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This report has been cleared for submission to the Board, by the Programme Manager, Frank Clinton  
Signed: Maureen Kearey Date: 7/11/2011

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**REPORT OF THE TECHNICAL COMMITTEE ON OBJECTIONS TO LICENCE CONDITIONS**

TO:	Directors
FROM:	Technical Committee ENVIRONMENTAL LICENSING PROGRAMME
DATE:	7 <sup>th</sup> November 2011
RE:	Objection to a Proposed Decision (PD) issued to Greenstar Limited in relation to a facility at Unit 41, Cookstown Industrial Estate, Tallaght, Dublin 24. Reg. No. W0079-02.

Application Details	
Classes of Activity (P = principal activity):	3 <sup>rd</sup> Schedule: 13 4 <sup>th</sup> Schedule: 3(P) & 13
Location of activity:	Unit 41, Cookstown Industrial Estate, Tallaght, Dublin 24
Licence application received:	19 November 2009
PD issued:	02 March 2011
First Party Objection received:	One

**1. Company and background to this report**

The review application relates to an existing facility located at Unit 41, Cookstown Industrial Estate, Tallaght, Dublin 24 (licence Register No. W0079-01). The existing licence (W0079-01) was issued for a non-hazardous waste transfer station and authorises the acceptance of up to 145,000 tonnes per annum (tpa) of non-hazardous construction and demolition (C&D) waste and commercial and industrial (C&I) waste. The waste activities authorised under the existing licence are Class 3, Class 4 and Class 13 [Principal Activity] of the Fourth Schedule of the Waste Management Acts 1996 to 2010 and Class 13 of the Third Schedule. The activities are indoor sorting and separation of recyclable material (metals, timber etc.), shredding of C&D waste with transfer offsite for recovery, and bulking of C&I wastes prior to transfer off site for disposal to landfill.

These activities ceased at the facility in April 2006. Recovery of waste metals commenced at the site in December 2008 and is the subject of the licence review application (Register No. W0079-02). The licence review application was received from Greenstar on the 19/11/2009.

Proposed activities include outdoor processing and storage of scrap metals and indoor depollution of end-of-life vehicles (ELVs). It is proposed to accept 60,000tpa of metal waste, to

be sourced from construction sites, industries, householders and commercial enterprises and other waste recovery facilities. It should be noted that the facility is operated by Midland Scrap Metal Limited.

The Inspector's Report recommended refusal to grant a revised waste licence to Greenstar Ltd for the following reason:

*'The Agency is not satisfied that that the activities proposed will not cause or lead to environmental pollution (Section 40(4)(b) of the Waste Management Acts).'*

On the 15/02/11, the Inspector's Report and Recommended Decision (RD) (W0079-02) were discussed at a board meeting of the Environmental Protection Agency. A PD issued on the 02/03/11 which proposed to refuse to grant a revised licence to Greenstar Ltd for the reasons set out therein.

## **2. Consideration of the by Technical Committee**

This report considers one valid First Party Objection. The main issues raised in the objection are summarised under various headings below. However, the original objection should be referred to at all times for greater detail and expansion of particular points.

The Technical Committee (TC), comprising of Michael Owens (Chair) and Una O'Callaghan, has considered all of the issues raised in the objection and this report details the Committee's comments and recommendations following the examination of the objection.

### **2.1 First Party Objection**

<b>Objector's name and Address</b>	<b>Date Received</b>
Greenstar Limited	25 <sup>th</sup> March 2011

An objection was submitted by consultants O'Callaghan Moran on behalf of Greenstar Ltd. The objections address in turn the conclusions and recommendations of the Inspector as set out in the Inspector's Report. These are outlined under various headings below.

#### **1. The nature of the waste activities at the site.**

The objector provides an extract from the Inspectors Report whereby it is stated that:

*'The nature of the waste activities requested in the licence review application, including the storage and handling of waste metals in an uncovered yard, is considered likely to cause or lead to environmental pollution.'*

With regard to this, the Objector states that the PD does not provide a definition of environmental pollution and, as a consequence, proceeds to assume that it must therefore include a risk to surface water, soil and groundwater.

