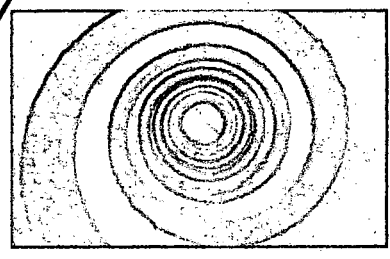


Environmental Protection Agency
19 FEB 2016

Mr Brian Meaney,
Senior Inspector,
c/o Administration,
Environmental Licensing Programme,
Office of Climate, Licensing & Resource Use
Environmental Protection Agency
Headquarters, PO Box 3000
Johnstown Castle Estate
Co. Wexford



JSPE

J Sheils Planning & Environmental Ltd
31 Athlumney Castle, Navan, Co Meath
Phone/Fax: Ireland +353 46 9073997
Mobile: John Sheils +353 87 2730087
Email: johnsheils@jspe.ie

Date: 17th February, 2016
Our Ref: JSPE 175_L13
Your Ref: W0264-01

Re: Waste Licence Application by Sand and Gravel Merchants Ltd for the continued operation of its existing Waste Recovery Facility on lands at Thornberry Townland, Kill, Co. Kildare (National Grid Reference 295986E 221275N).

Dear Sir,

Following on from our previous correspondence to you of 16th November, 2015. As previously advised, since submission of the EIS c.5 ha of the lands have fully been restored to agricultural use. The remaining 4.7 ha of lands are undergoing final profiling and capping with topsoil materials. Importation of topsoil materials has been completed.

The topsoil has been stockpiled awaiting spreading in the next available earth moving season (i.e. Spring 2016). As you can appreciate the operator has to balance the need to carry out soil handling operations with the need to safeguard the soil given the preference for cultivation and seeding works during the growing season. The final restoration of the lands will be completed within the spring/early summer 2016.

The Waste Licence application has been under consideration by the EPA for 7 years since it was submitted on 13/02/2009. As it stands the Waste Licence application (Reg. No. W0264-01) is still under consideration by the EPA and as such the Waste Permit (WMP 30/2001B) remains valid until such time as a decision is made by the EPA.

Article 21(1) of the Waste Management (Licensing) Regulations 2004 to 2010 states "an application (other than an application in respect of a waste recovery or disposal activity carried on or after the date prescribed for the purposes of section 39(1) of the Act in relation to the said activity/ or a submission referred to in article 15 may be withdrawn at any time before the making of the decision of the Agency on the application."

J Sheils Planning & Environmental Ltd trading as JSPE - Registered in Ireland - Registered office as per letterhead - Company Registration No. 426395 - Directors: J. Sheils, J. Durney - VAT No. IE 9576553

Given the advance stage of the restoration works our client wishes to withdraw the application for a waste licence. It is our understanding that an application to withdraw the licence will be subject to confirmation from Kildare County Council that the facility has been completed and restored in accordance with the requirements of Waste Permit No. 30/2001B and to the satisfaction of Kildare County Council. For your information our client has entered into consultation with Kildare County Council to this effect.

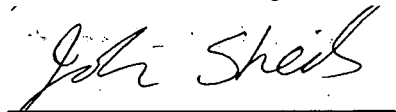
Article 45(1) of the Waste (Licensing) Regulations 2004 to 2010 provides the Agency with absolute discretion to refund or waive up to half of any fee payable in respect of a particular application where it is satisfied that the payment in full of the fee would not be just and reasonable having regard to the relevant circumstances of the activity.

As such we wish to request partial refund of € 5,000 (50% of the Class 4 fee of €10, 000), be granted to the applicant, upon withdrawal of the application, subject to confirmation from Kildare County Council that the facility has been completed and restored in accordance with the requirements of Waste Permit No. WMP2006/13 and to the satisfaction of Kildare County Council.

We would expect that the works required to complete the facility in accordance with the waste facility permit will require c.4 months to close out to the satisfaction of Kildare County Council.

Yours Sincerely,

For J Sheils Planning & Environmental Ltd;


John Sheils MSCSI MRICS

c.c. Kildare County Council

For inspection purposes only.
Consent of copyright owner required for any other use.