

office sub 111  
204-1

Planning Enforcement Office  
Planning Department  
Wicklow County Council  
County Buildings  
Wicklow



Donoughmore  
Donard  
Co Wicklow

16 March 2005

**Re: Brownfield Restoration (Irl) Ltd, Planning Application No 2224/05**

Dear Sirs

We wish to draw your attention to the fact that unauthorised developments are taking place on the site which is the subject of the above planning application. For the past six months or more the applicants have been preparing a cell on this site in keeping with their expectation of the granting of planning permission to operate a landfill facility at Whitestown. The site in question is the quarry formerly owned by John O'Reilly.

We have complained on numerous occasions about this activity. We have a record of phone calls to WCC dating back to 25 Aug through to the present time. We have spoken to various people in Environment and in Planning including Stephanie Power, Bernie, Philip Duffy, and Caroline in Enforcement and we have written to Michael Nicholson (25 Aug) but this work continues unabated; no heed is paid to time constraints and work is carried out at all hours of the day and night, during hours of darkness, at weekends including Sundays and bank holidays, the latest being last Sunday and St Patrick's Day. It is plain for anyone to see that a cell is now ready for the acceptance of waste as per the application, at location 1, bordering the N81 to the right of the entrance. Work continues unabated regardless of complaints to WCC.

May I bring to your attention that planning permission has NOT as yet been granted for this development but the applicants are proceeding as though they had already received the go ahead, so sure are they that the granting of permission is a foregone conclusion. We understand that any work undertaken prior to the granting of any Planning Permission requires a re-application or an application for retention.

Please ensure that the applicants adhere to the planning process requirements, including that which prevents them from undertaking preparatory work in the expectation that the result will favour their application. It might not.

We expect to have a positive response to this letter as all other communication has failed to put a stop to this UNAUTHORISED development.  
We await your speedy response.

Yours Sincerely

*Russ & Emer Bailey*

Russ and Emer Bailey

C.C. Minister Dick Roche, Mr Eddie Sheehy, Mr Michael Nicholson, Inspector Malcolm Doak (EPA).

*Please treat as a submission, but reply to sender saying the Agency notes the contents of your letter are entirely a matter for the planning authority.*

*MD 22/3*



Environmental Protection Agency  
An Ghníomhaireacht um Chaomhú Comhshaoil

Mr & Ms Russ & Emer Bailey  
Donoughmore  
Donard  
Co. Wicklow

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22nd March 2005

204-1

Waste Licence Application re: Brownfield Restoration Ireland Ltd at Whitestown Lower, Co. Wicklow

Dear Mr & Ms Bailey

I am to refer to your letter of 16/03/2005, received on 22/03/2005, in relation to an application for a waste licence reference number 204-1, by Brownfield Restoration Ireland Ltd, in respect of a facility at Brownfield Restoration Ireland Ltd, Whitestown Lower, Co Wicklow.

I am to advise that your letter will be treated as a submission and will be taken into account when determining the application, in accordance with the Waste Management Acts, 1996 to 2003, and Article 15 of the relevant Waste Management (Licensing) Regulations, which provides as follows:

Extract from the Waste Management (Licensing) Regulations

Submissions to the Agency regarding applications.

15. For the purpose of section 40(2)(b) of the Act, a person may make a written submission to the Agency in relation to -
- (i) an application, and
  - (ii) such plans, documents and other information and particulars, including an environmental impact statement, as are submitted by the applicant in accordance with articles 12, 13, 14 and 16, and the Agency shall not give notice of a proposed decision under section 42(2) of the Act before the expiry of a period of one month following the date of a relevant -
    - (a) acknowledgement in accordance with article 14(2)(a), or
    - (b) notice in accordance with article 16(2)(a), or
    - (c) acknowledgement in accordance with article 16(4), whichever such date is the later.

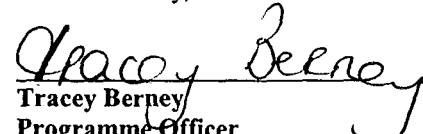
The application and associated correspondence, including the acknowledgements and notifications referred to in Article 15 above, are available on the public file relating to the application as they arise and that file may be inspected by any person during office hours at the Agency's headquarters. A copy of the file is also available for inspection at the Agency's Headquarters in Wexford and at the offices of Wicklow County Council. Copy extracts from the file will be supplied by the Agency to any person, on request, subject to payment of the reasonable cost of making the copy.

You are advised to refer to the public file for information on the progress of the application. The Agency will write to you to inform you of its proposed decision on the application in due course.

Please direct any further correspondence in relation to this matter to Administration, Office of Licensing & Guidance, Environmental Protection Agency, Headquarters, P.O. Box 3000, Johnstown Castle Estate, County Wexford.

The Agency notes the contents of your letter and they are entirely a matter for the planning authority.

Yours sincerely,

  
Tracey Berney  
Programme Officer  
Office of Licensing and Guidance

