

Chapel Street,
Belmullet, Co. Mayo.

23rd October, 2007

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

Dear Sir,

Re: **Application No. P0738-01**
- Deferral of Final Decision

your response (10th Oct.) to my letter of 9th Oct. 2007 fails to reply to the serious charges stated therein. Article 40 (1), to which both your letters of deferral (28th May & 26th Sept., respectively) refer, is explicit and precise and my letter of 9th Oct. highlighted its clear implications in respect to the EPA's rights and responsibilities. These rights have been seriously exceeded and the responsibilities have been substantially disregarded.

That is to say, the EPA failed in its responsibility "*to give reasons why it would not be possible or appropriate*" ... "*to carry out the procedures* ...". The generalised excuse which it did give: "*having regard to the complexities of the issues involved, the period for consideration of your objection has been extended to 28th November 2007*", does not amount to a reason, nor does it indicate which objection it relates to, nor which procedure required extra time. The difference between a 'reason' and an 'excuse' is crucial.

Additionally, having decided to extend the deadline for final decision and having set a deferred deadline for same, the EPA does not have the right to further extend that deadline. Article 40 (1) & (2), as set out in my previous letter (9th Oct.), shows these implications very clearly, yet your response ignored them entirely.

Interpreting statutory stipulations to suit its own convenience seems pervade the culture of of the EPA. The anomolous authority granted to the EPA to sit in judgement of appeals against its own proposed determinations appears to be construed as a right to ignore, at will, clear stipulations of law.

I refuse to accept that the EPA is not answerable for failure to carry out its clearly stated responsibilities under the the Regulations, on the one hand; or to stay within prescribed limits in carrying out its functions, on the other. In that light I request that my letter of 9th October be replied to with due regard to the considerations stated above.

Yours faithfully,

Imelda Moran