

This Report has been cleared for submission to the Board by Programme Manager, Marie O'Connor.

Signed:



Date: 14/09/2022



**OFFICE OF
ENVIRONMENTAL
SUSTAINABILITY**

Environmental Licensing Programme Memorandum

To: Sharon Finnegan, OES Director

From: Dr. David Matthews

Date: 14 September 2022

RE: Request from Clashford Recovery Facilities Limited for an extension to the commencement period of Waste Licence Reg. No. W0265-01.

Background

(i) Waste Licence

A waste licence was granted on 20/09/19 to Clashford Recovery Facilities Limited for carrying out the following classes of activity, as specified in the Fourth Schedule of the Waste Management Act 1996 (WMA), as amended, at a facility located at Naul Townland, Naul, County Meath:

- 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 R1 to R12 (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).

Schedule A.1 Waste Acceptance of the licence authorises the licensee to accept 170,000 tonnes per annum of waste soil and stone and dredging spoil to be used for the backfill of a quarry void. The applicant is also authorised to accept 20,000 tonnes per annum of inert construction and demolition (C&D) waste, for the production of secondary aggregates from this waste.

An Environmental Impact Assessment (EIA) has been completed in accordance with Section 83 of the EPA Act 1992, as amended, and is documented in the Inspector's report and the Technical Committee Report, which were adopted as the assessment of the Agency. The Decision & Reasons for the Decision of the licence states "Having regard to these assessments, it is considered that the activity, if managed, operated and controlled in accordance with the

licence will not result in the contravention of any relevant environmental quality standards or cause environmental pollution.”

A screening for Appropriate Assessment (AA) 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. The results of the AA screening was documented in the Inspector’s report and the Technical Committee Report, which were adopted as the assessment of the Agency. The Decision & Reasons for the Decision of the licence states “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”.

(ii) Planning Permission

Planning permission for the waste recovery activity was granted by Meath County Council on 19/02/19.

The licensed activities have not yet commenced.

Request

On 23/08/22, Clashford Recovery Facilities Limited submitted a request to extend the licence commencement date by six months to 20/03/23. The correspondence states that an extension of time is warranted on the basis of the works completed to date, and difficulties experienced during the COVID-19 pandemic, including lockdown and the loss of key personnel during that period. The licensee outlined that the following works have commenced:

Specified Engineering Works (SEW’s)

- Decommissioning of infrastructure associated with storm water discharge point reference nos.: DL-2, DL-3, DL-4 and DL-5. These works are 100% completed.
- Installation and commissioning of infrastructure associated with storm water discharge point reference no.: DL-2. These works are 100% completed.
- Relocation of site office and welfare facilities and septic tank. These works are approx. 40% completed to date.
- Construction works associated with reed beds. The reed beds are constructed, however planting will not be completed until late autumn or early winter, as per consultant’s advice.
- Construction and upgrade of wheel cleaner. The construction has commenced, and the tanks are in place, and they are approx. 75% completed.

Other items

- The weigh bridge is in place and the software communications are being set up in the coming weeks. The ramps need to be constructed. These works are 90% complete.
- In accordance with Condition No. 3.2.3 of the licence, validation reports have, or are being prepared in relation to the above SEW works.
- In compliance with Condition No. 10 of the licence, a revised Closure and Restoration and Aftercare Management Plan (CRAMP) has been submitted through EDEN.
- The licensee is up to date with respect to payment of Financial Charges and Provisions, as per Condition No.12 of the licence.

- An Environmental Management Programme (EMP) was submitted in accordance with Condition 2.2.2.2 of the licence.

Assessment

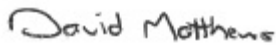
Given that Waste Licence Reg. No. W0265-01, as issued, did not specify a commencement date (as provided for in section 49(2)(a) of the WMA), the commencement date for the licence is taken as three years after the licence grant date. As the licence was granted on 20/09/19, the licence will expire on 20/09/22, in the normal course of events.

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 20/09/22, if an extension period is not granted.

The Agency's Office of Environmental Enforcement was consulted in relation to this extension request, and they have no objection to a six-month extension being granted.

Recommendation

Construction of the facility is on-going, and it is expected to be completed within six months. Commencement of waste acceptance can then take place. As a result, I recommend a six-month extension for the activity to commence, up to the 20/03/2023.



Dr. David Matthews
Inspector
Environmental Licensing Programme

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