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Environmental Licensing Programme
Office of Environmental Sustainability,
Environmental Protection Agency,
Headquarters PO Box 3000,
Johnstown Castle Estate.
County Wexford.

15th November 2018

Re: Application for Licence Reg No: W0185-02

To Whom It Concerns,

I refer the Agency's Notification in accordance with Regulation 11(2)(b) of the EPA (Industrial Emissions)(Licensing) Regulations 2013 dated 6th November. The Notification requests an update of the Environmental Impact Statement (EIS) submitted with the licence review application to reflect the requirements of Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment (EIA Directive).

For clarification an EIS was not prepared for the development which is the subject of the review application. A Non-Technical Summary of an EIS prepared in 2002 for the original planning application to develop the facility was included in the application as required by section B.6.b.1 (b) of the application form - *Where planning permission has been/is required for the site of the activity, you must submit the most recent EIS associated with a planning application or planning permission for the site of the activity.*

The Agency notes that although Directive 2014/52/EU came into effect on 16th May 2017, the legislation necessary to transpose it into Irish law has not been adopted and that Circular Letter PL 1/2017 advises competent authorities to consider "applying the requirements of Directive 2014/52/EU by way of administrative provision in advance of the transposition".

The Circular Letter sets out the procedure to be followed:

- in the case of applications falling within the scope of EIA on hand on or before 15 May 2017; and
- in the case of such applications received on or after 16 May 2017, by planning authorities and An Bord Pleanála (Competent Authorities).

The Circular is quite clear that the procedures it sets out apply only to applications falling within the scope of EIA.

In the Notification the Agency states that its EIA screening determination dated 28/09/2017 concludes that an EIA is required for the activity to which the licence application relates for the reasons set out in that determination. These reasons are:

The activity constitutes a project to which the EIA Directive applies and is likely to give rise to significant effects on the environment by virtue of its nature, size and location, and

The proposed development exceeds the following threshold in Schedule 5 of the Planning and Development Act as amended:

- *Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.*

However the reasons cited by the Agency only apply to new developments and not established authorised developments. In the case to the latter, the appropriate class of development in Schedule 5 that is relevant to the review application is;

13. Changes, extensions, development and testing

a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-

(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and

(ii) result in an increase in size greater than 25 per cent, or an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

The existing activity comprises authorised development that is already subject to EIA and for which an EIA was completed in 2002. The proposed development will not result in the development falling into another class that is subject to EIA and will not result in any increase in size >25% or an amount equal to 50% of the appropriate threshold and therefore is not a project to which the EIA Directive applies.

Prior to the submission of the licence review application Rilta requested South Dublin County Council (SDCC) to make a decision under Section 5 of the Planning & Development Act 2000, as amended as to whether the proposed development comprised exempt development.

SDCC issued a Section 5 Declaration confirming that the proposed development is exempt development and does not require planning permission. The Section 5 Declaration was included with the licence review application and a copy is enclosed.

Article 9 of the Planning & Development Regulations 2001, as amended stipulates that development shall not be exempted development for the purposes of the Act if it is development which requires an EIA. Article 10 of the regulations specifies the classes of development for which an EIA is prescribed.

In reaching its decision that the proposed development was exempt development SDCC had regard to the provisions of sections 3 and 4 of the Planning and Development Act as amended and Articles 5,6,7,8,9,10 and 11 of the Planning and Development Regulations 2001, as amended.

As SDCC has concluded that the proposed development is not one that falls within the scope of EIA Rilta requests the Agency to review its determination that an EIA is required.

Yours Sincerely


Jim O'Callaghan

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ATTACHMENT 1

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An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
Telephone: 01 4149000 Fax: 01 4149104

Email: planning.dept@sdublincoco.ie

Rilta Environmental Ltd.
Site 14 A1
Greenogue Business Park
Rathcoole
Co. Dublin.

19-Jul-2017

Dear Sir/ Madam,

Our Ref: ED17/0034
Re: Site 14 A1, Greenogue Business Park, Rathcoole, Co. Dublin.

