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This Report has been cleared for submission to the Board by the Senior Inspector, Brian Meaney
Signed: *Brian Meaney* Date: 21/05/2015

REPORT OF THE TECHNICAL COMMITTEE ON OBJECTIONS TO LICENCE CONDITIONS

TO: Directors

FROM: Technical Committee - Environmental Licensing Programme

DATE: 21st May 2015

RE: Objections to a Proposed Decision issued to Roadstone Limited for a facility at Milverton, Skerries, Co. Dublin, Licence Register W0272-01.

Application Details

Type of facility:	Waste soil and stone recovery facility.
Classes of Activity under Waste Management Act 1996, as amended (P = principal activity):	4 th Schedule: R5(P), R3 and R13.
Licence application received:	17 th September 2009.
Proposed Decision issued:	15 th January 2015.
First party objection received:	None received.
Third party objections received:	Five valid objections received.
First Party Submission on Objections received:	One received.
Third Party Submission on Objections received:	One received.

1. Company and background to this report

The site is owned by Roadstone Limited (formerly Roadstone Wood Ltd.) and comprises of an exhausted limestone quarry and surrounding land covering an area of approximately 7.9 hectares. The site is located in a rural area in the townland of Milverton, Co. Dublin. Besides rock extraction, a concrete production activity used to take place within the facility. Both activities ceased at the site in 2008. Roadstone Limited applied for a waste licence for restoration of the quarry by backfilling it with inert soil and stone to its original ground level. The activity is classified as recovery of waste, through deposition on land. It is envisaged that the operational life of the facility will be in the region of 10 years, based on an average waste material importation rate of 250,000 tonnes per annum. Prior to the commencement of the backfilling works it is proposed to discharge water that has accumulated in the quarry to a tributary of the Mill Stream.

This report considers five valid third party objections, one first party submission on the objections and one third party submission on the objections received by the Agency in relation to the Proposed Decision (PD) that was issued to Roadstone Limited on 15 January 2015.

There was also one invalid objection received which is not considered in this report. This objection was considered invalid due to an unpaid fee for objection.

2. Consideration of the Objections and Submissions on Objections

Objector's Name	Date Received
Ms. Lisa Farrell	9 th February 2015
Mr. Frank Burke on behalf of Mr. Liam Derham	10 th February 2015
Mr. JP Browne	11 th February 2015
Mr. Geoff McEvoy on behalf of Skerries Community Association	11 th February 2015
Mr. Tony Lowes on behalf of Friends of the Irish Environment	11 th February 2015
Submission on Objections by the Applicant	12 th March 2015
Submission on Objections by Ms. Lisa Farrell	13 th March 2015

The Technical Committee (TC), comprising of Ewa Babiarczyk (Chair) and Magnus Amajirionwu, has considered all of the issues raised in the objections and submissions on objections, and this report details the Committee's comments.

The objections are broad in scope and far-reaching. There is no attempt in this report to describe their contents in any detail. Rather a brief introduction is made to each of the issues raised and attributed to a particular objector where appropriate. The text of the objections and submissions on objections should be read for a full context of their subject matter. The subject matters raised in the objections are grouped under the headings below for ease of discussion. The original objections and submissions on objections should be referred to at all times for greater detail and clarity of particular points.

The Technical Committee noted that a request for an oral hearing was contained in the objection from Friends of the Irish Environment. This request was considered invalid due to the fact that no fee was paid for requesting the oral hearing.

3. Third Party Submission on Objections - Petition

A submission on objections was submitted by Ms. Farrell and comprises a petition with names of people who feel strongly about the quarry and do not want this quarry to be destroyed by the proposed activity.

4. Objections and First Party Submission on Objections

Objection 4.1 Flora & fauna and geology

Ms. Farrell claims that some protected flora species might not have been identified during a field survey of flora and fauna submitted as part of the application due to the fact that these species flower after the time the survey was conducted. As examples of such species, Ms. Farrell lists Narrow-leaved bittercress, Narrow-leaved Helleborine and Green-veined orchid and adds that this site could develop into a biodiversity hotspot for Skerries.

Ms. Farrell states that there are protected animal species within the site, and not only Peregrine Falcon as identified by the applicant. As examples, Ms. Farrell refers to Song Thrush, Irish Hare and damselflies and adds that, according to an article from Berkeley

University, damselflies may be an indication of good ecosystem quality. Ms. Farrell also states that otters were observed in close proximity to the quarry. Furthermore, Ms. Farrell points out that no survey in order to detect bats was conducted by the applicant.

Ms. Farrell adds that the proposed release of the existing water from the quarry to a tributary of the Mill Stream might cause thermal pollution of the receiving water and explains that thermal pollution can occur when cold water is released into a warmer waterbody and can dramatically change the fish and macroinvertebrate fauna of rivers and reduce river productivity and, as a result, affect otters.

Ms. Farrell adds that the proposed diesel refuelling activity can cause groundwater pollution and as a result affect water used by animals.

Mr. Derham argues that the proposed measures for the protection of Peregrine Falcons in Condition 3.22 are inadequate and requests that proposals for works at the site and a monitoring regime are agreed with the National Parks and Wildlife Service in advance of commencement of the works. Mr. Derham adds that a condition should be included in the licence requiring the works to cease if there is any negative impact on protected birds.

