

Section 37 Appeals

**E.I.S. RECOMMENDATION – E.I.S. NOT SUBMITTED**

PL 08. 244100

1. To: Director of Planning/Assistant Director of Planning/Senior Planning Inspector/Planning Inspector

From: 1 S.E.O.

Date: 24/12/14

This application was lodged with the planning authority on \_\_\_\_\_.  
Accordingly, the Planning and Development Regulations 2001, as amended, do/do not apply.

The development could be of a class for which an EIA is required. Having regard to the type of development and the threshold in Class \_\_\_\_ of Part \_\_\_\_ of Schedule 5 of the Planning and Development Regulations, 2001, as amended, please indicate:

☐

Whether an EIS is mandatory and should be required under Article 109(1) of the Regulations.

☐

Whether (if sub-threshold) the development would be located on or in, or have the potential to impact on:

- A European site
- An area the subject of a notice under the Wildlife (Amendment) Act 2000
- An area designated as a NHA or a pNHA
- An area designated as a nature reserve
- An area designated for the protection of flora/fauna
- A place, site or feature of ecological interest in a development plan or local area plan

and would be likely to have a significant effect on the environment (Article 109 (3) of the Regulations refers).

☐

Whether (if sub-threshold) the development would be likely to have a significant effect on the environment (Article 109 (2) of the Regulations refers).

☐

If a body pursuant to Article 28 of the Regulations has/has not been invited to comment.

☐

If the development involves construction of more than 125 and not more than 500 dwelling units.

☒

Whether the activity is licensable under the Environmental Protection Agency Act, 1992, as amended/Waste Management Act, 1996, as amended.

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**2. To: Director of Planning/Assistant Director of Planning**

**From:- Reporting Inspector**

- ☐ a) In my view, an EIA is mandatory for reasons set out in the attached memo, and the applicant should be required to submit an EIS under Article 109 of the Regulations.
- ☒ b) In my view, an EIA is not mandatory for reasons set out in the attached memo.
- ☐ c) In my view, the development is sub-threshold for the purposes of EIA, but **would** come within the scope of Article 109 of the Regulations for the reasons set out in the attached memo. EIA is, therefore, required, and the applicant should be required to submit an EIS under Article 109 of the Regulations.
- ☒ d) In my view, the development is sub-threshold for the purposes of EIA, but **would not** come within the scope of Article 109 of the Regulations for the reasons set out in the attached memo. EIA is not, therefore, required.
- ☒ e) The EPA should/~~should not~~ be notified of this preliminary view in respect of EIA Determination. (This applies only where the development relates to a licensable activity under the Environmental Agency Act 1992, as amended or the Waste Management Act 1996, as amended).

*[Signature]* Date: 12.1.15

**3. Decision**

Pursuant to Board Resolution of 2/12/2008, under Section 111 (6) (a) of the Planning and Development Act 2000, as amended, which authorised me to perform certain of its functions, I hereby

☒ agree with the above recommendation.

☐ disagree with the above recommendation for reasons set out in the attached memo.

D.O.P./A.D.P.: *[Signature]* Date: 28 Jan 2015

*Note: Referral to EPA should make it clear that the proposed development before the Board is in relation to the replacement chimney stack only.*

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