

Mr. James Rountree
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8 April 2005

Dear Mr. Rountree,

I am to thank you for your letter dated 4 April 2005 and enclosures in relation to the proposed decision on the waste licence application to the proposed incineration facility at Carranstown, Duleek, Co. Meath. Your letter addressed to Mary Kelly, Director General of the Agency have been forwarded to me for direct reply.

As you are aware the licensing process is subject to the requirements of the Waste Management Acts and supporting Regulations. It is a quasi judicial function that the Agency is required to carry out under strict compliance with the requirements of the legislation. The stage has now been reached in the licensing process where an oral hearing into the objections to the proposed decision of the Agency has been completed and the report and recommendation of the chairperson is awaited by the Agency. I note that you are an objector to the proposed licence and that you handed a letter to the chairperson of the hearing. The chairperson will consider the matters raised at the hearing as considered appropriate.

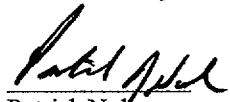
Having regard to the above I am to advise that it would be inappropriate, at this time, for the Agency to make any comment in relation to any of the issues raised in relation to this licence application having regard to the licensing legislative requirements reproduced below for ease of reference. To respond to your letter would prejudice the licensing process. The following extract from the Waste Management Acts 1996 to 2003 (Section 42) is self explanatory (I have underlined the prohibition specified):-

(7) Without prejudice to the provisions of any regulations under section 45, an objector shall not be entitled to elaborate in writing upon, or make further submissions in writing in relation to, the grounds of objection stated in the objection, and any such elaboration, submissions or further grounds of objection that is or are received by the Agency shall not be considered by it.

(8) Any documents, particulars or other information submitted by an objector, other than such documents, particulars or other information which accompanied the objection or which were furnished to the Agency under and in accordance with a requirement of, or made pursuant to, regulations under section 45, shall not be considered by the Agency.

In the circumstances I am returning your letter and attachment and hope that you will appreciate the reasons for this.

Yours sincerely,


Patrick Nolan
Programme Manager

Encl.

