

From: John Quinlivan [mailto:jquinlivan@sdublincoco.ie]
Sent: 25 March 2009 18:01
To: Licensing Staff
Subject: New submission entered for Reg no: W0263-01. (Reference Number: W0263-01-090325060036)
Importance: High

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25th March 2009

Environmental Protection Agency,
PO Box 3000
Johnstown Castle Estate,
County Wexford

FAO - Marie Harris, Programme Officer, Office of Climate, Licensing & Resource Use

24 March 2009

Re: Application for a waste licence WO263-01 - Irish Packaging Recycling Limited

Dear Ms Harris,

I refer to the above waste licence application by Irish Packaging Recycling Limited and submit that this application has not fulfilled the requirements of the Waste Licensing Regulations.

This failure to comply with the regulations lies in the applicant's failure to submit an Environmental Impact Statement as required under European Directives and particularly in light of the recent European Court of Justice ruling (*C-486/04 Commission v Italy*). The Agency is also advised that the applicant did not at any time submit an Environmental Impact Assessment/Statement as part of an application for planning permission for the facility.

It is acknowledged that the Agency has authority to address issues of non-compliance with Waste Licensing Regulations governing the submission of applications by way of seeking the submission of documents/information. Such a request does not appear to have been made of the applicant in this case. It is also the case however that the regulations require the Agency to have regard to the extent of the non-compliance and, given the EIA Directive and the abovementioned ECJ ruling, it is submitted that the extent of the non-compliance in this case is so significant as to require that the application be deemed invalid and should be returned to the applicant.

It is noted however that the Agency has already acknowledged receipt of the application and that it appears that the application may proceed to consideration. In these circumstances it is the Council's intention to make a full submission on the application as submitted in the coming days.

The Council would however request that the Agency note that an Environmental Impact Statement is required for this application, review the application's validity and ensure that this matter be addressed in advance of any further consideration of the application.

Yours Sincerely,

John Quinlivan
Senior Executive Officer
jquinlivan@sdblincoco.ie