



OFFICE OF
ENVIRONMENTAL
SUSTAINABILITY

TECHNICAL AMENDMENT MEMO

TO:	Gerard O'Leary, Director
FROM:	Neasa Diviney, Inspector, Office of Environmental Sustainability
DATE:	05 September 2024
RE:	Request for Technical Amendment to Waste Licence Register Number: W0304-01, held by Packaging Laundry Limited for an installation located at Unit C4, Oldcourt Industrial Estate, Boghall Road, Bray, County Wicklow, received on the 04 August 2023.
RECOMMENDATION:	Accommodate

1. Licenced activity

Packaging Laundry Limited was granted a licence, Reg. No. W0304-01, on 15 October 2020 for a waste facility located at Unit C4, Oldcourt Industrial Estate, Boghall Road, Bray, County Wicklow. The facility is licenced under Waste Recovery Activity Classes R4 (Principal activity)¹, R3², R5³, R12⁴, R13⁵ of the Fourth Schedule of the Waste Management Act 1996, as amended.

The main activity carried out at the facility under the licence is Intermediate Bulk Containers (IBCs) acceptance from customers for cleaning, inspection and refurbishment. Other waste activities on site include the reconditioning of steel and plastic drums, and the recovery of wooden pallets and cardboard packaging.

2. Technical Amendment Request

The request for a Technical Amendment of Licence Reg. No. W0304-01, is to allow for the facility to increase the licenced area of the installation (Appendix 1, Figures 1 & 2).

The licensee proposes to increase the licensed boundary to facilitate the indoor storage of clean, refurbished, and ready to re-use IBC containers, in a newly acquired property adjoining the existing facility at Unit C, Oldcourt Industrial Estate.

¹ Recycling/reclamation of metals and metal compounds

² Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes), which includes gasification and pyrolysis using the components as chemicals.

³ Recycling/reclamation of other inorganic materials, which includes soil cleaning resulting in recovery of the soil and recycling of inorganic construction materials.

⁴ Exchange of waste for submission to any of the operations numbered R1 to R11 (if there is no other R code appropriate, this can include preliminary operations prior to recovery including pre-processing such as, amongst others, dismantling, sorting, crushing, compacting, pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R1 to R11).

⁵ Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage (being preliminary storage according to the definition of 'collection' in section 5(1)), pending collection, on the site where the waste is produced)".

The new area will be for storage only and no processing will occur in this area, and no new waste types or emission points are proposed or required.

The licensee submitted a new site boundary map in support of their application (Appendix 1, Figure 1), as well as an Appropriate Assessment (AA) Screening Report and a copy of the grant of planning permission from the planning authority (Wicklow County Council) consenting to change of use and re-development of the unit.

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

I have consulted with the OEE inspector, Joan Fogarty, 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

The proposed amendment request was assessed against the relevant criteria in the Agency's guidance for licence requirements⁶.

The proposed extension of the installation is requested to allow for the redline boundary to be extended to facilitate the indoor storage of clean, refurbished, and ready for re-use, IBC containers in a newly acquired property that adjoins the existing facility. No other activity will be undertaken within this new building or area and the revised site boundary (Appendix 1, Figure 1), will not result in any new emission points in the current licence, (W0304-01).

As the increased boundary will be restricted to storage of clean material only and will not significantly alter the risk associated with the existing facility from that assessed during the original licence application, the inspector recommends the alteration be provided as requested.

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
- 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".

It is considered that the proposed amendment request may be accommodated under 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. 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.

⁶ Guidance for Licensee on Request for Alterations to a Licensed Industrial or Waste Activity (EPA, June 2019).

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 guidelines for licence amendments and the proposed amendments will satisfy the criteria under Section 42B(c) of the Waste Management Act 1996 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 Site(s) at Bray Head SAC (000714), Ballyman Glen SAC (000713), Knocksink Wood SAC (000725) Glen of the Downs SAC (000719), Wicklow Mountains SAC (002122), Rockabill to Dalkey Island SAC (003000), Carriggower Bog SAC (000716), The Murrough Wetlands SAC (002249), South Dublin Bay SAC (000210), Wicklow Mountains SPA (004040), Dalkey Islands SPA (004172), The Murrough SPA (004186), South Dublin Bay and River Tolka Estuary SPA (004024).

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.

