



Objection

Objector:	Mr David Tobin
Organisation Name:	Starrus Eco Holdings Ltd
Objector Address:	Ballymount Road, Dublin, Co. Dublin.
Objection Title:	Objection #OS011483 - Applicant objection for Reg No:[W0261-03]
Objection Reference No.:	OS011483
Objection Received:	25 January 2024
Objector Type:	Applicant
Oral Hearing Requested?	No

Application

Applicant:	Starrus Eco Holdings Limited
Reg. No.:	W0261-03

See below for Objection details.

Attachments are displayed on the following page(s).

Unit 15
Melbourne Business Park
Model Farm Road
Cork T12 WR89



T: 021 434 5366
E: admin@ocallaghanmoran.com
www.ocallaghanmoran.com

Environmental Protection Agency
Headquarters, PO Box 3000
Johnstown Castle Estate
Co Wexford
Y35 W821

25th January 2024

In accordance with Section 87(5) of the Environmental Protection Agency Act, as amended and Regulation 25 of EPA (Industrial Emissions) (Licensing) Regulations 2013, in respect of a licence review from Starrus Eco Holdings Limited for an installation located at Cappagh Road, Finglas, Dublin 11. Reg. No. W0261-03.

Dear Sir/Madam

Starrus Eco Holdings Ltd (SEHL), Panda Waste Management Solutions, Ballymount Road Upper, Dublin 24 objects to:

Condition 1.9.1 With the exception of emergencies, or as may be approved by the Agency, waste shall only be accepted at or dispatched from the installation between the hours of 06:00 and 23:00 Monday to Saturday inclusive;

Condition 1.9.3 The installation shall not accept/dispatch waste on Sundays or Bank Holidays without the approval of the Agency, and

Condition 8.9.3 Refuse derived fuel or solid recovered fuel classified as waste shall only be supplied for combustion to an appropriate facility.

The grounds for the objection to Condition 1.9.1 and Condition 1.9.3 are as follows:

Condition 1.9.1, as currently worded, affords the Office of Environmental Enforcement (OEE) the discretion to restrict the hours of waste acceptance and dispatch to between 06.00 and 23:00 Monday to Saturday, and

Condition 1.9.3, as currently worded affords the OEE the discretion to prohibit the acceptance and dispatch of wastes on Sundays and Bank Holidays.

SEHL discussed the proposed wording of Conditions 1.9.1 and 1.9.3 with the OEE. The OEE expressed a concern that the current wording could be interpreted as meaning that the acceptance and dispatch of waste 24 hours a day, 7 days a week was only applicable in exceptional circumstances and that normal waste acceptance and dispatch hours were from 06:00 – 23:00 Monday to Saturday. The OEE advised SEHL that to ensure clarity over the authorised hours of waste acceptance and dispatch an objection to the current wording of both Conditions should be considered.

Context

The site is located in an industrial area, where many of the nearby activities are 24/7 logistics operations. The nearest noise sensitive receptors located more than 500m from the entrance. The major noise influence in the area is the M50.

The waste collection times in a large part of the catchment area served by the facility are specified in Dublin Waste by-laws and these necessitate the collection of waste on a 24/7 basis. One of the main outputs from the waste processing is Solid Recovered Fuel (SRF) and the Cappagh facility is one of the largest producers of SRF in the country. To meet the needs of the cement industry's 24/7 operations, SRF must be dispatched to kilns on a 24/7 basis.

Condition 1.9.1 and Condition 1.9.3

The grounds for objecting to Conditions 1.9.1 and 1.9.3 are set out below:

Planning Permission

The planning permission granted by An Bord Pleanála authorises 24 hour, 7 days a week operations and the acceptance and dispatch of wastes. A copy of the Bord's Order (ABP 330312-1) confirming the grant of permission is in Attachment 1. The Bord's Inspector's Report, which sets out the grounds for the conditions specified in the Order is in Attachment 2.

The Bord's Order confirms the Bord completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development on a site
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application.
- (c) the submissions received from the prescribed bodies and planning authority, and
- (d) the Inspector's report.

