



EPA  
Environmental Licensing Programme  
Office of Environmental Sustainability  
By Email

Our Ref: 191115a  
Your Ref: W0310-01

17<sup>th</sup> February 2022

**Re: Further Notice under the Waste Management (Licensing) Regulations, in respect of a waste licence application from Noel Lawler Sand & Gravel Limited for a facility located at Noel Lawler Sand & Gravel Limited, Portersize, Ballitore, Kildare, R14 P627**

Dear Sir/Madam,

We refer to your correspondence dated 7<sup>th</sup> December 2021 in relation to the waste license application referred to above and understand you require us to furnish you with a copy of the Final Grant of Planning Permission in respect of Pl. Ref.No: 20/1329.

Please note that this planning application is currently the subject of an appeal to An Bord Pleanála and therefore the Final Grant of Planning Permission is not available until such time as a decision issues from the Board/Kildare County Council. However, please note that the appeal has been brought by the applicant (Noel Lawler Sand & Gravel Limited) and relates specifically to the amount of the financial contribution imposed by Kildare County Council.

Section 48(10)(b) of the Planning and Development Act 2000 (as amended) provides for scenarios where an applicant considers that the Planning Authority has misapplied the terms of their development contribution scheme and can appeal to An Bord Pleanála. We would refer you to Section 48(10)(c) of the Planning and Development Act which states the following in respect of this type of appeal:

*(c) Notwithstanding section 34(11), where an appeal is brought in accordance with paragraph (b), and no other appeal of the decision of a planning authority is brought by any other person under section 37, the authority shall make the grant of permission as soon as may be after the expiration of the period for the taking of an appeal, provided that the person who takes the appeal in accordance with paragraph (b) furnishes to the planning authority security for payment of the full amount of the contribution as specified in the condition.*

The key point to note in relation to the above is that the principle of the development is not at issue. The scope of the Board's assessment relates entirely to the methodology adopted by Kildare County Council in their calculation of the development contribution. Planning permission has effectively been granted subject to a determination on the amount of the financial contribution payable. On this basis we would respectfully suggest that the processing of the subject Waste License Application can proceed. We do not have a definitive date from An Bord Pleanála in respect of when this matter will be resolved and this is by extension, currently causing a delay in the EPA Waste Management License Application process.



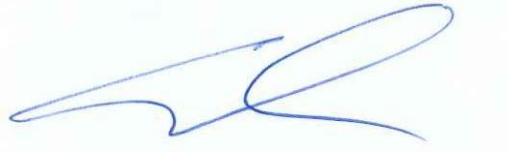
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We trust that the above is in order, but should you have any queries or wish to discuss please do not hesitate to contact this office.

Yours sincerely,



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Sean McCarthy BSc. (Hons) MURP MRTPI  
Senior Planner  
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