



Electronic Copy

Mr. Denis Mullally
On behalf of ERAS ECO Limited

05 November 2024

Reg. No.: W0211-03

Further Notice under the EPA (Industrial Emissions) (Licensing) Regulations 2013, in respect of a licence review from ERAS ECO Limited for an installation located at ERAS ECO Ltd, Foxhole, Youghal, Cork, P36F903

Dear Sir or Madam,

I refer to the EPA's notice of 08 March 2022 requesting information in respect of your licence review application.

You are advised that there remains outstanding information, as required under the EPA (Industrial Emissions) (Licensing) Regulations 2013, as amended. You are therefore required to submit the outstanding information detailed below:

1. Confirmation from An Bord Pleanála that additional planning permission is not required to change the annual tonnage of waste acceptance **from** 20,000 tonnes of commercial industrial and household waste, 40,000 tonnes of non-hazardous sludge and 5,000 tonnes of leachate from landfills specified in Planning Permission An Bord Pleanála Reference Number: PL 04.239166 **to the acceptance and digestion of 65,000 tonnes per year of organic waste.**

Please note Condition 3 of planning permission An Bord Pleanála Reference Number: PL04.239166 states that *"Any proposal to change the above tonnages shall be subject to a further grant of planning permission"*. [Regulation (9)(2)(e)].

With a view to advancing this application for determination, the above mentioned information should be submitted to the EPA by 06 December 2024.

Note that where the licensee fails to comply with this requirement in full and to the satisfaction of the Agency, the Agency may consider, having regard to the extent of the failure, whether the application can be considered pursuant to Regulation 10(2)(b)(ii) of the Environmental Protection Agency (Industrial Emissions)(Licensing) Regulations 2013 as

amended and may issue a notice in writing that the application cannot be considered by the Agency, outlining the extent of such failure. Alternatively, where there is a failure to comply with this requirement the Agency may activate Regulation 19 of the Environmental Protection Agency (Industrial Emissions)(Licensing) Regulations 2013 as amended which pertains to Withdrawal or Abandonment of an application for licence.

Your prompt attention to this matter is requested.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'D. Hearne', with a horizontal line drawn through the middle of the signature.

Darragh Hearne

Circular Economy Programme

Office of Environmental Sustainability

Tel: 053 – 9160600

Appendix – Extracts of Relevant Legislation

Environmental Protection Agency (Industrial Emissions)(Licensing) Regulations 2013 as amended

Regulation 10

Procedure on receipt of an application for a licence

10(1) *On receipt of an application for a licence, the Agency shall—*

- (a) stamp the application with the date of receipt, and*
- (b) examine whether the application complies with the requirements of Regulation 9.*

10(2)

- (a) Where the Agency considers that an application for a licence complies with the requirements of Regulation 9, it shall send to the applicant an acknowledgment stating the date of receipt of the application.*
- (b) Where the Agency considers that an application for a licence does not comply with any or all of the requirements referred to in subparagraph (a) which relate to the application, it may, as it considers appropriate having regard to the extent of the failure to comply with the said requirements, by notice in writing—*
 - i. inform the applicant of such failure of compliance and that the application cannot be considered by the Agency, or*
 - ii. require the applicant, within such period as may be specified by the Agency, to take such steps, or to furnish such further particulars, plans, drawings or maps, as may be necessary to comply with the said requirements and, where the applicant fails to comply with a requirement under this subparagraph, the Agency may, as it considers appropriate having regard to the extent of the failure, inform the applicant, by notice in writing, of such failure and that the application cannot be considered by the Agency.*

Regulation 19

Withdrawal or abandonment of application for a licence.

19(1) *An application for a licence or review of a licence may be withdrawn by the applicant or licensee at any time before the making of the decision of the Agency on the application.*

19(2) *Where the Agency is of the opinion that an application for a licence or review of a licence has been abandoned it may give to the applicant a notice stating that fact and requiring that person, within a period specified in the notice (being a period of not less than 14 or not more than 28 days beginning on the date of the giving of the notice), to make to the Agency a submission in writing as to why the application should not be regarded as having been abandoned.*

19(3) *Where a notice has been given under paragraph (2), the Agency may, at any time after the expiration of the period specified in the notice, and after considering the submission (if any)*

made to the Agency pursuant to the notice, declare that the application to which the notice relates shall be regarded as having been abandoned.

19(4) *Where pursuant to this Regulation the Agency declares that an application is to be regarded as having been withdrawn or abandoned, any objection in relation to the application shall not be further considered by the Agency.*