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Signed: A. Keavey Date: 20/02/14



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ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

TO: Dara Lynott, Director

FROM: Ewa Babiarczyk

DATE: 20 February 2014

RE: Recommendation to consider a request for refund from Waste Recovery Services (Fermoy) Limited, Cullenagh, Fermoy, County Cork, Application Register Number W0107-03.

Waste Recovery Services (Fermoy) Limited operates a waste transfer station at Cullenagh, Fermoy, County Cork and is authorised under waste licence register number W0107-01¹. On 27 April 2012, the applicant applied to the Agency for a review of the existing waste licence to authorise an increase in waste acceptance and the introduction of additional waste streams at the facility.

On 12 December 2013, and in response to the Agency's notice under Article 21(2) of the Waste Management (Licensing) Regulations 2004, as amended, the applicant submitted a request for withdrawal of the licence application Reg. No. W0107-03 and refund of 50% of the application fee:

In respect of the withdrawal, the Agency notified the applicant on 15 January 2014 that the review application is regarded as having been withdrawn.

Recommendation

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"*.

A total application fee of €6,000 (recovery of waste by licence holders), was paid by the applicant. I recommend that, given the effort that has been made in order to process the review licence application, a refund of 20% (€1,200) be made to the Applicant having regard to Article 45(1) of the Regulations.

Signed

Ewa Babiarczyk
Inspector

¹ An application for review, W0107-02, made in 2009 was withdrawn in 2011 before a decision was made. The current review has been numbered W0107-03.