

Environmental Licensing Programme
Office of Environmental Sustainability

18th November 2021

Licence review from ERAS ECO Limited in respect of the installation located at Foxhole, Youghal, Cork, P36 F903

Dear Sir/Madam,

I refer to the Notification dated 17th November 2021 regarding the refusal to consider the above referenced licence application. The Agency's grounds for this decision are set out below followed by the response

We note that the activity in respect of which a licence is sought by you is one that prima facie involves development in respect of which a grant of planning permission is required. You have failed to provide the following information:

- *A copy of either an Environmental Impact Assessment Report (EIAR)/ Environmental Impact Assessment (EIS) relating to the application of planning permission or confirmation in writing from the planning authority that an Environmental Impact Assessment (EIAR)/Environmental Impact Assessment (EIS) is not required, as required by Section 87(1B) of the EPA Act 1992, as amended*

The EPA's Guidance on Application Screening for Compliance with Section 87(1B) of the EPA Act 1992 (IE/IPC) /Section 42(1B) of the Waste Management Act 1996 (Waste) states that the 'following documentation is required for planning granted or under consideration **relevant to the application**¹:

- Where planning is granted 1. Copy of the Grant of Final Permission and 2 EIAR or confirmation from PA or ABP that an EIA was not required'

The range of activities that are relevant to the review application are listed in Attachment 1.2 of the review application. None of the proposed changes require planning permission under the Planning & Development Act 2000, as amended and therefore a planning application relevant to the licence review has not be submitted to the Planning Authority. As a planning application for the proposed changes has not been submitted, confirmation from the planning authority that an EIAR is not required cannot be obtained.

¹ EPA emphasis

It has also been noted that the previous planning history relevant to the activity is not complete in the 'stakeholder engagement' section of the application form, i.e. applications made in the previous site name of AVR Environmental Solutions.

Please update Attachment 6.1 'Stakeholder Engagement' to include a list of all relevant planning permissions regarding the proposed activity and for each planning permission, include the following:

- a copy of the Final Grant of Permission; and*
- where an EIS/EIAR was not required for the listed planning, include a letter/email from the planning authority confirming that an EIS/EIAR was not required. Please note, this confirmation is not required for permission granted before 1985.*

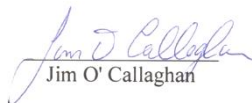
In relation to previous planning permissions that are relevant to the review application the EPA's Guidance states that 'In addition, applicants are required to list all planning permissions that **relate to activities on the site**² (including previous planning submitted to the Agency if the application is a Licence review) in the stakeholder engagement section of the application form, and for each planning permission, include the following:

- a copy of the Final Grant of Permission; and
- where an EIS/EIAR was not required for the listed planning, include a letter from the planning authority confirming that an EIS/EIAR was not required'.

Copies of the Final Grants of all previous planning permissions relating to activities on the site and confirmation that an EIS was required for each one were submitted with the review application. These included a copy of the Final Grant of Permission to AVR Environmental Solutions (PL04.211117), which is the only permission granted to AVR Environmental Solutions in relation to the site.

As referenced in the Non-Technical Summary of the review application, in 2001 planning permission was granted for the construction of a waste transfer station (Ref S/00/7093); however this development did not proceed and the permission expired. The permission was granted to Youghal Waste Disposal and Recycling and confirmation that the permitted development did not proceed is in Section 4.1 of the Planners Report (PL04.211117). As planning permission S/00/7093 expired before the existing facility was developed it does not relate to activities on the site and therefore was not considered relevant to the review application.

Yours Sincerely


Jim O'Callaghan

² EPA emphasis