



## OFFICE OF ENVIRONMENTAL SUSTAINABILITY

### ENVIRONMENTAL LICENSING PROGRAMME

To:	Marie O'Connor, Programme Manager
From:	Christine Murphy, Inspector, Environmental Licensing Programme
Date:	14 July 2021
RE:	Request from Irish Water to withdraw the Waste Water Discharge Licence Application (Reg. No. D0139-02) and a refund of fees.

### Background

A waste water discharge licence was granted for the Youghal agglomeration D0139-01 on 13<sup>th</sup> June 2012. A technical amendment was granted for the licence on 22<sup>nd</sup> May 2017 and on foot of a court judgement, an application for a review of the waste water discharge licence (WWDL) was made by Irish Water on 23<sup>rd</sup> March 2020. The reasons for the review were to allow the continued use of the existing primary discharge until such time as the new primary discharge was constructed and commissioned and to authorise all storm water overflows and emergency overflows.

On 30<sup>th</sup> April 2020 the Agency requested further information under Regulation 18(3)(b) of the Waste Water Discharge (Authorisation) Regulations 2007, as amended. On the 29<sup>th</sup> May 2020 Irish Water responded stating that the information sought in the Regulation 18(3)(b) notice would be provided by 16<sup>th</sup> October 2020. On the 19<sup>th</sup> October 2020 Irish Water responded stating that the information would be provided by 30<sup>th</sup> October 2020.

### Request to Withdraw WWDL Review Application & for a Refund of Fees

On the 3<sup>rd</sup> of December 2020 Irish Water stated its intention to formally withdraw the WWDL review application and submit a new WWDL review application as assessments appeared to confirm that the existing primary discharge is suitable as a permanent discharge location. On the 17<sup>th</sup> June 2021 Irish Water requested to withdraw the Youghal WWDL review application.

The Agency received correspondence from Irish Water on 17<sup>th</sup> June 2021 requesting a full refund of the fee of €22,500 which was paid as per Regulation 39 of the Waste Water Discharge (Authorisation) Regulations 2007, as amended in respect of the review application made for the Youghal agglomeration (D0139-02).

## Assessment

I am satisfied that the withdrawal of the licence review application (D0139-02) is appropriate given that a licence is in place (D0139-01) and a new WWDL review application has been submitted to the Agency. The process of assigning of a new register number relies on the withdrawal of the current application on hand. As the current licence review application was received in March 2020, the 2020 amending regulations relating to Environmental Impact Assessment (EIA) do not apply. It is preferable that the full obligations of the European Union (Waste Water Discharge) Regulations 2007 to 2020 apply to the review of this licence.

In relation to the request for a refund, the Agency has advanced the assessment of the WWDL review application for Youghal when this withdrawal request was received. The Agency had advanced the review application as follows:

- Registered and examined the application.
- Issued a Specified Body Notification (Reg. 21(1)) on 23<sup>rd</sup> March 2020.
- Issued an Appropriate Assessment screening determination on 6<sup>th</sup> April 2020.
- Issued a Reg. 18(3)(b) Notice on 30<sup>th</sup> April 2020 requesting further information.
- A third-party submission was received and acknowledged on 23<sup>rd</sup> July 2020.
- Issued an EIA screening determination on 13<sup>th</sup> October 2020.

It is noted that one submission was received for the D0139-02 review application. The submitter will be alerted to the withdrawal of the review application (D0139-02) and the receipt of the new licence application.

## Recommendation

I recommend that the Agency agrees to the withdrawal of the licence application, Reg. No. D0139-02. Considering that the Agency has expended resources (administration and technical assessment) processing the receipt of the Youghal WWDL review application to date, I recommend that 90% of the full WWDL fee be reimbursed to Irish Water (€20,250).



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Christine Murphy  
Inspector