The Objector contends that the Agency's position regarding likelihood of environmental pollution due to uncovered storage and handling of waste metals is not consistent with the European Council Decision on ELVs, DOECLG guidance on operation of ELV facilities or the general approach taken by Local Authorities when themselves regulating ELV and metal waste recovery facilities. It is contended that none of the above prohibits the storage or handling of metal wastes in open yards subject to the provision of appropriate control measures. It is further contended that these provisions, as well as Local Authority practice, explicitly acknowledge that the storage and handling of metal waste in open areas can be done in a manner that is not likely to cause environmental pollution.

The objector states that the Greenstar facility complies with all technical requirements for an ELV facility and concludes that therefore the proposed activities will not lead to soil, water or groundwater pollution.

### **Technical Committee's Evaluation**

The Agency is not proposing to refuse to grant a revised licence due to the likelihood of impact on soil, water or groundwater.

Section 5(1)(b) of the Waste Management Acts 1996 to 2011 provides a definition of environmental pollution in relation to waste activities as follows:

*"environmental pollution" means, in relation to waste, the holding, transport, recovery or disposal of waste in a manner which would endanger human health or harm the environment, and in particular -*

- ( a ) create a risk to waters, the atmosphere, land, soil, plants or animals,*
- ( b ) create a nuisance through noise, odours or litter, or*
- ( c ) adversely affect the countryside or places of special interest;*

The definition includes the creation of nuisance through noise. Section 40(4)(b) of the Waste Management Acts 1996 to 2011 states that the Agency cannot grant a licence unless the *'activity concerned, carried on in accordance with such conditions as may be attached to the licence, will not cause environmental pollution'*. As outlined in the Proposed Decision, the Agency considers that the metals recovery activity as proposed in the application has the potential to impact on neighbouring premises with noise and dust emissions that would be at nuisance levels and is likely to cause environmental pollution. It is for this reason that the Agency is proposing to refuse to grant a revised waste licence.

It is accepted that the outdoor storage or handling of metal wastes in open yards is not generally prohibited at other sites and that processing of waste metals and ELVs *can* be carried out in an outdoor scenario without causing environmental pollution. However, as pointed out by the Objector, this is subject to the provision of appropriate control measures. It is the view of the Technical Committee that such control measures must be appropriate to the location and setting of the activity. The licensee stated in their licence review application that they cannot accept or process all metals indoors. In addition, the Inspector has confirmed that the licensee has not proposed noise mitigation measures that are considered adequate or effective for outdoor processing of metals for the type of setting in which the facility is located, i.e. in a built up area with nearby neighbours. It was therefore concluded in the Inspectors Report that the activities proposed in the application would result in *'significant noise emissions'*, which are considered *'likely to cause or lead to environmental pollution'*. This position is accepted by the Technical Committee. The applicant has provided no new proposals that would cause the Technical Committee to recommend reversal of the agency's proposed decision.

### **Recommendation:**

Recommendation: No Change
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## **2. Dust impact**

It is stated by the Objector that as the site is located in an industrial estate there are no *'nearby sensitive receptors'*.

The Objector contends that there are significant off-site sources of dust in the vicinity of the site. This contention is supported by dust monitoring results generated during a period of inactivity at the site in 2007, whereby the dust deposition limit value (as set in the existing licence) was exceeded at the rear site boundary (monitoring point D2), for 6 of the 7 months

in the period January to July 2009. The licensee attributes these exceedences to off-site sources.

The Objector also contends that an improvement in compliance with the dust deposition limit at monitoring point D2, which was achieved in the period August 2009 to October 2010, is attributable to the implementation of an augmented dust control programme at the site. It is acknowledged in the Inspectors Report that an improvement in compliance with the dust deposition limit from mid 2009 *'may have been due to the implementation of dust mitigation measures'*.

Overall, the Objector contends that the Agency's position that dust emissions from the site will be a source of nuisance is not a reasonable ground for refusal to grant a revised licence.

