

# Licence Transfer Application Form

## Step 1: Guidance

### Current Licensee

Contact Name	Huijing Ling
Contact Position	EHS Coordinator
Date	13/01/2020

### Proposed Transferee

Contact Name	David Duff
Contact Position	Environmental, Health and Safety Manager
Date	15/01/2020

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## Step 2: Current Licensee

Licence Reg No	W0227-01
Licensee	Lawlor Brothers (Waste Disposal) Limited, trading as Access Skip Hire
Licence County	Dublin
Site Location	Unit 28, John F Kennedy Road, JFK Industrial Estate, Naas Road, Dublin 12, Dublin

### ELRA / CRAMP Review

Provide additional information on ELRA / CRAMP	CRAMP and ELRA were submitted to and approved by EPA in June 2016. Thorntons Recycling will review and update both CRAMP and ELRA after February 2020.
Request ELRA / CRAMP Status?	ELRA/CRAMP Approved

### Contact Information

Proposed Transferee Organisation	Padraig Thornton Waste Disposal Limited
Proposed Transferee Contact Email	dduff@thorntons-recycling.ie
Reason for licence transfer request	Purchase Access Waste Recycling by Thorntons Recycling.
Desired date for proposed transfer to take effect	01/02/2020
Confirm Enforcement Charges Paid	No
Specify Outstanding Enforcement Charges	€3,000.00

### Additional Information

Additional Information	
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### Step 3: Proposed Transferee

Name	Padraig Thornton Waste Disposal Limited
Address	Unit S3B, Henry Road, Parkwest Business Park, Dublin 12, Dublin
Transfer Contact	David Duff

### Additional Transfer Contacts

Name	Position	Home Phone	Mobile Phone	Email
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### General Background

Business Activity	<p>Throntons Recycling is an Irish owned family waste management business that operates predominately in the eastern region of Ireland. The focus of the company is to maximise the recycling and recovery of wastes. The company was founded in 1979. The company collects non-hazardous wastes using its NWCPO permit from both commercial and domestic customers. The company owns and operates 4 EPA licence sites and 3 waste permitted facilities. The company owners are active directors of the company. The day to day management and long term direction of the company is managed by the CEO. The company has 560 staff across the business and each department is managed by a department manager. The operations manager oversees the operation of each facility and the Environmental Health and Safety manager and team are responsible for the maintenance of the company permits and licences.</p>
Date Established	01/01/1979
Total Assets Value	€51,300,000
Turnover	€78,000,000
Profit	€3,500,000
State whether your organisation is a Holding Company	No

## Fit and Proper Person Checks

Environmental Protection Agency Act 1992 as amended?	No
Waste Management Act 1996 as amended?	Yes
Provide full details	<p>Relevant Convictions/Court Order</p> <p>The company was prosecuted on the 24th March 2017, for four breaches of the waste licence (W0195-02) granted by the EPA. The breaches included failing to keep all analysis of compost quality records on site. Failing to carry out compost quality sampling over a three-month period. Failing to ensure that compost complied with the quality standard prior to dispatch and failing to notify the EPA as soon as practicable after the occurrence of an incident with the potential for environmental contamination. The company admitted the breaches and Judge Brennan imposed a fine of €1,000 per charge and EPA costs of €7,953.</p> <p>Since the breaches were raised, the company has updated the site procedures and carried out further staff training to ensure that there are checks and measures in place to comply with the licence conditions. The EPA has since visited the site and confirmed all issues were adequately resolved.</p>
Local Government Acts 1977 and 1990 or Air Pollution Act 1987?	No

## Management and Supervisory Details

Name	Details of Relevant Education, Training and Experience	Responsibilities
Huijing Ling	<p>Postgraduate Diploma in law, DIT 2011.</p> <p>Joined Access Waste Recycling in 2014 as the Legislative Administration Coordinator to coordinate with the EPA, HSA, RSA and other regulatory bodies. 6 years waste management experience on the site</p>	<p>Huijing will be responsible for the day to day EHS compliance of the site and ensuring that monitoring and reporting is carried out in compliance with the Licence. Huijing will report into the EHS manager and have then added support and assistance from Thorntons EHS team, which consists of 4 other EHS officers.</p>
David Duff	<p>2003- BA(mod) Environmental Science.            2004- Waste Management Course.            2005- MA Environmental Science            2008- Carbon management            2011- Energy Management Certificate            2016 Diploma in Project Management            2017 Diploma in International Health &amp; Safety            2018 Composting HACCP Certificate</p> <p>David has worked in waste management for 16 years and has managed a C&amp;D facility for Thorntons Recycling. David has worked as an environmental manager on EPA sites for 12 years and is currently responsible for the management of the Environmental and Health and Safety departments in Thorntons Recycling.</p>	<p>David is responsible for the management of Thorntons EHS department with additional responsibility for the company energy management and ISO standards.</p> <p>David will be responsible for managing the EHS aspects of the site in compliance with the existing licence.</p>
Thomas Mc Kivergan	<p>2017- Waste Management Course</p> <p>Tom is the operations manager for Thorntons Killeen road EPA facility (WO44-02) and also the artic transport manager. Tom arranges for the consignment of materials from all Thorntons facilities to their end destinations. Tom has been employed with Thorntons Recycling in these roles for 4 years</p>	<p>Tom will be responsible for the overall operational management of the facility. A deputy manager will be appointed to be the on site day to day manager and will report directly to Tom. Tom is based at Thorntons Killeen road facility which is less than 2km from the JFK facility.</p> <p>Tom will be responsible for arranging the consignment of all materials from the site to their end destinations.</p>

