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This memo was approved to go to the Director by Frank Clinton, Programme Manager.

Signed *Gráinne Dgleesby* Date: 03.07.2014

**LICENSING & RESOURCE USE**

**INSPECTORS REPORT ON A LICENCE APPLICATION**

TO:	DIRECTOR
FROM:	Patrick Geoghegan
DATE:	3 July 2014
RE:	Application for a review of a waste Licence from Lennon Quarries Ltd, Tallagh, Belmullet, County Mayo Licence Application Register <b>W0256-02</b>

***Application Details***

Type of facility:	Soil Recovery Facility
Quantity of waste proposed per annum:	90,000 tonnes per annum (soil and stone) (from 24,900 tonnes per annum)
Class(es) of Activity (P = principal activity):	4 <sup>th</sup> Schedule: R5 (P) Recycling/reclamation of other inorganic materials, which includes soil cleaning resulting in recovery of the soil and recycling of inorganic construction materials. And R13
Category of Activity under IPPC Directive (2008/1/EC):	Not in Annex 1
Classes of Waste:	Soil and stones (EWC code 17 05 04)
Location of facility:	Tallagh, Belmullet, County Mayo
Licence review application received:	23/08/2012
Third Party submissions:	2 x HSE submissions
EIS Required:	Yes (under WM Act 1996 as amended, and EIA Regulations SI 505 of 2013)
Article 14 Notices sent:	10/06/2013 and 07/05/2014
Article 14 compliance date:	12/05/2014
Notice issued under Section 42(1)(i)(b) of the WMAct 1996 as amended, requesting EIS sent:	28/02/2014
EIS received:	01/04/2014
Article 16 Notices sent:	None

Article 16 Compliance date:	N/A
Site Inspection:	12/12/2012
CRO No.:	263357

### **Company/Facility**

Lennon Quarries Ltd is an existing facility for the recovery of soil and stones (EWC 17 05 04) by deposition on land at Tallagh, Belmullet, Co. Mayo and operates under Waste Licence W0256-01 issued by the EPA in May 2011. It is licensed for a final topographic level of 1m land raise and with an acceptance of 24,900 tonnes per annum of soil and stone and its recovery, by spreading material over the deposition site area.

The existing licensed site has a total area of 27.2 hectares which includes the site access road, the area of deposition (20.5 hectares) and a buffer zone (4.5 hectares) in the northern section of the site which separates the area of deposition from the Clooneen river.

The site is located approximately 2.5km from Belmullet and is within a landscape setting consisting of a sparsely populated rural area with surrounding land uses comprising sheep farming, peat extraction and old farmsteads.

The activities carried out under the existing waste licence are exempt from planning permission. Mayo Co Co have confirmed in a letter dated 18/11/2009 that; *"the deposition of natural soil and stones for the purposes of reclamation for agricultural purposes does not constitute a material change in use of the land and such deposition would be regarded as exempt development under Class 11 of the 2001 Planning and Development Regulations."*

The proposed hours of operation are 8am to 6pm Monday to Friday and 8:00am to 2:00pm on Saturday. The proposed hours of waste acceptance are 8:00am to 5:30pm Monday to Friday and 8:00am to 1:30pm on Saturday.

### **Reason for Licence Review**

The application for the waste licence review is for continued operation of waste recovery activities for the purpose of land reclamation and to facilitate the acceptance of up to 90,000 tonnes per annum (from 24,900 tonnes per annum) of soil and stone, with no change proposed to the licensed final topographic level of 1m land raise. This is to accommodate the acceptance of available suitable material from a nearby large infrastructural project which is to provide a monitored source of incoming soil and stone.

The review application does not propose any change to the content, nature, composition or volume of materials intended for recovery by deposition at the site or to the overall tonnage of 265,000 tonnes over the life of the site, which the existing licence facilitates. The application proposes that the activity will lessen the time span to complete and fully restore the land to agricultural use.

