



TECHNICAL AMENDMENT MEMO

TO:	Micheál Lehane, Director
FROM:	Marie Fay, Inspector, Office of Environmental Sustainability
DATE:	9 September 2024
RE:	Request for Technical Amendment to Waste Licence Register Number: W0127-01, held by Fingal County Council, for a facility located at Dunsink Landfill, aka Dunsink Civic Amenity, Dunsink Lane, Finglas, Co. Dublin; received on the 17 August 2022.
RECOMMENDATION:	Accommodate

1. Licenced activity

Fingal County Council was granted a licence, Reg. No. W0127-01, on 09 January 2004 for a facility located at Dunsink Landfill, aka Dunsink Civic Amenity, Dunsink Lane, Finglas, Co. Dublin. The facility is licenced under Class 4 of the Third Schedule (Waste Disposal Activities) and Classes 2, 3, 4 (principle activity)¹, 9, 11 and 13 of the Fourth Schedule (Waste Recovery Activities) of the Waste Management Act 1996 as amended. See Appendix 1 for full details.

Technical Amendment A was granted on 17 September 2007 for changes to the site boundary.

Technical Amendment B (Agency initiated) was granted on 15 January 2013 to bring the licence into compliance with the relevant provisions of the following legislation:

- European Communities Environmental Objectives (Surface Waters) Regulations 2009 and 2012; and
- European Communities Environmental Objectives (Groundwater) Regulations 2010 and 2012.

The licence provides for the restoration and aftercare of the closed landfill and provision of a civic amenity site.

2. Technical Amendment Request

The request for a Technical Amendment of Licence Reg. No. W0127-01, is to allow for 10,000 trees to be planted across a 4-acre plot as part of the ongoing restoration of the site. The proposed planting area is located in the north west part of the site, adjacent to the M50.

The licensee is proposing a change to Condition 4.5 of the licence to facilitate the tree planting as there is a lack of synthetic barrier underlying the area proposed.

W0127-01 Condition 4.5	Licensee Proposed New Wording
<i>"Where tree planting is to be carried out above waste-filled areas, a synthetic barrier shall be used to augment the clay cap. Combined topsoil and subsoil depths shall be a minimum of 1 m".</i>	Where tree planting is to be carried out above waste-filled areas, the depth of soil shall be at least 3.0m where there is no synthetic barrier in place.

¹ Recycling or reclamation of other inorganic materials.

In 2020 Fingal County Council previously made a request for approval under Condition 1 of the existing licence to allow for the tree planting project, which was subsequently refused by the Agency's Office of Environmental Enforcement as it did not comply with the requirements of Condition 4.5.

The licensee has submitted a landfill capping geotechnical assessment for the soil type and capping depth in support of the tree planting application.

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

I have consulted with the OEE Inspector, Kevin McCabe, in relation to this technical amendment request. The OEE confirmed that the proposed amendment 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

Condition 4.5 of licence W0127-01 is directly incorporated from the Agency's guidance² on landfill restoration and aftercare. The purpose of the guidance manuals and established best practice is to provide clear instruction on the management of restoration and aftercare to ensure there is no environmental risk.

The licensee has provided a report on the soil and tree type however they have failed to demonstrate that the risks and impacts from the proposed planting have been assessed. There was no supporting information provided as part of the change request to address the specific risks associated with the project such as, compression from larger planting systems, gas migration and management, leachate management and the steep gradient of the proposed site.

As there is a detailed restoration and aftercare manual which sets out a number of different criteria that can be met in order to allow planting to be undertaken, it would be reasonable to provide the licensee with an avenue to submit an alternative proposal that would adhere to the requirements set out in the restoration and aftercare manual. I therefore recommend an alternative wording to condition 4.5 in order to facilitate the potential for tree planting in accordance with the guidance.

Recommended change:

Where tree planting is to be carried out above waste-filled areas, a synthetic barrier shall be used to augment the clay cap. Combined topsoil and subsoil depths shall be a minimum of 1m. **An alternative proposal, made as part of an update of the Restoration and Aftercare Plan in accordance with relevant EPA guidance, may be approved by the Agency.**

Section 42B(1) of the Waste Management Act:

Section 42B(1) 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
- bb) facilitating compliance by the holder of a licence with technical requirements that may be established, or amended, arising from the introduction of new Community acts or amendments to existing Community acts, 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".

² EPA Landfill Manuals, Landfill Restoration and Aftercare (EPA 1999)

It is considered that the proposed amendment request may be accommodated under section 42B(1)(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. As detailed in the assessment above, the change proposed (as detailed above) is considered as otherwise facilitating the operation of the licence and will not result in the relevant requirements of section 40(4) ceasing to be satisfied.

