run-off entering groundwater;
- Septic tank and percolation area failure; and
- Rogue loads of contaminated material being deposited at the site.

The RD specifies requirements which minimise the risk of groundwater contamination from activities at this facility. Condition 3 deals with fuel storage & bunding requirements, wheel wash operation, and the collection and disposal of potentially contaminated drainage from the waste quarantine area. The applicant is required to implement robust waste acceptance and inspection procedures to ensure that only inert wastes are used in site infilling works. The measures specified in the RD include monitoring of groundwater up- and down-hydraulic gradient of the site to enable early detection of any deterioration in quality or change in groundwater elevations.

4.6 Wastes Generated:

No waste will be generated at the facility, with the exception of any non-inert C&D waste unintentionally imported to the site, e.g. metal, timber, plastic. These wastes will be segregated, stored in skips and removed off-site to authorised waste disposal or recovery facilities.

4.7 Noise:

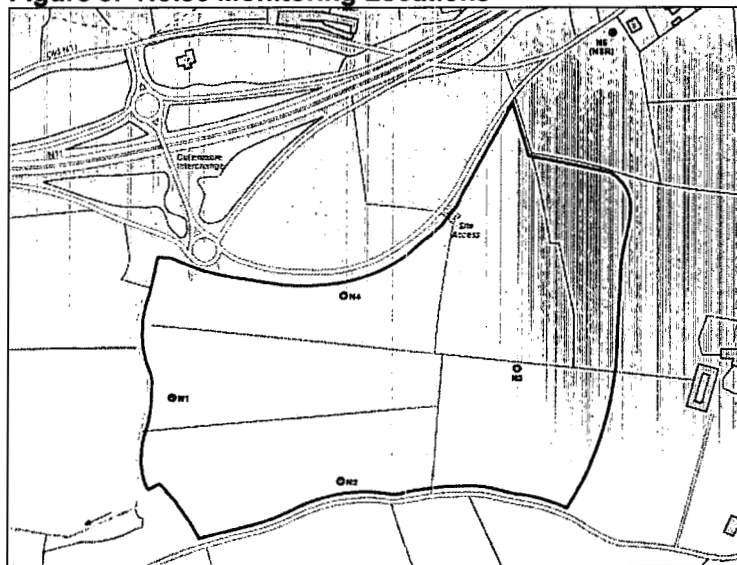
The N11 is the main influence on noise levels in the area. The main noise emissions from the site will be traffic (haulage trucks delivering loads to the site) and site machinery.

Trucks enter and exit the site along the N11 and then onto the Coynes Cross Road to the site. The trucks will pass along some 300m of the Coynes Cross road before entering the site. They will not pass by any dwelling along the N11 or Coynes Cross road. The site entrance is located 250m from the nearest dwelling. It is considered that site related traffic will have minimal impact on the local environment in terms of noise.

The applicant has proposed noise mitigation measures in the EIS, which include the construction of the northern bank during Phase I of the development. After this is constructed the bulk of the site activities will be carried out inside the bowl shaped valley with effective noise screens on all sides including the natural valley sides to the east and west. This will screen noise from the site machinery and tipping of soils for the bulk of the duration of the project.

The applicant carried out noise monitoring surveys in 2005 before the permit was operational and in 2008 when the permit was in operation. The difference in noise levels at the noise sensitive location was 2dB. A change in 2dB is not noticeable as a typical subjective response. The applicant monitored at five locations as shown in Figure 3 below. The L_{eq} was below 55dB at all boundary locations except N3 (73.5 dB) due to the close proximity of a bulldozer in operation throughout the measurement.

Figure 3: Noise Monitoring Locations



The RD sets noise limits of 55/45 dB(A) during daytime/night-time, measured at the noise sensitive locations. Condition 6 requires an annual noise survey to be undertaken and requires that temporary screening embankments/barriers shall be used at the facility as necessary, in order to achieve the specified noise limits.

4.8 Nuisance:

As this is an inert waste facility, it is not expected to give rise to nuisance from odour, scavenging birds, vermin, windblown litter, or to present a fire/explosion risk. Condition 5 of the RD specifies controls in the event of potential nuisance arising from the waste activities.

