

Sub on obj (3).

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Time
31 MAR 2006
Signature <i>COK</i> Environmental Protection Agency, HQ. P.O. Box 3000, Johnstown Castle Estate, Co. Wexford.

Kerdiffstown,
Sallins,
Naas,
Co. Kildare.
30th March 2006

Dr. Mary Kelly,
Director General,
Environmental Protection Agency,
P.O. Box 3000,
Johnstown Castle Estate,
Co. Wexford.

Environmental Protection Agency Waste Licensing
Received 31 MAR 2006
Initials _____

Re:-Application for review of a Waste Management Licence
File reference W0047-02
Applicant/Licensee: - Neiphin Trading Limited.

Dear Dr. Kelly,

We wish to make the following comments on the objections and correspondence received by the EPA in relation to the above file.

1. The objection submitted by my husband and I has been made in good faith.
2. All of the concerns and issues raised in our objection are genuine and sincerely held views on the facts of this review application.
3. All of the objectors in this case have participated in the review process in line with the regulations, with the expectation that the EPA will deal with all parties involved fairly and impartially. However, we are concerned about the personal tone which is present in correspondence between Dr. Ted Nealon, whom we believe is an ex-employee of the EPA, and members of the EPA staff dealing with this review application. This tenuous link between the applicant and the Agency is worrying. Some correspondence between Dr. Nealon and the EPA appears to have been submitted with a view to colouring the judgement of the staff in their task of considering this application. Please see correspondence between Dr. Nealon and Dr. Derham dated 24/10/05 and an undated letter received on 21 November 2005. There is a personal tone to both these letters which is inappropriate in the context of a review of a waste licence. We are concerned that the friendships between ex-colleagues will make it impossible for the staff of the EPA to be impartial in this case and this will lead to unfair advantage for the applicant.
If this proves to be the case, we will have no option but to seek a judicial review to ensure that our rights are upheld in this process.

4. Undated letter received by the EPA on 21/11/05 from Dr. Nealon to Dr. Derham.

This letter from Dr. Nealon submits inaccurate information about our family and we attach a Data protection request form and ask that this letter and all attachments be taken off the EPA website. The attachments include a letter from our Auctioneer marked "Without prejudice" and "subject to contract" which should not have been forwarded to any third party. We are shocked that Dr. Nealon forwarded this closed letter to Dr. Derham with the insinuation that we would soon be out of the way. This action totally contradicts the principle of all "without prejudice" correspondence and we find it appalling that Dr. Nealon would involve the EPA in discussions initiated by A1 Waste Limited. The Foley family has lived on this site since 1944 and there is no evidence to suggest that Dr. Nealon will "be able to achieve a mutually satisfactory deal". The fact remains that we own property and land affected by the review of this waste licence and as the owner/occupiers of this property, we have rights which must be taken into account when considering any application for review of a waste licence or the issue of a waste licence in this location.

5. Letter to Dr. Mary Kelly dated 07/03/06 re: William Cox objection to PD

A. The EPA is the independent regulatory authority in relation to the licensing process and has failed to be proactive and decisive in relation to the Arthur Cox objection. This objection was treated as valid initially and circulated to all objectors. It would appear that the Applicant did not like the contents of this objection and set out to have it invalidated. We are appalled that the applicant appears to be driving the decision process to their own advantage. We contend that the EPA should have made a decision on the validity of this objection, before the distribution of the objections and not three weeks into a four week review period.

The EPA are in breach of their duty by failing to act promptly and decisively as the responsible regulatory authority in this case.

B. It would appear that when Dr. Nealon informed the EPA of the possible invalidity of this objection, the Agency acted swiftly and issued letters to all objectors supporting Dr. Nealon's request within two weeks. However, when third party objectors inform the Agency of breaches in planning regulations and breaches of Waste Licence conditions, the same urgency does not appear to apply. The Agency must act in an impartial manner and treat all parties involved in this process in an equitable way.

C. We are shocked at the accusations levelled at Greenstar Limited by Dr. Nealon who appears to have no evidence that this company is the anonymous objector. Many local residents are also clients of this firm of Solicitors. The applicant/licensee should not make accusatory and possibly inaccurate comments of this nature about any person or company during this process. This is a ploy to distract us all from the important issues under consideration.

6 **Observations on the other objection letters**

We have reviewed all three objection reports received .

We agree with Ms. Foley and Mr. Butlers' belief that an Environmental Impact Statement should have been commissioned as a result of the "seismic change in the type of waste the facility is allowed to handle".

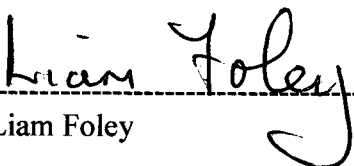
We also fully support their opinion that there are major issues in relation to planning legislation which need to be resolved before any decision is taken in relation to this review application.

We concur with the opinion of Naas Golf Club that an increase in the final contours should not be allowed and agree wholeheartedly that the final contour level should be 100mOD. This ensures that the final profile of the site will be consistent with the natural topography of the area.

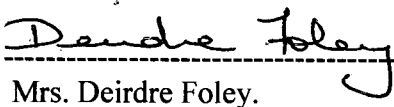
We fully support the sentiment and content of all objection reports reviewed and we feel that together they describe fully a series of major issues which need to be resolved conclusively before a final decision is made on this file.

The Agency needs to ensure that this facility is operated efficiently and in accordance with all applicable laws. Serious consideration needs to be given to all issues raised in the objections received . We are fully aware that the Government and the EPA are anxious to improve Waste Management infrastructure in Ireland . This cannot be done in isolation and without proper consideration of the rights of local residents. There is a delicate balance which must be achieved by the Agency between the protection of individual rights and the provision of waste management infrastructure.

Yours faithfully,



Mr. Liam Foley



Mrs. Deirdre Foley.