



## OFFICE OF CLIMATE, LICENSING, RESOURCES & RESEARCH

### INSPECTORS REPORT ON A WASTE WATER DISCHARGE LICENCE APPLICATION

To: Dara Lynott, Director

From: Máire Buckley Environmental Licensing Programme

Date: **2<sup>nd</sup> July 2015**

RE: Request to withdraw Waste Water Discharge Licence Applications & Refund Requests from **Irish Water** for the agglomerations named **Timoleague**, Reg. No. D0466-01, and **Courtmacsherry**, Reg. No. D0294-01.

Cork County Council submitted an application for a Waste Water Discharge Licence (WWDL) for the Timoleague agglomeration (D0466-01) on 22/06/2009. The application was made in the 500 - 1,000 population equivalent (p.e.) category. Cork County Council had previously submitted an application for a Waste Water Discharge Licence (WWDL) for the Courtmacsherry agglomeration (D0294-01) on 27/02/2009. The application was made in the 1,001 - 2,000 population equivalent (p.e.) category. Both applications were transferred to Irish Water on 01/01/2014 under the Water Services (No. 2) Act 2013.

On 13/04/2015 and 17/02/2015, the Agency received requests from Irish Water to withdraw the Timoleague WWDL application. In their letters of request, Irish Water explained their intention for the Timoleague agglomeration to be combined as part of the Courtmacsherry agglomeration. In their letters, Irish Water provided documentation in order for the Timoleague and Courtmacsheerry applications to be assessed as one application (i.e. D0294-01 Courtmacsheery & Timoleague).

Originally, Cork County Council had applied for two separate applications for Timoleague (p.e. of 592), and Courtmacsherry (p.e. of 1,380). In their letter dated 17/02/2015, Irish Water states the current p.e. for Timoleague and for Cortmacsherry is 460 and 1,450 respectively. They state that the current combined p.e. (1,910) and proposed 2021 combined p.e. (1,995) are within the 1,001 to 2,000 agglomeration size. This was the agglomeration size applied for as part of the WWDL application Courtmacsherry, Reg. No. D0294-01, and they asked that the two agglomerations be assessed under the current Courtmacsherry application.

Irish Water notes they have paid an application fee of €15,000 for the Courtmacsherry application, an application fee of €10,000 for the Timoleague application, and that the combined p.e. will not surpass the p.e. threshold of 2,000 p.e. for the combined application. Therefore they feel that the fee of €15,000 already paid should cover the combined application. They therefore request a refund of the Timoleague fee (i.e. €10,000).

However, the Waste Water Regulations do not allow for the amendment of a WWDL application i.e. combine two applications and assess them as an existing application.

Therefore, both of the applications will need to be withdrawn, and a new application will need to be submitted to the Agency to include both agglomerations, accompanied by an appropriate fee.

### **Recommendation**

I am satisfied that the withdrawal of both licence applications is appropriate on the basis that the Timoleague agglomeration combined with the Courtmacsherry agglomeration, will be resubmitted and assessed as one new application, (i.e. the Courtmacsherry & Timoleague agglomeration). I therefore recommend that the Agency agree to the withdrawal of the Timoleague licence application, Reg. No. D0466-01, and deem the Courtmacsherry licence application, D0294-01 withdrawn.

Cork County Council paid a fee of €15,000 to the Agency as part of the Courtmacsherry WWDL application, and a fee of €10,000 as part of the Timoleague WWDL application. Having regard to the fact that no recommendation or decision on the Timoleague WWDL application has been made by the Agency and the applicant's stated intention to combine the two applications, a partial refund of the Timoleague WWDL application fee is considered appropriate. I recommend that a refund of 90% of the full fee of €10,000 for this application be refunded to Irish Water (i.e. €9,000).

Having regard to the fact that no recommendation or decision on the Courtmacsherry WWDL application has been made by the Agency, but, as the Agency has expended significant resources (administration and technical assessment) processing the Courtmacsherry WWDL application to date, a partial refund of the Courtmacsherry WWDL application fee is considered appropriate. I recommend that €4,000 of the Courtmacsherry fee should be retained by the Agency to cover the resources expended in assessing the application, and that 73.35% of the fee of €15,000 for this application be refunded to Irish Water (i.e. €11,000).

This would result in a combined refund of €20,000 to Irish Water for the two WWDL licence applications. Irish Water will need to submit a new WWDL application for an agglomeration size of 1,001 – 2,000 p.e., to be accompanied by a fee of €15,000. Therefore, I recommended that €15,000 of the €20,000 refund be retained by the Agency to be offset against the application fee associated with the revised combined application to be submitted by Irish Water, and the remaining €5,000 be refunded. Subject to approval of this recommendation the refund of €5,000 shall be made to Irish Water.

No submissions have been received to date in relation to the WWDL applications. Statutory Bodies will be notified that the application has been withdrawn and an application for a combined WWDL is expected from Irish Water, submissions can be made in respect of the application when received by the Agency.

Signed



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Máire Buckley

Environmental Licensing Programme