

ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

TO: DARRAGH PAGE, PROGRAMME MANAGER

FROM: David Matthews Water, Energy, and Business Support

DATE: 07/01/2025

RE: Recommendation to consider the following Industrial Emissions Licence Application, licence register number P1202-01 to have been Withdrawn

Applicant: Crag Arklow Limited
CRO number: 622312
Location/address: Avoca River Park, Arklow, Wicklow
Application date: 20 July 2023

Recommendation:

The Programme Manager is asked to APPROVE the recommendation of this memo that the Agency moves to consider the above referenced licence application to have been withdrawn, in accordance with Regulation 19 of the EPA (Industrial Emissions) (Licensing) Regulations 2013 as amended.

The Programme Manager is asked to APPROVE the recommendation to issue a refund of 50% of the application fee (€16,506) to the applicant.

Introduction

The First Schedule of the EPA Act 1992 as amended, indicates that the following classes of activity require a licence:

Classes of Activity (under EPA Act 1992 as amended):	2.1 Combustion of fuels in installations with a total rated thermal input of 50 MW or more.
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In relation to the licence application by Crag Arklow Limited (P1202-01) for the above listed class of activity, the Applicant has submitted correspondence to the Agency, dated 19 December 2024, indicating their intention to withdraw the application.

Reasons for withdrawal

The Applicant indicates that they wish to withdraw the application due to a new grant of planning permission, ref. 23/843, from Wicklow County Council, which has resulted in Energy Centre 1 being relocated, and therefore the original licence application no longer reflects the planned layout of the installation. The applicant further advised that a new licence application is required for the relocated Energy Centre 1, and that a pre-application meeting request has been submitted to the Agency, in respect of this new application. A licence application for a separate Energy Centre 2, to be constructed at a later date, will also be required, and a separate update to the Agency will be given regarding this in due course.

The Applicant has not requested a refund of the licence application fee.

Regulation 19 of the EPA (Industrial Emissions) (Licensing) Regulations 2013 as amended

In accordance with Regulation 19(1) of the EPA (Industrial Emissions) (Licensing) Regulations 2013 as amended (hereafter referred to as the Licensing Regulations), *"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"*. Regulation 19(4) provides that *"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."*

Assessment

Crag Arklow Limited applied to the EPA for an Industrial Emissions Licence for the operation of a new Energy Centre installation on 20 July 2023. This installation is planned for construction at the Avoca River Park industrial site located in the townland of Shelton Abbey, near Arklow, Co. Wicklow. Once complete, the Energy Centre will house 30 no. engines for the combustion of natural gas, each with a rated thermal input of 19.355 MWth, equivalent to a total 580.65 MWth for the overall installation.

The Energy Centre site is part of a wider area of land, which is currently licensed by the EPA (IPPC licence ref. no. P0031-02). This licence was originally held by Irish Fertiliser Industry (IFI) in respect of the former fertiliser manufacturing activity which ceased in 2002. The current IPPC licence is held by Crag Arklow Ltd., and remains in effect with continuing environmental monitoring requirements. In parallel with the IE licence application, a Technical Amendment request has been submitted by Crag Arklow Ltd. to remove the area of land within the Energy Centre site boundary from the current IPPC licensed site (P0031-02).

The Agency has issued one request for further information (RFI) under Regulation 10(2)(b)(ii) of the EPA (Industrial Emissions) (Licensing) Regulations 2013, which has been partially responded to.

At the time of writing, one submission has been received. This submission focused on the effect of the proposed installation on the cumulative climate impact and the resulting significant adverse impact, within the framework of Ireland's climate change policy.

A Proposed Determination has not yet issued in relation to this application.

As provided for in Regulation 19(1), the applicant may withdraw their application at any time before the making of the decision of the Agency on the application. The applicant has stated their intention to withdraw the application in their correspondence dated 19 December 2024, and has included clear reasons for doing so, as outlined above.

I consulted with the Office of Environmental Enforcement regarding the applicant's request to withdraw the application, and I was advised by Inspector Ciaran Cuddihy that construction of the installation has not yet commenced, and therefore the licensable activity has not yet commenced.

Based on the information provided, I am satisfied that the applicant is not carrying out the licensable activity at the installation. The onus is on the applicant to apply for a licence should they wish to carry out the proposed activity in the future.

Refunds

It is noted that the Applicant has not requested a refund of the licence application fee.

In accordance with the Environmental Protection Agency (Licensing Fees) Regulations 1994 as amended, the licensee paid a licence application fee of €16,506, for the activity.

Article 9 of the Regulations provides the Agency with absolute discretion to refund the fee payable in accordance with the Regulations, where it is satisfied that payment in full of the fee would not be just and reasonable.

The Agency resources expended in the processing of this application are the key criterion in assessing a refund request. It is considered that an amount of time was spent by programme officers and licensing inspectors in administering and technically assessing the licence review application, vis-à-vis processing the application, assessing the proposed activities, the associated EIAR (environmental impact assessment report), planning permissions, issuing a Regulation 10.2(b)(ii) letter, and reviewing the submissions. However, as the licence application did not progress towards a proposed determination prior to withdrawal, I consider that a partial refund of the fee is considered appropriate.

I recommended that 50% of the licence application fee (i.e., €8,253) be refunded based on the time and resources the Agency has expended on the assessment of this application.

Reasons for Recommendation of Refund

A partial refund is recommended on the basis that:

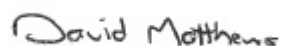
- An amount of time and resources was spent by the Agency assessing the licence review application, and further information was requested;
- The licence review application did not progress towards proposed determination prior to withdrawal.

Recommendation

I recommend that in accordance with Regulation 19 of the Regulations, that the Agency declare that the application for an Industrial Emissions licence by Crag Arklow Limited has been withdrawn. I recommend that the Agency's records are updated accordingly and that the applicant and submitters are informed that it is no longer the function of the EPA to consider any documentation, which relates to the above application.

I recommended that 50% of the licence application fee (i.e., €8,253) be refunded, based on the time and resources the Agency has expended on the assessment of this application.

I recommend that the Agency further engages with Crag Arklow Limited to ask them to withdraw their request for a Technical Amendment to IPPC Licence Reg. No. P0031-02, as a boundary change to that licence is no longer required.



Dr. David Matthews
Senior Inspector
Office of Environmental Sustainability