

This Report has been referred for submission to the Board by Director, Eimear Cotter

Signed: 

Date: 08/11/2018



**OFFICE OF ENVIRONMENTAL
SUSTAINABILITY**

**INSPECTOR'S REPORT ON A WASTE LICENCE APPLICATION, LICENCE
REGISTER NUMBER W0296-01**

TO: DIRECTORS

FROM: Ewa Babiarczyk

DATE: 8 November 2018

Applicant: Kilsaran Concrete Unlimited Company
CRO number: 23927 (status: normal)
Location/address: Kilsaran Concrete, Tullykane, Kilmessan, County Meath.
The facility is located in a semi-rural area.

Application date: 18th April 2017

Classes of activity (under Waste Management Act 1996 as amended) applied for and proposed in Recommended Decision (RD):

R 3 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.

R 5 Recycling/reclamation of other inorganic materials, which includes soil cleaning resulting in recovery of the soil and recycling of inorganic construction materials (main).

R 10 Land treatment resulting in benefit to agriculture or ecological improvement.

R 13 Storage of waste pending any of the operations numbered R 1 to R 12 (excluding temporary storage (being preliminary storage according to the definition of 'collection' in section 5(1)), pending collection, on the site where the waste is produced).

Classes of activity (under Waste Management Act 1996 as amended) applied for but recommended for refusal:

D 15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage (being preliminary storage according to the definition of 'collection' in section 5(1)), pending collection, on the site where the waste is produced).

R 4 Recycling/reclamation of metals and metal compounds.

R 12 Exchange of waste for submission to any of the operations numbered R 1 to R 11 (if there is no other R code appropriate, this can include preliminary operations prior to recovery including pre-processing

such as, amongst others, dismantling, sorting, crushing, compacting, pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R1 to R11).	
European Directives/Regulations relevant to this assessment are listed in the Appendix 2 of this report.	
<p>Activity description/background:</p> <p>The applicant proposes to restore a rock quarry through the recovery of waste soil & stone. The proposed maximum annual intake is 400,000 tonnes of waste soil & stone over a period of 14 years. Accordingly, the proposed total volume of material required to restore the quarry is 5.6 million tonnes.</p> <p>The applicant proposes also to accept construction and demolition (C&D) waste for construction of internal haul roads.</p>	
Types of waste sought for acceptance and recommended to be authorised in the RD:	
(a) Inert soil and stones arising from construction and demolition activities (LoW code 17 05 04).	
Types of waste sought for acceptance and is recommended to be refused:	
(a) Concrete (Low code 17 01 01);	
(b) Bricks (Low code 17 01 02);	
(c) Tiles and ceramics (Low code 17 01 03);	
(d) Mixtures of concrete, bricks, tiles and ceramics (Low code 17 01 07);	
(e) Minerals (for example sand, stone) arising from a mechanical treatment (LoW code 19 12 09).	
Additional information received:	Article 14 Reply (20 th March 2018); and, Unsolicited Information (24 th April 2018)
No of submissions received:	Five
EIS submitted: Yes (18 th April 2017)	NIS submitted: No
Site visit: 21 st April 2017	Site notice check: 21 st April 2017

1. Activity description/background

Kilsaran Concrete Unlimited Company, hereafter referred to as Kilsaran Concrete, is the owner of the site. The facility is a limestone rock quarry located in the townland of Tullykane, 1km southeast of Kilmessan in County Meath as shown in Figure 1. The facility boundary covers an area of 51.44 hectares. The activity is authorised by planning permission (see Section 4.2 of this report for planning status). The applicant currently holds an effluent discharge licence to discharge treated effluent comprising groundwater and storm water run-off arising from quarry operations to the Balreask Stream (see Section 2 for details).

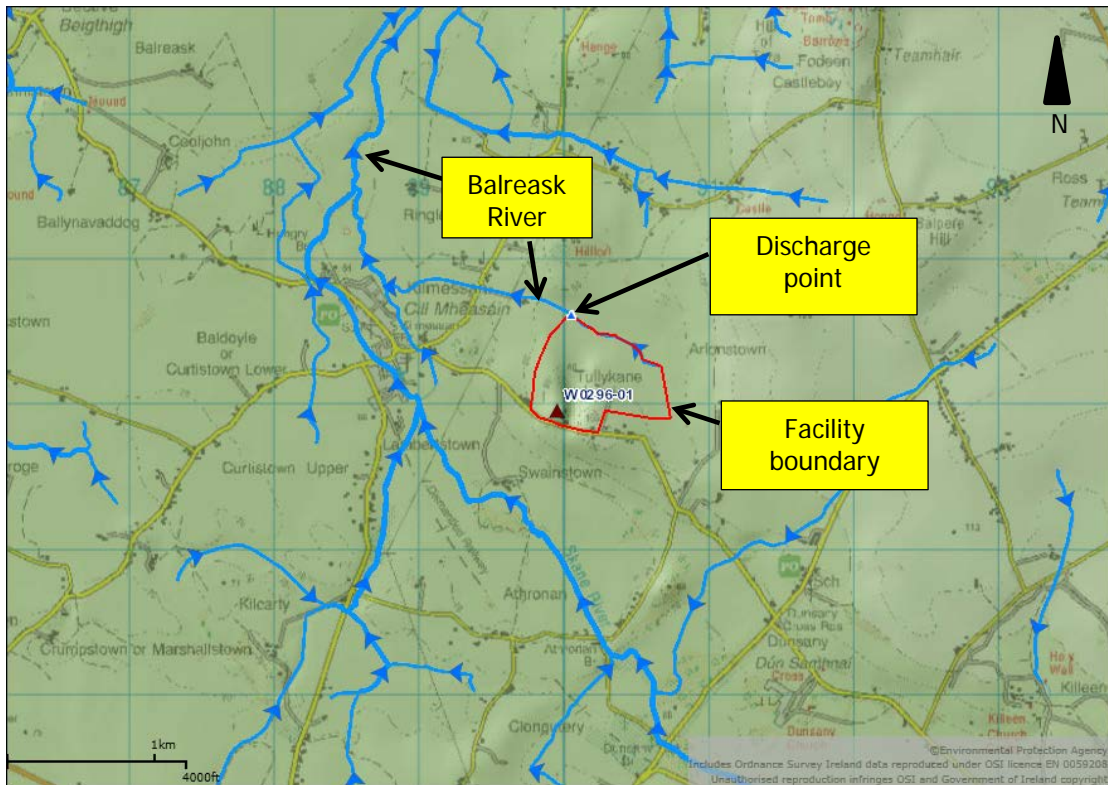


Figure 1: Location and extent of facility

The quarrying activities stopped in 2012 and the applicant proposes to backfill the quarry. The backfilling of the quarry void will facilitate the restoration of the site to original ground levels and use as agricultural land. The applicant proposes also to construct a community park and playing pitch in part of the site. The applicant seeks to fill the quarry with 5,600,000 tonnes of inert soil and stone. There are areas within the quarry in which groundwater and storm water is standing as shown in Figures 2 and 3 below. This water is currently pumped into a tank prior to being discharged into the Balreask Stream which runs along the facility's north-eastern boundary (see Figure 1 above). Stockpiles of C&D waste, plastic, rubber, old machines, drums, pallets, cables, sheets of plastic and metal, tyres and old machinery were observed scattered across the site, as shown in Figures 4 and 5 during the site visit on 21st April 2017. Condition 3.18 requires that all unauthorised waste be removed from the site within three months of grant of the licence.

