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This report has been cleared for submission to
the OCLR Director by the Programme Manager
F. Clinton
Signed *F. Clinton* Date 10/01/2011

RESOURCE USE**Licensing Programme Memorandum**

To:	Laura Burke, Director
FROM:	Úna O'Callaghan Environmental Licensing Programme
C.C:	Programme Manager
DATE:	06 th January 2011
RE:	Request to withdraw a Waste Licence Review Application Reg. No. W0107-02 from Waste Recovery Services (Fermoy) Ltd. Cullenagh, Fermoy, County Cork

An application for a review of the existing waste licence for Waste Recovery Services (Fermoy) Limited was received on the 27th February 2009. The licence review application relates to a proposed expansion of the facility and changes to the site boundary. The review application sought an increase in material accepted at the facility from 6,500 tonnes to 50,000 tonnes.

The application was assessed in accordance with the Waste Management (Licensing) Regulations 2004. An Article 8 letter was issued on the 6th May 2009 requesting the licensee to publish an amended newspaper notice and replace the site notice in accordance with Article 6 and 7 of the Waste Management (Licensing) Regulations 2004. The licensee responded to this letter on the 10th July 2009.

The licensee had applied to Cork County Council for planning permission for the proposed expansion to the facility. However, planning permission was refused on the 15th September 2009.

A letter was issued on the 4th February 2010 requesting the licensee to confirm if they wished to proceed with the review application. Subsequent to this correspondence the licensee met with inspectors from both the Environmental Licensing Programme and the Office of Environment Enforcement on the 3rd March and 6th of August 2010. Both meetings focused on the future plans for the facility. The licensee informed the Agency that it was in discussion with both Cork City Council and Cork County Council regarding a suitable waste permitted location to cater for the expansion of the business.

The licensee formally requested the withdrawal of the licence application in a letter received by the Agency on the 26th October 2010 in accordance with Article 21 of the Waste Management (Licensing) Regulations 2004. In the request, the licensee stated the reason for the withdrawal of the review application was that planning permission for the expansion of the facility had been refused.

The licensee also requested that the Agency consider exercising its discretionary powers under Article 45(1) of the Regulations, to refund up to half of the application fee.

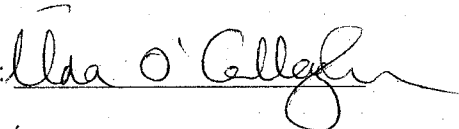
Recommendation:

For the reasons outlined above, I recommend that the Agency agree with the withdrawal of the review licence application Reg. No. W0107-02.

Article 45(1) of the Waste Management (Licensing) Regulations 2004 states:

"The Agency shall have an absolute discretion to refund or waive up to half of any fee payable in respect of a particular application where it is satisfied that the payment in full of the fee would not be just and reasonable having regard to the relevant circumstances of the activity".

An application fee of €6,000 was paid by the licensee. I recommend that a refund of 50% (€3,000) be made to the licensee having regard to Article 45(1) of the Regulations. This refund is based on the amount of resources expended to date in dealing with the application. No recommendation or decision on the licence review application has been made prior to the licensee's request to withdraw the application.

Signed: 

Date: 06/11/10

Úna O'Callaghan
Inspector
Office of Climate, Licensing and Resource Use.