

This Report has been cleared for submission to the Board by Programme Manager Warren Phelan

Warren Phelan

Signed:

Date: 15/04/24



OFFICE OF ENVIRONMENTAL SUSTAINABILITY

REPORT OF THE TECHNICAL COMMITTEE ON OBJECTIONS TO PROPOSED DETERMINATION

TO: Directors

FROM: Darragh Hearne

CIRCULAR ECONOMY AND WASTE AUTHORISATION.

DATE: 15TH APRIL 2024

RE: Objection to Proposed Determination for STARRUS ECO HOLDINGS LIMITED, Cappagh Road, Finglas, Dublin 11, Dublin, D11 NP68, IEL Reg No. W0261-03

Application Details

Classes of Activity (under EPA Act 1992 as amended):

11.4 (b)(ii) Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, (other than activities to which the Urban Waste Water Treatment Regulations 2001 (S.I. No. 254 of 2001) apply): pre-treatment of waste for incineration or co-incineration.

11.1 The recovery or disposal of waste in a facility, within the meaning of the Act of 1996, which facility is connected or associated with another activity specified in this Schedule in respect of which a licence or revised licence under Part IV is in force or in respect of which a licence under the said Part is or will be required.

Licence application received:

09 November 2021

PD issued:

21 December 2023

First party objection received:

1

Third Party Objection received:	0
Submissions on Objections received:	0

Company

Starrus Eco Holdings Limited (hereafter referred to as the applicant) currently operates a non-hazardous materials recovery and waste transfer installation at Cappagh Road, Finglas, Dublin 11 that is licensed by the Agency (Reg. No. W0261-02) to accept up to a limit of 250,000 tonnes of waste per annum (tpa). In 2021, the applicant applied to the Agency for a review of its licence to increase the annual waste intake from 250,000 to 450,000 tpa (an increase of 80%) and seek approval for permanent 24/7 operations.

There were two submissions received in relation to the application and these were considered by the Board at PD stage.

Consideration of the Objection

The Technical Committee, comprising of Darragh Hearne (Chair) has considered all of the issues raised in the objection and this report details the Committee's comments and recommendations following the examination of the objections and the documents associated with the industrial emissions licence application.

This report considers the first party objections received.

The objections raised are summarised below. However, the original objection should be referred to for greater detail and further expansion of particular points.

First Party Objection

The applicant has made two main points of objection relating to specific Conditions of the Proposed Determination. The points of objection are dealt with in the order below. Some points of objection have been addressed under one heading, where it is considered appropriate to do so.

A typographical error identified by the Agency will also be addressed and corrected below.

A.1 /Condition Nos. 1.9.1 & 1.9.3/Scope

The applicant objects to the wording in condition 1.9.1 and condition 1.9.3

Condition 1.9.1 states: 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 States: The installation shall not accept/dispatch waste on Sundays or Bank Holidays without the approval of the Agency.

The applicant states the following as its main reason for objecting to the conditions:

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.

The applicant states that the planning permission granted by An Bord Pleanála authorises the acceptance and dispatch of wastes on a 24 hour 7 day a week basis.

Technical Committee's Evaluation:

The TC notes that the applicant had applied for 24/7 operation as part of their licence review application.

The site has been operating under an Industrial Emissions Licence (W0261-02) granted by the Agency on 11 February 2015. Condition 3.24.1 of this license restricted waste acceptance from 06:00 to 23:00, Monday to Saturday inclusive. A technical amendment issued on 25 February 2020 allowed the site to operate 24/7 in line with planning permission received in December 2019 (FW18A/0067), however it did not change the waste acceptance time.

In the EIAR submitted to the planning authority and the EPA, the applicant proposed to carry out operations 24/7. Condition 1 of An Bord Pleanála's Order (ABP-310332-21) 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*". There are no restrictions on operating hours in the planning permission.

The TC has reviewed the inspectors report from An Bord Pleanála with particular attention relating to sections 6.25, 6.26 and 6.27 regarding hours of operation of the site. The TC has had regard to the reasoned conclusions reached by An Bord Pleanála and therefore agrees with the applicant that the planning report allows for 24/7 operation of the site including acceptance and dispatch of waste.

The TC notes the proposed installation will operate in an industrial park and the operation of the installation will be regulated by the EPA licence. It is considered that the applicant's request is reasonable and is not restricted by planning conditions.

The TC recommend the amendment of Condition 1.9.1, and the removal of Condition 1.9.3, so as to allow the installation unrestricted hours of operation.

Reason for Decision:

The TC has reached its conclusion on the basis of the following considerations:

- The grant of planning permission;
- The EIAR submitted with the application;
- The location of the installation.