## Licence Application History

Has the Proposed Transferee, their parent company or any relevant person had an application for a licence...

Granted?	Yes
Provide full details	Killeen Road W044-02 Dunboyne W0206-01 Kilmainhamwood Composting W0195-02 Balbriggan P1014-01
Rejected?	No
Revoked?	No
Transfer Refused?	No

## Additional Information

Financial Provision in place?	Yes
Additional Information	<p>Access Waste had a pollution insurance cover for the ELRA, Thorntons Recycling has transferred this insurance policy over to itself and the insurance cover for the ELRA continued and is in place.</p> <p>Thorntons Recycling has a draft wording of a bond agreed with our bank for the CRAMP. Once the wording is approved by the EPA the bank will signed off that the financial arrangements for the bond are in place.</p>

## Step 4: Fees, Declaration and Submit

Payment Amount	€5,000
Payment Method	EFT
Payment Date	06/02/2020
Application Submission Date	07/02/2020

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Headquarters  
P.O. Box 3000  
Johnstown Castle Estate  
County Wexford  
Ireland

SECTION 76A(11) AMENDMENT  
TO  
INDUSTRIAL EMISSIONS LICENCE

<b>Licence Register Number:</b>	W0227-01
<b>Licensee:</b>	Lawlor Brothers (Waste Disposal) Limited, trading as Access Skip Hire
<b>Location of Installation:</b>	Unit 28, John F. Kennedy Road JFK Industrial Estate Naas Road Dublin 12

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## ***Reason for the Decision***

The Environmental Protection Agency has examined the terms of licence Reg. No. W0227-01 as required by the provisions of Section 76A(9)(a) of the Waste Management Act 1996 as amended, and determined that the licence can be brought into conformity with the provisions and requirements of Council Directive 2010/75/EU by the exercise of the powers conferred by Section 76A(11) of the Waste Management Act 1996 as amended.

The Environmental Protection Agency is satisfied, on the basis of the information available, that subject to compliance with the conditions of licence Reg. No. W0227-01 granted on 26<sup>th</sup> July 2007, any amendments granted to date, as well as any amendments noted herein, the carrying on of the activity will comply with and not contravene any of the requirements of Section 40(4) of the Waste Management Act 1996 as amended.

## ***Amendment***

In pursuance of the powers conferred on it by Section 76A(11) of the Waste Management Act 1996 as amended, the Agency amends Licence Reg. No. W0227-01 granted to Lawlor Brothers (Waste Disposal) Limited trading as Access Skip Hire, Unit 28, John F. Kennedy Road, JFK Industrial Estate, Naas Road, Dublin 12.

Henceforth, the licence shall be read in conjunction with any other amendment to the licence and the amendments set out below.

From the date of this amendment, licence register number W0227-01 shall be deemed to be an Industrial Emissions Licence granted under Part IV of the Environmental Protection Agency Act 1992 as amended and shall not be a waste licence or revised waste licence.

This amendment is limited to the following Glossary of Terms and Conditions of Licence Reg. No. W0227-01:

# Amendments

## Amend Glossary of Terms as follows:

*To be inserted into the Glossary of Terms of the existing licence or where relevant replace the existing term.*

