

STATUTORY INSTRUMENTS.

S.I. No. 410 of 2004.

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**ENVIRONMENTAL PROTECTION AGENCY
(LICENSING FEES) (AMENDMENT) REGULATIONS 2004.**

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by sections 6 and 99A of the Environmental Protection Agency Act 1992 (No. 7 of 1992) (as amended by the Protection of the Environment Act 2003 (No. 27 of 2003)) hereby makes the following Regulations:—

Citation

1. (a) These Regulations may be cited as the Environmental Protection Agency (Licensing Fees) (Amendment) Regulations 2004.

(b) These Regulations, the Environmental Protection Agency (Licensing Fees) Regulations 1994 and the Environmental Protection Agency (Licensing Fees) (Amendment) Regulations 1996 may be cited together as the Environmental Protection Agency (Licensing Fees) Regulations 1994 to 2004.

Commencement

2. These Regulations shall come into operation on 12 July 2004.

Interpretation

3. In these Regulations, unless the context otherwise requires, "the Regulations of 1994" means the Environmental Protection Agency (Licensing Fees) Regulations 1994.

Amendment of article 3 of the Regulations of 1994

4. The Regulations of 1994 (as amended by the Environmental Protection Agency (Licensing Fees) (Amendment) Regulations 1996) are amended—

(a) by substituting for the definition of "large activity" in article 3(3) thereof the following definition—

" 'large activity' means

(a) in relation to an activity to which Part IV of the Act applies, other than an activity specified in paragraph 6 of the First Schedule to the Act

(i) an activity, being an established activity which, on the date after which a licence is required by that activity under section 82(4) or (9) of the Act or on the date on which a notice is given under section 98(1) or (5) of the Act, as the case may be, or during normal levels of operation, whichever is greater, has more than 50 employees and other persons working or engaged in connection with the activity;

(ii) an activity, being an activity which is the subject of an application for a review of a licence or revised licence under section 90 of the Act and which, on the date of receipt by the Agency of the said application or during normal levels of operation, whichever is greater, has more than 50 employees and other persons working or engaged in connection with the activity;

(iii) an activity, being an activity which is the subject of an application for the surrender of a licence or revised licence under section 95 of the Act and which, on the date of receipt by the Agency of the said application or during normal levels of

operation, whichever is greater, has more than 50 employees and other persons working or engaged in connection with the activity; or

(iv) in any other case, an activity where the capital cost to which the application relates exceeds €3.8 million,

(b) in relation to an activity to which paragraph 6 of the First Schedule to the Act applies

(i) an activity mentioned in paragraph 6.1 where the capacity exceeds 100,000 places,

(ii) an activity mentioned in paragraph 6.2 where the capacity exceeds—

1,500 places for sows in a breeding unit, or

570 places for sows in an integrated unit, or

4,000 places for production pigs;"

(b) by substituting for the definition of "small activity" in article 3(3) thereof the following definition—

" 'small activity' means—

(a) in relation to an activity to which Part IV of the Act applies, other than an activity specified in paragraph 6 of the First Schedule to the Act

(v) an activity, being an established activity which, on the date after which a licence is required by that activity under section 82(4) or (9) of the Act or on the date on which a notice is given under section 98(1) or (5) of the Act, as the case may be, or during normal levels of operation, whichever is greater, has not more than 50 employees and other persons working or engaged in connection with the activity;

(vi) an activity, being an activity which is the subject of an application for a review of a licence or revised licence under section 90 of the Act and which, on the date of receipt by the Agency of the said application or during normal levels of operation, whichever is greater, has not more than 50 employees and other persons working or engaged in connection with the activity;

(vii) an activity, being an activity which is the subject of an application for the surrender of a licence or revised licence under section 95 of the Act and which, on the date of receipt by the Agency of the said application or during normal levels of operation, whichever is greater, has not more than 50 employees and other persons working or engaged in connection with the activity; or

(viii) in any other case, an activity where the capital cost to which the application relates does not exceed €3.8 million,

(b) in relation to an activity to which paragraph 6 of the First Schedule to the Act applies

(iii) an activity mentioned in paragraph 6.1 where the capacity does not exceed 100,000 places,

(iv) an activity mentioned in paragraph 6.2 where the capacity does not exceed—

1,500 places for sows in a breeding unit, or

570 places for sows in an integrated unit, or

4,000 places for production pigs;"

Fees for application for transfer or surrender of a licence or revised licence and for request for oral hearing

5. The Regulations of 1994 are amended by inserting after article 7 the following—

"Fee for application for the transfer of a licence or revised licence

7A. (1) A fee shall be paid to the Agency by the licensee in respect of an application under section 94 of the Act for the transfer of a licence or revised licence.

(2) The fee payable under sub-article (1) shall be €2,000.

Fee for application for the surrender of a licence or revised

licence

7B. (1) A fee shall be paid to the Agency by the licensee in respect of an application under section 95 of the Act for the surrender of a licence or revised licence.

(2) The fee payable under sub-article (1) shall be either of the amounts, as appropriate, indicated in column (3) of Part I of the Schedule opposite the relevant activity or class of activity in column (1) of Part I of the Schedule.

Fee for request for an oral hearing

7C. (1) Where a person making an objection under section 87(5) of the Act requests an oral hearing of the objection, a fee shall be paid to the Agency by the said person in respect of such request.

(2) The fee payable under sub-article (1) shall be €100."

Amendment of Schedule to the Regulations of 1994

6. The Schedule to the Regulations of 1994 (as substituted by the Environmental Protection Agency (Licensing Fees) (Amendment) Regulations 1996) is amended by substituting for the heading of column (3) of Part I the following—

"Amount of fee for a review of a licence or revised licence or an application for the surrender of a licence or revised licence (articles 6 and 7B)".



GIVEN under the Official Seal of the Minister for the Environment, Heritage and Local Government this 29th day of June 2004.

MARTIN CULLEN,

Minister for the Environment, Heritage and Local Government.

EXPLANATORY NOTE.

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the Environmental Protection Agency (Licensing Fees) Regulations 1994 ([S.I. No. 130 of 1994](#)), as amended by the Environmental Protection Agency (Licensing Fees) (Amendment) Regulations 1996 ([S.I. No. 239 of 1996](#)) by

- amending the definitions of "large activity" and "small activity" in the interpretation of the Regulations, and
- setting fees for—
 - applications to the Environmental Protection Agency in respect of transfer or surrender of licences or revised licences, and
 - requests to the Agency to hold oral hearings of objections to proposed determinations of applications for licences or revised licences.