

This Report has been cleared for
Submission to the Board by
Frank Clinton

Signed Frank Clinton Dated 10/01/2012



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ENVIRONMENTAL LICENSING
& RESOURCE USE

ENVIRONMENTAL LICENSING PROGRAMME

To:	Director
From:	Jennifer Cope -Environmental Licensing Programme
Date:	08 December 2011
RE:	Assessment of waste licence application from Lyndon Douglas, Moynalvey, Summerhill, Co. Meath, Reg. No. W0268-01

Mr. Lyndon Douglas (Reg. No. W0268-01) submitted a 'waste collection permit' application form accompanied by the EPA waste licence application fee of €10,000 for recovery of waste on 18 February 2009. A Notice in accordance with Article 14(2)(b)(ii) of the Waste (Licensing) Regulations, 2004 to 2008 was issued on 10 March 2009 to;

- Inform the applicant that the incorrect application form was submitted;
- Advise the applicant that the Agency is of the view that the documentation does not comply with Article 12 and Article 13 of the Waste Management Regulations;
- Request the applicant to complete a waste licence application form for 'Waste Soils Recovery Facilities'.

No response was received by the Agency to the above notice. A further notice in accordance with Article 14(2)(b)(ii) was issued on 8 October 2009 to again request the applicant to complete a waste licence application form for a waste soils recovery facility.

Both above notices enclosed a waste licence application form for waste soils recovery facilities and EPA guidance notes for waste soils recovery facilities.

Lyndon Douglas was granted a waste permit from Meath County Council on 02 April 2007 (WMP2006/13).

- It was granted for 36 months from the date of commencement of activity on site.
- Commencement date of the activity was 05 July 2007
- The Permit Ceased 04 July 2010

I reviewed the Annual Environmental Reports submitted to Meath County Council by Lyndon Douglas. Based on these reports the applicant has accepted >100,000 tonnes of soil and stone at the waste facility.

A fax dated 24 July 2010 was received from Lyndon Douglas which stated that the waste facility situated at Windtown, Dunsany, Co. Meath is closed and is no longer accepting waste. According to the fax dated 24 July 2010, Mr Douglas no longer

intends to apply for a "waste management permit" as submitted to the EPA and requested a return of the application fee of €10,000.

I visited the facility on the 15 October 2010, the applicant stated that the site needs to settle and he plans is to put topsoil on the site and seed it in the spring.

A letter received from Meath County Council on 14 January 2011 which confirmed the following:

1. The facility is no longer accepting waste as per Meath County Council's site inspection carried out on 7 September 2010.
2. There is a sufficient quantity of topsoil stockpiled on site capable of restoring the site to beneficial use.
3. The site is not completed in accordance with waste permit No. WMP 2006/13. A number of conditions need to be complied with prior to closing of this file. These include submission of a final report and monitoring fees. Also the site needs to be reseeded and restored when weather conditions permit.

Recommendation:

I recommend that the applicant's request to withdraw their application, be accommodated under Article 21(1) of the Regulations ^{Note 1}, when the Agency has received confirmation from Meath County Council that the facility has been completed and restored in accordance with the requirements of Waste Permit No. WMP2006/13 which expired in July 2010, and to the satisfaction of Meath County Council.

Article 45 (1) of the Waste (Licensing) Regulations 2004 to 2008 provides the Agency with 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.

As I recommend that the request to withdraw the waste licence application be accepted subject to the above requirements and given that less time was spent on the application than would have been the case for a completed waste licence application, I recommend that a partial refund of € 5,000 (50% of the Class 4 fee of €10,000), be granted to the applicant upon withdrawal of the application.

Signed: 
Jennifer Cope

Dated: 23/12/11

Note 1: Article 21(1) of the Waste (Licensing) Regulations 2004 to 2008) states "an application (other than an application in respect of a waste recovery of disposal activity carried on or after the date prescribed for the purposes of section 39(1) of the Act in relation to the said activity), or a submission referred to in article 15 may be withdrawn at any time before the making of the decision of the Agency on the application."