

SCANNED

10 SEP 2007

This Report has been cleared  
for submission to the Board by  
Jonathan Derham

Signed: Keohoe Date: 10/9/07



**MEN**

TO: Dr Padraic Larkin

FROM: Ann Kehoe

CC: Each Director

DATE: 10<sup>th</sup> September 2007

**SUBJECT : Greenstar Limited, Ballyguyroe Residual Landfill W0157-01,  
Licence Extension**

On 16<sup>th</sup> August 2007 the Agency received a letter from Greenstar Limited (see attached) in which they request that the Agency extend the 3 year period specified in Section 49 of the Waste Management Acts 1996-2005.

The Agency granted a licence to Greenstar Limited on 17<sup>th</sup> November 2004.

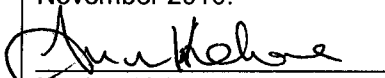
Cork County Council refused planning permission for the proposed development on 26<sup>th</sup> March 2007. Greenstar Limited appealed the decision to An Bord Pleanála on 19<sup>th</sup> April 2007 and they have confirmed that an Oral Hearing will take place but have not yet specified a date for the hearing. In the absence of planning permission the Licensee was unable to commence any development activity on site, as they would be operating outside of the planning code. Condition 1.3 of their licence states the following:

*This licence is for the purposes of waste licensing under the Waste Management Acts 1996 to 2003, only and nothing in this licence shall be construed as negating the licensee's statutory obligations or requirements under any other enactments or regulations.*

Under Section 49 of the Act it states that where the activity has not been substantially commenced within the period of 3 years the Agency may extend the licence, as appropriate. The Licensee stated that no substantial activity has commenced on site and the OEE Inspector has confirmed this.

**Recommendation**

Given that another process, namely the planning process, is delaying the commencement of the activity at this time, it is recommended that an extension be granted for a further 3 year period. Should the recommendation be approved the period for extension of the licence will end on 17<sup>th</sup> November 2010.

  
Ms Ann Kehoe

Enc.