### **Technical Committee's Evaluation**

The Inspectors Report or PD does not refer to *'nearby sensitive receptors'*. The Inspectors Report does in fact refer to the *'nearest noise sensitive locations, boundary and neighbouring premises'*. The nature and proximity of the site's neighbours are outlined in the Inspectors Report. In 2010, there were sixteen complaints related to the site. The complaints related variously to odour, noise, dust or vibration. Therefore, it is accepted by the Technical Committee that the site has nearby neighbours upon whom there has been a nuisance impact. Further evidence of this impact is set out in the Inspectors Report. As outlined under point 1 above, the creation of nuisance falls within the definition of environmental pollution.

It is acknowledged by the Technical Committee that it is possible that there are additional sources of dust in the vicinity of the site due to the light industrial nature of the area, although the contribution of any off-site sources to the overall dust deposition burden in the vicinity of the site would be difficult to determine.

The Technical Committee considers the position of the Objector to be a curious one, whereby on the one hand the exceedences in the dust deposition limit value are attributed to off-site sources (and by inference that they can do nothing about it) while on the other the improvement in compliance with the limit value is attributable to the site's own augmented dust control programme, an outcome which suggests that the site itself is capable of generating dust at levels high enough to lead to exceedences of the deposition limit value.

It is acknowledged that no dust related complaints were received in 2009. However, between March and July 2010, the Agency received five dust-related complaints from Ricesteele Ltd. which neighbours the site at the rear (northern) boundary. The complaints referred to the impact of activities which were being carried out in *'an un-covered yard and dust clouds associated with a heap of scrap metal being piled up in the yard'*. It was confirmed in the Inspectors Report that the OEE has observed waste metal stockpiled at the northern boundary wall. These complaints were received despite the dust control programme that was in place at the time. So, although compliance may have improved in the period August 2009 to October 2010, a level of nuisance impact continued to be felt by the site's northern boundary neighbour.

The Technical Committee is satisfied that the operation of the metal recovery activities outdoors and in a built up area has the potential to impact on neighbouring premises with dust emissions that would be at nuisance levels.

### **Recommendation:**

Recommendation: No Change
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### **3. Noise Impact**

#### **(i) 45 dB night-time noise limit**

The Objector states the following:

*'The PD states that the ability to comply with the 45 dB night-time limit has not been demonstrated. However it is not proposed to operate during night time, which is defined in the Licence as 2200 to 0800 hours Therefore the 45 dB limit is not relevant and is not a reasonable ground for refusal.'*

#### **(ii) Noise sensitive locations – Tallaght Hospital and nearest private residences**

The Objector maintains that the noise monitoring conducted to date has clearly demonstrated that the site is not having an adverse noise impact on Tallaght Hospital or on the nearest private residences.

#### **(iii) Noise sensitive locations – FAS Training Centre**

The Objector states the following:

*'The Inspector notes that when the Greenstar facility was operating, noise levels at Station 3 were 11 dB higher than the background levels.'*

The Objector proposes that the noise level (as measured on the 12/05/10 and inclusive of the 5 dB penalty for tonal or impulsive components of the noise) should actually be *'only 7 dB'* above the 55 dB day-time limit. In addition, the Objector maintains that as the noise monitoring was carried out outside the building, the levels measured would not be representative of levels inside the building because of the noise reducing effect that would be expected of the building's noise insulation.

Furthermore, it is contended that as the FAS Training Centre is situated in an existing industrial area with high background noise levels, it infers that FAS have accepted that the training centre does not require the same level of protection against environmental noise as that afforded to a private house.

The objector points out that although the noise levels measured at the FAS Training Centre are comparable to those measured at other neighbouring premises, the users of the training centre have never complained about noise from the Greenstar facility.

#### **(iv) Site boundary**

It is acknowledged by the Objector that the 55 dB A day time noise limit cannot be achieved at the boundary of the Greenstar site and contends that this is common to many industrial activities. In this regard, reference is made to Sections 3.3 and 3.4 of the Agency's noise measurement guidance document<sup>1</sup> whereby it is argued that, given the inability to meet the 55 dB A day time noise limit at the boundary, different noise limits can be set for a particular noise sensitive location or for a particular noise source.

