

# INDAVER

Mr Brian Meaney  
Environmental Protection Agency Headquarters  
PO Box 3000  
Johnstown Castle Estate  
Co. Wexford

Date: 28 February 2013

Re: Ringaskiddy Waste Management Facility  
Waste Licence ref. no. W0186-01  
Section 49(2)(b) of the Waste Management Act, 1996 (as amended)(the "Waste Acts")

Dear Mr Meaney,

Indaver is aware that our Waste Licence for the proposed Ringaskiddy Waste Management Facility (ref. no. W0186-01) is due to expire later this year and we request that the EPA consider an extension of the licence.

Condition 1.10 of the licence states that:

"Having regard to the nature of the activity and arrangements necessary to be made in connection with the carrying on of the activity, the specified period for the purposes of Section 49(2) of the Waste Management Acts 1996 to 2005, is 8 years."

We understand that period will expire on or about 23 November 2013.

Under, and in accordance with, section 49(2)(b) of the Waste Acts, Indaver requests the Agency extends that period. This would ensure that the licence does not cease to have effect after 23 November 2013.

The delay to substantial commencement of the activity set out in the waste licence has been outside the control of Indaver and could not have been anticipated before the Agency granted the licence.

At the time the waste licence was granted in November 2005, the planning permission granted by An Bord Pleanála for the facility (ref. no. PL04 .131196) was the subject of legal challenge (High Court 2004 no. 191JR). That permission expired before development could commence.

Indaver Ireland Ltd ■ Registered in Ireland No. 59667  
Registered Office: 4th Floor, Block 1, West Pier Business Campus, Old DunLeary Road, Dun Laoghaire, CO DUBLIN, IRELAND ■ tel. + 353 1 280 4534 ■ fax + 353 1 280 7865  
■ Tolka Quay Road, Dublin Port, DUBLIN 1, IRELAND ■ tel. + 353 1 280 4534 ■ fax + 353 1 280 7865  
■ Unit 11, South Ring Business Park, Kinsale Road, CORK, IRELAND ■ tel. + 353 21 470 4260 ■ fax + 353 21 470 4250  
■ Meath Waste-to-Energy Facility, Carranstown, Duleek, Co. Meath ■ tel. + 353 1 280 4534 ■ fax + 353 1 280 7865

VAT Reg. No. IE9F70712T ■ IBAN IE61 BOFI9011 1668 4915 04 ■ BIC BOFIE2D  
Directors: J. Ahern, C. Jones, J. Keaney, D. McGarry  
Belgian Directors: P. De Bruycker, M. Decorte, B. Goethals



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The subsequent application for strategic infrastructure consent for the facility was refused by An Bord Pleanála in June 2011 (ref. no. PL04.PA0010).

We understand that fact does not preclude the Agency from exercising its discretion under section 49(2)(b). For example, we note that the waste licence for the Ballyguyroe landfill (ref. no. W0157-01) was twice extended, including after permission had been refused by An Bord Pleanála.

In any event, on 30 August 2012, under, and in accordance with, section 37B(1) of the Planning and Development Act, 2000 (as amended), Indaver entered into consultations with An Bord Pleanála in relation to the proposed development of the facility. A new application for strategic infrastructure consent will be made after the mandatory statutory consultation is concluded.

In all the circumstances, Indaver requests the Agency extend the period by a further five years, or until such a time that a decision has been made on the new planning application.

If you require any further information, please do not hesitate to contact me or my colleague Fiona Marshall.

Yours sincerely,

*Jackie Keaney*

Jackie Keaney  
Commercial Director

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