### **Operational Description**

The proposed waste activity involves the acceptance and deposition of 24,900 tonnes per annum of waste soil and stones (EWC code 17 05 04 *Soils and stones other than those mentioned in 17 05 03*). The soils will originate from construction sites where the natural overburden is being excavated and removed.

The applicant has outlined their proposed waste acceptance procedures and the RD provides for the same waste acceptance procedures and criteria as the existing licence.

In addition to monitoring the incoming waste, *Schedule C4 Waste Monitoring* of the RD requires the continuation of the existing licenced requirement to undertake monitoring of the deposited wastes at a maximum of five times per year.

The development sequence is to fill the site progressively from east to west in three phases. Phase 1 is almost completed at this stage, under the existing licence. The existing waste licence prohibits the filling or reclamation of land within 15m of any drain and/or stream. Condition 3.13 of the the RD proposes a continuation of this measure.

Due to the scale of operations, a weighbridge is not proposed for the facility. However, the operator has in place an alternative method for recording waste quantities. With the proposed increase in annual intake to 90,000 tonnes, this equates to 4,500 loads per year or 86 loads per week. All waste arriving at the site will be delivered in haulage trucks owned and operated by Lennon Quarries Ltd. The operator will have a record of the capacity of each truck, which will enable the keeping of records of sufficient accuracy regarding the quantities of waste being accepted at the facility on a daily basis. Condition 6.6 of the RD requires the weight of one in every 25 loads to be verified at an off-site weighbridge (e.g. at the applicant's quarry), and the weighbridge records to be maintained at the facility.

Wheel cleaning is not proposed as vehicles delivering waste will enter the site on the existing hardcore access road, turn and deposit their load along the perimeter of the hardcore area. The excavator will then shift the material and spread it over the site. It is not expected that the wheels of the trucks will come into contact with any waste soils, etc. Condition 6.9.2 of the RD allows vehicles delivering and dispatching waste to enter onto the site only as far as the hardcore area, to ensure no mud or waste is carried off-site.

## **Emissions**

### **Air:**

The following activities have the potential to generate fugitive dust emissions at the facility.

- Unloading of waste by haulage trucks;
- Storage of stockpiles of waste, prior to spreading over the deposition area; and
- Traffic movements on hardcore areas and access road.

Mitigation is provided as part of the company's environmental management programme, e.g. reduction in the volume of waste stockpiles; traffic movement rate restrictions (speed) on hardcore areas.

The results of dust deposition surveys using Bergerhoff gauges, submitted under the existing licence as part of the Annual Environmental Report (AER) for years 2011 and 2012 are well within compliance with the dust deposition limits in the existing licence.

The RD requires dust monitoring to be carried out biannually and sets a dust deposition limit of 350 mg/m<sup>2</sup>/day. I am satisfied that with good site management, that the limit value can be met, in tandem with increased waste acceptance.

#### **Emissions to Sewer:**

No process or sanitary effluent is generated at the site.

#### **Storm Water Runoff/Emissions to Surface Waters**

The site is drained by a number of open surface water drains around the perimeter of the site and traversing the deposition area. Five settlement ponds, constructed under the existing waste licence, are situated on the open drains and allow removal of suspended solids prior to discharge to the Cloneen River. The settlement ponds have been designed in accordance with *Ciria B14 Design of Flood Storage Reservoirs*. The RD requires weekly inspection of these settlement ponds and desludging as necessary.

The Biological Quality Rating of the Cloneen River is recorded by EPA as Q3 (moderately polluted), 900m upstream and immediately downstream of the site and continues to be impacted by, what is reported by the applicant as, peat harvesting and drainage activities in the catchment. Under the Water Framework Directive the Cloneen (Aghadoon) river is classified as poor status and risk category 1a (at risk of not achieving good status in 2015). The risk is attributed to diffuse sources.

