

**This Report has been cleared
for submission to the Board by
the Programme Manager F Clinton**
Signed: A. Loughane Date: 25/3/10

■ ENVIRONMENTAL PROTECTION AGENCY
An Ghníomhaireacht um Chaomhuíocht

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

INSPECTORS REPORT ON A LICENCE APPLICATION

TO:	DIRECTORS	
FROM:	Aoife Loughnane	- Licensing Unit
DATE:	25 th March 2010	
RE:	Application for a waste Licence from Nurendale Limited trading as Panda Waste Services Limited for a facility at Cappagh Road, Finglas, Dublin 11. Licence Register W0261-01	

Application Details

Type of facility:	Non-Hazardous Materials Recovery & Waste Transfer Facility
Classes of Activity (P = principal activity):	3 rd Schedule: 11, 12, 13 4 th Schedule: 2(P), 3, 4 and 13
Quantity of waste managed per annum:	50,000 tonnes currently, 200,000 tonnes proposed.
Classes of Waste:	Construction & Demolition, Mixed Commercial & Industrial waste and Dry Recyclables.
Location of facility:	Cappagh Road, Cappoge Td, Finglas, Dublin 11
Licence application received:	13 th February 2009
Third Party submissions:	One
EIS Required:	No
Article 14 Notices sent:	9 th April 2009, 5 th June 2009
Article 14 responses received:	18 th May 2009, 15 th January 2010
Site Inspection:	6 th April 2009

Summary

This application relates to a proposal to expand the Nurendale Limited, trading as Panda Waste Services Limited, materials recovery and waste transfer facility at Cappagh Road, Finglas, Dublin 11. The existing facility operates under a waste permit issued by Fingal County Council. The permit authorises the acceptance and processing of 50,000 tonnes per annum of construction and demolition waste (C&D) and commercial and industrial waste (C&I). Nurendale Limited trading as Panda Waste Services Limited, hereafter referred to as Panda, now propose to expand the existing facility to allow the acceptance and processing of 200,000 tonnes per annum of C&D waste, mixed C&I waste and source segregated dry recyclables. The facility is not authorised to, and does not currently propose to, process mixed municipal solid waste.

Panda operate one other facility which is licensed by the Agency, i.e, a waste transfer station and recycling facility at Beuparc, Navan, Co. Meath (W0140-02 which is currently the subject of waste licence review application W0140-03). Panda have also applied for a waste licence for an existing permitted facility at Ballymount, Dublin 12 (Irish Packaging Recycling Ltd, trading as Panda Waste Services Ltd. W0263-01). These licence applications are currently under assessment by the Agency's Environmental Licensing Programme.

1. Facility

The 2.5 hectare site is located at Cappagh Road, Finglas, approximately 2.5km south west of Dublin Airport. The existing and proposed site layout is shown on the map included in Appendix A to this report. The applicant also owns land and an unoccupied residence adjacent to the site's northern boundary, but this is not included in the facility boundary.

The facility is located in an industrially zoned area surrounded by other commercial and industrial operations. Huntstown quarry is located east of the site, on the opposite side of Cappagh Road. Stadium Business Park adjoins the site's southern boundary. There are two residences within 200 metres of the facility; one located 30 metres south-east, and the other located 200 metres north. There are a group of ten residences located *circa* 450 metres south-east, on Cappagh Road.

There are three EPA licensed sites within 500 metres of the site; (i) Greenstar Recycling Holdings Limited, Millennium Business Park (270,000 tonnes per annum materials recovery facility, waste transfer station and biowaste treatment facility, Waste Licence W0183-01), (ii) Thorntons Materials Recovery Facility, Millennium Business Park (100,000 tonnes per annum materials recovery facility, Waste Licence W0242-01 granted in November 2008 but this facility has not been developed to date); and (iii) Irish Asphalt Limited, Rosemount Business Park (IPPC Licence P0081-02).

Panda initially proposed to develop this facility in three stages:-

Stage 1: (already completed) involved the C&D/C&I recycling building, two weighbridges, foul and surface water drainage system, perimeter security fencing, internal access roads and hard-standing areas, administration area, ESB substation and car-parking.

Stage 2: the construction of a Dry Recyclables building, and a Paper and Cardboard recycling building.

Stage 3: (not part of this application) the construction of a Municipal Solid Waste (MSW) building.

