

This report has been cleared for submission to the Director
by Programme Manager Frank Clinton.

Signed:

Ann Kehoe

Date:

7/2/14



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

ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

TO: Board

FROM: Ann Kehoe

C.C.: Frank Clinton, Programme Manager

DATE: 07/02/2014

RE: Request for the transfer of Waste licence, Reg. No. **W0081-04**, from **KTK LANDFILL LIMITED** to **KILCULLEN LANDFILL LIMITED**, CRO No. 529260.

Background

Licence Reg. No. W0081-04 was granted to KTK Landfill Limited on the 25 July 2011. KTK Landfill Limited, Brownstown and Carnalway, Kilcullen, County Kildare and Kilcullen Landfill Limited, 23 Meadowfield, Sandyford, Dublin 18, applied to the Agency on 09/08/2013, to transfer the licence to Kilcullen Landfill Limited. According to the applicants the basis for the transfer application is that Kilcullen Landfill Limited is currently in the process of purchasing certain of the landfill assets of KTK Landfill Limited including the facility to which this licence relates. As part of the sale process, it is necessary for KTK to transfer the landfill-waste licences to Kilcullen Landfill Limited. The transfer of licence will allow Kilcullen Landfill Limited to operate the installation, at Brownstown and Carnalway, Kilcullen, County Kildare, under licence Reg. No. W0081-04.

The Agency is informed that Kilcullen Landfill Limited is a limited company incorporated under the laws of Ireland and registered in the Companies Registration Office (Registered Number 529260).

Kilcullen Landfill Limited was incorporated on 20/06/2013 to manage waste activities, and will ultimately become a subsidiary of AGB Landfill Holdings Limited post completion of the Transaction.

Assessment

The application was assessed under Section 47 of the Waste Management Act 1996 as amended. It is deemed to comply with the requirements of the above, as follows:

Requirements of Section 47(2) and 47(3)

- The application complies with Subsection (2) having been jointly made by the current licensee and the proposed transferee.
- The application was made in the form prescribed by the Agency.
- The application was accompanied by the appropriate fee, in accordance Article 43 of the Waste (Licensing) Regulations 2004 as amended.

Such information as may be required by Section 47(3)

- Any costs associated with the closure plan (RMP, DMP, CRAMP, etc.) of the facility have been fully detailed by the applicants and have been approved by the Office of Environmental Enforcement (OEE).

- Any costs associated with any environmental event (ELRA, etc.) at the facility have been fully detailed by the applicants and have been approved by OEE.
- The transferee or any relevant person has not had an application for a licence refused.

Requirements of Section 47(5)

- Information in relation to the status of the proposed transferee as a 'Fit and Proper Person' has been provided and, based on a review of the information; the proposed transferee has no relevant convictions and has sufficient technical experience and support.
- In relation to Financial Provision, a Bond to be provided for KTK Landfill Limited. This Financial Provision has been agreed with the Office of Environmental Enforcement.

Approval letter from OEE in relation to ELR/RMP & Financial Provision is attached.

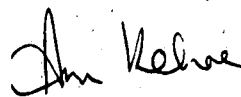
Requirements of Section 47(6)

- The proposed transferee has stated in writing that they accept all liabilities, requirements and obligations provided for in or arising under the licence regardless of how and in respect of what period, including a period prior to the transfer of a licence, that may arise.

Finance Unit confirmed on 15/01/2014 that no outstanding fees were due from the licensee.

Recommendation:

It is recommended that the transfer of Waste licence Reg. No. W0081-04 from KTK Landfill Limited to Kilcullen Landfill Limited, CRO No. 529260, is approved under Section 47 of the Waste Management Act 1996 as amended.



Ann Kehoe
Programme Officer
Environmental Licensing Programme