<b>BAT conclusions</b>	A document containing the parts of a BAT reference document laying down the conclusions on best available techniques, their description, information to assess their applicability, the emission levels associated with the best available techniques, associated monitoring, associated consumption levels and, where appropriate, relevant site remediation measures.
<b>BAT reference document</b>	A document drawn up by the Commission of the European Union in accordance with Article 13 of the Industrial Emissions Directive, resulting from the exchange of information in accordance with that Article of that Directive and describing, in particular, applied techniques, present emissions and consumption levels, techniques considered for the determination of best available techniques as well as BAT conclusions and any emerging techniques.
<b>Facility</b>	A site or premises used for the purpose of the recovery or disposal of waste or an installation.
<b>Groundwater</b>	Has the meaning assigned to it by Regulation 3 of the European Communities Environmental Objectives (Groundwater) Regulations 2010 (S.I. No. 9 of 2010).
<b>Industrial Emissions Directive</b>	Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (Recast).
<b>Installation</b>	A stationary technical unit or plant where the activity concerned referred to in the First Schedule of EPA Act 1992 is or will be carried on, and shall be deemed to include any directly associated activity, which has a technical connection with the activity and is carried out on the site of the activity.
<b>Waste</b>	Any substance or object which the holder discards or intends or is required to discard.
<b>Waste licensing under the Waste Management Act 1996</b>	Any reference within Condition 1: <i>Scope</i> of this licence to "waste licensing under the Waste Management Act 1996" or any similar construed reference shall be deemed to mean a reference to "industrial emissions licensing under the Environmental Protection Agency Act 1992 as amended."

Amend the "Schedule of Activities Licensed" as follows:

The licensed activities are amended to be as follows:

**11.4 (b) (ii)** Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, (other than activities to which the Urban Waste Water Treatment Regulations 2001 (S.I. No. 254 of 2001) apply):  
pre-treatment of waste for incineration or co-incineration.

**11.1** The recovery or disposal of waste in a facility, within the meaning of the Act of 1996, which facility is connected or associated with another activity specified in this Schedule in respect of which a licence or revised licence under Part IV is in force or in respect of which a licence under the said Part is or will be required.

Notwithstanding the foregoing, any limitations on waste recovery and disposal activities specified in this Part in accordance with the Third Schedule and Fourth Schedule of the Waste Management Act 1996 as amended including, where applicable, any refused waste disposal and recovery activities from the Third Schedule and Fourth Schedule of the Waste Management Act 1996 as amended shall continue to apply.

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## New Conditions or Amended Conditions

*Replace existing Condition 2.2.2.5 with the following:*

### Condition 2. Management of the Facility

#### 2.2.2.5 Corrective and Preventative Action

- (i) The licensee shall establish, maintain and implement procedures to ensure that corrective and preventative action is taken should the specified requirements of this licence not be fulfilled. The responsibility and authority for persons initiating further investigation and corrective and preventative action in the event of a reported non-conformity with this licence shall be defined.
- (ii) Where a breach of one or more of the conditions of this licence occurs, the licensee shall without delay take measures to restore compliance with the conditions of this licence in the shortest possible time and initiate any feasible preventative actions to prevent recurrence of the breach.
- (iii) All corrective and preventative actions shall be documented.

**Reason:** *To make provision for management of the activity on a planned basis having regard to the desirability of ongoing assessment, recording and reporting of matters affecting the environment.*

*Insert New Condition 8.11, to read as follows:*

### Condition 8. Materials Handling

- 8.11 The licensee shall ensure that waste generated in the carrying on of the activity shall be prepared for re-use, recycling or recovery or, where that is not technically or economically possible, disposed of in a manner which will prevent or minimise any impact on the environment.

**Reason:** *To provide for the appropriate handling of material and the protection of the environment.*

*Insert New Condition 9.3.3, to read as follows:*

### **Condition 9. Accident Prevention and Emergency Response**

9.3.3 Where an incident or accident that significantly affects the environment occurs, the licensee shall, without delay take measures to limit the environmental consequences of the incident or accident and to prevent further incident or accident.

**Reason:** *To provide for the protection of the environment.*

*Replace existing Condition 11.1 with the following:*

### **Condition 11. Notification, Records and Reports**

11.1 The licensee shall notify the Agency by both telephone and either email or webform, to the Agency's headquarters in Wexford, or to such other Agency office as may be specified by the Agency, as soon as practicable after the occurrence of any of the following:

- (i) an incident or accident that significantly affects the environment;
- (ii) any release of environmental significance to atmosphere from any potential emissions point including bypasses;
- (iii) any breach of one or more of the conditions attached to this licence;
- (iv) any malfunction or breakdown of key control equipment or monitoring equipment set out in *Schedule C: Control and Monitoring*, of this licence which is likely to lead to loss of control of the abatement system; and
- (v) any incident with the potential for environmental contamination of surface water or groundwater, or posing an environment threat to air or land, or requiring an emergency response by the Local Authority.

The licensee shall include as part of the notification, date and time of the incident, summary details of the occurrence, and where available, the steps taken to minimise any emissions.