I wish to inform you that the proposed development of ; Rilta Environmental Ltd. operates a waste transfer station for the handling of hazardous and non-hazardous wastes at Site 14A Greenogue Business Park under planning permission SD02A/0301. The site encompasses 0.5ha and comprises a main warehouse, hazardous chemical store, offices, three covered tanker bays, a covered dispatch area and a weighbridge. The current permission authorises the acceptance, storage and packaging of 60,000 tonnes of waste comprising 27,000 tonnes of non-hazardous, commercial and industrial, construction and demolition wastes, sewage and industrial sludges, and 33,000 tonnes of hazardous waste. Rilta intends to accept, package and temporarily store air pollution control residue (APCR), before exporting it for disposal. This material will be classified as hazardous and the annual acceptance rate will be 30,000 tonnes. APCR will make up the bulk of the 33,000 of the currently authorised hazardous waste, and it is not proposed to increase either the quantity of hazardous waste (33,000) or the overall quantity of waste (60,000 tonnes) that is currently approved. There will be no change to the waste acceptance and handling procedures. All wastes will continue to be off-loaded, packaged and stored inside the main warehouse and will not be visible from any public road contiguous or adjacent to the curtilage of the building. It is not proposed to change the operational hours and, as the APCR will replace the other hazardous wastes already approved, there will be no increase in traffic movements to and from the facility at the above address and is, by Chief Executive's Order PR/0790 dated 18-Jul-2017, DECLARED EXEMPT and therefore **WILL NOT** require planning permission.

A copy of the Planner's report is enclosed.

Yours faithfully,



For Senior Planner

Comhairle Chontae Atha Cliath Theas

PR/0790/17

Record of Executive Business and Chief Executive's Order

Register Reference:	ED17/0034
Correspondence Name & Address:	Rilta Environmental Ltd. Site 14 A1, Greenogue Business Park, Rathcoole, Co. Dublin.
Development:	<p>Rilta Environmental Ltd. operates a waste transfer station for the handling of hazardous and non-hazardous wastes at Site 14A Geenogue Business Park under planning permission SD02A/0301. The site encompasses 0.5ha and comprises a main warehouse, hazardous chemical store, offices, three covered tanker bays, a covered dispatch area and a weighbridge. The current permission authorises the acceptance, storage and packaging of 60,000 tonnes of waste comprising 27,000 tonnes of non-hazardous, commercial and industrial, construction and demolition wastes, sewage and industrial sludges, and 33,000 tonnes of hazardous waste. Rilta intends to accept, package and temporarily store air pollution control residue (APCR), before exporting it for disposal. This material will be classified as hazardous and the annual acceptance rate will be 30,000 tonnes. APCR will make up the bulk of the 33,000 of the currently authorised hazardous waste, and it is not proposed to increase either the quantity of hazardous waste (33,000) or the overall quantity of waste (60,000 tonnes) that is currently approved. There will be no change to the waste acceptance and handling procedures. All wastes will continue to be off-loaded, packaged and stored inside the main warehouse and will not be visible from any public road contiguous or adjacent to the curtilage of the building. It is not proposed to change the operational hours and, as the APCR will replace the other hazardous wastes already approved, there will be no increase in traffic movements to and from the facility.</p>
Location:	Site 14 A1, Greenogue Business Park, Rathcoole, Co. Dublin.
Applicant:	Rilta Environmental Ltd.

Description of Site and Surroundings

The site relates to Unit 14A Greenogue Business Park, Rathcoole, County Dublin. The site comprises a large warehouse, and smaller ancillary structures on site of approximately 0.5 hectares on Grant's Road in Greenogue Business Park.

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Proposal

This is an application requesting a Section 5 Declaration on whether or not the below constitutes exempted development:

Rilta Environmental Ltd. operates a waste transfer station for the handling of hazardous and non-hazardous wastes at Site 14A Geenogue Business Park under planning permission SD02A/0301. The site encompasses 0.5ha and comprises a main warehouse, hazardous chemical store, offices, three covered tanker bays, a covered dispatch area and a weighbridge. The current permission authorises the acceptance, storage and packaging of 60,000 tonnes of waste comprising 27,000 tonnes of non-hazardous, commercial and industrial, construction and demolition wastes, sewage and industrial sludges, and 33,000 tonnes of hazardous waste. Rilta intends to accept, package and temporarily store air pollution control residue (APCR), before exporting it for disposal. This material will be classified as hazardous and the annual acceptance rate will be 30,000 tonnes. APCR will make up the bulk of the 33,000 of the currently authorised hazardous waste, and it is not proposed to increase either the quantity of hazardous waste (33,000) or the overall quantity of waste (60,000 tonnes) that is currently approved. There will be no change to the waste acceptance and handling procedures. All wastes will continue to be off-loaded, packaged and stored inside the main warehouse and will not be visible from any public road contiguous or adjacent to the curtilage of the building. It is not proposed to change the operational hours and, as the APCR will replace the other hazardous wastes already approved, there will be no increase in traffic movements to and from the facility.