The proposed site infrastructure will comprise of weigh bridge, quarantine area, wheel wash, fuel storage area, site office, waste inspection area, plant comprising bulldozers, loading shovels and vibrating rollers, two sumps for the pumped water, bunded tank for waste oils and haul roads. Proposed wastes to be accepted are soil and stones for restoration works. The only waste type proposed to be authorised for the acceptance at the facility is soil and stones (LoW code: 17 05 04). The applicant also proposes underground, double-skinned wastewater tanks for any leachate arising at the waste inspection and quarantine areas. Condition 3.12.7 requires that there shall be no underground tanks at the facility. Condition 8.10 requires that all vehicle and machinery refuelling and maintenance operations shall be carried out in designated areas protected against spillage and leachate run-off.

The applicant was granted a discharge licence and planning permissions for activities within the site, as detailed in Sections 2 and 4 of this report.



Figure 2: Groundwater on the quarry floor



Figure 3: Surface water on the quarry floor



Figure 4: Stockpile of C&D waste



Figure 5: Discarded machinery parts

2. Licence/Permit History

Licence/Permit	Details	Grant Date
D/L_13/07	Effluent Discharge Licence from Meath County Council	25 th November 2013

This Effluent Discharge Licence was granted in respect of discharge of treated effluent arising from the quarry operations to the Balreask Stream. Once the licence has been granted by the Agency, the discharge from the facility will be no longer controlled by the Effluent Discharge Licence.

3. Best Available Techniques

Even though the facility is not a landfill (i.e. it is a waste recovery, not a waste disposal activity) BAT for the activity is taken to be best represented by the guidance given in the Agency's Guidance Note on Best Available Techniques for the Waste Sector: Landfill Activities (2011), insofar as it relates to the backfill activities at this facility.

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.

4. Planning Permission, EIS and EIA Requirements

4.1 EIA Screening

In accordance with Section 40(2A) of the Waste Management Act 1996 as amended, the Agency must ensure that before a licence or revised licence is granted, that the application is made subject to an environmental impact assessment (EIA), where the activity meets the criteria outlined in Section 40(2A)(b) and 40(2A)(c). In accordance with the EIA Screening Determination, the Agency has determined that the activities are likely to have a significant effect on the environment, and accordingly has carried out an assessment for the purposes of EIA.

4.2 Planning Status

A number of planning applications have been made by the licensee for the area within the facility boundary. Details of these planning applications have been provided in the application form and are summarised below.

Planning reference	Purpose of planning application	Date of grant
Meath Co. Co. ref. RA/170127	To restore the existing excavated quarry to the original ground levels and use as agricultural land by	16 th April 2018

<p>ABP ref. PL17.248391</p>	<p>importing 5,600,000 tonnes (i) of imported inert natural materials, soil and stones (ii) construct a community park and playing pitch with new entrance, fencing, landscaping and parking on existing ground (iii) reinstating existing overburden contained on site and all other associated site works for a period of 14 years.</p>	
<p>Meath Co. Co. ref. TA/802731 ABP ref. PL17.233813</p>	<p>Continuation of a quarry development, including associated plant and buildings, extraction by a further two benches within the previously approved extraction footprint area for a new permission term of 22 years on a 46 hectare site. Also, a new Readymix Concrete Batching Facility and associated infrastructure.</p>	<p>23rd December 2011 Split decision:</p> <ul style="list-style-type: none"> • Permission for the continuation of a quarry development; <p>and,</p> <ul style="list-style-type: none"> • refusal of the ready mix concrete batching facility.
<p>Meath Co. Co. ref. TA/60605 ABP ref. PL17.223791</p>	<p>To establish a readymix concrete and concrete batching plants, storage building, ESB switch house, ground storage bays and the retention of ESB substation, and all associated works.</p>	<p>11th May 2007 Split decision:</p> <ul style="list-style-type: none"> • Permission granted for the retention of ESB substation; and, • Refusal of the readymix concrete and concrete block batching plants and associated infrastructure.
<p>Meath Co. Co. ref. 99/1230 ABP ref. PL17.119097</p>	<p>Permission for 10 years for retention of intensification of a quarry development and associated processing, including improvements to the quarry entrance with provision for a new office, wheelwash and relocation of weighbridge.</p>	<p>16th October 2001</p>

Meath County Council required an Environmental Impact Statement (EIS) in support of planning applications ref. 99/1230, TA/802731 and RA/170127. The applicant has, with the licence application, submitted the EIS that relates to planning application reference RA/170127. Having reviewed the reports for previous planning permissions, it is considered that the EIS submitted with the licence application,

along with the licence application, adequately identifies, describes and assesses the direct and indirect effects of the entire activity and that the EISs relating to 99/1230 and TA/802731 planning permissions are not required for the Agency's assessment.

4.3 Content of EIS and licence application

I have considered and examined the content of the licence application and the EIS. I consider that the EIS, complies with the requirements of the *Waste Management Licensing Regulations, 2004, as amended, S.I. 395 of 2004*, when considered in conjunction with the additional material submitted in the application.

4.4 Environmental Impact Assessment Directive

Having specific regard to EIA, this Inspector's Report as a whole is intended to identify, describe and assess for the Agency the 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 environmental factors: human beings, flora, fauna, soil, water, air, climate, the landscape, material assets and cultural heritage.

This Inspector's Report addresses the interaction between those effects and the related development forming part of the wider project. The cumulative effects, with other developments in the vicinity of the activity have also been considered, as regards the combined effects of emissions. The main mitigation measures proposed to address the range of predicted significant effects arising from the activity have been outlined. This Inspector's Report proposes conclusions to the Agency in relation to such effects.

In preparing this Inspector's Report I have considered and examined:

- the licence application, Register Number: W0296-01;
- the EIS associated with the most recent planning permission, Planning Authority reference: RA170127; and,
- the planning documentation (Planning Authority reference: RA170127, An Bord Pleanála reference: PL17.248391).

While the environmental factors have been considered throughout my entire assessment, the following table identifies, for ease of reference, the sections of this report where each environmental factor has been predominantly discussed.

Table of Environmental Factors

Environmental Factor	Addressed in the following Sections:
Human Beings	Greenhouse gases and Climate Impact, Emissions to Air, Discharges to Water and Ground, Noise, Waste Generation, Other matters relating to EIA
Flora and Fauna	Greenhouse gases and Climate Impact, Emissions to Air, Discharges to Water and Ground, Noise, Waste Generation
Soil	Discharges to Water and Ground

Environmental Factor	Addressed in the following Sections:
Water	Discharges to Water and Ground
Air	Greenhouse gases and Climate Impact, Emissions to Air
Climate	Greenhouse gases and Climate Impact, Emissions to Air
Landscape	Other matters relating to EIA
Material Assets	Other matters relating to EIA
Cultural Heritage	Other matters relating to EIA

4.5 Consultation with Competent Authorities

The Agency consulted with Meath County Council and An Bord Pleanála under the relevant section of the Waste Management Act.

