

This document has been cleared for submission to Director by the Programme Manager, Mr Frank Clinton
Signed: *Julian* Date: 23/10/2015



**OFFICE OF CLIMATE,
LICENSING &
RESOURCE USE**

**ENVIRONMENTAL LICENSING PROGRAMME
MEMORANDUM**

TO:	Director
FROM:	Dorota Richards
C.C.:	Frank Clinton, Programme Manager
DATE:	23 rd October 2015
RE:	Request for the transfer of Licence, Reg. No. W0163-01, from Bergin Waste Disposal Limited to Bruscar Bhearna Teoranta t/a Barna Waste CRO No. 141912.

Background

Licence Reg. No. W0163-01 was granted to Bergin Waste Disposal Limited on the 24th May 2002. Bergin Waste Disposal Limited, Ballaghaderreen Industrial Estate, Ballaghaderreen, County Roscommon, and Bruscar Bhearna Teoranta trading as Barna Waste, Carrowbrowne, Headford Road, County Galway, CRO Number 141912, applied to the Agency on 8th July 2014, to transfer the licence to Bruscar Bhearna Teoranta trading as Barna Waste. According to the applicants the basis for the transfer application is that the Bergin Waste facility is leased and operated by Barna Waste for the last few years and Bergin Waste have now expressed the desire to give up the Licence. The transfer of licence will allow Bruscar Bhearna Teoranta trading as Barna Waste to operate the installation, at Ballaghaderreen, County Roscommon, under licence Reg. No. W0163-01.

The Agency is informed that Bruscar Bhearna Teoranta trading as Barna Waste is a limited liability company incorporated under the laws of Ireland and registered in the Companies Registration Office (Registered Number 141912).

Assessment

The application was assessed under Section 47 of the Waste Management Act 1996 as amended. It is deemed to comply with the requirements of the above, as follows:

Requirements of Section 47(2) and 47(3)

- The application complies with Subsection (2) having been jointly made by the current licensee and the proposed transferee.
- The application was made in the form prescribed by the Agency.
- The application was accompanied by the appropriate fee, in accordance Article 43 of the Waste (Licensing) Regulations 2004 as amended.

Such information as may be required by Section 47(3)

- All costs associated with the closure plan (RMP/ DMP/ CRAMP) of the facility have been fully detailed by the applicants and have been approved by the Office of Environmental Enforcement (OEE).
- All costs associated with any environmental event (ELRA) at the facility have been fully detailed by the applicants and have been approved by OEE.
- The transferee or any relevant person has not had an application for a licence refused.

Requirements of Section 47(5)

- Information in relation to the status of the proposed transferee as a 'Fit and Proper Person' has been provided and, based on a review of the information; the proposed transferee has no relevant convictions and has sufficient technical experience and support.
- Financial Provision was approved by the Office of Environmental Enforcement on 1st October 2015.

The Senior Inspector (ELP) has reviewed the transfer application and considers, on the basis of the information provided in the application, that the proposed transferee can be deemed a Fit & Proper Person for the purpose of this transfer.

Approval memo/letter from OEE in relation to ELR/RMP & Financial Provision is attached.

Requirements of Section 47(6)

The proposed transferee has stated in writing that they accept all liabilities, requirements and obligations provided for in or arising under the licence regardless of how and in respect of what period, including a period prior to the transfer of a licence, that may arise.

OEE confirmed on 8th May 2015 that no outstanding legal issues required to be resolved.

Finance Unit confirmed on 14th August 2014 that no outstanding fees were due from the licensee.

Recommendation:

It is recommended that the transfer of Licence Reg. No. W0163-01 from Bergin Waste Disposal Limited to, Bruscar Bhearna Teoranta trading as Barna Waste CRO No. 141912, is approved under Section 47 of the Waste Management Act 1996 as amended.

Dorota Richards

Dorota Richards
Programme Officer
Environmental Licensing Programme