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EPA  
Johnstown Castle  
Wexford

RE: **W0140-04**  
**Nurendale Ltd trading as Panda Waste Services Ltd.**  
**Rathdrinagh, Beauparc, Navan, County Meath, Meath.**

2011-12-08

Dear Sir/Madam

We have been asked by the residents of Rossnaree Estate Beaupark to make a submission on the licence application.

The European Court of Justice found in Case C-50/09 on the 4rd of March 2011;

- by failing to transpose Article 3 of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC of 3 March 1997 and by Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003;
  - by failing to ensure that, where Irish planning authorities and the Environmental Protection Agency both have decision-making powers concerning a project, there will be complete fulfilment of the requirements of Articles 2 to 4 of Directive 85/337, as amended by Directive 2003/35; and
  - by excluding demolition works from the scope of its legislation transposing Directive 85/337, as amended by Directive 2003/35,
- Ireland has failed to fulfil its obligations under that directive;

As parts of this development have not been included in any Environmental Impact Statement for the development on this site and as The Environment (Miscellaneous Provisions) Act 2011 states at Section 17;

—(1) Section 4 of the Act of 2000 is amended—

(b) by substituting the following subsection for subsection (4):

“(4) Notwithstanding paragraphs (a), (l), (ia) and (i) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

THEREFORE;

**It is not legally possible for the Environmental Protection Agency to issue a licence for this development.**

Yours faithfully



Peter Sweetman

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[sweetmanplanning@gmail.com](mailto:sweetmanplanning@gmail.com)

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