In December 2005 Fingal County Council granted Panda planning permission for stage 1 (Planning Ref. F05A/1156). Panda constructed stage 1 in 2006, and obtained the current waste permit (Ref. WPT 95, annual waste throughput limited to 50,000 tonnes) from Fingal County Council. Panda commenced site operations in October 2006.

In July 2007 Panda applied for planning permission for stages 2 and 3, with a total annual throughput of 250,000 tonnes. In December 2007, Fingal County Council granted planning permission for stage 2 (Planning Ref. F070954). The permission did not allow the development of the stage 3 MSW building. Panda carried out further pre-planning consultations with the planning authority, following which they notified the Agency (Article 14(2)(b)(ii) response dated 15/01/2010) that they will not proceed with stage 3 at this time. The planning authority did not require an Environmental Impact Statement to be prepared for this development.

Condition 1.2 of the Recommended Decision (RD) limits waste acceptance and processing to 50,000 tonnes per annum until such time as the proposed stage 2 infrastructure has been installed to the satisfaction of the Agency. Subject to the agreement of the Agency, the licensee shall be permitted to accept a maximum waste intake of 200,000 tonnes per annum. Condition 1.3 prohibits the acceptance of mixed municipal solid waste at the facility.

Five people are currently employed at the facility; facility manager, weighbridge clerk, machine operators and general operatives. Staff numbers are expected to increase as the proposed expansion comes on stream.

Hours of operation/waste acceptance

The facility currently operates from 08.00 to 20.00 hours Monday to Friday and 08.00 to 16.00 hours on Saturdays, as authorised by planning permission and waste permit. In the waste licence application, Panda propose to accept waste and operate between 06.00 to 20.00 hours Monday to Saturday inclusive.

Furthermore, Panda state that due to the nature of the waste collection and recycling business, it may be necessary on occasion, for vehicles delivering wastes and removing recycling materials to operate outside these hours. Panda requests that the Agency includes a provision for the amendment of the waste acceptance and operational hours subject to the Agency's approval.

The applicant's noise impact assessment (discussed under section 4.7 of this report) predicts that the night-time noise criteria of 45 dB(A) will not be exceeded at either of the two noise sensitive locations, residential dwellings close to the facility. The nearby licensed Greenstar (W0183-01) waste management facility is authorised to accept waste and operate 24 hours per day Monday to Sunday, and Thorntons (W0242-01) are authorised to accept waste 24 hours per day and to process waste from 07.00 to 22.00 hours Monday to Saturday. There have been no submissions regarding hours of operation received in relation to this application. For these reasons, Condition 1.8 of the RD authorises the waste acceptance and operation hours requested by the applicant and provides for amendment of these hours subject to Agency agreement.

2. Operational Description

The facility is designed to accept a maximum of 200,000 tonnes per annum of recyclable wastes. The actual volumes processed will depend on market conditions. A breakdown of proposed waste inputs is presented in Table 1.

Table 1: Proposed waste types & quantities

Waste Type	Recycling Rate	Stage 1 ^{Note 1}	Maximum Capacity (Stage 2) ^{Note 1}
C&D	94%	50,000 (estimated 3,000 non-recyclable)	75,000 (estimated 4,500 non-recyclable)
Dry Recyclables <small>Note 2</small>	95%	--	35,000 (estimated 1,750 non-recyclable)
Paper & Cardboard <small>Note 3</small>	97%	--	90,000 (estimated 2,700 non-recyclable)
Total	--	50,000 (estimated 3,000 non-recyclable)	200,000 (estimated 8,950 non-recyclable)

Note 1: Subject to market conditions.

Note 2: Dry recyclables will primarily comprise source segregated and dry mixed household, commercial and industrial waste, e.g. paper, plastic, tetrapak, glass, cardboard, WEEE.

Note 3: The Paper and Cardboard will comprise specific grades of source segregated and mixed paper.

Initially the majority of the C&D and C&I waste will be delivered to the facility by Panda collection vehicles. As the business develops, it is envisaged that increasing amounts of waste will be delivered by third parties, via permitted waste contractors. Waste will not be accepted from individual householders.

All waste delivery vehicles arriving at the facility are obliged to enter onto the weighbridge at the site entrance where they are weighed and accompanying documentation checked. Following an initial inspection of the waste via CCTV, the vehicle will then be directed to the relevant recycling building for off-loading. When fully developed, the site will be occupied by three main buildings:

Building A1: Existing C&D/C&I Building

C&D waste processing will involve tipping, removal of large items (wood, metal, plastic) using a mechanical grab, screening of remaining material into oversize (>150mm) and undersize (<150mm) fractions, and storage of materials on-site pending removal off-site for re-use or further processing.

