 <p>Environmental Protection Agency An Ghníomhaireacht um Chaomhú Comhshaoil</p>	<b>OFFICE OF ENVIRONMENTAL SUSTAINABILITY</b>
<b>ENVIRONMENTAL LICENSING PROGRAMME</b>	
<b>TO:</b>	Dr Eimear Cotter, Director
<b>FROM:</b>	Aisling Connolly & Suzanne Wylde Inspectors, Environmental Licensing Programme
<b>DATE:</b>	21 <sup>st</sup> January 2020
<b>RE:</b>	Technical Amendment to Industrial Emissions Licence Register Number: W0261-02, held by Starrus Eco Holdings Limited, Cappagh Road, Cappogue, Finglas, Dublin 11.

## 1. Background

Nurendale Limited trading as Panda Waste Services was granted a licence (Reg. No. W0261-01), on 31<sup>st</sup> August 2010 for an installation located at Cappagh Road, Cappogue, Finglas, Dublin 11. The installation is licensed under Class 11.1 and Class 11.4(b) of the First Schedule to the EPA Act 1992, as amended.

A revised licence (Licence Reg. No. W0261-02) was issued to Nurendale Limited trading as Panda Waste Services on 11<sup>th</sup> February 2015. The revised licence allowed for an extension to the hours of operation and waste acceptance and permitted the acceptance of residual and food waste. The licence was transferred to Starrus Eco Holdings Limited on 22<sup>nd</sup> June 2018.

The licence (W0261-02) for Starrus Eco Holdings Limited is for the recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving pre-treatment of waste for incineration or co-incineration. The installation processes construction and demolition (C&D) waste, commercial and industrial (C&I) waste, household residual waste and food waste, mixed household and commercial dry recyclable wastes and clean paper and cardboard.

## 2. Technical Amendment request

The Agency received a request for a technical amendment of industrial emissions licence W0261-02 on the 30<sup>th</sup> January 2019. The request asks to extend the hours of operation. The licensee stated that they have "...recently obtained planning permission to allow us to operate, accept and dispatch material from our facility 7 days a week and 24 hours a day."

Fingal County Council granted planning permission for an extension to the hours of operation of the installation on the 24<sup>th</sup> January 2019 (planning register reference: FW18A/0067). This permission was granted for a temporary period of 1-year from the date of grant of planning

permission. Planning permission was granted on condition that a follow-up noise survey be carried out by the developer three months after commencement of the extended operation hours.

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

I have consulted with the OEE Inspector, Carol O'Sullivan, in relation to this technical amendment request. The OEE confirmed that the proposed extension of operation hours cannot be accommodated under the existing licence. The OEE has confirmed that there are no legal proceedings in train in respect of this licence.

The OEE conducted a site visit on the 12<sup>th</sup> June 2019 during which a non-compliance for odour was recorded. Four odour complaints have been submitted in relation to the site, the last received on the 13<sup>th</sup> August 2018. The OEE are of the opinion that the likely cause given for the odour complaints is inadequate operational procedures/training. No noise complaints have been received by the OEE.

### **4. Appropriate Assessment**

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 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 Rye Water Valley/Carton SAC, Malahide Estuary SAC, South Dublin Bay SAC, North Dublin Bay SAC, Baldoyle Bay SAC, Rogerstown Estuary SAC, South Dublin Bay and River Tolka Estuary SPA, Malahide Estuary SPA, North Bull Island SPA and Baldoyle Bay SPA.

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. This determination is based on the fact that the recommended amendments will not result in a material change to the nature of the discharges from the agglomeration.

### **5. Assessment**

Condition 3.24 of the current licence (W0261-02) restricts the hours of operation and the hours of waste acceptance of the installation. The licence allows for waste to be accepted and/or dispatched from the installation between the hours of 06:00 and 23:00 Monday to

Saturday inclusive, unless otherwise agreed by the Agency. The installation may only operate during the hours of 07:00 to 21:00 Monday to Saturday, inclusive. The installation cannot currently operate or accept/dispatch waste on Sundays or on Public Holidays without the agreement of the Agency.