The County Council's response was received on 15th August 2017 and refers to the planning application RA/170127 and the associated appeal. No specific observations in relation to the licence application are contained the County Council's response.

An Bord Pleanála responded on 27th November 2017 and 13th December 2017. The response received on 27th November 2017 refers to the said appeal, however, it contains no specific observations either on the appeal or the application.

The response received on 13th December 2017 also refers to the said appeal and states that the appeal relates to the same development as described in the licence application Reg. No. W0296-01, and the EIS submitted to the Agency contains the same information as the EIS submitted to An Bord Pleanála. The response further includes a summary of the planning history of the site. No specific observations in relation to this licence application were included in the response.

This appeal has been dealt with and the associated planning permission was granted on 16th April 2018, as outlined in Section 4.2 of this report.

5. Submissions

Five submissions were received on this application.

While the main points raised in the submissions are briefly summarised in the tables below, the original submissions should be referred to at all times for greater detail and expansion of particular points.

The issues raised in the submissions are noted and addressed in this Inspector's Report and the submissions were taken into consideration during the preparation of the Recommended Decision.

Submission No. 1

Name & Position: <i>Duncan S.J. Grehan</i>	Organisation: <i>Duncan Grehan & Partners</i>	Date received: <i>4th May 2017</i>
This submission contains a letter to the Agency dated 03/05/17 and includes copies of two letters (both letters dated 26/04/17) which were submitted to An Bord Pleanála on behalf mainly of local residents.		
Issues raised in the letter addressed to the Agency:	Agency Response:	
The ancient heritage sites in the fields around the quarry are not shown on the maps contained in the application.	- Matters relating to the impact on historic heritage are not controlled by the Agency. Please refer Section 13 of this report for detail.	
The local road network is not suitable for the traffic to be associated with the activity. The traffic associated with the facility will be destructive and dangerous to health and safety and harmful to the local amenity.	- Matters related to traffic outside the facility are a matter for the planning authority.	
The infill waste can cause pollution of groundwater in wells.	<ul style="list-style-type: none"> - Only clean soil and stone will be authorised for acceptance at the facility. - Condition 8.13 requires waste acceptance procedures to prevent the acceptance of unauthorised (including contaminated) waste at the facility. - Schedule A.2 specifies waste acceptance criteria. - All vehicle and machinery refuelling and maintenance operations will be carried out in areas protected against spillage and run-off (Condition 8.10). - Non-conforming waste will be stored in designated areas, protected against spillage and leachate run-off. - Schedule C.5 requires monitoring of groundwater. - Acceptance of C&D wastes that could contaminate groundwater is recommended to be refused, as detailed in the first table of this report. Accordingly, only clean soil and stone will be authorised for acceptance at the facility (Schedules A.1, A.2 and A.3). 	
There will be risk of noise, dirt and pollution.	- Schedule B.3 specifies limits on noise emissions. The RD includes noise conditions and emission limit values, which will apply at the noise sensitive locations.	

	<p>Condition 6.12 requires the applicant to carry out noise survey.</p> <ul style="list-style-type: none"> - Condition 3.5.2 requires that the facility entrance and hardstanding areas shall be maintained in clean condition. - Condition 6.11 requires measures for dust and noise control. - Condition 6.13 requires litter control measures. - The RD includes numerous measures preventing the facility from causing contamination. Please see Sections 6, 7, 9 and 11 of this report for detail.
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The below table list issues raised in the letters to An Bord Pleanála and which lie within the remit of the Agency:

Issue	Agency Response
<p>Groundwater</p> <ul style="list-style-type: none"> - type and quality of accepted waste. 	<ul style="list-style-type: none"> - Only clean inert soils and stones will be authorised for the backfill of the facility. - Schedule A.2 specifies waste acceptance criteria. - The applicant will be required to develop and implement waste acceptance procedures to prevent the acceptance of unauthorised (including contaminated) waste at the facility (Condition 8.13). - Conditions 11.9 and 11.10 specify information that shall be recorded in respect of waste arriving at the facility. - Acceptance of C&D wastes that could contaminate groundwater is proposed to be refused, as detailed in the first table of this report. Accordingly, only clean soil and stone will be authorised for acceptance at the facility (Schedules A.1, A.2 and A.3).
<p>Emissions</p> <ul style="list-style-type: none"> - Noise, - dirt, - dust, - pollution. 	<ul style="list-style-type: none"> - Schedule B.3 specifies limits on noise emissions. The RD includes noise conditions and emission limit values, which will apply at the noise sensitive locations. Condition 6.12 requires the applicant to carry out noise survey. - Condition 3.5.2 requires that the facility

	<p>entrance and hardstanding areas shall be maintained in clean condition.</p> <ul style="list-style-type: none"> - Condition 6.11 requires measures for dust and noise control. - Condition 6.13 lists litter control measures. - The RD includes numerous measures preventing the facility from causing contamination. Please see Sections 6, 7, 9 and 11 of this report for detail.
Health risk caused by emissions	<p>The following sections of this report address the impact of the facility on human beings:</p> <ul style="list-style-type: none"> • Greenhouse gases and Climate Impact, • Emissions to Air, • Discharges to Water and Ground, • Noise, • Waste Generation
<p>Capacity of the quarry</p> <ul style="list-style-type: none"> - Is the total amount of waste intake consistent with the capacity of the quarry? 	<p>The restoration of the quarry to the original ground levels by importing 5,600,000 tonnes has been authorised by planning permission.</p>
<p>Applicant's identity</p> <ul style="list-style-type: none"> - different names for the applicant; - CRO states that it is unlimited company (any implications?). 	<p>The applicant is Kilsaran Concrete Unlimited Company.</p> <p>An assessment of fit and proper is included in Section 16 of this report.</p>
<p>Financial security, Contribution to the local community</p> <ul style="list-style-type: none"> - The lack of adequate financial security of the infill, incl. first fixed charges, insurance and the personal guarantees; - Fund contribution to compensate for damage and consequences suffered by the local community; - Insurance to cover risk associated with the activity. 	<p>See Section 16 of this report for Fit and Proper person assessment. Please refer to Conditions 10 and 12 in the RD.</p>
<p>Time of operation (days, hours)</p> <ul style="list-style-type: none"> - Disturbance to the local community. 	<p>Condition 1.7 specifies the hours of operation and waste acceptance in line with the Planning Permission.</p>
<p>Some close neighbours not identified on maps by the applicant.</p>	<p>Environmental Impact Assessment has been carried out. Please see Sections 6, 7, 8, 9 and 11 of this report for detail. The RD includes numerous measures preventing the facility from causing contamination and nuisance to local residents, including the</p>

