



**OFFICE OF
ENVIRONMENTAL
SUSTAINABILITY**

Environmental Licensing Programme Memorandum

To: Director Dr Eimear Cotter

From: Inspector Áine Murphy

Date: 11 December 2019

RE: Request from Starrus Eco Holdings Limited for an extension to the commencement period of Industrial Emissions Licence Reg. No. W0241-01 in respect of a proposed materials recovery and transfer installation.

Background

Starrus Eco Holdings Limited was granted a Waste Licence on 13 November 2008 and subsequently, an Industrial Emissions (IE) Licence on 16 December 2015, for carrying out the following classes of activity, as specified in the First Schedule of the EPA Act 1992, at an installation located at Clavass, Enniscorthy, Co. Wexford:

- 11.1 The recovery or disposal of waste in a facility, within the meaning of the Act of 1996, which facility is connected or associated with another activity specified in this Schedule in respect of which a licence or revised licence under Part IV is in force or in respect of which a licence under the said Part is or will be required.
- 11.4(b) Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, (other than activities to which the Urban Waste Water Treatment Regulations 2001 (S.I. No. 254 of 2001) apply):
- (ii) pre-treatment of waste for incineration or co-incineration.

The proposed installation will accept household, commercial & industrial (C&I) and construction and demolition (C&D) non-hazardous solid wastes. Operations will include on-site sorting, compacting, baling and transfer off-site to recycling and/or treatment facilities and residual landfill.

The licensed activity has not commenced to-date.

Request

On 29 May 2019, Starrus Eco Holdings Limited submitted a request to extend the licence commencement date for a period of three years to allow construction to take place within two years and begin operation thereafter. Starrus Eco Holdings Limited state that the proposed facility remains important strategic infrastructure for the South-East region. The correspondence indicates that Starrus Eco Holdings Limited are in the process of applying for new planning permission for this facility and advised that this planning permission will have

no impact on the current licensed activities or operations. The extension to the period of the licence will assist Starrus Eco Holdings Limited to begin construction and begin licence operations at the site in the next three years.

Wexford County Council have clarified that the planning permission (planning number 20074161) for this site has expired. The planning permission was granted on 17 November 2008 and extended on 14 February 2014 until the 01 June 2019. In addition, Wexford County Council confirmed there has been no new planning permission application submitted by the licensee for the site in question.

Assessment

Condition 1.8 of Licence Reg. No. W0241-01 specified a period of five years (as provided for in section 49(2)(a) of the WMA Act) from date of grant of the licence on 13 November 2008, for the activity to substantially commence on 13 November 2013 (as per section 49(1)). The facility was not built and, consequently in the normal course of events, the licence would have expired on 13 November 2013. Since that time, Starrus Eco Holdings Limited sought a two-year extension to the period of the licence in 2013, and subsequently, sought a further four year extension in 2015 to align with the planning permission extension granted by Wexford County Council until 01 June 2019.

This is the third request for an extension to the period of the licence. In the interim, the Agency deemed Licence Reg. No. W0241-01 to be an IE Licence by licence amendment, for the following Industrial Emissions Directive 2010/75/EU class of activity:

- 5.3(b) Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, and excluding activities covered by Directive 91/271/EEC:
- (ii) pre-treatment of waste for incineration or co-incineration.

Also, the Commission Implementing Decision (EU) 2018/1147 establishing best available techniques (BAT) conclusions for waste treatment, was published on 10 August 2018.

Section 92(1) of the EPA Act allows the Agency to form an opinion that the activity to which the licence relates has not been substantially commenced within the period of the extension granted. Following the Agency's notification to the licensee of that opinion, the licence will cease to have effect. If the Agency makes no such notification, then the licence will not cease to have effect. In this case, no notification has been issued to Starrus Eco Holdings Limited. Section 92(2)(b) enables the Agency to extend the period referred to in section 92(1) as may be appropriate.

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 10 October 2019. It has been determined that an Appropriate Assessment of the activities is required.

The IE licence authorises the acceptance of up to 90,000 tonnes of waste per annum. A dedicated building will be constructed, and all waste accepted will be emptied inside the building. All waste handling and storage will be indoors and on hardstanding areas. The floor of the mixed waste area will be washed down as required. Waste water from inside the building, the vehicle wheel wash area, the refuelling area and sanitary effluent from toilets

and sinks will be directed to the Wexford County Council foul sewer system via a Class II full retention separator.

Storm water run-off from the paved areas and open yards will discharge via an oil separator and silt trap to a groundwater soakaway on-site. The oil separator and silt trap will prevent sediment and any oils, as a result of accidental spills, from entering the percolation area. The rate of water flow from the site will be controlled by means of a valve and holding tank to ensure that the flows do not affect the integrity of the soakaway. The licensee indicated the groundwater will flow from north-east to south-west, therefore emissions from the groundwater soakaway may enter a local watercourse that flows within 2 km into the River Slaney, which forms part of the Slaney River Valley SAC. Containment measures are specified in the licence conditions to prevent contamination of surface waters due to leaks and spillages. A daily visual inspection of storm water emissions is required under the licence and groundwater monitoring is required for specific parameters biannually and annually.

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 would be required.

This determination has been made on the basis of the potential significant effects on the qualifying interests of the Slaney River Valley SAC resulting from the hydrogeological connectivity between the groundwater soakaway for storm water discharge and the surface waters of the European site.

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

Recommendation

As an Appropriate Assessment is required and as no planning permission is in place, I recommend that the extension of duration request from Starrus Eco Holdings Limited for Licence Reg. No. W0241-01 is refused.

I also recommend that a notice is issued by the Agency to Starrus Eco Holdings Limited, under Section 92(1) of the EPA Act, advising that it is the opinion of the Agency that Licence Reg. No. W0241-01 has not been substantially commenced within the period of the extension granted, and that the licence shall cease to have effect on the giving of that notice.



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 are likely to have a significant effect on European Sites. In this context, particular attention was paid to the European Sites listed below.

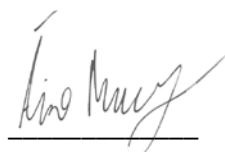
Consent Details:

Reg. No.	W0241-01
Applicant Name:	Starrus Eco Holdings Limited
Type of Consent Sought:	An extension of the period to commence an Industrial Emissions Licence
Location of installation:	Starrus Eco Holdings Limited (Enniscorthy), Clavass, Enniscorthy, Wexford.
Licence Extension Application Date:	29/05/2019
European Sites assessed:	Slaney River Valley SAC (Site Code: 000781)
	Blackstairs Mountains SAC (Site Code: 000770)
	Wexford Harbour and Slobbs SPA (Site Code: 004076)
	The Raven SPA (Site Code: 004019)
Date of AA Screening Determination:	10 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 Slaney River Valley SAC resulting from the hydrogeological connectivity between the groundwater soakaway for storm water discharge and the surface waters of the European site.



Áine Murphy

Date: 10/10/2019

Office of Environmental Sustainability