

	<b>OFFICE OF ENVIRONMENTAL SUSTAINABILITY</b>
<b>ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM</b>	
<b>TO:</b>	Gerard O'Leary, Director
<b>FROM:</b>	Noeleen Keavey
<b>DATE:</b>	29/10/2020
<b>RE:</b>	Request for the Transfer of Licence, Reg No P0396-01, from Mr Maurice O'Brien to Derra Farms Limited, CRO No 628729

## Background

Licence Reg No P0396-01 was granted to Mr Maurice O'Brien on the 31/12/1998. A Transfer Application was received on 10/03/2020 from Derra Farms Limited. According to the applicants the basis for the transfer application is that the license is being transferred from the deceased licensee Mr Maurice O'Brien to Derra Farms Limited, his son's company.

There is no planned cessation of this facility. This is a family owned business that requires the name on the licensee to reflect the actual ownership and management of the business. The transfer of licence will allow Derra Farms Limited to operate the installation, currently operating at Derrynanool, Mitchelstown, County Cork, under Licence Reg No P0396-01.

The Agency is informed that Derra Farms Limited is a limited company incorporated under the laws of Ireland and registered in the Companies Registration Office (Registered Number 628729).

## Assessment

The application was assessed under Section 94 of the Environmental Protection Agency Act 1992 as amended. It is deemed to comply with the requirements of the above, as follows:

### Requirements of Section 94(2) and 94(3)

The application complies with Subsection (2) having been jointly made and in the form prescribed by the Agency.

### Such information as may be required by Section 94(3)

The Office of Environmental Enforcement confirmed on 9 March 2020 that ELRA and CRAMP were not required for this installation, in accordance with the EPA Approach to Environmental Liabilities and Financial Provision (2019).

The transferee or any relevant person has not had an application for a licence refused.

## **Requirements of Section 94(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.

The Office of Environmental Enforcement confirmed on 9 March 2020 that Financial Provision was not required for this installation,

The Senior Programme Officer (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.

## **Requirements of Section 94(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 22 September 2020 that no outstanding legal issues required to be resolved.

Finance Unit confirmed on 22 September 2020 that no outstanding fees were due from the licensee.

## **Recommendation**

It is recommended that the transfer of Industrial Emissions licence Reg. No. P0396-01 from Mr Maurice O'Brien to Derra Farms Limited, CRO No 628729, is approved under Section 94 of the Environmental Protection Agency Act 1992 as amended.

Environmental Licensing Programme  
Office of Environmental Sustainability