The applicant suggests that the proposal is exempt under Schedule 2 Part 1 Class 22 of the Planning and Development Regulations 2001 (as amended)

Storage within the curtilage of an industrial building, in connection with the industrial process carried on in the building, of raw materials, products, packing materials or fuel, or the deposit of waste arising from the industrial process.

This Section 5 Declaration application includes:-

- Completed application form
- Plans and elevations of the buildings, as submitted with SD02A/0301
- Site Location Map

Relevant Planning History

SD09A/0220

Proposal to accept dismantled waste pipes and ducting at the RILTA Environmental Facility. The material will be imported from one specific Dismantle and re-build project in the Dublin West region. The incoming material consisting of air ducting, steel and plastic pipes will be handled and sorted within the main warehouse. There will be no change to the existing structures which have planning under Planning Ref.

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SD02A/0301. The proposed activity will be an extension of the existing permitted activities at the site for a period of 12 months with the intention of returning to the activities granted under the original planning application SD02A/0301 thereafter i.e. a waste transfer station for the handling of hazardous and non-hazardous waste with an annual throughput that shall not exceed 60,000 tonnes. It is proposed to operate the facility on a 24-hour basis. The facility has an existing EPA Waste Licence (No. 185-1) which allow for the acceptance of up to 60,000 tonnes of waste per annum. The proposed activity will not exceed this permitted volume of waste per annum.

Permission granted, subject to 15 conditions, including the below:

2. Notwithstanding the above, the proposed development shall comply with the relevant conditions of previous grant of permission on this site under Register Reference SD02A/0301, save as may be required by other conditions attached hereto.

REASON: In the interest of clarity and the proper planning and sustainable development of the area.

3. The proposed development shall be limited to a period of one year from the date of final grant unless previously granted permission to continue either by this Planning Authority or An Bord Pleanála on appeal

REASON: To fully assess the impact of the proposed development and in the interests of the proper planning and sustainable development of the area.

SD06A/0593

Provision of an ESB sub-station & switch room for waste transfer station at Greenogue Business Park. The proposed sub-station & switch room will have an area of approx. 28sq.m. & overall height of 3m. The application relates to a development, which comprises and is for the purposes of an activity requiring a waste license in accordance with the Waste Management Act 1996.

Permission granted subject to four conditions.

Parent Permission SD02A/0301

Development of a waste transfer station for the handling of hazardous and nonhazardous wastes at Greenogue Ind. Est.. The development provides for buildings and structures with gross floor area of 2183sq.m and comprising the following floor areas and heights; a main warehouse building (1560sq.m with a height of 14.5m), ancillary offices on three floors (160sq.m. with a height of 11.8m), a hazardous chemical store (219sq.m. with a height of 11.4m) with an underground water retention tank, three covered tanker bays (overall floor area of 160sq.m. with a height of 6 metres) and a covered dispatch area (84sq.m. with a height of 4.5m) along with a weighbridge, parking and associated landscaping and site development works including a surface water attenuation tank and bunding to the buildings structures and the site. The application relates to development which comprises and is for the purposes of an activity requiring a waste license in accordance with the Waste Management Act 1996. The Planning application is accompanied by an Environmental Impact Statement and the Environmental Impact Statement will be

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available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the planning authority.

Permission granted, subject to 18 conditions, including the below:

2. The annual throughput of waste shall not exceed 60000 tonnes and any proposed increase in throughput shall be the subject of a separate application for planning permission

REASON:

To clarify the extent of the planning permission granted.

An extract from the planner's report on the file is included below:

The proposal is for a waste transfer facility capable of handling both hazardous and non hazardous waste, estimated volume 30,000 tonnes hazardous (15, 000 tonnes of which will be contained in sealed containers) and 27 tonnes non hazardous. No explosive or radioactive waste will be handled at the facility

It should be noted that the types of hazardous waste to be catered for includes:

Paints/solvents

Pesticides

Waste pharmaceuticals

Batteries

Inks

Flouorescent tubes

Contaminated Soils

Contaminated Soils

Waste Electronics

White Goods

Relevant extracts from the EIS submitted as part of that planning application are included below:

2.2. Proposed Development

The proposed development comprises a main warehousing unit to be used for the handling, sorting and repackaging of waste materials, including hazardous waste, a hazardous waste store, a three bay tanker parking area, ancillary office and site works on a site which extends to 0.5 hectares (refer to Figure I .2).

For the purposes of clarity, no explosive or radioactive wastes will be handled at the proposed waste transfer station.

