



**OFFICE OF
ENVIRONMENTAL
SUSTAINABILITY**

Environmental Licensing Programme Memorandum

To: Director Dr Eimear Cotter

From: Inspector Áine Murphy

Date: 11 December 2019

RE: Request from Kerry County Council for an extension to the commencement period of Waste Licence Reg. No. W0224-01 in respect of a proposed civic amenity facility.

Background

Kerry County Council was granted a Waste Licence on 21 December 2006 for carrying out the following classes of activity, as specified in the Third and Fourth Schedule to the Waste Management Act 1996 (WMA), at a facility located at Tanavalla Industrial Estate, Garryantanvally, Tralee Road, Listowel, Co. Kerry:

- D14 Repackaging prior to submission to any of the operations numbered D 1 to D 13.
- D15 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).
- R3 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.
- R4 Recycling/reclamation of metals and metal compounds.
- R5 Recycling/reclamation of other inorganic materials, which includes soil cleaning resulting in recovery of the soil and recycling of inorganic construction materials.
- R13 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).

The proposed facility will accept recyclable household items and bags of mixed household waste. Waste for recycling/recovery will include cardboard, paper, plastic, glass, textiles, household construction and demolition waste, and Waste Electrical and Electronic Equipment (WEEE). In addition, it is proposed to accept small quantities of hazardous household waste such as batteries, paints, varnishes and fluorescent tubes.

The licensed activity has not commenced to-date.

Request

On 23 July 2019, Kerry County Council submitted a request to extend the licence commencement date for a period of two years to 21 December 2021. The correspondence states that the civic amenity site in Listowel town has not been provided to-date nor is there a civic amenity provided north of Tralee town. Kerry County Council highlight that a complication is likely to arise regarding access to the existing site from the N69 road on the grounds of road and traffic safety. Kerry County Council suggest that once the proposed Listowel bypass route is completed in Q4 2021 / Q1 2022, traffic will be diverted away from the existing path of the N69 road past the facility. Following the completion of the bypass, Kerry County Council propose to submit a planning application for access to the proposed civic amenity site via a local road.

Kerry County Council emphasised the importance of developing this civic amenity site, to fill a gap in public infrastructure in North Kerry with reference made to meeting the targets of the Southern Region Waste Management Plan. The facility has not been developed despite efforts of the Council's officials and there remains local opposition to the development of the facility. The extension to the period of the licence will assist Kerry County Council to keep the licence in the expectation of progressing the provision of the civic amenity facility.

Assessment

Given that the licence Reg. No. W0224-01, as issued, did not specify a commencement date (as provided for in section 49(2)(a) of the WMA), the commencement date for the licence is taken as three years after the licence grant date or as is appropriate in this case, the period referred in the extensions provided by the Agency i.e. 21 December 2019 (as per section 49(1)). The facility was originally licensed by the EPA on 21 December 2006, but the facility was not built and, consequently, the licence would have expired on 21 December 2009, in the normal course of events. Since that time, Kerry County Council sought five two-year extensions to the period of the licence in 2009, 2011, 2013, 2015, and 2017. This is the sixth request for a two-year extension to the period of the licence.

Section 49(1) of the WMA outlines that where the activity to which a waste licence relates has not been substantially commenced within the period of three years beginning on the date on which the licence was granted, or the extension period granted, then that licence shall cease to have effect on the expiry of the said period. If the period has not expired, the Agency can extend the period referred to in section 49(1) as may be appropriate. The licence will expire on 21 December 2019 if an extension period is not granted.

In order to assess this extension of duration request, a screening for Appropriate Assessment has been carried out and this is documented in the attached Appropriate Assessment Screening Determination, dated 24 October 2019. It has been determined that an Appropriate Assessment is required.

The waste licence authorises the acceptance of up to 12,750 tonnes of waste including up to 83 tonnes of household hazardous waste. The licence provides for measures to prevent noise, odour, dust and other potential sources of nuisance. Surface water from waste storage and handling areas, and sanitary effluent will drain to the on-site wastewater treatment system and be stored temporarily in underground tanks before transfer to Listowel wastewater treatment plant.

The storm water drainage network will collect surface water run-off from all other areas on-site including the vehicle pullover areas and site roads. The storm water emissions will

discharge through a silt trap and class I interceptor into a local watercourse that within 1 km flows into the River Feale which forms part of the Lower River Shannon SAC. Monitoring of the storm water emissions is required biannually, and upstream and downstream ambient monitoring of the River Feale will be completed annually under the licence.

It cannot be excluded, on the basis of objective information, that the activities, individually or in combination with other plans or projects, will have a significant effect on any European site and accordingly it is determined that an Appropriate Assessment of the activities is required.

This determination has been made on the basis of the potential significant effects on the qualifying interests of the Lower River Shannon SAC resulting from the hydrological connectivity between the storm water discharge and the surface waters of the European site.

In addition, the Agency notes that the latest Southern Region Waste Management Plan 2015 – 2021 states that there are currently no plans to augment the existing infrastructure of civic amenity centres.

The Agency's Office of Environmental Enforcement were consulted in relation to this extension.

Recommendation

Kerry County Council have had thirteen years to commence the licence activity, and while the challenges encountered during this period are acknowledged, the urgent intention to develop the facility has not materialised. As an Appropriate Assessment is required and as planning is not in place for access to the site, I recommend that the extension of duration request from Kerry County Council for Licence Reg. No. W0224-01 is refused.



Áine Murphy
Inspector

Date: 11 December 2019

Appropriate Assessment Screening Determination

In accordance with Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended, the Agency has undertaken Appropriate Assessment screening to assess, in view of best scientific knowledge and the conservation objectives of the site, if the activities individually or in combination with other plans or projects is likely to have a significant effect on European Sites. In this context, particular attention was paid to the European Sites listed below.

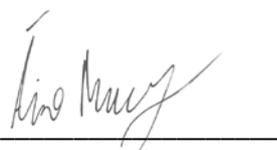
Consent Details:

Reg. No.	W0224-01
Applicant Name:	Kerry County Council
Type of Consent Sought:	An extension of the period to commence a Waste Licence
Location of installation:	Tanavalla Industrial Estate, Garryantanvally, Tralee Road, Listowel, Co. Kerry.
Licence Extension Application Date:	23 July 2019
European Sites assessed:	Lower River Shannon SAC (Site Code: 002165)
Date of AA Screening Determination:	24 October 2019

AA Screening Determination:

That the activities are not directly connected with or necessary to the management of any European site and that it cannot be excluded, on the basis of objective information, that the activities, 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 activities is required.

This determination has been made on the basis of the potential significant effects on the qualifying interests of the Lower River Shannon SAC resulting from the hydrological connectivity between the storm water discharge and the surface waters of the European site.



Áine Murphy

Office of Environmental Sustainability

Date: 24 October 2019