


Signed: 

Date: 16/05/2019

	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM	
TO:	Directors
FROM:	Noeleen Keavey
DATE:	16/05/2019
RE:	Request for the Transfer of Licence , Reg No P0447-01, from Mr James McGrath to Ashleigh Farms (Waterford) Limited, CRO No 249215

Background:

Licence Reg No P0447-01 was granted to Mr James McGrath on the 28/08/2000 for Class 6.2: the rearing of pigs in installations, whether within the same complex or within 100 metres of that complex. A Transfer Application was received on 04/10/2017 from Mr James McGrath and Ashleigh Farms (Waterford) Limited. According to the applicants the basis for the transfer application is that Mr James McGrath is transferring the licence to Ashleigh Farms (Waterford) Limited, of which he is Managing Director. Mr Jason McGrath, son of Mr James McGrath is also involved in the day to day running of the business. The transfer of the licence will allow Ashleigh Farms (Waterford) Limited to operate the installation, currently operating at Ashleigh House, Ballynameelagh, Cappagh, County Waterford, under Licence Reg No P0447-01.

The Agency is informed that Ashleigh Farms (Waterford) Limited is a limited company incorporated under the laws of Ireland and registered in the Companies Registration Office (Registered Number 249215).

Assessment:

The application was assessed under Section 94 of the Environmental Protection Agency Act 1992 as amended. It is deemed to comply with the requirements of the above, as follows:

Requirements of Section 94(2) and 94(3):

The application complies with Subsection (2) having been jointly made by the current licensee and the proposed transferee.

The application was made in the form prescribed by the Agency.

Further to the Agency's decision in July 2014 re intra-family transfers, the fee for a transfer application was deemed as not required and waived for this application.

Such information as may be required by Section 94(3):

The Office of Environmental Enforcement (OEE) has confirmed that ELRA and CRAMP was not required for this transfer application.

The transferee or any relevant person has not had an application for a licence refused.

Requirements of Section 94(5):

Information in relation to the status of the proposed transferee as a 'Fit and Proper Person' has been provided and, based on a review of the information; the proposed transferee has no relevant convictions and has sufficient technical experience and support.

The Office of Environmental Enforcement has confirmed that Financial Provision was not required for this transfer.

The Senior Inspector (ELP) has reviewed the transfer application and considers, on the basis of the information provided in the application, that the proposed transferee can be deemed a Fit & Proper Person for the purpose of this transfer.

Requirements of Section 94(6):

The proposed transferee has stated in writing that they accept all liabilities, requirements and obligations provided for in or arising under the licence regardless of how and in respect of what period, including a period prior to the transfer of a licence, that may arise.

OEE confirmed on 19 March 2019 that no outstanding legal issues required to be resolved.

Finance Unit confirmed on 19 March 2019 that no outstanding fees were due from the licensee.

Recommendation:

It is recommended that the transfer of Industrial Emissions licence Reg. No. P0447-01 from Mr James McGrath to Ashleigh Farms (Waterford) Limited, CRO No 249215, is approved under Section 94 of the Environmental Protection Agency Act 1992 as amended.

Environmental Licensing Programme
Office of Environmental Sustainability