Panda currently operates a joint venture with Gypsum Recycling Ireland for the intake, processing and dispatch of plasterboard. This involves accepting and storing plasterboard until approximately 2,000 tonnes is on site. A mobile processing unit then arrives to process the plasterboard by crushing and trommelling. This process takes approximately two weeks and will be carried out inside the C&D building where fugitive dust emissions are mitigated by a dust suppression (misting) system. Panda envisage that approximately 6,000 tpa of plasterboard will be processed at the facility. The recycled gypsum is sent to Lagan Cement, Kinnegad, for re-use as an alternative raw material in the cement manufacturing process (IPPC Licence P0487-05).

Building B1: Dry Recyclables

The dry recyclables will include pre-segregated and dry mixed recyclables from commercial and domestic sources. Pre-segregated wastes will be screened for contaminants and baled/compacted to facilitate efficient transport off-site. Dry mixed recyclables will be sorted using a mechanical grab to remove large items (e.g. timber, metal), then manually and mechanically separated into the different waste streams; paper, cardboard, plastic, glass, metal and residual organics. All materials will be stored pending consignment off-site.

Building B2: Cardboard & Paper Recycling:

The anticipated sources of waste paper and cardboard include supermarkets/shops, factories, printing houses, waste management facilities and offices. Paper and cardboard will be sorted by grade, baled and stored pending consignment to off-site paper mills. All non-paper residues (plastic, strapping, polystyrene, wood, etc) will be separated, baled and stored pending consignment off-site.

At maximum capacity, the range of plant and equipment will include three front loading shovels, a trommel, five balers, three grab loaders, a shredder, six conveyors, two bag openers, three forklifts and a yardsweeper. All waste off-loading, handling and processing will be carried out inside the buildings. Waste quarantine areas will be provided inside each building. Any unsuitable waste loads delivered to the site will be stored in the relevant quarantine areas pending removal off-site.

The applicant proposes to provide an impermeable concrete surface over the entire facility. A double weighbridge is located near the site entrance. Wheel cleaning is not proposed as vehicles delivering waste will have travelled significant distances on paved roads, and vehicles dispatching waste will have travelled across the facility's concrete surface.

All recyclable material recovered from the incoming wastes will be sent off-site to authorised recovery facilities. The small fraction of residual waste that is not suitable for recovery will be sent to authorised disposal facilities, identified by the applicant as Knockharley Landfill (W0146-01) in Meath and Whiteriver Landfill (W0060-02) in Louth.

Having regard to the Landfill Directive (1999/31/EC), condition 8.12 of the RD specifies that only treated waste may be dispatched from the facility for disposal to landfill. *Schedule C.4 Waste Monitoring* requires characterisation, where necessary, of residual waste dispatched to landfill to determine its biodegradable municipal waste (BMW) content. Condition 11.10 requires that each load of waste dispatched to landfill be accompanied by documentation verifying the type of treatment carried out on the waste and its BMW content.

Waste electrical and electronic equipment (WEEE) will be temporarily stored on site pending onward movement to the Immark Ireland site in Greenogue Business Park, Co. Dublin (W0185-01 granted to Cedar Resource Management Ltd).

3. Use of Resources

The estimated annual water usage will be 6,500m³, sourced from the municipal supply (this figure corresponds to development stages 1, 2 & 3 and is likely to be reduced given that stage 3 no longer applies). The anticipated annual electricity usage will be 250,000 kW, subject to variation depending on the processing plant layout. Raw material consumption at the facility will include diesel oil (200,000 litres), engine oil (400 litres) and hydraulic oil (200 litres). Detergents and disinfectants will also be used. The RD requires an energy efficiency audit and an assessment of resource use efficiency.

4. Emissions

4.1 Air

Dust

It is not anticipated that dust will be a significant problem at the facility. All waste processing activities which have the potential to generate dust (shredding, screening, baling, crushing and trommelling of plasterboard), will be carried out indoors. Dust control measures currently employed at the facility include a dust suppression (misting) system in the existing C&D/C&I building and dampening down of paved areas in dry weather. The facility access roads, vehicle manoeuvring and parking areas will be paved and cleaned at regular intervals with an on-site yard sweeper.

