



OFFICE OF CL
RESOURCE & RESEARCH

ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

TO: DARA LYNOTT, DIRECTOR

C.C: Frank Clinton, Programme Manager

FROM: Caroline Murphy, Inspector

DATE: 2nd July 2014

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

On the 2nd October 2008 Ted O'Donoghue & Sons Limited applied to the Agency for a review of a waste licence, register number W0214-01, to provide for an increase in the maximum waste acceptance threshold from 23,000 to 60,000 tonnes per annum and the use of a civic amenity centre.

On the 4th April 2009 Cork County Council made a decision (Planning File No. 094547) to refuse planning permission for the proposed increase of the facility's waste acceptance threshold to 60,000 tonnes per annum.

Pursuant to a notice under Article 21 of the Waste Management (Licensing) Regulations 2004, as amended, the Agency issued a notice on 8th May 2014 declaring the review application as having been withdrawn.

Ted O'Donoghue & Sons Limited requested a refund of half the fee paid for this application on the 13th July 2009.

INSPECTOR'S ASSESSMENT

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.

Ted O'Donoghue & Sons Limited submitted a cheque of €16,000 in payment of the application fee (waste activity categories 3.2 (€10,000) and 4 (€6,000) of Part I of the Second Schedule of the Regulations).

RECOMMENDATION

I recommend that a refund of 50% of the fee paid is reasonable and should be granted to the applicant, Ted O'Donoghue & Sons Limited.

Caroline Murphy

Signed:

Caroline Murphy

Dated:

1st July 2014