5. Cultural Heritage, Habitats & Protected Species

Mammal, bird and flora surveys indicate that the site contains a number of habitats that are of moderate to low ecological value. These include improved agricultural grassland, hedgerows, re-colonising bare ground, tilled land and horticultural land. Bats were not observed but may be present in some of the ivy clad trees. Species diversity of the hedgerows is low and structure was poor.

The Murrough coastal wetland complex (pNHA and SAC) is the nearest designated area and it is located about 2.3km to the east. The Devil's Glen (pNHA), a broadleaved woodland dominated by oak is located 4.35km to the south-west. Due to the separation distance and the nature of waste activities, it is considered that the continued operation of the facility would be highly unlikely to have any effect on the Murrough pNHA.

6. Waste Management Plan

The Wicklow Waste Management Plan 2005-2010 states that approximately 500,000 tonnes of C&D waste was collected in 2004, a portion of which is clean soil and stone. Long-term policies for C&D waste outlined in the plan include the provision of authorised disposal of inert waste and to provide more recycling capacity for C&D waste. This development will entail the recovery of waste clays and soils by infilling of the valley and is in accordance with the stated objectives for the Wicklow Waste Management Plan.

7. Environmental Impact Statement

I have examined and assessed the EIS and having regard to the statutory responsibilities of the EPA, I am satisfied that it complies with Article 94 and Schedule 6 of the Planning and Development Regulations 2001 (SI 600 of 2001) and EPA Licensing Regulations (SI 85 of 1994, as amended).

8. Best Available Techniques (BAT)

BAT for this activity is taken to be represented by the guidance given in the Agency's *BAT Guidance Note for the Waste Sector: Landfill Activities (April 2003)*, insofar as it relates to the waste recovery activities at this facility.

I have examined and assessed the application documentation and I am satisfied that the site, technologies and techniques specified in the application and as confirmed, modified or specified in the attached Recommended Decision comply with the requirements and principles of BAT. I consider the technologies and techniques as described in the application, in this report, and in the RD, to be the most effective in achieving a high general level of protection of the environment having regard to the way the facility is located, designed, managed, maintained, operated and decommissioned.

9. Compliance with Directives/Regulations

Groundwater quality and quantity must be protected under the requirements of the Water Framework Directive (2000/60/EC) and the Groundwater Directive (80/68/EC). The requirements of both Directives were taken into account in considering this application. The Landfill Directive and IPPC Directives do not apply to this facility. The licence conditions have been specified in accordance with the principles of BAT.

10. Fit & Proper Person Assessment

The Fit & Proper Person assessment requires three areas of examination:

(i) Technical ability

Mr. Philip Norse is a company director and the site manager and has been responsible for operating the waste permit issued by Wicklow County Council. Mr. Willie Norse is a company director and is responsible for the daily running of administration and financial matters. Ms. Patricia Hedderman is a company director and has administrative responsibilities. I am satisfied that the applicant has the technical ability to satisfactorily carry out the site infilling works in accordance with the RD.

(ii) Legal Standing

The managing directors associated with the applicant company have not been convicted of an offence under Environmental legislation.

(iii) Financial Standing

The applicant has submitted a copy of the company's financial accounts for 2007 under separate confidential cover.

The applicant proposes to ring fence a certain percentage of the gate fee and accumulate a fund that will be used for the decommissioning and aftercare management plan. The RD requires the applicant to prepare fully detailed and costed plan for the closure, restoration and aftercare of the site or part thereof.

It is considered that in the event that the applicant company is unable to discharge their legal obligations and meet the financial commitments and liabilities incurred in carrying on the waste activities at the facility, the necessary revenues could be raised through sale or lease of some of the lands already restored.

It is my view that the applicant can be deemed a Fit & Proper Person for the purpose of this licence.

11. Recommended Decision

I am satisfied that the conditions set out in the RD will adequately address all emissions from the facility and will ensure that the carrying on of the activities in accordance with the conditions will not cause environmental pollution.

