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|  <p>Environmental Protection Agency An Ghníomhaireacht um Chaomhú Comhshaoil</p> | <p>Environmental Licensing Programme Office of Climate, Licensing and Resource Use</p> |
| To: | Laura Burke, Director |
| Cc: | |
| From: | Kevin Motherway |
| Date: | 11/07/2008 |
| Subject: | W0230-01 Valeco Refund Request |

Programme Manager Paddy Nolan has asked for a recommendation with regards to a request, received on 16/11/2007 from Bioverda on behalf of Valeco Limited, for a full or partial refund with regards to licence application W0230-01 for an Anaerobic Digester at Ballard, Araglin, Kilworth, Co. Cork. The Agency issued an Article 14(2)(b)(i) notice on 13/9/2007, informing the applicant that we could no longer consider the application.

In considering a recommendation the following must be borne in mind:

- I would estimate that about a month and a half of inspector time was used up assessing the application and the issues associated with the AD plant, which the Agency had not licensed on this scale before. This also involved attendance at the ABP oral hearing by Inspector and Admin staff.
- The detail of the application was moderate, with a substantial Article 14 issued seeking clarifications on some 50 items (a reflection of the work required to assess the application).
- While the Agency cannot further consider the application, this is due entirely to the applicant's failure to respond to Agency requests for additional information to allow our assessment to progress.
- The Article 14 response deadline was missed without any notice from the applicant seeking an extension and I had to make repeated phone calls to find out why this had happened. Undertakings to provide written responses were not kept and again I had to remind the applicant of their undertakings to provide same. In general communication with the Agency on the part of the applicant was poor.
- The failure to meet the Article 14 deadline lead to numerous enquiries from concerned stakeholders, which used up admin and inspector time.
- Notwithstanding the above, the application did not proceed to PD stage and so no board time or admin time in preparing the application for the board were wasted, and no Final Decision administration time was used up.

On the basis of the above I would recommend that one third of the application fee i.e. €3,333 be refunded to the applicant.

Approved

Laura

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14/7/08