#### **(v) Neighbouring premises**

The objector disagrees with the Inspectors position that the 45/55 dB A noise limits should apply to the Ricesteele plant even though the plant does not fulfil the definition of a noise sensitive location. It is also argued that the Ricesteele plant itself generates noise and should not be considered or treated in terms of noise impact as a residential or high amenity land use noise receptor.

With reference to correlation data provided in the Agency's noise measurement guidance note, the Objector proffers that as the noise levels measured at the Ricesteele plant are less

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<sup>1</sup> Guidance Note for Noise in Relation to Scheduled Activities – 2<sup>nd</sup> Edition (EPA 2006)

than those occurring in a 'busy restaurant' (i.e. up 70 dB A) they therefore cannot be reasonably utilised to refuse to grant a revised licence. Furthermore, it is argued that the EPA, in linking the 45/55 dB A noise limits to 'nuisance', is attempting to apply these limits to 'any occupant of an industrial estate'.

### **Technical Committee's Evaluation**

#### **(i) 45 dB night-time noise limit**

The PD does not refer to noise limits. It is in fact the Inspectors Report that states the following:

*'The licensee has not demonstrated, based on noise monitoring results from 2009 to 2010, when undertaking the requested activities, the ability to comply with the standard noise limits of 55dB(A) (daytime) and 45dB(A) (night-time) at the nearest noise sensitive locations, boundary and neighbouring premises'.*

The 55 dB(A) (day time) and 45 dB(A) (night-time) noise limits are standard limits that are applied in the majority of EPA licences. It is accepted that the site will not operate during night-time hours. However, the reasons for proposed refusal to grant a revised waste licence do not relate solely to the night-time noise limits.

#### **Recommendation:**

Recommendation: No Change
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#### **(ii) Noise sensitive locations – Tallaght Hospital and nearest private residences**

At the request of the Agency, an additional noise monitoring survey was undertaken by the licensee on 12/05/10 at four agreed off-site locations. The off-site locations included Tallaght Hospital and the nearest private residences. With regard to the potential for noise impact on these noise sensitive locations, the following was concluded in the Inspectors Report:

- At Tallaght Hospital (NSL1) emissions from scrap metal manipulation were continuously audible at a low level, but were not significant.
- At Station 4 (nearest residential area) the difference between the background levels and the recorded noise levels when the facility was operating was marginal, with the facility said to be only faintly audible.

Therefore, it is accepted that the site does not appear to be having a significant noise impact on Tallaght Hospital or on the nearest private residences. The Inspectors Report concludes as much.

#### **Recommendation:**

Recommendation: No Change
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#### **(iii) Noise sensitive locations – FAS Training Centre**

Table 3 of the Inspectors Report displays the results of noise measurements carried out on the 12/05/10. This is replicated below for ease of reference. The measurement results in fact provide evidence of an 11 dB increase in the LA90 (i.e. background) noise levels at Station 2 (the FAS Training Centre) rather than Station 3 (the Ricesteele Plant). Therefore, it is assumed that the Objector is referring in its objection to the FAS Training Centre building in this particular case. It is very clear from the noise monitoring results of the 12/05/10 that the site is having a significant impact on background noise levels at the FAS Training Centre. This is demonstrated by (i) an 11 dB increase in background noise levels and (ii) a 5 dB increase in the measured LAeq at the training centre when the site is in operation compared to when closed. This is evidence of an actual, rather than a potential, noise impact.

**Table 3. Noise monitoring (daytime) at off-site locations 12<sup>th</sup> May 2010**

Monitoring Location	Description	Facility operation	L <sub>Aeq</sub> 30 min	L <sub>A90</sub> 30 min <sup>Note 1</sup>
NSL1	Tallaght Hospital (north eastern gate)	Open	56	52
		Closed	55	48
Station 2	Across road from facility entrance, 6m from façade of FAS training building and offices	Open	66	57
		Closed	61	46
Station 3	South east corner of Ricesteele Ltd. premises (adjoins north boundary of facility)	Open	66	61
		Closed	54	52
Station 4	In vacant lot between 2 dwellings at Colbert's Fort 275m east of facility)	Open	53	44
		Closed	50	40