	people who live in close proximity to the site.
Not sufficient consultation/communication/engagement with the local community was not sufficient.	Condition 2.2.2.6 of the RD requires that a Public Awareness and Communications Programme to ensure that members of the public can obtain information at the facility at all reasonable times concerning the environmental performance of the facility.
Flora and fauna – negative impact of the infill on flora and fauna; loss of habitats; import of invasive species.	Environmental Impact Assessment has been carried out. Condition 2.2.2.9 requires an invasive species prevention and eradication plan to cover at least, Japanese Knotweed, Giant Knotweed, Bohemian Knotweed and any other relevant invasive species.
Concern that the council or EPA will have no resources available to continually monitor and police the compliance with the quality control standards and systems for, i.e. quality of the infill material.	Any licence as may issue will be enforced the EPA's Office of Environmental Enforcement.
Miss-description of the activity in the application – the description should read the business of selling the quarry hole as a space for the dumping and not the "restoration of the existing excavated quarry".	The proposed activity classifies as a waste recovery activity comprising of soil and stone recovery and not a landfill for waste disposal.
Engagement of authorities if there is a suspicion of pollution.	Any licence as may issue will be enforced the EPA's Office of Environmental Enforcement.
Contamination of local water supply and aquifer; filling/plugging of any existing wells and investigation holes – this work should be overseen by independent engineers. Also, settlement ponds and the discharge should be overseen. Testing of public wells, protection of aquifer.	Only clean soil and stone is recommended to be authorised for acceptance at the facility. Schedule C.5 requires monitoring of groundwater.
Odour that might be generated by the accepted waste.	There will be no odorous waste accepted at the facility. Accordingly, there is no potential for odour emissions from the activity.
Who will monitor this facility, what are the security arrangements.	The RD specifies monitoring requirements for the emissions from the facility. Condition 3.4 specifies requirements for facility security.
Risk of radiation, gases and smoke from the activity.	There will be no risk of radiation, gases and smoke from the activity. Clean soil and stone are the only waste permitted to be accepted

	at facility.
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The following are the issues raised in the letters to An Bord Pleanála but which are outside the remit of the Agency:

Issue
History of non-compliance with planning.
Traffic and road safety <ul style="list-style-type: none"> - HGV trucks; - traffic and unsuitability of the local roads/ unsafe roads; disturbance to amenities due to traffic; - health and safety risk due to traffic.
Impact on amenities <ul style="list-style-type: none"> - devaluation and damage of local amenity/ estate values; "personal and material loss and damage".
Creation of a lake/ playing pitch / amenity park <ul style="list-style-type: none"> - Not certain creation and maintenance of community park and playing pitch. The offer of a football pitch and amenity park is derisory and contemptible with little thought or money put into their creation or upkeep. - The proposed amenity park does not represent and adequate or appropriate for of compensation to the local community for the reduction in quality of life that the proposed use of the quarry would entail.
Unsuitability of the remaining deposit for quarrying due to the presence of pyrite.
The lack market for the material removed from the quarry.
The proposed lifetime of 14 years. Concern exists that they might operate longer.
Meath Co. Co. did not give adequate analysis of the local objection to "any grant" of permission.
The infill proposal vs of lake or quarrying.
Applicant has a history of misconduct and non-compliance with planning permissions.
Possible quarrying in future.
Community Park is not guaranteed.
Contradiction of the previous planning (from December 2011) which required restoration for two years for creation of the lake.
Refusal by the Board of the Readymix concrete batching facility.
Restoration Plan has not been agreed with Planning Authority.
Cash Deposit to the County Council.
Non-compliance with planning permission.

<p>Suitable and adequate sanitary facilities must be provided on the site i.e. handwashing facilities with instantaneous hot and cold running water.</p>	<ul style="list-style-type: none"> - Condition 3.20 specifies the requirement for the treatment of sanitary effluent arising on-site.
<p>Recommendation that current and up-to-date baseline monitoring data is used to establish the existing noise environment. The submission explains that the only noise monitoring data provided in the EIS was the results of noise monitoring carried out in 2012 when the quarry was in operation and states that this is not a true representation of the existing noise environment.</p>	<p>It is noted that the submission does not refer to any particular location regarding the noise monitoring.</p> <ul style="list-style-type: none"> - Schedule B.3 specifies emission limit values for noise. - Schedule C.2 requires noise monitoring at noise sensitive locations. - Condition 6.12 requires a noise survey.

Submissions No. 3 and 4

<table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border: none;"> <p>Name: <i>Messers Dominic and Joseph Loughran</i></p> </td> <td style="width: 40%; border: none;"> <p>Date received: <i>16th May 2017 (Submission No. 3) and, 1st August 2017 (Submission No. 4)</i></p> </td> </tr> </table>		<p>Name: <i>Messers Dominic and Joseph Loughran</i></p>	<p>Date received: <i>16th May 2017 (Submission No. 3) and, 1st August 2017 (Submission No. 4)</i></p>
<p>Name: <i>Messers Dominic and Joseph Loughran</i></p>	<p>Date received: <i>16th May 2017 (Submission No. 3) and, 1st August 2017 (Submission No. 4)</i></p>		
<p>Issues raised:</p>	<p>Agency Response:</p>		
<p>Concern that contamination might be caused by the operation of the facility.</p>	<ul style="list-style-type: none"> - The RD includes numerous measures preventing the facility from causing contamination. Please see Sections 6, 7, 9 and 11 of this report for detail. - Only clean soil and stone will be authorised for acceptance at the facility. - Condition 8.13 requires waste acceptance procedures to prevent the acceptance of unauthorised (including contaminated) waste at the facility. - Schedule A.2 specifies waste acceptance criteria. - Non-conforming waste shall be stored in designated areas which are protected against spillage and leachate run-off. - All vehicle and machinery refuelling and maintenance operations will be carried out in areas protected against spillage and run-off (Condition 8.10). 		

Private and independent body needs to be appointed to look after "landfills" and the incoming waste.	<ul style="list-style-type: none"> - The facility is a soil and stone recovery facility and is not classified as a landfill. - The enforcement body for matters relating to the licence is the EPA. - The enforcement body for matters related to planning is Planning Authority.
Waste vehicles might be overloaded and cause safety risk on the local roads. Increase in load of waste trucks will cause concern to the general public and road users.	<ul style="list-style-type: none"> - Condition 8.13.1 requires that waste shall only be accepted at the facility from holders of valid waste collection permits, unless exempted or excluded. - Condition 6.13.2 requires that all waste vehicles are appropriately covered. - Matters related to volumes of waste being loaded on waste trucks lie outside the remit of the Agency.
Can the Agency guarantee that the applicant will fill this void in 14 years?	<ul style="list-style-type: none"> - The RD authorises the maximum annual intake of 400,000 tonnes of waste soil & stone and the total waste amount for the infill of 5.6 million tonnes.
The submission refers to a letter from Meath County Council (Ref WM14/2017) in which the Council states that "all waste" which was disposed at the quarry (without authorisation) was removed. The submission further estimates that the amount of the removed waste was 1,275 tonnes. The submission states that is "quite a lot of waste".	<ul style="list-style-type: none"> - The observation is noted. - Due to the fact that stockpiles of waste were observed during the site visit on 21st April 2017 (as outlined in Section 1 of this report), Condition 3.18 requires that all unauthorised waste be removed from the site within three months of grant of the licence.

