



MEMO

Office of
Environmental
Sustainability

To: Dara Lynott, Director	Date: 27 April 2017
From: Michael McDonagh, Inspector	Meeting Date: N/A
Subject: Fee refund request for Messrs Jim and Mark Wright T/A JMW Farms (P0696-02)	
Approved for Director by: Patrick Geoghegan, Senior Inspector	
Cross Office Implications: No	

Recommendation: The Director is asked to APPROVE the recommendation of this memo that the fee refund request be refused.

Background

Licence Register No. P0696-01 was issued to Mr John Erskine on the 20 January 2005 for a semi integrated 650 sow unit. Messrs Jim and Mark Wright purchased the existing installation from Mr. John Erskine and the Agency granted a licence transfer from Mr John Erskine to Messrs Jim & Mark Wright (t/a JMW Farms) on the 10 June 2010.

An application for a review of licence Register Number P0696-01 was received from Messrs Jim and Mark Wright on 21 June 2010 for the operation of a pig rearing activity located at Crosses, Monaghan, Co Monaghan. (Licence Register Number P0696-02).

The licence was reviewed on the 16th February 2011 (Licence Register Number P0696-02) to accommodate a redevelopment of the site to house 1,200 sows and progeny to approximately 35kg (i.e. a breeding unit). The installation falls within the following Class of Activity in the First Schedule of the EPA Act 1992, as amended:

- 6.2 *The rearing of pigs in an installation where the capacity exceeds*
 - (a) *750 places for sows.*

On the 14 June 2010, the Agency received a letter from the consultant acting on behalf of the licensee requesting a waiver/ refund of the application fee as it felt the fee was excessive, given that a fee was already paid to the Agency for a transfer of the licence.

Assessment

The activity is considered a "large activity" under the Environmental Protection Agency (Licensing Fees) Regulation 1996, as amended and as such the applicant paid the statutory licence review application fee of €6,983.

The expansion of an activity as outlined above constituted a licence review and the Agency is statutorily bound to impose the prescribed fee, as set out in the regulations, for such reviews.

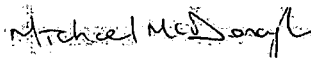
The EPA (Licensing Fees) Regulations 1994, as amended, provides the Agency with absolute discretion to refund or waive the fee payable in accordance with these Regulations where it is satisfied that payment in full of the fee would not be just and reasonable.

The review application at the time involved a full review of the previous licence (P0696-01) which was issued on the 20 January 2005. The review application also contained an EIS. Based on the scale of the activity and the extent of both inspectorate and administrative resources necessary to bring the review application to Final Determination, I consider that the fees, as prescribed, are fair and reasonable.

Recommendation

I recommend that a refund, in this case, is not appropriate for the reasons outlined above.

Signed,



Michael McDonagh
Inspector