

Chapel Street,
Belmullet,
Co. Mayo.

9th October, 2007

Chairperson,
Environmental Protection Agency,
Johnstown Castle Estate,
Wexford.

Environmental Protection Agency	
IPC Licensing	
Received	10 OCT 2007
Initials	_____

Dear Sir,

Re: Application No. P0738-01 – Letter of Deferral

the letter of notice re deferral issued on 26th September 2007, does not conform to the provisions of Article 40 (1) of the Environmental Protection Agency (Licensing) Regulations 1994 to 2004, as it purports to do.

A similar letter of notice was issued four months previously, on 28th May 2007, which also was defective in that it failed to comply with specific requirements of the Regulations referenced. In particular Article 40(1) states: *"Where it appears to the Agency that it would not be possible or appropriate....to carry out the procedures for the consideration of an objection...within four months beginning on the day after the expiration of the appropriate period, the Agency shall give...reasons why it would not be possible or appropriate...and shall specify the date before which it intends to carry out such procedures."*

The letter of notice of the Agency fell short of this requirement in respect to distinguishing between 'possible' or 'appropriate' as the prime cause; it also failed to specify which objection and which procedure was at issue. The fact that these defects were not objected to then stands as a measure of our willingness to accommodate the adjudicating process overall.

However, we see no grounds whatsoever in Article 40 for a second extension. In fact, 40 (2) places a further specific requirement on the Agency to *"take all such steps as are open to it to ensure that procedures are carried out before the date specified in the notice"*.

Yours faithfully,

Imelda Moran