The RD (Schedule C.2.2) retains the monitoring frequency requirements of the existing licence for the discharge of surface water from each settlement pond. No fuels, oils or chemicals are stored at the facility.

#### **Emissions to Ground/Groundwater:**

There are no existing or proposed emissions to ground from the facility. The soils underlying the site are low permeability peats.

GSI data indicates that the site is underlain by precambian quartzites, gneisses and schists. The bedrock has an aquifer classification of P1 (poor aquifer). Groundwater vulnerability rating in the area is low to high. There are no source protection areas at or near the site. The applicant states there are no groundwater supply wells identified in the vicinity of the site.

Given that the waste types comprise natural earth-forming materials which are non-leachate forming, the activity presents a low risk to the soil and water environment. The RD requires robust waste acceptance and inspection procedures to ensure that only uncontaminated natural soil and stones are used in the waste deposition works.

#### **Wastes Generated:**

No waste will be generated at the facility, with the exception of any C&D waste unintentionally imported to the site, e.g. metal, timber, plastic. These wastes will be segregated, stored in the waste quarantine skip and removed off-site for recovery/disposal to authorised waste facilities.

## **Noise:**

Noise levels at the site boundary and two noise sensitive locations (residences) were assessed in 2009. The baseline noise levels recorded when the facility was not operating ranged between 39 - 55.4 dB(A) LAeq, 30 mins. The noise levels recorded when the facility was operating ranged between 37 - 56.9 dU(A) LAeq, 30 mins. Therefore noise from the facility is not considered significant. The nearest noise sensitive locations (NSLs) are located 350m south-west and 650m north-east of the site.

The nature of the waste activity is such that there will be no long-term noise impacts. During facility operations, the only sources of additional noise will be the excavator and haulage trucks entering and departing from the site. While there is an increase proposed in the annual tonnage of waste for acceptance and deposition at the site (90,000 tonnes per year), this equates to 1.75 HGV movements per hour (average). This marginal increase in HGV movement, over the licensed annual tonnage of 26,000 tonnes per year (which equates to 0.65 HGV movement per hour (average)), is not expected to have an adverse impact on noise levels at NSL's.

The RD sets noise limits of 55/45/40 dB(A) daytime/evening/night-time, measured at the noise sensitive locations. Condition 6.5 requires a noise survey to be undertaken in accordance with the Agency Guidance Note NG4, within six months of the date of grant of the licence.

## **Nuisance:**

Dust is the main emission of potential nuisance at the site. There have been no dust issues noted at the site either through monitoring or complaints. The dust control measures prescribed in the existing waste licence and the RD are considered adequate to control any additional dust emissions which may arise from increased loads coming into the site.

## **Use of Resources**

There will be very limited use of resources at this facility; fuel for the machine and water and electricity for the site accommodation.

## **Restoration and Aftercare**

The existing licence requires a fully detailed and costed plan for the decommissioning of the site or part thereof. This was received by OEE under the existing licence on 07/08/2012. The licence also requires that the plan be reviewed annually and sets out the minimum requirements for what the CRAMP should include. No changes are proposed to this in the RD.

## **Cultural Heritage, Habitats & Protected Species**

A screening for Appropriate Assessment was undertaken to assess, in view of best scientific knowledge and the conservation objectives of the site, if the activity, individually or in combination with other plans or projects is likely to have a significant effect on a European Site(s).

In this context, particular attention was paid to the European sites at Broadhaven Bay SAC (000472), Mullet/Blacksod Bay complex SAC (000470), Blacksod Bay/Broadhaven SPA (004037), Erris Head SPA (001501), Termoncarragh Lake and Annagh Machair SPA (004093), Mullet Peninsula SPA (004227), Inishglora &

Inishkeeragh SPA (004084) and the Agency considered, for the reasons set out below, that the activity is not directly connected with or necessary to the management of those sites as European Sites and that it can be excluded on the basis of objective scientific information, that the activity, individually or in combination with other plans or projects, will have a significant effect on a European site, and accordingly the Agency determined that an Appropriate Assessment of the activity is not required.