4.4. Nature and Sources of Waste

Using the definition and format adopted in the EPA Waste Licence Application Form, the transfer station is expected to receive the following types and quantities of waste:

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Table 4.1: Types and Quantities of Waste

Waste Type	Tonnes per annum
Household waste delivered to civic waste facilities and other bring facilities	2,000
Other household waste	5,000
Commercial Waste	5,000
Sewage Sludges	2,000
Construction and Demolition Waste	1,000
Industrial Sludges	2,000
Industrial waste not elsewhere specified	10,000
Hazardous Waste	30,000
Total	57,000

Of the 57,000 tonnes of waste to be handled at the proposed waste transfer station only 30,000 tonnes are considered as hazardous waste. Figure 4.2 illustrates the relative volumes of hazardous and non-hazardous wastes to be handled at the proposed facility. Of the 30,000 tonnes of hazardous waste, 15,000 tonnes will be taken on site in sealed containers utilising the overnight tanker parking facility. This waste will not be removed from their original containers at the overnight parking facility.

It is proposed that 53% of the waste throughput is classified as hazardous waste while the remaining 47% of the throughput is classified as non-hazardous. Of the hazardous waste accepted at the facility, 50% will be repackaged on site, the remaining 50% will be contained in sealed containers using the overnight parking facilities.

Recent Relevant Enforcement History

No recent relevant enforcement history found.

Pre-Planning Consultation

No pre-planning recorded.

Assessment

Consideration as to what constitutes development and/or exempted development is governed by Sections 3, 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10, 11 of the Planning and Development Regulations 2001 (as amended).

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The issue in question here is whether the proposal described constitutes a change of use; whether that change of use is material, and constitutes development; and whether such a material change of use constitutes exempted development.

Is the proposal development?

Section 3(1) of the Planning and Development Act 2000, defines 'development' as 'the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land'. The term 'works' is defined in Section 2(1) of the 2000 Act as 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'.

There are no works proposed.

The existing permitted use is the handling of hazardous and non-hazardous wastes of no more than 60,000 tonnes per year, with a 53:47 split between hazardous and non-hazardous wastes.


The proposal to accept, package and temporarily store 30,000 tonnes of Air Pollution Control Residue, with no increase to the overall permitted amount of hazardous wastes, would constitute a change of use from that originally permitted, as the original permission did not anticipate the acceptance of Air Pollution Control Residue. However, only changes of use that are material (significant in some way, or likely to have an impact from a planning point of view) constitute development. The change is not considered to constitute a material change of use from the use permitted.

It is considered, therefore, that the proposed activity as outlined above would not constitute 'development', as defined in Section 3(1) of the Planning and Development Act 2000.


Conclusion

Having regard to the provisions of sections 3 and 4 of the Planning and Development Act 2000 (as amended) and Articles 5,6,7,8,9,10 and 11 of the Planning and Development Regulations 2001 (as amended) it is considered that the activity as detailed in the documentation submitted, is not development, and does not require planning permission.





R.P. **Jim Johnston,**
Senior Executive Planner

Endorsed: 

Mairéad Fitzgerald,
Administrative Officer

Comhairle Chontae Atha Cliath Theas

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ORDER: That the applicant be informed that the proposed development of :

Rilta Environmental Ltd. operates a waste transfer station for the handling of hazardous and non-hazardous wastes at Site 14A Greenogue Business Park under planning permission SD02A/0301. The site encompasses 0.5ha and comprises a main warehouse, hazardous chemical store, offices, three covered tanker bays, a covered dispatch area and a weighbridge. The current permission authorises the acceptance, storage and packaging of 60,000 tonnes of waste comprising 27,000 tonnes of non-hazardous, commercial and industrial, construction and demolition wastes, sewage and industrial sludges, and 33,000 tonnes of hazardous waste. Rilta intends to accept, package and temporarily store air pollution control residue (APCR), before exporting it for disposal. This material will be classified as hazardous and the annual acceptance rate will be 30,000 tonnes. APCR will make up the bulk of the 33,000 of the currently authorised hazardous waste, and it is not proposed to increase either the quantity of hazardous waste (33,000) or the overall quantity of waste (60,000 tonnes) that is currently approved. There will be no change to the waste acceptance and handling procedures. All wastes will continue to be off-loaded, packaged and stored inside the main warehouse and will not be visible from any public road contiguous or adjacent to the curtilage of the building. It is not proposed to change the operational hours and, as the APCR will replace the other hazardous wastes already approved, there will be no increase in traffic movements to and from the facility at Site 14 A1, Greenogue Business Park, Rathcoole, Co. Dublin.

is considered to be exempted development under the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) and therefore **does not** require planning permission.

Date:

18/7/17


Neil O'Byrne,
Senior Planner