



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

ADDENDUM A

| | |
|--------------|---|
| TO: | Directors |
| FROM: | Patrick Byrne Environmental Licensing Programme |
| DATE: | 2 nd July 2009 |
| RE: | Application for a waste licence from BUCHPA Limited, Kilmartin, Coynes Cross, Newcastle, Co. Wicklow. Licence Register: W0252-01 |

A waste licence application was received from Buchpa Limited on the 25/11/08, the licence application, additional information and submissions on the application were considered by the Licensing Unit Inspector, Ms Joyce. Ms Joyce prepared an Inspectors Report, dated the 4th June 2008, and based on the inspectors report prepared a Recommended Decision.

Since completion of the inspectors report and recommended decision the Agency has received an additional submission from Wicklow County Council, received on the 10/06/09 and a submission from the applicant, Mr William Norse on behalf of Buchpa Limited received on the 16/06/09. This 'Addendum A' addresses the additional submissions received since Ms Joyce completed her inspector report and Recommended Decision.

Wicklow County Council

Wicklow County Council identify that the site previously had a waste permit for the importation of soil, the waste permit was granted to Buchpa on the 7/01/07 and permitted the importation of 130,000 tonnes of inert soil to raise the level of the land and to restore it to agriculture use. The 130,000 tonnes have been imported and the surface has been levelled to improve the land for agricultural use. Within the submission it is stated that one of the main reasons for Wicklow County Council refusing planning permission for the project was that the height of the proposed infill of the valley would have been higher than the surrounding area. The final height has subsequently been substantially lowered in the grant of permission by An Bord Pleanala. Wicklow County Council believes that this waste application is for a waste disposal activity rather than for a waste recovery activity and believes that some form of community fund should be included in any waste licence that is granted by the EPA for this project.

Mr William Norse for Buchpa Limited

Mr Norse accepts that the detail in relation to the activity to date outlines the factual position in relation to the site. However, Mr Norse states that they definitely believe that the activity is not a 'waste disposal' activity and notes that in pre and post application discussions with the EPA that the activity proposed is deemed as

'recovery'. It is also noted that the EPA website classes the proposed facility as a 'soil recovery facility' and the description of the principle class is 'recycling or reclamation of other inorganic materials'.

Mr Norse states that their belief is that a 'community fund' is an appropriate concept where there is a 'waste disposal' activity (i.e. municipal waste landfill). Mr Norse states that it is important to note that there are few, if any, potential environmental impacts to the local community from the proposed activity - the recovery of inert soils. Full and detailed information is provided in this regard in the EIS. Mr Norse states, therefore, that they strongly believe that a 'community fund' is not an appropriate measure in this instance. In addition they point out that Condition 12 of the planning permission granted by An Bord Pleanala provides that the applicant must pay a financial contribution to Wicklow County Council in accordance with the terms of the Development Contribution scheme in respect of public infrastructure and facilities benefiting the development.

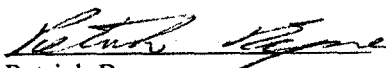
Response:

The following is stated in Ms Joyce's Inspectors report, *'The Agency, supported by DoEHLG, has taken the decision to class such natural soils/sub-soils infilling activities as waste recovery rather than disposal.'* I consider there is no additional information provided in the submission which would justify changing the classification of the facility from a 'recovery activity' to a 'disposal activity'.

The Agency has included a condition requiring the establishment of a 'community fund' in relation to a number of proposed municipal landfills, however no such fund has been required in respect of an activity similar to that proposed by Buchpa. I do not consider the scale of the activity proposed to justify the establishment of a 'community fund'. It is also noted that the planning permission granted by An Bord Pleanala requires the applicant to pay a financial contribution to Wicklow County Council.

I do not recommend any changes to the recommended decision prepared by Ms Joyce.

Signed



Patrick Byrne