It has been determined that this facility does not have the potential for significant effects on any European site due the nature and scale of operations at the facility.

### **Regional Waste Management Plan**

While an evaluation of all Regional Waste Management Plans has commenced, the current Connaught Waste Management Plan 2006 – 2011 sets out a number of key policies, one of which is to maximize the reuse and recycling of C&D waste.

The applicant has provided evidence from an agricultural advisor that the proposed activity will have key beneficial impacts on agriculture;- the lands will be reclaimed to more productive agricultural lands which will result in greater grass yields and higher potential stocking rate of livestock.

### **Compliance with Directives/Regulations**

The Landfill Directive and IPPC Directives do not apply to this facility. The licence conditions have been specified in accordance with the principles of BAT.

### **Cross Office Liaison**

Consultations have taken place between the Office of Environmental Enforcement (Helen Boyce, Inspector) and Environmental Licensing Unit (Brian Meaney).

### **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.

### **Environmental Impact Assessment (EIA)**

This activity is considered exempted development under the Planning & Development Regulations 2001 and therefore an EIS was not required by the Planning Authority.

An EIA, as respects the matters that come within the functions of the Agency, has been carried out in accordance with Section 40(2A) of the Waste Management Act as amended. An EIS was submitted by the applicant under Section 42 (1)(b) of the Waste Management Act as amended.

A notice requesting the planning authority to submit observations in relation to the EIS was issued by the Agency on 10th April 2014. A response was received from the planning authority on 13 May 2014 indicated it had no observations.

The submitted EIS and the assessment preceding this part of the Inspector's Report address the likely significant direct and indirect effects arising from the activity, as respects the matters that come within the functions of the Agency.

### **Likely significant effects**

The following section identifies, describes and assesses the main likely significant direct and indirect effects of the proposed activity on the environment, as respects the matters that come within the functions of the Agency, for each of the following factors: human beings, flora, fauna, soil, water, air, climate, the landscape, material assets and cultural heritage. The main mitigation measures proposed to address the range of predicted significant impacts arising from the activity have also been outlined in the table below.

#### **1. Human Beings**

<b>Likely significant effect</b>	<b>Description or effect</b>	<b>Mitigation measures proposed by applicant in EIS or waste licence application and/or as outlined in this report</b>
Traffic	Traffic and its associated emissions, risks and disamenity effects	No significance increase in traffic volumes is predicted. Restricted operational days per week. Maintenance of adequate signage and visibility at site entrance. Restriction of vehicles to hardcore areas.
Air quality and dust	No significant impact predicted	RD sets limit values for ambient dust deposition.
Noise	Disamenity from noise nuisance	Noise limit values. RD requires noise survey.

#### **2. Flora and Fauna**

<b>Likely significant effect</b>	<b>Description or effect</b>	<b>Mitigation measures proposed by applicant in EIS or waste licence application and/or as outlined in this report</b>
On-site activities	Loss of habitat, disturbance of wildlife and development of artificial habitat in its place	Minor ecological significance of existing cut-away bog. Low intensity activity. Natural colonisation of the site will enhance local biodiversity of habitats and species. RD requires annual bird survey.

### 3. Soil & Geology

Likely significant effect	Description or effect	Mitigation measures proposed by applicant in EIS or waste licence application and/or as outlined in this report
Pollution of groundwater	No significant impact predicted	Inert waste accepted on site and RD requires waste acceptance procedures. No sewage system associated with the site. Fuel or chemicals are not stored on-site. No discharge to ground or groundwater.

### 4. Water

Likely significant effect	Description or effect	Mitigation measures proposed by applicant in EIS or waste licence application and/or as outlined in this report
Reduction in surface water quality	Emission to Clooneen River via surface water drains	Settlement ponds constructed on drainage channels to reduce suspended solids. RD requires regular monitoring of surface water and inspection of ponds.