This determination is based on the following reasons:

- The installation is not located within any European Site.
- The amendment is limited to a change to facility boundary only. There are no changes to the nature or extent of the operations and emissions at the facility from what was considered during the assessment conducted for licence registration no. W0304-01. Therefore, there will be no impact on any European Site as a result of the amendment request.

6. Recommendation

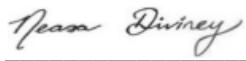
This memo recommends that the requested changes can be accommodated by a Technical Amendment of Licence W0304-01 (held by Packaging Laundry Limited) in accordance with section 42B(c) of the Waste Management Act 1996, as amended.

The specific changes in the Recommended Amendment relate to the following conditions and schedules of the licence:

- Condition 1.3 – change of site boundary drawing.
- Condition 3 - activity in expanded unit restricted to the storage of uncontaminated IBC's.

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.

Signed,



Neasa Diviney
Inspector
Office of Environmental Sustainability

Appendix 1
Figure 1. Proposed Site boundary W0304-01

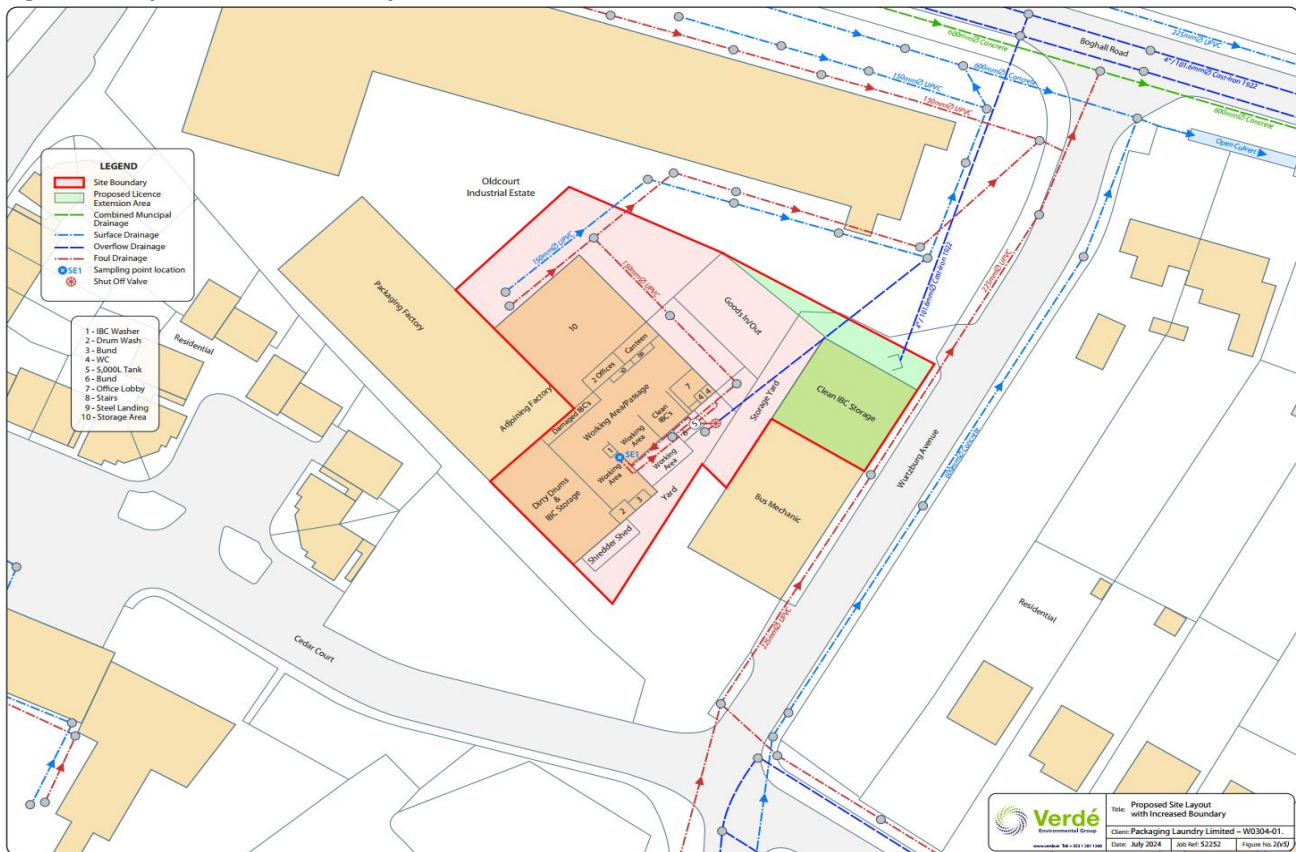
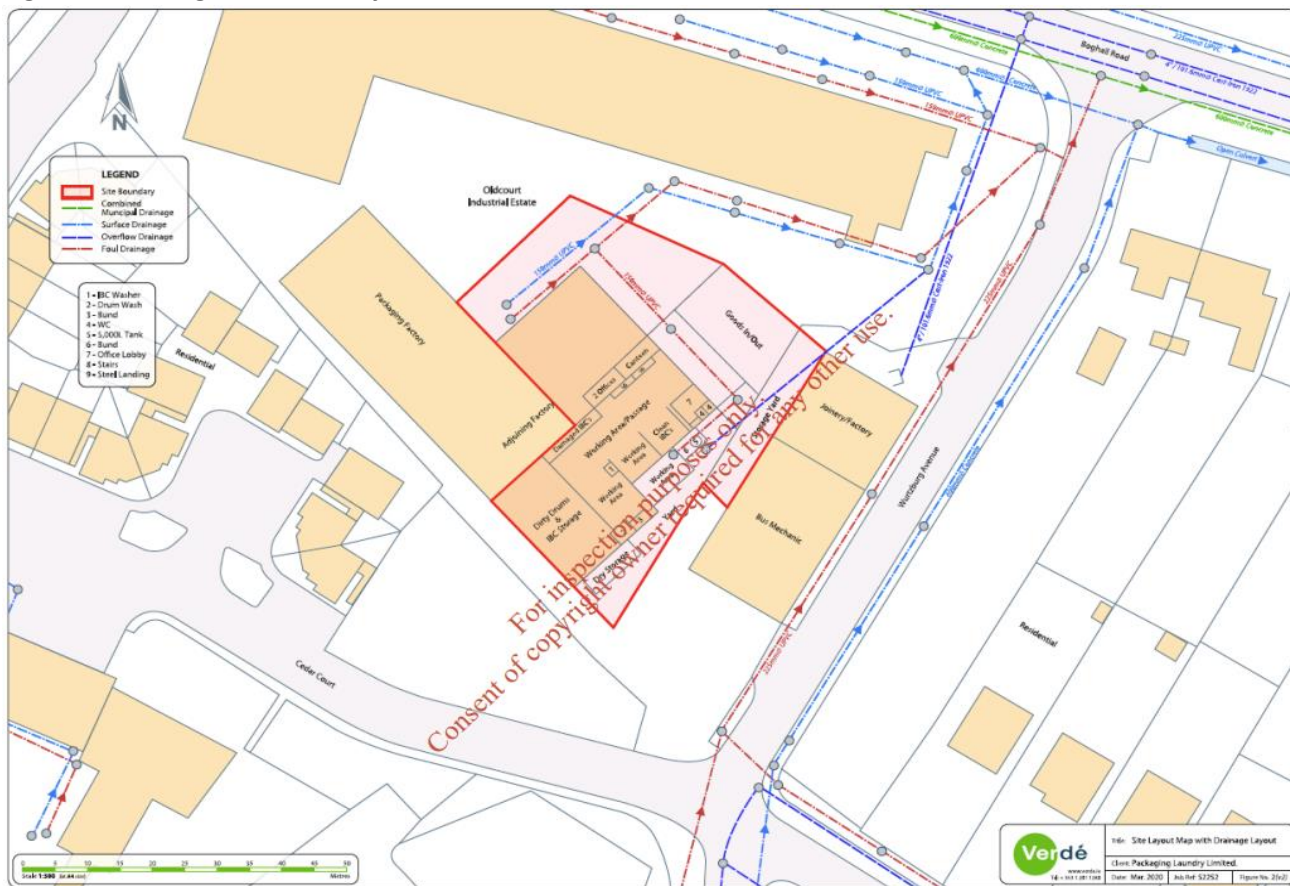


Figure 2. Existing Site boundary W0304-01



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

#	European Site (Site Code)	Qualifying Interests (* denotes a priority habitat)	Conservation Objectives
1	Bray Head SAC (000714)	Habitats 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 4030 European dry heaths	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 April 2017).
2	Ballyman Glen SAC (000713)	Habitats: 7220 Petrifying springs with tufa formation (Cratoneurion)* 7230 Alkaline fens	As per NPWS (2019) Conservation objectives for Ballyman Glen SAC (000713). Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht (dated 17 July 2019).
3	Knocksink Wood SAC (000725)	Habitats 7220 Petrifying springs with tufa formation (Cratoneurion)* 91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles	As per NPWS (2021) Conservation objectives for Knocksink Wood SAC (000725). Version 1.0. National Parks and Wildlife Service, Department of Housing, and the Gaeltacht (dated 17 July 2019).

