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01 November 2013

W0277-01

Notice in accordance with Article 14(2)(b)(ii) of the Waste Management (Licensing) Regulations

Dear Mr Luby,

I am to refer to the above referenced application for a waste licence relating to the Huntstown Inert Waste Recovery Facility at Huntstown Quarry, Finglas, Dublin 11. Having examined the documentation submitted, I am to advise that the Agency is of the view that the documentation does not comply with Article 12 of the Waste Management (Licensing) Regulations.

You are therefore requested, in accordance with Article 14(2)(b)(ii) of the regulations, to take the steps and supply the information detailed below:

ARTICLE 12 COMPLIANCE REQUIREMENTS

1. Emissions to Groundwater

It is apparent that the septic tank to be utilised by staff at the facility is outside the licence application boundary. You are requested to submit a new waste licence application boundary map for the proposed waste facility to include the septic within its boundary.

2. C & D Waste Recycling Facility

It is noted that there is an existing C&D waste recycling facility, which operates under a facility permit, in close proximity to the proposed inert waste recycling facility. Should a waste licence issue for the proposed inert waste recycling facility, and assuming that both facilities will be operated by the same legal entity, the continued operation of the C&D waste recycling facility will be in contravention of Article 6(a) of Part 1 of the Third Schedule of the Waste Management (Facility Permit & Registration) Regulations 2007, as amended. You are requested to submit a proposal as to how this matter may be resolved.

3. Compliance with BAT

Provide a clear description as to how the proposed facility will comply with the relevant requirements of BAT. BAT for this activity is taken to be represented by the guidance

given in the Agency's *Draft BAT Guidance Note for the Waste Sector: Landfill Activities (April 2003)*, insofar as it relates to the waste recovery activities at this facility.

You should identify the key BAT which is to be applied to manage the relevant environmental aspect/emissions associated with operations at the facility.

4. Compliance with Directives

Provide a clear description as to how the proposed facility will comply with the requirements of the following legislation (where applicable): Waste Framework Directive, Water Framework Directive, European Communities Environmental Objectives (Surface Water) Regulations (2009), European Communities Environmental Objectives (Groundwater) Regulations (2010), IPPC Directive and the Environmental Liabilities Directive.

5. Liability, Closure and Financial Provision

In accordance with section 53(1) of the Waste Management Acts 1996 to 2013, please furnish particulars in respect of the ability of Roadstone Wood Ltd to meet the financial commitments of liabilities that will be entered into or incurred in carrying on the proposed activity and provide evidence that Roadstone Wood Ltd will be in position to make financial provision that is adequate to discharge these financial commitments. Specifically:

- (a) Prepare a fully detailed and costed Closure, Restoration and Aftercare Management Plan (CRAMP) for the facility, to include as a minimum the following:
 - A scope statement for the plan.
 - The criteria which define the successful closure and restoration of the facility or part thereof, and which ensure minimum impact to the environment.
 - A programme to achieve the stated criteria.
 - Where relevant, a test programme to demonstrate the successful implementation of the plan.
 - Details of the long-term supervision, monitoring, control, maintenance and reporting requirements for the restored facility.
 - Details of the costings for the plan and the financial provisions to underwrite those costs.
- (b) Prepare a fully detailed and costed Environmental Liabilities Risk Assessment (ELRA) which addresses the liabilities and potential liabilities from past and proposed activities, including those liabilities and costs identified in the CRAMP. Provide evidence that the assessment was prepared or reviewed, and was found to be complete and accurate, by an independent and appropriately qualified consultant or expert.
- (c) Provide a proposal for financial provision to cover any liabilities associated with the operation and identified in the ELRA (including closure, restoration and aftercare and unanticipated accidents, incidents and liabilities). Provide evidence that Roadstone Wood Ltd will be in a position to put such financial provision in

place in the event that a waste licence is granted and prior to development works commencing.

The preparation of the CRAMP and ELRA and evaluation of the amount and form of financial provision should have regard to Environmental Protection Agency guidance including *Guidance on Environmental Liability Risk Assessment, Residuals Management Plans and Financial Provision (2006)*.

6. Appropriate Assessment

You are requested to undertake a screening for Appropriate Assessment and state whether the activity, individually or in combination with other plans or projects is likely to have a significant effect on a European site(s), in view of best scientific knowledge and of the conservation objectives of the site.

Where it cannot be excluded, on the basis of objective scientific information, following screening for Appropriate Assessment, that an activity, either individually or in combination with other plans or projects, will have a significant effect on a European Site, you should provide a Natura Impact Statement, as defined in Regulation 2(1) of the European Communities (Birds and Natural Habitats) Regulations (S.I. No. 477 of 2011). Where based on the screening it is considered that an Appropriate Assessment is not required, a reasoned response should be provided.

You are furthermore advised to refer to the document 'Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities', issued in 2009 by the Department of the Environment, Heritage and Local Government, and revised in 2010. This document is available at:

http://www.npws.ie/publications/archive/NPWS_2009_AA_Guidance.pdf.

7. Planning

Please provide a copy of the following:

- The EIS submitted with the planning application (covering both quarrying extension and restoration).
- A single map clearly showing (i) the area included in the planning application and (ii) the waste licence application boundary.
- The Planning Permission granted by Fingal County Council.
- The report of the planning Inspector (Fingal County Council).

Your reply to this notice should include a revised non-technical summary (Application Form and EIS) which reflects the information you supply in compliance with the notice, insofar as that information impinges on the non-technical summary.

In the case where any drawings already submitted are subject to revision consequent on this request, a revised drawing should be prepared in each case. It is not sufficient to annotate the original drawing with a textual correction. Where such revised drawings are submitted, provide a list of drawing titles, drawing numbers and revision status, which correlates the revised drawings with the superseded versions.

Please supply the information in the form of a one (1) original plus one (1) copy in hardcopy format within 8 weeks of the date of this notice. In addition submit sixteen (16) copies of the requested information to the Agency in electronic searchable PDF format on CD-ROM. Please note that all maps/drawings should not exceed A3 in size.

Please note that the application's register number is **W0277-01**. Please direct all correspondence in relation to this matter to Administration, *Environmental Licensing Programme, Office of Climate, Licensing & Resource Use, Environmental Protection Agency, Headquarters, PO Box 3000, Johnstown Castle Estate, County Wexford* quoting the register number.

Yours sincerely,



Michael Owens
Inspector
Office of Climate, Licensing & Resource Use