12. Submissions

Seven valid submissions were received in relation to this application and the applicant has submitted a response to each submission. In this response, the applicant stated that BUCHPA Ltd. wrote to all neighbours in the vicinity of the proposed facility on 16th December 2008, that a number of verbal discussions took place at that time and various queries were answered. The contents of the submissions and the applicant's responses have been taken into consideration in the determination of this recommendation and the drafting of conditions in the RD. In this context, I wish to advise that the applicant is required to control all emissions from the facility including dust and noise in order that these emissions will not cause environmental pollution. Ongoing monitoring of emissions is required under Condition 6 and Schedule C of the RD. The submissions are details in Appendix 1 to this report.

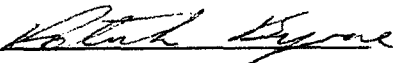
13. Charges

A charge of €10,488 is proposed in the RD, based on the enforcement effort predicted for the facility.

14. Recommendation

In preparing this report and the Recommended Decision, I have consulted with Agency technical and sectoral advisor Brian Meaney. I have considered all the documentation submitted in relation to this application and recommend that the Agency grant a licence subject to the conditions set out in the attached RD and for the reasons as drafted.

Signed



Loretta Joyce

Office of Climate, Licensing & Resource Use

Procedural Note

In the event that no objections are received to the Proposed Decision on the application, a licence will be granted in accordance with Section 43(1) of the Waste Management Acts 1996-2008.

Appendix 1: Submissions

The main issues raised in submissions are summarised below and where appropriate under various different headings. However, the original submission should be referred to at all times for greater detail and expansion of particular points.

Submission 1: Breege and John Cardiff, Timore, Newcastle, Co. Wicklow

The main issues raised are as follows:

- A. that the **nature of the development** is landfill rather than restoration;
- B. the **waste permit** should have already addressed the water logging problem at the base and so there would be no need for additional infill;
- C. the development is **contrary to national waste policy and the waste management plan for County Wicklow** as the submitter believes that it is not recycling;
- D. the development is not needed as the quantity of C&D waste collected in 2004 was mostly from the Dublin region during the construction boom years and would include waste 'moved around' within road works;
- E. there is **sufficient capacity** due to pending and existing waste permits and more suitable sites exist;
- F. the **scale of the development** is too large and may take many years to reach capacity. There is confusion as to how much waste the developer proposes to dispose of;
- G. the **hours of operation** of 7.30am to 7.30pm means that the community will be exposed to noise, odours, dirt and dust for 12 hours a day;
- H. the submitter queries the **competency** of the staff to operate the facility and notes that complaints have been made to Wicklow County Council in relation to the waste permit relating to dust and dirt and being held up on the road due to back up of lorries waiting to enter the facility. The submitter is concerned that this will be worse if this development is licenced;
- I. the development will cause a road **safety hazard**. It is on a school bus route and the route taken by parents to a number of schools in the area;
- J. there will be a **negative visual impact** in particular at a rural walkway located to the east of the site and views towards Wicklow Head. The visual intrusion will be 10m above the existing road level.

Response:

- A. The Agency, supported by DoEHLG, has taken the decision to class such natural soils/sub-soils infilling activities as waste recovery rather than disposal;
- B. BUCHPA Ltd. has stated that the waste permit allowed them to improve the poor drainage characteristics of the soil and that the infilled land will be used for agriculture including tillage and grazing;
- C. Long-term policies for C&D waste outlined in the Wicklow Waste Management Plan include the provision of authorised disposal of inert waste and to provide more recycling capacity for C&D waste. This development will entail the recovery of waste clays and soils by infilling of the valley and is in accordance with the stated objectives of the Wicklow Waste Management Plan;
- D. BUCHPA Ltd. Intends to accept waste from south Dublin and north Wexford as well as from Wicklow;
- E. The question of adequate capacity is a planning issue and an Bord Pleanála has granted permission to the applicant;

