

Environmental  
Protection Agency

14 MAR 2006

Sub on obj (1)

Dr Mary Kelly,  
Director General,  
Environmental Protection Agency,  
P.O. Box 3000,  
Johnstown Castle Estate,  
County Wexford,  
Ireland.



07 March 2006

**RE: WILLIAM COX OBJECTION TO PD 47-2**

Dear Dr Kelly,

I am writing in relation to an objection from William Cox to the Neiphin Trading Ltd PD, 47-2. I note that the objection has initially been treated as valid by the EPA. However, I have been advised that the objection does not comply with the requirements of Section 42 of the Waste Management Act 1996 and is, therefore, an invalid objection.

Section 42 (4) (b) of the Waste Management Act 1996 requires that an objection state the name and address of the objector, while Section 42 (5) (a) of the Act states that an objection which does not comply with the requirements of 42 (4) shall be invalid. This requirement is reiterated in the guidance note, "*Waste Management and IPPC Licensing, Aspects of Licensing Procedures; Objections and Oral Hearings*", published by the EPA.

In their letter, William Cox admit that they are not the person making the objection but that they are acting on behalf of a client. They also admit that the person making the objection, their client, wishes to remain anonymous for the moment. The objection obviously, therefore, does not comply with the requirements of the legislation and is, therefore, invalid. The same rules apply to appeals to An Bord Pleanala and it is worth noting that Dr Yvonne Scannel, (consultant with Arthur Cox), in her new book, *Environment and Land Use Law*, says, at page 189, that in 2003, An Board Pleanala dismissed 115 appeals for not having the name and address of the appellant.

I would therefore request that the EPA declare the objection to be invalid.

We assume that the invalid objection has been made on behalf of a commercial competitor of ours with the intention of delaying the development of the facility either by way of an oral hearing, a more complicated process for considering the objections and, ultimately, as is stated by Cox in the last section of the invalid objection, by causing a judicial review. We note also, from public documents held by the Companies Office that

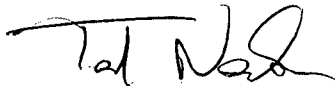
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Arthur Cox act for Greenstar Limited, who would, of course, be a competitor of ours. We consider that this is a deplorable development if one private sector company should attempt to misuse the waste licensing process for purely commercial reasons. This is especially true given that we all need to be working together to bring much needed waste infrastructure into operation.

I would appreciate it if you could confirm that the EPA has concluded that the above objection is invalid as I intend to make a submission on the valid objections by the end of the month.

Thank you for your assistance in this matter.

Yours sincerely,



Dr Ted Nealon, B.Sc., M.Sc., Ph.D., MCIWM  
Director

cc. Dr Padraic Larkin, Director, EPA,  
Mr Dara Lynott, Director, EPA.  
Waste Administration. ✕

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