Mr. Browne states that with the arrival of hundreds of heavy goods vehicles unloading the waste and machinery used to shift the waste, it seems likely that the falcons will be disturbed from their current peaceful habitat.

Friends of the Irish Environment (FIE) state that, aside from national protection, Peregrine Falcons are also listed in Appendix 1 of the Convention on International Trade in Endangered Species (CITES) and that no surveys for critical species, such as bats, could be found in the application.

Ms. Farrell also suggests that the site is a candidate as a Site of Community Importance (SCI) due to presence of species such as Peregrine Falcons and otters and others, and the possibility of bats.

The Skerries Community Association (SCA) states that the quarry is listed as being of special geological significance by Fingal County Council and that further study of the impact of the works on the local ecology needs to be made before granting the licence. SCA is concerned that this was not adequately addressed in the Environmental Impact Statement (EIS) and that the geological significance of the site was dismissed by the applicant.

FIE suggests that the potential of the site as a biodiversity hotspot to support Ireland's obligations under the Biodiversity Convention has not been assessed.

First Party Submission on Objections

The applicant states that the quarry was surveyed by a professional ecologist in 2008 when the quarry was still operational and in 2014, after it had ceased operations. On each occasion, no protected species of flora were recorded at the quarry. The applicant also argues that the month of May is an optimum time of the year for conducting such surveys.

In relation to Green-winged orchid, the applicant states that the habitats at the quarry do not provide optimum habitat conditions for this species. In respect to other species mentioned by Ms. Farrell, the applicant states that Narrow-leaved bittercress is a species with a very restricted distribution in Ireland and is probably only native in Westmeath. Narrow-leaved helleborine also has a restricted distribution, primarily in the west and south of Ireland.

In respect of Peregrine Falcons, the applicant states that "anecdotal evidence from quarry personnel" at the time of the survey in May 2008 was that a falcon had nested on one of the abandoned quarry faces for a number of years. The applicant further adds that given that the falcon had established a nest and had become accustomed to noise and vibration generated by quarrying and concrete production activities, any disturbance associated with the proposed backfilling activity is unlikely to have a significant impact on the falcon's continued use of the quarry face for nesting purposes. The proposed restoration plan makes for a high cliff face, suitable for roosting and nesting by the falcon, to be retained. The applicant points out that Condition 3.22.3 of the Agency's Proposed Decision includes provision for engagement with the National Parks and Wildlife Service (NPWS) and refers to Condition 6.14 that requires an annual bird survey.

The applicant also states that Song Thrush is not an Annex 1 species which are afforded special protection under national and EU legislation. In respect of Irish hares, the applicant states that this species was recorded outside the quarry in 2008 and no Irish hares were recorded as present within the quarry. In relation to bats, the applicant states that the site is considered as providing negligible opportunities for bats and the site is not likely to be important or critical for any local population of bats given the availability of alternative foraging habitat in the surrounding areas. In respect of otters, the applicant states that no evidence to indicate the presence of otters at the quarry was found and that the flooded quarry floor is not likely to support fish populations that would attract otters. In respect of the Mill Stream, the applicant states that it is unlikely that this watercourse is used by otters for breeding purposes on account of its size and that the stream is considered unlikely to support sufficient fish populations to sustain breeding otters. In relation to Newts/Amphibians, the applicant states that the 2014 survey found no evidence of any amphibian through an inspection of the flooded quarry floor or in the surrounding terrestrial habitat.

In relation to the impact of the discharge from the quarry, the applicant refers to the EIS which states that the discharge from the quarry has the potential to slightly improve the water quality in the tributary of the Mill Stream, particularly in terms of phosphorous loading.

The applicant states that there are no grounds to support the view that the application site could evolve into a designated nature conservation site.

Technical Committee's Evaluation:

It is noted that Song Thrush and Damselflies are not referred to in the NPWS's *The Status of EU Protected Habitats and Species in Ireland* (2008). The publication states that Irish Hare is widespread in both upland and lowland habitats in Ireland. The publication refers also to otter and states that this species is widespread in Irish freshwater and coastal habitats. The report further states that while there has been some localised reduction in otter habitat quality, due mainly to water pollution and clearance of riparian vegetation, this has been balanced by the reduced occurrence of severe water pollution episodes and reduced river corridor disturbance.

The site where the installation is located is not listed in Commission Implementing Decision (EU) 2015/72 of 3 December 2014 adopting an updated list of eight sites of Community importance for the Atlantic biogeographical region (which includes Ireland). The Minister for Arts, Heritage and the Gaeltacht is responsible for creating a list of sites of community importance which is transmitted to the European Commission. Therefore, as such, it is beyond the remit of the Agency, in proposing to license this activity, to consider the designation of this site as a candidate site of community importance.

Condition 3.22.3 requires that the methodology to be employed in backfilling the quarry shall be developed and finalised in consultation with the National Parks and Wildlife Service (NPWS) in order to ensure that ecological concerns, particularly in relation to the Peregrine Falcon nesting area, are identified and addressed. Condition 3.22.4 requires the licensee to notify the NPWS of any restoration/backfilling works commencing at the quarry.

Regarding thermal pollution of the receiving water, monitoring data contained in the EIS shows that the temperature of the quarry water was 16.1°C on the 28th May 2014, which is approximately 4°C higher than the temperature at locations both upstream (12.5°C) and downstream (12.6°C) measured in the Mill Stream on the same date. The monitoring results show also that the temperature of the Mill Stream upstream of the quarry was 1.33°C on 8th January 2009.