**Reason:** *To provide for the collection and reporting of adequate information on the activity.*



Headquarters  
P.O. Box 3000  
Johnstown Castle Estate  
County Wexford  
Ireland

TECHNICAL AMENDMENT A  
TO  
INDUSTRIAL EMISSIONS LICENCE

<b>Licence Register Number:</b>	W0227-01
<b>Company Registration Number:</b>	85281
<b>Licensee:</b>	Lawlor Brothers (Waste Disposal) Limited, trading as Access Skip Hire
<b>Location of Installation:</b>	Unit 28, John F. Kennedy Road, JFK Industrial Estate, Naas Road, Dublin 12





## ***Reasons for the Decision***

The Environmental Protection Agency is satisfied, on the basis of the information available, that subject to compliance with the conditions of licence Reg. No. W0227-01 granted on the 26<sup>th</sup> July 2007 and amended on 27<sup>th</sup> November 2015, as well as any amendments noted herein, any emissions from the activity will comply with and not contravene any of the requirements of Section 83(5) of the Environmental Protection Agency Act 1992 as amended.

A screening for Appropriate Assessment was undertaken to assess, in view of best scientific knowledge and the conservation objectives of the site, if the activities, individually or in combination with other plans or projects are likely to have a significant effect on any European Site.

The activities are not directly connected with or necessary to the management of any European Site and the Agency considered, for the reasons set out below, that it can be excluded, on the basis of objective information, that the activities, individually or in combination with other plans or projects, will have a significant effect on any European Site and accordingly determined that an Appropriate Assessment of the activities was not required.

This determination is based on the fact that the technical amendment is adding more stringent conditions to the licence resulting in greater licence controls and thus further ensuring that the activity will not have a significant effect on any European Site.

## ***Technical Amendment***

In pursuance of the powers conferred on it by Section 96(1)(c) of the Environmental Protection Agency Act 1992 as amended, the Agency amends the licence granted to Lawlor Brothers (Waste Disposal) Limited, trading as Access Skip Hire, Unit 28, John F. Kennedy Road, JFK Industrial Estate, Naas Road, Dublin 12, for an installation located at Unit 28, John F. Kennedy Road, JFK Industrial Estate, Naas Road, Dublin 12.

Henceforth, the licence shall be read in conjunction with a Section 76A(11) Amendment issued on 27<sup>th</sup> November 2015 and the amendments set out below.

This technical amendment is limited to the following Glossary of Terms and Conditions of Licence Reg. No. W0227-01:



# Amendments

## Amend the Glossary of Terms as follows:

*To be inserted into the Glossary of Terms of the existing licence.*

**LoW** List of Waste

**Storage** Includes holding of waste

## New Conditions or Amended Conditions

*Insert New Condition 8.12, to read as follows:*

### Condition 8. Materials Handling

8.12 Waste Storage

8.12.1 Unless otherwise agreed by the Agency, the maximum quantity of waste stored at the installation at any one time shall be restricted by the Waste Storage Plan as required under Condition 8.13.

*Insert New Condition 8.13, to read as follows:*

8.13 Waste Storage Plan

8.13.1 The licensee shall, within twelve months of the date of this amendment, establish, maintain and implement a Waste Storage Plan for all waste stored at the installation.

8.13.2 The Waste Storage Plan shall be adequate to ensure compliance with all conditions of this licence.

8.13.3 The Waste Storage Plan shall be to the satisfaction of the Agency at all times.

- 8.13.4 The Waste Storage Plan shall incorporate:
- the recommendations of the Fire Risk Assessment required by Condition 9.5 of this licence;
  - a limit on the total quantity of waste to be stored at the installation at any one time;
  - maximum stockpile sizes in designated storage areas including maximum volume, height, length, width and area, and minimum separation distances;
  - a limit on the maximum storage or holding period for each type of waste in designated storage areas;
  - limitations, as may be necessary, on waste storage arrangements to be used to prevent odour nuisance;
  - a drawing or plan of the location of each waste type and the means of storage for each waste type (e.g. as loose waste, baled, in sealed containers);
  - details of the drainage system super-imposed on the above drawing or plan; and
  - a designated fire quarantine area that is:
    - available at all times to aid separation and management of wastes during a fire incident; and
    - is different to the quarantine area set aside for unacceptable wastes.
- 8.13.5 Waste storage practices at the installation shall comply with the Waste Storage Plan at all times.
- 8.13.6 Where bales of waste are stored, the licensee shall maintain and implement a bale identity and tracking system. Each bale shall be labelled with:
- its date of production;
  - its content and LoW code; and
  - the name of the facility where the bale was produced and its licence register number.
- 8.13.7 Waste accepted or generated at the installation shall be stored only in designated areas that have been identified in the Waste Storage Plan.

