

 <p>Environmental Protection Agency An Ghníomhaireacht um Chaomhnú Comhshaoil</p>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME	
TO:	Sharon Finegan, Director
FROM:	Ann O Sullivan, Inspector, Environmental Licensing Programme
DATE:	26/09/2022
RE:	Technical Amendment to Waste Licence Register Number: W0269-01, held by Roadstone Ltd, for a facility located at Fassaroe Waste Recovery Facility, Fassaroe Avenue, Fassaroe, Bray, County Wicklow.

The Agency received a request on 06/05/2022 from Roadstone Limited, Licence Reg. No. W0269-01 to technically amend its Licence. The request relates to a request for a reduction to the facility's licenced boundary.

This memo recommends that the change may be accommodated by a Technical Amendment, in accordance with Section 42B(c) of the Waste Management Act 1996, as amended.

1. Background

Roadstone Limited was granted a licence, Reg. No. W0269-01, on 06/04/2011 for a facility located at Fassaroe Waste Recovery Facility, Fassaroe Avenue, Fassaroe, Bray, County Wicklow.

This waste licence relates to the operation of an inert waste recovery facility at Fassaroe Avenue, Fassaroe, Bray, County Wicklow by Roadstone Wood Limited. Licensed activities comprise (i) the continued restoration of a former sand and gravel quarry using soil and stones; and (ii) the continued operation of an existing construction and demolition waste recycling operation.

The facility is classed as an inert waste recovery facility, with the principal activity identified as Class 4 of the Fourth Schedule to the Waste Management Acts 1996 to 2010; *recycling or reclamation of inorganic materials*.

2. Technical Amendment Request

On the 06/05/2022 the Agency received a request for a Technical Amendment of Licence Reg. No. W0269-01, in order to allow for boundary alteration and removal of 11.7 hectares of backfilled/restored lands from the existing licenced area. This will involve a reduction in the site boundary as defined in Condition 1.3 of the licence.

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

I have consulted with the OEE Inspector, Ciaran Cuddihy in relation to this technical amendment request. The OEE confirmed that the proposed boundary reduction cannot be accommodated under the existing licence. OEE has confirmed that there are no legal proceedings in train in respect of this licence.

4. Assessment

The request is for a licence boundary change, removing 11.7 hectares of backfilled area from the existing licensed site area at Fassaroe. In support of the request, the licensee submitted:

- An EPA Licence Alteration Screening Report;
- Drawings showing the extent of the lands to be removed from the licenced area;
- An appropriate assessment (AA) Screening Report;
- A copy of the Independent Closure Audit Report;
- A copy of the Risk Assessment Report; and
- An exit audit conducted by OEE for the boundary reduction on 14/01/2022 (EPA Ref. No. SV 24208).

A Closure Audit Report and Detailed Quantitative Risk Assessment were received and reviewed by OEE as part of the boundary change request. OEE considers that the area of the site which is the subject of the boundary amendment is not causing, or likely to cause environmental pollution. A map of the licensed boundary (in black) with the area for removal outlined (in red) was also submitted as part of this request. (see Appendix 2 below).

Section 42B of the Waste Management Act:

Section 42B of the Waste Management Act states that

“The Agency may amend a licence or revised licence for the purposes of -

- (a) correcting any clerical error therein,
- (b) facilitating the doing of anything pursuant to a condition attached to the licence where the doing of that thing may reasonably be regarded as having been contemplated by the terms of the condition or the terms of the licence taken as a whole but which was not expressly provided for in the condition, or
- (c) otherwise facilitating the operation of the licence and the making of the amendment does not result in the relevant requirements of section 83(5) ceasing to be satisfied”.

It is considered that the proposed amendment request may be accommodated under Section Section 42B(c). To amend the licence under this criterion, two parts need to be satisfied, Part (i) otherwise facilitating the operation of the licence and Part (ii) does not result in the relevant requirements of Section 40(4) ceasing to be satisfied. The changes proposed to reduce the

licensed boundary area are considered as otherwise facilitating the operation of the Licence. In addition, the amendments as proposed will not result in the relevant requirements of Section 40(4) ceasing to be satisfied.

Based on the above assessment, it is recommended that the changes to the licence to accommodate the boundary reduction be accommodated by Technical Amendment. It is considered that the proposed revisions are in accordance with Agency guidelines for licence amendments¹, and will satisfy the criteria under 42B(c) of the Waste Management Act 1996 allowing the Agency to amend a licence or revised licence.

The recommended amendment (RA) provides for the boundary decrease. The specific changes relate to the following condition of the licence:

- Condition 1.3 – installation boundary.

5. 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 activities, individually or in combination with other plans or projects are likely to have a significant effect on any European Site. In this context, particular attention was paid to the European Site(s) at Ballyman Glen SAC (000713), Knocksink Wood SAC (000725), Bray Head SAC (000714), Wicklow Mountains SAC (002122).

The activities are 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 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 was not required.

The reasons for this determination are:

- The installation is not located within any European site, and
- The proposed site boundary reduction does not substantially change the nature or extent of the operations and emissions at the facility from what was considered when licence Reg. W0269-01 was granted.

6. Recommendation

This memo recommends that the requested changes be accommodated by a Technical Amendment of Licence W0269-01 (held by Roadstone Limited.), in accordance with Section 42B(c) of the Waste Management Act 1996, 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 40(4) of the Waste Management Act 1996 as amended, ceasing to be satisfied.

¹ Guidance for Licensee on Request for Alterations to a Licensed Industrial or Waste Activity (EPA, June 2019).

Signed,

A handwritten signature in black ink, appearing to read "A O Sullivan". The signature is written in a cursive, flowing style.

Ann O Sullivan
Inspector
Environmental Licensing Programme

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

	European Site (Site Code)	DistanceFacility	Qualifying Interests (* denotes a priority habitat)	Conservation Objectives
1	Ballyman Glen SAC (000713)	0.8km	Habitats: 7220 Petrifying springs with tufa formation (Cratoneurion)* 7230 Alkaline fens Species n/a	As per NPWS (2019) Conservation Objectives: Ballyman Glen SAC 000713. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht (dated 17/07/2019).
2	Knocksink Wood SAC (000725)	1.4km	Habitats: 7220 Petrifying springs with tufa formation (Cratoneurion)* 91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles 91E0 Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)* Species n/a	As per NPWS (2021) Conservation Objectives: Knocksink Wood SAC 000725. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.(Dated 13/12/2021).
3	Bray Head SAC (000714)	3.7km	Habitats: 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 4030 European dry heaths Species: n/a	As per NPWS (2017) Conservation Objectives: Bray Head SAC 000714. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Dated 11/04/2017).
4	Wicklow Mountains SAC (002122).	4.8km	Habitats 3110 Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) 3160 Natural dystrophic lakes and ponds 4010 Northern Atlantic wet heaths with Erica tetralix 4030 European dry heaths	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).

			<p>4060 Alpine and Boreal heaths</p> <p>6130 Calaminarian grasslands of the <i>Violetalia calaminariae</i></p> <p>6230 Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)*</p> <p>7130 Blanket bogs (* if active bog)</p> <p>8110 Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>8210 Calcareous rocky slopes with chasmophytic vegetation</p> <p>8220 Siliceous rocky slopes with chasmophytic vegetation</p> <p>91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>Species</p> <p>1355 Otter (<i>Lutra lutra</i>)</p>	
--	--	--	---	--

Appendix 2: Map of proposed boundary reduction (red)