According to the EIS, the annual average discharge from the facility is predicted to be 1.38 l/s (0.0013 m³/s) and this accounts for approximately 2% of the estimated 50thile flow in the Mill Stream and 5% of the estimated 95thile flow. Accordingly, the Technical Committee has no data to indicate that thermal pollution is likely.

Recommendation:

No change

Objection 4.2. Impact on people

Ms. Farrell claims that the heavy traffic associated with the site will have a negative impact on the local population and that the quality of life of people living nearby will be affected through noise and air pollution. Ms. Farrell also states that using the road will become dangerous for walkers, cyclists and horse riders as there is no footpath. Ms. Farrell states also that the proposed diesel refuelling activity can cause groundwater pollution and as a result affect water used by people.

Mr. Derham states that sightlines at the entrance to the facility and for egress are inadequate and causing a hazard due to the fact that this is relatively small road (regional road) and the speed and volume of traffic. Mr. Derham further adds that stopping sight distance on the R127 was not assessed.

Mr. Browne states that with the increased usage of the road, safety of the road users will be diminished and that heavy traffic for a period of the lifetime of the facility could lead to constant and unrelenting discomfort for the nearby residents. Mr. Browne adds that Skerries is a beautiful town with many sports and community based clubs and a growing tourist trade, and that granting a licence for this activity will damage the serenity, beauty and reputation of the town.

Friends of the Irish Environment state that the economic and social impact of the proposed activity on the property values does not appear to have been addressed.

First Party Submission on Objection.

The applicant contends that the impact of the proposed activity and associated traffic levels on local residential amenity and the local road network was assessed in the EIS.

Regarding concerns about the adverse impact on groundwater, the applicant points out the backfilling of the quarry with imported clay soils will ultimately afford a greater degree of protection to the aquifer than that which exists at present. The applicant also states that potential risk to groundwater and impacts arising from fuel handling activities and associated mitigation measures have been also addressed in EIS.

The applicant argues that sightlines/stopping distances, the information in respect of the existing site entrance/egress and mitigation measures for improved visibility and advance warning of turning vehicles are also outlined in EIS.

As regards queuing of HGV's, the applicant does not anticipate a significant impact and states that in a worst case scenario, during intermittent periods of intensified waste importation and recovery at the facility, there will be only one additional HGV movement into or from the site every 5 minutes, over and above that which occurred previously.

The applicant refers also to roads surveys which indicate that there has been a significant reduction in traffic along the R127 Regional Road between 2009 and 2014 (almost 40% lower) and the potential for HGV queuing along the road outside the quarry is likely to be reduced, particularly outside of peak hours.

The applicant adds that the proposed backfilling and restoration of the quarry, the eventual cessation of activities at this site after a period of over 60 years and the long-term enhancement of the visual quality and integrity of the local landscape will have a positive impact on property values over the longer-term.

Technical Committee's Evaluation:

Condition 8.10 requires that all vehicle and machinery refuelling and maintenance operations shall be carried out in designated areas protected against spillage and run-off. Condition 3.12.1 requires that all tank, container and drum storage areas shall be rendered impervious to the materials stored therein. Bunds shall be designed having regard to Agency guidelines 'Storage and Transfer of Materials for Scheduled Activities' (2004). Condition 3.12.3 requires that drainage from bunded areas shall be treated as hazardous waste unless it can be demonstrated to be otherwise and that all drainage from bunded areas shall be diverted for collection and safe disposal.

The issue of property values was addressed in the Inspector's Report which concluded that "There is no evidence presented to suggest that local property will be devalued due to the presence of this waste soil recovery facility. In any event this is not a matter that is within the remit of the Agency".

With regard to environmental impacts arising as a result of traffic outside the site boundary, this is not a matter that is within the remit of the Agency.

Recommendation:

No change.

Objection 4.3 Water quality

Objection 4.3.1 Impact on surface water

Ms. Farrell further states that despite the fact that the existing water in the quarry is extremely hard and contains high levels of nitrites and nitrates, there are no particular plans to treat this water before it is discharged from the site.

Mr. Derham suggests that the proposed surface water collection and disposal system should meet the current EPA requirement and that information on the capacity of receiving waters to accept the discharge should be assessed and claims that even though a limit is set for the discharge, there is no assessment in any of the documentation submitted in respect of the application to indicate that the receiving waters can cater for same in a drought. Mr. Derham

further suggests that on-site storage facilities may need to be provided to cater for low-flows.

Mr. Browne expressed concern that discharge from the facility, due to inert waste being accepted, can have a detrimental effect on the receiving waters, including the sea at South Strand where the Mill Stream discharges and the associated beach.

Skerries Community Association feels that insufficient controls have been put in place to ensure that the material deposited at the quarry will not be contaminated by non-inert material. The SCA adds that, given that even a very small amount of hazardous material could be sufficient to contaminate the Mill Stream, the potential consequences of such contamination could be disastrous to the local ecology and could cause a serious health risk. The SCA requests assurances that all material will be fully tested offsite before being brought to the quarry.

