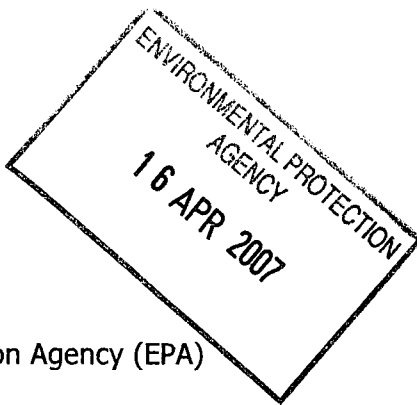


Sub (31)



Spire Cottage
Billeragh West
Araglin
Co. Cork

12 April 2007

Environmental Protection Agency (EPA)
PO Box 3000
Johnstown Castle Estate
Co. Wexford

Dear Sir/Madam

**Combined Waste and Power Facility and Ancillary Works at
Ballard, Araglin, Fermoy, Co. Cork**

EPA reference for the proposed development: W0230-01

Applicant: Valeco Limited

An Bord Pleanala Ref No. PL 04.218581 (Refused Permission)

Cork County Council Planning Registration No. 06/6651 (Refused Permission)

We would like to make the following observation in relation to the above waste licence application.

The role of An Bord Pleanala encompasses determining the suitability of a location for a proposed development. In their recent decision to refuse Planning Permission for the above-referenced waste and power facility at Ballard, they unanimously and very emphatically ruled that it was **not** a suitable location or site for the proposed project and, as such, would be contrary to the proper planning and sustainable development of the area.

Accordingly, we believe it is actually *ultra vires* for the Agency to grant a waste licence when An Bord Pleanala, as the relevant Public Authority, have already determined that the site is totally unsuitable.

Yours sincerely

Bridget Kay, BSc
Michael Kay

For inspection purposes only.
General applicant owner required for any other use.