Submission No. 5

Name: <i>Mr. Matthew Tristan Lalor</i>		Date received: <i>9th July 2018</i>	
Issues raised:		Agency Response:	
<p>The submitter's house is a listed building of historical significance. The house is located by the road which will be used by waste lorries.</p> <p>The submitter is concerned about noise and vibration caused by the lorries, in relation to disturbance, damage and impact on his ability to function as a composer and creative artist.</p> <p>The submitter expressed an</p>		<ul style="list-style-type: none"> - Matters relating to traffic outside of the facility are a matter for the planning authority. - Condition 2.2.2.6 requires the licensee to establish and maintain a Public Awareness and communication programme to ensure that members of the public can obtain information concerning the environmental performance of the facility. - Condition 11.4 requires recording of complaints of an environmental nature related to the operation of the activity and 	

<p>expectation to be financially reimbursed by the applicant for the negative impact on their business and the distress to the property.</p>	<p>the response made in the case of each complaint.</p> <ul style="list-style-type: none"> - Schedule B.3 specifies limits on noise emissions. The RD includes noise conditions and emission limit values, which will apply at the noise sensitive locations. Condition 6.12 requires the applicant to carry out noise survey.
<p>The presence of protected structures, such as the submitter's house is omitted in the EIS.</p>	<ul style="list-style-type: none"> - Matters relating to the impact on cultural heritage are not controlled by the Agency. Please refer to Section 13 of this report for detail.

6. Emissions to Air

This section addresses the following:

- greenhouse gases and climate impact
- dust
- odour

6.1 Greenhouse gases and Climate Impact

Climate change is a significant global issue which affects weather and environmental conditions (air, water and soil) which consequently affects human beings and amenities (material assets and cultural heritage) as well as biodiversity and habitats (flora and fauna). Climate change is caused by warming of the climate system by enhanced levels of atmospheric greenhouse gases due to human activities.

Operation of heavy goods vehicles (HGVs) bringing and collecting waste to and from the facility will generate exhaust gases with greenhouse gas potential. Also, the operation of vehicles and machines in the soil recovery facility will generate exhaust gases with greenhouse gas potential.

With regard to reducing the climate impact of the facility, the RD requires an energy efficiency audit and an assessment of resource use efficiency to be undertaken in accordance with Condition 7.

It is considered that the likelihood of accidental emissions occurring which could impact on climate is low in light of the measures outlined in the "Prevention of Accidents" section below and the proposed conditions in the RD.

Given the small quantity of climate altering substances that could be released from the activity, in a national context, I consider that the impact of any emissions from the facility on climatic considerations should be minimal.

There are no licensed activities adjacent to the facility. The facility is located in a semi-rural area with residences in close proximity to the site. These would use modest amounts of energy and will not be significant contributors of climate altering substances. Therefore significant cumulative effects on the environment from the use of energy by this facility and other developments are not likely.

Based on the above assessment, I am satisfied that there will not be significant effects on climate from the operation of the activity.

6.2 Fugitive Dust

Dust generation during dry weather is associated mainly with the operation of vehicles arriving at and departing from the facility and the filling activity.

Dust from the facility is the main potential emission to air that could affect air quality.

The mitigation measures proposed by the applicant include:

- spraying water on haul roads and waste stockpiles during dry weather;
- providing vegetation on restored areas; and,
- routing HGVs through the wheelwash.

The RD requires that dust control measures are employed to minimise the emission of dust at the facility (Conditions 5.5 and 6.11). Specifically, Condition 6.11.2 requires that in dry weather all stockpiles, site roads and any other areas used by vehicles shall be sprayed with water. Schedule B.4 of the RD sets a limit on ambient dust deposition at the facility boundary while Schedule C.3 requires bi-annual monitoring of ambient dust deposition.

For the purposes of EIA, the environmental factors potentially affected by dust emissions from the activity include: human beings, flora and fauna and air.

Dust arising from the activity could have the potential to deposit beyond the site boundary, causing nuisance for those living nearby and potentially affecting habitats located close to the site boundary.

The likelihood of accidental fugitive dust emissions is considered low in light of the measures outlined in the "Prevention of Accidents" section below and in light of the proposed conditions discussed above.

- There no sources of significant dust emissions in the general vicinity of the site.
- There are no licensed activities in the vicinity which are likely to release significant quantities of dust that could lead to likely or significant cumulative effects from dust deposition on any area beyond the facility boundary.

Based on the above assessment, I am satisfied that there will not be significant effects on the environment from dust emissions from the activity.

6.3 Odour

There will be no odorous waste accepted at the facility. Accordingly, there is no potential for odour emissions from waste activities.

For the purposes of EIA, the environmental factors potentially affected by odour emissions from the activity include: human beings, fauna and air.

Odour is not expected to be an issue due to the fact that no odorous waste will be accepted at the facility. Accordingly, no specific mitigation measures are proposed. The applicant will be required to implement waste acceptance procedures to prevent the acceptance of unauthorised (including contaminated) waste at the facility (Condition 8.13).

Accidental odour emissions could occur if odorous waste is accepted at the facility, causing odour nuisance beyond the facility boundary. However the likelihood of

accidental odour emissions occurring is considered low in light of waste acceptance limitations, the measures outlined in the "Prevention of Accidents" section below and in light of the proposed conditions relating to odour emissions discussed above.

- There are no licensed activities which could be sources of significant odour emissions in the vicinity of the site. Accordingly, no cumulative or indirect issues have been identified.

Based on the above assessment, I am satisfied that there will not be significant effects on the environment from odour emissions from the activity.

6.4 Overall Conclusions in relation to effects of air emissions from the activity on the environment

I am satisfied that there will not be significant effects on climate, air quality, human beings, flora and fauna or any other aspect of the environment from air emissions arising from the operation of the activity.

7. Discharges to Water and Ground

This section addresses the following:

- Direct discharges to waters
- Indirect process emissions to waters (emissions to sewer),
- Emissions to ground/groundwater
- Storm water discharges

7.1 Discharges to Waters

7.1.1 Direct Process Emissions to Waters

There are no direct process emissions to waters from the facility.

7.1.2 Direct storm water discharges to waters

The table below gives details on the facility's storm water discharge to waters, the sources of potential contamination of this discharge, the type of on-site abatement, as well as details of the receiving water.

