



OFFICE

This memo has been cleared for submission to the Director by Snr Inspector, Brian Meaney

Signed: Sybil Smith Date: 03/11/2014

ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

TO: DARA LYNOTT, DIRECTOR

C.C: Frank Clinton, Programme Manager

FROM: Patrick Geoghegan

DATE: 3 November 2014

RE: Recommendation to consider a waste licence application to have been withdrawn:
Application Register Number W0259-01, **Limerick Race Company PLC, Greenmount Park, Patrickswell, Co. Limerick**

The EPA received a waste licence application from Limerick Race Company on 13th February 2009. The principal class of activity of the **proposed** facility is Class R5 of the 4th Schedule of the Waste Management Acts 1996-2013 – *Recycling or reclamation of other inorganic materials which includes soil cleaning resulting in recovery of the soil and recycling of inorganic construction materials.*

The proposed works involve the acceptance of 343,300 tonnes of inert material (Construction & Demolition waste and subsoil onto a former Race Course site at Greenpark, Dock Road, Limerick, to raise the level of land for further development. In-filling of the site was to be completed in phases.

The Agency issued separate Article 14(2)(b)(ii) notices on 29/08/2011 and on 28/02/2014. No response was received from the applicant to either request. In addition, the waste licence application form itself is unsigned.

The facility was permitted under Waste Management (Permit) Regulations 1998 by Limerick City & County Council in July 2008, for 1 year, for phase 1 (less than 100,000 tonnes). The local authority confirms they advised the applicant that a waste licence would be required for the remaining fill for phases 2-4.

From discussions with the local authority, it appears that only a 'small level' of inert waste importation was carried out under the permit period and the economic downturn resulted in fill material not being available.

The local authority further advised that Limerick Race Company submitted a planning application on 18th April 2013 to extend the duration of the previous planning permission granted to raise the land levels at the Dock Road site. The Planning permission was refused on the basis that it would be contrary to the proper planning and sustainable development of the area having regard to the provisions of the Flood Risk Management

Guidelines for Local Authorities, prepared under Section 28 of the planning & Development Act 2000-2012 as amended. In addition no further Waste Facility Permit application was received by the Council.

For the reasons set out above, and principally for the reason that it will not be possible for the Agency to consider granting a licence for an activity that has been refused planning permission, I am of the opinion that the application should, in accordance with article 21 of the Waste Management (Licensing) Regulations 2004, be regarded by the Agency as having been withdrawn.

Recommendation

I recommend that in accordance with article 21 of the Waste Management (Licensing) Regulations 2004, as amended, the Agency forms the opinion that the application has been withdrawn.

In the event that the application is considered by the Agency to have been abandoned, I recommend that a Notice under Article 21(2) of the aforementioned regulations be served on the waste licence applicant Limerick Race Company PLC, Greenmount Park, Patrickswell, Co. Limerick specifying a period of 21 days within which they may make a submission in writing as to why the application should not be regarded as having been withdrawn.

Signed:



Patrick Geoghegan
Environmental Licensing Programme