



OFFICE OF
RESOURCE USE

ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

TO: DARA LYNOTT, DIRECTOR

C.C: Frank Clinton, Programme Manager

FROM: Caroline Murphy, Inspector

DATE: 1st May 2014

RE: Recommendation to consider a waste licence review application to have been withdrawn: Register Number W0214-02, Ted O'Donoghue & Sons Limited, Knockpogue, Waterfall, County Cork.

A notice in accordance with Article 21(2) of the Waste Management (Licensing) Regulations 2004, as amended, was issued to Ted O'Donoghue & Sons Limited on the 27th February 2014. Under this notice Ted O'Donoghue & Sons Limited were requested to make a submission on or before the 21st March 2014 as to why the Waste Licence Application should not be regarded as having been withdrawn. The Inspector's Report for that notice and a copy of the notice are attached.

Ted O'Donoghue & Sons Limited made a submission on 20th March 2014 in which it was highlighted that:

- significant funds have been spent on the application and associated site works to allow for the increased capacity;
- the applicant intends to meet with the planning authority to discuss the possibility of increasing their annual waste acceptance threshold from 23,000 tonnes to 30,000 tonnes per annum;
- the applicant would consider it appropriate to abandon the application if the above discussion with the planning authority is unsuccessful; and
- the applicant requests that the Agency considers their current waste licence review application with respect to the reduced waste acceptance threshold of 30,000 tonnes/annum.

A response to the two notices issued, on 10 August 2011 and 18 June 2013, in accordance with article 14(2)(b)(ii) of the Waste Management (Licensing) Regulations 2004, as amended, was also provided as part of the submission. The information provided does not sufficiently cover all of the information requested in both notices.

The fact remains that Ted O'Donoghue and Sons Limited have not made a planning application for the proposed waste acceptance threshold of 30,000 tonnes/annum or to carry out classes of activity listed in the First Schedule of the EPA Acts 1992 to 2013¹.

In order to mirror best practice in current legislation governing Environmental Impact Assessment, it would seem that having planning permission in place prior to the Agency granting a licence would be the most appropriate course of action.

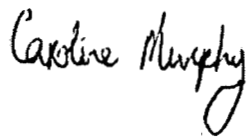
¹ Classes 11.1 and 11.4(b)(i).

To utilise inspectorate and administrative resources in reviewing a waste licence application which proposes changes that have not been submitted to the planning authority for approval would seem to be an inefficient use of constrained Agency resources.

Recommendation

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

Signed:



Caroline Murphy
Inspector
Environmental Licensing Programme