Emission Reference	Potential contamination	Abatement	Receiving water
SW1 (discharge point)	There is a risk of fuel and oil spillages arising from the operation of vehicles and machinery within the facility. This may cause storm water pollution. Also, contaminated waste could cause pollution of storm water.	<ul style="list-style-type: none"> All vehicle and machinery refuelling and maintenance are required to be carried out in designated areas protected against spillage and run-off (Condition 8.10). All fuels and liquid chemicals must be stored in bunded areas. Implementation of waste acceptance procedures to prevent the acceptance of unauthorised (including contaminated) waste at the facility (Condition 8.13). 	<p>Balreask Stream which flows into River Skane (River Waterbody Code: IE_EA_07S010510) 2km downstream of the discharge from the facility. The status of the Balreask Stream and River Skane is poor.</p> <p>River Skane discharges to River Boyne approximately 8km downstream of the discharge from the facility. The status of River Boyne upstream and downstream of the confluence with Skane River is moderate.</p> <p>Skane River downstream of the confluence with the Balreask Stream (Skane_030) is at risk. WFD Application lists domestic waste water discharges and hydromorphology (channelization) as pressures affecting this waterbody. Further downstream (Skane_40), the pressures are associated with agriculture and urban waste water discharges.</p>

Surface water run-off and groundwater is collected on the quarry floor. This water is pumped into a tank with oil interceptors and a screening barrier prior to discharge via SW1 into the Balreask Stream. However, it was noted during the site visit that this discharge by-passes the interceptors. Condition 3.14.1 requires that all storm water, other than from roofs, and groundwater discharge from the facility shall pass through the settlement pond, oil separators and screening barrier in advance of discharge. Accordingly, re-adjustment works at the settlement pond are listed as specified engineering work in Schedule D.

No flow was present in the Balreask Stream during a field visit by the Agency hydrometric team on 2nd October 2018. The RD sets the Environmental Quality Standards as emission limit values on the discharge via SW1.

The monitoring results 2017 and 2018 demonstrate that the parameters in discharge from the quarry are well below the proposed ELVs.

For the purposes of EIA, the environmental factors potentially affected by storm water discharges to waters include: water, soil, flora and fauna, and human beings.

Deposit of non-conforming waste in the fill area could potentially affect the quality of soil and groundwater. Condition 8.13 requires waste acceptance procedures to prevent the acceptance of unauthorised (including contaminated) waste at the facility.

The RD requires the licensee to maintain the storm water/rainwater collection system and the separation of storm waters that have the potential to become contaminated through contact with any unsuitable waste, from storm waters that do not have the potential to become contaminated through contact with this unsuitable waste. Schedule C.1.2 requires that the discharge from settlement pond is visually inspected and monitored for total petroleum hydrocarbons and other parameters.

The RD contains standard conditions in relation to the storage and management of materials and waste. The RD also requires that accident and emergency response procedures are put in place. The controls pertaining to accidents and emergencies are addressed in Section 11 below. These measures will help to control any impacts which could occur should any mitigation measures fail.

It is therefore considered that direct or indirect impacts as a result of storm water emissions through SW1 are considered to be neither likely nor significant.

- There are no licensed activities in the vicinity which discharge to waters.
- The RD provides for measures to ensure storm waters that have the potential to become contaminated through contact with waste deemed unsuitable are separated from storm waters that do not have the potential to become contaminated through contact with this unsuitable waste. Therefore, it is considered that significant cumulative effects from storm water emissions to water are not likely.

I am satisfied that based on the above assessment, the nature of the activity, the mitigation measures in place, and the conditions in the Recommended Decision that the likelihood of a significant effect on the environment occurring as a result of storm water emissions from the facility is negligible.

7.2 Emissions to Sewer (Indirect Discharges to Water)

7.2.1 Process emissions to sewer (Indirect process emissions to waters)

There are no process emissions to sewer at the facility.

7.3 Discharges to ground/groundwater

The bedrock at the quarry is limestone. The quarry floor is below the groundwater table and water (groundwater and surface water) is continuously being pumped from sumps located on the quarry floor and discharged to the Balreask Stream.

The aquifer beneath the site is classified as a Locally Important Aquifer. The Trim Groundwater Body (GWB: IE_EA_G_002) in which the quarry is located is assigned 'Good Status'. The site is absent of all soils and subsoils and the groundwater vulnerability beneath the site is extreme. The natural groundwater gradient/flow direction in the area of the quarry is expected to be to the west/ southwest towards the Skane River. Currently however, as the quarry is being dewatered, as a result of this dewatering (pumping) there is a local groundwater gradient towards (into) the quarry void. This situation will continue to be the case until such time as pumping, for dewatering of the quarry, ceases.

Kilmessan Public Supply Well (PWS) is located approximately 750m to the west of the quarry. There are also a number of third party wells which are used for domestic and agricultural water supply located in close proximity to the quarry. The majority of the local third party wells are located along the public road to the southwest and southeast of the site. Any groundwater contamination could potentially affect those using the groundwater body as a source of drinking water. Please refer to Sections 7.3.2 and 7.3.3 for mitigation measures for prevention of pollution of groundwater beneath the site.

7.3.1 Direct process emissions to ground/groundwater

There are no direct process emissions to ground/groundwater at the facility.

7.3.2 Storm water discharges to ground

There are no storm water discharges to ground. Rain water falling on the site is collected on the quarry floor and pumped out to the Balreask Stream.

7.3.3 Other emissions to ground/groundwater

Septic tank

There is an existing septic tank and percolation area on site for the disposal of domestic sewage.

For the purposes of EIA, the environmental factors potentially affected by a percolation area discharge to ground/groundwater include: groundwater and surface water quality, flora and fauna, soil and humans.

The RD includes a standard condition which requires the applicant to provide and maintain a wastewater treatment plant for the treatment of sanitary effluent. The waste water treatment system is to satisfy the requirements of Condition 3.20 of the RD.

In the unlikely event of the septic tank failing, the impact in the percolation area would be localised and groundwater would not be impacted significantly. It is therefore considered that direct impacts as a result of sewage emissions to ground/groundwater are considered to be neither likely nor significant.

I am satisfied that based on the above assessment, the nature of the activity, the mitigation measures in place, and the conditions in the RD that the likelihood of a significant effect on the environment occurring as a result of domestic sewage emissions to ground through the percolation area is negligible.

Groundwater quality

Sampling of both up-gradient and down-gradient wells at the quarry was undertaken in 2011 and 2018. There were a number of exceedances recorded with respect to the groundwater regulation values (S.I. No. 9 of 2010) and the drinking water regulations (S.I. 122 of 2014). The report on the monitoring results states that these exceedances occur randomly in both up-gradient and down-gradient wells and are reflective of the baseline groundwater quality of the area. The exceedances in down-gradient well MW10-02 relate to manganese, ortho-phosphate and coliforms. The elevated manganese is most likely related to the natural geology of the site while the elevated ortho-phosphate is likely due a variation in groundwater quality locally. Importantly, elevated levels of manganese and ortho-phosphate (or any other chemical parameter) were not reported in PW10-01 which is located in the centre of the quarry void. There were minor microbial detections in all wells but this is likely as a result of the wells not being sealed (i.e. not grouted). Condition 3.16 requires that all groundwater monitoring boreholes shall be adequately protected to prevent contamination or physical damage.

7.4 Overall Conclusions in relation to effects of emissions to water and ground on the environment

I am satisfied that there will not be significant effects on human beings, flora and fauna, water quality, soil quality, material assets or any other aspect of the environment from emissions to water and ground arising from the operation of the activity.

8. Noise

The main sources of noise at the facility include vehicles, the tipping of the material, the bulldozer placing and grading the infill material and the processing plant.