Friends of the Irish Environment (FIE) state that dissolved solids and suspended solids must be sampled continuously in the discharge to surface water. FIE refer also to a submission received in respect of the licence application that states that *there must be no discharge of suspended solids or any deleterious matter to watercourses and that the applicant should be asked for his proposals to ensure that there is not a wash out from the settlement ponds during periods of heavy rainfall.* The FIE claim that no such proposal appears to have been provided and the response in the Inspector's Report referred only to the pump controls when the issue is a wash out which overwhelms the pumping system.

First Party Submission on Objection

The applicant states that the EIS submitted in June 2014 notes that much of the discharge to the Mill Stream comprises direct rainfall to the quarry void, with some run-off from surrounding areas and relatively low volumes of groundwater flow out of the quarry faces and that this assessment is supported by the fact that over 6 years from the temporary suspension of quarrying activity and dewatering at the application site, the water level within the quarry void (-2mOD) is still markedly lower than the surrounding groundwater level which in the submission on objection is said to be +15 mOD.

The applicant refers to a discharge licence previously granted for the discharge from the quarry and adds that surface water run-off from the quarry will pass through settlement ponds to remove sediment and a hydrocarbon interceptor to remove any fuel, prior to discharge off-site. The applicant notes that parameter concentrations for the treated effluent in Schedule B.2 are more onerous than those applied by the existing discharge licence, albeit the upper limit on discharge volume remains unchanged.

The applicant states also that the EIS contains information on flows in the receiving water and the discharge volumes and it is considered that the receiving water of the Mill Stream has the capacity to accept treated discharge. The applicant further states that, based on a review of baseline water quality data, the discharge has the potential to slightly improve the water quality in the Mill Stream, particularly in terms of its phosphorus loading.

In response to concerns raised by SCA, the applicant considers that the risk based approach to the acceptance and importation of inert waste set out in the Agency's proposed decision is both reasonable and proportionate and that the company will establish robust waste importation and acceptance procedures at the facility to minimise the risk that non-inert or hazardous soil will be placed at the facility.

The applicant envisages that the bulk of inert soils and stones imported to the proposed facility at Milverton will be sourced from greenfield sites with no previous development history. Soils from such sites are likely to present very low risk of contamination. If soils from brownfield sites are imported to the facility, they will be subject to a 3 tier classification, compliance and validation test regime along the lines of that provided for in the proposed decision.

The applicant does not intend to import non-inert or hazardous waste to the site and states that the licence application and proposed decision both include provisions in respect of waste inspection and quarantine to handle such materials in the unlikely event that a systematic failure occurs and that such materials are inadvertently imported to and accepted at the facility.

The applicant also states that as regards the potential for intense rainfall event to overwhelm the proposed wastewater management system, the system will be designed to treat rainfall run-off pumped through at a maximum rate of approximately 15 l/sec. Surface water run-off will not be pumped up from the floor of the quarry/infill area at a rate exceeding that limit and as such, will not overwhelm the installed treatment system. In the event that there is an exceptionally intense rainfall event, the quarry void would essentially provide some attenuation or storage and some ponding of surface water run-off could occur around pumps at low points/sumps within the quarry void for a short period of time.

Technical Committee's Evaluation

The discharge to the tributary of the Mill Stream has been described and assessed in the Inspector's Report. Emissions to surface water will consist of on-site rainwater and some groundwater infiltration that will be directed to settlement ponds and a hydrocarbon interceptor prior to discharge. It is proposed that, during backfilling of the quarry, water collected at the quarry sump will be directed through two settlement ponds, which will be operated in series, and a hydrocarbon interceptor and underground pipe, prior to discharge to the Mill Stream tributary. Pumping of water out of the quarry void will be controlled by automated level controlled pumps placed in sumps in local low points. The outfall from the second pond will discharge off site to the Mill Stream tributary via the hydrocarbon interceptor and underground pipe. As per Schedule B.2 the proposed maximum volume of the discharge is 1,296 m³. Condition 3.10 requires that surface water management infrastructure shall be capable of preventing the discharge of contaminated water into surface water drain and courses. *Schedule C.1.2: Monitoring of Emissions to Water* requires weekly monitoring of suspended solids and total dissolved solids quarterly.

The licence sets a value on a discharge in *Schedule B.2: Emissions to Water* and Condition 6.9 requires that the settlement ponds shall be inspected monthly and shall be de-silted as necessary. Condition C.1.1 requires monitoring of silt levels in settlement ponds.

Regarding waste to be accepted at the facility, there will be no waste other than inert soil and stones being backfilled at the quarry. Condition 8.6.1 requires that only soil and stone that meet the appropriate waste acceptance criteria as stipulated in *Schedule A.2: Waste Acceptance Criteria for Backfill Material* shall be used for backfill at the facility. Condition 8.6.2 lists materials that shall not be used for backfill. Condition 8.13 lists the requirements for waste acceptance and characterisation procedures and Condition 8.13.2 requires that waste shall only be accepted at the facility from known pre-cleared customers. Condition 8.13.3 requires that waste shall be accepted from new customers only after initial waste profiling and waste characterisation off-site. Condition 8.13.4 requires that waste arriving at the facility shall be visually inspected (on-site verification) before and after unloading to confirm the nature of the waste and that it is as described in the accompanying documents. Condition 8.13.7 requires that in the case of suspicion of contamination (either from visual

inspection or from knowledge of the origin of the waste) the waste shall be tested in accordance with *Schedule A.3 Waste Characterisation for non-greenfield soil and stone* of the licence or the waste shall be refused/rejected. Finally Condition 8.13.8 requires that any waste deemed unsuitable for backfill at the facility and/or in contravention of the licence shall be immediately separated and stored temporarily in the waste quarantine area, under appropriate conditions, prior to being removed at the earliest possible time.