- 8.13.8 All designated areas for storage of waste shall be:
- clearly labelled;
  - appropriately segregated; and
  - visibly or physically delineated by walls, dividers, painted lines or marks on the ground or other methods acceptable to the Agency.
- 8.13.9 The Emergency Response Procedure (as required under Condition 9.2) shall include an up-to-date copy of the Waste Storage Plan.

**Reason:** *To provide for the appropriate handling of material and the protection of the environment.*

*Insert New Condition 9.5, to read as follows:*

**Condition 9. Accident Prevention and Emergency Response**

- 9.5 The licensee shall arrange, within six months of the date of this amendment and every three years thereafter or as directed by the Agency, for the completion, by an independent and appropriately qualified consultant, of a fire risk assessment for the facility. The assessment shall examine all relevant factors on site that impinge on fire risk and prevention. The assessment shall have regard to the EPA Guidance Note: *Fire Safety at Non-Hazardous Waste Transfer Stations, 2013* and the EPA Guidance on *Fire Risk Assessment for Non-Hazardous Waste Facilities, 2016*. Any recommendations in the fire risk assessment report shall be implemented by the licensee within twelve months of the date of this amendment.

**Reason:** *To provide for the protection of the environment.*

This technical amendment shall be cited as Amendment A, to the licence.

**Sealed by the Seal of the Agency on this the 29th day of June, 2016**

**PRESENT when the seal of the Agency was affixed hereto**

*Patrick Geoghegan*

**Patrick Geoghegan, Authorised Person**


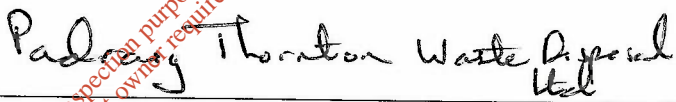

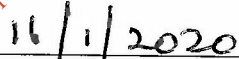
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# Proposed Transferee Statement

**Reference:** Transfer of Licence Register Number **W0227-01** as may have been amended.

The Proposed Transferee **Padraig Thornton Waste Disposal Limited** has assumed and accepted all liabilities, requirements and obligations provided for in or arising under the above referenced licence, or revised licence, regardless of how and in respect of what period, including a period prior to the transfer of the licence or revised licence they may arise.

## Proposed new Licence Holder(s)

Signed:	
Proposed Transferee Name:	
Position:	
Date:	

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Number 72366

# Certificate of Incorporation on change of name

I hereby certify that

**PADRAIC THORNTON WASTE DISPOSAL LIMITED**

having, by a Special Resolution of the Company,  
and with the approval of the Registrar of Companies,  
changed its name, is now incorporated  
as a limited company under the name

**PADRAIG THORNTON WASTE DISPOSAL LIMITED**

and I have entered such name on the Register accordingly.

Given under my hand at Dublin, this

**Friday, the 12th day of February, 2010**



for Registrar of Companies

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## B2 - Notice of Change in the situation of the registered office of a Company

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### Details of Address to be Changed

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Address type to change      B2 - Notice of Change in the situation of the registered office of a Company  
Date of Change of Address      27 March 2007

#### Company details

Company number      072366  
Name      PADRAIC THORNTON WASTE DISPOSAL LIMITED  
New address      Unit S3B Henry Road  
Park West Business Park  
Dublin 12

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### Particulars of persons verifying the contents of the form

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#### Details of Person(s) who are certifying that the information provided is correct

Type of Signature      Signature as Director  
Type of entity      Irish resident individual

#### Individual details

Surname      Brady  
Forename      Gary

---

### Particulars of the presenter

---

#### Reference

#### Presenter details

Type of entity      Irish registered Company  
Name      PADRAIC THORNTON WASTE DISPOSAL LIMITED  
Address      KILLEEN ROAD,  
BALLLLYFERMOT,  
DUBLIN 10.  
E-mail address      david@thorntons-recycling.ie  
Telephone number      01 6235133

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## Legal references

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**Collective Citation:**

Companies Acts, 1963 to 2006

**Legal Function Performed:**

Notice of a change in the situation of the registered office

**Act:** Companies Act, 1963

**Section:** 113(2)

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**Presenter:**  
PADRAIC THORNTON WASTE DISPOSAL  
LIMITED  
KILLEEN ROAD,  
BALLLYFERMOT,  
DUBLIN 10.  
**Contact:**  
David Walsh  
01 6235133



COA Submission id: 5085581  
COA: Company Number: 072366  
Company Name: PADRAIC THORNTON WASTE  
DISPOSAL LIMITED

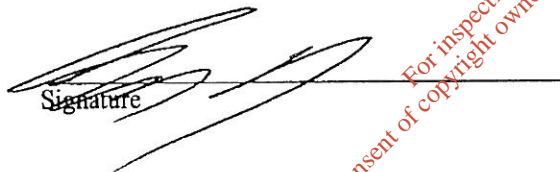
**Send To:**  
Companies Registration Office  
Parnell House  
14 Parnell Square  
Dublin 1

## Signature Page

### B2 - Notice of Change in the situation of the registered office of a Company

Signature of the person(s) who is (are) certifying that the information provided is correct.