For the purposes of EIA, the environmental factors potentially affected by noise emissions from the activity include: human beings and flora and fauna.

The most recent noise monitoring was carried out in 2012. The noise monitoring ceased with the cessation of operations at the facility in 2012. The core operational activities at this time were: truck/ vehicular movement, crushing, screening, excavator operation, loading shovel operation and bulldozing. The monitoring results show noise levels ranged between 41.7 dBA LAeq and 48.2 dBA LAeq.

The EIS states that the proposal for the backfilling of the quarry is at a lower intensity with less operational plant and equipment and lesser vehicular movement.

Standard noise conditions and emission limit values, which apply at the noise sensitive locations, have been included in the RD. It is therefore considered that direct significant impacts as a result of noise are unlikely.

- There are no licensed sites in the vicinity of the facility which would be sources of significant noise emissions.
- There are no other developments, installation/facilities or activities in the vicinity that are likely to generate noise to an extent that could lead to likely or significant cumulative effects beyond the site boundary.

Overall Conclusions in relation to effects of noise emissions from the activity on the environment

Based on the above assessment and the controls in place, I am satisfied that there will not be significant effects on the environment from noise from the facility.

9. Waste Generation

The activity does not produce significant quantities of waste and is limited to municipal type waste from office and welfare facilities onsite. Only operators and haulage firms authorised under waste collection permits will be engaged to transfer these waste streams to waste disposal or recovery facilities.

For the purposes of EIA, the environmental factors potentially affected by waste generated by the activity include: material assets and flora and fauna.

If dealt with in accordance with the conditions of the RD, the management of waste generated at the facility will be in accordance with the requirements of Section 29 (2A) of the Waste Management Act as amended.

There are standard conditions in the RD pertaining to the storage and management of waste generated at the facility.

The controls in the RD in relation to waste will prevent the occurrence of possible direct and indirect negative effects.

- Most of the developments in the vicinity of the facility are dwelling houses and agricultural lands, all of which would not generate significant amounts of waste. There are no licensed sites in the area. Therefore, significant cumulative effects on the environment from the generation of waste by this facility and other developments are not likely.

Overall Conclusions in relation to effects of the generation of waste from the activity on the environment

Based on the above assessment and the mitigation measures in place, I am satisfied that there will not be significant effects on the environment from the generation of waste from the operation of the activity.

10. Use of Resources

The operation of the facility will involve consumption of electricity and diesel fuel. Electricity will be used for lighting, heating, weighbridge, office and welfare facilities. Fuel will be used for powering the plant and equipment used for placing and compacting the imported soil and stone. Mains water will be used for sanitary purposes.

Condition 7 of the RD sets out the requirements with regard to resource use and energy efficiency.

For the purposes of EIA, the environmental factors potentially affected by resource use include material assets.

Condition 7 of the licence provides for the efficient use of resources and energy in all site operations. This condition also requires an energy audit to be carried out and repeated at intervals as required by the Agency.

Water abstraction

There will be no water abstraction within the facility. Water for the welfare facilities will be supplied by mains water.

Hazardous Materials

There is a risk of fuel spillages that could cause groundwater pollution. Condition 8.10 requires that all vehicle and machinery refuelling and maintenance is carried out in designated areas protected against spillage and run-off. All fuels and liquid chemicals must be stored in bunded areas. These measures address a number of key provisions of the Groundwater Directive (2006/118/EC), namely that hazardous substances should not be allowed to enter groundwater, and will ensure compliance with the European Communities Environmental Objectives (Groundwater) Regulations 2010.

- The applicant or the nearby developments do not use resources to an extent that could lead to likely or significant cumulative effects beyond the site boundary.

Overall Conclusions in relation to effects of the use of resources by the activity on the environment

I am satisfied that there will not be significant effects on the environment from the use of natural resources from the operation of the activity.

11. Prevention of Accidents

Measures to be taken to prevent accidents and limit consequences

Table 1 Summary of potential accidents and prevention/mitigation measures

Potential for an accident or hazardous or emergency situation to arise at the facility	Due to the non-hazardous and inert nature of the waste to be accepted at the facility, the risk of adverse effects on human beings and the environment as a result of an accident is low. The risk of fire is low due to the absence of flammable waste at the facility.
Preventative and mitigation measures to reduce the likelihood of accidents and mitigate the effects of the consequences of an accident at the facility	Provision and maintenance of adequate bunding. The RD requires the licensee to: <ul style="list-style-type: none">• implement waste acceptance procedures to prevent the acceptance of unauthorised (including contaminated) waste at the facility (Condition 8.13);• employ a suitably qualified and experienced facility manager (Condition 2.1.1);• put in place a documented Accident Prevention Procedure which addresses all hazards on-site

	<p>(Condition 9.1);</p> <ul style="list-style-type: none"> • put in place an Emergency Response Procedure which will ensure any effects of an emergency on-site are minimised (Condition 9.2); • implement a preventative maintenance programme (Condition 2.2.2.7); and • implement procedures to ensure corrective and preventative action is taken should the specified requirements of the licence not be fulfilled (Condition 2.2.2.4).
Additional measures provided for in the RD	<p>Accident prevention and emergency response requirements (Condition 9).</p> <p>Integrity of tanks to be assessed every 3 years and maintenance carried out as required (Condition 6.7).</p>

The risk of accidents and their consequences, and the preventative and mitigation measures listed in the table above, have been considered in full in the assessments carried out throughout this report.

It is considered that the conditions of the RD and the mitigation measures proposed will significantly reduce the likelihood of accidental emissions occurring and limit the environmental consequences of an accidental emission should one occur.

12. Cessation of activity

The application details measures to be employed upon cessation of the activity. These include:

- Removal of all plant and equipment; and,
- Decommission and removal off-site of any dedicated site accommodation, infrastructure and services.

Condition 10 of the RD requires the proper closure of the activity with aim of protecting the environment. In particular the RD requires that the licensee submits a Closure, Restoration and Aftercare Management Plan (CRAMP).

The measures to be taken upon cessation of the activity have been considered in full in the assessments carried out throughout this report.

I am satisfied that there will not be significant effects on the environment from the measures that will be taken upon cessation of the activity.

13. Other matters relating to EIA

13.1 Effects on landscape, material assets and cultural heritage

- Disturbance of archaeology and architecture from the operation of the activity

Any loss of archaeological or architectural heritage could impact negatively on human beings. These matters are dealt with in the decision of the planning authority

to grant planning permission for the developments on site and are not controlled by the Agency. The planning authority has considered the impacts to be acceptable.

A study of the archaeological and historical background of the site and its surroundings concluded that there are no direct or indirect impact on any known items of cultural heritage, archaeology or buildings of heritage interest within the facility or the vicinity. No interaction with other any impact has been identified.

- Landscape, visual and cultural effects

Any disturbance of the landscape or the cultural heritage of an area has the potential to impact on human beings and their enjoyment of the surrounding area. These matters are dealt with in the decision of the planning authority to grant planning permission for the developments on site and are not controlled by the Agency. The planning authority has considered the impacts to be acceptable.

