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This document has been cleared for submission to the Director by the Senior Manager, Brian Meaney
Signed: A. Koarey Date: 23/06/2014

ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

TO: DARA LYNOTT, DIRECTOR

C.C: Frank Clinton, Programme Manager

FROM: Patrick Geoghegan

DATE: 23 June 2014

RE: Recommendation to consider a waste licence application to have been withdrawn:
Application Register Number W0251-01, **Mr John Morrin at Wolestown, Eadestown, Naas, Co Kildare**

The EPA received a waste licence application from Mr John Morrin on 13th November 2008 for a proposed soil recovery activity. 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 proposed facility was permitted under Waste Management (Permit) Regulations 1998 by Kildare Co Council, in 2003.

The applicant seeks, in his letter dated 13/05/2014, to withdraw the licence application for the following reasons: (1) the proposed facility remains undeveloped with no waste having being accepted or removed from the site since the grant of the local authority permit, and (2) due to the downturn in the construction industry.

Mr Morrin is also seeking a refund, or part thereof, of the waste licence application fee. The application fee paid by the applicant was €10,000 (Recovery of Waste), under Part 1 of the Second Schedule of the Regulations.

From discussions with Mr Morrin and with the local authority, who have confirmed that no activity took place at the site under the permit, I am of the opinion that the application can, in accordance with article 21(1) of the Waste Management (Licensing) Regulations 2004, be withdrawn.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 Morrin.

Recommendation

I recommend that in accordance with article 21(1) 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 Morrin, Alton House, Martinstown, The Curragh, Co. Kildare.

Signed:



Patrick Geoghegan
Senior Inspector
Environmental Licensing Programme