

Director of Services, Planning
Kerry County Council
County Buildings
Tralee
Co. Kerry

Headquarters, PO Box 3000
Johnstown Castle Estate
County Wexford, Ireland
Y35 W821

Ceanncheathrú, Bosca Poist 3000
Eastát Chaisleán Bhaile Sheáin
Contae Loch Garman, Éire
Y35 W821

T: +353 53 9160600
F: +353 53 9160699
E: info@epa.ie
W: www.epa.ie

LoCall: 1890 33 55 99

For the attention of Liam Brosnan, AO Planning

Your reference: EX459 Referral pursuant to section 5 of the Planning and Development Acts 2000 to 2015

4 February 2016

W0217-02

re: Waste Licence Review Application in respect of Killarney Waste Disposal Ltd, Aughacurreen, Killarney, Co. Kerry

Dear Director,

I refer to our section 5 application and to your letter dated 26 January 2016 seeking further information. You asked two questions. The following are our answers.

1. It has long been apparent to us that planning permission was granted for a waste facility with intake of 40,000 tonnes per annum. We had not considered this was a matter of interpretation but took it as a fact. Therefore I would be most interested to know if we are wrong and the position is actually that there is no planning restriction on waste intake at the facility and that the Agency's concerns (i.e. that the proposed increase in waste intake from 40,000 tonnes to 79,000 tonnes per annum is not authorised by planning permission) are unfounded. This would presumably render our section 5 application moot.

As to the source of the information and by way of explanation, I can see that in response to the planning authority's request dated 20/7/2004, the applicant stated that 40,000 tonnes per annum would be accepted at the facility. [Please see <http://docstore.kerrycoco.ie/planningfiles/042131.pdf>, pages 17 and 25]. The grant of planning permission cites this correspondence from the applicant (received 30/8/2004) and condition 1 of the permission specifically ties in with this correspondence.

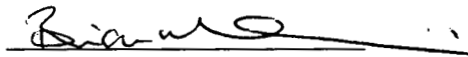
2. In accordance with section 40(2A) of the Waste Management Act 1996 as amended the Agency is obliged to complete an Environmental Impact Assessment in certain circumstances. By reference to the Planning and Development Regulations 2001-2015 and in particular its Schedule 5, Part 2,

class 11(b), the facility in question is one that is an installation for the disposal [and recovery - see http://ec.europa.eu/environment/eia/pdf/cover_2015_en.pdf] of waste with an annual intake greater than 25,000 tonnes. The Agency is therefore obliged to complete an Environmental Impact Assessment prior to making any decision to grant a licence to authorise an increased waste throughput at the facility.

In addition, the proposal before the Agency is one that concerns an increased waste intake from 40,000 tonnes per annum to 79,000 tonnes per annum. Therefore, class 13(a) is also engaged.

I trust this clarifies your questions. I look forward to your determination of the matter.

Yours sincerely,



Brian Meaney
Environmental Licensing Programme