The EIS states that there will be a short term impact where the final integration of the quarry to an agricultural footing is materialised however, the restored land will blend into the surrounding landscape.

It is not envisaged that emissions from the operation of the activity will impact on the site's surrounding landscape and culture of the area.

Overall Conclusions in relation to effects on landscape, material assets and cultural heritage from the activity

I am satisfied that there will not be significant effects on landscape, material assets and cultural heritage from the operation of the activity.

Accordingly, if the activity is carried out in accordance with the RD and the conditions attached, the operation of the activity will not cause environmental pollution.

13.2 Interaction of effects

I have considered the interaction between human beings, flora and fauna, soil, water, air, climate, landscape, material assets, cultural heritage and the interaction of the likely effects identified throughout this report.

The interaction between factors as a result of the operation of the facility are summarised below:

Interaction of effects

	Human Beings	Flora and Fauna	Soil	Water	Air	Climate	Material assets, landscape, cultural heritage
Human Beings		✓	✓	✓	✓	✓	✓
Flora and Fauna			✓	✓	✓	✓	
Soil				✓	✓	✓	
Water						✓	✓
Air						✓	
Climate							

Material assets, landscape, cultural heritage								
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The most significant interactions, as addressed in the earlier parts of this report, are as follows:

Human beings and groundwater and soil

In the event of waste acceptance criteria not being adhered to, and the acceptance of contaminated waste, filling such waste may impact directly on quality of groundwater and soil and indirectly on surface water quality if polluted groundwater discharges into a surface waterbody.

Based on the assessment carried out throughout this report, and the mitigation measures proposed (including the relevant conditions in the RD), I do not consider that the interactions identified are likely to cause or exacerbate any potentially significant environmental effects of the activity.

14. Reasoned Conclusion on Environmental Impact Assessment

Having regard to the effects (and interactions) identified, described and assessed throughout this report, I consider that the mitigation measures proposed will enable the activity to operate without causing environmental pollution. I also consider that the potential effects on the environment identified above, even if they occur, are unlikely to damage the environment, and the risk of them occurring is not unacceptable.

Accordingly, if the activity is carried out in accordance with the RD and the conditions attached, the operation of the activity will not cause environmental pollution. The conditions of the RD and the mitigation measures proposed will significantly reduce the likelihood of accidental emissions occurring and limit the environmental consequences of an accidental emission should one occur.

15. Appropriate Assessment

There are two European Sites in the vicinity of the facility:

- (i) River Boyne and River Blackwater SAC (Site Code: 002299); and,
- (ii) River Boyne and River Blackwater SPA (Site Code: 004232).

Appendix 1 lists the European Sites assessed, their associated qualifying interests and conservation objectives.

A screening for Appropriate Assessment was undertaken to assess, in view of best scientific knowledge and the conservation objectives of the site, if the proposed activity, individually or in combination with other plans or projects is likely to have a significant effect on any European Site. In this context, particular attention was paid to the European Sites at River Boyne and River Blackwater SAC (Site Code: 002299) and River Boyne and River Blackwater SPA (Site Code: 004232).

The proposed activity is not directly connected with or necessary to the management of any European Site and the Agency considered, for the reasons set out below, that it can be excluded, on the basis of objective information, that the proposed activity,

individually or in combination with other plans or projects, will have a significant effect on any European Site and accordingly determined that an Appropriate Assessment of the proposed activity was not required.

The reasons for which the Agency determined that an Appropriate Assessment of the proposed activity is not required are as follows:

- The facility is not located within the above European Sites.
- There will be no process discharges to surface water from the activity.
- The activity will not result in damage to, or loss of, species and habitats of these European Sites.

16. Fit & Proper Person Assessment

The Fit & Proper Person test requires three elements of examination:

Technical Ability

The licensee has provided details of the qualifications, technical knowledge and experience of key personnel. The licence application also includes information on the on-site management structure. It is considered that the licensee has demonstrated the technical knowledge required.

Legal Standing

Neither the applicant nor any relevant person has relevant convictions under the Waste Management Act 1996, as amended, or under any other relevant environmental legislation.

Financial Provision

The licence category and proposed facility was assessed for the requirements of Environmental Liabilities Risk Assessment (ELRA), Closure, Restoration and Aftercare Management Plan (CRAMP) and Financial Provision (FP), in accordance with Agency guidance. Under this assessment it has been determined that ELRA, CRAMP and FP are required.

Fit & Proper Conclusion

It is my view, and having regard to the provisions of Section 40(7) of the Waste Management Act 1996 as amended, and the conditions of the RD, that the applicant can be deemed a Fit & Proper Person for the purpose of this application.

17. Cross Office Consultation

In preparing this report and Recommended Decision, the following technical and sectoral advisors were consulted:

Inspector	Assistance provided
Leo Sweeney (OES)	Matters related to Environmental Impact Assessment.
Rebecca Quinn (OEA)	Matters relating to flow in the receiving water.

18. Charges

The annual enforcement charge recommended in the RD is **€7,953**, which reflects the anticipated enforcement effort required and the cost of monitoring.

19. Recommendation

The RD specifies the necessary measures to provide that the facility shall be operated in accordance with the requirements of Section 40(4) of the Waste Management Act 1996 as amended, and has regard to the AA screening and EIA. The RD gives effect to the requirements of the Waste Management Act 1996 as amended.

I recommend that a Proposed Decision be issued subject to the conditions and for the reasons as drafted in the RD.

Signed



Ewa Babiarczyk

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, as soon as may be after the expiration of the appropriate period.

Appendix 1

List of European Sites assessed, their associated qualifying interests and conservation objectives.

European Site (site code)	Distance and direction from the facility	Qualifying interests (* denotes a priority habitat)	Conservation objectives
River Boyne and River Blackwater SAC (Site Code: 002299)	8 km north of the facility	Habitats: <ul style="list-style-type: none"> • 7230 Alkaline fens • 91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)* Species: <ul style="list-style-type: none"> • 1099 River Lamprey <i>Lampetra fluviatilis</i> • 1106 Salmon <i>Salmo salar</i> • 1355 Otter <i>Lutra lutra</i> 	As per NPWS (2018) Conservation objectives for River Boyne and River Blackwater SAC [002299]. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht (dated 21 February 2018).
River Boyne and River Blackwater SPA (Site Code: 004232).	8 km north of the facility	Species: <ul style="list-style-type: none"> • A229 Kingfisher <i>Alcedo atthis</i> 	As per NPWS (2018) Conservation objectives for River Boyne and River Blackwater SPA [004232]. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht (dated 21 February 2018).

Appendix 2

Relevant European (and international) legal instruments

The following Irish and European and international legal instruments are regarded as relevant to this application assessment and have been considered in the drafting of the Recommended Decision.

Environmental Impact Assessment (EIA) Directive (85/337/EEC, as amended)
Habitats Directive (92/43/EEC) & Birds Directive (79/409/EC)
Environmental Liability Directive (2004/35/CE)
Waste Framework Directive (2008/98/EC)
Energy Efficiency Directive.