



# Ceased Licence Memo

DATE:	28/01/2021
TO:	Tom Ryan, OEE Director
FROM:	Hilda Robinson, OEE Inspector
SUBJECT:	Propose to Cease Waste Licence Reg. No. W0285-01

## 1. RECOMMENDATION

As the carrying on of the activity to which Waste Licence Reg. No. W0285-01 relates has not been substantially commenced within a period of 3 years beginning on the date on which the licence was granted, followed by a 2 year extension period granted in accordance with Section 49(2)(b) of the Waste Management Act 1996, as amended, I recommend the following:

1. That the OEE issue a letter of notification to the Licensee under Section 49(1) of the Waste Management Act 1996, as amended stating that the licence has ceased to have effect from 12<sup>th</sup> November 2020 and the activity cannot now commence under this licence.
2. That the OEE notifies Westmeath County Council of the above.
3. That the OEE make the relevant amendments to the OEE database and notifies the other internal offices [OCLR, Accounts] to reflect the change in the licence's status to Ceased.

## 2. SUMMARY

Name of Licensee	Bio Agrigas Limited
Registration Number	W0285-01
Facility Address	Newdown, The Downs, Mullingar, Co. Westmeath
Class of Activity	4 <sup>th</sup> Schedule of the Waste Management Act 1996 as amended: Class R3 – 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 Class R11 – Use of waste pending any of the operations numbered R1 to R1 Class R13 – 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)
Date Licence Issued	12 <sup>th</sup> November 2015
Date Licence Ceased	12 <sup>th</sup> November 2020

### 3. FACILITY LOCATION

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The facility is located on a 2.3Ha site at Newdown and is approximately 0.5km south of the N4 National Primary road. The site is surrounded by agricultural lands on each boundary except for the Southern boundary which is adjacent to Thomas Flynn and Sons Ltd. Thomas Flynn and Sons Limited is an agri-business which is owned by the director of Bio Agrigas Ltd.

### 4. FACILITY HISTORY

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- The facility was licensed in November 2015 to operate an anaerobic digestion facility to treat a maximum of 20,000 tonnes of non-hazardous biodegradable feedstock.
- The licence when issued did not specify a commencement date (as provided for in section 49(2)(a) of the WMA), therefore the commencement date is taken as three years after the granting date of the licence.
- The licence would have expired on 12/11/2018. Bio Agrigas Limited sought and were granted a two year extension to the licence by the Agency (as per section 49(1) of the WMA) in 2018.
- The licence expired on 12/11/2020 following a refusal by the licensing section of the Agency to grant a second extension to the licence. On the 12/11/2020 the Licensing section of the Agency wrote to the licensee's consultant to inform them that an extension to the commencement date of the licence had not been granted.
- The Agency refused the licensee's request for an extension due to it being five years since the licence was granted, the Agency outlined the reasons for rejection in their correspondence with the licensee's consultant on 12/11/2020.

### 5. CONDITION OF SITE

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Known contamination: There is no known contamination on the site.
Remediation: There is no remediation programme associated with the facility.
Other Environmental Liabilities: There are no other known environmental liabilities associated with the facility.

### 6. AGENCY'S ASSESSMENT

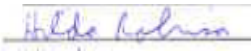
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- On the 06/11/2018 the OEE carried out an inspection of the site and there was no infrastructure on the site or any evidence that the licensable activity was being carried out.
- The licensee carried out preliminary works on the site at the end of 2019, but these works were halted due to the issues with the planning permission.
- The licensee never started construction of the facility or commenced the licensed activity.
- As the licensed activity never commenced on the site, the Agency can treat the licence as having ceased to have effect pursuant to Section 49 of the Waste Management Act 1996 as amended.

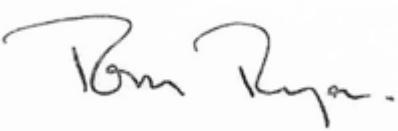
**7. FINANCIAL CHARGES & ACCOUNTS**

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Liaison with Financial Charges Contact and Accounts has confirmed that there are no outstanding financial charges associated with this licence.

Signed:   
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Hilda Robinson, OEE Inspector Date: 06/04/2021

Reviewed:   
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Darragh Page, Programme Manager Date: 26/02/2021

Approved:   
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Tom Ryan, Director Date: 26/03/2021