

MEMORANDUM

TO:	Warren Phelan	
FROM:	Ewa Babiarczyk	Circular Economy Programme
DATE:	23 rd August 2022	
RE:	Request for an Application Fee Refund for a Certificate of Authorisation by Cavan County Council for Mullagh Landfill, Rantavan, Mullagh, Co. Cavan , Register Number H0022-01.	

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

Background

This memo concerns the receipt on 9th 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 Mullagh Landfill.

The CoA application was received by the Agency on 2nd April 2013, which was followed by the processing of the application, as outlined in Section titled '*Assessment*' below. Cavan County Council, in the correspondence received 9th 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 20th August 2019.
- Inspector's assessment of unsolicited information received on 20th August 2019, 4th September 2019, 17th October 2019 and 22nd October 2019.
- Inspector I, Senior Inspector, Programme Manager and Director consideration of the Inspector's Report of 11th August 2020 and a draft certificate of authorisation.
- Administration issue of the draft certificate of authorisation issued on 25th September 2020.
- It is noted that no representation was received on the draft certificate of authorisation.
- Administration issue of the final certificate of authorisation on 4th November 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

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,



Ewa Babiarczyk
Inspector