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5th August 2008

Reg. No. W0247-01

Dear Secretary

The Agency is currently assessing a waste licence application for an inert waste facility for Behans Land Restoration Limited, Blackhall, Punchestown, Naas, Co. Kildare. The proposed waste activities comprise the backfilling and restoration of a former sand and gravel pit using imported inert soils and stones, and recycling of inert construction and demolition waste. It is understood that this site was the subject of permissions granted by your Council (Ref. No's: 1467/97, 93/592, 799/87, 1598/82 and 339/76).

The Agency proposes to impose a number of conditions relating to the site restoration works, as follows:

- 1. The facility shall be restored in accordance with Section 2.3 *Restoration and Recovery Activities* of the Environmental Impact Statement (May 2008). The site restoration works shall be undertaken on a phased basis, in accordance with Figure 2.4 *Restoration Surface* of the EIS.**
- 2. The final profile of the facility shall tie in the facility to the surrounding land levels and shall be as shown on Figure 2.4 *Restoration Surface* of the Environmental Impact Statement (May 2008). The final height shall not exceed 168.0 mAOD (Malin).**

These conditions may require to be dealt with under Section 54(4) of the Waste Management Acts 1996 to 2008 (copy enclosed for ease of reference), as the site restoration works, while not the subject of a current planning application, appear to have been controlled under Condition 8 of planning permission Ref. No. 1467/97.

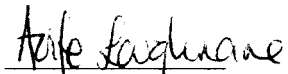
In accordance with Section 54(4) of the Waste Management Acts 1996 to 2008, the Agency wishes to consult your Council in relation to this development. The Agency may attach to the waste licence such conditions related to the development as may be specified by the Planning Authority for the purposes of the proper planning and development of the area, or more stringent conditions as the Agency may consider necessary for the prevention, limitation, elimination, abatement or reduction of emissions from the activity.



The waste licence application and Environmental Impact Statement are available to download from the Agency's website <http://www.epa.ie/whatwedo/licensing/waste/>. Please note the licence register number is W0247-01. The proposed restoration plan is described in section 2.3 of the EIS (found in EIS – Section 2 under 'View Applicant Documents' in waste licence application W0247-01 on our website). Figure 2.4 *Restoration Surface* of the EIS shows the final profile of the restored landform (also found in EIS – Section 2). I enclose an A4 copy of this drawing for ease of reference.

You are requested to forward your response within four weeks of the date of this letter. Please note that the Agency may, at any time after the expiration of the period, make its decision on the application.

Yours sincerely,



Aoife Loughane

Inspector

Office of Climate, Licensing & Resource Use

Extract from Waste Management Acts 1996 to 2008

54(4) Where a permission under Part IV of the Act of 1963 has been granted or an application has been made for such permission in relation to any development comprising or for the purposes of a waste recovery or disposal activity, the carrying on of which requires the grant of a waste licence, the Agency

- (a) may consult with the planning authority in whose functional area the activity is or will be carried on in relation to any development which-
 - (i) is necessary to give effect to any conditions to be attached to a waste licence in respect of the activity, and
 - (ii) the Agency considers is not the subject of a permission or an application for permission under Part IV of the Act of 1963, and

- (b) may attach to the waste licence such conditions related to the development aforesaid as may be specified by the said planning authority for the purposes of the proper planning and development of its functional area, or more stringent conditions as the Agency may consider necessary for the prevention, limitation, elimination, abatement or reduction of environmental pollution from the activity.

