Clare County Council submitted an application for a Waste Water Discharge Licence (WWDL) for Kilmurry Ibrickane agglomeration (D0536-01) on 02/07/2012. The application was made in the 1,001 – 2,000 population equivalent (p.e.) category. The application was transferred to Irish Water on 01/01/2014 under the Water Services (No. 2) Act 2013.

On 06/08/2015, the Agency received a request from Irish Water to withdraw the Kilmurry Ibrickane WWDL application. In their letter of request, Irish Water explained that the agglomeration p.e. provided with the original WWDL application (1,109 p.e.) no longer applies, as several developments pending at the time of the application have either not progressed or are not connected to the network.

Irish Water has determined that the current population equivalent of the Kilmurry Ibrickane agglomeration is 329 p.e. (based on the 2011 Central Statistics Office (CSO) population data and applying a 10% population growth rate). The projected agglomeration p.e. for the year 2021 is estimated at 342.

Irish Water identifies that this figure is below the 500 p.e. waste water discharge licensing threshold and a Certificate of Authorisation (CoA) is the appropriate form of authorisation for the waste water discharges from the Kilmurry Ibrickane agglomeration. Irish Water expresses its intention to apply for a CoA.

Irish Water notes that an application fee of €15,000 was paid for the WWDL application and the fee associated with a CoA application is €3,000 and are therefore requesting a refund of the authorisation fee differential (i.e. €12,000).

The Agency has significantly advanced the assessment of the WWDL application. A Regulation 18(2) acknowledgement was issued on 04/06/2015 stating that the application was in compliance with Regulations 15 and 16 of the Waste Water Discharge (Authorisation) Regulations 2007 as amended. A Regulation 20(1) notice, requesting further information in support of the WWDL application, was issued on 11/06/2015 and a response was received on 03/07/2015. A Regulation 20(5) acknowledgement was issued on 17/07/2015 stating...
that the requirements of the notice issued under Regulation 20(1) had been complied with. A recommended licence and inspectors report were completed and ready to be sent to the Director for consideration when the withdrawal request was received. Seven submissions were received in respect to the WWDL licence application. Each of these submissions were considered and addressed as part of the recommended licence and inspectors report.

The details included in the WWDL application and further information required in support of the application may form the basis of the CoA application to be submitted for the Kilmurry Ibrickane agglomeration.

**Recommendation**

I am satisfied that the withdrawal of the licence application is appropriate on the basis that the Kilmurry Ibrickane agglomeration has a current and projected population equivalent below the 500 p.e. WWDL threshold. I therefore recommend that the Agency agree to the withdrawal of the licence application, Reg. No. D0536-01.

It is noted that Irish Water has requested a refund of the differential between the WWDL application fee paid and the CoA application fee due in respect of this agglomeration. However, the Agency has expended significant resources (administration and technical assessment) processing the Kilmurry Ibrickane WWDL application to date. Therefore, I recommend that the full €15,000 WWDL fee be retained by the Agency.

However, I would recommend that €3,000 of the retained fee should be offset against the application fee associated with the CoA application to be submitted by Irish Water.

I recommend that all 7 submissions received in relation to the WWDL application be transferred to the CoA application file when the application is received and that all submitters be notified of the changed status of the agglomeration.

Signed

Deirdre French
Inspector
Environmental Licensing Programme