### 5. Air

Likely significant effect	Description or effect	Mitigation measures proposed by applicant in EIS or waste licence application and/or as outlined in this report
Reduction in air quality	Dust emissions from unloading of soil and stones and from movement /spreading of inert material. Dust emissions from stockpiled material. Exhaust emissions from HGV's (not considered significant, due to limited scale of operations)	Schedule C of the RD requires ambient dust monitoring and Condition 6.10 requires dust control measures.

### 6. Climate

Likely significant effect	Description or effect	Mitigation measures proposed by applicant in EIS or waste licence application and/or as outlined in this report
No significant effects predicted	-	-



## 7. Landscape, Material Assets and Cultural Heritage

Likely significant effect	Description or effect	Mitigation measures proposed by applicant in EIS or waste licence application and/or as outlined in this report
Disproportionate effect on the character of the landscape.	Lands are marginal agricultural and activity will have a positive impact for agriculture purposes.	Topographical levels will remain in accordance with existing waste licence (one metre land raise)
No significant effects predicted for material assets or cultural heritage.	-	-

### Assessment of Parts 1-7 of Table 1 and the interaction of effects and factors

The detailed assessment set out in the remainder of the Inspector's Report fully considers the range of likely significant effects of the activity on human beings, flora, fauna, soil, water, air, climate, landscape, material assets and cultural heritage, as identified in parts 1-7 above, with due regard given to the mitigation measures proposed to be applied.

The potential for significant interactions is considered in section 3.10 of the EIS. I have considered the interaction between the factors referred to in parts 1-7 above and the interaction of the likely effects identified (as well as cumulative impacts with other developments in the vicinity of the activity). The development being proposed relate to an increase in the annual tonnage of soil & stones for recovery with no change to the composition or overall tonnage of 265,000 tonnes over the life of the site, which the existing licence facilitates.

The potential for significant impact due to the interaction between effects was assessed in the EIS. I am satisfied that the proposed mitigation measures are adequate. I do not consider that the interactions identified are likely to cause or exacerbate any potentially significant environmental effects of the activity if the activity is operated in accordance with the conditions of the RD.

### Overall Conclusion on Environmental Impact Assessment

All matters to do with emissions to the environment from the proposed activity, the licence review documentation and EIS have been considered and assessed by the Agency.

I consider that having examined the relevant documents and with the addition of this Inspector's Report that the likely significant direct and indirect effects of the activity have been identified, described and assessed in an appropriate manner as required in Article 3 and in accordance with Articles 4 to 11 of the EIA Directive as respects the matters that come within the functions of the Agency.

I consider that the mitigation measures as proposed and the licence conditions included in the RD will adequately control any likely significant environmental effects from the activity.

### **Compliance Record**

Compliance at the facility is generally good. One non-compliance was issued in 2012 and corrective action was taken immediately by the licensee. There have been no incidents or complaints.

### **Fit & Proper Person Assessment**

The legal, technical and financial standing of the applicant qualifies them to be considered fit and proper persons.

### **Proposed Decision**

I am satisfied that the conditions as 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.

### **Submissions**

There were two submissions made in relation to this application.

#### Submission from the Health Service Executive, Ballina, Co. Mayo (18/09/2012)

The HSE noted that they had no history of complaints in relation to the facility. It was also noted that the proposed actions and mitigation measures were taken as read and that monitoring results were taken as accurate. There were no further comments.

#### Submission from the Health Service Executive, Ballina, Co. Mayo (12/06/2014)

The HSE recommended that the water use for drinking purposes be potable and in compliance with EC (Drinking Water) Regulations 2014.

Response:

There are no existing or proposed services on site (i.e. water, telephone, electricity or sewer).

### **Charges**

A charge of €5,421 is proposed in the RD, based on the enforcement effort proposed for the facility.

### **Recommendation**

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



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Patrick Geoghegan  
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 Act 1996 as amended.