Recommendation:

No change.

Objection 4.3.2 Impact on groundwater

Mr. Derham raises concern that the activity could result in a lowering of the groundwater table and that the proposed licence does not include measures for protecting groundwater levels in Mr. Derham's well and other wells.

First Party Submission on Objection

The applicant states that well monitoring data and groundwater contours indicate that the hydraulic gradients surrounding the quarry void are relatively steep and that there is minimal lowering of groundwater beyond the application site. This is consistent with the observation that there is minimal groundwater inflow from the quarry face. The applicant further states that there will be no increase in groundwater drawdown over and above that which applied previously when the quarry was operational. As such, the applicant considers that there is no requirement for licence conditions relating to protection of groundwater levels in nearby wells.

Technical Committee's Evaluation

The proposed activity and its impact on groundwater have been assessed and described in the Inspector's Report. The quarry excavation has intersected the groundwater table. Whilst there might be temporary localised lowering of the groundwater table, this will revert when pumping of the water accumulated in the quarry is complete to enable deposition of porous material. Accordingly, the backfill and restoration of the quarry void will ensure the protective layers of soil are replaced above the groundwater table. Overall it was concluded that the restoration of the quarry with inert soil and stones will provide greater protection of the aquifer than that which exists at present and will contribute a level of protection similar to that which was present prior to the excavation of the quarry. Schedule C.5 requires monitoring of groundwater level at three wells four times a year. This level of monitoring will enable detection of any changes in groundwater elevations.

Recommendation:

No change

Objection 4.4 Roads and traffic

Due to existing difficulties with access to the R127, Mr. Derham suggests a limit on the number of loads generated at the minimum level referred to in the EIS of 3-4 loads per hour and suggests that the maximum annual tonnage for waste intake is limited accordingly in *Schedule A.1: Waste Acceptance* of the PD.

Mr. Derham expresses concern that there is no levy imposed on the applicant in respect of road damage associated with vehicle turning movements at the facility entrance. Mr. Derham states that a condition should be imposed requiring the applicant to maintain the section of the R127 in good condition or at least make a suitable arrangement with the County Council.

Mr. Browne states that the increase in traffic associated with the activity could lead to traffic jams and the road damage.

Skerries Community Association states that the road might be incapable of serving the increased traffic associated with the activity and the development of the town and that the licence should not be granted until a more detailed investigation of the impact on traffic can be made. SCA continues that there are serious safety concerns for road users resulting from the increase in traffic that need to be investigated before granting the licence. The SCA further claims that no restrictions have been put in to prevent trucks being overloaded and spilling material onto the road surface.

First Party Submission on Objection

The applicant contends that the limit, as advocated by Mr. Derham, is unrealistically low and would be overly conservative in assessing HGV traffic levels generated by waste recovery activities. The applicant states that traffic surveys recorded a significant reduction in traffic levels along the R127 road between 2009 and 2014 and that is anticipated that any reduction in the level of service along this road associated with the activity will have been offset/mitigated by the reduction in traffic levels along the road since 2009. The applicant further adds that the potential for HGV queuing along the road outside the quarry is likely to be significantly reduced, particularly outside of peak hours.

The applicant also argues that traffic and road related impacts are outside of the Agency's remit as they arise outside of the waste licence application area and neither the Agency nor the licensee has the necessary legal or statutory powers to upgrade and/or maintain the public road network. Also in respect of levy, the applicant states that the Agency has no statutory power to impose road contributions in issuing a waste licence.

Technical Committee's Evaluation:

The Technical Committee acknowledges concerns raised in respect of the traffic volume. However, issues related to traffic that is outside the facility boundary lie within the remit of the Planning Authority.

It is noted that a limit on incoming loads to the facility as proposed by Mr. Derham could result in prolonging the lifetime of the facility.

Condition 3.5.2 requires that the facility entrance shall be appropriately paved and maintained in a fit condition. It is outside of the Agency's remit to impose a levy on the applicant in respect of road damage outside the site boundary. Condition 6.13.2 requires that the licensee shall ensure that all vehicles delivering waste to, and removing waste and materials from, the facility are appropriately covered. Control of overloaded vehicles lies within the remit of road traffic enforcement authorities.

Recommendation:

No change.

Objection 4.5 Planning permission

Mr. Derham states that planning permission is required for the activity.

Friends of the Irish Environment ask how can planning exemption for quarrying apply to anaerobic digestion, gasification and pyrolysis, and request that the Planning Appeals Board attends an oral hearing.

First Party Submission on Objection

The applicant states that the backfilling and restoration of the quarry was notified to and approved by Fingal County Council in accordance with the provisions of Condition No. 13 of the Section 261 Consent (Planning Ref. Q/O5/003) issued by An Bord Pleanála in 2007 and states that background detail on planning status is presented in the EIS and a letter dated 9 February 2011 submitted to the Agency. The applicant further refers to a proposed final restoration scheme notified to Fingal County Council under the Section 261 Consent and a letter from the Council dated 4th August 2009 confirming acceptance of the proposed restoration scheme. The applicant stresses that the activity can be regulated and controlled from a planning perspective using the provisions of the existing Section 261 authorisation.