Based on the above assessment, it is concluded that the changes to the licence, as detailed above, can be accommodated by Technical Amendment. It is considered that the proposed revisions are in accordance with Agency guidelines³ for licence amendments and the proposed amendments will satisfy the criteria under section 42B(1)(c) of the Waste Management Act allowing the Agency to amend a licence or revised licence.

5. Appropriate Assessment

Appendix 2 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 Sites at South Dublin Bay SAC (000210), Rye Water Valley/Carton SAC (001398), North Dublin Bay SAC (000206), Malahide Estuary SAC (000205), Baldoyle Bay SAC (000199), Glenasmole Valley SAC (001209), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), Malahide Estuary SPA (004025), Baldoyle Bay SPA (004016) and North-west Irish Sea SPA (004236).

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 determination is based on the following reasons:

- The facility is not located within any European site;
- This amendment makes no changes to the nature or extent of the operations and emissions at the facility from what were considered during the assessment conducted for Licence Reg. no. W0127-01. Therefore, there will be no impact on any European Site as a result of this technical amendment.

6. Recommendation

This memo recommends that the changes can be accommodated by a Technical Amendment of Licence W0127-01 (held by Fingal County Council), in accordance with section 42B(1)(c) of the Waste Management Act 1996 as amended.

The specific changes in the Recommended Amendment relate to the following condition of the licence:

- Condition 4.5 – Restoration and Aftercare.

I recommend that the licence amendment be approved as set out in the attached Recommended 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.

³ Guidance for Licensee on Request for Alterations to a Licensed Industrial or Waste Activity (EPA, June 2019).

Signed,



Marie Fay

Inspector
Office of Environmental Sustainability

Appendix 1: Classes of Activity licensed at the facility

*Licensed Waste Disposal Activities, in accordance with the
Third Schedule of the Waste Management Act 1996*

Class 4	Surface impoundment, including placement of liquid or sludge discards into pits, ponds or lagoons: This activity is limited to: <ul style="list-style-type: none">• The provision and use of a leachate lagoon to temporarily store leachate generated in the landfill, prior to discharge to the public foul sewer; and• The provision and use of a surface water attenuation pond to control the quality and quantity of the surface water run off from site.
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*Licensed Waste Recovery Activities, in accordance with the
Fourth Schedule of the Waste Management Act 1996*

Class 2	Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes): This activity is limited to the composting of green waste, the recycling/ reclamation of cardboard, paper and waste oil at the facility
Class 3	Recycling or reclamation of metals and metal compounds: This activity is limited to the recycling of ferrous / non-ferrous metals and white goods.
Class 4	Recycling or reclamation of other inorganic materials: This activity is limited to recycling or reclamation of subsoil and topsoil (for the restoration of the site) and dry recyclables at the Bring Centre.
Class 9	Use of any waste principally as a fuel or other means to generate energy: This activity is limited to the utilisation of landfill gas for the generation of electricity.
Class 11	Use of waste obtained from any activity referred to in a preceding paragraph of this Schedule: This activity is limited to the use of suitable subsoil and topsoil and composted material for the restoration programme.
Class 13	Storage of waste intended for submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where such waste is produced: This activity is limited to the storage of recyclable waste prior to recovery off site and the storage of soil on site for the restoration programme.

(Final Decision W0127-01 Part I Activities Licensed dated 09 January 2004)

Appendix 2: List of European Sites assessed, their associated qualifying interests and conservation objectives.

	European Site (Site Code)	Distance from Facility	Qualifying Interests (* denotes a priority habitat)	Conservation Objectives
1	South Dublin Bay SAC (000210)	10 km	Habitats: 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 2110 Embryonic shifting dunes	As per NPWS (2013) Conservation objectives for South Dublin Bay SAC 000210. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht (dated 22/08/2013).
2	Rye Water Valley/ Carton SAC (001398)	10.5 km	Habitats: 7220 Petrifying springs with tufa formation (Cratoneurion)* Species: 1014 Narrow-mouthed Whorl Snail (<i>Vertigo angustior</i>) 1016 Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>)	As per NPWS (2021) Conservation objectives for Rye Water Valley/Carton SAC 001398. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage (dated 22/12/2021).
3	North Dublin Bay SAC (000206)	10.7 km	Habitats: 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 2190 Humid dune slacks Species: 1395 Petalwort (<i>Petalophyllum ralfsii</i>)	As per NPWS (2013) Conservation objectives for North Dublin Bay SAC 000206. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht (dated 06/11/2013).