Note 1: The noise level exceeded for 90% of the time interval, T. This level is generally taken to represent the 'background noise' level

Some noise sources and industrial activities are inherently likely to give rise to tonal and/or impulsive noise (e.g. reversing alarms, clattering, banging etc.). It is important to ensure that this tonal and/or impulsive noise does not cause disturbance or annoyance. Environmental noise measurement standards take account of the tonal or impulsive components of noise by applying a 5 dB penalty, which can be added to the measured equivalent continuous A-weighted sound pressure level (L<sub>Aeq</sub>), where the tonal or impulsive components are clearly audible. This concept of a penalty recognises the fact that a tonal or impulsive noise has the potential to be more annoying than a broad-band noise and the resulting (higher) L<sub>Aeq</sub> gives a better estimate of the potential community response to the measured noise.

The Objector has attempted to demonstrate, by way of a 'penalty' calculation that the increase in noise levels is 'only 7 dB' above the 55 dB noise limit. It is assumed that the intention here is to compare this putative 7 dB increase with the actual 11 dB increase discussed above. Aside from the fact that a 7 dB increase in noise levels above the 55 dB day time noise limit would be unacceptable in any case, it is apparent that the Objector has in fact incorrectly applied the 5 dB noise penalty to the measured noise levels. As per the EPA's noise monitoring guidance note, the penalty should in fact be applied to the L<sub>Aeq</sub> noise level and not to the L<sub>A90</sub> noise level as is proposed by the Objector.

The noise measurements carried out on the 12/05/10 clearly demonstrate the difference in noise levels at Station 2 between times when the Greenstar site is operating and not operating. It can be seen in Table 3 that the measured L<sub>Aeq</sub> at Station 2 during a period in which the Greenstar site was in operation was 66 dB A. Tonal and impulsive components were clearly audible from the Greenstar site. Therefore this represents a situation in which the 5 dB A penalty could reasonably be applied to the 66 dB A L<sub>Aeq</sub> value. If it were applied the final noise level would be 71 dBA, a noise level in excess of the day time noise limit by 16 dBA. This, in the view of the Technical Committee, represents an unacceptable impact on noise levels in the vicinity of a neighbour and could certainly be construed as constituting environmental pollution as defined by Section 5(1)(b) of the Waste Management Acts 1996 to 2011.

The Objector has suggested that the noise monitoring should have been carried out indoors at the FAS Training Centre, so that the noise reducing effect of noise insulation would be taken into account. The age of the FAS building is not known and it is not known whether any noise reducing insulation has been utilised in the training centre. In any case, the measurement and control of indoor noise levels is a health and safety matter. The provisions in relation to noise in an EPA licence are directed to primarily controlling 'environmental' noise or 'outdoor' noise. Environmental noise assessments are typically carried out externally and all relevant noise measurement standards are applied as such. The users of the training centre are entitled to work or study in a location that is free from noise nuisance both inside

and outside the building. It is not considered acceptable that the centre's outdoor environment should be subject to significant noise nuisance regardless of what the levels actually are inside the building.

Regardless of whether noise complaints are received in relation to the site, the Inspectors Report has demonstrated that the Greenstar facility is a significant contributor to noise levels at the FAS Training Centre and at the Ricesteele plant. The Report also stated that the licensee has not satisfactorily demonstrated that significant improvements in noise levels have been or could be achieved at the site. Therefore the Inspector concludes that the Greenstar site is causing, and is likely to continue causing, environmental pollution, the result of which is the proposed refusal a grant a revised licence. The applicant has provided no new proposals that would cause the Technical Committee to recommend reversal of the agency's proposed decision.

