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October 20<sup>th</sup>, 2020

**Environmental Licensing Programme  
Office of Environmental Sustainability  
Environmental Protection Agency  
Headquarters  
PO Box 3000  
Wexford**

Our Ref: **1182-11**  
Re: **Westland Horticulture Ltd.  
IPC Licence Application Reg. No. P0914-01  
Response to Regulation 10(2)(b)(ii) Request for Information  
Dated 06 October 2020**

Dear Sir/Madam,

Your correspondence of 6 October 2020 refers in which you correctly mention our Clients ongoing planning application before An Bord Pleanála, having been successfully granted leave to apply for substitute consent under Section 177 C (2)(b) of the Planning & Development Act 2000 as amended. We have until 23 November 2020 within which to submit the substitute consent application to it. You have requested an update with respect to that pending application and we confirm that it is our Clients intention to comply with the requirements of the Board and any extension of time granted by it. We are of course not in a position to confirm the outcome from the Board, which is a matter entirely within its jurisdiction, but having been granted leave to apply for substitute consent, we are anticipating a positive outcome.

You will no doubt be aware that the substitute consent process is currently under consideration by the courts and that An Bord Pleanála must comply with the law in carrying out its functions. Similarly, we are conscious that until the planning position is clarified to your satisfaction, you are not entitled to proceed to issue a proposed determination of our Clients licence, notwithstanding the fact that it has been in train with you for a considerable period of time, and that it is no doubt in its final stages with you, as you will have carried out an Environmental Impact Assessment and Appropriate Assessment as required on the basis of the revised EIAR and NIS submitted in accordance with your request for same.

The Agency will also no doubt be aware of the Government's recent publication of its autumn legislative programme which includes a direct reference to the intention to issue fresh legislation addressing the matter of substitute consent as a priority. As with all others interested in this promised legislation, it may be that this, when enacted, will assist in speeding up the process, not only of obtaining substitute consent but also enable you to issue the Proposed Determination of the licence, which our Client awaits as a matter of commercial imperative.

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I refer to your correspondence of 6 October 2020 where you make reference to S(82)(2) of the EPA act, as amended, confirming that it is unlawful for a person to carry on a specified or prescribed activity for class 1.4 in the absence of a licence. We confirm that our Client has not been carrying out commercial peat extraction since before July 22<sup>nd</sup> 2019.

Please do not hesitate to seek further updates from us in this matter.

Yours faithfully



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**Peadar O'Loughlin**

Director

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