



Approved for submission to the
Director by Dr Karen Creed Senior Inspector
13/09/2014

Karen Creed

**DEPARTMENT OF CLIMATE,
LICENSING, RESOURCES &
RESEARCH**

ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

To: Dara Lynott, Director

From: Deirdre French Environmental Licensing Programme

Date: 13/11/2014

RE: Refund of application fee associated with the withdrawal of a Waste Water Discharge Licence Application for the Mogeely Agglomeration, Reg. No. D0428-01

Cork County Council submitted an application for a Waste Water Discharge Licence (WWDL) for the Mogeely agglomeration (D0428-01) on 22/06/2009. The application was made in the 500 – 1,000 population equivalent (p.e.) category. On 25/10/2013, the Agency received a request from Cork County Council to withdraw the Mogeely WWDL application. In their letter of request, Cork County Council, explained that the current population equivalent of the Mogeely agglomeration was 450 p.e with a predicted p.e. of 480 for the year 2019. As this figure is below the 500 p.e. waste water discharge licensing threshold it was determined that a Certificate of Authorisation (CoA) is the appropriate form of authorisation for the waste water discharges from the Mogeely agglomeration.

A memo recommending withdrawal of the Mogeely WWDL was prepared for the Director dated 11/11/2013 which was subsequently approved on 13/11/2013. Cork County Council and statutory bodies were notified that the Mogeely WWDL application was withdrawn on the 19/11/2013 and 25/11/2013 respectively.

A fee of €10,000 accompanied the Mogeely WWDL application. The memo recommending withdrawal of the WWDL application, dated 11/11/2013 and approved on 13/11/2013, provided for the refunding to the applicant of €7,000 of the application fee and retaining €3,000 by the Agency to be offset against the application fee associated with the CoA application which was to be submitted by Cork County Council in respect of the agglomeration.

However, no refund has been made to date and responsibility for waste water discharge authorisation applications transferred to Irish Water on 01/01/2014 under the Water Services (No. 2) Act 2013. Cork County Council had not submitted a CoA application to the Agency prior to the 01/01/2014 in respect of the Mogeely agglomeration.

Recommendation

Having regard to the fact that no CoA application was submitted by Cork County Council prior to 01/01/2014 and as the responsibility for discharge authorisations now rests with Irish Water, I consider that it is not appropriate for the Agency to retain the application fee which will be required to accompany a CoA application for the Mogeely agglomeration and recommend that a full refund of €10,000 be made to Cork County Council.

Signed

Deirdre French

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Inspector

Environmental Licensing Programme