



### Submission

Submitter:	Mr. David Malone
Submission Title:	Submission
Submission Reference No.:	S005974
Submission Received:	19 February 2020

### Application

Applicant:	GCHL LIMITED
Reg. No.:	W0298-01

See below for Submission details.

Attachments are displayed on the following page(s).

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## GCHL Ltd Waste licence Application W0298-01

(prepared by David Malone Eurolaw Environmental Consultant EAA-I)

Environmental Action Alliance-Ireland (EAA-I) wish to object to the extension of time (14 days) requested on 17 February 2020, by GCHL Ltd for the following reason:

The request is to allow Kildare County Council to provide a letter confirming that the proposed activity is approved in accordance with Condition 12 of the permission PL09.205039.

In this regard, on 17 September 2004, An Bord Pleanála granted permission Ref: 09. 205039, subject to 24 condition to Goode Concrete Ltd to extract 1.6 million tonnes of sand and gravel from the Ballinderry site. In September 2019, the EPA requested An Bord Pleanála to clarify if the waste activity to which the licence application relates is permitted under the permission granted in 2004. The Board informed the EPA that the proposed disposal activity would not be covered by the 2004, permission. That all works associated with that permission, expired on 30 September 2013.

GCHL Ltd failed to comply with conditions 1, 2, 4 and 12, of PL09.205039, which resulted in sand and gravel been extracted up to 20 meters below the water table level. Under the Irish planning system, non-compliance with conditions attached to a planning permission is considered as unauthorised development. In March 2016, Kildare County Council took a High Court case under Section 160 of the Planning and Development Acts, 2000 as amended. On the 21 November 2016, the High Court Ordered (App No: 2015/383MCA) that the company cease forthwith the unauthorised use of the lands, at Ballinderry.

Accordingly, it is An Bord Pleanála and not Kildare County Council that decide on issues relation to this planning permission. The EPA was informed by the Board that the proposed waste activity is NOT approved in accordance with Condition 12 of the permission PL09.205039.

Therefore, EAA-I is objecting to the extension of time requested by GCHL Ltd.

Sig. ....

Dated: 19<sup>th</sup> February 2020