4	Malahide Estuary SAC (000205)	12 km	<p>Habitats:</p> <p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1310 Salicornia and other annuals colonising mud and sand</p> <p>1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)</p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*</p>	As per NPWS (2013) Conservation objectives for Malahide Estuary SAC 000205. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht (dated 27/05/2013).
5	Baldoyle Bay SAC (000199)	13 km	<p>Habitats:</p> <p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1310 Salicornia and other annuals colonising mud and sand</p> <p>1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)</p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p>	As per NPWS (2012) Conservation objectives for Baldoyle Bay SAC 000199. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht (dated 19/11/2012).
6	Glenasmole Valley SAC (001209)	14.7 km	<p>Habitats:</p> <p>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)</p> <p>6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)</p> <p>7220 Petrifying springs with tufa formation (<i>Cratoneurion</i>)*</p>	As per NPWS (2021) Conservation objectives for Glenasmole Valley SAC 001209. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage (dated 10/12/2021).
7	South Dublin Bay and River Tolka Estuary SPA (004024)	7.8 km	<p>Habitats:</p> <p>A999 Wetland and Waterbirds</p> <p>Species:</p> <p>A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>A130 Oystercatcher (<i>Haematopus ostralegus</i>)</p> <p>A137 Ringed Plover (<i>Charadrius hiaticula</i>)</p> <p>A141 Grey Plover (<i>Pluvialis squatarola</i>)</p> <p>A143 Knot (<i>Calidris canutus</i>)</p> <p>A144 Sanderling (<i>Calidris alba</i>)</p> <p>A149 Dunlin (<i>Calidris alpina</i>)</p> <p>A157 Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>A162 Redshank (<i>Tringa totanus</i>)</p> <p>A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</p>	As per NPWS (2015) Conservation objectives for South Dublin Bay and River Tolka Estuary SPA 004024. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht (dated 09/03/2015).

			<p>A192 Roseate Tern (<i>Sterna dougallii</i>) A193 Common Tern (<i>Sterna hirundo</i>) A194 Arctic Tern (<i>Sterna paradisaea</i>)</p>	
8	North Bull Island SPA (004006)	10.7 km	<p>Habitats: A999 Wetland and Waterbirds Species: A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A052 Teal (<i>Anas crecca</i>) A054 Pintail (<i>Anas acuta</i>) A056 Shoveler (<i>Anas clypeata</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A143 Knot (<i>Calidris canutus</i>) A144 Sanderling (<i>Calidris alba</i>) A149 Dunlin (<i>Calidris alpina</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A160 Curlew (<i>Numenius arquata</i>) A162 Redshank (<i>Tringa totanus</i>) A169 Turnstone (<i>Arenaria interpres</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</p>	As per NPWS (2015) Conservation objectives for North Bull Island SPA 004006. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht (dated 09/03/2015).
9	Malahide Estuary SPA (004025)	12 km	<p>Habitats: A999 Wetland and Waterbirds Species: A005 Great Crested Grebe (<i>Podiceps cristatus</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A054 Pintail (<i>Anas acuta</i>) A067 Goldeneye (<i>Bucephala clangula</i>) A069 Red-breasted Merganser (<i>Mergus serrator</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A143 Knot (<i>Calidris canutus</i>) A149 Dunlin (<i>Calidris alpina</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>)</p>	As per NPWS (2013) Conservation objectives for Malahide Estuary SPA 004025. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht (dated 16/08/2013).

			A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A162 Redshank (<i>Tringa totanus</i>)	
10	Baldoyle Bay SPA (004016)	13 km	Habitats: A999 Wetland and Waterbirds Species: A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A137 Ringed Plover (<i>Charadrius hiaticula</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>)	As per NPWS (2013) Conservation objectives for Baldoyle Bay SPA 004016. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht (dated 27/02/2013).
11	North-west Irish Sea SPA (004236)	13.3 km	Species: A001 Red-throated Diver (<i>Gavia stellata</i>) A003 Great Northern Diver (<i>Gavia immer</i>) A009 Fulmar (<i>Fulmarus glacialis</i>) A013 Manx Shearwater (<i>Puffinus puffinus</i>) A017 Cormorant (<i>Phalacrocorax carbo</i>) A018 Shag (<i>Phalacrocorax aristotelis</i>) A065 Common Scoter (<i>Melanitta nigra</i>) A177 Little Gull (<i>Larus minutus</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A182 Common Gull (<i>Larus canus</i>) A183 Lesser Black-backed Gull (<i>Larus fuscus</i>) A184 Herring Gull (<i>Larus argentatus</i>) A187 Great Black-backed Gull (<i>Larus marinus</i>) A188 Kittiwake (<i>Rissa tridactyla</i>) A192 Roseate Tern (<i>Sterna dougallii</i>) A193 Common Tern (<i>Sterna hirundo</i>) A194 Arctic Tern (<i>Sterna paradisaea</i>) A195 Little Tern (<i>Sterna albifrons</i>) A199 Guillemot (<i>Uria aalge</i>) A200 Razorbill (<i>Alca torda</i>) A204 Puffin (<i>Fratercula arctica</i>)	As per NPWS (2023) Conservation objectives for North-west Irish Sea SPA 004236. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage (dated 19/09/2023).