

 <p>Environmental Protection Agency An Ghníomhaireacht um Chaomhnú Comhshaoil</p>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME	
TO:	Micheál Lehane, Director
FROM:	Michelle Reddy, Inspector, Environmental Licensing Programme
DATE:	14 August 2019
RE:	Technical Amendment to Industrial Emissions Licence Register Number: W0165-02, held by Ballynagran Landfill Limited, Ballynagran, Coolbeg and Kilcandra, County Wicklow.

The Agency received a request on 27th November 2018 from Ballynagran Landfill Limited, Licence Reg. No. W0165-02 to technically amend their Licence. The request relates to reducing the red line boundary of the licensed site.

This memo recommends that the change may be accommodated by a Technical Amendment, in accordance with Section 96(1)(b) of EPA Acts 1992, as amended.

1. Background

A waste licence (Register Number W0165-01) was first granted to Greenstar Recycling Holdings Limited on 5th September 2003. A revised licence (Licence Reg: W0165-02), for the purposes of meeting the requirements of the Landfill Directive, was issued on 23rd March 2010. The licence was amended on 2nd August 2011, (Technical Amendment A), 15th January 2013 (Technical Amendment B) and 15th November 2016 (Technical Amendment C). The licence was technically amended on 20th December 2013 giving effect to the requirements of the Industrial Emissions Directive (Directive 2010/75/EU). The installation is a licensed landfill under Classes 11.5 and 11.1 of the First Schedule to the EPA Act, 1992, as amended. The licence was transferred to Ballynagran Landfill Limited on 4th March 2014.

2. Technical Amendment request

On the 27th November 2018, the Agency received a request for a Technical Amendment of IE licence W0165-02, in order to reduce the red line boundary of the licensed site. Lands were compulsorily purchased during the construction of the new M11 motorway and associated roads. The technical amendment request seeks to ensure that the lands impacted by the compulsory purchase order are removed from the licensed boundary.

3. Consultation with the Office of Environmental Enforcement (OEE)

I have consulted with the OEE team, (Ciaran Cuddihy), in relation to this technical amendment request. The OEE confirmed that the amendment request cannot be accommodated under the existing licence.

The OEE carried out an exit audit on 30th October 2018. The exit audit concluded that there was no licensable activity found to be occurring on the area to be removed. The area proposed to be removed from the licensed boundary is set out in drawing number 1006-IG 18-18. The land consists of a portion of the current L1113 road, which was subject to a compulsory purchase order (CPO) for the N11/M11 upgrade works, woodland/scrubland and an area of grassland which is currently being grazed by livestock. Four existing monitoring locations are contained within the proposed area, these consist of dust monitoring location AD12A, upstream surface water monitoring location SW2 and groundwater monitoring locations MW6s & MW6d. The exit audit recommended to move dust monitoring location AD12A to the nearest suitable location within the new boundary and to maintain right of way access for monitoring of surface water and groundwater monitoring. OEE have confirmed that there are no legal proceedings in train in respect of this licence.

4. Assessment

The area proposed to be removed from the licensed boundary is set out in drawing number 1006-IG 18-18 drawing title Environmental Monitoring Locations as per Appendix 1.

The exit audit concluded that no licensable activity was found to be occurring on the area to be removed. There is no waste buried in the area to be removed and as such the removal of this parcel of land from the licence will not pose a risk to the environment.

The revision of the licenced boundary will not result in any new or additional emissions that could present a significant risk to the conservation objectives of Natura 2000 Sites.

The exit audit recommended that the licensee relocates dust monitoring location AD12A to a location within the new boundary. Condition 8.2 states:

The licensee shall amend the frequency, locations, methods and scope of monitoring as required by this licence only upon written instruction of the Agency and shall provide such information concerning such amendments as may be requested in writing by the Agency. Such alterations shall be carried out within any timescale nominated by the Agency.

This condition enables the OEE to amend the location of the dust monitoring point under the licence.

5. Appropriate Assessment

Table 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 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 Site(s) at Deputy's Pass

Nature Reserve SAC (000717), The Murrrough SPA (004186), The Murrrough Wetlands SAC (004186), Magherabeg Dunes SAC (001766), Wicklow Head SPA (004127), Vale of Clara (Rathdrum Wood) SAC (000733), Buckroney-Brittias Dunes and Fen SAC (000729), Wicklow Reef SAC (002274) and Wicklow Mountains SAC (002122).

The 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 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 activity was not required.

The proposed amendment is solely to reduce the boundary to exclude a section of the site where no licensable activity has occurred. There is no waste buried in the area to be removed. There are no emissions, therefore there are no significant effects on the qualifying interests of the European sites.

6. Recommendation

This memo recommends that the requested changes be accommodated by a Technical Amendment of Licence W0165-02 (held by Ballynagran Landfill Limited), in accordance with Section 96(1) (b) of the EPA Acts 1992 to 2013.

I recommend that the licence amendment be approved as set out in the attached Recommended Technical Amendment. The making of the amendment will not result in the relevant requirements of Section 83(5) of the EPA Acts 1992 to 2012 ceasing to be satisfied.

Signed,



Inspector
Environmental Licensing Programme

Table 1: List of European Sites assessed, their associated qualifying interests and conservation objectives.