The applicant explains also that provision for class 3 recovery activity is solely for the purpose of providing for the recovery of imported topsoil, which has organic content, though deposition on land.

Technical Committee's Evaluation:

The Technical Committee notes that a Section 261 Consent (under the Planning and Development Acts) authorising restoration of the quarry was granted by An Bord Pleanála (Planning reference: Q/O5/003). Fingal County Council confirmed with the Agency on 28 August 2014 that the Council is satisfied with the applicant's proposal in respect of Condition 13 (Landscaping and Restoration/Afteruse) of the said Consent.

The Friends of the Irish Environment, in referring to anaerobic digestion, gasification and pyrolysis, are referring to Class R3 of the Fourth Schedule of the Waste Management Act 1996, as amended, which reads as follows:

"Recycling /reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes), which includes gasification and pyrolysis using the components as chemicals"

The Technical Committee wishes to emphasise that this class is included in the proposed decision solely for purposes of providing for the importation and placement of topsoil for site restoration purposes. The licence will not authorise the carrying out of composting, other biological transformation processes, gasification or pyrolysis at the facility.

Recommendation:

No change.

Objection 4.6 Facility management

There were a number of issues raised in objections that relate to management of the facility, as follows:

Objection 4.6.1 Activity management

Mr. Derham requests that an approved EMS and the Facility Manager should be in place before the operation commences and that the Environmental Objectives and Targets should be set and reviewed every 2 years.

First Party Submission on Objection

The applicant states that the EMS was previously implemented at the site and refers to PD conditions in relation to facility management and an Environmental Management System (EMS).

Technical Committee's Evaluation:

Condition 2.2.1 states that the licensee shall establish, maintain and implement an Environmental Management System (EMS) in advance of the commencement of the activity.

Condition 2.1.1 states that the facility manager or a nominated, suitably qualified and experienced deputy shall be present on the facility at all times during its operation or as otherwise required by the Agency.

Condition 2.2.2.2 requires that the Schedule of Environmental Objectives and Targets shall be reviewed annually.

Objection 4.6.2 Waste acceptance

Mr. Derham suggests that full details of "refused/rejected" loads are retained by the applicant and immediately notified to the Agency.

First Party Submission on Objection

The applicant states that the reporting requirements in respect of refused/rejected loads are addressed through Conditions 11.9 and 11.10 and that the information sought will be included in Annual Environmental Reports (AERs) submitted to the Agency.

Technical Committee's Evaluation:

Condition 11.9 lists information that shall be maintained as a record and open to inspection by the Agency and the list includes details of rejected consignments. The Technical Committee considers that notifying the Agency immediately on any occurrence of refused/rejected waste loads is not necessary.

Objection 4.6.3 Source of waste

Mr. Derham states that the applicant should be required to test waste in advance, at source, for suitability and carry out further tests at least twice during the first 2,000 tonnes and once every 5,000 tonnes thereafter and requests that specific conditions to this effect are included in the licence and that table of *Schedule A.3: Waste Characterisation for non-greenfield soil and stone* should be amended. Mr. Derham also suggests that the 2% allowance for contaminated material in non-greenfield soil and stone, as set in *Schedule A.2: Waste Acceptance Criteria for Backfill Material*, is excessive.

First Party Submission on Objection

The applicant considers that the risk based approach to the acceptance and importation of inert waste to the proposed facility is reasonable and proportionate and does not consider there to be any requirement to increase the frequency of testing of soil generated by development at greenfield sites. The applicant also notes that the provision for 2% contamination refers to inclusions of minor proportions of material of anthropogenic origin in materials excavated at non-greenfield sites, rather than to contaminated soil.

Technical Committee's Evaluation:

Schedule A.3 requires basic characterisation to be carried out off-site prior to the licensee agreeing acceptance of waste at the facility. The licence requires compliance testing once

every 2,000 tonnes and on-site verification of every load. The Technical Committee considers that this testing frequency is appropriate.

In relation to contamination levels, specified in the licence as 2%, Mr. Derham did not specify what level of contamination he considers as appropriate.

Objection 4.6.4 Waste source and Waste activities on site

Mr. Derham suggests that no separation of non-inert C&D waste should be allowed on-site.

Friends of the Irish Environment claim that the proposed development will include activities such as processing and storage of construction materials, soil cleaning and "gasification and pyrolysis as part of composting and other biological treatment" and anaerobic digestion.

First Party Submission on Objection

The applicant claims that they have no intention of importing non-inert waste to the site and that provisions made in respect of waste inspection and quarantine are necessary to handle such materials in the event of a systematic failure that inadvertently allows such materials into the facility.

The applicant explains that the licence application makes provision for a Class 3 recovery activity only for the purposes of providing for the recovery of imported topsoil through deposition at the quarry. The applicant highlights that no composting or other biological recovery processes are mentioned in the licence application nor are any conditions relating to these activities set out in the proposed decision.

Technical Committee's Evaluation:

The proposed waste activities are listed in Schedule A and they include only importation, stockpiling and use of soil and stone for quarry backfill and use of inert soils and stones for land improvement.