Signature as Director: Gary Brady

  
Signature

27-3-07  
Date

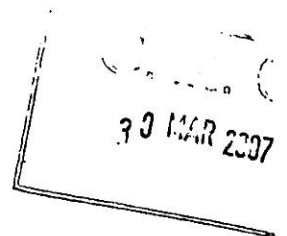
For Partnerships, all other Partners should sign below:

#### Legal references:

**Collective Citation:**  
Companies Acts, 1963 to 2006

**Attachments:** Nil

There is no fee required for this submission



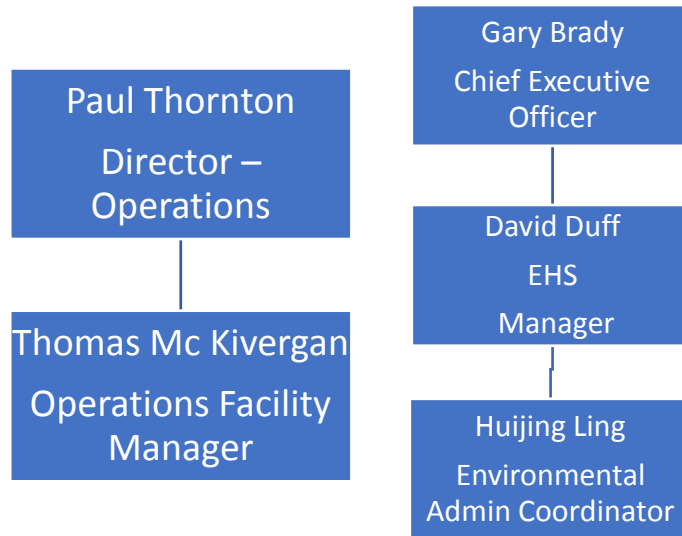
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Page 1 of 1



**Site Management Structure 2020**



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[Headed Paper of Issuing Financial Institution]

**TO:** The Environmental Protection Agency (the "Agency")  
PO Box 3000  
Johnstown Castle Estate  
Wexford  
County Wexford  
Ireland

Dated: [REDACTED]

**On demand performance bond No: [NUMBER] dated [DATE]**

Dear Sirs,

1. Definitions

In this bond instrument, capitalised terms shall, unless the context otherwise requires, have the meanings ascribed to such terms in Clause [9] of this bond instrument.

2. Background

We understand that:

2.1 The Licensee Padraig Thornton Waste Disposal Ltd operates the Licensed Site.

2.2 The Agency issued the Licence to the Licensee. Pursuant to the Licence, the Licensee is permitted to carry out acceptance and processing of up to 95,000 tonnes per annum of waste to be processed at the facility. The licence allows for the acceptance of household waste, commercial waste, industrial waste and C & D waste. at the Licensed Site.

2.3 The Agency is the competent public authority in relation to the licensing and regulation of such activities pursuant to the Agency's rights, powers and obligations set out in Irish Environmental Law.

2.4 Pursuant to the Licence and Irish Environmental law, the Licensee is required to make financial provisions for the benefit of the Agency as security for the Licensee's Obligations. The Licensee has procured the issue of this bond instrument accordingly.

3. Bond

Further to the Licensee's obligations under the Licence and at the request of the Licensee we Ulster Bank Ireland Limited whose registered address is at Ulster Bank Group Centre, George's Quay, Dublin 2 and whose address for service is at Trade Operations 8<sup>th</sup> Floor, 1 Hardman Boulevard, Manchester M3 3AQ irrevocably and unconditionally promise to pay, as primary obligor, to the Agency on a first written demand received from the Agency and waiving all rights of objection and defence and without reference to the Licensee an amount or amounts not exceeding in aggregate the Bond Amount provided that the demand of the Agency complies with the provisions of this bond instrument.

4. Demand

4.1 Any demand or other notice of the Agency under this bond instrument must be received by us at:

1

MHC-9251787-2

[Headed Paper of Issuing Financial Institution]

Address: Ulster Bank Ireland Limited C/O  
RBS Trade Operations  
8<sup>th</sup> Floor,  
1 Hardman Boulevard  
Manchester M3 3AQ

Attention: Bonds and Guarantees

before the Expiry Date and must be in the form of a statement signed by the Agency that:

- (a) the Licensee has:
- (i) failed to perform one, or more, conditions of the Licensee's Obligations;
  - (ii) specifies in what respects the Licensee has so failed; and
  - (ii) specifies the amount claimed.
- (b) an Insolvency has occurred in relation to the Licensee;
- (c) the Licensee has, by the commencement of one Month prior to the Expiry Date, failed to:
- (i) provide a replacement bond instrument in favour of the Agency on terms, and from a bond provider, acceptable to the Agency; and/or
  - (ii) provide another financial provision or provisions in favour of the Agency acceptable to the Agency.