Condition 1 of the Bord's Order stipulates that *"The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority the developer shall agree such details in writing with the planning authority prior to commence of development and the development shall be carried out and completed in accordance with the agreed particulars"*.

Section 3.4 of the Bord Inspector's Report describes the submissions the Bord received from prescribed bodies. The Report notes that the submission received from the elected members of Fingal County Council included a request to make it a condition of the permission to restrict traffic movements between 12 am and 6 am.

Section 3.7 of the Report described SEHL's response to the Fingal County Council submission and notes that *the facility receives rubbish from collections that are required to be collected outside of peak times in the city. In practice waste is collected from commercial and retail facilities on a 24hr basis. The 24hr operating hours avoids surges and prevents exacerbation of peak traffic conditions.*

Section 6 of the Bord Inspector's Report describes the assessment of the application completed by the inspector. Section 6.10 states:

Traffic can be also be a source of noise disturbance, however given that the proposed development is proposing to continue to operate on a 24hr basis and based on the information provided in relation to the operations and collection of waste during night time hours it is reasonable to expect that traffic to and from the site will continue to be spread throughout the day and night and as stated by the applicant, this arrangement does not give rise to surges or queuing at the site and does not give rise to peak hour impacts on the surrounding road network.

Section 6.26 of the Report states:

In relation to the hours of operation the applicant states that waste collections must occur, as a consequence of bylaws, outside of peak traffic hours and as such are collected early in the morning or late at night. This restriction in collection hours therefore drives the requirement for 24hr operation at the development site in order to maintain a flow of deliveries and prevent queues building up the adjacent public road.

In addition to this requirement the applicant further states that waste for disposal collected at the site is used as fuel at cement facilities and displaces the burning of fossil fuels. A steady supply stream is required on a 24hr basis to keep furnaces burning at these facilities and to ensure the free flow of traffic at these facilities also.

Section 6.26 of the Report states:

I consider given the restrictions imposed on collection times in the city and the nature of the cement works that the continuation of the operational hours on a 24hr period is reasonable. I further note that no objections have been received from local residents in this regard and note that the nearest dwellings are 500m from the development site but are 200m from the M50 motorway whereby noise emissions would be dominated by the M50 rather than the development site.

The Bord Inspector's Report clearly demonstrates that the acceptance and dispatch of waste on a 24 hour basis 7 days a week was assessed and approved,

It is noted that there were no third party submissions on the licence review application by members of the public.

Based on the above, SEHL requests that the wording of Condition 1.9.1 be amended as follows:

Condition 1.9.1 The installation may accept and dispatch waste on a twenty-four hour basis, seven days per week.

SEHL requests that Condition 1.9.3 be deleted.

Condition 8.9.3

The grounds for the objection to the wording of Condition 8.9.3 Refuse derived fuel or solid recovered fuel classified as waste shall only be supplied for combustion to an appropriate facility are as follows:

SEHL's understanding of the wording is that refuse derived fuel and solid recovered fuel only be sent to installations that are authorised to combust these fuels and that the condition does not preclude SEHL, in an emergency situation where the authorised combustion facilities are off-line, from sending the fuels to other authorised waste facilities for temporary storage. This temporary off-site storage would allow SEHL to continue to produce refuse derived fuel and solid recovered fuel pending the restart of waste acceptance at authorised combustion installations.

However an alternative interpretation of the wording is that the refuse derived fuel and solid recovered fuel can only be sent to authorised combustion facilities and that the condition prohibits sending the fuels for temporary storage at other authorised waste facilities.

SEHL requests Agency clarification as to what Condition 8.9.3 authorises. If this clarification confirms that the condition precludes the contingency consignment of refuse derived fuels and solid recovered fuels to authorised waste facilities other than authorised combustion facilities, then SEHL requests the condition be amended as follows:

Condition 8.9.3 Refuse derived fuel or solid recovered fuel classified as waste shall only be supplied for combustion to an appropriate facility except in emergencies where, with the approval of the Agency, it may be sent to other authorised waste facilities for temporary storage.

The objection fee (€500) has been paid and the receipt is enclosed.

Yours sincerely,


Jim O' Callaghan