**Recommendation:**

Recommendation: No Change

**(iv) Site boundary**

It is accepted that, occasionally, a site may not be able to demonstrate a capacity to meet the day time noise limit at its boundary, hence; it becomes appropriate to apply the day time limit at the nearest noise sensitive location (or even to calculate a specific noise limit for a particular location or noise source as per the Agency's guidance note). It is in fact standard Agency practice to apply the 55 dB A day time noise limit at a noise sensitive location rather than at the boundary. However, it is very clear from the monitoring results submitted as part of the application that the Greenstar site has not demonstrated the capacity to meet the 55 dB A day time noise limit at the site boundary or at the nearest noise sensitive location (i.e. the Ricesteele plant). It is clear that activities at the Greenstar site are having a noise nuisance impact on its neighbours, a situation which is leading to complaints. Therefore, it is the view of the Technical Committee that setting noise limits for noise sensitive locations or for particular noise sources would be a fruitless exercise as it is clear that, as currently proposed, it is very likely that the limits could not be met and that the level of nuisance is very likely to continue.

It should be noted that Section 3.3 of the EPA guidance note (i.e. in relation to the setting of specific non-standard noise limits at a noise sensitive location in particular circumstances) is directed at setting more stringent noise limits at particular locations in order to protect quiet areas where background noise levels are very low. This is not a mechanism to allow noise levels to be maintained at nuisance levels.

It should be noted that Section 3.3 of the guidance note also states the following:

*'All reasonably practicable measures should be adopted at licensed facilities to minimise the noise impact of the activity'; and,*

*'... the noise from the licensed facility should not be so loud, so continuous, so repeated, of such duration or pitch and it should not occur at such times as to give reasonable grounds for annoyance.'*

The Inspectors Report has clearly demonstrated that the activity as proposed cannot meet either of the above criteria. Therefore, the Technical Committee does not recommend reversal of the agency's proposed decision.

**Recommendation:**

Recommendation: No Change



#### **(v) Neighbouring premises**

The 44/55 dB A noise limits are applied in EPA licences so as to prevent noise nuisance, primarily at noise sensitive locations. Even though the Ricesteele plant may not fully fit the technical definition of a noise sensitive location, it is the view of the Technical Committee that, as the plant is the nearest neighbour to the Greenstar site, and is the subject of a significant noise impact, the standard day time and night time noise limits should apply to the plant so as to prevent significant noise nuisance in the future.

While the Ricesteele plant itself may generate some level of noise, the noise monitoring carried out as part of the licence application has demonstrated that the plant is not a significant source of noise. The noise levels at the boundary of the Ricesteele plant are within the 55 dB A day time noise limit when the Greenstar site is not operating.

It is noted that according to the Agency's noise measurement guidance note a noise level of 70 dB A is typical of a busy restaurant. While an individual's response to noise is highly subjective, 70 dB A is quite an elevated noise level. It is the view of the Technical Committee that no one should be unwillingly subjected to high levels of noise throughout their working day even if the measured levels are less than those of a busy restaurant. As stated above, the 44/55 dB A noise limits are utilised so as to prevent noise nuisance at any location, including those within or next to an industrial estate. It has been clearly demonstrated that activities at the Greenstar site are (i) leading to the day-time noise limit being breached at the boundary of its nearest neighbour, (ii) creating noise nuisance, and (iii) leading to complaints. This constitutes environmental pollution and it is primarily for this reason that the Agency is proposing to refuse to grant a revised licence.

#### **Recommendation:**

Recommendation: No Change
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#### **4. Noise Mitigation Measures**

The Objector outlines the noise mitigation measures that have been proposed for the Greenstar site and contends that the measures are appropriate for such an activity located in an industrial estate.

It is the view of the objector that the Agency's position to apply a mandatory requirement for noisy activities to be carried out indoors is inconsistent with Agency 'guidance' which requires that noisy activities should 'where practicable' be undertaken indoors.

#### **Technical Committee's Evaluation**

As outlined in the Inspectors Report, a number of noise mitigation measures had been proposed and/or implemented at various times. However, according to the Inspectors Report no further information was provided at licence application stage on the implementation or success of these measures. Indeed, despite confirmation by Greenstar that noise mitigation measures had been implemented at the site, a follow-up noise survey in November 2010 demonstrated that noise levels at the site's northern boundary had not improved since the noise survey of May 2010. The Technical Committee would therefore have to conclude that the noise mitigation measures utilised by the site are not adequate.