4.2 The Agency may make multiple demands under the bond instrument provided that our aggregate liability under this bond instrument is limited to the Bond Amount. The Bond Amount shall be reduced by any amount paid out by us under this bond instrument.

4.3 We shall accept a demand as evidence, for the purposes of this bond instrument alone, that the amount claimed is, or will be, due to the Agency.

5. Termination

5.1 This bond instrument shall expire at the close of normal banking hours on the Expiry Date.

5.2 On the Expiry Date, this bond instrument shall become null and void, whether returned to us for cancellation or not, and any demand received after the Expiry Date shall be ineffective.

6. Transfer

6.1 We agree that, if the Licence is suspended or revoked, this bond instrument shall continue in full force and effect until the Expiry Date.

6.2 This benefit of this bond instrument is not transferable or assignable by the Agency, other than to a successor governmental authority, ministry, body or agency, howsoever described, of the Agency. For the avoidance of doubt, nothing in this bond instrument shall confer on any third party any benefit or the right to enforce any term of this bond instrument.

7. Choice of Law

This bond instrument and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of Ireland.

8. Jurisdiction

8.1 The parties to this bond instrument irrevocably agree that the courts of Ireland shall have exclusive jurisdiction to settle any dispute or claim arising out of or in connection with this bond instrument or its subject matter or formation (including non-contractual disputes or claims).

8.2 Without prejudice to any other mode of service allowed under any relevant law, we hereby a) confirm that in respect of any proceedings before the Irish courts issued by the Agency in connection with this bond instrument, such proceedings may be served at Ulster Bank Group Centre, George's Quay, Dublin 2 for the attention of Gavin Murphy and/or Michael Ashe, with a copy to be sent to Ulster Bank Ireland Limited C/O, RBS Trade Operations, 8<sup>th</sup> Floor, 1 Hardman Boulevard, Manchester M3 3AQ. For the avoidance of doubt, failure by the Agency to provide a copy of any proceedings served pursuant to this clause 8.2 to Ulster Bank Ireland Limited C/O, RBS Trade Operations, 8<sup>th</sup> Floor, 1 Hardman Boulevard, Manchester M3 3AQ shall not prejudice such proceedings in any way.

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9. Definitions

Capitalised terms used in this bond instrument shall, unless otherwise defined, have the following meanings:

**"Bond Amount"** means €164,441 (One hundred and sixty four thousand, four hundred and fourth one Euros only)

**"Expiry Date"** means [insert date].

**"Environment"** means the environment generally including all of its physical and ecological aspects including:

- (a) land including the sea bed and any natural or man-made structures;
- (b) water including rivers, lakes (man-made or natural), canals, the ocean (whether within or without territorial waters), ground waters and waters in drains and sewers; and
- (c) air including air within buildings and other natural and man-made structures above or below ground,

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and “**Environmental**” shall be construed accordingly.

“**Environmental Law**” means all and any applicable law, including common law, statute, bye-law and subordinate legislation, customary law, regulations and directives and judgments and decisions, including notices, orders or circulars, of any court or authority competent to make such judgment or decision compliance with which is applicable in Ireland and which is mandatory for the Licensee with regard to Environmental matters and the protection of the Environment.

“**Expiry Date**” means close of normal banking hours on insert hard date three years from the date this bond instrument is issued.

“**Insolvency**” in relation to a person means that it:

