

- has been inconsistent in its technical response compared to the decision to grant a licence in respect of the nearby Tooman Nevitt (Fingal) landfill.

On financial provision, the applicant, using a technical submission from their advisors, Smith and Williamson, indicates that:

- the granting of a licence for the proposed development would increase the applicant's asset value and enable them to secure development financing and meet the financial provisions associated with the licence and licensed activity; and
- the ongoing support of NAMA means that the applicant can be deemed to be a fit and proper person for the purpose of section 83(5) of the EPA Act 1992 as amended.

The final part of the objection is prepared by Patel Tonra Environmental Solutions. It is directed towards three specific matters addressed in the Inspector's Report and its appendices and indicates that the proposed financial provisions put forward by the applicant are robust, can be conditioned by licence and will ensure that all provisions are in place in advance of potential liabilities arising.

The objection submits that certain of these matters are questions of law to be ultimately determined by the Courts, notwithstanding the EPA's role in first making a decision on the application.

The objection can be fully considered and assessed by a Technical Committee of the Agency.

Recommendation:

I recommend that the objection submitted by the first party to the application be considered by a Technical Committee in the usual manner. I recommend that an oral hearing of the objections made is not held in this instance for the reason outlined above.

Signed



Brian Meaney