

Comhairle Chontae Uíbh Fhailí

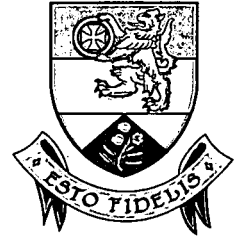
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Offaly County Council

Áras an Chontae,
Charleville Road,
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Co. Offaly.



Your Ref: P0932-01

Ms. Pamela McDonnell,
Office of Climate, Licensing and Resource Use,
E.P.A.
Regional Inspectorate,
Inniscarra,
Co. Cork.

30th November 2012

Re: Lumcloon Energy Ltd.

Dear Ms. McDonnell,

I wish to acknowledge receipt of your letter dated 28th November 2012.

In your letter you enquire as to whether the permission issued to Lumcloon Energy Ltd. was appealed to An Bord Pleanála. The planning application was lodged directly to An Bord Pleanála as a Strategic Infrastructure Development application. Therefore Offaly County Council did not make the decision on the planning application.

You refer to section 87(1)(g) of the EPA Acts 1992-2012, which I cannot find written into legislation. Possibly this is meant to read as section 87(1G)(a) of the EPA Acts – which was inserted into the EPA Acts by article 5(a) of the EU(EIA)(IPP&C) Regulations 2012 and reads as follows;

'The environmental impact assessment requirement^{ed} to be carried out by the Agency under section 83(2A), where an application for a licence is in respect of an activity that involves development or proposed development that is the subject of an environmental impact assessment by the planning authority concerned or An Bord Pleanála under the Act of 2000, may be carried out by the Agency in part or in whole by way of consultation with, or the submission of observations to, that planning authority or An Bord Pleanála.'

As An Bord Pleanála was the consenting authority for the permitted development, it is the Bord rather than the planning authority that would be the appropriate body to be consulted with.

Yours sincerely,

Administrative Officer

