

Mr Raphael McEvoy,
RME Environmental,
Drumgola House,
Drumgola,
Cavan,
Co. Cavan

Headquarters, PO Box 3000
Johnstown Castle Estate
County Wexford, Ireland
Y35 W821

Ceanncheathrú, Bosca Poist 3000
Eastát Chaisleán Bhaile Sheáin
Contae Loch Garman, Éire
Y35 W821

T: +353 53 9160600
F: +353 53 9160699
E: info@epa.ie
W: www.epa.ie

LoCall: 1890 33 55 99
Reg. No. W0295-01

2nd July 2018

Re: Notice in accordance with Article 16(1) of the Waste Management (Licensing) Regulations

Dear Mr McEvoy,

I am to refer to the above referenced application for a waste licence relating to a facility at Kildare Sand and Gravel Limited, Boherkill, Rathangan, County Kildare. This notice is given under Article 16(1) of the Regulations, to enable the Agency to decide on the application.

I am to refer also to previous correspondence as summarised below:

Date	From	To	Nature of correspondence
2 Feb 2018	RME Environmental on behalf of the applicant	The Agency	Enclosing copy letter from solicitors for the owner of the site (Michael and Patricia Ennis), with copy of agreement between the owner of the site and the applicant in respect of their respective liabilities during and post licence activities.
22 May 2018	The Agency	RME Environmental on behalf of the applicant	Regulation 16 Notice outlining that the information provided is not sufficient to allow the Agency to make a decision on the application, referring to Article 40(4)(d) and 40(7)(c) of the Waste Management Act (i.e. fit and proper person requirements).
18 June 2018	RME Environmental on behalf of the applicant	The Agency	Enclosing copy of letter from solicitors for the applicant (Kildare Sand and Gravel Limited in response to the Agency's questions about fit and proper person.

The Agency's Notice of 22 May 2018 issued on foot of legal advice in relation to the agreement between the owner of the site and the applicant, which was furnished to the Agency on 2 February 2018. The said legal advice outlined that the said agreement was not sufficient to satisfy the Agency's requirements to issue a licence in accordance with the Waste Management Act. In particular, there is doubt about whether the applicant is likely to be in a position to meet any financial commitments or liabilities that may arise during the operation of the facility or in the event of the activity ceasing at the facility (Section 40(7)(c) of the Waste Management Act). This doubt arises because it is not clear that the applicant has and will continue to have adequate control over the facility and how it is operated such that the Agency can be assured the applicant will always be able to take responsibility for liabilities arising at the facility and such that the Agency can be assured the applicant has and always will have access to the facility to address any such liabilities. These doubts extend necessarily to the Agency not yet being assured that the applicant is and always will be in a position to access the facility and direct operations in order to fully implement the conditions of any licence as may be granted, including restoration and aftercare conditions.

This doubt remaining, you are invited to make a further submission to address the doubts outlined above and provide the necessary assurances.

Please supply the information in the form of a one original plus two copies within four weeks of the date of this notice. In addition submit two copies of the requested information to the Agency in electronic searchable PDF format on CD-ROM.

Please note that the application's register number is **W0295-01**. Please direct all correspondence in relation to this matter to *Administration, Environmental Licensing Programme, Office of Environmental Sustainability, Environmental Protection Agency, Headquarters, PO Box 3000, Johnstown Castle Estate, County Wexford* quoting the register number.

Yours sincerely,



Caitríona Collins

Inspector

Environmental Licensing Programme

Office of Environmental Sustainability