



**OFFICE OF ENVIRONMENTAL  
SUSTAINABILITY**

**ENVIRONMENTAL LICENSING PROGRAMME**

TO: Tom Ryan, Director

FROM: Ann O Sullivan, Inspector, Environmental Licensing Programme

DATE: 31 May 2023

RE: Technical Amendment to Waste Licence Register Number: W0151-01, held by Murphy Concrete Manufacturing Limited, for a facility located at Sarsfieldtown, Gormanstown, Co. Meath.

The Agency received a request on 19 December 2022 from Murphy Concrete Manufacturing Limited (hereafter referred to as MCM), Licence Reg. No. W0151-01, to technically amend its licence. The request relates to an increase in the total quantity of waste permitted to be placed at the landfill facility (over the authorised life of the facility) from 3,800,000 tonnes to 6,000,000 tonnes.

This memo recommends that the change cannot be accommodated by a Technical Amendment, in accordance with Section 42B (1)(a), (b) or (c) of the Waste Management Act 1996 as amended (hereafter referred to as the Waste Management Act).

## 1. Background

MCM was granted a licence, Reg. No. W0151-01, on 05 June 2003 for a facility located at Sarsfieldtown, Gormanstown, Co. Meath. The facility is licenced under Classes 1 and 13 of the Waste Disposal Activities and Classes 3, 4, and 13 of the Waste Recovery Activities of the Third and Fourth Schedules of the Waste Management Act.

The facility is licensed to dispose of 738,000 tonnes and recover 12,000 tonnes of inert waste per annum. The tonnage to be recovered may be increased by agreement with the Agency subject to the total tonnage not exceeding 750,000 tonnes.

Technical Amendment A was issued on 14 February 2013 bringing the existing licence into compliance with the requirements of the Landfill Directive (1999/31/EC). A new Table A.1.1 in Schedule A specified that the total quantity of waste permitted to be placed at the landfill facility (over the authorised life of the facility) is 3,800,000 tonnes.

## 2. Technical Amendment Request

On the 19 December 2022, the Agency received a request for a Technical Amendment of Licence Reg. No. W0151-01, in order to allow for an increase in the total quantity of waste permitted to be placed at the landfill facility (over the authorised life of the facility) from 3,800,000 tonnes to 6,000,000 tonnes.

MCM are requesting a Technical Amendment to Schedule A.1 *Waste Acceptance*, Table A.1.1 *Total Permitted Landfill Capacity*, of the licence. MCM state that based on weighbridge records

5,700,000 tonnes of inert waste have been placed in the facility between 2003 and 2019 and that based on a topographical survey the remaining void space is 170,000 tonnes. Based on this they request an increase, in the total quantity of waste to be placed at the facility, to 6,000,000 tonnes.

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

I have consulted with the OEE Inspector, Brian Duggan, in relation to this technical amendment request. The OEE confirmed that the proposed increase, in the total quantity of waste permitted to be placed at the landfill facility (over authorised life of the facility), from 3,800,000 tonnes to 6,000,000 cannot be accommodated under the existing licence W0151-01. OEE has confirmed that there are no legal proceedings in train in respect of this licence.

### **4. Assessment**

The proposed amendment request was assessed against the relevant criteria in the Agency guidelines for licence alterations<sup>1</sup>.

The licensee has requested, as detailed, a substantial increase in the total quantity of waste permitted to be placed at the landfill facility (over the authorised life of the facility). Any increase in the the total quantity of waste permitted to be placed at the landfill facility is considered a significant change and such a request would not normally be undertaken by TA based on Agency's guidelines for licence alterations.

As the requested amendment is considered a significant change, it would warrant public participation which can only be considered by way of a licence review.

For an amendment to be accommodated by way of technical amendment it would need to satisfy Section 42B(1) of the Waste Management Act 1996 as amended which 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 40(4) ceasing to be satisfied".

The amendment request to increase the total permitted landfill capacity of waste above the existing limit in the licence, cannot be considered to be (a) correcting any clerical error or (b) facilitating the doing of anything pursuant to a condition attached to a licence where the doing of that thing may reasonably be regarded as having been contemplated by the terms of the condition or terms of the licence when taken as a whole.

It is also considered that the amendment cannot be accommodated by way of Section 42B(1)(c). For an amendment to be accommodated under Section 42B(1)(c) it must satisfy both criteria

(i) otherwise facilitating the operation of the licence and (ii) does not result in Section 40(4) failing to be satisfied.

In relation to part (i) the significant increase in the total permitted landfill capacity of waste cannot be interpreted as otherwise facilitating the operation of the licence as to allow such an increase would facilitate a breach of a condition on waste tonnage within the existing licence. In relation to part (ii) the licensee has failed to provide sufficient supporting information to demonstrate that Section 40(4) will continue to be satisfied.

It is therefore considered that the proposed amendment cannot be accommodated by way of a technical amendment and a licence review would be required in order to consider the proposed changes as requested.

## **5. Recommendation**

This memo recommends that the requested changes cannot be accommodated by a Technical Amendment of Licence W0151-01 (held by MCM Limited), in accordance with Section 42B(1)(a), (b) or (c) of the Waste Management Act 1996 as amended.

Signed,



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Ann O Sullivan  
Inspector  
Environmental Licensing Programme