Schedule B.5 Dust Emissions of the RD specifies a dust deposition limit of 350 mg/m²/day based on a 30 day composite sample at two site boundary locations. The applicant's proposal to undertake biannual dust monitoring has been included in *Schedule C.6 Ambient Monitoring* of the RD. One sample shall be taken during the period May to September, or as otherwise specified in writing by the Agency.

Odour

There is minimal risk of odour nuisance, as this facility will not be processing MSW. If any putrescible/biodegradable waste inadvertently arrives at the facility, it must be held in the quarantine area and removed from the premises within 48 hours of arrival or 72 hours in the case of a public holiday (Condition 6.12).

4.2 Emissions to Sewer

There is no connection to Local Authority sewer from the facility. Given the nature of the wastes that will be handled in the three buildings, floor wash down will not generally be required. However the applicant has made provision for the collection of wash water in collection drains in the floor of the existing and proposed buildings. These drains will be connected to underground concrete storage tanks, one serving each of the buildings. The existing waste water storage tank which collects sanitary effluent from the site office and floor washdown from the existing C&D/C&I building has a capacity of 13.5m³. The proposed storage tanks for the stage 2 buildings also have 13.5m³ capacity. Condition 3.10 of the RD requires the licensee to monitor the available storage capacity in the underground waste water storage tanks on a weekly basis and to maintain a log on-site. The contents of the tanks will be removed off-site on a routine basis and sent for disposal at an agreed waste water treatment plant (Condition 3.10).

4.3 Emissions to Surface Waters

There are no process emissions to waters from the facility.

4.4 Storm Water Runoff

Storm water runoff from roofs and paved areas is collected and directed to the existing on-site surface water attenuation system. This system was designed to accommodate 1:100 year rainfall events and comprises a 1,310m³ capacity storage tank, a Class I full retention oil

interceptor and a hydrobrake, which allows a controlled, steady rate discharge of 6 litres/second, as required by planning permission.

The discharge from the site then enters the surface water drainage system serving the adjacent Stadium Business Park, which subsequently discharges to the Scribblestown stream. This stream is a tributary of the lower Tolka River, located approximately 2 km east of the site. This stretch of the Tolka was moderately polluted (biological quality rating Q2-3) in 2008. Under the Water Framework Directive, the Tolka is assigned bad status and risk category '1a – at risk of not achieving good status by 2015'. The applicant proposes quarterly monitoring of the surface water discharge at the outlet from the oil interceptor. This monitoring regime has been specified in *Schedule C.2.3* of the RD. As the discharge will be intermittent and linked to rainfall events, grab samples will be collected at the monitoring point.

Storage/Bunding

The applicant proposes to store baled dry recyclables (plastic, paper and cardboard) and separated metals and glass outdoors on open paved areas. I have consulted Jim Moriarity, Waste Sectoral Team, Office of Environmental Enforcement, regarding this issue. The main concern is that outdoor storage could compromise the recyclability of the material. Another concern is the potential contamination of surface water run-off from the open yard areas which drains into the surface water drainage system. Condition 8.1 of the RD requires all wastes/materials to be stored within the facility buildings, except wood, metals, masonry wastes and other wastes/materials as agreed by the Agency, which can be stored in the open yard. Condition 8.6 of the RD requires that waste storage shall be in designated areas, protected as may be appropriate against spillage and leachate run-off.

Facility operations will involve the storage and handling of fuel for the site plant and trucks, and engine and lubricating oils for plant and equipment maintenance. Fuel oil is stored in a double skinned, above ground tank. Lubricating, hydraulic oils and detergents/disinfectants will be stored in designated and contained storage units inside the buildings. Condition 3 of the RD specifies requirements for bunding of tank, container and drum storage areas.

Firewater Retention

Firewater generated within the site will be contained on the paved yard area by kerbing. The maximum volume of firewater likely to be generated is 225 m³. The site slopes gently to the south east and the levels are such that firewater run-off will enter the storm water drainage system. Manually controlled shut-off valves will be installed on the outfalls from the system. In the event of a fire, these valves will be shut to contain firewater run-off within the site. Condition 3.18 requires the licensee to prepare and implement a suitable firewater retention plan, which shall be agreed with the Agency.

4.5 Emissions to ground/groundwater:

According to Geological Survey of Ireland (GSI) data, the bedrock aquifer is a locally important (Lm) aquifer that is productive in local zones. Based on available information, the aquifer vulnerability ranges from high to extreme across the site. The applicant states that their search of GSI records has not identified any groundwater abstraction wells within 2km of the site. Extensive dewatering in the quarries to the east and north of the site is likely to have caused a lowering of the water table locally.

