


Signed: Marie O'Connor Date: 12/09/2023

	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM	
TO:	Eimear Cotter, Director
FROM:	Aisling Kehoe, Programme Officer
DATE:	12/09/2023
RE:	Request for the Transfer of Waste Licence, Reg. No. W0305-01, <i>from</i> MSK Silversands Limited CRO#407922 <i>to</i> MSK Sand Limited, CRO#711565.

Background

Licence Reg. No. W0305-01 was granted to MSK Silversands Limited on the 27/08/2020.
A Transfer Application was received on 29/05/2023 from MSK Silversands Limited and MSK Sand Limited.

The current Licensee and the proposed Transferee are the same person (Mr. Michael Kelly) and Director of both registered companies. According to the applicant, the licence is newly granted and has not commenced to date and there has been no activity on site.

The transfer of licence will allow MSK Sand Limited to operate the installation, currently operating at Ballinrooaun, Screen, County Wexford, under Licence Reg. No. W0305-01. The business activity is Quarrying & soil recovery.

The Agency is informed that MSK Sand Limited is a limited liability company incorporated under the laws of Ireland and registered in the Companies Registration Office (Registered Number 711565).

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 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)

- The Office of Environmental Enforcement confirmed on 11/11/2022 that ELRA and CRAMP are not required in relation to this Licence Transfer.
- 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.
- The Office of Environmental Enforcement confirmed on 11/11/2022 that no Financial Provision is required in relation to this Licence Transfer.

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 02/06/23 that no outstanding legal issues are required to be resolved.

Finance Unit confirmed on 30/05/23 that no outstanding fees were due from the licensee.

Recommendation

It is recommended that the transfer of Waste licence Reg. No. W0305-01 from MSK Silversands Limited to MSK Sand Limited, CRO No. 711565, is approved under Section 47 of the Waste Management Act 1996 as amended.

*Environmental Licensing Programme
Office of Environmental Sustainability*