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This document has been cleared for submission to the Director by the Senior Manager, Brian Meaney
Signed: K. Kearey Date: 30/06/2014

ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

TO: DARA LYNOTT, DIRECTOR

C.C: Frank Clinton, Programme Manager

FROM: Patrick Geoghegan

DATE: 30th June 2014

RE: Recommendation to consider a waste licence application to have been withdrawn:
Application Register Number W0273-01, **Mr Michael O'Hanlon, Upper Quartertown, Mallow, Co. Cork**

The EPA received a waste licence application from Mr Michael O'Hanlon on 30th September 2009 for a proposed soil recovery facility. The principal class of activity of the **proposed** facility is Class R5 of the 4th Schedule of the Waste Management Acts 1996-2013 – *Recycling or reclamation of other inorganic materials which includes soil cleaning resulting in recovery of the soil and recycling of inorganic construction materials.*

The applicant seeks, in his letter dated 23/05/2014, to withdraw the licence application for the following reasons; (1) no work has commenced on the proposed facility as the source of the waste material was not available due to the contractor/developer's business having gone into liquidation and (2) there is no prospect of the waste material becoming available.

Mr O'Hanlon reclaimed an area of land adjacent to the proposed facility, using approximately 50,000 tonnes of soil and stones, in 2007 but this was carried out under a waste facility permit granted by Cork County Council.

Mr O'Hanlon is also seeking a refund of the submitted waste licence application fee, which was €10,000 (Recovery of Waste), under Part 1 of the Second Schedule of the Regulations.

From discussions with Mr O'Hanlon and with the local authority who have confirmed (1) that the permitted site has been closed to their satisfaction and (2) that no other soil recovery activity has commenced on the adjoining land, I am of the opinion that the application can, in accordance with article 21 of the Waste Management (Licensing) Regulations 2004, be withdrawn.

Refund of Fees:

Article 45 of the Regulations provides the Agency with the absolute discretion to refund 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.

I am of the opinion that it would be just and reasonable to recommend that half of the fees i.e. €5,000 be refunded to Mr O'Hanlon.

Recommendation

I recommend that in accordance with article 21 of the Waste Management (Licensing) Regulations 2004, as amended, the Agency agrees that the application can be withdrawn.

I recommend that a refund of 50% of the fee paid should be granted to the applicant, Mr Michael O'Hanlon, Clyda View, Upper Quartertown, Mallow, Co. Cork.

Signed:



Patrick Geoghegan
Senior Inspector
Environmental Licensing Programme