Recommendation:

Amend Condition No. 1.9.1. to read as follows:

The installation shall accept and dispatch waste on a twenty-four hour basis, seven days per week, 365 days a year.

Delete Condition No 1.9.3:

~~The installation shall not accept/dispatch waste on Sundays or Bank Holidays without the approval of the Agency.~~

A.2 Condition No. 8.9.3 /Materials Handling

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

The applicant is concerned that this condition is too restrictive, and that the current wording will preclude sending the fuels for temporary storage at an authorised facility in the event that due to an emergency situation the authorised combustion facilities are off-line.

The applicant has requested to amend this condition in order to allow fuels, in an emergency to be temporarily stored offsite at an authorised facility.

Technical Committee's Evaluation:

The licence review is for the operation of a non-hazardous materials recovery and waste transfer installation. As established in the inspector's report, the applicant is licensed to send segregated and bulked waste streams to other authorised waste management installations for further treatment.

The applicant is licenced to send refuse derived fuel or solid recovered fuel classified as waste, to authorised combustion facilities.

The TC agrees that the wording of condition 8.9.3 limits the ability of the applicant to send fuels for storage, in the event that an authorised combustion facility is offline and cannot accept waste. As the production of SRF is an integral part of the materials recovery activity on site, it is not possible to stop the production of SRF in the event that the combustion facility cannot accept the fuel.

The TC recommend the amendment of Condition 8.9.3 to allow the applicant to send refuse derived fuel or solid recovered fuel to other authorised waste facilities for temporary storage.

Reason for Decision:

The TC has reached its conclusion on the basis of the following considerations:

- In the interest of the protection of the environment.

Recommendation:

Amend Condition No. 8.9.3 to read as follows:

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 can be sent to other authorised waste facilities for temporary storage if authorised combustion facilities are not available.**

Typographical error in PD

The TC notes that there is a typographical error in Condition 8.9.4 and recommends it is amended as outlined below.

Recommendation: Amend Condition 8.9.4 to read as follows:

The technical specification referred to in Condition ~~8.10.1~~ **8.9.1** shall set out the criteria to be met in order that combustion of the refuse derived fuel or solid recovered fuel will not lead to failure to comply with the conditions of a licence as may be applicable at the appropriate facility.

Environmental Impact Assessment Directive – Reasoned Conclusion Update

The TC has reviewed the assessment in the Inspector's Report and, taking into account all objections received, and the contents of this TC report, the TC considers that the potential significant direct and indirect effects of the activity have been identified, described and assessed in an appropriate manner as respects the matters that come within the functions of the Agency, and as required by Section 83(2A) of the Environmental Protection Agency Act 1992, as amended (hereafter referred to as the EPA Act).

It is considered that the monitoring, mitigation and preventative measures proposed in the Inspector's Report, will enable the activity to operate without causing environmental pollution, subject to compliance with the licence conditions included in the PD.

Appropriate Assessment – Technical Committee Review

The TC has reviewed the Inspector's Appropriate Assessment Screening in the Inspector's Report and, taking into account all objections received, and the content of this TC report, the TC is satisfied that the Inspector's Report provides an adequate examination and evaluation of the effects of the activities on the European Sites concerned: Rye Water Valley/Carton SAC (Site code: 001398), South Dublin Bay SAC (Site code: 000210), Malahide Estuary SAC (Site code: 000205), North Dublin Bay SAC (Site code: 000206),

Baldoyle Bay SAC (Site code: 000199), Rogerstown Estuary SAC (Site code: 000208), South Dublin Bay and River Tolka Estuary SPA (Site code: 004024), Malahide Estuary SPA (Site code: 004025), North Bull Island SPA (Site code:004006), Baldoyle Bay SPA (Site code: 004016), and Rogerstown Estuary SPA (Site code: 004015), in the light of their conservation objectives.

The TC notes that the Department of Housing, Local Government and Heritage has designated a new European site, the North-west Irish Sea Special Protection Area (site code 004236). This site was assessed in the inspectors report, while at candidate status. The North-west Irish Sea SPA is 14.2 km from the boundary of the installation. The TC has reviewed and considered the Appropriate Assessment Screening and the new qualifying interests and conservation objectives of the North-west Irish Sea SPA and is satisfied that inclusion of the North-west Irish Sea SPA does not change the determination that an Appropriate Assessment of the activity is not required. The TC is satisfied that the reasons stated in the screening determination are still appropriate.

Overall Recommendation

It is recommended that the Board of the Agency grant a licence to the applicant

- (i) for the reasons outlined in the proposed determination and
- (ii) subject to the conditions and reasons for same in the Proposed Determination, and
- (iii) subject to the amendments proposed and the reasons set out in this report.

Signed



Darragh Hearne

for and on behalf of the Technical Committee