The Agency's guidance note is for assistance purposes only. It is not a legal document and its contents are not obligatory. It contains many elements of guidance to be applied as appropriate on a case-by-case basis, one of which relates to the operation, where practicable, of noisy activities indoors. The contents of the guidance note should not be taken to read that, where it is not practicable, noisy operations may be carried out outdoors without any consideration of the impact of noise emissions from the activity. The view of the

Technical Committee is that as proposed the activity has caused, and is likely to cause, environmental pollution.

**Recommendation:**

Recommendation: No Change

**5. Licence Review**

The Objector contends that when the Agency determined that a review of the licence was required to authorise the proposed activities at the site, the Agency was already aware that the noise levels at the site constituted what would be considered by the Agency to be a nuisance. It is further contended that the Agency did not identify the impact of the noise levels as being of such concern so as to specifically require addressing in the licence review.

The Objector maintains that the assessments of noise impact were carried out on the basis that the site was located in a busy industrial estate and that the nearest noise sensitive location was Tallaght Hospital. As a result it is contended that the licensee was not aware that the Agency considered other locations also as noise sensitive (e.g. nearest neighbour, FAS Training Centre).

**Technical Committee's Evaluation**

The review was sought so as to authorise the metals recovery activity at the site. The Agency was indeed aware at licence review stage that noise levels were an issue at the site. Previous noise survey reports clearly demonstrated that noise levels at the facility boundary consistently exceeded the 55dB(A) daytime noise limit. In addition, one submission, which was received at the licence review stage, related to nuisance from, among other things, noise.

The standard licence requirement is that noise emissions should not give rise to levels exceeding 55dB(A) (daytime) and 45dB(A) (night-time) at either the boundary or at noise sensitive locations. Where a licence does not contain the noise limits a licence review would result in the insertion of the noise limits in the revised licence, where deemed necessary. It was clear in the current case that the Greenstar site would have significant difficulty in meeting the limits, if applied in the licence. The review process did offer the licensee the opportunity to address that matter (e.g. by way of effective mitigation measures or by carrying out the noisy activities indoors). However, it became clear during the licence review that the operator of the site is unable to demonstrate that the metals recovery can be carried out without causing noise nuisance (i.e. causing environmental pollution).

All matters related to site boundary, noise sensitive locations and neighbouring premises are discussed above. Whether or not the licensee considered Tallaght Hospital to be the only noise sensitive location in the vicinity of the site does alter the fact that activities at the site have caused, and are likely to cause, environmental pollution.

**Recommendation:**

Recommendation: No Change

**3. Overall Recommendation**

It is recommended that the Board of the Agency uphold its proposed decision to refuse to grant a revised waste licence to Greenstar Limited for the reasons outlined in the Proposed Decision and having regard to the views of the Technical Committee as set out herein.

In addition, it is advised that the disposal and recovery codes as set out in the Proposed Decision be amended to reflect the changes in the recent amendment of the Waste Management Act<sup>2</sup>. The amendments should be as follows:

**(i) Waste Disposal Activities**

Class 13 of the Third Schedule of the Waste Management Acts 1996 to 2010 should now be presented as class D15 of the Third Schedule of the Waste Management Acts 1996 to 2011 *'Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage (being preliminary storage according to the definition of 'collection' in section 5(1)), pending collection, on the site where the waste is produced).'*

**(ii) Waste Recovery Activities**

Class 3 of the Fourth Schedule of the Waste Management Acts 1996 to 2010 should read as R4 of the Fourth Schedule of the Waste Management Acts 1996 to 2011 *'Recycling or reclamation of metals and metal compounds.'*

Class 13 of the Fourth Schedule of the Waste Management Acts 1996 to 2010 should read as R13 of the Fourth Schedule of the Waste Management Acts 1996 to 2011 *'Storage of waste pending any of the operations numbered R 1 to R12 (excluding temporary storage (being preliminary storage according to the definition of 'collection' in section 5(1)), pending collection, on the site where the waste is produced).'*

Signed:



Michael Owens, Inspector  
for and on behalf of the Technical Committee

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<sup>2</sup> European Communities (Waste Directive) Regulations 2011 (SI 126 of 2011)