

This Report has been cleared for
Submission to the Director by
Frank Clinton
Signed Frank Clinton Date 2/01/2013



OFFICE OF CLIMATE, LICENSING &
RESOURCE USE

ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

TO: DARA LYNOTT, DIRECTOR

C.C: Frank Clinton, Programme Manager

FROM: Brian Meaney, Senior Inspector

DATE: 9 January 2013

RE: Recommendation to consider a waste licence to have been abandoned: Register Number W0268-01, Lyndon Douglas, Moynalvey, Summerhill, Co. Meath.

On 18 February 2009 Mr Lyndon Douglas applied to the Agency for a waste licence in respect of an existing and operating soil recovery facility at Moynalvey, Summerhill, Co. Meath. The application was made on a waste collection permit application form.

The Agency wrote to Mr Douglas on two occasions, 10 March 2009 and 8 October 2009, requesting that the licence application be made on the correct application form.

Mr Douglas wrote to the Agency dated 24 July 2010 (received 19 August 2010) requesting the withdrawal of the application and a refund of the fee paid of €10,000.

On 22 March 2011, the Agency informed Mr Douglas it could not consider his withdrawal request until such time as the Agency had been advised by Meath County Council that the facility has been completed and restored in accordance with the waste facility permit for the facility and to the satisfaction of Meath County Council.

On 26 January 2012, the Agency wrote to Mr Douglas to state that if the works to complete the facility in accordance with the waste facility permit and to the satisfaction of Meath County Council was not completed by 30 September 2012, then the Agency would move to consider the application abandoned, possibly leading to enforcement action and prosecution as the activity remains ongoing.

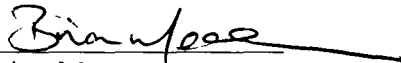
No response has been received from Mr Douglas in relation to these letters and no further information has been provided from the local authority to the effect that the facility has been completed and restored.

Recommendation

I recommend that in accordance with article 21 of the Waste Management (Licensing) Regulations 2004, the Agency moves to consider the application to have been abandoned.

In the event that the application is to be considered to be abandoned I recommend that a Notice under Article 21(2) of the regulations be served on Mr Douglas specifying an appropriate period within which he must respond, justifying why the application should not be regarded as abandoned, and if he fails to so respond the application should be declared to be abandoned and the matter should be referred to the Office of Environmental Enforcement for further investigation.

Signed:



Brian Meaney
Senior Inspector
Environmental Licensing Programme