- F. The applicant states that the amount of inert material to be imported and placed at the facility over a 3 to 10 year period is approximately 2.147 million tonnes;
- G. The applicant intends to operate from 08:00 to 18:30 hours Monday to Friday and from 08:00 to 14:00 on Saturday. There will be pre-opening and post-closure activity on the site from 07:30 to 08:00 and 18:30 to 19:00 Monday to Friday and from 07:30 to 08:00 and 14:00 to 15:00 on Saturday. The pre-opening and post-closure activities do not entail waste acceptance or waste management on site but rather checking and opening of the weighbridge, wheel wash, gate and office etc. and are non noise generating activities. The facility does not have planning permission to operate outside of these hours or on Sundays or Bank or Public holidays;
- H. As detailed above, it is my view that the applicant can be deemed a Fit & Proper Person for the purpose of this licence. Wicklow County Council confirmed by phone that no complaints were received in relation to the waste permit. In relation to dust, the applicant is required to control all emissions from the facility including dust and noise in order that these emissions will not cause environmental pollution;
- I. Road safety is a planning issue and an Bord Pleanála has granted permission to the applicant;
- J. An Bord Pleanála granted planning permission subject to conditions which includes that the height of the filling shall not exceed 55 metres OD. The applicant states that this is below the existing road levels.

Submission 2: Brid and Gerry McGrath

Many of the issues raised are of a similar nature to Submission 1. In addition, the submitter is unclear what is the purpose of the facility and what the intentions of BUCHPA are and whether the waste will be landfilled or sorted and exported from site. The submitter states that BUCHPA has made no attempt to communicate with local residents with regard to the development.

Response:

The applicant has confirmed that crushing and screening will not take place on site. Only recycled material, which has already been recovered/processed and deemed fit for re-use will be used as part of the on-site engineering works. No waste may be exported directly from the facility and contaminated/unsuitable loads must be rejected.

Submission 3: Julia MacNamara

Many of the issues raised are of a similar nature to Submission 1. In addition, the submitter is concerned that the development will upset the flora, fauna and wild life including the nearby Kilcoole nature reserve.

Response:

The Kilcoole nature reserve is known as the Murrough (pNHA, SPA and SAC), which extends from Kilcoole for 13km with Broad Lough at the south. As detailed above, due to the separation distance (2.3km to the east) and the nature of waste activities, it is considered that the continued operation of the facility would be highly unlikely to have any effect on Kilcoole nature reserve.

Submission 4: Earl Gology and Mary Rose Gleenon

Many of the issues raised are of a similar nature to Submission 1. In addition, the submitter is concerned that BUCHPA Ltd has been set up solely to avoid financial liability should the applicant breach the planning laws.

Response:

As detailed above, it is my view that the applicant can be deemed a Fit & Proper Person for the purpose of this licence. With regard to planning laws, an Bord Pleanála has granted permission to the applicant.

Submission 5: Vincent and Mary Dillon

Letter requesting withdrawal of their submission dated December 16th 2008.

Response:

Vincent and Mary Dillon's submission was accepted by the Agency as Submission 8, this submission is withdrawn and has not been considered by the Agency.

Submission 6: Gerard Glynn

The issues raised are of a similar nature to Submission 1.

Submission 7: Mary Wooley

The issues raised are of a similar nature to Submission 1 and Submission 3. In relation to the site notice relating to planning permission, BUCHPA Ltd. states that it was displayed correctly and that a Wicklow County Council planning official inspected it.

Submission 8:

Withdrawn

Submission 9: Pat Doherty, CEO, Eastern Regional Fisheries Board

The submission relates to proposed works being located in the River Vartry catchment, an EU-designated salmonid system and highlights key constraints included in the guidelines document "Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites".

Response:

The RD requires that the licensee submit a method statement to the Eastern Regional Fisheries Board for approval prior to the construction of the two settlement ponds, having regard to the Fisheries guidelines document "Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites" (Condition 3).

Stormwater run-off mitigation measures proposed by the applicant and specified in the RD includes the installation of collection drains, settlement lagoons, silt trap and an oil interceptor. The RD requires a limit of 35mg/l suspended solids on emissions to water. As detailed above, due to the separation distance and the nature of waste activities, it is considered that the continued operation of the facility would be highly unlikely to have any effect on Kilcoole nature reserve.