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Notification of Planning Application for Rehab Glassco Limited; Your Ref: su09.su0015, PA Ref 11/508

Dear Mr Kilmurray

I refer to your letter received 27th March 2013 requesting comments from the Agency on the Planning Application for the above referenced development.

A Waste Licence application was made by Rehab Glassco Limited, Unit 4 Osberstown Industrial Park, Caragh Rd, Naas. Co. Kildare (Register No: W0279-01) on the 27/07/2011. This licence application is currently under assessment. The application indicates that the facility currently accepts approximately 95,000 tpa of household and commercial waste and that they wish to increase this to 150,000 tpa in the period up to 2020. The details of the application may be viewed on the Agency's website www.epa.ie. An EIS has not yet been submitted with the application.

It is noted that the planning application was accompanied by an EIS. The EIS appears to address the key points in relation to the environmental aspects of the proposed activity which relate to the matters that come within the functions of the Agency. It also appears to address the direct and indirect effects of the development on the aspects of the environment listed in Article 3 of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

As part of its consideration of the licence application, all matters to do with emissions to the environment from the activities proposed, the licence application documentation and EIS (when submitted as part of the licence application) will be considered and assessed by the Agency. Any observations received from the relevant planning authorities will also be taken into account as part of the Agency's assessment and before making a decision in relation to the licence application.

Under Section 40(4) of the Waste Management Acts 1996-2010, as amended, the Agency shall not grant a waste licence unless it is satisfied that—

- (a) any emissions from the recovery or disposal activity in question ("the activity concerned") will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any other enactment,
- (b) the activity concerned, carried on in accordance with such conditions as may be attached to the licence, will not cause environmental pollution,
- (bb) if the activity concerned involves the landfill of waste, the activity, carried on in accordance with such conditions as may be attached to the licence, will comply with Council Directive 1999/31/EC on the landfill of waste,
- (c) the best available techniques will be used to prevent or eliminate or, where that is not practicable, to limit, abate or reduce an emission from the activity concerned,
- (cc) the activity concerned is consistent with the objectives of the relevant waste management plan or the hazardous waste management plan, as the case may be, and will not prejudice measures taken or to be taken by the relevant local authority or authorities for the purpose of the implementation of any such plan,
- (d) if the applicant is not a local authority, the corporation of a borough that is not a county borough, or the council of an urban district, subject to subsection (8), he or she is a fit and proper person to hold a waste licence,
- (e) the applicant has complied with any requirements under section 53.
- (f) energy will be used efficiently in the carrying on of the activity concerned,
- (g) any noise from the activity concerned will comply with, or will not result in the contravention of, any regulations under section 106 of the Act of 1992,
- (h) necessary measures will be taken to prevent accidents in the carrying on of the activity concerned and, where an accident occurs, to limit its consequences for the environment,
- (i) necessary measures will be taken upon the permanent cessation of the activity concerned (including such a cessation resulting from the abandonment of the activity) to avoid any risk of environmental pollution and return the site of the activity to a satisfactory state.

Where the Agency is of the opinion that the activities, as proposed, cannot be carried on, or cannot be effectively regulated under a Waste licence then the Agency cannot grant a Waste licence for such a facility. Should the Agency decide to grant a licence in respect of the activity, as proposed, it will incorporate conditions that will ensure that appropriate National and EU standards are applied, and that Best Available Techniques (BAT) will be used in the carrying on of the activities.

You are advised to refer to the following as part of your assessment of the EIS:

- BAT Guidance Note - Waste Sector (Transfer & Materials Recovery) - Dec 2011
- BREF for the Waste Treatments Industries (08.06)
- National legislation regarding emissions.

Yours sincerely,

Pamela McDonnell

Pamela McDonnell
Office of Climate, Licensing & Resource Use