There will be no direct or indirect emissions to ground or groundwater from the facility. The provision of extensive concrete areas with surface water collection drains and secondary containment of the oil storage area minimises the potential for direct or indirect discharges to ground or groundwater in the event of a spill or leak. Given the low risk to ground or groundwater posed by the activity, the RD does not require groundwater monitoring to be carried out.

4.6 Wastes Generated:

The applicant estimates that 8,950 tonnes of residual waste will be generated at the facility each year, i.e. contaminants that are removed from the incoming waste streams. Small volumes of office-type wastes will also be generated on-site. Unsuitable materials identified in the incoming waste streams will be stored on-site pending removal for recovery/disposal off-site. Hazardous waste oils and batteries generated during plant and vehicle maintenance will be collected and sent off-site for recovery/disposal. The oil interceptor will be routinely cleaned and emptied (Condition 6.9 requires weekly inspection and desludging as necessary), and the contents removed off-site for disposal/treatment.

Condition 8 of the RD specifies requirements for materials handling and waste sent off-site for recovery/disposal.

4.7 Noise:

Baseline noise surveys carried out in 2005 (prior to development of the site) and in 2008 (during current operations) identified noise levels in the range 65 dB(A) to 71 dB(A), both at the site and close to the noise sensitive locations. The existing noise environment is dominated by traffic on Cappagh Road and aircraft movement overhead. There are two noise sensitive locations (NSLs) in the vicinity of the facility. NSL1 is a residence located 30 metres south-east of the site. NSL2 is a residence located 200 metres north of the site. Panda have constructed an acoustic wall along the south-eastern site boundary, between the facility and NSL1. The wall is stepped in height between 3m and 5m.

Noise prediction modelling was carried out in order to assess the potential impacts of noise from the proposed waste activities at the facility. Table 2 shows the individual and cumulative noise levels predicted at each NSL, and shows the impact of the acoustic wall at reducing the noise level at NSL1.

It is not proposed to carry out timber shredding externally. Timber shredding may be carried out inside the C&D building and the impacts of this are accounted for in the noise impact assessment.

Table 2 Cumulative Noise Impact

Noise Source	Noise Sensitive Location	
	NSL1, dB $L_{Aeq, 15min}$	NSL2, dB $L_{Aeq, 15min}$
Plant & parked trucks	43 ^{Note 1}	45
Parking	22	15
Truck movements	35	33
Cumulative	44	45

Note 1: The acoustic wall reduces the sound level by 11 dB from the predicted 54 dB that would occur without attenuation.

The cumulative noise levels due to on-site activities at both NSLs are within the daytime and night-time criteria of 55dB $L_{Aeq, 15min}$ and 45 dB $L_{Aeq, 15min}$ respectively. The RD sets daytime/night-time noise limits of 55/45 dB(A) measured at the noise sensitive locations and requires noise monitoring to be carried out annually.

4.8 Nuisance:

Based on the nature of the waste currently accepted and proposed to be accepted at the facility, and considering that all waste unloading, sorting and processing will take place indoors, it is considered that there is a low risk of environmental nuisance associated with this facility. Condition 5 of the RD specifies controls in the event of potential nuisance arising from waste activities on site.

5. Closure, Restoration and Aftercare of the Site

The majority of the site will, when complete, be either paved or occupied by buildings with minor landscape works at the site boundary. It is not anticipated that the waste processing activities will cease in the medium to long term. In the unlikely event that the facility shuts down, it will be closed and decommissioned in accordance with a Decommissioning Plan to be approved by the Agency in accordance with the RD. Condition 10 of the RD sets out conditions regarding closure of the facility.

6. Cultural Heritage, Habitats & Protected Species

There are two proposed NHAs within 5km of the site, the Royal Canal (2.5km distance) and Liffey Valley (4.7km distance). The expansion of waste activities at this site will not have a significant environmental impact on any designated sites.

7. Waste Management Management Plan

It is a policy objective of the Dublin Regional Waste Management Plan 2005-2010 for local authorities to seek the co-operation of the private waste sector in developing recycling parks for commercial and industrial wastes generated in the region. The development of further material recovery facility (MRF) capacity by the private waste management industry is encouraged in the plan. The plan also aims to achieve more sustainable waste management practices in the C&D sector, in particular the recycling of C&D waste. The applicant's proposal complies with the objectives of the plan.