	European Site (Site code)	Distance / Direction from installation	Qualifying Interests (* denotes a priority habitat)	Conservation objectives
1	<i>Deputy's Pass Nature Reserve SAC (000717)</i>	<i>3.1 km west of the installation</i>	Habitats <i>Old sessile oak woods with Ilex and Blechnum in the British Isles</i>	<i>As per NPWS (2018) Conservation objectives for Deputy's Pass Nature Reserve SAC (000717) Generic version 6.0. Department of Culture, Heritage and the Gaeltach. (dated 21/02/2018)</i>
2	<i>The Murrough SPA (004186)</i>	<i>5.1 km north-east of the installation</i>	Birds <i>Teal (Anas crecca)</i> <i>Light-Bellied Brent Goose (Branta bernical hrota)</i> <i>Wigeon (Anas penelope)</i> <i>Herring Gull (Larus argentatus)</i> <i>Little Tern (Sterna albifrons)</i> <i>Greylag Goose (Anser anser)</i> <i>Black-headed Gull (Chroicocephalus ridibundus)</i> <i>Red-throated Diver (Gavia stellata)</i>	<i>As per NPWS (2018) Conservation objectives for The Murrough SPA (004186). Generic version 6.0. Department of Culture, Heritage and the Gaeltacht. (dated 21/02/2018)</i>
3	<i>The Murrough Wetlands SAC (002249)</i>	<i>5.1 km north-east of the installation</i>	Habitats <i>Annual vegetation of drift lines</i> <i>Perennial vegetation of stony banks</i> <i>Atlantic salt meadows (Glauco-Puccinellietalia maritimae)</i> <i>Mediterranean salt meadows (Juncetalia maritimi)</i>	<i>As per NPWS (2018) Conservation objectives for the Murrough Wetlands SAC (002249). Generic Version 6.0 Department of Culture, Heritage and the Gaeltacht. (dated 21/02/2018)</i>

			<p><i>Calcareous fens with Cladium mariscus and species of the Caricion davallianae*</i></p> <p><i>Alkaline fens</i></p>	
4	<p><i>Magherabeg Dunes SAC (001766)</i></p>	<p><i>6.3 km south-east of the installation</i></p>	<p>Habitats</p> <p><i>Annual vegetation of drift lines</i></p> <p><i>Embryonic shifting dunes</i></p> <p><i>Shifting dunes along the shoreline with Ammophila arenaria (white dunes)</i></p> <p><i>Fixed coastal dunes with herbaceous vegetation (grey dunes)*</i></p> <p><i>Atlantic decalcified fixed duned (Calluno-Ulicetea)*</i></p> <p><i>Petrifying springs with tufa formation (Cratoneurion)*</i></p>	<p><i>As per NPWS(2017) Conservation Objectives: Magherabeg Dunes SAC 001766. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. (dated 27/03/2017)</i></p>
5	<p><i>Wicklow Head SPA (004127)</i></p>	<p><i>6.4 km east of the installation</i></p>	<p>Birds</p> <p><i>Kittiwake (Rissa tridactyla)</i></p>	<p><i>As per NPWS (2018) Conservation objectives for Wicklow head SPA (004127). Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht. (dated 21/02/2018)</i></p>
6	<p><i>Vale of Clara (Rathdrum Wood) SAC (000733)</i></p>	<p><i>7 km west of the installation</i></p>	<p>Habitats</p> <p><i>Old sessile oak woods with Ilex and Blechnum in the British Isles</i></p>	<p><i>As per NPWS (2018) Conservation objectives for Vale of Clara (Rathdrum Wood) SAC (000733). Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht. (dated 21/02/2018)</i></p>
7	<p><i>Buckronev-Brittass Dunes and Fen SAC (000729)</i></p>	<p><i>8.1 km south-east of the installation</i></p>	<p>Habitats</p> <p><i>Annual vegetation of drift lines</i></p> <p><i>Perennial vegetation of stony banks</i></p> <p><i>Mediterranean salt meadows (Juncetalia maritime)</i></p> <p><i>Embryonic shifting dunes</i></p>	<p><i>As per NPWS (2017) Conservation Objectives: Buckronev-Brittass Dunes and Fen SAC (000729). Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. (dated 27/03/2017)</i></p>

			<p><i>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</i></p> <p><i>Fixed coastal dunes with herbaceous vegetation (grey dunes)</i></p> <p><i>*</i></p> <p><i>Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>) *</i></p> <p><i>Dunes with <i>Salix repens</i> ssp. <i>Argenta</i> (<i>Salicion arenariae</i>)</i></p> <p><i>Humid dune slacks</i></p> <p><i>Alkaline fens</i></p>	
8	<i>Wicklow Reef SAC (002274)</i>	<i>8.2km east of the installation</i>	<p>Habitats</p> <p><i>Reefs</i></p>	<i>As per NPWS (2013) Conservation Objectives: Wicklow Reef SAC (002274). Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht. (dated 02/07/2013)</i>
9	<i>Wicklow Mountains SAC (002122)</i>	<i>12km west of the installation</i>	<p>Habitats</p> <p><i>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>)</i></p> <p><i>Natural dystrophic lakes and ponds</i></p> <p><i>Northern Atlantic wet heaths with <i>Erica tetralix</i></i></p> <p><i>European dry heaths</i></p> <p><i>Alpine and Boreal heaths</i></p> <p><i>Calaminarian grasslands of the <i>Violetalia calaminariae</i></i></p> <p><i>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas in Continental Europe)</i></p> <p><i>Blanket bogs (*if active bog)</i></p> <p><i>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</i></p> <p><i>Calcareous rocky slopes with chasmophytic vegetation</i></p>	<i>As per NPWS (2017) Conservation Objectives: Wicklow Mountains SAC (002122). Version 1. National Parks and Wildlife service, Department of Arts, Heritage, regional, Rural and Gaeltacht Affairs. (dated 31/07/2017)</i>

			<i>Old sessile oak woods with Ilex and Blechnum in the British Isles.</i>	
			Species <i>Otter (Lutra lutra)</i>	

Appendix 1: Drawing Number 1006-IG 18-18 Environmental Monitoring Locations. The red line delineates the proposed new boundary of the installation. The blue broken line delineated the area of the installation proposed to be removed.

