

This report was approved for submission to the
OCLR Director by Programme Manager Frank
Clinton.

Signed: *F. Clinton* Date: 27/07/11



OFFICE OF CLIMATE, LICENSING &
RESOURCE USE

ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

TO: LAURA BURKE, DIRECTOR

C.C: Frank Clinton, Programme Manager

FROM: Brian Meaney, Senior Inspector

DATE: 25th July 2011

RE: Request for a Technical Amendment to Waste Licence
Register Number **W0165-02**, held by **Greenstar Holdings
Ltd** in relation to **Ballynagran Residual Landfill**,
Ballynagran, Coolbeg and Kilcandra, Co. Wicklow

Ballynagran Landfill is located just off the N11 about 5km southwest of Wicklow Town (at the Beehive Junction). It is a non-hazardous landfill authorised to accept up to 175,000 tonnes per annum of household, commercial and industrial waste for disposal, as well as up to 28,000 tonnes per annum of construction and demolition waste for recovery, restoration and site development works. The facility was licensed in September 2003. The licence was technically amended in October 2005 and September 2009 and reviewed in March 2010.

Details of request for technical amendment

The licensee has requested amendment (through correspondence with OEE) under Section 42B of the Waste Management Acts 1996 to 2008. The technical amendment relates to condition 1.8 of the licence that deals with waste acceptance and operating hours at the landfill. The reason for the request is to facilitate the acceptance of waste at the landfill on public holidays.

Condition 1.8 states:

1.8 Waste Acceptance Hours and Hours of Operation

1.8.1 Waste may only be accepted at the facility for disposal at the landfill between the hours of 8.00am and 6.00pm Monday to Saturday inclusive.

1.8.2 The landfill at the facility may only be operated during the hours of 7.00am and 7.00pm Monday to Saturday inclusive.

1.8.3 Waste shall not be accepted at the landfill on Sundays or on Public Holidays.

In the 2010 review of the licence, condition 1.8.3 was amended at the licensee's request to substitute "Public Holidays" for "Bank Holidays".

The proposal is now to amend condition 1.8.3 as follows:

Waste shall not be accepted at the landfill on Sundays or on Public Holidays unless otherwise agreed with the Agency.

Amendment of the condition in the manner proposed will require the licensee to seek the agreement of OEE to accept waste on a public holiday as the need may arise. OEE is agreeable to this approach.

The licensee explains the rationale for the request as follows: There is a growing demand for facilities to remain available and open on public holidays, especially those serving large urban areas, where both commercial and household waste collections continue. The creation of backlogs, however short term, are not conducive to the efficient use of waste collection resources, equipment and facilities. Facilitating the proposed amendment will reduce the need for additional overnight storage of waste at interim (transfer) facilities.

Environmental impact

The environmental impact of operating on public holidays is said by the licensee to be minimal. The overall quantity of waste managed at the facility will not change. The operational practices at the facility will not change. The site is accessed by a 250 metre stretch of the L1113 road from its junction with the N11. There are no residences with frontage onto this stretch of local road.

To date in 2011, the Agency has received 43 odour complaints in relation to the facility and one complaint alleging operation in high winds. Allowing agreement for operation on public holidays will not change the overall potential for the facility to cause odour nuisance.

Discussion

The original waste licence application (W0165-01) sought to open Monday to Saturday. No mention was made of bank or public holidays. The original inspector's report deals with waste acceptance and operational hours but is silent on bank and public holidays. The licence granted restricted waste acceptance on bank holidays (since amended to public holidays).

The planning permission granted (on appeal) by An Bord Pleanála in 2003 restricts working hours during the construction phase of the development. The planning permission is silent on waste acceptance and operating hours.

According to the licensee, the original EIS states that the landfill would not operate on bank holidays. The licensee suggests that the content of the waste licence application (which makes no such statement) takes precedence over the EIS. This suggestion is clearly incorrect. The EIS forms the basis for the completion of an environmental impact assessment for the development and its content cannot be superseded by the waste licence application.

The qualifying clause requested - *unless otherwise agreed with the Agency* – does not in itself allow the acceptance of waste on public holidays. It will remain a decision of the OEE, on a case-by-case basis and based on knowledge of the facility's compliance and operational status, as to whether the facility can accept waste on any given public

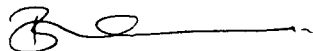
holiday. For this reason, and based on the fact that the acceptance of waste on a public holiday will not add to the potential for the facility to cause environmental pollution, I recommend granting the proposed technical amendment.

I recommend amendment under section 42B(1)(c) of the Waste Management Acts 1996 to 2011 that allows for amendment of a waste licence for the purposes of facilitating the operation of the licence and the making of the amendment does not result in the relevant requirements of section 40(4) of the Acts ceasing to be satisfied.

Recommendation

For the reasons outlined above I recommend that the Agency agree to a technical amendment of the Ballynagran landfill licence (Reg. No. W0165-02) under Section 42B(1)(c) of the Waste Management Acts 1996 to 2011.

Signed:



Brian Meaney
Senior Inspector
Environmental Licensing Programme