If the licence were to allow for increased waste acceptance and waste dispatching, this could have a knock on impact on the issue of odour and could lead to increased noise emissions from the installation. The licensee did not provide any information on potential odour or noise nuisance from the installation on foot of the proposed changes to the activity at the installation.

The planning permission is clear that the permission is granted for hours of operation only. It does not allow for an extension of the previously agreed hours of waste acceptance and waste dispatching, as was requested by the licensee in the technical amendment application. Condition 6.17 of the licence requires the licensee to ensure the floor of the waste transfer building is cleaned on a daily basis where residual, food and other odour forming waste is handled. This would not be possible if the installation were to accept and dispatch waste 24 hours a day.

The planning permission requests a noise survey to be carried out within three months of the increased hours of operation (planning register reference: FW18A/0067). This survey has since been completed and submitted to Fingal County Council, who found the survey to be satisfactory given the noise emissions at all the noise sensitive locations (NSLs) were within the terms of their noise emission limits for evening and night. No submissions or objections to the extended hours of operation were received by Fingal County Council within this temporary 1-year period. Subsequently, planning permission (planning register reference: FW19A/0145) allows for 24 operation of the installation for an additional trial period of three years, beginning the 24<sup>th</sup> October 2019, after which time, permission for the extended operational hours shall cease and the installation shall only be allowed operate within the originally granted operation hours approved under planning references F05A/1156 and F07A/0954, unless before that date, permission for the continuation of the extended operating hours is granted by the Planning Authority or by An Bord Pleanála, on appeal.

The technical amendment recommends that the hours of waste acceptance shall not change from those stated in the current licence (W0261-02), for the reasons outlined above. The technical amendment allows for the hours of operation to be extended to 7 days a week and 24 hours a day, until the 24<sup>th</sup> October 2022, subject to noise nuisance. If a further extension of operational hours is not granted by the Planning Authority or by An Bord Pleanála, on appeal before the 24<sup>th</sup> October 2022, the installation shall revert to operation only during the hours of 07:00 to 21:00 Monday to Saturday, inclusive.

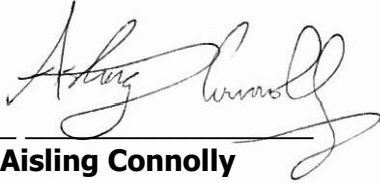
If a noise complain is received in relation to the extended hours of operation, the technical amendment recommends the licensee must carry out and submit to the Agency, a noise survey of the site operations

## 6. Recommendation

This memo recommends that the requested changes be accommodated by a Technical Amendment of Licence W0261-02 (held by Starrus Eco Holdings Limited), in accordance with Section 96(1)(c) of the EPA Act 1992 as amended.

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 Act 1992 as amended, ceasing to be satisfied.

Signed,

A handwritten signature in black ink, appearing to read 'Aisling Connolly', written over a horizontal line.

**Aisling Connolly**

Inspector

Environmental Licensing Programme

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

	<b>European Site (site code)</b>	<b>Distance from installation</b>	<b>Qualifying interests</b>  (* denotes a priority habitat)	<b>Conservation objectives</b>
1	Rye Water Valley/Carton SAC	10.4km	<b>Habitats</b> 7220 Petrifying springs with tufa formation (Cratoneurion)* <b>Species</b> 1016 Desmoulin's Whorl Snail ( <i>Vertigo moulinsiana</i> ) 1014 Narrow-mouthed Whorl Snail ( <i>Vertigo angustior</i> )	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001398.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001398.pdf</a>
2	Malahide Estuary SAC	11.5km	<b>Habitats</b> 1140 Mudflats and sandflats not covered by seawater at low tide 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) 1410 Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000205.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000205.pdf</a>
3	South Dublin Bay SAC	11.5km	<b>Habitats</b> 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 2110 Embryonic shifting dunes	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf</a>
4	North Dublin Bay SAC	11.8km	<b>Habitats</b> 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) 1410 Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 2190 Humid dune slacks <b>Species</b> 1395 Petalwort ( <i>Petalophyllum ralfsii</i> )	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf</a>
5	Baldoyle Bay SAC	13.4km	<b>Habitats</b> 1140 Mudflats and sandflats not covered by seawater at low tide 1310 Salicornia and other annuals colonising mud and sand	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000199.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000199.pdf</a>

