


Signed: Marie O'Connor

Date: 05/04/2021

	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM	
TO:	Director – Gerard O'Leary
FROM:	Aisling Kehoe
DATE:	05/04/2022
RE:	Request for the Transfer of Licence, Reg. No. W0156-01, from KTK Sand & Gravel Limited (CRO#306320) to Mill Road Estates Limited (CRO#344648).

Background

Licence Reg. No. W0156-01 was granted to KTK Sand & Gravel Limited on the 21/06/2002.

Two Technical Amendments were issued in 2013. A Transfer Application was received on 24/09/2019 from KTK Sand & Gravel Limited and Mill Road Estates Limited. According to the applicants the basis for the transfer application is due to the Sale of the facility to Milltown Road Estates Limited.

Milltown Road Estates Limited (the proposed licensee) is seeking the EPA's approval to transfer EPA Waste Licence W0156-01 to its name in order to carry out the site closure and subsequently surrender the waste licence. The transfer of licence will allow Mill Road Estates Limited to be named on Licence Reg. No. W0156-01 located at Kimmeens, Ballymore Eustace West and Coghlanstown East, County Kildare under Licence Reg. No. W0156-01.

The Agency is informed that Mill Road Estates Limited is a limited liability company incorporated under the laws of Ireland and registered in the Companies Registration Office (Registered Number 344648). The direct parent company of Mill Road Estates Limited is Ballymore Ireland Investments Limited, 18 Esplanade, St. Helier, Jersey.

Mill Road Estates Limited was established in 2001 and is a land owning company and currently carries out no other activities.

Subject to EPA approval the business will acquire the KTK S&G facility and will operate it in accordance with the Waste Licence Conditions.

Outstanding debts on this account were written off in 2017, as the company went into liquidation.

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, as amended.

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

- Any costs associated with the closure plan (RMP, DMP, CRAMP, etc.) of the facility have been fully detailed by the licensee and have been approved by the Office of Environmental Enforcement (OEE).
- Any costs associated with any environmental event (ELRA, etc.) at the facility have been fully detailed by the licensee 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.
- In relation to Financial Provision, Insurance and a Secured Fund are provided for Mill Road Estates Limited. This Financial Provision has been agreed with the Office of Environmental Enforcement.

The Senior Manager (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 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 09/03/2022 that no outstanding legal issues were required to be resolved.

Finance Unit confirmed on 09/03/2022 that no outstanding fees were due from the licensee.

Recommendation

It is recommended that the transfer of Waste licence Reg. No. W0156-01 from KTK Sand & Gravel Limited to Mill Road Estates Limited, CRO Number 344648, is approved under Section 47 of the Waste Management Act 1996 as amended.

***Environmental Licensing Programme
Office of Environmental Sustainability***