



## OFFICE OF ENVIRONMENTAL SUSTAINABILITY

# MEMORANDUM

<b>TO:</b>	Warren Phelan
<b>FROM:</b>	Ewa Babiarczyk Circular Economy Programme
<b>DATE:</b>	23 <sup>rd</sup> August 2022
<b>RE:</b>	Request for an Application Fee Refund for a Certificate of Authorisation by <b>Cavan County Council</b> for <b>Kingscourt Landfill, Dunaree, Kingscourt, Co. Cavan</b> , Register Number H0016-01.

**Recommendation:** The Programme Manager is asked to approve the recommendation as set out below.

## Background

This memo concerns the receipt on 9<sup>th</sup> June 2022 of correspondence from Cavan County Council requesting a refund of a certificate of authorisation (CoA) application fee in respect of the CoA application for Kingscourt Landfill.

The CoA application was received by the Agency on 28<sup>th</sup> July 2014, which was followed by the processing of the application, as outlined in Section titled 'Assessment' below. Cavan County Council, in the correspondence received 9<sup>th</sup> June 2022, is requesting a full refund of the application fee of €5,000 paid in respect of the application due to the following reasons:

- *'The significant amount of expenditure involved in the remediation of (the site).*
- *Costs incurred to date by Cavan County Council in relation to installation of Environmental Monitoring infrastructure and environmental monitoring costs incurred to date.*
- *Reduction in Risk Rating as a result of substantial and successful remediation works'.*

## Assessment

In accordance with Regulation 7(3) of the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008, the applicable fee for a certificate of authorisation application for a closed landfill is €5,000.

Regulation 7(3) of the Regulations provides the Agency with discretion to refund or waive the fee payable in accordance with these Regulations where it is satisfied that the payment in full of the fee would not be justified or reasonable, stating:

*'A fee of €5,000 shall be payable by a local authority to the Agency in respect of each application for a certificate of authorisation. The Agency may, however, refund or waive all or part of the fee payable in respect of a particular application where it is satisfied that the payment in full of the fee would not be justified or reasonable having regard to the limited scale or nature of the landfill activity concerned'.*

The Agency has expended resources on the application as follows:

- Upon the submittal of the application, the application documents were processed by Administration.
- Inspector's assessment of the application documents.
- Appropriate Assessment Screening Determination issued on 20<sup>th</sup> August 2019.
- Inspector's assessment of unsolicited information received on 20<sup>th</sup> August 2019, 4<sup>th</sup> September 2019, 5<sup>th</sup> November 2019 and 9<sup>th</sup> January 2020.
- Inspector I, Senior Inspector, Programme Manager and Director consideration of the Inspector's Report of 24<sup>th</sup> January 2020 and a draft Certificate of Authorisation.
- Draft certificate of authorisation issued on 12<sup>th</sup> February 2020.
- Administrative processing and Inspector assessment of the representation by Cavan County Council received on 11<sup>th</sup> March 2020.
- Senior Inspector, Programme Manager and the Board of Agency's consideration of the Report of the Technical Committee on Representations made on a draft certificate of authorisation of 26<sup>th</sup> November 2020.
- Administration issue of the final certificate of authorisation on 14<sup>th</sup> December 2020.

The Agency's resources expended in the processing of the application is the key criterion in assessing a refund request. It is further noted that the application fee of €5,000 is funded directly to a local authority by the Department of Environment, Climate and Communications.

## **Recommendation**

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I recommend that no refund of the Certificate of Authorisation application fee of €5,000 is granted. This recommendation is based on the time and resources the Agency has expended on this application.

Signed,



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Ewa Babiarczyk

Inspector