			1330 Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) 1410 Mediterranean salt meadows ( <i>Juncetalia maritimi</i> )	
6	Rogerstown Estuary SAC	14.6km	<b>Habitats</b> 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) 1410 Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000208.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000208.pdf</a>
7	South Dublin Bay and River Tolka Estuary SPA	~9km	<b>Birds</b> A144 Sanderling ( <i>Calidris alba</i> ) A157 Bar-tailed Godwit ( <i>Limosa lapponica</i> ) A149 Dunlin ( <i>Calidris alpina</i> ) A162 Redshank ( <i>Tringa totanus</i> ) A179 Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) A143 Knot ( <i>Calidris canutus</i> ) A192 Roseate Tern ( <i>Sterna dougallii</i> ) A046 Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) A141 Grey Plover ( <i>Pluvialis squatarola</i> ) A130 Oystercatcher ( <i>Haematopus ostralegus</i> ) A194 Arctic Tern ( <i>Sterna paradisaea</i> ) A193 Common Tern ( <i>Sterna hirundo</i> ) A137 Ringed Plover ( <i>Charadrius hiaticula</i> ) <b>Habitats</b> Wetlands	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf</a>
8	Malahide Estuary SPA	11.6km	<b>Birds</b> A048 Shelduck ( <i>Tadorna tadorna</i> ) A054 Pintail ( <i>Anas acuta</i> ) A067 Goldeneye ( <i>Bucephala clangula</i> ) A130 Oystercatcher ( <i>Haematopus ostralegus</i> ) A162 Redshank ( <i>Tringa totanus</i> ) A143 Knot ( <i>Calidris canutus</i> ) A157 Bar-tailed Godwit ( <i>Limosa lapponica</i> ) A156 Black-tailed Godwit ( <i>Limosa limosa</i> ) A140 Golden Plover ( <i>Pluvialis apricaria</i> ) A046 Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) A149 Dunlin ( <i>Calidris alpina</i> ) A141 Grey Plover ( <i>Pluvialis squatarola</i> ) A069 Red-breasted Merganser ( <i>Mergus serrator</i> )	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004025.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004025.pdf</a>

			A005 Great Crested Grebe ( <i>Podiceps cristatus</i> ) <b>Habitats</b> Wetlands	
9	North Bull Island SPA	11.7km	<b>Birds</b> A160 Curlew ( <i>Numenius arquata</i> ) A149 Dunlin ( <i>Calidris alpina</i> ) A157 Bar-tailed Godwit ( <i>Limosa lapponica</i> ) A162 Redshank ( <i>Tringa totanus</i> ) A179 Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) A144 Sanderling ( <i>Calidris alba</i> ) A156 Black-tailed Godwit ( <i>Limosa limosa</i> ) A143 Knot ( <i>Calidris canutus</i> ) A169 Turnstone ( <i>Arenaria interpres</i> ) A054 Pintail ( <i>Anas acuta</i> ) A046 Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) A048 Shelduck ( <i>Tadorna tadorna</i> ) A052 Teal ( <i>Anas crecca</i> ) A141 Grey Plover ( <i>Pluvialis squatarola</i> ) A056 Shoveler ( <i>Anas clypeata</i> ) A130 Oystercatcher ( <i>Haematopus ostralegus</i> ) A140 Golden Plover ( <i>Pluvialis apricaria</i> ) <b>Habitats</b> Wetlands	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004006.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004006.pdf</a>
10	Baldoyle Bay SPA	13.5km	<b>Birds</b> A137 Ringed Plover ( <i>Charadrius hiaticula</i> ) A048 Shelduck ( <i>Tadorna tadorna</i> ) A140 Golden Plover ( <i>Pluvialis apricaria</i> ) A157 Bar-tailed Godwit ( <i>Limosa lapponica</i> ) A141 Grey Plover ( <i>Pluvialis squatarola</i> ) A046 Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) <b>Habitats</b> Wetlands	<a href="http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004016.pdf">http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004016.pdf</a>