8. Environmental Impact Statement

An Environmental Impact Statement was not required by the Planning Authority for this development.

9. Best Available Techniques (BAT)

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 - as may be relevant - to the way the facility is located, designed, built, managed, maintained, operated and decommissioned.

10. Compliance with Directives/Regulations

The facility does not fall under the scope of the IPPC, Landfill, Groundwater or Seveso Directives. BAT for materials recovery facilities is taken to be represented by the guidance given in the Agency's *Draft BAT Guidance Note for the Waste Sector: Transfer Activities (February 2008)*.

11. Fit & Proper Person Assessment

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

(i) Technical Ability

The applicant's management team are considered to be appropriately qualified and experienced with regard to the technical ability required to carry out the proposed waste activities. The facility manager has completed the FAS waste management course.

(ii) Legal Standing

On 15th September 2009, Nurendale Limited trading as Panda Waste Services was convicted at Navan District Court of an offence under Sections 39(1) and 39(9) of the Waste Management Acts 1996 to 2008, relating to their licensed waste facility at Beuparc, Navan. The offence related to a breach of the previous waste licence (W0140-02) by accepting a tonnage of waste that exceeded the maximum authorised tonnage (165,000 tonnes per annum). The current licence (W0140-03), which was granted in March 2009, authorises the acceptance of 250,000 tonnes per annum.

The applicant's 2007 AER for this facility at Cappagh Road states that 78,146 tonnes of waste was accepted in 2007, which breached the 50,000 tonne annual permitted limit. No further records were provided in support of the application. The RD limits waste acceptance and processing to 50,000 tonnes per annum until such time as the proposed stage 2 infrastructure has been installed to the satisfaction of the Agency.

(iii) Financial Standing

The applicant has submitted a copy of their 2007 audited accounts as confirmation from the company auditors that Nurendale Limited trades profitably and has a sound financial standing.

It is my view, and having regard to the provision of Section 40(8) of the Waste Management Acts 1996 to 2010, that the applicant can be deemed a Fit & Proper Person for the purpose of this licence application.

12. Cross Office Liaison

Advice and guidance issued by the OEE co-ordinated Water Transfer Sectoral Working Group was followed in my assessment of this application. I have consulted Jim Moriarity, Waste Sectoral Team, Office of Environmental Enforcement, regarding the storage of waste outdoors.

13. Recommended Decision

Condition 1.2 of the RD limits waste acceptance and processing to 50,000 tonnes per annum until such time as the stage 2 infrastructure has been installed to the satisfaction of the Agency. Subject to the agreement of the Agency, the licensee shall be permitted to accept a maximum waste intake of 200,000 tonnes per annum.

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.

14. Submissions

One submission was received in relation to this application.

(i) Mr. John Daly, Senior Engineer, Fingal County Council, 6th March 2009.

Mr. Daly states that no EIS was submitted with the waste licence application, nor was one submitted (or required by the Planning Authority) with the planning application. Mr. Daly requests the Agency to consider whether an EIA should be undertaken in light of the recent ECJ case C486/04 and guidance from the EC (Interpretation of definitions of certain project categories of Annex I and II of the EIA Directive 2008-022) on the definition of disposal for the purposes of the EIA Directive.

Response:

The Agency is not the competent authority for determining whether an EIS is required for a development. That determination is to be made by the planning authority or An Bord Pleanála, neither of which required an EIS for stage 1 or 2 of this development.

In the Agency's request under Article 14(2)(b)(ii) of the Waste Management (Licensing) Regulations, the applicant was asked to provide written confirmation from the planning authority as to whether an EIA is required for the proposed development (including the processing of MSW (stage 3) and increased tonnages). Following consultation with the planning authority, the applicant has notified the Agency (Article 14(2)(b)(ii) response dated 15/01/2010) that they will not proceed with stage 3 at this time. The existing planning permissions authorise the development as proposed in the waste licence application. As an EIS was not required by the planning authority for such development, the Agency does not have the authority to require an EIA to be undertaken.

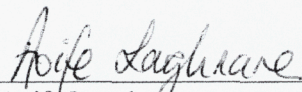
15. Charges

The financial charge proposed in the RD is €6,292. This has been calculated based on the enforcement effort predicted for the facility.

16. Recommendation

In preparing this report and the Recommended Decision, I have consulted with the Agency's waste licensing technical 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



Aoife Loughnane
Inspector
Environmental Licensing Programme

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 1996-2010.

APPENDIX A: SITE LAYOUT PLAN