Objection 4.6.5 Opening hours

Mr. Derham suggests that opening hours of the facility should be shortened to 08.00 to 18.00 on weekdays and 08.00 to 13.00 on a Saturday.

First Party Submission on Objection

The applicant states that the operating hours proposed in PD are the same as those already authorised under the Section 261 Consent. Accordingly, the applicant considers that the same opening hours should be adopted in the waste licence.

Technical Committee's Evaluation:

The Technical Committee proposes to retain the opening hours, as authorised by An Bord Pleanála in the Section 261 Consent. Mr. Derham did not provide a rationale for the shortened operating hours.

Objection 4.6.6 Sanitary effluent system

Mr. Derham suggests that the effluent treatment system for the office should meet the current EPA standard and that planning approval may be required to upgrade the current system.

First Party Submission on Objection

The applicant states that the septic tank servicing the existing site office is in functioning order and it is envisaged that this tank will be regularly maintained once activities resume at

the application site. The applicant states that the applicant proposes to commission a site characterisation study to assess the degree to which the existing on-site system complies with the *EPA Code of Practice for Wastewater Treatment and Disposal Systems Sewing Single Houses*. The applicant further states that any works which are necessary to give effect to a condition attached to a waste licence are classified as exempted development in accordance with Section 7(2) of the Planning and Development Regulations 2000 to 2014.

Technical Committee's Evaluation:

Condition 3.20 requires that any wastewater treatment systems for sanitary effluent and percolation area shall satisfy the criteria set out in the EPA Code of Practice. The condition does not imply that any works are to be carried out. The condition does not imply that any improvement works are exempted development and this is a matter for the planning authority.

Objection 4.6.7 Wheel Cleaners

Mr. Derham suggests that the wheel cleaner and effluent treatment system should meet the current "EPA requirement" and adds that planning approval may be required to install a new system.

First Party Submission on Objection

The applicant refers to Condition 3.8 which requires measures in respect of management of silt and effluent generated at the proposed wheelwash and adds that under Section 7(2) of the Planning and Development Regulations 2000-2014, any works which are necessary to give effect to a condition of a waste licence are classified as exempted development.

Technical Committee's Evaluation:

Condition 3.8 requires the provision of a weighbridge and wheel cleaner. The installation of a weighbridge and wheel wash facility is specified in *Schedule D: Specified Engineering Works*. The condition does not imply that any works are to be carried out. The condition does not imply that any improvement works are exempted development and this is a matter for the planning authority.

Objection 4.6.8 Road Debris

Mr. Derham states that Condition 6.11.3 requiring that the road network in the vicinity of the facility shall be kept free from any debris caused by vehicles entering or leaving the facility, and any such debris or deposited materials shall be removed without delay, is inadequate and suggests pavement cleaning machines to be employed on site on a permanent basis.

First Party Submission on Objection

The applicant considers the provisions of Condition 6.11.3 appropriate and that given the company's past experience of quarrying at the site and the requirement for a new wheelwash facility, the company is confident it can comply with the requirements of Condition 6.11.3.

Technical Committee's Evaluation:

The manner by which the licensee keeps the local road network free of debris is a matter for the licensee and does not need to be specified to the level of detail suggested in the objection.

Objection 4.6.9 Facility Roads

Mr. Derham requires that a tarmac finish or similar material should be specified for the main facility road and hard-standing area.

First Party Submission on Objection

The applicant states that paved surfaces are already in place around the entrance to the quarry and that these surfaces will be maintained and repaired as required.

Technical Committee's Evaluation:

Condition 3.5 requires that effective roads shall be provided and maintained to ensure the safe movement of vehicles within the facility and that the facility entrance and hardstanding areas shall be appropriately paved and maintained in a fit and clean condition.

Objection 4.6.10 Convictions

Ms. Farrell refers to the company's convictions/illegal activities in other countries and states that the company was found also to have illegal dumps in the Blessington area. Ms. Farrell adds that "reports into them assessed that it may be decades before risks to the locality may become apparent".

First Party Submission on Objection

The applicant states its commitment to implement the highest environmental management standards.

Technical Committee's Evaluation:

In respect of the convictions/illegal activities in other countries, it is noted that no description of their impact on the environment was given in the objection. Also, no details on the reports Ms. Farrell refers to, such as title or author, were stated.

The Inspector's Report states that the applicant identified one conviction under the Local Government (Water Pollution) Acts 1977 and 1991, for a water discharge in breach of permitted limits at its quarry at Hill of Allen and that the associated prosecution was taken by Kildare County Council in 1999-2000. The Technical Committee does not consider this conviction to be an issue relevant to the proposed activity.

Recommendation:

No change.

Objection 4.7 Site notice

Mr. Derham claims that the public notice was not clearly visible to a member of the public and was displayed on a private property.

First Party Submission on Objection

The applicant quotes requirements of Article 7 of the Waste Management (Licensing) Regulations 2004 and contends that the site notice fixed at the main entrance to the facility was in compliance with the said Article and that nothing in the Regulations prohibits placing of public notices on private property, provided the notice is visible.

Technical Committee's Evaluation:

Mr. Derham did not state the date when the site notice was assessed to be not clearly visible.