- (a) is dissolved (other than pursuant to a consolidation, amalgamation or merger);
- (b) becomes insolvent or is unable to pay its debts or fails or admits in writing its inability generally to pay its debts as they become due;
- (c) makes a general assignment, arrangement or composition with or for the benefit of its creditors;
- (d) institutes or has instituted against it, by a regulator, supervisor or any similar official with primary insolvency, rehabilitative or regulatory jurisdiction over it in the jurisdiction of its incorporation or organization, or the jurisdiction of its head or home office, a proceeding seeking a judgment of insolvency or bankruptcy or any other relief under any bankruptcy or insolvency law or other similar law affecting creditors' rights, or a petition is presented for its winding-up or liquidation by it or such regulator, supervisor or similar official;
- (e) has instituted against it a proceeding seeking a judgment of insolvency or bankruptcy or any other relief under any bankruptcy or insolvency law or other similar law affecting creditors' rights, or a petition is presented for its winding-up or liquidation, and, in the case of any such proceeding or petition instituted or presented against it, such proceeding or petition is instituted or presented by a person or entity not described in paragraph (d) above and:
  - (i) results in a judgment of insolvency or bankruptcy or the entry of an order for relief or the making of an order for its winding-up or liquidation; or
  - (ii) is not dismissed, discharged, stayed or restrained in each case within 14 days of the institution or presentation thereof;
- (f) has a resolution passed for its winding-up, official management or liquidation (other than pursuant to a consolidation, amalgamation or merger);
- (g) seeks or becomes subject to the appointment of an administrator, examiner, provisional liquidator, conservator, receiver, trustee, custodian or other similar official for it or for all or substantially all its assets;
- (h) has a secured party take possession of all or substantially all its assets or has a distress, execution, attachment, sequestration or other legal process levied, enforced or sued on or against all or substantially all its assets and such secured party maintains possession, or any such process is not dismissed, discharged, stayed or restrained, in each case within 14 days thereafter;

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- (i) causes or is subject to any event with respect to it which, under the applicable laws of any jurisdiction, has an analogous effect to any of the events specified in paragraphs (a) to (h) above; or
- (j) takes any action in furtherance of, or indicating its consent to, approval of, or acquiescence in, any of the foregoing acts.

**"Known Liabilities"** means all present and future Environmental liabilities in connection with (a) the closure, decommissioning and residuals management of the Licensed Site and (b) the rehabilitation, remediation, restoration, ongoing emissions control and monitoring of the Licensed Site following closure.

**"Licence"** means the Waste Licence issued by the Agency on 27<sup>th</sup> July 2007 with licence register number W0227-01 as revised/amended/extended from time to time [including by Technical Amendment A on the 29<sup>th</sup> June 2016.

**"Licensee"** means Padraig Thornton Waste Disposal Ltd a company registered in Ireland with company number 072366

**"Licensee's Obligations"** means all present and future obligations of the Licensee in respect of the Known Liabilities and the Unknown Liabilities, under Environmental law and/or the Licence. Any reference to the **"Licensee's Obligations"** includes a reference to any of them.

**"Licensed Site"** means the land and property which is the subject of the Licence, being the Licensee's waste sorting/recovery facility at Unit 28, John F. Kennedy Road, JFK Industrial Estate, Naas Road, Dublin 12.

**"Month"** means in relation to the Expiry Date, the period that ends on the Expiry Date and starts on the numerically corresponding day in the previous calendar month but (i) if such numerically corresponding day is not a business day, then such period shall start on the first next preceding business day in the previous calendar month and (ii) if there is no numerically corresponding day in the previous calendar month, then such period shall start on the last business day in the previous calendar month.

**"Unknown Liabilities"** means all present and future Environmental liabilities arising from incidents, accidents and/or other changes of circumstances from the norm with actual or potential negative consequences in relation to the Licensed Site.

This bond instrument has been entered into as a deed by us on the date on the date of this letter.

Signed [and delivered](#) as a deed by

As the attorney and on behalf of

Ulster Bank Ireland Limited  
Bonds & Guarantees  
87<sup>th</sup> Floor, 1 Hardman Boulevard  
Manchester M3 3AQ

As the attorney and on behalf of

Ulster Bank Ireland Limited  
Bonds & Guarantees  
87<sup>th</sup> Floor, 1 Hardman Boulevard  
Manchester M3 3AQ

in the presence of

Bank Official

[Headed Paper of Issuing Financial Institution]

Ulster Bank Ireland Limited  
Bonds & Guarantees  
87th Floor, 1 Hardman Boulevard  
Manchester M3 3AQ

Yours faithfully,

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## Licence Transfer Declaration

*I, the undersigned, hereby apply to the Environmental Protection Agency, as per Section 47 of the Waste Management Act 1996 as amended for the transfer of licence Register Number W0227-01 from Lawlor Brothers (Waste Disposal) Limited, trading as Access Skip Hire to Padraig Thornton Waste Disposal Limited Trading As Thorntons Recycling.*

### Current Licence Holder (Licensee)

Signed:	<i>Niall Lawlor</i>
Licensee Name:	<i>Lawlor Brothers (Waste Disposal) Ltd T/A Access Skip Hire</i>
Position:	<i>Director</i>
Date:	<i>15<sup>th</sup> January 2020</i>
Company Seal: (where available)	

### Proposed new Licence Holder(s)

Signed:	<i>David Jeff</i>
Proposed Transferee Name:	<i>Padraig Thornton Waste Disposal Ltd T/A Thorntons Recycling</i>
Position:	<i>EMS Manager</i>
Date:	<i>15 January 2020</i>
Company Seal: (where available)	

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