

This report has been cleared for submission to the Director by the Programme Manager Frank Clinton
Signed Neelke Date 26/7/11



**OFFICE OF CLIMATE,
LICENSING &
RESOURCE USE**

Licensing Programme Memorandum

To:	Laura Burke, Director
FROM:	Gavin Clabby Environmental Licensing Programme
C.C:	Programme Manager
DATE:	22 nd July 2011
RE:	Request for the withdrawal of an Application for the Transfer of the Waste Licence Reg. No. W0045-01 from Dean Waste Company Limited to Tiger Woodchip Limited.

Background:

An application for the transfer of a waste licence W0045-01, from Dean Waste Company Limited to Tiger Woodchip Limited, was received on the 23rd September 2010. This application was jointly made by Mr. Padraic Monaghan (KPMG, Stephen's Green Dublin 2), Receiver for Dean Waste Company, and Panda, Rathdrinagh, Navan, County Meath. The licence authorises activity at a waste transfer station at Greenhills Road, Walkinstown, Dublin 12.

The application was duly processed by Environmental Licensing Programme (ELP) administration staff in Wexford HQ, before allocation to an ELP Inspector for assessment in accordance with Section 47 of the Waste Management Acts 1996 to 2011.

On the 10th May 2011, the Agency received a letter from Padraic Monaghan, stating that the sale of the waste transfer station was no longer proceeding and thereby requesting the cancellation of the above application, as well as the return of the €5,000 application fee. At this time the application assessment was partially completed. (ELP had examined the application and written to the applicants on the 18th February, requesting, *inter alia*, they liaise with the Office of Environmental Enforcement for the approval of Financial Provision. This approval process was at a preliminary stage at the time of the withdrawal request.)

Recommendation:

With regard to background outlined above, I recommend the Agency note the withdrawal of the application for the transfer of licence Reg. No. W0045-01.

With respect to the refund of fees, Article 45(1) of the Waste Management (Licensing) Regulations 2004, as amended, 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 €5,000 was paid by the applicants. I recommend that a refund of 50% (€2,500) is made to the applicants. This partial refund is based on the amount of resources

expended to date in dealing with the application, as well as the limitations set in the above regulation. No recommendation or decision on the transfer of licence application has been made prior to Mr Padraic Monaghan's request to withdraw the application.

Signed: _____

Date: 26/02/11

Gavin Clabby
Inspector
Office of Climate, Licensing and Resource Use.