		91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>)*	Local Government and Heritage (dated 13 December 2021).
4	Glen of the Downs SAC (000719)	Habitats 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles	As per NPWS (2020) Conservation objectives for Glen of the Downs SAC (000719). Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht (dated 10 December 2020).
5	Wicklow Mountains SAC (002122)	Habitats 3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) 3130 Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> 3160 Natural dystrophic lakes and ponds 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> 4030 European dry heaths 4060 Alpine and Boreal heaths 6130 Calaminarian grasslands of the <i>Violetalia calaminariae</i> 6230 Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)* 7130 Blanket bogs (* if active bog) 8110 Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) 8210 Calcareous rocky slopes with chasmophytic vegetation 8220 Siliceous rocky slopes with chasmophytic vegetation 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles Species 1355 Otter (<i>Lutra lutra</i>)	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 July 2017).
6	Rockabill to Dalkey Island SAC (003000)	Habitats 1170 Reefs Species 1351 Harbour Porpoise (<i>Phocoena phocoena</i>)	As per NPWS (2013) Conservation Objectives: Rockabill to Dalkey Island SAC (003000). Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht (dated 07 May 2013).
7	Carriggower Bog SAC (000716)	Habitats 7140 Transition mires and quaking bogs	As per NPWS (2019) Conservation Objectives: Carriggower Bog SAC (000716). Version 1. National Parks and Wildlife Service, Department of Culture, Heritage

			and the Gaeltacht (dated 13 December 2019).
8	The Murrough Wetlands SAC (002249)	Habitats 1210 Annual vegetation of drift lines 1220 Perennial vegetation of stony banks 1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> * 7230 Alkaline fens	As per NPWS (2021) Conservation objectives for The Murrough Wetlands SAC (002249). Generic 20 Version 6.0. Department of Culture, Heritage and the Gaeltacht (dated 22 December 2021).
9	South Dublin Bay SAC (000210)	Habitats 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 <i>Salicornia</i> and other annuals colonising mud and sand 2110 Embryonic shifting dunes	As per NPWS (2013) Conservation Objectives: South Dublin Bay SAC (000210). Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht (dated 22 August 2013).
10	Wicklow Mountains SPA (004040)	Birds A098 Merlin (<i>Falco columbarius</i>) A103 Peregrine (<i>Falco peregrinus</i>)	As per NPWS (2024) Conservation objectives for Wicklow Mountains SPA (004040). Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht (dated 16 July 2024).
11	Dalkey Islands SPA (004172)	Birds A192 Roseate Tern (<i>Sterna dougallii</i>) A193 Common Tern (<i>Sterna hirundo</i>) A194 Arctic Tern (<i>Sterna paradisaea</i>)	As per NPWS (2022) Conservation objectives for Dalkey Islands SPA (004172). Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht (dated 12 October 2022).
12	The Murrough SPA (004186)	Birds A052 Teal (<i>Anas crecca</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A050 Wigeon (<i>Anas penelope</i>) A184 Herring Gull (<i>Larus argentatus</i>) A195 Little Tern (<i>Sterna albifrons</i>) A043 Greylag Goose (<i>Anser anser</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A001 Red-throated Diver (<i>Gavia stellata</i>) Habitats A999 Wetlands	As per NPWS (2022) Conservation objectives for The Murrough SPA (004186). Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht (dated 12 October 2022).

13	South Dublin Bay and River Tolka Estuary SPA (004024)	<p>Birds</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> <p>A192 Roseate Tern (<i>Sterna dougallii</i>)</p> <p>A194 Arctic Tern (<i>Sterna paradisaea</i>)</p> <p>A193 Common Tern (<i>Sterna hirundo</i>)</p> <p>Habitats</p> <p>A999 Wetlands</p>	As per NPWS (2015) Conservation Objectives: 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 March 2015).
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