The original site notice was placed at the site at the time of making the licence application. A further site notice was requested by the Agency in a notice of 23rd May 2014 under Section

42(1)(b) of the Waste Management Act 1996, as amended. The purpose of the revised site notice was to advertise of the preparation of an EIS in relation to the activity. This notice was inspected by an Agency inspector on 7th August 2014 and was deemed to be compliant with the Licensing Regulations.

Recommendation:

No change.

Objection 4.8 Monitoring Committee

Mr. Derham requests a condition to be included in the licence to establish a "local" monitoring committee for the purpose of overseeing the management of the facility. Mr. Derham adds that this committee should include local elected representatives, residents, EPA and NPWS officials.

First Party Submission on Objection

The applicant argues that, in view of the limited impacts and environmental risks attaching to the activity, and in light of experience of the applicant operating similar licensed facilities, there is no requirement for a formal monitoring committee as suggested in the objection. The applicant adds that any concerns in respect of the facility's operation and management can be adequately addressed through the EPA's online complaint facilities and EDEN networks and that any information in respect of the environmental performance of the facility can be obtained at the facility's office or by viewing the facility's Annual Environmental Reports at the Agency's website.

Technical Committee's Evaluation

Condition 2.2.2.7 requires that the licensee shall establish and maintain a Public Awareness and Communications Programme to ensure that members of the public can obtain information at the facility on the environmental performance of the facility. In respect of overseeing the management of the facility, the Agency's Office of Environmental Enforcement (OEE) can be contacted for issues associated with licensed facilities. There is no reason to recommend a condition in the licence requiring a local monitoring committee.

Recommendation:

No change.

Objection 4.9 Seagulls and Vermin

Mr. Derham claims that the operation will create broken ground and attract seagulls to the area and requests that the licence includes measures to minimise the impact on the local community from seagulls.

Mr. Browne states that, given that the quarry is surrounded by fields, it is highly likely that vermin live on or around the site and adds that, although there are strict conditions as to what waste can be accepted, it is likely that the filling of the existing void will disturb the land, and in turn, disturb any vermin residing nearby.

First Party Submission on Objection

The applicant contends that the waste activities at the facility will not attract any vermin or scavenging seagulls as there will be no food, biodegradable or litter waste imported to the site. The applicant adds that the company has experience of operating a similar waste

recovery facility at Fassaroe, in Co. Wicklow (Licence Reg. No. W0269-01), which is also close to the coastline and adjoins some residential properties, and that scavenging seagulls or vermin do not create any nuisance at this type of facility.

Technical Committee's Evaluation

No evidence on how broken ground can attract seagulls was provided in the objection.

Due to the fact that no putrescible waste will be accepted at the facility, the Technical Committee does not expect that seagulls or vermin will be attracted to the facility.

Nevertheless the Technical Committee proposes to amend Condition 5.5 as set out below.

Recommendation:

Amend Condition 5.5 to read as follows:

5.5 The licensee shall ensure that all or any of the following:

- Vermin
- Mud
- Dust
- Litter
- **Birds**

associated with the activity do not result in an impairment of, or an interference with, amenities or the environment at the facility or beyond the facility boundary or any other legitimate uses of the environment beyond the facility boundary. Any method used by the licensee to control or prevent any such impairment/interference shall not cause environmental pollution.

Objection 4.10 Lifetime of the facility

The Skerries Community Association requests a limit on the duration of the activity due to its impact on traffic, noise levels, the local environment and health and safety.

First Party Submission on Objection

The applicant states that the licence should not be time limited and that the activity should be permitted to remain in operation until such time as backfilling and restoration of the quarry is complete and the proposed final landform is achieved.

Technical Committee Evaluation:

The total quantity of soil and stone permitted for backfill at the facility is 2,470,000 tonnes. It is envisaged that the operational life of the facility will be in the region of 10 years, based on an average waste material importation rate of 250,000 tonnes per annum. If the maximum annual tonnage of 400,000 tonnes is accepted every year, then the facility will operate for approximately 6 years. It is not appropriate to put a limit on duration of the activity that might result in the fill being prematurely halted and the landform being left uncompleted.

Recommendation:

No change.

5. Environmental Impact Assessment Directive – Reasoned Conclusion Update

The Technical Committee have reviewed the assessment in the Inspector's Report and, taking into account all objections and submissions on objections received, and the contents of this Technical Committee report, the Technical Committee considers that the likely significant direct and indirect effects of the activity have been identified, described and assessed in an appropriate manner as respects the matters that come within the functions of the Agency, and as required by Section 40(2A) and Section 42(1I) of the Waste Management Act 1996, as amended.

It is considered that the mitigation measures as proposed in the Inspector's Report, and as detailed in this Technical Committee report, will adequately control any likely significant environmental effects from the activity.

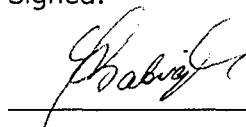
It is also considered that the proposed activity, if managed, operated and controlled in accordance with the licence conditions included in the Proposed Decision, with the inclusion of the amendment proposed in this report, is unlikely to damage the environment as a whole and the risk of potential impacts occurring is not unacceptable.

6. Overall Recommendation

It is recommended that the Board of the Agency grant a licence to the applicant:

- (i) for the reasons outlined in the Proposed Decision,
- (ii) subject to the conditions and reasons for same in the Proposed Decision, and
- (iii) subject to the amendment proposed in this report.

Signed:



Ewa Babiarczyk, Inspector
for and on behalf of the Technical Committee