



16/01/2025

GRANT ENGINEERING (IRELAND) ULC,
C/O HOCTOR SMYTH,
MAIN STREET,
BIRR,
CO. OFFALY,
R42 F294.

REFERENCE: DEC 24/138

The request for a Section 5 Declaration is as follows:

“As a requirement of the EPA IED licence process, we respectfully request that Offaly County Council provide in writing confirmation that EIS / EIAR was not required for the granted permission with planning references 04/1568 and 01/1306. On inspection, it was noted that the planning files stored within the Council archives did not include any information relating to EIS / EIA screening for either permitted developments.”

Section 5 Planning and Development Act 2000, as amended, states as follows:

5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

A Section 5 is purely for the purposes of determining whether works are development and if so whether they are exempted development. The nature of the applicant's query is whether the works granted under planning permissions 04/1568 and 01/1306 required EIA. On that basis Offaly County Council considers that it cannot provide a Section 5 Declaration on this issue.

The applicant should note that having regard to Section 5(3)(B) the applicant may refer the question for decision to An Bord Pleanála within 4 weeks of the 17th January 2025.

Yours faithfully,

Administrative Officer,
Planning Department.



Dec. 24/138

Please issue the following to the applicant.

The request for a section 5 declaration is as follows:

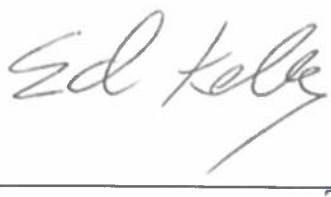
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The applicant should note that having regard to section 5(3)(B) the applicant may refer the question for decision to An Bord Pleanala within 4 weeks of the 17th January 2025.



Ed Kelly

ASEP

16/1/2025